



December 5, 2016
Sent by FERC eFiling

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St, NE, Room 1A
Washington, DC 20426

Re: PA DEP Comments on the Draft General Conformity Determination for the
Transcontinental Gas Pipeline Company, LLC (Transco) Atlantic Sunrise Project (FERC
Docket No. CP15-138-000)

Dear Secretary Bose:

The Pennsylvania Department of Environmental Protection (DEP or Department) has reviewed the Federal Energy Regulatory Commission's (FERC) Draft General Conformity Determination (GCD) for the Transcontinental Gas Pipeline Company, LLC (Transco) Atlantic Sunrise Project, and submits the following comments.

The general conformity applicability analysis presented in section 3.0 of the Draft GCD does not contain sufficient information for the Department to determine if the estimated construction emissions reported in Table 2 were adequately estimated to reflect the extent of construction activities planned for this project. While FERC footnotes on page 6 that additional detailed information is contained in the FERC docket, that information, after review, was determined to be inadequate.

As described in the Draft GCD Attachment 1 (DEP letter of October 28, 2016), the applicant, Transco, has provided some of the information on its planned construction activities and emissions estimations in conjunction with its request to use Emissions Reduction Credits (ERC) to offset the 133.5 tons of NO_x estimated to be emitted during project construction in Lancaster County, Pennsylvania. Following FERC's November 3, 2016, notice of availability of the Draft GCD, the Department requested additional information from Transco. The purpose of this request was to facilitate both the explanation of the information referenced by FERC contained in the existing Draft GCD and to obtain needed additional information to complete the applicant's request to use ERCs to offset non-*de minimis* emissions. The applicant has stated that the final additional requested information is available and will be provided to PA DEP by December 5, 2016.

Given discussions between the Department and Transco subsequent to the October 2016 call referenced in the DEP letter of October 28, 2016, and given the pending receipt of additional needed information, the Department believes that Transco should be able to provide sufficient detail and explanation of methodology, using current planning assumptions, to adequately estimate direct and indirect emissions associated with the Atlantic Sunrise project in the affected nonattainment and maintenance areas of the Commonwealth. The Department will not know, of course, until it receives and reviews the information.

The Department agrees that the use of ERCs as offset of non-*de minimis* emissions would be allowed. The applicant has indicated that ERCs are available and has stated that the EPA has confirmed their suitability for use to offset excess project NOx emissions in the Lancaster County ozone nonattainment area. Once the Department has received and reviewed the requested information and verifies the quantity of ERCs needed to fully offset the emissions, the Department will be able to issue documentation on the offset transaction and its enforceability. The Department anticipates, given the timely submittal of requested information from the applicant, being able to provide that documentation to the applicant and FERC in sufficient time both for FERC to finalize the GCD and before FERC's December 30, 2016, deadline for issuance of the project Environmental Impact Statement.

The Department has some concerns regarding the methodology used to allocate emissions estimated across the entire 126.3-mile Central Penn Line South (CPLS) segments spanning five counties (of which two counties are classified as nonattainment areas and/or a maintenance area for two different criteria pollutants).¹ Given the information provided, it may be that Transco is averaging emissions across the entire CPLS and, therefore, likely attributing emissions generated through activity in one county to another. It is impossible for our review to discern if this is the case because, in general, it can be problematic if activity and emissions in a nonattainment or maintenance area are apportioned to an attainment/unclassified area. This can result in an artificial lowering of emissions estimates for the applicability analysis in the nonattainment and maintenance areas.

After the discussions it has had with Transco, the Department believes that Transco will be able to appropriately estimate project emissions in the nonattainment and maintenance areas using a modified apportionment methodology suggested by the Department. At this time, the Department believes that the modified methodology will not affect FERC's determination that Lancaster County project emissions are in excess of the General Conformity *de minimis* threshold for NOx. The final quantity of ERCs required for offset of those excess emissions, though, may change. With regard to Lebanon County, a possibility does exist that emissions could also be found to exceed the 100 ton per year *de minimis* threshold for NOx as a PM2.5 precursor in a PM2.5 nonattainment area, thus requiring emissions mitigation or offset in that county. Similar to Lancaster County, however, ERCs could be used to offset those emissions as well. This information will be provided to FERC as soon as it is available and, assuming PA DEP receives it forthwith, in adequate time for FERC to finalize the GCD.

The Department believes that the applicant's retirement of either banked or acquired ERCs for ensuring general conformity for areas shown to be in excess of the annual *de minimis* emissions rate is suitable, although FERC must indicate in the final GCD which subparagraph in 40 CFR § 93.158(a) is met. Section 4.2 of the Draft GCD cites sections of 40 CFR Part 51, which are no longer in effect. Those provisions are now effectively contained in 40 CFR § 93.158 following

¹ Specifically, Lancaster County is currently designated as a nonattainment area for the 2008 ozone NAAQS and as a maintenance area for the 2006 24-hour PM2.5 NAAQS, and Lebanon County is currently designated as a nonattainment area for the 2012 annual PM2.5 NAAQS and a maintenance area for the 2006 24-hour PM2.5 NAAQS. See, EPA's *Status of Pennsylvania Designated Areas*, at https://www3.epa.gov/airquality/urbanair/sipstatus/reports/pa_areabypoll.html.

Ms. Kimberly D. Bose

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the April 2010 final revision to the general conformity regulations (75 FR 17254). FERC should amend its GCD accordingly.

For the final GCD, it is important that FERC demonstrate how it followed the requirements contained in §§ 93.155 through 93.160 and §§ 93.162 through 93.165, where applicable. Pennsylvania adopted and incorporated 40 CFR Part 93, Subpart B, by reference into Pennsylvania's regulations at 25 Pa. Code Chapter 127, Subchapter J. Compliance with federal Part 93 requirements ensures compliance with Pennsylvania Chapter 127, Subchapter J requirements.

DEP is cognizant of the timeline that FERC has adopted to issue the final project Environmental Impact Statement in early December with the goal for issuing the final *Certificate of Public Convenience and Necessity* to Transco in March 2017. Furthermore, the Department is closely following the recent controversy with proposed alternative routes in portions of Lancaster County related to the concerns of Pennsylvania citizens in the impacted areas as to the final alignment of the project. With this in mind, I recommend that FERC contact Chris Trostle, Chief of the Bureau of Air Quality's Mobile Source Section, or me, as soon as practicable to discuss the Department's comments and to allow the Bureau to assist FERC in completing the General Conformity Analysis and General Conformity Determination required for this project. Chris Trostle can be reached by e-mail at dtrostle@pa.gov or by phone at 717.772.3926. My email is kramamurth@pa.gov.

Sincerely,



Krishnan Ramamurthy
Acting Director
Bureau of Air Quality

cc: Acting Secretary Patrick McDonnell
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Document Content(s)

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