# **1 Regulation of the Gas Industry § 9.08**

***Regulation of the Gas Industry* > *DIVISION I Evolution of the Gas Industry and the Regulatory Framework* > *CHAPTER 9 ENERGY AND THE ENVIRONMENT***

**Author**

**Dorsey & Whitney LLP**[[1]](#footnote-2)\*

**§ 9.08 Energy and the Environment: Conclusion**

The energy industry is affected by the same trends that shape the federal government’s general approach to environmental regulation. Often, the combination of the federal budget debate and the effort to delegate significant regulatory power to the states has increased the chance that less of the federal government’s collective resources can be brought to bear to address any single environmental issue.

At the same time, the environmental issues that confront the energy industry are growing more complex. Recent years have seen numerous proposals for legislation and regulation imposing a carbon tax or emissions trading to discourage the use of fossil fuel generation.

This combination of fewer governmental resources with more complicated environmental issues portends challenging times for the energy industry in the environmental area. The industry can expect to face increasing pressure from the government to shoulder more of the costs of remedying hazardous waste contamination and groundwater pollution. It can also expect to see more stringent controls established in both the air and surface water pollution areas.

The public’s interest in a clean environment is well established. The solutions to environmental pollution, however, are becoming more elusive. The challenge for the energy industry is to continue to work with government at every level in a fashion that encourages regulatory decision-making based on accurate assessment of risks and on a pragmatic analysis of workable solutions.

1. **State Environmental Impact Statement Requirements**

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| AR | Utility Facility Environmental and Economic Protection Act, Ark. Code Ann. § 23-18-501 (as amended, requires an EIS prior to siting and construction of major utility facilities); Arkansas Environmental Quality Act, § 15-20-301; §§ 15-41-108 to 15-41-136 (EIS required prior to timber cutting on lands belonging to the Game and Fish Commission). |
| CA | California Environmental Quality Act, Cal. Pub. Res. Code §§ 21000–21178.1 (an EIS must be prepared and approved by the lead agency for any project which may have an adverse environmental impact that the agency proposes to be implemented or approved. Authority for the Act is distributed between two state agencies). |
| CT | Conn. Gen. Stat. Ann, § 22a-1h. |
| DE | Del. Code Ann. tit. 7, §§ 7002, 7005 (requires an EIS with an application for either a wetlands or a coastal zone permit). |
| DC | D.C. Code Ann. §§ 8-109.03 to 8-109.12 (EIS required on all major government and private actions likely to have a substantial negative impact on the environment). |
| FL | Environmental Reorganization Act of 1975, Fla. Stat. § 403.801 *et seq.* |
| HI | Haw. Rev. Stat. § 343-1 *et seq.* |
| IN | Ind. Code §§ 13-12-4-1 to 13-12-4-10. |
| KY | Ky. Rev. Stat. Ann. § 211.852 (for a nuclear waste disposal facility). |
| LA | La. Rev. Stat. Ann. § 30.2021. |
| MA | Mass. Gen. Laws Ch. 30, §§ 61–62H (establishes policy and directs preparation of EISs). |
| MN | Minnesota Environmental Policy Act, Minn. Stat. § 116D.04 (EIS required on all major governmental actions and all major private actions of more than local significance). |
| MS | Miss. Code Ann., see § 49-27-11 Ch. 27: Coastal Wetlands Protection Act. |
| MO | Mo. Code Regs. tit. 10 § 10-6300(1)(c)(1). |
| MT | Montana Environmental Policy Act, Mont. Code Ann. §§ 75-1-201 to -208 (EISs are required for all major state government actions having a significant impact on the quality of human life). |
| NV | Nev. Reg. Stat. § 459.610 *et seq.* |
| NJ | The Coastal Area Facility Review Act, N.J. Stat. Ann. §§ 13:19-1 to -21, The Solid Waste Management Act, N.J. Stat. Ann. §§ 13:1E-1 to -48. |
| NY | N.Y. Envtl. Conserv. Law §§ 8.0105, 8.0109 (an EIS must be prepared by all state or local agencies for any action they propose or approve which may significantly affect the environment). |
| NC | North Carolina Environmental Policy Act, N.C. Gen. Stat. § 113A-1 (EIS required for actions using public funds which significantly affect the quality of the environment). |
| OR | Or. Admin. R. 345, Div. 22. |
| SD | Environmental Policy Act, S.D. Codified Laws § 34A-9 (each agency has the option of preparing an EIS on major actions which may significantly affect the environment). |
| VA | Virginia Environmental Quality Act, Va. Code §§ 10.1-1188 to 1192 (state agencies to submit environmental impact reports on major projects to Department on Environmental Quality). |
| WA | Wash. Rev. Code § 43:21C.031 (EISs required by all governmental entities; all draft and final EISs are registered). |
| WV | W. Va. Code (An environmental analysis shall be submitted with permit applications for all hazardous waste treatment, storage or disposal facilities.). §§ 22–23A imposes limited obligation on gov to comply w/ EIS findings; § 22-18-8(d); Follows NEPA; no individual requirements. |
| WI | Wisconsin Environmental Policy Act, Wis. Stat. § 1.11 (EIS required for all major state government actions significantly affecting the quality of the human environment). |
| WY | Wyo. Stat. Ann. § 35-12-109 Industrial Development Information & Siting Act; Requires some Envir. Impact Assessment (if any have been made). |

1. **Outline of Typical EIS**

**EXECUTIVE SUMMARY**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this final Environmental Impact Statement (EIS) to fulfill requirements of the National Environmental Policy Act of 1969 (NEPA) and the Commission’s implementing regulations under Title 18 of the Code of Federal Regulations, Part 380 (18 CFR 380). On November 2, 2009, ***Kern*** River Gas Transmission Company (***Kern*** River) filed an application with the Commission pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission’s regulations for a Certificate of Public Convenience and Necessity to construct, operate, and maintain an interstate natural gas pipeline and associated ancillary and aboveground facilities, collectively known as the Apex Expansion Project (Project). The purpose of this document is to inform the public and the permitting agencies about the potential adverse and beneficial environmental impacts of the proposed Project and its alternatives, and to recommend mitigation measures that would avoid or reduce adverse impacts.

The FERC is the federal agency responsible for authorizing interstate natural gas transmission facilities under the NGA, and is the lead federal agency for the preparation of this EIS in compliance with the requirements of NEPA. The U.S. Department of Interior, Bureau of Land Management (BLM) and the Bureau of Reclamation (Reclamation), and the U.S. Department of Agriculture, U.S. Forest Service (USFS) are cooperating agencies for the development of this EIS. A cooperating agency has jurisdiction by law or has special expertise with respect to environmental resource issues associated with the Project.

The BLM is the federal agency responsible for issuing right-of-way grants for natural gas pipelines across federal lands affected by this Project. Right-of-way grants are issued under Section 28 of the Mineral Leasing Act and 43 CFR 2880 to any qualified individual, business, or government entity. The BLM would decide whether or not to issue ***Kern*** River a right-of-way grant to cross all federal land based on this EIS; however, the BLM would not issue a right-of-way grant until the heads of the BLM, USFS, and Reclamation had concurred with respect to use of lands under their respective jurisdictions. Where concurrence is not reached, the Secretary of the Interior, after consultation with the heads of the BLM, USFS, and Reclamation, would decide whether or not to issue a right-of-way grant.

**PROPOSED ACTION**

The purpose of the Apex Expansion Project is to transport an additional 266 million cubic feet per day (MMcf/d) of natural gas on ***Kern*** River’s existing pipeline system from southwestern Wyoming to Nevada. Dependent upon Commission approval, ***Kern*** River proposes to begin construction in the fall of 2010 and place the facilities into operation in November 2011. ***Kern*** River proposes to construct and operate:

* approximately 27.6 miles of 36-inch-diameter natural gas transmission pipeline loop[[2]](#footnote-3)1 extending southwest in Utah from Morgan County, through Davis County to Salt Lake County;

1. one new 30,000-horsepower compressor station (known as the Milford Compressor Station) in Beaver County, Utah;
2. modifications to four existing compressor stations to add additional compression (the Coyote Creek Compressor Station located in Uinta County, Wyoming; the Elberta Compressor Station located in Utah County, Utah; the Fillmore Compressor Station located in Millard County, Utah; and the Dry Lake Compressor Station located in Clark County, Nevada);
3. six mainline valves (four new and two existing that require modifications); and
4. three pig launcher and two pig receiver facilities.[[3]](#footnote-4)2

In addition to ***Kern*** River’s proposed facilities, a non-jurisdictional electric transmission line to the Milford Compressor Station would be constructed by PacifiCorp (doing business as Rocky Mountain Power). Although the approximately 1.4-mile electric transmission line does not fall under the FERC’s jurisdiction, we[[4]](#footnote-5)3 include it in our environmental review.

**PUBLIC INVOLVEMENT**

On March 13, 2009, the FERC began its pre-filing review of the Apex Expansion Project and established a pre-filing docket number (PF09-07-000) to place information related to the Project into the public record. The cooperating agencies agreed to conduct their environmental reviews of the proposed Project in conjunction with the Commission’s pre-filing process.

***Kern*** River initially contacted federal and state agencies to inform them about the Project and the FERC’s pre-filing process. Subsequently, ***Kern*** River hosted three public open houses and two stakeholder meetings in communities in the vicinity of the proposed Project, from March 23 through March 27, 2009. These open houses and meetings were conducted to inform landowners, government officials, and the general public about the Project. Attendees were invited to ask questions and submit any concerns. The FERC staff participated in the open houses and provided information regarding the environmental review process.

As part of our pre-filing review, we issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Apex Expansion Project, Request for Comments on Environmental Issues and Notice of Joint Public Scoping Meetings (NOI)* on May 19, 2009. The NOI was published in the Federal Register and sent to our environmental mailing list that includes affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries; newspapers; and other interested parties. In response to our notice, public site visits, and two public scoping meetings held along the proposed pipeline route, we received numerous comments from landowners, concerned citizens, public officials, and government agencies regarding the proposed Project. These comments expressed concerns with the location of the proposed pipeline and the effects of the proposed Project on resources and land uses, including soils, geology, waterbodies, wetlands, wildlife, vegetation, threatened and endangered species, safety, alternatives, air quality, noise, and state- and federally managed lands. The draft EIS was filed with the U.S. Environmental Protection Agency (EPA) and a formal notice of availability was issued in the Federal Register on April 2, 2010. A copy of the draft EIS was mailed to those agencies, tribes organizations, and individuals that attended meetings or submitted written comments on the Project, as well as to our environmental mailing list. The Federal Register notice established a 45-day comment period on the draft EIS that ended May 17, 2010.

We held two public comment meetings during the draft EIS comment period. The meetings provided interested parties with an opportunity to present oral comments on our analysis of the environmental impacts of the proposed Project as described in the draft EIS. One person commented at the meetings. In addition, we received 14 written comment letters on the draft EIS from federal, state, and local agencies; potentially affected landowners; and other interested parties. All timely environmental comments on the draft EIS have been addressed in this final EIS.

This final EIS was mailed to the agencies, individuals, and organizations on the mailing list in Appendix A, and filed with the EPA for issuance of a formal public notice of availability in the Federal Register.

**PROJECT IMPACTS AND MITIGATION**

Construction and operation of the Apex Expansion Project could result in numerous impacts on the environment. We evaluated the impacts of the Project, as reduced by ***Kern*** River’s proposed mitigation, on geology, soils, groundwater, surface water, wetlands, vegetation, wildlife, fisheries, special status species, land use, visual resources, socioeconomics, cultural resources, air quality, noise, and safety. Where necessary, we recommended additional mitigation to minimize or avoid these impacts. We also considered the cumulative impacts of this Project with other past, present, and reasonably foreseeable actions in the Project area.

Based on scoping comments, agency consultations, and our independent evaluation of resource impacts, the major issues identified in our analysis are in regard to: geologic hazards, paleontological resources, vegetation, wildlife habitat, federally listed species, the Uinta Wasatch Cache National Forest (UWCNF), recreational areas and roadless areas within the UWCNF, and visual resources. Our analysis of these issues is summarized below and is discussed in detail in the appropriate resource sections in section 4. Where necessary, we recommended additional mitigation measures to minimize or avoid these impacts. Section 5.2 of the EIS contains our conclusions and a compilation of our recommended mitigation measures.

**Geology, Paleontology, and Soils**

Potential geologic hazards in the Project area include faults, landslides, soil liquefaction, and seismicity. The Project would cross four faults, one of which, the Warm Springs Fault is considered to be active. ***Kern*** River has also designed for these hazards through avoidance of landslide-prone areas and through the use of special construction materials within seismically active areas. For example, potential hazards associated with constructing and operating the pipeline in an area of an active fault would be mitigated through the use of pipe with extra wall thickness and the placement of granular/sand backfill material underneath and surrounding the pipeline near the fault.

To protect paleontological resources at seven sites identified along the proposed pipeline, ***Kern*** River would utilize its Paleontological Resource Management Plan (PRMP) that was developed for the Apex Expansion Project. The PRMP contains procedures for obtaining pre-construction approvals, monitoring of identified significant fossil locations during construction, and procedures for unanticipated discovery of fossils during construction.

To minimize general construction-related effects to soils, ***Kern*** River would implement the measures described in ***Kern*** River’s Upland Erosion Control, Revegetation, and Maintenance Plan (***Kern*** River’s Plan); ***Kern*** River’s Wetland and Waterbody Construction and Mitigation Procedures (***Kern*** River’s Procedures); ***Kern*** River’s Reclamation Plan; and ***Kern*** River’s Spill Prevention, Control, and Countermeasure Plan. These measures would control erosion and increase the potential success of revegetation efforts.

**Waterbody Crossings, Water Use, and Wetlands**

The pipeline would cross 12 perennial and several intermittent and ephemeral waterbodies. All waterbodies with water present at the time of construction would be crossed via dry crossing methods such as flume crossings or a conventional bore. Waterbody crossings would be conducted in accordance with all federal and state regulations and permit requirements, and ***Kern*** River would minimize impacts by following measures identified in its Procedures.

***Kern*** River proposes to withdraw approximately 14.9 million gallons of water from two rivers, one reservoir, and municipal sources for hydrostatic testing and dust abatement purposes. ***Kern*** River would not use biocides, chemical de-watering agents, or other potentially toxic water additives for any water withdrawals (hydrostatic testing or dust abatement), and discharges would be in accordance with applicable National Pollutant Discharge Elimination System permit requirements.

The pipeline would cross approximately 2,027 feet of land classified as wetlands. No wetlands would be permanently filled; however, 0.1 acre of forested wetland within the maintained pipeline right-of-way would be converted to herbaceous or scrub-shrub wetlands. With strict adherence to its Procedures, Reclamation Plan, and Wetland Remedial Revegetation Plan, impacts on wetlands would be minimized.

**Vegetation, Wildlife, and Federally Listed Species**

The Project would affect three communities of special concern: Great Basin sagebrush, Douglas fir forest, and riparian areas. With the implementation of ***Kern*** River’s proposed construction and mitigation measures, we have determined that impacts on vegetation can be minimized. ***Kern*** River’s Reclamation Plan describes measures ***Kern*** River would use to return disturbed areas to their preconstruction land use while also minimizing visual impacts. The Reclamation Plan also addresses the vegetation conditions found in the higher elevation segments of the proposed Project and includes ***Kern*** River’s experience from previous construction and expansion projects in the vicinity. ***Kern*** River prepared a Reclamation Plan that incorporates new technical standards or information in consultation with the BLM, the USFS, and the Natural Resources Conservation Service. Impacts on vegetation would range from short term to long term depending on vegetation type impacted and amount of time to reach pre-construction condition.

The Project would affect wildlife and wildlife habitats along the proposed route; these impacts could be temporary, short term, long term, or permanent depending on the habitat type impacted. The Project would avoid or minimize impacts on migratory birds by maximizing collocation and by conducting clearing activities in fall 2010, outside of the breeding season. Implementation of ***Kern*** River’s Plan and Procedures and timing restrictions would minimize the effects of the proposed Project on wildlife in general. ***Kern*** River has also proposed habitat mitigation in the form of land acquisition for the short- and long-term loss of big game crucial habitat. ***Kern*** River conducted surveys for raptors in 2010 and observed individuals as well as nests and roosts and would employ qualified biologists to monitor active nests occurring within 0.5-mile of active construction during the nesting season. Preconstruction raptor and bald eagle winter roost surveys would be conducted prior to construction and we are recommending that ***Kern*** River be required to file the results of those surveys, file a revised Biological Resources Mitigation Plan (Appendix M) as appropriate, and file written correspondence with the U.S. Fish and Wildlife Service (FWS), Utah Division of Wildlife Resources (UDWR), USFS, and BLM regarding all species-specific mitigation. ***Kern*** River has revised its Blasting Plan in consultation with USFS, BLM, and UDWR to include the detonation of scare charges, 3 days, 1 day, and 1 hour prior to any blasting in the areas of concern to minimize the potential for big game to be impacted by flyrock during actual blasting activities.

Construction of the proposed waterbody crossings could result in impacts on fisheries from sedimentation and turbidity, habitat alteration, streambank erosion, fuel and chemical spills, water depletions, entrainment or entrapment during water withdrawals, construction crossing operations, and blasting. ***Kern*** River would employ dry-ditch crossing methods and implement the mitigation measures included within its Procedures to minimize aquatic resource impacts. Overall, construction impacts on fisheries would be temporary due to the relatively small area in which each waterbody would be affected and the measures that ***Kern*** River would follow to minimize impacts on each waterbody during construction.

Based on ***Kern*** River’s consultation with the FWS and our review of existing records, six federally listed threatened or endangered species, or species that are candidates or petitioned for federal listing, are reported to potentially occur in the vicinity of the proposed Project. We have determined that construction and operation of the proposed Project *may affect but would not likely adversely affect* the Utah prairie dog and Ute Ladies’-tresses. We requested that the FWS consider the draft EIS as the Biological Assessment for the proposed Project. On April 27, 2010, the FWS concurred with our determinations with the understanding that the FERC would re-initiate Section 7 consultation if either species is found in the Project area during surveys. The remaining species (greater sage-grouse, yellowbilled cuckoo, pygmy rabbit, and Northern leopard frog) are proposed or candidate species. Known habitat for these species would be crossed by the Project, and individuals could be impacted or lost. ***Kern*** River has proposed compensatory mitigation for the disruption of crucial sage-grouse habitat and would conduct pre-construction clearance surveys within known habitat for the northern leopard frog.

In addition to the federally listed, federally petitioned, and federal candidate species, 64 USFS- or state-identified special status species could occur within the vicinity of the Project. We are recommending that outstanding surveys for special-status amphibians, the American pika, and sensitive plant species be filed prior to construction and that final mitigation measures be provided as applicable. We believe that, given the nature of the species occurrence and the measures that would be implemented as part of the proposed Project, impacts on special-status species would be adequately avoided or minimized.

**Land Use and Visual Resources**

Construction and operation of the Project would result in short- and long-term impacts on agricultural land, forest, and special use areas. The majority of the pipeline (71.5 percent) would be collocated with the existing ***Kern*** River and/or other pipeline rights-of-way. Following construction, all affected areas outside the aboveground facility sites would be restored and allowed to revert to preconstruction conditions and uses. ***Kern*** River would retain the easement for a 50-foot-wide permanent right-of-way along the approximately 27.6 miles of the Project route which would overlap ***Kern*** River’s existing easement where the facilities are collocated. ***Kern*** River would maintain, in an herbaceous or scrub-shrub state centered on the pipeline, a 10-foot-wide corridor within wetlands and areas adjacent to waterbodies and a 20-foot-wide corridor in uplands. Vegetation maintenance within the permanent right-of-way would not occur more frequently than every 3 years.

Roadless areas, as designated by the USFS, are regulated under the Roadless Area Conservation Act (36 CFR 294), which limits road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands. ***Kern*** River’s originally proposed route, as analyzed in the draft EIS would have impacted two roadless areas within the UWCNF, the Mueller Park Roadless Area and the Hogsback Roadless Area. The Hogsback roadless area is identified in the set of inventoried roadless area maps contained in the November 2000 Forest Service Roadless Area Conservation Final Environmental Impact Statement. Since the issuance of the draft EIS, ***Kern*** River revised its proposed pipeline route to avoid impacts on the Hogsback Roadless Area completely. No reasonable alternative was identified to avoid the Mueller Park Roadless Area. A total of approximately 15.7 acres of forested land would be cleared within the Mueller Park Roadless Area for construction of the proposed pipeline. With the implementation of ***Kern*** River’s Reclamation Plan, approximately 11 acres of forested land within this roadless area would be able to re-grow upon completion of pipeline construction.

Visual resources along the pipeline route would be affected by the alteration of existing vegetative patterns associated with clearing of the construction and permanent pipeline rights-of-way. In order to minimize visual impacts, ***Kern*** River proposes a reseeding regimen (in its Reclamation Plan) to return the impacted vegetation to pre-existing conditions. ***Kern*** River’s Reclamation Plan also allows for selective growth of forested species within the permanent right-of-way, excluding the 10-foot-wide area centered over the pipeline, in order to maintain a more natural setting visually. In addition, ***Kern*** River has conducted an initial visual assessment for USFS lands crossed by the proposed Project. Because this assessment is not completed we recommended that ***Kern*** River file its final visual assessment report that contains the specific mitigation strategies before the start of construction.

The Project would impact numerous trails, parks, the UWCNF, and other public lands. For most of the Project, collocation of the pipeline with existing rights-of-way would help to reduce recreational and visual impacts by decreasing the need for new rights-of-way across these areas. ***Kern*** River also incorporated the FERC-recommended North Salt Lake III Route Variation to further collocate the proposed loop with the existing ***Kern*** River right-of-way along a 1.6 mile segment and avoid impacts on a residence at the original MP 24.5. While this avoided impacts on the residence at the original MP 24.5, a modification to the route variation at the request of an already encumbered landowner, places the proposed workspace within 50 feet of said landowner at MP 24.1A and a second residence at MP 24.2A.

**Cultural Resources**

Cultural resource surveys are complete along the proposed pipeline route. ***Kern*** River also has completed cultural resources surveys at the proposed Milford Compressor Station; at pipe yards and staging areas; along Project access roads; and along the approximately 1.4-mile-long electric distribution line for the Milford Compressor Station. Cultural resource surveys identified 25 historic or archaeological sites. Twenty-four of the sites are either not eligible for the National Register of Historic Places, or would be avoided. ***Kern*** River would mitigate impacts on the remaining eligible site. The review process under Section 106 of the National Historic Preservation Act is on-going for the North Salt Lake III and Mueller Park Route Variations. Survey reports are currently under review. We recommended that no construction activities begin until all required surveys are completed, reports and any necessary treatment plans are reviewed, and the appropriate consultations are completed.

**Air Quality and Noise**

Construction of the Project would result in temporary impacts on air quality during construction and long-term impacts on air quality at the proposed Milford Compressor Station and the existing compressor stations during operation. Because pipeline construction moves through an area quickly, air emissions caused by construction are typically intermittent and short term. Emissions from fugitive dust and construction activities would be controlled to the extent required by state and local agencies. We conclude that emissions from construction-related activities would not significantly affect local or regional air quality and would not cause nor contribute to an exceedance of the ambient air quality standards.

Operational emissions resulting from the Project would be associated with the operation of the Coyote Creek, Elberta, and Dry Lake Compressor Station modifications and the new Milford Compressor Station. The modification at the Fillmore Compressor Station would not result in an increase in operating emissions. ***Kern*** River would be required to obtain all necessary air quality permits for construction and operation for each station prior to commencing construction. The new emission sources proposed would not be classified as major sources and we do not anticipate that the compressor station modifications or new compressor station would have any significant impact on regional air quality.

Construction activity and its associated noise levels would vary depending on the phase of construction in progress at any one time. We do not anticipate significant noise impacts associated with construction of the Project. The modeling analyses for each proposed new/modified compressor station incorporated noise reduction measures to achieve the levels presented in this EIS. Based on the estimates presented in the acoustical analysis, noise levels would remain below a day-night sound level (Ldn) of 55 decibels on the A-weighted scale (dBA) at noise sensitive areas (NSAs). To ensure that the Project achieves this level of noise control, we recommended that ***Kern*** River file a noise survey for Milford, Coyote Creek, and Elberta Compressor Stations. If the noise attributable to the operation of any of the compressor stations exceeds an Ldn of 55 dBA at any nearby NSA, ***Kern*** River would install additional noise controls to meet that level within 1 year of the in-service date. Based on the estimated sound levels and our recommendation, noise levels attributable to operation of the new or modified compressor stations would not result in significant impact on NSAs in the Project area.

**ALTERNATIVES CONSIDERED**

The No Action and Postponed Action Alternatives were considered for the proposed Apex Expansion Project. While the No Action or Postponed Action Alternatives would eliminate or delay the environmental impacts identified in this EIS, U.S. markets would be denied the Project objective of delivering an additional 266 MMcf/d of natural gas from existing points in southwestern Wyoming to Nevada. This denial or delay might result in more expensive and less reliable natural gas supplies for the end users and greater reliance on alternative fossil fuels, such as coal or fuel ***oil***, or both.

A system alternative for the Project would need to be able to transport similar volumes of natural gas from southwestern Wyoming to Nevada. We are not aware of any existing pipeline systems with expansion plans that could meet the purpose and need of the Apex Expansion Project. Similarly, it is anticipated that construction and operational impacts associated with system alternatives involving existing/proposed pipelines in the region would be greater than those of the proposed Project due to the amount of looping and new construction required to connect the systems to the Project origin and terminus. Consequently, no system alternatives were identified that are environmentally preferable to the proposed Project.

We evaluated five major route alternatives to the proposed Project route. Because none of these would offer significant environmental advantages over the proposed Project route, we eliminated them from further consideration. Lastly, we considered route variations to resolve or reduce construction impacts on localized, specific resources. Each route variation considered was compared to the corresponding segment of the proposed Project route to determine whether potential environmental benefits would be afforded. The Mueller Park and North Salt Lake III Route Variations were analyzed in the draft EIS and were found to offer environmental advantages. Subsequently, ***Kern*** River incorporated these route variations into the proposed Project.

We also evaluated alternative locations for the proposed Milford Compressor Station to determine whether environmental impacts would be reduced or mitigated by use of alternative facility sites. We did not identify any alternative sites for the proposed Milford Compressor Station that would offer a significant environmental advantage to the proposed site.

**MAJOR CONCLUSIONS**

As part of our review, we developed measures that we believe would appropriately and reasonably avoid, minimize, or mitigate environmental impacts associated with construction and operation of the proposed Apex Expansion Project. We recommend that these measures be attached as conditions to any authorization issued by the Commission.

We conclude that, if the proposed Project is approved and is constructed and operated in accordance with ***Kern*** River’s proposed minimization and mitigation measures and our recommended mitigation measures, the proposed facilities would result in some adverse environmental impacts. However, these impacts would be reduced to less-than-significant levels with the implementation of ***Kern*** River’s proposed mitigation and the additional measures we recommend in the EIS. Our conclusions are supported by the following:

* the proposed Project would be collocated with existing utility rights-of-way for approximately 20 miles, or about 71.5 percent of the route;

1. ***Kern*** River would obtain all necessary federal, state, and local permits, approvals, and authorizations prior to commencement of construction;
2. ***Kern*** River would implement its Plan and Procedures, as well as additional Project-specific construction and restoration plans, each of which would reduce and mitigate impacts on natural resources during construction and operation of the proposed Project;
3. all waterbodies would be crossed via dry crossing methods if water is present at the time of construction;
4. ***Kern*** River would complete all necessary surveys for sensitive species and cultural resources, and the appropriate consultations with the FWS and the State Historic Preservation Officer would be completed before initiating construction; and
5. ***Kern*** River would finalize its visual assessment report to include the mitigation measures that would be implemented in consultation with the USFS prior to commencement of construction.

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**Final Environmental Impact Statement**

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**ACRONYMS AND ABBREVIATIONS**

|  |  |
| --- | --- |
| ACHP | Advisory Council on Historic Preservation |
| API | American Petroleum Institute |
| AQCR | air quality control region |
| ASME | American Society of Mechanical Engineers |
| ATV | all-terrain vehicle |
| ATWS | additional temporary workspace |
| BA | Biological Assessment |
| BACT | best available control technology |
| Bcf/d | billion cubic feet per day |
| BGEPA | Bald and Golden Eagle Protection Act |
| bgs | below ground surface |
| BLM | U.S. Department of Interior, Bureau of Land Management |
| BLM-CCFO | BLM-Cedar City Field Office |
| BLM-LVFO | BLM-Las Vegas Field Office |
| BLM-SLFO | BLM-Salt Lake City Office |
| BMP | best management practice |
| BO | Biological Opinion |
| CAA | Clean Air Act |
| CAAA | 1990 Clean Air Act Amendments |
| CC DAQEM | Clark County Department of Air Quality and Environmental Management |
| CCC | Civilian Conservation Corps |
| CEQ | Council on Environmental Quality |
| Certificate | Certificate of Public Convenience and Necessity |
| cf/d | cubic feet per day |
| CFR | Code of Federal Regulations |
| cfs | cubic feet per second |
| CH4 | methane |
| cm2 | square centimeters |
| CO | carbon monoxide |
| CO2 | carbon dioxide |
| CO2-eq | carbon dioxide equivalents |
| COE | U.S. Army Corps of Engineers |
| COM | Construction, Operation and Maintenance Plan |
| Commission | Federal Energy Regulatory Commission |
| CRP | Conservation Reserve Program |
| CWA | Clean Water Act |
| CWMU | Cooperative Wildlife Management Unit |
| CZMA | Coastal Zone Management Act of 1972 |
| dBA | decibels on the A-weighted scale |
| DEP | Division of Environmental Protection |
| DOE | U.S. Department of Energy |
| DWR | Division of Wildlife Resources |
| EFH | essential fish habitat |
| EIA | U.S. Energy Information Administration |
| EIS | environmental impact statement |
| EO | Executive Order |
| EPA | U.S. Environmental Protection Agency |
| EPAct 2005 | Energy Policy Act of 2005 |
| ESA | Endangered Species Act of 1973 |
| ESD | emergency shut down |
| F | Fahrenheit |
| FERC | Federal Energy Regulatory Commission |
| FERC’s Plan | *FERC Upland Erosion Control, Revegetation and Maintenance Plan* |
| FERC’s Procedures | *FERC Wetland and Waterbody Construction and Mitigation Procedures* |
| FWS | U.S. Department of Interior, Fish and Wildlife Service |
| g | gravity |
| GHG | greenhouse gas |
| GIS | geographic information system |
| GWP | global warming potential |
| HAP | hazardous air pollutant |
| HCA | high-consequence area |
| HDD | horizontal directional drilling |
| HEL | highly erodible land |
| HFC | hydrofluorocarbons |
| HFE | hydrofluorinated ethers |
| hp | horsepower |
| HUC | hydrolic unit code |
| ISO | International Organization for Standardization |
| ***Kern*** River | ***Kern*** River Gas Transmission Company |
| ***Kern*** River’s Plan | *Upland Erosion Control, Revegetation and Maintenance Plan* |
| ***Kern*** River’s Procedures | *Wetland and Waterbody Construction and Mitigation Procedures* |
| KRMP | ***Kern*** River milepost |
| kV | kilovolt |
| Ldn | day-night sound level |
| Leq | equivalent sound level |
| LNP | Legacy Nature Preserve |
| LRMP | Land and Resource Management Plan |
| LWCF | Land and Water Conservation Fund |
| M | magnitude |
| m3 | cubic meters |
| MACT | Maximum Achievable Control Technology |
| Magnuson-Stevens Act | Magnuson-Stevens Fishery Conservation and Management Act |
| MAOP | maximum allowable operating pressure |
| MBTA | Migratory Bird Treaty Act |
| Memorandum | Memorandum of Understanding on Natural Gas Transportation Facilities |
| MMcf/d | million cubic feet per day |
| mg | milligrams |
| MGD | million gallons per day |
| MIS | management indicator species |
| MLA | Mineral Leasing Act |
| MLV | mainline valve |
| MMBtu/hour | million British thermal units per hour |
| MP | milepost |
| MW | megawatt |
| mya | million years ago |
| N2O | nitrous oxide |
| NAAQS | National Ambient Air Quality Standards |
| NDCNR | Nevada Department of Conservation and Natural Resources |
| NEPA | National Environmental Policy Act |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NF | National Forest |
| NFS | National Forest system |
| NF3 | nitrogen trifluoride |
| NGA | Natural Gas Act |
| NGPSA | Natural Gas Pipeline Safety Act |
| NHPA | National Historic Preservation Act of 1966 |
| NMFS | National Marine Fisheries Service |
| NNSR | Nonattainment New Source Review |
| NO2 | nitrogen oxide |
| NOA | notice of availability |
| NOI | *Notice of Intent to Prepare an Environmental Impact Statement for the Apex Expansion Project, Request for Comments on Environmental Issues, and Notice of Joint Public Scoping Meetings* |
| Nox | nitrogen oxides |
| NPDES | National Pollutant Discharge Elimination System |
| NRCS | National Resources Conservation Service |
| NRHP | National Register of Historic Places |
| NSA | noise-sensitive area |
| NSPO | non-standard parallel offset |
| NSPS | New Source Performance Standards |
| NSR | New Source Review |
| NWP | nationwide permit |
| NWI | National Wetlands Inventory |
| O3 | ozone |
| OEP | Office of Energy Projects |
| OHV | off-highway vehicle |
| OPS | Office of Pipeline Safety |
| OSHA | Occupational Safety and Health Administration |
| PEM | palustrine emergent wetlands |
| PFC | perfluorocarbons |
| PFO | palustrine forested |
| PGA | peak horizontal ground acceleration |
| PHMSA | Pipeline and Hazardous Materials Safety Administration |
| PIF | Partners in Flight |
| PM10 | particulate matter with an aerodynamic diameter less than 10 microns |
| PM2.5 | particulate matter with an aerodynamic diameter less than 2.5 microns |
| POD | Plan of Development |
| ppm | parts per million |
| PRMP | Paleontological Resource Management Plan |
| Project | Apex Expansion Project |
| PSD | Prevention of Significant Deterioration |
| psi | pounds per square inch |
| psig | pounds per square inch (gauge) |
| PSS | palustrine scrub-shrub |
| Reclamation | U.S. Department of Interior, Bureau of Reclamation |
| Reclamation Plan | *Reclamation Plan for the Proposed Apex Expansion Project* |
| RICE | Reciprocating Internal Combustion Engine |
| RHCA | Riparian Habitat Conservation Area |
| RMP | BLM Resource Management Plan |
| ROD | Record of Decision |
| RPS | Renewable Portfolio Standards |
| SCADA | supervisory control and data acquisition |
| SDWA | Safe Drinking Water Act |
| SF6 | sulfur hexafluoride |
| SHPO | State Historic Preservation Office |
| SI ICE | spark-ignition internal-combustion engines |
| SIL | significant impact level |
| SIO | Scenic Integrity Objectives |
| SMS | Scenery Management System |
| SO2 | sulfur dioxide |
| SO3 | sulfur trioxide |
| SPCC Plan | Spill Prevention, Control and Countermeasure Plan |
| SSURGO | Soil Survey Geographic Database |
| STATSGO | State Soil Geographic Database |
| SWPPP | Storm Water Pollution Prevention Plan |
| tpy | tons per year |
| TWS | temporary workspace |
| UDAQ | Utah Division of Air Quality xviii |
| UDEQ | Utah Department of Environmental Quality |
| UDNR | Utah Department of Natural Resources |
| UDOT | Utah Department of Transportation |
| UDWR | Utah Division of Wildlife |
| UGS | Utah Geological Survey |
| UPARR | Urban Park and Recreation Recovery |
| UPDES | Utah Pollutant Discharge Elimination System |
| USC | United States Code |
| USDA | U.S. Department of Agriculture |
| USDOT | U.S. Department of Transportation |
| USFS | U.S. Department of Agriculture, U.S. Forest Service |
| USGCRP | U.S. Global Change Research Program |
| USGS | United States Geological Survey |
| UTA | Utah Transit Authority |
| UWCNF | Uinta-Wasatch-Cache National Forest |
| VOC | volitile organic compound |
| VRM | Visual Resource Management |
| WDEQ | Wyoming Department of Environmental Quality |
| WFZ | Wasatch Fault Zone |
| WLMP | Wasatch Loop Milepost |
| WMA | wildlife management area |
| WPDES | Wyoming Pollutant Discharge Elimination System |
| µg | micrograms |

1. **State Hazardous Waste Requirements**

|  |  |
| --- | --- |
| AL | Hazardous Wastes Management and Minimization Act, Ala. Code §§ 22-30-1 to 24. |
| AK | Alaska Stat. §§ 46.03.296 to .317. |
| AZ | Ariz. Rev. Stat. Ann. §§ 49-901 to 973. |
| AR | Hazardous Waste Management Act, Ark. Code Ann. §§ 8-7-201 to 227. |
| CA | Hazardous Waste Control Act, Cal. Health & Safety Code §§ 25100 *et. seq.* |
| CO | Colorado Hazardous Waste Act, Colo. Rev. Stat. §§ 25-15-101 to 515; Colorado Hazardous Waste Cleanup Act, Colo. Rev. Stat. §§ 25-16-101 *et seq.* |
| CT | Conn. Gen. Stat. §§ 22a-114 *et seq.* |
| DE | Hazardous Waste Management Act, Del. Code Ann. tit. 7, §§ 6301–6319; Extremely Hazardous Substances Risk Management Act, tit. 7, §§ 7701–7717. |
| DC | D.C. Code Ann. §§ 8-1201 *et seq.* (8-1301–8.1314). |
| FL | Resource Recovery and Management Act, Fla. Stat. §§ 403.702 to.7895. |
| GA | Hazardous Waste Management Act, Ga. Code Ann. § 12-8-60 *et seq.*; Georgia Haz. Site Response Act, § 12-8-90 *et seq.* |
| HI | Haw. Rev. Stat. §§ 342J-1 *et seq.* |
| ID | Hazardous Waste Management Act, Idaho Code Ann. §§ 39-4401 to 4432; Hazardous Waste Facility Siting Act, Idaho Code §§ 39-5801 to 5820. |
| IL | Environmental Protection Act, 415 Ill. Comp. Stat. 5/20. |
| IN | Ind. Code Ann. §§ 13-22-1-1 to 14-3. |
| IA | Iowa Code § 455B.411 to 433. |
| KS | Kan. Stat. Ann. §§ 65-3430 *et seq.* |
| KY | Ky. Rev. Stat. Ann. § 224.46.012 to.870. |
| LA | Hazardous Waste Control Law, La. Rev. Stat. Ann. §§ Title 30, Subtitle II, Ch. 8–13 § 2151 to 2295 and Ch. 18 § 2451 to 2496. |
| ME | Maine Hazardous Waste, Septage and Solid Waste Management Act, Me. Rev. Stat. Ann. tit. 38, §§ 1301 to 1319Y. |
| MD | Md. Code Ann., [Envir.] §§ 7-101 to 413. |
| MA | Hazardous Waste Management Act, Mass. Gen. Laws ch. 21C. |
| MI | Hazardous Waste Management, Mich. Comp. Laws § 324.11101 *et seq.*, Michigan Natural Resources and Environmental Protection Act, Part 111. |
| MN | Waste Management Act, Minn. Stat. §§ 115A.01 to.72. |
| MS | Miss. Code Ann. § 17-17-1 *et seq.* |
| MO | Missouri Hazardous Waste Management Law, Mo. Rev. Stat. §§ 260.350 to.434. |
| MT | Montana Hazardous Waste Act, Mont. Code Ann. §§ 75-10-401 to 451. |
| NE | Nebraska Environmental Protection Act, Neb Rev. Stat. § 81-1501 *et seq.* |
| NV | Nev. Rev. Stat. §§ 459.380 to.600. |
| NH | N.H. Rev. Stat. Ann. Chs. 147A, 147B. |
| NJ | Solid Waste Management Act, N.J. Stat. Ann. §§ 13:1E-1 to 48; Major Hazardous Waste Facilities Siting Act, N.J. Stat. Ann. §§ 13:1E-49 to 91. [13:1E-1 *et seq.*; also 58:10A-21 to 58:10A-37.23]. |
| NM | New Mexico Hazardous Waste Ac,t N.M. Stat. Ann. § 74-4-1 *et seq.* |
| NY | N.Y. Envtl. Conserv. Law Art. 27.0101 *et seq.* |
| NC | N.C. Gen. Stat. §§ 130A-290 to 309.87. |
| ND | N.D. Cent. Code Ann. § 23-20.3. |
| OH | Ohio Rev. Code Ann. § 3734. |
| OK | Okla. Stat. tit. 63, § 1-1601 to -1611; 7 Stat 2-7-101 *et seq.* |
| OR | Or. Rev. Stat. § 459, 465, 466. |
| PA | 35 Pa. Cons. Stat. §§ 6018.101 *et seq.* |
| RI | State Hazardous Waste Management Act, R.I. Gen. Laws § 23-19.1-1 *et seq.* |
| SC | South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 to 210. |
| SD | S.D. Codified Laws §§ 34A-11-1 to 26. |
| TN | Tennessee Hazardous Waste Management Act, Tenn. Code Ann. §§ 68-212-101 *et seq.* |
| TX | Solid Waste Disposal Act, Tex. Health & Safety Code Ann. tit. 5 ch. 361. |
| UT | Solid and Hazardous Waste Act, Utah Code Ann. §§ 19-6-101 to 123; Hazardous Waste Facility Siting Act, Utah Code Ann. §§ 19-6-201 to 208. |
| VT | Vt. Stat. Ann. tit. 10, §§ 6601–6632. |
| VA | Virginia Waste Management Act, Va. Code Ann. §§ 10.1-1400 to 1457. |
| WA | Wash. Rev. Code §§ 70.105.005 *et seq.* |
| WV | Hazardous Waste Management Act, W. Va. Code §§ 22-18-15, 22-18-18. |
| WI | Wis. Stat. Ann. ch. 291. |
| WY | Wyo. Stat. Ann. §§ 35-11-501 to 520. |

1. **State Superfund Enforcement Authorities**

Sources: State Statutory Authorities for the Clean-up of Hazardous Waste Sites, The National Association of Attorneys General, November 7, 1987.

An Analysis of State Superfund Programs: 50 State Study, EPA Doc. 540/8-89/011 (Sept. 1989).

An Analysis of State Superfund Programs: 50-State Study, 2001 Update (Environmental Law Institute 2002)

|  |  |
| --- | --- |
| AL | Hazardous Substance Cleanup Fund, Ala. Code § 22-30A-1 *et seq.* |
| AK | ***Oil*** and Hazardous Substance Releases, Alaska Stat. §§ 46.08.005 *et seq.*; Hazardous Substance Release Control, §§ 46.09.010; *et seq.*, Strict Liability for the Release of Hazardous Substances, § 46.03.822. |
| AZ | Environmental Quality Act, Ariz. Rev. Stat. Ann. §§ 49-281 to 298. |
| AR | Emergency Response Fund Act, Ark. Code Ann. § 8-7-401 to 421; Remedial Action Trust Fund Act, Ark. Code Ann. §§ 8-7-501 to 525. |
| CA | Hazardous Substance Account Act, Cal. Health & Safety Code §§ 25300 to 25395.15/Colorado reformat. |
| CO | Hazardous Waste Sites Act, Colo. Rev. Stat. §§ 25-16-101 to 25-16-104.8. |
| CT | Conn. Gen. Stat. §§ 22a-133 *et seq.* Emergency Spill Response Fund, § 22a-133 *et seq.* |
| DE | Hazardous Waste Management Act, Del. Code Ann. tit. 7, § 6301–6319; Hazardous Substance Cleanup Act, Del. Code Ann. tit. 7, §§ 9101-9120. |
| FL | Fla. Stat. §§ 376.011 to 376.21, 376.30 to 376.319, 376.77 to 376.85, 403.702 to 403.73, 403.011 to 403.4153. |
| GA | Georgia Hazardous Waste Management Act, Ga. Code Ann. §§ 12-8-62 to 12-8-83; Georgia Hazardous Site Response Act, Ga. Code Ann. 12-8-90 *et seq.* |
| IL | Environmental Protection Act, 415 Ill. Comp. Stat. 5/1 to 5/4, 5/21.4, 5/22.2 to 5/22.2(b). |
| IN | Hazardous Substances Response Trust Fund, Ind. Code § 13-25-4-1 *et seq.* |
| IA | Iowa Code § 455B.392, § 381, § 423. |
| KS | Environmental Response Act, Kan. Stat. Ann. § 65-3453 *et seq.* |
| KY | Ky. Rev. Stat. Ann. § 224.46-580 (16); 224-01-400. |
| LA | La. Rev. Stat. Ann. §§ 30:2015, 30:2205, 30:2271. |
| ME | Uncontrolled Hazardous Substance Sites Act, Me. Rev. Stat. Ann. tit. 38, §§ 1361 to 1371. |
| MD | Md. Code Ann. Envir. § 7-201 *et seq.* |
| MA | Massachusetts ***Oil*** and Hazardous Material Release Prevention and Response Act, Mass. Gen. Laws 21E § 1 *et seq.* see also: Ch. 21A § 19 *et seq.*; Ch. 21 C § 1 *et seq.* |
| MI | Environmental Response Act, Mich. Comp. Laws Ann. § Part 201 Environmental Response, § 324.20101 *et seq.* |
| MN | Environmental Response and Liability Act, Minn. Stat. §§ 115B.01 *et seq.* |
| MS | Solid Waste Disposal Act of 1974, Miss. Code Ann. § 17-17-1 *et seq.* |
| MO | Hazardous Waste Management Law, Mo. Rev. Stat. §§ 260 § 391; 260.530 *et seq.* 260.900 *et seq.* |
| MT | Comprehensive Environmental Cleanup and Responsibility Act, Mont. Code Ann. Mont. Code Ann. § 75-10-915 *et seq.*, § 75-10-701 *et seq.*, § 75-10-730 *et seq.* |
| NE | See Environmental Protection Act Neb. Rev. Stat § 81-1501 *et seq.*, § 81-15, 124.03 § 81-15,167 *et seq.*, § 81-15,177. |
| NV | Nev. Rev. Stat. § 459.537, § 459.585(2), § 459.930; Nev. Admin. Code § 113.150, § 445A.226 *et seq.*, § 445A.273 *et seq.*, § 445A.2272 *et seq.*, § 445A.22735. |
| NH | New Hampshire Hazardous Waste Laws, N.H. Rev. Stat. Ann. § 147-B:1 *et seq.* |
| NJ | Spill Compensation and Control Act, N.J. Rev. Stat. § 2A:35A-1 *et seq.*, § 13:1K-6 *et seq.*, § 58:10-23.11 *et seq.*; N.J. Admin. Code Title 7, § 7:1E-1.6, § 7:1J-1.4, § 7:26E-1.13. |
| NM | Hazardous Waste Act, N.M. Stat. Ann. § 74-4-1 *et seq.* |
| NY | N.Y. Envtl. Conserv. Law §§ 27-1301 *et seq.* N.Y. Envtl. Conserv. Law § 27-0101 *et seq.*, N.Y. Comp. Codes R. & Regs. tit. 6 § 97-b. |
| NC | Inactive Hazardous Sites Response Act of 1987, N.C. Gen. Stat. § 130A-290 *et seq.*, § 130A-310, *et seq.*, § 143-215.75 *et seq.*, § 143-215.104A *et seq.* |
| ND | N.D. Cent. Code § 23-20.3-01 *et seq.*, § 23-31-01, § 61-28-01 *et seq.* |
| OH | Solid and Hazardous Waste Disposal Law, Ohio Rev. Code Ann. § 3734 *et seq.* |
| OK | Okla. Stat. tit. 27A, § 2-7-101 *et seq.* 27A, § 2-7-301 *et seq.* |
| OR | Or. Rev. Stat. § 465.255 *et seq.*, § 465.500 *et seq.*, § 465.900 *et seq.* |
| PA | 35 Pa. Cons. Stat. § 6020.101 *et seq.*, § 6026.101 *et seq.* |
| RI | Hazardous Waste Management Act, R.I. Gen. Laws § 23-19.14-1 *et seq.* |
| SC | Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 *et seq.*, § 44-56-410 *et seq.*, § 44-96-325. |
| SD | Regulated Substance Discharge Law, S.D. Codified Laws § 34A-12-1 *et seq.*; Hazardous Waste Management Act, S.D. Codified Laws § 34A-11-1 to S.D. Codified Laws § 34A-2B-1 *et seq.* |
| TN | Tenn. Code Ann. § 68-212-201 *et seq.*, § 68-217-106(k). |
| TX | Tex. Health and Safety Code Ann. § 361.001 *et seq.*, § 374.001 *et seq.*, Tex. Local Government Code Ann. § 353.001 *et seq.* |
| UT | Hazardous Substances Mitigation Act, Utah Code Ann. §§ 19-6-301 *et seq.* Utah Admin. Code r. 311-200. |
| VT | Vermont Solid Waste Management Law, Vermont Stat. Ann. Title 10, § 6615 *et seq.*, § 6641 *et seq.* |
| VA | Virginia Waste Mgmt Act, Va. Code Ann. § 10.1-1230 *et seq.*, § 10.1-1400 *et seq.*, § 62.1-44.2 *et seq.*, 9 Va. Admin. Code § 20-60-12 *et seq.* |
| WA | Model Toxics Control Act, Wash. Rev. Code § 70.105D *et seq.*, Wash. Admin. Code § 173-340-545. |
| WV | Hazardous Waste Management Act, W. Va. Code § 22-18-1 *et seq.*, § 22-19-1 *et seq.* |
| WI | Remedial Action Statute, Wis. Stat. § 292.01 *et seq.*, § 292.65 *et seq.*, Wis. Admin. Code NR § 169. |
| WY | Wyo. Stat. Ann. § 35-11-101 *et seq*. |
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|  | = GA, ID, HI—see BNA Chart |

1. **State Clean Water Act Requirements**

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| AL | Water Pollution Control Act, Ala. Code §§ 22-22-1 to 14. |
| AK | Alaska Stat. §§ 46.03.050–46.03.120. |
| AZ | Ariz. Rev. Stat. Ann. § 5-348; § 49-201 *et seq.* |
| AR | Water and Air Pollution Control Act, Ark. Code Ann. §§ 8-4-101 to 8-4-201; Department of Health Rules and Regulations Pertaining to Public Water Systems, 27 Ark. Reg. No. 6. |
| CA | Porter-Cologne Water Quality Act, Cal. Water Code Ann. § 13000. |
| CO | Water Quality Control Act, Colo. Rev. Stat. § 25-8-101 *et seq.* |
| CT | Conn. Gen. Stat. §§ 22a-416 *et seq.* |
| DE | Del. Code Ann. tit. 7, §§ 66 The Wetlands Act § 6601 *et seq.* § 70, Coastal Zone Act, tit. 16 Ch. 13, §§ 1301–1421 (Pollution of Streams). |
| DC | Water Pollution Control Act of 1984, D.C. Code Ann. §§ 6-921 to 940; Wastewater Treatment Act, D.C. Code Ann. §§ 6-951 to 974. |
| FL | Air and Water Pollution Control Act, Fla. Stat. § 403. |
| GA | Water Quality Control Act, Ga. Code Ann. § 12-5-20 to 53. |
| HI | Haw. Rev. Stat. §§ 340E-1 to E-9; §§ 340E-21 to E-25. § 342D–50 to 93. |
| ID | Water Quality Act, Idaho Code Ann. § 39-3601 *et seq.* |
| IL | Environmental Protection Act, 415 Ill. Comp. Stat. 5/11 to 13.6. |
| IN | Ind. Code. Ann. § 13-18-2-1 *et seq.* |
| IA | Environmental Quality Act, Iowa Code Ann. §§ 455B.171 to 455B.300. |
| KS | Water Pollution Control Act, Kan. Stat. Ann. §§ 65-3301 to 65-3329; Wastewater Discharge Control Law, Kan. Stat. Ann. §§ 65-161 to 65-171y. |
| KY | Environmental Protection Law, Ky. Rev. Stat. Ann. § 224.70-100 to 224.70-140. |
| LA | Louisiana Water Control Law, La. Rev. Stat. Ann. §§ 30:2071 to 2089. |
| ME | Water Pollution Control, Me. Rev. Stat. Ann. tit. 38, §§ 341, 361 to 571; Me. Rev. Stat. tit. 12, Part 2, Chapt. 200 § 401 *et seq.* |
| MD | Md. Code Ann. [Envir.], Title 9, Sub. 3, § 9-301 to 9-344. |
| MA | Clean Waters Act, Mass. Gen. Laws Part I Title II Ch. 21 § 26-53; Part I Title XVI, Ch. 111 § 159-175. |
| MI | Natural Resources and Environmental Protection Act, Mich. Comp. Laws. §§ 324.3101 to 324.3133. |
| MN | Minn. Stat. §§ 115, 116. |
| MS | Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1 *et seq.* |
| MO | Missouri Clean Water Law, Mo. Rev. Stat. § 644.006 to *et seq.* |
| MT | Mont. Code Ann. § 75-5-101 to 641; Public Water Supplies, Mont. Code Ann. §§ 75-6-101 to 113; Sanitation in Subdivisions, Mont. Code Ann. §§ 76-4-101 to 131. |
| NE | Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* |
| NV | Water Pollution Control Law, Nev. Rev. Stat. § 445A.300–445A.730. |
| NH | Water Pollution Control Law, N.H. Rev. Stat. Ann. §§ 485-A:1 to A:28, also 485-C:1 *et seq.* |
| NJ | Water Supply Management Act, N.J. Stat. Ann. § 58.10A-1 *et seq*; § 58:10-23.11 *et seq.* |
| NM | Water Quality Act, N.M. Stat. Ann. §§ 74-6-1 to 17; 74-6B-1 to 74-6B-14. |
| NY | Water Resources Law, N.Y. Envtl. Conserv. Law § 15.0101 *et seq*; Water Pollution Control, N.Y. Envtl. Conserv. Law § 17.0101 *et seq.* |
| NC | N.C. Gen. Stat. § 143-211 *et seq.* |
| ND | Water Pollution Control Act, N.D. Cent. Code § 61-28-01 *et seq.* |
| OH | Water Pollution Control Act, Ohio Rev. Code Ann. § 6111 *et seq.* |
| OK | Pollution Remedies, Okla. Stat. tit. 82, §§ 1084–1085; tit. 17, § 365; Okla. Admin. Code, tit. 785, Ch. 20, 30, & 45. |
| OR | Water Pollution Control Law, Or. Rev. Stat § 468B. |
| PA | Clean Streams Law 35, Pa. Stat. Ann. tit. § 691.1 *et seq*; Sewage Facilities Act, 35 Pa. Stat. § 750.1. |
| RI | Water Pollution Control Law, R.I. Gen. Laws § 46-12-13. |
| SC | Pollution Control Act, S.C. Code Ann. §§ 48-1-10 to 48-1-350. |
| SD | S.D. Codified Laws §§ 34A-2 and 34A-3. |
| TN | Water Quality Control Act, Tenn. Code Ann. § 68-221-101 *et seq.* |
| TX | Water Quality Acts, Tex. Water Code Ann. tit. 2, subd. D, ch. 26–28, 30. |
| UT | Water Pollution Control Act, Utah Code Ann. § 19-5-101 to 124. |
| VT | Water Pollution Control Act, Vt. Stat. Ann. tit. 10, §§ 1250–1283; also tit. 10 § 1421 *et seq.* Vt. Stat. Ann. tit. 18, §§ 1201–1221. |
| VA | State Water Control Law, Va. Code §§ 62.1-44.2 to 44.34.28; § 10.1-2117 *et seq.* & § 62.1-254 *et seq.* |
| WA | Wash. Rev. Code §§ 90.48 90.54, 90.56, 70.119A, 70.150. |
| WV | Water Pollution Control Act, W. Va. Code § 22-11; Natural Streams Preservation Act, § 22-13 |
| WI | Water Pollution Control Law, Wis. Stat. § 281; Discharge Elimination Law, § 283. |
| WY | Wyo. Stat. Ann. §§ 35-11-301 to 313. |

1. **State Safe Drinking Water Act Requirements**

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| AL | Alabama Safe Drinking Water Act of 1977, Ala. Code §§ 22-23-30 to 53; Ala. Admin. Code §§ 335-7-1 to 14. |
| AK | Village Safe Water Act, Alaska Stat. §§ 46.07.010 to .80; Drinking Water, Alaska Admin. Code tit. 18 § 80. |
| AZ | Ariz. Rev. Stat. Ann. §§ 49-221 to 391; Safe Drinking Water, Ariz. Admin. Code 18-4. |
| AR | Public Water System Service Act, Ark. Code Ann. § 20-28-101 to 106. |
| CA | Safe Drinking Water and Toxic Enforcement Act, Cal. Health & Safety Code Ann. §§ 25102 to 25204. |
| CO | 5 Colo. Code Regs. § 1003-1. |
| CT | Conn. Gen. Stat. Ann. § 22a-451(d). |
| DE | Del. Code Ann. tit. 16, §§ 1301, 1302; tit. 7, § 6037. |
| FL | Safe Drinking Water Act, Fla. Stat. §§ 403.850 to .864. |
| GA | Safe Drinking Water Act (Illinois reformat) Ga. Code Ann. § 12-5-470. |
| HI | Haw. Rev. Stat. § 340E. |
| IL | 415 Ill. Comp. Stat. 5/tit. IV–V. |
| IN | Ind. Code. Ann. § 13-18-20.5. |
| IA | Iowa Code § 455B.291–299. |
| KS | Kan. Stat. Ann. § 65-161; 23; Kan. Admin. Regs. § 28-19-8. |
| KY | Ky. Rev. Stat. Ann., Chapter 224; sub. 10 § 224.11-110. |
| ME | Safe Drinking Water Act, Me. Rev. Stat. Ann. tit. 22, §§ Sub. 2 Part 5 Ch. 601 § 2611–2617. |
| MD | Md. Code Ann., [Envir.] 4, § 9-401 *et seq.* |
| MA | Mass. Drinking Water Mass. Gen. Laws Ch. 40, §§ 15B, 38, 39B, 39C, 40, 41, and 41A; Mass. Gen. Laws Ch. 111, §§ 2C, 5E, 5F, 5G, 17, 143, 159, 160, 160A, 160B, 162 and 165; Mass. Gen. Laws Ch. 114, §§ 35 and 36; Mass. Gen. Laws Ch. 140, §§ 32B and 32H; and Mass. Gen. Laws Ch. 165, §§ 4B and 6. |
| MI | Safe Drinking Water Act, Mich. Comp. Laws. § 325.1001 to 325.1023. |
| MN | Safe Drinking Water Act of 1977, Minn. Stat. §§ 144.381 to 144.387. |
| MS | Safe Drinking Water Law of 1997, Miss. Code Ann. § 41-26-1 *et seq.* |
| MO | Drinking Water Act, Mo. Rev. Stat. §§ 640.100 to 640.140. |
| MT | Mont. Code Ann. §§ 75-6-101 to 75-6-236. |
| NE | Safe Drinking Water Act, Neb. Rev. Stat. § 71-5302. |
| NV | Nev. Rev. Stat. §§ 445A.800–445A.955. |
| NH | Safe Drinking Water Act, N.H. Rev. Stat. Ann., §§ 485:1–485:60. |
| NJ | Safe Drinking Water Act, N.J. Stat. Ann. § 58:12A; N.J.A.C 7:01-1.1 *et seq.* |
| NM | New Mexico Code R., §§ 7.10.1 to 7.10.704. |
| NC | North Carolina Drinking Water Act, N.C. Gen. Stat. §§ 130A-311 to 328. |
| ND | Safe Drinking Water Act, N.D. Cent. Code § 61-28.1-01 *et seq.* |
| OH | Safe Drinking Water Act, Ohio Rev. Code Ann. § 6109. |
| OK | Oklahoma Water Supply Systems Act, Okla. Stat. tit. 27A, § 2-6-301 *et seq.* |
| OR | Federal Safe Drinking Water Act Administration, Or. Rev. Stat. §§ 448.273, 448.277. |
| PA | Safe Drinking Water Act, 35 Pa. Stat. § 721.1 *et seq.* |
| RI | R.I. Gen. Laws § 46-13-1 *et seq.* |
| SC | State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 100. |
| SD | S.D. Codified Laws, § 34A-3A. |
| TN | Safe Drinking Water Act of 1983, Tenn. Code Ann. §§ 68-221-701 to 720. |
| TX | Tex. Admin. Code § 290.101 *et seq.* § 290.38 *et seq.* |
| UT | Safe Drinking Water Act, Utah Code Ann. § 19-4-101 *et seq.* |
| VT | Title 10 § 1671 *et seq.* |
| VA | 32.1-167 *et seq.* |
| WA | Safe Drinking Water Act, Wash. Rev. Code §§ 70.119A.020 to 70.146.90.14. |
| WV | W. Va. Code § 22-12 Groundwater Protection Act. |
| WI | Wis. Stat. § 280. |
| WY | Wyo. Stat. Ann. §§ 35-4-201 to 224. |

1. **State Clean Air Act Requirements**

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| AL | Alabama Air Pollution Control Act of 1971, Ala. Code § 22-28-1 to 23. |
| AK | Alaska Stat. § 46.14.0101 to 290. |
| AZ | Ariz. Rev. Stat. Ann. § 49-401 to 467 (state air pollution control); Ariz. Rev. Stat. Ann. § 49-471 to 516 (county air pollution control); Stat. Ann. § 49-541 to 558.01 (motor vehicle emissions and inspections); Ariz. Rev. Stat. § 49-571 (control of bus emissions). |
| AR | Water and Air Pollution Control Act, Ark. Code Ann. §§ 8-3-101 to 8-3-103, 101 to 107, 301 to 316. |
| CA | Cal. Health and Safety Code §§ 39000-43835 (Air Resources); Cal. Bus. and Prof. Code Ann. §§ 9889.15–9889.61; Cal. Veh. Code Ann. § 4000-4000.2, 24007-24007.5, 24011.7, 27150.7–27153.5, 27156, 27156.1, 38001–38397 (State Implementation Plan under the federal Clean Air Act). |
| CO | Colorado Air Quality Control Act, Colo. Rev. Stat. § 25-7-101 to 511. |
| CT | Conn. Gen. Stat. §§ 22a-170 to 201c. |
| DE | Del. Code Ann. tit. 7 (permit requirements). Ch. 60 Sub. VIII § 6095-6099. |
| DC | D.C. Code Ann. § 8-101.05 to 101.06. |
| FL | Florida Air and Water Pollution Control Act, Fla. Stat. § 403. |
| GA | The Georgia Air Quality Act, Ga. Code Ann. § 12-9-1 to 25. |
| HI | Haw. Rev. Stat. §§ 342B-1 to 73. |
| ID | Environmental Protection and Health Act of 1972, Idaho Code Ann. § 39-101. |
| IL | Ill. Comp. Stat. 415.ILCS 5/8-10. |
| IN | Ind. Code § 13-17-1-1 to 13-17-4-3. |
| IA | Iowa Code § 455B.131 *et seq.* |
| KS | Kan. Stat. Ann. § 65.3001 to 3028. |
| KY | Ky. Rev. Stat. Ann. § 224.20-050 to .20-765. |
| LA | Louisiana Air Control Law, La. Rev. Stat. Ann. §§ 30:2051. Title 30, Subtitle II, Chapt. 3, § 2051-2066. |
| ME | Me. Rev. Stat. Ann. tit. 38, Ch. 4 § 581. |
| MD | The Ambient Air Quality Control Statute Md., Ann. Code, [Enviro.] § 2-101 to 2-1211. |
| MA | Mass. Gen. Laws Ch. Part I, Title XVI, Ch. 111 § 2B-C, 31C, 142A to 142C. |
| MI | The Air Pollution Act, Mich. Comp. Laws. § 324.5501 *et seq.* |
| MN | Minn. Stat. § 116. |
| MS | Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1. |
| MO | Missouri Air Conservation Law, Mo. Rev. Stat. § 643.010 *et seq.* |
| MT | Clean Air Act of Montana, Mont. Code Ann. §§ 75-2-101 to 75-2-429. |
| NE | Neb. Rev. Stat. §§ 60-6, 363–60-374; §§ 81-1502 to 1508. |
| NV | Nev. Rev. Stat. § 445B.001 *et seq.* |
| NH | N.H. Rev. Stat. Ann. § 125-C. |
| NJ | Air Pollution Control Act, N.J. Stat. Ann. §§ 26:2C-1 to 25.2; Air Pollution Emergency Control Act, N.J. Stat. Ann. §§ 26:2C-26 to 36. |
| NM | Air Quality Control Act, N.M. Stat. Ann. §§ 74-2-1 to 17. |
| NY | NY Air Pollution Control Act, N.Y. Envtl. Conserv. Law § 19-0101 to 19-0923; 38-0111; 71-2101–2115. |
| NC | N.C. Gen. Stat. §§ 143-215.105-.114C. |
| ND | N.D. Cent. Code §§ 23–25. |
| OH | Ohio Rev. Code Ann. § 3704.01 *et seq.* |
| OK | Oklahoma Clean Air Act, Okla. Stat. tit. 63, §§ 1-1801 to 1808; tit. 27A, § 2-5-101 to 118. |
| OR | Or. Rev. Stat. §§ 468A.005 to 468A.992. |
| PA | Air Pollution Control Act, 35 Pa. Stat. §§ 4001–4106. |
| RI | Clean Air Act, R.I. Gen. Laws § 23-23-1 *et seq.* |
| SC | Pollution Control Act, S.C. Code Ann. § 48-1-10. |
| SD | S.D. Codified Laws § 34A-1. |
| TN | Tenn. Code Ann. § 68-201. |
| TX | Texas Clean Air Act, Tex. Health & Safety Code Ann., tit. 5, Sub. C, ch. 382, § 382.00 *et seq.* & Tex. Admin. Code tit. 30, ch. 101–12. |
| UT | Air Conservation Act, Utah Code Ann. § 19-2-101–127 (any new industry that has potential to generate air pollution must file with the state, which reviews the plans and specifications prior to any new construction). |
| VT | Vt. Stat. Ann. tit. 10, §§ 551–575. |
| VA | Va. Code §§ 10.1-1300 to 10.1-1326. |
| WA | Washington Clean Air Act, Wash. Rev. Code § 70.94. |
| WV | W. Va. Code § 22-5. |
| WI | Wis. Stat. § 285. |
| WY | Wyo. Stat. Ann. §§ 35-11-201 to 214. |

1. **State Surface Mining and Reclamation Act Requirements**

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| AL | Alabama Surface Mining Act of 1969, Ala. Code §§ 9-16-1 to 15; Alabama Surface and Mining Control and Reclamation Act of 1981, §§ 9-16-70 to 135. |
| AK | Alaska Stat. § 27.19.010 to 27.19.100. |
| AZ | Ariz. Rev. Stat. Ann. §§ 27-901 to 1023. |
| AR | Ark. Code §§ 15-57-201 to 15-58-510. |
| CA | Surface Mining and Reclamation Act of 1975, Cal. Pub. Res. Code §§ 2710-2797. |
| CO | Colorado Mined Land Reclamation Act, Colo. Rev. Stat. §§ 34-32-101 to 127; Colorado Surface Coal Mining Reclamation Act, §§ 34-33-101 to 137. |
| DE | Del. Code Ann. tit. 7, §§ 6101–6143. |
| GA | Georgia Surface Mining Act of 1968, Ga. Code Ann. §§ 12-4-70 to 84. |
| HI | Reservation and Disposition of Government Mineral Rights, Haw. Rev. Stat. §§ 181-1 to 181-10. |
| ID | Idaho Surface Mining Act, Idaho Code Ann. §§ 47-1501 to 1519; Idaho Dredge and Placer Mining Protection Act, Idaho Code Ann. §§ 47-1312 to 1324. |
| IL | The Surface-Mined Land Conservation and Reclamation Act, Ill Comp. Stat. 225, 7/15/1 *et seq.* |
| IN | Indiana Surface Mining Law, Ind. Code Ch. 14-36-1-1 to 14-36-2-12. |
| KS | Mined-Land Conservation and Reclamation Act, Kan. Stat. Ann. §§ 49.401–49.624. |
| KY | Ky. Rev. Stat. Ann. § 350.010 *et seq.* |
| LA | Surface Mining and Reclamation Act, La. Rev. Stat. Ann. § 30:901 *et seq.*—Title 30, Ch. 9 § 901. |
| MA | Coal Mining Regulatory and Reclamation Act, Mass. Gen. Laws Ch. 21B, § 1-15. |
| MI | Natural Resources and Environmental Protection Act (pt. 631, Reclamation of Mining Lands), Mich. Comp. Laws § 324.63101 *et seq.* |
| MN | Minn. Stat. § 93.44. |
| MS | Mississippi Surface Mining and Reclamation Law, Miss. Code Ann. § 53-7. |
| MO | Land Reclamation Act, Mo. Rev. Stat. § 444.760. |
| MT | The Strip and Underground Mine Siting Act, Mont. Code Ann. §§ 82-4-101 to 142; The Montana Strip and Underground Mine Reclamation Act, Mont. Code Ann. §§ 82-4-201 to 254. |
| NC | Mining Act of 1971, N.C. Gen. Stat. § 74-46 *et seq.* |
| ND | Strip Mine Reclamation Law, N.D. Cent. Code § 38-14-1; Energy Conservation and Transmission Facility Siting Act, N.D. Cent. Code § 49-22. |
| OH | Ohio Rev. Code Ann. §§ 1513, 6111.035. |
| OK | The Mining Lands Reclamation Act, Okla. Stat. tit. 45, §§ 721–738; Coal Reclamation Act of 1979, Okla. Stat. tit. 45, §§ 742.1-793. |
| OR | Oreg. Rev. Stat. § 517.01 *et seq.* |
| PA | The Clean Streams Law of 1937, 35, Pa. Stat. § 691; The Surface Mining Conservation and Reclamation Act, 52, Pa. Stat. § 1396; Coal Refuse Disposal Control Act, 52, Pa. Stat. §§ 30.51–30.66. |
| SC | The South Carolina Mining Act, S.C. Code Ann. § 48-20-10. *et seq.* |
| SD | South Dakota Mined Land Reclamation Act, S.D. Codified Laws § 45-6B *et seq.* |
| TN | Tenn. Code Ann. § 59-8-201 *et seq.* |
| TX | Tex. Natural Resources Code Ann. tit. 4, ch. 134, sub. §§ 134.001 *et seq.* |
| UT | Utah Code Ann., § 40-10-9, § 40-10-24. |
| VA | Mineral Mine Safety Act, 45.1-161.292:1 *et seq.* also 45.1-161.253 *et seq.*; 45.1-161.310 *et seq.* 45.1-162. |
| WA | Surface Mining Reclamation Act, Wash. Rev. Code § 78-44. |
| WV | Abandoned Mine Lands and Reclamation Act, W. Va. Code § 22-2 to 22-4. |
| WI | Metallic Mining, Wis. Stat. § 293.01 *et seq.*; Nonmetallic Mining Reclamation; ***Oil*** and Gas, Wis. Stat. § 295.11 *et seq.* |
| WY | Wyo. Stat. Ann. §§ 35-11-401 to -437, 35-11-1201 to 1208. |

Regulation of the Gas Industry

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**End of Document**

1. \*B. Andrew Brown, Brian B. Bell, Paul K. Beck, Michael Norton, Kayla Race, Henrik Strand, Nathan Webse, and Kayla Weiser-Burton of Dorsey & Whitney LLP, Minneapolis, Minnesota. Dorsey & Whitney LLP is an international law firm with offices in the United States, Europe, and Asia. The firm’s environmental and energy attorneys represent clients in administrative and judicial litigation, enforcement matters, complex permitting and negotiations, transactions, and environmental auditing and compliance. [↑](#footnote-ref-2)
2. 1A pipeline “loop” is a segment of pipeline that is installed adjacent to or in the vicinity of an existing pipeline and connected to the existing pipeline at both ends. A loop increases the volume of gas that can be transported through that portion of the system. [↑](#footnote-ref-3)
3. 2A pipeline “pig” is a device used to clean or inspect the pipeline. A pig launcher/receiver is an aboveground facility where pigs are inserted or retrieved from the pipeline. [↑](#footnote-ref-4)
4. 3The pronouns “we,” “us,” and “our” refer to the environmental staff of the FERC’s Office of Energy Projects. [↑](#footnote-ref-5)