west virginia department of environmental protection

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Response to Public Comments

Columbia Gas Transmission LLC

R13-3313 (Sherwood Compressor Station)

Date: November 14, 2016

Promoting a healthy environment.

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BACKGROUND INFORMATION

On July 22, 2016, pursuant to §45-13-8, the West Virginia Division of Air Quality (DAQ) provided notice to the public of a preliminary determination to issue Permit Number R13-3313 to Columbia Gas Transmission LLC (Columbia) for the construction of the Sherwood Compressor Station proposed to be located near Smithburg, Doddridge County, WV.

At that time, the draft permit and Engineering Evaluation/Fact Sheet were made available to the public for review. The permit application had previously been available for public review and remained so during the public comment period.

The public notice was followed by a public comment period (required to be a minimum of 30 days under §45-13-8) scheduled to end at 5:00 P.M. on August 22, 2016. During the public comment period, the DAQ accepted comments on our preliminary determination to issue permit R13-3313 to Columbia and on all documents related thereto. To provide information on the permitting action and to facilitate the submission of comments, the DAQ held, on October 13, 2016, pursuant to §45-13-9, a public meeting concerning Permit R13-3313 at the Doddridge County Senior Citizen's Center in West Union, WV.

OVERVIEW OF COMMENTS RECEIVED

The DAQ received written comments during the public comment period. Comments were received by and/or on behalf of the following individuals, groups, and organizations:

- Robin Blakeman
- Vivian Stockman
- Ohio Valley Environmental Coalition
- Cynthia D. Ellis
- Tina Del Prete
- Mirijana Beram
- West Virginia Highlands Conservancy

Pursuant to §45-13-8.8, all submitted comments received during the public comment period have been reviewed and are appropriately addressed in this document.

ORGANIZATION OF COMMENT RESPONSE

The DAQ's response to the submitted comments includes both a general and specific response section. The general response defines issues over which the DAQ has authority and by contrast, identifies those issues that are beyond the purview of the DAQ. The general response also describes the statutory basis for the issuance/denial of a permit and discusses the role of the pre-construction permitting process in the larger divisional goal of maintaining air quality in WV.

The specific response summarizes each relevant non-general comment that falls within the purview of the DAQ and provides a response to it. This document does not reproduce all the

comments here (they are available for review in the file). Instead, each comment is summarized and key points are listed. The DAQ makes no claim that the summaries are complete; they are provided only to place the responses in a proper context. For a complete understanding of submitted comments, please see the original documents in the file. The DAQ responses, however, are directed to the entire comments and not just to what is summarized. Comments that are not directly identified and responded to in the specific response section of this document are assumed to be answered under the general response section (or not relevant to the Columbia applications or an air quality-related issue).

GENERAL RESPONSE TO COMMENTS

Statutory Authority of the DAQ

The statutory authority of the DAQ is given under the Air Pollution Control Act (APCA) - West Virginia Code §22-5-1, *et. seq.* - which states, under §22-5-1 ("Declaration of policy and purpose"), that:

> It is hereby declared the public policy of this state and the purpose of this article to achieve and maintain such levels of air quality **as will** [underlining and emphasis added] protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

Therefore, while the code states that the intent of the rule includes the criteria outlined in the latter part of the above sentence, it is clear by the underlined and bolded section of the above sentence that the scope of the delegated authority does not extend beyond the impact of air quality on these criteria. Based on the language under §22-5-1, et. seq., the DAQ, in making determinations on issuance or denial of permits under 45CSR13, does not take into consideration substantive non-air quality issues such as job creation, economic viability of proposed product, energy independence, nuisance potential (sight line obstruction, traffic), non-air quality environmental impacts, grant eligibility, etc. Beyond the DAQ's position that the code does not grant us the authority to take into consideration such issues, it is also self-evident that these issues are beyond the expertise of the Division of Air Quality and that most are regulated by other bodies with the mandates and expertise to do so.

Statutory Basis for Permit Denial

Pursuant to §22-5-4 ("Powers and duties of director; and legal services; rules"), the DAQ is authorized:

> To promulgate legislative rules . . . providing for . . . [p]rocedures and requirements for permit applications, transfers and modifications and the review thereof;

This authorization is effected under WV Legislative Rule 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation." Pursuant to §45-13-5.7, the DAQ shall issue a permit unless:

> a determination is made that the proposed construction, modification, registration or relocation will violate applicable emission standards, will interfere with attainment or maintenance of an applicable ambient air quality standard, cause or contribute to a violation of an applicable air quality increment, or be inconsistent with the intent and purpose of this rule or W. Va. Code §22-5-1 et seq., in which case an order denying such construction, modification, relocation and operation shall be issued. The Secretary shall, to the extent possible, give priority to the issuance of any such permit so as to avoid undue delay and hardship.

It is clear under 45CSR13 that denial of a permit must be based on one of the above explicitly stated criteria or, as noted, is inconsistent with the intent of 45CSR13 or §22-5-1, *et. seq*. As is stated above, it is the DAQ's position that the intent of both the APCA and 45CSR13 is to limit the authority of the DAQ to air quality issues as outlined in the APCA and in West Virginia's State Implementation Plan (SIP).

The air quality issues evaluated relating to Columbia's application to construct a natural gas compressor station are outlined in the DAQ's Engineering Evaluation/Fact Sheet made public on July 22, 2016. The issues covered under that document represents the extent of the substantive air quality issues over which the DAQ believes it has authority to evaluate under 45CSR13 and the APCA as relating to Columbia's permit application R13-3313.

DAQ Permitting Process in Context

It is important to note that the DAQ permitting process is but one part of a system that works to meet the intent of the APCA in WV. The DAQ maintains a Compliance/Enforcement (C/E) Section, an Air Monitoring Section, a Planning Section, *etc.* to effect this. Most pertinent to the permitting process, the C/E Section regularly inspects permitted sources to determine the compliance status of the facility including compliance with all testing, monitoring, record-keeping, and reporting requirements.

General Response Conclusion

In conclusion, in response to all commenters who referenced substantive non-air quality issues, the APCA and 45CSR13 does not grant the DAQ the authority to take into consideration such issues in determining to issue or deny the permit. Further, the requirements of 45CSR13 require the DAQ to, when denying a permit, explicitly state the reason pursuant to §45-13-5.7. Additionally, the permit is but the beginning of the involvement of the DAQ with a source. After issuance, the facility will receive regular inspections to determine compliance with the requirements as outlined in the applicable permit.

SPECIFIC RESPONSES TO COMMENTS

Comment #1

Given the number of permits associated with deep shale "development" that are up for comment at this time, an extension of the comment periods for these particular permits would be very helpful.

Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

45CSR13 mandates the public review procedures for air quality permit applications. These procedures can be found in Section 8 of 45CSR13. It states that the DAQ shall maintain for public review a permit application list of proposed new stationary sources, source modifications, relocations, operating permits, Class II administrative updates, temporary permits, Class II general permit applications/registrations, and sources seeking permission to construct in advance of permit issuance containing the name of the applicant, the type and location of the source, and the proposed start-up date for the stationary source. The permit application, engineering evaluation and draft permit are available for review on the DEP DAQ website at the following address:

http://www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

Furthermore, Section 8 outlines the notice procedures for air quality permit applications. This permit application is required to undergo Notice Levels A and B. Notice Level A requires that at the time that an application for construction is filed, the applicant shall also place a Class I legal advertisement in a newspaper of general circulation in the area where the source is or will be located. No such permit shall be issued to any applicant until at least thirty (30) days notice has been provided to the public. The advertisement shall contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

Columbia met the Notice Level A requirements on May 6, 2016 for R13-3313 in the *Doddridge Independent*.

In addition to the notice requirements under Notice Level A, Notice Level B requires the DAQ to place a Class I legal advertisement of the agency's intent to issue in a newspaper of general circulation in the area where the source is or will be located for construction applications. No construction permit shall be issued to any applicant until at least thirty (30) days notice has been provided to the public. The advertisement shall contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought and the proposed start-up date for the source.

The DAQ met the Notice Level B requirements on July 22, 2016 for R13-3313 in the *Doddridge Independent*.

The DAQ believes that the public notice requirements have been met and the multiple notices have provided ample time for the public to review the permit application.

Comment #2

We are intentional in submitting comments and public hearing requests for all three proposed compressors stations in one letter: these compressors stations are part of one proposed project (the Mountain Xpress Pipeline, MXP). These proposed compressors stations should be considered together, as per the "aggregation" requirements of the Clean Air Act. The MXP would be welded together into a single project. A single compressor station serves has no utility unless the whole pipeline project works as a unit.

In addition, the air emissions from these three compressor stations, if built, will have a cumulative impact on our region's air quality and must not be considered as individual new sources of air pollution.

Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

On May 12, 2016, the U.S. Environmental Protection Agency (EPA) issued a final rule to clarify the agency's air permitting rules as they apply to the oil and natural gas industry. The clarifications are part of a package of final rules that together will reduce emissions of methane and smog-forming volatile organic compounds (VOCs) from new and modified oil and gas sources, while providing greater certainty about Clean Air Act permitting requirements for industry. This rule published in the Federal Register on June 3, 2016.

The final "Source Determination Rule" clarifies when oil and gas equipment and activities must be deemed a single source when determining whether major source permitting programs apply. The programs are the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review preconstruction permitting programs, and the Title V Operating permits program.

By defining the term "adjacent," the rule specifies that equipment and activities in the oil and gas sector that are under common control will be considered part of the same source if they are located near each other – specifically, if they are located on the same site or on sites that share equipment and are within ¼ mile of each other. EPA previously addressed this definition through policy interpretation and guidance.

EPA uses three key factors to determine whether a source or sources should be considered as a single/same source for purposes of permitting. The proposed source(s) must meet all three (3) criteria in order to be considered one source for purposes of permitting under the Clean Air Act.

The factors are whether equipment and activities are:

- In the same industrial grouping (defined by standard industrial classification code, or "SIC code"),
- Under the control of the same person/people, and
- Located on contiguous or adjacent properties.

All three (3) of these facilities are in the same industrial grouping and are under common control of Columbia. However, they are not located on contiguous properties and are not on sites that share equipment and are not within ¼ mile of each other. Therefore, according to USEPA's Source Determination Rule, these facility's emissions would not be a single source for PSD or Title V purposes.

Comment #3

The construction of this project (which includes the three compressor stations in question) would lock our region into fossil fuel extraction and use and thus would lock us in to more greenhouse gas emissions and thus subject us to an even greater likelihood of extremely dangerous climate disruptions. Given that the Federal Energy Regulatory Commission (FERC) must ultimately sign off on this project, is this then a project that would fall under the new White House recommendations that federal agencies consider climate change when conducting project reviews? Should not the DEP be considering climate change as it reviews projects?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

On May 12, 2016, the U.S. Environmental Protection Agency (EPA) took another set of steps under the *President's Climate Action Plan: Strategy to Reduce Methane Emissions and the Clean Air Act* to cut methane emissions from the large and complex oil and natural gas industry and keep the Administration on track to achieve its goal of cutting methane emissions from the oil and gas sector by 40 to 45 percent from 2012 levels by 2025. These three (3) compressor stations are subject to the requirements under this rule.

Comment #4

While the permits in question here are air permits, the construction of this project (which includes the three compressor stations in question) would nevertheless lock our region into fossil fuel extraction, which would lock us into the high water usage associated with deep shale extraction as well as the liquid waste disposal problems (including earthquakes and radioactive leachate). Waste "water" can produce air emissions. Will the DEP consider these in evaluating the permits?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

The DAQ follows USEPA's Source Determination Rule in making single source determinations. Deep shale extraction activities do not share the same industrial grouping, are not under common control, and are not located on contiguous or adjacent properties as the proposed compressor stations.

Comment #5
The PA DEP has published information stating that emissions from two compressor stations (Stewart and Energy Corps) include: MTBE, CO, iso-Butane, methyl mercaptan, n-Butane, n-hexane, n-octane, nitrogen dioxide, nitrousacidstyrene, 2-methyl butane, 2 methyl pentane, 3 methyl pentane, ethyl benzene, benzene, ethane, propane, methanol and napthlele. Other states' comparable agencies have reported similar emissions, and more, including toluene. You can understand why the public deserves to learn as much as possible about the impacts of this proposed facility before any permit is granted, given the toxic and carcinogenic nature of these emissions.
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
The engineering evaluation contains information on the hazardous air pollutants (HAPs) proposed for the facility. The total HAPs for this facility are 2.30 tons per year. The main source of HAPs are the turbines, and the main HAP emitted is formaldehyde.

The majority of non-criteria regulated pollutants fall under the definition of HAPs which, with some revision since, were 188 compounds identified under Section 112(b) of the Clean Air Act (CAA) as pollutants or groups of pollutants that EPA knows or suspects may cause cancer or other serious human health effects. For a complete discussion of the known health effects of each compound, and the underlying studies supporting these assessments, refer to the IRIS database located at www.epa.gov/iris.

All HAPs have other non-carcinogenic chronic and acute effects. These adverse health affects may be associated with a wide range of ambient concentrations and exposure times and are influenced by source-specific characteristics such as emission rates and local meteorological conditions. Health impacts are also dependent on multiple factors that affect variability in humans such as genetics, age, health status (e.g., the presence of pre-existing disease) and lifestyle (e.g., smoking). As stated previously, there are no federal or state ambient air quality standards for these specific chemicals.

Comment #6
We are worried about potential emissions impacts of ultrafine particulate matter; what monitoring equipment and mechanisms would be in place for ultrafine particulate matter? According to recent studies, ultrafine particulate matter increases human health risks for cardiovascular and respiratory disease as well as damage to the nervous system.
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
The engineering evaluation contains information on the ultrafine particulate matter ($PM_{2.5}$) proposed for the facility. The total $PM_{2.5}$ for this facility is 11.75 tons per year. The main source of $PM_{2.5}$ are the turbines.

The DAQ Air Monitoring Section, with ambient air quality sampling sites located throughout West Virginia, monitors air pollutants on either a continuous or periodic basis. The sampling sites are located to assess air quality levels based on population exposure, industry emissions,

determine compliance with the National Ambient Air Quality Standards (NAAQS), background levels and other special purposes.

The monitoring network is reviewed annually and revised as necessary to accommodate changing Federal requirements. The data collected is used by the DAQ to implement programs to ensure attainment of NAAQS for criteria pollutants. The purpose of the network monitoring plan is to enhance ambient air quality monitoring to better serve current and future air quality management and research needs. USEPA reviews and approves the network monitoring plans annually. The general monitoring network design requires ambient air monitors to focus on populated areas with air quality problems and to reduce monitors in areas that have measured ambient air concentrations well below the applicable NAAQS.

The closest air monitoring sites are in Harrison County ($PM_{2.5}$), Marion County ($PM_{2.5}$), Wood County ($PM_{2.5}$, SO_2, ozone), Marshall County ($PM_{2.5}$, $PM_{2.5}$ speciation, and SO_2), and Monongalia County ($PM_{2.5}$, SO_2, ozone).

The 2014 State of West Virginia Air Quality Annual Report which includes information on the NAAQS in regards to all regulated air pollutants, the air quality index from around the state, and detailed technical information on how the monitoring program works in making these determinations can be downloaded from the following website:

http://www.dep.wv.gov/daq/Documents/2014%20Annual%20Report%208-25-15.pdf

Comment #7

What is the track record of the contractors who would be engaged to build these facilities? How can the public be assured that DEP will have adequate inspectors on the ground to ensure that this facility is complying with its permit?

Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

The DAQ does not regulate the contractors that build facilities. The facility would have an initial air quality inspection within the first year of operation. In addition, an inspector from the DAQ C/E Section would be available to witness the annual required performance testing that would occur for the turbines. Inspectors would also be on site to investigate any complaints and/or operating issues concerning a facility.

Comment #8
Should the air emission permit limits (which DEP says, according to a preliminary evaluation of the proposed facility, will meet all State and Federal air quality requirements) be reexamined in light of research showing emissions from compressor stations can double the risk of newborn autism and increase the chance of asthma and respiratory problems for people living nearby?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
The facility that Columbia has proposed meets all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

Comment #9
Will the proposed compressor stations, if built, be required to install the latest technology available in terms of fugitive emission detection systems, or will they be monitored with FLIR camera technology on a regular basis? Given the EPA's proposed new methane emission rules, one or both means of monitoring fugitive emissions should be required.
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
On May 12, 2016, the U.S. Environmental Protection Agency (EPA) took another set of steps under the *President's Climate Action Plan: Strategy to Reduce Methane Emissions and the Clean Air Act* to cut methane emissions from the large and complex oil and natural gas industry and keep the Administration on track to achieve its goal of cutting methane emissions from the oil and gas sector by 40 to 45 percent from 2012 levels by 2025. The compressor station is subject to the requirements under this rule and these requirements are in the draft permit. 40CFR60 Subpart OOOOa (Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015) requires quarterly fugitive emission monitoring of these facilities. In addition, the WVDAQ C/E has a FLIR camera and trained in its use. This camera is routinely taken to inspections of oil and gas facilities.

Comment #10
What will happen should these facilities exceed permit limits, both in terms of punishment for violations for the company, and, more importantly, in terms of impacts on human health?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
If the proposed facility exceeds the permit limits, the DAQ C/E Section will take the appropriate action and issue a Notice of Violation if it is determined that a violation occurred. The facility must meet all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

Comment #11
What has DEP done to consider cumulative impacts of other nearby sources of air pollution?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
Each permit application that is reviewed undergoes a Source Determination analysis. As stated previously, the recently issued "Source Determination Rule" clarifies when oil and gas equipment and activities must be deemed a single source when determining whether major source permitting programs apply. This analysis was done and it was determined according to USEPA's Source Determination Rule, no other facility's emissions should be included for PSD or Title V purposes.

Comment #12
What methods will be used to capture gas released that would occur from these facilities, should it become operational, during blow downs or maintenance processes?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
Columbia has estimated that they will have one (1) blowdown event per year for each turbine. These blowdown events will result in uncaptured emissions and have been represented in the permit application and engineering evaluation for each facility.

Comment #13
What are the results of any detailed air quality baseline testing DEP has conducted in the immediate area surrounding these proposed compressor station sites? If DEP has not conducted any detailed air quality testing at the proposed sites, we urge DEP to carry out this baseline testing prior to the issuance of any permit and prior to any construction.
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
This is not a prerequisite for obtaining an air quality permit under 45CSR13. The proposed facility meets all applicable rules and regulations. These rules and regulations contain emission standards established by EPA that they believe to be protective of human health, including sensitive populations.

Comment #14
Will nearby residents be totally assured—in writing, by the DEP DAQ, as well as the compressor stations' operators—that there will be no measurable or discernable deterioration to their current air quality or noise pollution levels?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response
It is the public policy of this state, and the purpose of Article 5 (Air Pollution Control Act) of the West Virginia Code, to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life

and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

The facility that Columbia has proposed meets all applicable rules and regulations. These rules and regulations contain emission standards established by EPA that they believe to be protective of human health, including sensitive populations.

It is the responsibility of the DAQ to apply the rules and regulations of the State of West Virginia and EPA as they apply to air quality. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.

This facility is subject to FERC permitting and must meet the FERC noise requirements. Additionally, in response to the comments received during the public comment period for this permitting action, the DAQ added requirements to this permit in regards to noise. These requirements can be found in permit R13-3313 as permit conditions 4.1.6 and 4.1.7. These additional requirements establish noise mitigation techniques that must be implemented by Columbia and the requirement to conduct an additional noise survey once the facility is at full load. If the noise attributable to the operation of all of the equipment at the facility under interim or full horsepower load conditions exceeds 55 dBA L_{dn} at any nearby noise-sensitive areas, the permittee shall submit a report on what changes are needed and should install the additional noise controls to meet the level within 1 year. The permittee shall confirm compliance with the 55 dBA L_{dn} requirement by submitting a second noise survey with the Secretary no later than 60 days after it installs the additional noise controls.

Comment #15

Will the compressor stations be manned 24/7 with a trained operator capable of responding to any upset, accurately assessing the potential danger or problem and able to implement prompt corrective actions? If the stations will not have experienced personnel on duty on site 24/7, then will there be an integrated, comprehensive system of monitoring instruments on all relevant variables, designed to activate appropriate fail-safe control systems circuits?
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

The proposed facility will not be manned 24/7 hour. According to Columbia, they will operate this facility with a team of trained and experienced operators, technical staff and management capable of promptly responding to any upset, malfunction or emergency situation. This multi-functional team will have the skill sets to promptly assess site conditions, determine potential safety issues, develop and implement corrective actions.

Columbia will utilize an electronic monitoring system at the facility to identify potential upset, malfunction or safety related issues. The automated monitoring system provides a warning of potential issues. That warning is directed to an on-site alarm on an in station panel board, so that any on site personnel are notified of a potential issue and immediately begin an assessment. In addition, all warnings/alarms are directed to a 24/7 hour manned monitoring center/gas control located in Charleston WV, where trained staff can make preliminary assessments of potential issues and depending upon the issue, shut equipment down, blow the facility down to atmosphere

and/or contact appropriate operations personnel to be immediately dispatched to investigate, assess and begin corrective measures.

Comment #16

What measures will be taken to guarantee that the overall noise level will not interfere with nearby residents or business owners' daily lives and functions? We have heard of people living near compressors stations reporting an intolerable change in their way of life and health due to noise and air pollution. People living near these proposed compressor stations deserve to have their concerns heard during public meetings on the draft permits.
Received from: Vivian Stockman, OVEC project coordinator

DAQ Response

This facility is subject to FERC permitting and must meet the FERC noise requirements. Additionally, in response to the comments received during the public comment period for this permitting action, the DAQ added requirements to this permit in regards to noise. These requirements can be found in permit R13-3313 as permit conditions 4.1.6 and 4.1.7. These additional requirements establish noise mitigation techniques that must be implemented by Columbia and the requirement to conduct an additional noise survey once the facility is at full load. If the noise attributable to the operation of all of the equipment at the facility under interim or full horsepower load conditions exceeds 55 dBA L_{dn} at any nearby noise-sensitive areas, the permittee shall submit a report on what changes are needed and should install the additional noise controls to meet the level within 1 year. The permittee shall confirm compliance with the 55 dBA L_{dn} requirement by submitting a second noise survey with the Secretary no later than 60 days after it installs the additional noise controls.

Comment #17

Although the DAQ has offered that, "…A preliminary evaluation has determined that all state and federal air quality requirements will be met…" these may not be sufficient to protect citizens. The current surge in gas activities could be outpacing the efforts of regulations to assess their health impacts.
Received from: Cynthia D. Ellis

DAQ Response

This facility is subject to many state and federal regulations. On May 12, 2016, the U.S. Environmental Protection Agency (EPA) took another set of steps under the *President's Climate Action Plan: Strategy to Reduce Methane Emissions and the Clean Air Act* to cut methane emissions from the large and complex oil and natural gas industry and keep the Administration on track to achieve its goal of cutting methane emissions from the oil and gas sector by 40 to 45 percent from 2012 levels by 2025. This facility is subject to the requirements under this rule. This rule also regulates emissions of VOCs.

The proposed facility meets all applicable rules and regulations. These rules and regulations contain emission standards established by EPA that they believe to be protective of human health, including sensitive populations.

Comment #18
There are concerns for air quality in regard to the cumulative impact of already existing pipelines and compressor stations. Each of those poses potential hazards for leaks and accidents. Citizens are compelled to wonder if current regulations take into account the aggregate effects of proposed and present structures. Plans for the Sherwood Compressor and the MXP should be analyzed for emissions contribution in conjunction with those already present.
Received from: Cynthia D. Ellis

DAQ Response
On May 12, 2016, the U.S. Environmental Protection Agency (EPA) issued a final rule to clarify the agency's air permitting rules as they apply to the oil and natural gas industry. The clarifications are part of a package of final rules that together will reduce emissions of methane and smog-forming volatile organic compounds (VOCs) from new and modified oil and gas sources, while providing greater certainty about Clean Air Act permitting requirements for industry. This rule published in the Federal Register on June 3, 2016.

The final "Source Determination Rule" clarifies when oil and gas equipment and activities must be deemed a single source when determining whether major source permitting programs apply. The programs are the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review preconstruction permitting programs, and the Title V Operating permits program.

By defining the term "adjacent," the rule specifies that equipment and activities in the oil and gas sector that are under common control will be considered part of the same source if they are located near each other – specifically, if they are located on the same site or on sites that share equipment and are within ¼ mile of each other. EPA previously addressed this definition through policy interpretation and guidance.

EPA uses three key factors to determine whether a source or sources should be considered as a single/same source for purposes of permitting. The proposed source(s) must meet all three (3) criteria in order to be considered one source for purposes of permitting under the Clean Air Act.

The factors are whether equipment and activities are:

- In the same industrial grouping (defined by standard industrial classification code, or "SIC code"),
- Under the control of the same person/people, and
- Located on contiguous or adjacent properties.

All three (3) of these facilities are in the same industrial grouping and are under common control of Columbia. However, they are not located on contiguous properties and are not on sites that share equipment and are not within ¼ mile of each other. Therefore, according to USEPA's Source Determination Rule, these facility's emissions would not be a single source for PSD or Title V purposes.

Each of these facilities were analyzed under USEPA's Source Determination Rule.

Comment #19
I would like to request a public meeting be held for both the Mount Olive and Sherwood compressor station permits. The people who stand to be directly affected by these two compressor stations deserve a chance to comment directly to DEP agents, and to find out information and answers to questions they may have. I am personally interested because I have family members in Jackson County who may be affected, and friends in Doddridge County who may also be affected. Please set a date for both of these meetings with at least 2 weeks notice to the public, of the meetings. Please put notices about the meetings out via local media releases. If necessary, please extend the comment periods to cover the scheduled meeting dates.
Received from: Robin Blakeman

DAQ Response
45CSR13 Section 9 outlines the procedures for holding a public meeting. This section states that a public meeting to provide information and receive comments on permit applications may be held when the Secretary deems it appropriate or when substantial interest is expressed, in writing, by persons who might reasonably be expected to be affected by the stationary source. The DAQ made the determination that substantial interest was expressed by persons that would be reasonably affected by the Sherwood Compressor Station. The DAQ held a public meeting on October 13, 2016 at the Doddridge County Senior Citizen's Center in West Union.

Comment #20
We are extremely concerned about the proposed MXP compressor stations and would like to request the following actions by your office:

- Scheduling public meetings in convenient locations within each of the three affected counties, perhaps with the Doddridge County – Sherwood station – being held first. We believe it is extremely important the public be informed about these stations, and especially the Doddridge County one due to the fact it is proposed to be located adjacent to the Doddridge County Park. Those who live, work or recreate close to these proposed stations should have an opportunity to comment in a convenient location near to the proposed site.
- Extension of comment periods on all three compressor stations by at least 2 weeks.
- A cumulative impact study on all the proposed compressor stations and gas storage/holding facilities along the MXP pipeline route.
- Attend to all relevant scientific studies on the air emissions of compressor stations.
- Deny these permits, and/or relocate the compressor stations to a remote location that is at least two miles from any occupied structure, public park, or school.

Received from: Robin Blakeman and Vivian Stockman, OVEC staff members

DAQ Response

- 45CSR13 Section 9 outlines the procedures for holding a public meeting. This section states that a public meeting to provide information and receive comments on permit applications may be held when the Secretary deems it appropriate or when substantial interest is expressed, in writing, by persons who might reasonably be expected to be affected by the stationary source. The DAQ made the determination that substantial interest was expressed by persons that would be reasonably affected by the Sherwood Compressor Station. The DAQ held a public meeting on October 13, 2016 at the Doddridge County Senior Citizen's Center in West Union.

- 45CSR13 mandates the public review procedures for air quality permit applications. These procedures can be found in Section 8 of 45CSR13. It states that the DAQ shall maintain for public review a permit application list of proposed new stationary sources, source modifications, relocations, operating permits, Class II administrative updates, temporary permits, Class II general permit applications/registrations, and sources seeking permission to construct in advance of permit issuance containing the name of the applicant, the type and location of the source, and the proposed start-up date for the stationary source. The permit application, engineering evaluation and draft permit are available for review on the DEP DAQ website at the following address:

  http://www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

  Furthermore, Section 8 outlines the notice procedures for air quality permit applications. All three of these permit applications are required to undergo Notice Levels A and B. Notice Level A requires that at the time that an application for a construction is filed, the applicant shall also place a Class I legal advertisement in a newspaper of general circulation in the area where the source is or will be located. No such permit shall be issued to any applicant until at least thirty (30) days notice has been provided to the public. The advertisement shall contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

  Columbia met the Notice Level A requirements on May 6, 2016 for R13-3313 in the *Doddridge Independent*.

  In addition to the notice requirements under Notice Level A, Notice Level B requires the DAQ to place a Class I legal advertisement of the agency's intent to issue in a newspaper of general circulation in the area where the source is or will be located for construction applications. No construction permit shall be issued to any applicant until at least thirty (30) days notice has been provided to the public. The advertisement shall contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought and the proposed start-up date for the source.

  The DAQ met the Notice Level B requirements on July 22, 2016 for R13-3313 in the *Doddridge Independent*.

  The DAQ believes that the public notice requirements have been met and the multiple notices have provided ample time for the public to review the permit application.

- The facilities that Columbia has proposed meet all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

- Pursuant to §22-5-4 ("Powers and duties of director; and legal services; rules"), the DAQ is authorized:

  > To promulgate legislative rules . . . providing for . . . [p]rocedures and requirements for permit applications, transfers and modifications and the review thereof;

  This authorization is effected under WV Legislative Rule 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation." Pursuant to §45-13-5.7, the DAQ shall issue a permit unless:

  > a determination is made that the proposed construction, modification, registration or relocation will violate applicable emission standards, will interfere with attainment or maintenance of an applicable ambient air quality standard, cause or contribute to a violation of an applicable air quality increment, or be inconsistent with the intent and purpose of this rule or W. Va. Code §22-5-1 et seq., in which case an order denying such construction, modification, relocation and operation shall be issued. The Secretary shall, to the extent possible, give priority to the issuance of any such permit so as to avoid undue delay and hardship.

  It is clear under 45CSR13 that denial of a permit must be based on one of the above explicitly stated criteria or, as noted, is inconsistent with the intent of 45CSR13 or §22-5-1, *et. seq.* As is stated above, it is the DAQ's position that the intent of both the APCA and 45CSR13 is to limit the authority of the DAQ to air quality issues as outlined in the APCA and in West Virginia's State Implementation Plan (SIP).

Comment #21

I strongly urge that the DAQ hold a public meeting about the Sherwood Compressor Station to answer questions from the public about this.

I am personally worried about potential emissions impact of ultra fine particulate matter. What monitoring equipment and mechanisms will be in place for ultra fine particulate matter? According to recent studies, ultra fine particulate matter increases human health risks for cardiovascular and respiratory disease as well as damage to the nervous system.

Also would like to know the track record of the contractors who would be engaged to build this facility.

How can the public be assured that the DEP will have adequate inspectors on the ground to ensure that this facility is complying with its permits?

We the people of Doddridge County deserve to learn as much as possible about the impacts of this proposed facility before this permit is granted given the toxic and carcinogenic nature of these emissions that will be released into our air on a daily basis.

For these reasons and plenty more too numerous to mention here, I am asking for a public meeting in my county so you can try and reassure us to the fact that these emissions will be safe and not cause any health affects.
Received from: Tina Del Prete

DAQ Response

- 45CSR13 Section 9 outlines the procedures for holding a public meeting. This section states that a public meeting to provide information and receive comments on permit applications may be held when the Secretary deems it appropriate or when substantial interest is expressed, in writing, by persons who might reasonably be expected to be affected by the stationary source. The DAQ made the determination that substantial interest was expressed by persons that would be reasonably affected by the Sherwood Compressor Station. The DAQ held a public meeting on October 13, 2016 at the Doddridge County Senior Citizen's Center in West Union.

- The engineering evaluations for each of these compressor stations contains information on the ultrafine particulate matter ($PM_{2.5}$) proposed for each facility. The total $PM_{2.5}$ for this facility is 11.75 tons per year. The main source of $PM_{2.5}$ are the turbines.

  The DAQ Air Monitoring Section, with ambient air quality sampling sites located throughout West Virginia, monitors air pollutants on either a continuous or periodic basis. The sampling sites are located to assess air quality levels based on population exposure, industry emissions, determine compliance with the National Ambient Air Quality Standards (NAAQS), background levels and other special purposes.

  The monitoring network is reviewed annually and revised as necessary to accommodate changing Federal requirements. The data collected is used by the DAQ to implement programs to ensure attainment of NAAQS for criteria pollutants. The purpose of the network monitoring plan is to enhance ambient air quality monitoring to better serve current and future air quality management and research needs. USEPA reviews and approves the network monitoring plans annually. The general monitoring network design requires ambient air monitors to focus on populated areas with air quality problems and to reduce monitors in areas that have measured ambient air concentrations well below the applicable NAAQS.

  The closest air monitoring sites are in Kanawha County (PM_{10}, $PM_{2.5}$, SO_2, $PM_{2.5}$ speciation, ozone, air toxics), Harrison County ($PM_{2.5}$), Marion County ($PM_{2.5}$), Wood County ($PM_{2.5}$, SO_2, ozone), Marshall County ($PM_{2.5}$, $PM_{2.5}$ speciation, and SO_2), and Monongalia County ($PM_{2.5}$, SO_2, ozone).

  The 2014 State of West Virginia Air Quality Annual Report which includes information on the NAAQS in regards to all regulated air pollutants, the air quality index from around the state, and detailed technical information on how the monitoring program works in making these determinations can be downloaded from the following website:

http://www.dep.wv.gov/daq/Documents/2014%20Annual%20Report%208-25-15.pdf

- The DAQ does not regulate the contractors that build facilities.

- This facility would have an initial air quality inspection within the first year of operation. In addition, an inspector from the DAQ C/E Section would be available to witness the annual required performance testing that would occur for the turbines. Inspectors would also be on site to investigate any complaints and/or operating issues concerning a facility.

- The engineering evaluations for each of these compressor stations contains information on the hazardous air pollutants (HAPs) proposed for each facility. The total HAPs for this facility are 2.30 tons per year. The main source of HAPs are the turbines, and the main HAP emitted from this facility is formaldehyde.

  The majority of non-criteria regulated pollutants fall under the definition of HAPs which, with some revision since, were 188 compounds identified under Section 112(b) of the Clean Air Act (CAA) as pollutants or groups of pollutants that EPA knows or suspects may cause cancer or other serious human health effects. For a complete discussion of the known health effects of each compound, and the underlying studies supporting these assessments, refer to the IRIS database located at www.epa.gov/iris.

  All HAPs have other non-carcinogenic chronic and acute effects. These adverse health affects may be associated with a wide range of ambient concentrations and exposure times and are influenced by source-specific characteristics such as emission rates and local meteorological conditions. Health impacts are also dependent on multiple factors that affect variability in humans such as genetics, age, health status (e.g., the presence of pre-existing disease) and lifestyle (e.g., smoking). As stated previously, there are no federal or state ambient air quality standards for these specific chemicals.

  The facility that Columbia has proposed meets all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

Comment #22

- How can we be protected if compressor harms currently outpace their evaluation instruments and their safety regulations?

- Does the DAQ have plans to research the cumulative effect of the construction of new compressor stations along the MXP and the 15 other new pipelines proposed for West Virginia?

Received from: Cynthia D. Ellis

DAQ Response

- The facility that Columbia has proposed meets all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

- On May 12, 2016, the U.S. Environmental Protection Agency (EPA) issued a final rule to clarify the agency's air permitting rules as they apply to the oil and natural gas industry. The clarifications are part of a package of final rules that together will reduce emissions of methane and smog-forming volatile organic compounds (VOCs) from new and modified oil and gas sources, while providing greater certainty about Clean Air Act permitting requirements for industry. This rule published in the Federal Register on June 3, 2016.

  The final "Source Determination Rule" clarifies when oil and gas equipment and activities must be deemed a single source when determining whether major source permitting programs apply. The programs are the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review preconstruction permitting programs, and the Title V Operating permits program.

  By defining the term "adjacent," the rule specifies that equipment and activities in the oil and gas sector that are under common control will be considered part of the same source if they are located near each other – specifically, if they are located on the same site or on sites that share equipment and are within ¼ mile of each other. EPA previously addressed this definition through policy interpretation and guidance.

  EPA uses three key factors to determine whether a source or sources should be considered as a single/same source for purposes of permitting. The proposed source(s) must meet all three (3) criteria in order to be considered one source for purposes of permitting under the Clean Air Act.

  The factors are whether equipment and activities are:

  - In the same industrial grouping (defined by standard industrial classification code, or "SIC code"),
  - Under the control of the same person/people, and
  - Located on contiguous or adjacent properties.

Comment #23

I also ask that this permit NOT be issued due to the health impacts that the pollutants that will be emitted will have an adverse affect on the young, the old and the chemically sensitive residents in this community that use the Park for assorted reasons.

I also wondering if the change ownership would require a new permit application. It is my understanding that Columbia Gas sold out to TransCanada.

Received from: Mirijana Beram

DAQ Response

The facility that Columbia has proposed meets all applicable rules and regulations. These rules and regulations contain emission standards established by USEPA that they believe to be protective of human health, including sensitive populations.

Columbia Gas Transmission LLC applied for the permit for the Sherwood Compressor Station. They have not made a request for an official name change at this time. However, making a name change would not require a new permit application.