REGION 5
CHICAGO, IL 60604

April 24, 2024

VIA ELECTRONIC MAIL AND FILED VIA FERC ONLINE

Debbie-Anne A. Reese
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, District of Columbia 20426

Re: EPA Scoping Comments – Proposed Northern Lights 2025 Expansion Project: Freeborn, Houston, and Washington Counties, Minnesota; and Monroe County, Wisconsin
FERC Docket No. CP24-60-000

Dear Ms. Reese,

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission's (FERC, or Commission) April 11, 2024, Federal Register Notice of Schedule for the Preparation of an Environmental Assessment for the Northern Lights 2025 Expansion Project (Project). EPA has also reviewed the Commission's March 26, 2024, Notice of Scoping Period document which requested comments on environmental issues for the proposed Project. The Project proponent is Northern Natural Gas Company (Northern). This letter provides EPA's scoping comments on the Project pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementing Regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Northern's Northern Lights 2025 expansion proposes the construction and operation of approximately 8.6 miles of pipeline extensions and associated ancillary and auxiliary equipment in Freeborn, Houston, and Washington Counties, Minnesota, and Monroe County, Wisconsin. The Project would provide approximately 46 million standard cubic feet (46,064 dekatherms) of natural gas per day, serving residential, commercial, and industrial customer market growth in Northern's market area.

The Project would consist of the following facilities:

- 3.0-mile-long extension of its 36-inch-diameter Lake Mills to Albert Lea E Line;
- 2.43-mile-long extension of its 30-inch-diameter Elk River 3rd Branch Line;
- 1.91-mile-long extension of its 30-inch-diameter Farmington to Hugo C-Line;
- 1.28-mile-long extension of its 8-inch-diameter Tomah Branch Line Loop; one new pig[1] launcher, new valves and piping inside its existing Hugo Compressor Station;
- minor piping modifications within its existing La Crescent Compressor Station;
- relocation of one pig receiver facility;

[1] A "pig" is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

- three new valve settings and associated valves and piping;
- removal of three existing tie-in valve settings; and
- other appurtenant facilities.

Construction of the proposed facilities would disturb approximately 177.2 acres of land. Following construction, Northern would maintain approximately 47.9 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses. Approximately 21.2% of the construction workspace, and 48.8% of the proposed operational area, would overlap existing rights-of-way.

EPA's detailed comments on the proposed Project are enclosed with this letter. We recommend that the forthcoming Draft Environmental Assessment (Draft EA) address these comments and our recommendations, which relate to the Project purpose, need, and alternatives; greenhouse gases and climate change; direct, indirect, and cumulative impacts; surface water and groundwater impacts; noise and vibration; threatened and endangered species; hazardous materials; environmental justice and children's health; wetlands; and interagency coordination.

Thank you for the opportunity to review and provide scoping comments on the Project. When the Draft EA is released, please notify our office electronically at R5NEPA@epa.gov. If you have any questions about this letter, please contact the lead NEPA Reviewer, Liz Pelloso, at 312-886-7425 or via email at pelloso.liz@epa.gov.

Sincerely,

KRYSTLE MCCLAIN

Digitally signed by KRYSTLE MCCLAIN
Date: 2024.04.24 13:43:48 -05'00'

Krystle Z. McClain, P.E.
NEPA Program Supervisor
Environmental Justice, Community Health, and Environmental Review Division

Enclosures (2):
EPA Detailed Scoping Comments
Construction Emission Control Checklist

Cc (with enclosures):
USACE St. Paul District Regulatory Branch (USACE_Requests_WI@usace.army.mil)
Nick Utrup, USFWS (nick_utrup@fws.gov)
Cynthia Warzecha, Minnesota DNR (cynthia.warzecha@state.mn.us)

EPA Scoping Comments: Proposed Northern Lights 2025 Expansion Project
Freeborn, Houston, and Washington Counties, Minnesota; and Monroe County, Wisconsin

April 24, 2024

PROJECT PURPOSE AND NEED AND PROJECT ALTERNATIVES

- The need for the Project should assessed in terms of future demand, not in terms of the current demand, as the Project will likely be operated for decades to come. Massive investments are being made to decarbonize the U.S. economy, including under the recently passed Inflation Recovery Act (IRA), which will have a substantial effect on future demand in both the near and long-term. Current demand does not equal future demand.

  Recommendations for the Draft EA: Ensure that the Project's need coincides with energy conservation trends and demonstrate how the Project follows Minnesota's Climate Action Framework[1]. Discuss whether Northern's customers can make changes to their distribution systems and operating practices to obviate the need for increased capacity and ensure that all potential incentives for decarbonizing are being considered. Additionally, the Draft EA should explain if the desired outcome of the proposed Project can be achieved by using existing infrastructure, particularly from Northern's previous Northern Lights expansion projects.

- Northern has rejected the No-Action Alternative for previous Northern Lights expansion projects, in part because it has claimed that state-level energy conservation programs do not meet its private customers' demands[2].

  Recommendations for the Draft EA: Ensure that any rejection of alternatives other than Northern's preferred alternative as proposed is based on accurate and complete information, considering the cumulative Northern Lights projects that have been previously evaluated by the Commission. Include a detailed assessment of other potential alternatives that might make the Project unnecessary (e.g., ways that the Project's customers make system changes that, in combination with the financial incentives provided for under the IRA, might demonstrate that Northern's Project would meet demand and reliability needs at a lower capacity, or not be needed at all).

- The Commission's responsibility under the Natural Gas Act is to ensure that the Project is in the public convenience and necessity[3]. FERC cannot fulfill that obligation if it is defining the Project's purpose and evaluating its costs only in terms of satisfying the needs of the private corporate entity proposing the Project and the private entities seeking to purchase capacity on the Project.

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[1] In 2022, Minnesota's Climate Action Framework set targets to reduce emissions 50 percent by 2030 (from 2005 levels) and achieve net-zero emissions by 2050. The Climate Action Framework targets follow the international goals set by the Intergovernmental Panel on Climate Change (IPCC). Reference: State of Minnesota. (2022). Minnesota's Climate Action Framework. https://climate.state.mn.us/sites/climate-action/files/Climate%20Action%20Framework.pdf

[2] See: Northern, Resource Report No. 10, Alternatives, CP22-138-000, at 10-1–10-2 (Feb. 2022).

[3] 15 USC § 717f(c)

Recommendations for the Draft EA: The Commission should define the Project need in terms of what public interests and requirements the Project will serve. In evaluating the No-Action alternative, FERC should ensure the Project's purpose and need is defined in sufficiently broad terms to avoid making the selection of Northern's preferred alternative inevitable.

GREENHOUSE GAS REDUCTIONS AND CLIMATE CHANGE

- Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad* states, "*The United States and the world face a profound climate crisis. We have a narrow moment to pursue action…to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents*." The U.S. Global Change Research Program's National Climate Assessment provides data and scenarios that may be helpful in assessing trends in temperature, precipitation, and frequency and severity of storm events.[4]

  Federal courts consistently have held that NEPA requires agencies to disclose and consider climate impacts in their reviews, including impacts from greenhouse gas (GHG) emissions. On January 9, 2023, CEQ's *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change*,[5] was published in the Federal Register. CEQ issued this interim guidance to assist Federal agencies in assessing and disclosing climate impacts during environmental reviews. The guidance responds to Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, which directed CEQ to review, revise, and update CEQ's 2016 emissions guidance. The 2023 interim guidance was effective immediately and should be used to inform the reviews of new proposed actions.

  In addition, estimates of the social cost of greenhouse gases (SC-GHG[6]) are informative for assessing the impacts of GHG emissions. SC-GHG estimates monetize the societal value of changes in GHG emissions from actions that have small, or marginal, impacts on cumulative global emissions. Estimates of the social cost of carbon (SC-CO_2) and other greenhouse gases (e.g., social cost of methane (SC-CH_4)) have been used for over a decade in Federal government analyses. Quantification of anticipated GHG releases and associated SC-GHG comparisons among all alternatives (including the No Action Alternative) within the Draft EA could inform project decision-making and provide support for implementing all practicable measures to minimize GHG emissions. We remind FERC that there is existing CEQ guidance from 2016 on using the SC-GHG in NEPA analysis at the project level.[7]

  Estimating both upstream and downstream emissions provides useful information to the public and decisionmakers as to the scale of the Project's indirect impacts and the long-term public interests

[4] Information on changing climate conditions is available through the National Climate Assessment at: https://nca2023.globalchange.gov/

[5] https://www.federalregister.gov/d/2023-00158

[6] EPA uses the general term, "social cost of greenhouse gases" (SC-GHG), where possible because analysis of GHGs other than CO_2 are also relevant when assessing the climate damages resulting from GHG emissions. The social cost of carbon (SC-CO_2), social cost of methane (SC-CH_4), and social cost of nitrous oxide (SC-N_2O) can collectively be referenced as the SC-GHG.

[7] https://ceq.doe.gov/docs/ceq-regulations-and-guidance/nepa_final_ghg_guidance.pdf - see footnote 86.

at stake. Any Action Alternative would directly release GHG emissions during construction from trucks hauling materials, workers' vehicles, operation of construction equipment, and from operation of the Project itself. It is important for the Draft EA to fully quantify and adequately disclose the impacts of the GHG emissions from the No Action alternative and all action alternatives and discuss the implications of those emissions, and long-term carbon lock-in, considering science-based policies established to avoid the worsening impacts of climate change.

Consistent with CEQ's position expressed in the October 7, 2021, notice of proposed NEPA rulemaking[8], EPA emphasizes the importance of estimating potential upstream emissions associated with the Project. In this Project, there are three categories of emissions: (1) the upstream emissions associated with obtaining the natural gas and any potential leaks during transport; (2) the direct emissions associated with Project operation and construction; and (3) the downstream emissions from any potential leaks after gas leaves the Project area and the final combustion of natural gas. Using data from EPA's GHG inventory[9], it is possible to compute a rough estimate of the potential upstream emissions from this project. As a reminder, upstream emissions were calculated by EPA for previous Northern Lights projects; EPA shared these numbers with the Commission in previous comment letters on prior Northern Lights expansion projects.

EPA recommends that the Commission review EPA's final technical report, "*Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances*,"[10] which explains the methodology underlying the most recent set of SC-GHG estimates. To better assist lead Federal agencies with the utilization of these updated estimates, EPA has also recently released a Microsoft Excel "*Workbook for Applying SC-GHG Estimates v.1.0.1*" spreadsheet[11] which was designed by EPA's National Center for Environmental Economics to help analysts calculate the monetized net social costs of increases in GHG emissions using the estimates of the SC-GHGs.

Recommendations for the Draft EA: FERC should apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues. Additional recommendations are as follows:

Emissions & SC-GHG Disclosure and Analysis

- Quantify estimates of all direct and indirect GHG emissions from the proposed Project over its anticipated lifetime for all alternatives, including the No Action Alternative, broken out by GHG type. In addition to the potential downstream GHG emissions, potential upstream emissions should be included in calculations. This should include reasonably-foreseeable

[8] https://www.regulations.gov/document/CEQ-2021-0002-0002

[9] EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks is available at: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks

[10] https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf

[11] https://www.epa.gov/environmental-economics/scghg

emissions from the production, processing, transportation, and combustion of natural gas.[12]

- Quantify annual upstream emission estimates. Omitting upstream emissions results in an underestimation of likely environmental effects. Though the originating hydrocarbon resource may not be known, we recommend the Draft EA include a description of regionally known accumulations. Failure to quantify upstream emissions will result in the omission of sizeable Project impacts.
- Ensure the Draft EA includes speciated GHG emissions for operation and construction activities. Additionally, provide the speciated GHG emissions of downstream emissions by individual gas.
- Avoid expressing the overall project-level GHG emissions as a percentage of the state or national GHG emissions. The U.S. must reduce GHG emissions from a multitude of sources, each making relatively small individual contributions to overall GHG emissions, in order to meet national climate targets.

Consistency with Climate Policy

- Provide an analysis of GHG emissions in the context of state GHG reduction targets and policies. This includes Minnesota's goals[13] and Wisconsin Governor Evers' order that Wisconsin achieve a goal of ensuring all electricity consumed within the State of Wisconsin is 100 percent carbon-free by 2050. This analysis should inform and improve the Commission's consideration of mitigation measures.
- Discuss the implications the expected increase in GHGs should the proposed Project be implemented. Additionally, discuss the ramifications of making it more difficult to meet state emissions goals due to the increase in GHGs.
- Include a detailed discussion of the Project's GHG emissions in the context of national and international GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target and 2050 net-zero policy.
- Discuss how the IRA may impact energy consumption patterns and GHG emissions. The IRA is expected to reduce dependence on fossil fuels while increasing availability for renewable energy sources. The Department of Energy has estimated the impacts of the IRA on clean energy and greenhouse gas emissions.[14] That report, and its appendix, contain several resources on future energy consumption patterns and forecasts.[15]
- Include a complete discussion of the extent to which the estimated GHG emissions from the proposed Project and alternatives may be inconsistent with the need to take actions

[12] This is supported by CEQ's preamble to its notice of proposed rulemaking relating to NEPA Implementing Regulations Revisions, which states: "[[E]ven where an agency does not exercise regulatory authority over all aspects of a project, it may be appropriate to consider and compare the air pollution and greenhouse gas emission effects that the proposal and the reasonable alternatives would have on the environment, even if the agency does not have control over all of the emissions that the alternatives would produce. The consideration of such effects can provide important information on the selection of a preferred alternative; for example, an agency decision maker might select the no action alternative, as opposed to a fossil fuel leasing alternative, on the basis that it best aligns with the agency's statutory authorities and policies with respect to greenhouse gas emission mitigation." 86 FR 55757, 55763 (2021).

[13] Including, but not limited to, Minnesota's Next Generation Energy Act and Minnesota's Climate Action Framework.

[14] https://www.energy.gov/sites/default/files/2022-08/8.18%20InflationReductionAct_Factsheet_Final.pdf

[15] Appendix and resources can be found at: https://www.energy.gov/policy/methodological-appendix

necessary to achieve science-based GHG reduction targets.[16] In addition to the IRA, there are proposed EPA climate change regulatory actions and initiatives that address greenhouse emissions from transportation, oil and gas, and power sectors.

- Discuss carbon lock-in and stranded assets concerns and challenges. As the U.S. transitions away from fossil fuels to low-carbon energy sources, reserves will be left in the ground and fossil fuel companies could be left with stranded assets and value losses in the form of untapped output, idle oil rigs and pipelines.

Resilience and Adaptation

- Describe changing climate conditions (i.e., temperatures and frequency and severity of storm events) and assess how such changes could impact the proposed Project and the environmental impacts of the proposed Project and all identified alternatives. This would include the risks of pipeline exposure and damage, potentially increasing accidental releases, as well as other project impacts that could be affected by climate change.
- Request that Northern incorporate robust climate resilience and adaption considerations into (1) Project design and engineering; (2) construction oversight; (3) emergency response planning; (4) commitments for protective measures related to stormwater and erosion; and (5) routine monitoring during operations. The Draft EA should describe how Northern has addressed such considerations and provide a rationale for any reasonable alternatives to enhance resilience that were not adopted or discussed in detail.
- Discuss how climate change could worsen long term impacts/risks from the Project to communities with EJ concerns and to Tribes. For any such impacts, consider mitigation and adaptation measures.

GHG Reductions and Mitigation

- Identify practices Northern could take to reduce and mitigate the expected GHG emissions from the Project. Mitigation measures should be identified and evaluated in the Draft EA so that the Commission can consider whether to include conditions in Northern's Certificate of Public Convenience and Necessity (should the Commission decide to approve the Project) or determine that it must deny the application, because the Project's greenhouse gas emissions cannot be mitigated.
- Methane emissions occur in all segments of the natural gas industry, from production, through processing and transmission, to distribution. They primarily result from normal operations, routine maintenance, fugitive leaks, and system upsets. The Natural Gas STAR Program has identified many technologies and practices that can be implemented to reduce methane emissions from oil and gas operations. EPA has compiled information on technologies and practices to help reduce methane emissions;[17] these should be reviewed and applied to the Project as applicable.

[16] See, e.g., Executive Order 14008; U.S. Nationally Determined Contribution to the Paris Agreement (April 20, 2021).
[17] https://www.epa.gov/natural-gas-star-program/recommended-technologies-reduce-methane-emissions

DIRECT, INDIRECT, AND CUMULATIVE IMPACTS

- Analyze all direct, indirect, and cumulative impacts of all action alternatives as well as the No Action alternative.
    - Direct impacts are caused by an action and occur at the same time and place.
    - Indirect impacts are caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable.
    - Cumulative impacts are those that result from a proposed action's incremental impacts when these impacts are added to the impacts of other past, present, and reasonably-foreseeable similar future actions, including those under the control of other entities.

In the 2023 Northern Lights Expansion project, Northern made it clear that the 2023 expansion was part of the umbrella of the Northern Lights project, which Northern stated was a multi-year commitment to expand their market area capacity. Although Northern has previously claimed that each individual expansion project was a discrete stand-alone project, Northern has never explained what makes each expansion project discreet, or why the impacts of each individual expansion should be evaluated in isolation from the larger umbrella of the Northern Lights expansion efforts.

Recommendations for the Draft EA: Provide justification and an explanation of direct, indirect, and cumulative impacts of the Project as well as all other projects Northern has undertaken including, but not limited to Northern Lights 2021, Northern Lights 2023, and the applicable previous projects Northern has constructed under a blanket certification. Evaluate the Project's full slate of environmental impacts in combination with the environmental impacts of its existing system and prior expansion projects. The cumulative impact assessment should also include and assess the cumulative effects of GHGs from the entire Northern Lights project, including all previous expansions. Provide an explanation as to why the Commission is allowing Northern to segment the environmental reviews of multiple Northern Lights projects that are all part of a singular expansion effort.

SURFACE WATER AND GROUNDWATER IMPACTS

- As project specifics are developed, the Draft EA should address concerns relating to surface water, groundwater, and water quality as follows.

Recommendations for the Draft EA:

- Discuss existing water quality issues and how the proposed Project (and all alternatives, including the No-Action Alternative) may affect water quality in any streams that would be impacted. Discuss how implementation of each alternative will provide for or assist with delisting of existing beneficial use impairments or if the alternative is not expected to benefit water quality;
- Identify the specific locations of public and private drinking water supply intakes or wells. The impacts to these resources from all alternatives should be evaluated, and mitigation measures identified, if applicable;
- Include information on how any proposed installations of pipe within or across streams will be accomplished. Provide details regarding the widths of proposed stream crossings and discuss how the crossings will be accomplished (e.g., directional drilling or otherwise).

Where feasible, we recommend the use of directional drilling for all water crossings, including directional drilling of associated floodplains, wetlands, and unique wildlife habitats, such as forest land;

- Identify and discuss whether National Pollution Discharge Elimination System Clean Water Act Section 402 direct discharge and/or storm water construction permits may be required for each alternative;
- Disclose whether hydrostatic testing will be undertaken. If applicable, we recommend including information regarding proposed testing methods. Identify the potential source waters, locations and amounts of water proposed for each hydrostatic test, and proposed discharge constituents and location(s);
- The proposed project areas may be underlain by carbonate rock; therefore, the proposed project area may be in karst terrain. If applicable, the Draft EA should identify and discuss issues associated with the construction and operation of the proposed facilities in karst terrain (e.g., a discussion of the potential impacts to surface water quality and/or ground water quality associated with hazardous material spills);
- Hydrostatic test water discharges should be located outside of karst areas, if applicable and feasible;
- Potential impacts to water resources from erosion and/or the spread of aquatic nuisance species associated with hydrostatic testing, should be identified in the forthcoming NEPA document. Mitigation measures to protect upland and aquatic resources should be identified; and
- If pre-cleaning of meter station pipes is proposed, then we recommend the forthcoming NEPA document explain what pre-cleaning entails. Include the amount of water to be used, and whether this is in addition to the water used for the hydrostatic test. In addition, we recommend explaining what chemicals, if any, will be used in the pre-cleaning process.

NOISE AND VIBRATION

- Previous Northern Lights Expansion projects have used Horizontal Directional Drilling (HDD) construction in noise sensitive areas (NSAs) outside of daylight hours. This has resulted in disproportionately high and adverse impacts as they were predominately borne by communities with environmental justice (EJ) concerns.

  Health effects are associated with noise. "*Problems related to noise include stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity…[R]esearch has shown that exposure to constant or high levels of noise can cause countless adverse health effects*."[18]

  Recommendations for the Draft EA: Specify if HDD is expected to occur outside of normal daylight hours. Determine if HDD will affect NSAs. Determine if noise mitigation measures and a noise mitigation plan should be required; if required, specify the engineering controls and other mitigation measures to be implemented.

[18] https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution

THREATENED AND ENDANGERED SPECIES

- The Minnesota Department of Natural Resources has commented on Previous Northern Lights expansion projects and identified several threatened and listed species in and near previous project areas. These species can be affected by nearby activities or even those occuring several miles away.

  Recommendations for the Draft EA: Discuss the potential for impacts to both state and Federally listed threatened and endangered species, including the potential for cumulative impacts to these species from previous Northern Lights projects.

HAZARDOUS MATERIALS

- Events such as construction equipment spills of hazardous or toxic materials could result in substantial adverse impacts to surface and ground water quality and aquatic habitats.

  Recommendations for the Draft EA: Discuss the frequency or likelihood of hazardous materials spill events and describe spill and release response capabilities. Identify and commit to appropriate state-identified and FERC-identified best management practices (BMPs) to reduce potential non-point sources of pollution from Project activities, such as secondary containment. Such BMPs should be designed into the Project and described in the forthcoming NEPA document.

ENVIRONMENTAL JUSTICE AND CHILDREN'S HEALTH

- Outreach and meaningful engagement are underlying pillars of environmental justice. It is imperative that the Commission determine if construction, operation, and maintenance of the proposed Project (or alternatives) will impact communities with EJ concerns. Our recommendations below suggest opportunities to further analyze, disclose, and reduce such impacts.

  Recommendations for the Draft EA:
  - Identify the presence of low-income and/or minority communities within the Project area and within the broader area that could experience environmental impacts from the proposed Project. Disclose demographic information and summarize input from community members;
  - Describe past activities and future plans to engage minority populations, low-income populations, and Tribes during the environmental review and planning phase, and, if the Project commences, during construction and operations;
  - Evaluate the impacts of this proposal on low-income and/or minority communities and sensitive receptors (e.g., children, people with asthma, etc.);

- Include an analysis and conclusion regarding whether the Proposed Action or any action alternatives that may have disproportionately high and adverse impacts on low income or minority communities, as specified in CEQ's Environmental Justice Guidance;[19]
- Compare project impacts on low-income and minority populations with an appropriate reference community to determine whether there may be disproportionate impacts. Consider risk of exposure to hazardous/toxic materials associated with the proposed construction and operation and air quality and noise impacts due to construction;
- Consider any disproportionate non-project-related pollution exposures that communities of concern may already be experiencing, as well as any disproportionate non-pollution stressors that may make the communities susceptible to pollution, such as health conditions, other social determinants of health, and disproportionate vulnerability related to climate change;
- Identify measures to ensure meaningful community engagement, minimize adverse community impacts, and avoid disproportionate impacts to communities with EJ concerns;
- Use census-tract-level information to initially help locate communities with EJ concerns. For initial screening, use EPA's EJSCREEN[20] mapping tool;
- In conducting the EJ analysis, utilize resources such as the Promising Practices Report[21] and the Community Guide to EJ and NEPA Methods[22] to appropriately engage in meaningful, targeted, community outreach, analyze impacts, and advance environmental justice principles through NEPA implementation;
- Consider cumulative environmental impacts to minority populations, low-income populations, Tribes, and indigenous peoples in the project area within the environmental justice analysis and disclose conclusions on those impacts;
- Provide an analysis and findings as to whether the Project and all alternatives, including the No Action Alternative, would likely have disproportionate adverse impacts on minority populations, low-income populations, or Tribes. Identify what those impacts may be and include measures that Northern will take to avoid, minimize, or mitigate impacts; and
- Establish material hauling routes away from places where children live, learn, and play, to the extent feasible. Consider homes, schools, daycares, and playgrounds. In addition to air quality benefits, careful routing may protect children from vehicle-pedestrian accidents. Identify potential material hauling routes in the Draft EA.

WETLANDS/STREAMS/AQUATIC RESOURCE SECTION 404 IMPACTS

- Fill into wetlands, or fill into, relocation of, or encapsulation of streams from Project implementation may trigger Clean Water Act (CWA) Section 404 permitting and CWA Section 401 water quality certification.

[19] CEQ's Environmental Justice Guidance Under the National Environmental Policy Act. See Section III, Part C-4. https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf?VersionId=78iNGtdwSTz5E2x.H0aHq.E96_Tphbgd

[20] http://www.epa.gov/ejscreen

[21] https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

[22] https://www.energy.gov/sites/prod/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf

Recommendations for the Draft EA: A formal wetland and Waters of the U.S. delineation should be completed to know definitively where wetlands, streams, and other regulated Waters of the U.S. are located. This delineation should be submitted to the U.S. Army Corps of Engineers for review and a jurisdictional determination. EPA strongly recommends that a delineation be completed before and included as an appendix to the Draft EA, along with a copy of the jurisdictional determination from the regulatory agencies.

INTERAGENCY COORDINATION

- The Draft EA should discuss coordination planning undertaken with landowners, state and Federal resource agencies, and local municipalities. A discussion of all required permits should be included in the Draft EA.

  Recommendations for the Draft EA: Include copies of all inter-agency consultation coordination sent to, and received from, landowners, state and Federal resource agencies, and local municipalities. This includes, but is not limited to, correspondence regarding historic and cultural resources (Minnesota State Historic Preservation Office and the Wisconsin Historical Society), wetlands and streams (U.S. Army Corps of Engineers), and Federal and state threatened and endangered species (U.S. Fish and Wildlife Service, Minnesota Department of Natural Resources, and Wisconsin Department of Natural Resources).

OTHER COMMENTS

- FERC's Notice of Scoping Period document requested public comments on the scope of issues to be addressed in the NEPA document and stated that Commission staff will consider all written comments. However, information was not provided on how the Commission plans to respond to comments.

  Recommendations for the Draft EA: In the Draft EA, create an appendix to include all comments received during the scoping comment period, including any applicable transcripts of comments from the public, and all comment letters received. For all government agency letters received, include the Commission's responses to specific comments from each letter. EPA also recommends the appendix include all correspondence sent to and received from the resource agencies regarding the proposed Project.

U.S. Environmental Protection Agency
Construction Emission Control Checklist

Diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Acute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Longer term exposure may worsen heart and lung disease.[1] We recommend FERC consider the following protective measures and commit to applicable measures in the Draft EA.

Mobile and Stationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment to meet the following standards.

- On-Highway Vehicles: On-highway vehicles should meet, or exceed, the EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).[2]
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).[3]
- Marine Vessels: Marine vessels hauling materials for infrastructure projects should meet, or exceed, the latest EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).[4]
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contracting or oversight process:

- Establish and enforce a clear anti-idling policy for the construction site.
- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).
- Where possible, retrofit older-tier or Tier 0 nonroad engines with an exhaust filtration device before it enters the construction site to capture diesel particulate matter.
- Replace the engines of older vehicles and/or equipment with diesel- or alternatively fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.), or with

[1] Carcinogenicity of diesel-engine and gasoline-engine exhausts and some nitroarenes. *The Lancet.* June 15, 2012
[2] http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm
[3] https://www.epa.gov/emission-standards-reference-guide/epa-emission-standards-nonroad-engines-and-vehicles
[4] https://www.epa.gov/emission-standards-reference-guide/all-epa-emission-standards

zero emissions electric systems. Retire older vehicles, given the significant contribution of vehicle emissions to the poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest EPA exhaust emissions standards, or with zero emissions electric vehicles and/or equipment.

Fugitive Dust Source Controls

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Occupational Health

- Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a National Institute for Occupational Safety and Health approval number.

NEPA Documentation

- Per Executive Order 13045 on Children's Health[5], EPA recommends the lead agency and project proponent pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations in order to be protective of children's health.
- Specify how impacts to sensitive receptors, such as children, elderly, and the infirm will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

[5] Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed, and their growing organs are more easily harmed. EPA views childhood as a sequence of life stages, from conception through fetal development, infancy, and adolescence.