



frequently designated parts of this region as non-attainment under the various National Ambient Air Quality Standards (“NAAQS”). In this context, a Project designed to bring more air pollution and other environmental harms to this region requires careful scrutiny through an Environmental Justice lens.

Second, the pipeline Project may harm ecologically and recreationally important wetlands in Kentucky and these harms require careful scrutiny. This region has historically lost most of its historic wetlands. The remaining Henderson County wetlands are ecologically and recreationally important for region. In its EIS, the Commission should fully document the value of these wetlands and the potential harms of the Project, including those caused by construction, operation, and accidents associated with the proposed Project.

Third, the Commission should assess the climate impacts and local air quality impacts of the Project and the associated proposed gas-burning units, under the assumption that the pipeline and the gas-burning units would operate at their maximum potential to emit. The Commission should not credit the representations of Texas Gas Transmission Company (“Texas Gas”) that the gas-burning units would operate less than 10% of the time, as there is no evidence in the record that the potential operator of the units, CenterPoint, has accepted a binding capacity factor limitation. The Commission must also reject Texas Gas’s assertion that the baseline for comparison for environmental impacts is the current operation of coal-burning power plants. Texas Gas’s Application generally assumes that there are only two means of generating electricity: coal and gas. But as CenterPoint’s own resource planning and any familiarity with electric resource planning today make clear, the retirement of CenterPoint’s coal-burning units can be accomplished without the construction of new gas-burning infrastructure.<sup>2</sup> The

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<sup>2</sup> See, e.g., Sierra Club Protest, pp. 5-8 (citing CenterPoint’s resource planning and testimony).

Commission's EIS should therefore compare the climate and local air impacts of the Project to a baseline that assumes an entirely clean energy replacement.

Fourth, FERC must use the social cost of greenhouse gases to assess climate impacts generated by each additional ton of greenhouse gas emitted. To the extent the pipeline has been over-sized for the specific generating units currently proposed by CenterPoint, the Commission should document climate harms of the Project at the maximum potential to deliver gas, and not the levels represented in Texas Gas's Application.

In sum, the Commission must perform a careful study via an EIS to assure that the full damage of this unneeded pipeline Project is understood before the Commission acts on the Application. Further, it is critical that the Commission carefully scrutinize the representations made by Texas Gas given the company's obvious financial interest in a continued build out of gas infrastructure, an interest that is in opposition to the public's interest in a habitable climate. Here, two corporations that are committed to the long-term burning of gas are asking that the Commission approve new gas infrastructure without careful NEPA scrutiny. The Commission should not defer to the statements made by these gas companies and should instead do its own "hard look" at the environmental impacts through an adequate EIS.

**I. Southern Indiana and Western Kentucky Is An Environmental Justice Region.**

The region centered on Evansville, Indiana has and continues to suffer some of the worst pollution impacts in the entire country. According to the Center for Public Integrity, more toxic pollution from utility coal-burning plants was emitted within a 30-mile radius of Evansville Indiana than "around any other mid-sized or large American city."<sup>3</sup> The D.C. Circuit has

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<sup>3</sup> America's Super Polluters, Many states have at least one. In southwest Indiana, there are four, dated September 29, 2016, available online at: <https://publicintegrity.org/environment/americas-super-polluters/>

recognized that “it is unjust to locate a polluting facility in a community that already has a high concentration of polluting facilities, even if those older facilities produce pollution of a different type or in different locations.”<sup>4</sup> Burdens of environmental pollution should not fall disproportionately on these disadvantaged communities and FERC should therefore undertake a full EIS including an extensive environmental justice analysis.

Indiana ranks third in the country in carbon emissions (which are strongly associated with other air pollutants); third in nitrogen oxide (“NOx”) emissions, and tenth in sulfur dioxide (“SO<sub>2</sub>”),<sup>5</sup> despite the state ranking only 17th in population.<sup>6</sup> Indiana ranks first out of all 56 states and territories nationwide based on total toxic releases per square mile in U.S. EPA’s latest national TRI analysis,<sup>7</sup> with a large share of this pollution located in southern Indiana.<sup>8</sup> One of the top five toxic polluters in the state is located in Posey County: Sabic Innovative Plastics in Mount Vernon, Indiana.<sup>9</sup> The industrial source with the largest number of water permit violations in Indiana is located in nearby Pike County.<sup>10</sup>

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<sup>4</sup> *Sierra Club v. Fed. Energy Regul. Comm'n*, 867 F.3d 1357, 1370–71 (D.C. Cir. 2017).

<sup>5</sup> See U.S. Energy Information Administration, Indiana Electricity Profile 2019, available online at: <https://www.eia.gov/electricity/state/indiana/>

<sup>6</sup> See U.S. Census, Population Change and Rankings, available online at: <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html>

<sup>7</sup> See 2019 U.S. EPA Toxic Release Inventory Fact Sheet, Indiana, available online at: [https://enviro.epa.gov/triexplorer/tri\\_factsheet.factsheet\\_forstate?pYear=2019&pstate=IN&pParent=NAT](https://enviro.epa.gov/triexplorer/tri_factsheet.factsheet_forstate?pYear=2019&pstate=IN&pParent=NAT)

<sup>8</sup> See *id.*

<sup>9</sup> See U.S. EPA Toxic Release Inventory, 2019 data, available online: <https://www.epa.gov/toxics-release-inventory-tri-program>

<sup>10</sup> IPL’s Petersburg plant is the worst water polluter in state, violates permit 120 times, Indianapolis Star, Sarah Bowman, June 8, 2020, available online: <https://www.indystar.com/story/news/environment/2020/06/08/ipl-petersburg-plant-faces-fine-more-than-100-permit-violations-idem-water-pollution/5261937002/>

U.S. EPA’s Toxic Release Inventory (“TRI”) data show that the region is burdened by a large amount of toxic pollution. Chemicals covered by the TRI Program are those that cause “cancer or other chronic human health effects; Significant adverse acute human health effects; and significant adverse environmental effects.”<sup>11</sup>

County	Total Toxic Release in Pounds (in 2019) <sup>12</sup>
Spencer County, IN	40.3 million
Warrick County, IN	19.6 million
Pike County, IN	15.1 million
Posey County, IN	7 million
Vanderburgh County, IN	3.4 million
Henderson County, KY	7.8 million

As further evidence of the historic and existing air pollution harms in the region, U.S. EPA has repeatedly designated parts of the region as non-attainment under the NAAQS:

	Ozone (O3)	Particulate Pollution (PM)	Sulfur Dioxide (SO2)
<b>Warrick, IN</b>	8-Hour Ozone (1997)-NAAQS Classification: Former Subpart 1 Redesignation to Maintenance: 1/30/2006  EPA approval:	PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)  Cite: 79 FR 31565	n/a

<sup>11</sup> <https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory#What%20are%20TRI%20toxic%20chemicals?>

<sup>12</sup> See U.S. EPA Toxic Release Inventory, 2019 data, available online: <https://www.epa.gov/toxics-release-inventory-tri-program>

	12/27/2019 (2nd limited maintenance plan)  Cite: 84 FR 71306 (cites to document)		
<b>Spencer, IN</b>	n/a	PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)  Cite: 79 FR 31565	n/a
<b>Dubois, IN</b>	n/a	PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)  Cite: 79 FR 31565	n/a
<b>Pike, IN</b>	n/a	(part ) Washington Township PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)  Cite: 79 FR 31565	Sulfur Dioxide (2010) Redesignation to Maintenance: 4/30/2021 Redesignated to attainment for 2010 primary, health-based 1-hour sulfur dioxide (SO2) National Ambient Air Quality Standard (NAAQS)  Cite: 86 FR 12107
<b>Gibson, IN</b>	n/a	(part) Montgomery Township PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)	n/a

		Cite: 79 FR 31565	
<b>Vanderburgh, IN</b>	<p>(1) 1-Hour Ozone (1979)-NAAQS revoked Redesignation to Maintenance: 12/09/1997 Classification: Marginal</p> <p>(2) 8-Hour Ozone (1997)-NAAQS Classification: Former Subpart 1 Redesignation to Maintenance: 1/30/2006</p> <p>EPA approval: 12/27/2019 (2nd limited maintenance plan)</p> <p>Cite: 84 FR 71306 (cites to document)</p>	<p>PM-2.5 (1997)-NAAQS revoked Classification: Former Subpart 1 Redesignation to Maintenance: 10/27/2011 (attainment)</p> <p>Cite: 79 FR 31565</p>	n/a
<b>Henderson, IN</b>	n/a	n/a	<p>Nonattainment</p> <p>Cite: 86 FR 16055</p>
<b>Daviess, IN</b>	n/a	n/a	<p>Sulfur Dioxide (2010) Redesignation to Maintenance: 4/30/2021 (attainment/unclassifiable: 9/12/2016)</p> <p>Cite: 86 FR 16055</p>

## II. An EIS is Required To Document The Project's Potential Harms on Wetlands.

The proposed path of the Project poses significant risks to ecologically and recreationally important wetlands. The Indiana Department of Natural Resources has already identified small wetlands in the pipeline's path through Posey County, Indiana and raised concerns about damage to these ecologically sensitive areas caused by Texas Gas's proposed drilling. On the Kentucky side of the border, the proposed Project will entail drilling adjacent to—and potentially hydrologically connected with—wetlands habitats. The harm to these wetlands and the animals which depend on them from both drilling and operation of the pipeline must be incorporated into any EIS.

Kentucky has already designated areas in proximity to the pipeline as sanctuaries for birds dependent on the wetland ecosystems of the Ohio River valley. The Sauerheber Refuge, a 1,775-acre waterfowl refuge that provides habitat for thousands of snow geese and speckled geese during the winter months, is located south of Dimond Island along the proposed pipeline route. This wetland and other nearby wetlands are important habitats for many types of animals: American Widgeon, Green-Winged Teal, American Avocet, Common Snipe, as well as many other shorebirds and waterfowl, swamp rabbit, squirrel, deer, quail, raccoon, beaver, and coyote.<sup>13</sup> According to the Henderson Tourist Commission, “The experience is nothing short of paradise if you are lucky enough to catch it. Even John James Audubon himself stated that he ‘never failed to miss the arrival of the snow geese while living in Henderson (*Birds of America*).”<sup>14</sup> Also in close proximity to the proposed route is the Jenny Hole-Highland Creek Unit, and which, contains one

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<sup>13</sup> See Sloughs WMA, Kentucky Department of Fish and Wildlife Resources (web links for Additional Resources, including bird sightings, available online at: [https://app.fw.ky.gov/Public\\_Lands\\_Search/detail.aspx?Kdfwr\\_id=230](https://app.fw.ky.gov/Public_Lands_Search/detail.aspx?Kdfwr_id=230)

<sup>14</sup> The Hidden Gem of Henderson: The Sloughs, Henderson County, Kentucky, available online: <https://www.hendersonky.org/the-hidden-gem-of-henderson-the-sloughs/>

of Kentucky's largest Great Blue Heron rookeries,<sup>15</sup> and is home to many other animals: Bald Eagle, Prothonotary Warbler, Great Egret, waterfowl, swamp rabbit, squirrel, deer, quail, raccoon, beaver, and coyote.<sup>16</sup>

In addition to any disruption caused by drilling through these areas, including sedimentation, the future operation of the proposed pipeline entails risk of failure and dramatic damage to the sensitive surrounding areas, including gas leaks. At least two Texas Gas pipelines have failed since 2009 due to corrosion, releasing quantities of natural gas into the immediate environment and, in one case, ejecting 45 feet of buried pipeline and forcing the temporary evacuation of nearby residents.<sup>17</sup> Any similar rupture along the proposed pipeline would threaten these ecologically sensitive and locally valued waterfowl refuges.

Indiana and Kentucky, like other states in the Ohio River basin have already lost over half of their historic wetlands.<sup>18</sup> Further harms to the remaining wetlands should therefore be carefully scrutinized. Among other things, the Commission should study whether the path of the proposed Project is hydrologically connected to these wetlands and how construction and operation of the pipeline will impact the wetlands. In its EIS, the Commission should fully document these harms, including those caused by construction, operation, and accidents

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<sup>15</sup> Kentucky Department of Fish and Wildlife Resources, Sloughs WMA Information, available online at: [http://fw.ky.gov/More/Documents/Sloughs\\_WMA\\_All.pdf](http://fw.ky.gov/More/Documents/Sloughs_WMA_All.pdf).

<sup>16</sup> Henderson Sloughs Wildlife Management Areas, Southern Indiana Trails, available online at: <http://southernindianatrails.freehostia.com/sloughs.htm>

<sup>17</sup> U.S. Department of Transportation, Failure Investigation Reports, available online at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/inspections-and-investigations/17886/texasgastransmissionllc20150909.pdf>

<sup>18</sup> Wetlands Loss Since the Revolution, U.S. Fish & Wildlife Service, Thomas E. Dahl, available online at: <https://www.fws.gov/wetlands/Documents%5CWetlands-Loss-Since-the-Revolution.pdf>

associated with the proposed Project.

**III. The Commission Should Assess Climate and Local Air Impacts of the Project with an Appropriate Baseline and At the Potential to Emit of the Proposed Gas-Burning Units.**

Texas Gas asks the Commission to adopt numerous assumptions in evaluating the environmental impact of the Proposed Project. These assumptions are unwarranted, and the Commission should assess the climate impacts and local air quality impacts of the Project and the associated gas-burning units at both the maximum engineering and legal capacity and against the least carbon-intensive economical generation alternatives identified by CenterPoint.

Texas Gas represents that gas-burning units to be served by the proposed pipeline will be “dispatched” only 2%-7% of total available hours.<sup>19</sup> But there is no evidence in the record that CenterPoint has accepted or even proposed a binding operational capacity factor limitation for these units, which will have a nameplate capacity of 460 MW. Accordingly, the Commission, in its EIS, should assume the units operate to their technical maximum. This is especially important in the context of the MISO energy market where a generation operator, like CenterPoint, can self-commit and self-dispatch generating units without regard to market forces. In fact, self-committing, also known as self-scheduling, has been CenterPoint’s recent practice with its generating units.

Further, the Commission should reject Texas Gas’s theory that the Project is needed to allow for the retirement of CenterPoint’s coal-burning units. The coal-burning units—A.B. Brown units 1 and 2 and Culley unit 2—will retire over the next several years regardless of the action the Commission takes on this proposed pipeline Project. Moreover, CenterPoint’s own resource planning shows that it can replace its coal-burning units with entirely clean energy at

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<sup>19</sup> See Texas Gas Application, p. 41.

equivalent cost.<sup>20</sup> Further, another Indiana utility, Northern Indiana Public Service Company, has already announced, and is making progress toward, replacing all of its coal-burning plants with an overall savings for customers of \$1.1 billion.<sup>21</sup> The baseline that the Commission should compare the Project's greenhouse gas and other emissions to is therefore an entirely clean replacement portfolio.

#### **IV. The Commission Should Rely On The Social Cost of Carbon in Assessing Climate Impacts of the Project.**

Sierra Club urges FERC to use the social cost of greenhouse gases to assess climate impacts generated by each additional ton of greenhouse gas emitted. As U.S. EPA stated in a recent letter to FERC

EPA encourages estimates of the SC-GHG that reflect the best available science and methodologies to incorporate the value to society of net changes in direct and indirect GHG emissions resulting from a proposed action. Additional information on the SC-GHG can be found at: Technical Support Document Social Cost of Greenhouse Gases under E.O. 139901 and EPA's May 26, 2021 letter in response to FERC's Notice of Inquiry to submit comments on the Certification of New Interstate Natural Gas Facilities.

Exhibit A, EPA Detailed Comments on the Draft EIS For East Lateral Express Project, dated August 16, 2021. With wildfires ravaging much of the western United States and Hurricane Ida having just devastated the Gulf coast—both events driven by a warming climate—the need for a robust consideration of climate impacts on American communities could not be more pressing.

To the extent the pipeline has been over-sized for the specific generating units currently proposed

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<sup>20</sup> See Sierra Club's Protest, p. 2 (citing Sierra Club Protest Exhibit 1, IRP Stakeholder Slides June 2020, page 27 (compare preferred portfolio net present value of \$2.686 billion to clean energy portfolio net present value of \$2.679 billion); Sierra Club Protest Exhibit 2, Vectren 2019-2020 IRP (Vol. 1 and 2)).

<sup>21</sup> Herman Trabish, "Xcel's record-low-price procurement highlights benefits of all-source competitive solicitations," *Utility Dive*, 01 June 2021. Available at: <https://www.utilitydive.com/news/xcel-record-low-price-procurement-highlights-benefits-of-all-source-compe/600240/>

by CenterPoint, the Commission should document climate harms of the Project at the maximum potential to deliver gas, and not the levels represented in Texas Gas's Application.

**V. Conclusion**

Sierra Club respectfully asks that the Commission undertake a complete study of the environmental harms of the Henderson County Expansion Project through an adequate Environmental Impact Statement.

Respectfully submitted August 30, 2021

/s/ Wendy Bredhold

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# **EXHIBIT A**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270-2102

August 16, 2021

Ms. Kimberly D. Boss  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Dear Ms. Boss:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission (FERC) Draft Environmental Impact Statement (EIS) for the East Lateral Xpress Project proposed by Columbia Gulf Transmission, LLC (Columbia Gulf) (CEQ Number 20210086). The Draft EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 - 1508), and EPA's NEPA review authority under Section 309 of the Clean Air Act.

Columbia Gulf proposes to construct and operate natural gas transmission facilities in St. Mary, Lafourche, Jefferson, and Plaquemines Parishes, Louisiana. This includes two new compressor stations, a new point of delivery meter station, approximately 8.0 miles of 30-inch-diameter pipeline lateral, and other auxiliary facilities. The Draft EIS incorporates by reference FERC's March 16, 2021 Environmental Assessment (EA), discloses downstream greenhouse gas (GHG) emissions for the project, and addresses other comments filed with FERC as result of the EA review. FERC evaluated the no-action alternative, system alternatives, pipeline route alternatives, and compressor station site alternatives for the proposed new facilities.

Based on our assessment of the environmental analysis in both the EA and Draft EIS, EPA identified environmental concerns in the analysis that EPA strongly recommends be addressed in the Final EIS. The attached Detailed Comments include recommendations for the assessment and disclosure of climate change impacts resulting from GHG emissions, and recommendations for protecting air quality and communities with environmental justice concerns. Consistent with comments provided by EPA in response to FERC's February 18 Notice of Inquiry, EPA reaffirms the recommendation that FERC incorporate consideration of project need, carbon lock-in and potential stranded assets into its review of natural gas pipeline projects.

We appreciate the opportunity to review this Draft EIS. EPA looks forward to the receipt and review of the Final EIS. If you have any questions, please contact Michael Jansky, the project review lead, at 214-665-7451 or [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov).

Sincerely,

Jonna Polk  
Director  
Office of Communities, Tribes and  
Environmental Assessment

Enclosure

## **EPA DETAILED COMMENTS ON THE DRAFT EIS FOR EAST LATERAL XPRESS PROJECT**

### ***General Comments***

EPA acknowledges FERC's commitment to reducing environmental impacts through mitigation measures outlined in the EA. We recognize FERC's decision to assess some of the project's potentially significant greenhouse gas emissions and associated impacts related to the proposed action in the Draft EIS. Additionally, consistent with comments provided by EPA in response to FERC's NOI, EPA reaffirms the recommendation that FERC incorporate an analysis of need, consideration of carbon lock-in and the potential for stranded assets into its review of natural gas pipeline projects. Furthermore, FERC should assess whether the project is consistent with recent federal and other GHG emission reduction goals, including pathways to achieving net-zero emissions.

### ***Greenhouse Gas Emissions and Climate-Related Impacts***

Executive Order 13990 Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis (E.O. 13990, 86 FR 7037; January 20, 2021) urges agencies to "consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including as appropriate and relevant, the 2016 GHG Guidance." The Draft EIS considers some of the potential impacts of the proposed action on climate change through GHG emissions. In our review of the Draft EIS we note the following:

- Upstream emission estimates should also be considered in the final EIS. Upstream impacts are not currently included as "the source of the gas is unknown and may change throughout the life of the Project." Though the originating hydrocarbon resource may not be known, we recommend the Draft EIS include a description of regionally-known accumulations. Generic estimates for upstream emissions from natural gas production developed by the Department of Energy's National Energy Technology Laboratory and Energy Information Agency may also be used if insufficient information is unavailable. Omitting such emissions would result in an underestimation of likely environmental effects. *See, e.g.,* Birkhead v. FERC, 925 F.3d 510, 517 (DC Cir. 2019) ("the Commission conceded that there may well be instances in which upstream gas production is both reasonably foreseeable and sufficiently causally connected to a pipeline project to qualify as an indirect effect").
- As the CEQ 2016 GHG guidance states, EPA recommends quantifying GHG emissions as follows: "When considering GHG emissions and their significance, agencies should use appropriate tools and methodologies for quantifying GHG emissions and comparing GHG quantities across alternative scenarios. Agencies should not limit themselves to calculating a proposed action's emissions as a percentage of sector, nationwide, or global emissions in deciding whether or to what extent to consider climate change impacts under NEPA." In addition, EPA recommends that the Final EIS expand the discussion of the project's GHG emissions in the context of national and state GHG emission goals. EPA recommends that this discussion consider the U.S. 2030 GHG reduction target, 2050 net-zero pathway, and end date of the project's expected lifetime. This would provide decisionmakers and the public essential context regarding the project's GHG emissions and important emissions reduction policies over time. This context should not be limited to consideration of only the project's operational GHGs, but should also include consideration of estimated upstream and downstream emissions.
- EPA strongly recommends that FERC use the social cost of greenhouse gases (SC-GHG) to assess climate impacts generated by each additional ton of greenhouse gas emitted. For example, by applying the SC-GHG analysis, the projected emissions as highlighted in the EA associated with the proposed action equates to over \$205 million dollars in climate damages per year. While we acknowledge the uncertainty associated with these methods, EPA encourages estimates of the SC-GHG that reflect the best available science and methodologies to incorporate the value to society of net changes in direct and indirect GHG emissions resulting from a proposed action. Additional information on the SC-GHG can be found at:

Technical Support Document Social Cost of Greenhouse Gases under E.O. 13990<sup>1</sup> and EPA's May 26, 2021 letter in response to FERC's Notice of Inquiry to submit comments on the Certification of New Interstate Natural Gas Facilities.

- As stated in the May 26, 2021 response to FERC's Notice of Inquiry, even absent a full monetary benefit-cost analysis, SC-GHG estimates can be informative for project level analysis and are regularly used to inform decisions like those being considered by FERC by incorporating the impacts of GHG emissions. A discussion of the SC-GHG estimates used in recent federal BCA can be found in EPA's supporting documents for the Revised Cross-State Air Pollution Rule (CSAPR) Update Rule.<sup>2</sup> Specifically, the estimates used in the BCA of the Revised CSAPR rule are the interim SC-GHG estimates that EPA and other members of the IWG developed under E.O. 13990 for use in BCA until an improved estimate of the impacts of climate change can be developed based on the best available science and economics taking into consideration recommendations from the National Academies of Sciences, Engineering, and Medicine (National Academies, 2017). EPA recommends disclosing the assumptions (e.g., discount rates) and uncertainties associated with such analysis. Estimates of SC-CO<sub>2</sub> and other greenhouse gases have been used for over a decade in federal analyses, while acknowledging the uncertainties involved and clearly understanding the need for updates over time to reflect evolving science and economics of climate impacts. EPA also notes that the Final EIS will need to respond to the recent findings of the D.C. Circuit in *Vecinos Para El Bienestar de la Comunidad Costera v. FERC*, 2021 WL 3354747 (D.C. Cir. Aug. 3, 2021)
- Given that climate change challenges communities throughout the U.S., particularly communities with environmental justice concerns, EPA recommends the Final EIS discussion of climate impacts be improved by replacing the Draft EIS statement that while climate impact "may be manageable for certain communities, the impacts of compound extreme events. . . can be greater than the sum of the parts" with more detailed excerpts from the National Climate Assessment Southeast regional chapter, discussed elsewhere in the Draft EIS. For example:
  - "Rural communities tend to be more vulnerable to these changes due to factors such as demography, occupations, earnings, literacy, and poverty incidence. In fact, a recent economic study using a higher scenario (RCP8.5) suggests that the southern and midwestern populations are likely to suffer the largest losses from future climate changes in the United States. Climate change tends to compound existing vulnerabilities and exacerbate existing inequities. Already poor regions, including those found in the Southeast, are expected to continue incurring greater losses than elsewhere in the United States." NCA4, Southeast chapter, p. 746
  - "Understanding the demographic and socioeconomic composition of racial and ethnic groups in the region is important, because these characteristics are associated with health risk factors, disease prevalence, and access to care, which in turn may influence the degree of impact from climate-related threats." Southeast, p. 749

### *Air Quality*

- Compressor Station Facility tanks should include vapor recovery systems to control VOC emissions which result in ozone formation.
- EPA recommends the implementation of best practices that reduce emissions during construction and operations. Detailed information on a broad range of cost-effective technologies and practices that

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<sup>1</sup> [https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument\\_SocialCostofCarbonMethaneNitrousOxide.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf)  
<sup>2</sup> [https://www.epa.gov/sites/production/files/2021-03/documents/revised\\_csapr\\_update\\_ria\\_final.pdf](https://www.epa.gov/sites/production/files/2021-03/documents/revised_csapr_update_ria_final.pdf)

improve operational efficiency and reduce emissions can be found through [EPA's Natural Gas STAR Program](#).

### ***Environmental Justice and Impacted Communities***

In addition to the analytical omissions and issues raised above, EPA recommends FERC develop a comprehensive outreach strategy to engage minority and low-income populations in proximity of the proposed project and foster meaningful participation and coordination with minority and low-income populations, applicable stakeholders and external organizations and entities. The Final EIS should describe outreach activities conducted to involve all communities that could be affected by the proposed project, along with discussion of any environmental justice concerns by communities. EPA suggests FERC use a comprehensive communication strategy in various forms of media, such as community's preferred radio stations, local television channels, library, food establishments as well as school and religious institutions, to inform the communities with EJ concerns.

EPA also has the following suggestions for strengthening the EJ analysis in the Final EIS:

- EPA recommends the Final EIS provide support for the Draft EIS conclusion that the project's in-water construction over 11 months, and onshore wetlands losses will have insignificant impacts on subsistence fishers.
- EPA recommends the Final EIS note that although no exceedances of NAAQS are anticipated to occur, and the NAAQS are designated to protect sensitive populations, NAAQS attainment does not assure there is no localized harm to such populations.