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Response to Public Comments

Rover Pipeline LLC Sherwood Compressor Station

**Permit Application No. R13-3239
Facility ID No. 017-00149**

Date: February 18, 2016

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BACKGROUND INFORMATION

On May 5, 2015 and June 16, 2015, pursuant to §45-13-8, the West Virginia Division of Air Quality (DAQ) provided notice to the public of a preliminary determination to issue Permit Number R13-3239 to Rover Pipeline LLC (Rover) for the construction of the Sherwood Compressor Station proposed to be located approximately 2.66 miles southeast of Smithburg, Doddridge County, WV. At that time, the draft permit and Engineering Evaluation/Fact Sheet were made available to the public for review. The permit application had previously been available for public review and remained so during the public comment period.

The first public notice date was followed by a public comment period (required to be a minimum of 30 days under §45-13-8) that ended at 5:00 P.M. on June 4, 2015. However, as a result of the interest expressed in the permitting action and the Director's determination that a public meeting was warranted, a second public notice was run that ended at 5:00 P.M. on July 16, 2015. This second advertisement included the date, time, and location of the public meeting. Both public advertisements were Class I Legal Advertisements that ran in *The Herald Record*, a newspaper of general circulation in Doddridge County (published in West Union).

During both public comment periods, the DAQ accepted comments on our preliminary determination to issue permit R13-3239 to Rover and on all documents related thereto. To provide information on the permitting action and to facilitate the submission of comments, the DAQ held, on July 7, 2015, and pursuant to §45-13-9, a public meeting concerning R13-3239.

OVERVIEW OF COMMENTS RECEIVED

The DAQ received nine (9) written (both handwritten and e-mail) comments during the public comment periods and at the public meeting. An additional eleven (11) oral comments were made during the public meeting. One written comment received during the first comment period contained the names and addresses of sixteen (16) individuals. There was some overlap in the individuals providing written comments and presenting oral comments. Pursuant to §45-13-8.8, all submitted comments (relevant to applicable air quality issues) received during the public comment period have been reviewed and are addressed in this document.

On June 11, 2015 the DAQ sent a response letter to each public comment (including each person who included their name and address on the second comment received) submitted during the first public comment period. This letter also included the date, time, and location of the public meeting. This document will include those comments already responded to via letter.

ORGANIZATION OF COMMENT RESPONSE

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

detail the current status of the ambient air quality of Doddridge County.

The specific response will summarize each comment that falls within the purview of the DAQ and provide a response to it. This document will not reproduce the comments here (they are available for review in the R13-3239 file). Instead, each comment will be summarized and key points will be listed. The DAQ makes no claim that the summaries are complete; they are provided only to place the responses in a proper context. For a complete understanding of submitted comments, please see the original documents in the file. Comments (or portions of comments) that are not directly identified and responded to in the specific response section of this document are assumed to be answered under the general response section (or not relevant to the Rover application or an air quality-related issue). While the comment responses are necessarily formal, this in no way indicates that the issues raised in these comments are not taken seriously by the DAQ or indicates a lack of understanding by the DAQ that these issues are important to the commenters.

GENERAL RESPONSE TO COMMENTS

Statutory Authority of the DAQ

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

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

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

Statutory Basis for Permit Denial

The basis for issuance or denial of an air quality permit is given under WV Legislative Rule 45CSR13 - “Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation.” Pursuant to §45-13-5.7, the DAQ shall issue a permit

unless:

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

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

The air quality issues evaluated relating to Rover's application to construct a compressor station are outlined in the DAQ's Engineering Evaluation/Fact Sheet made public on June 16, 2015. The issues covered under that document represent the extent of the substantive air quality issues over which the DAQ believes it has authority to evaluate under 45CSR13 and the APCA as relating to Rover's Permit Application R13-3239.

DAQ Permitting Process in Context

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

Ambient Air Quality Status of Doddridge County

The quality of the air of a defined local area - in this case for Doddridge County - is determined by its status with respect to the National Ambient Air Quality Standards (NAAQS). The Clean Air Act, which was last amended in 1990, requires the Environmental Protection Agency (EPA) to set NAAQS for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The EPA Office of Air Quality Planning and Standards (OAQPS) has set National Ambient Air Quality Standards for six principal pollutants, which are called criteria pollutants. They are listed at <http://www.epa.gov/air/criteria.html>.

Counties that are known to be violating these standards are, for specific pollutants, designated by the EPA as in "non-attainment" with the NAAQS. Counties that are not known to be violating

these standards are, for specific pollutants, designated by the EPA as in “attainment” with the NAAQS. Doddridge County is designated by EPA as in attainment with all of the NAAQS.

General Response Conclusion

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

SPECIFIC RESPONSES TO COMMENTS

Written Comments

Written Comment #1

(1) Expressed concern over the level of emissions that may be emitted from the proposed Sherwood Compressor Station both originally applied for and (2) if they increase the emissions in the future. (3) Commenter requested a public meeting.

DAQ Response

(1) While the proposed Sherwood Compressor Station does have the potential to emit varying amounts of criteria and non-criteria pollutants, a determination was made that the emission sources were in compliance with all applicable state and federal regulations. These regulations are designed to, in part, allow new sources to be constructed without causing an area’s air quality to erode to a point that would cause a reclassification of the area to “non-attainment” with the NAAQS. For a full discussion of each source and the determination that it will be in compliance with all applicable state and federal regulations, please see the Engineering Evaluation/Fact Sheet.

(2) Additionally, Rover shall be required to modify any issued permit pursuant to the requirements of WV Legislative Rule 45CSR13 in the event the changes are defined as a “modification” under the rule (and also may be subject to the requirement to get an Administrative Update to an existing permit in other situations). The definition of modification (§45-13-2.17) includes any physical change in or change in the method of operation at the facility that results in an increase of potential-to-emit at the facility in excess of two (2) lbs/hr or five (5) tons/year of total Hazardous Air Pollutants (HAPs); six (6) lbs/hour and ten (10) tons/year, or 144 pounds per calendar day of any regulated pollutant. If defined as a modification, the permitting action will be subject to the public notice requirements given under Section 8 of 45CSR13 which include a Class I legal advertisement placed by Rover when the application is submitted and an additional Class I legal advertisement placed by the DAQ when a draft permit has been prepared. In this situation, the public would again have the opportunity to comment on the proposed modification application and draft permit. Additionally, any application for a permit modification shall be reviewed to the same standard as

a new construction to determine if the facility, after a modification, will remain in compliance with all applicable state and federal air quality regulations.

(3) Public meeting was held on July 7, 2015 in Smithburg, Doddridge County.

Written Comment #2

(1) Expressed concern over the potential adverse impacts to the air, water and health from the emissions at the proposed Sherwood Compressor Station as well as at the many other compressor stations in Doddridge County. (2) Expressed concern over the emissions of Hazardous Air Pollutants (HAPs) and asked if the DAQ could assure there would be no adverse reactions to the public's health as a result of these emissions. (3) Asked if we consider the health risks of the citizens located near emission sources of HAPs. (4) Expressed concern that, after an original permit is issued, the owner/operator of the compressor station will request an increase in the emissions. (5) Asked if the DAQ had done any health studies around compressor stations. (6) Commenter requested a public meeting.

DAQ Response

(1) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #1 (1) above.

(2, 3) Hazardous Air Pollutants (HAPs) are pollutants identified under Section 112(b) of the Clean Air Act (CAA) that are designated as non-criteria and that are not subject to national concentration standards. However, HAPs are regulated through various federal programs designed to limit their emissions and public exposure. These programs include federal source-specific standards and requirements promulgated under 40 CFR 61 (NESHAPS) and 40 CFR 63 (MACT).

HAPs, and the health risks associated with them, have been studied at length by the Environmental Protection Agency (EPA). EPA has subsequently established emission thresholds that they believe to be protective of human health, including sensitive populations. As a result of the pollutant studies, EPA has established a "major source" threshold of HAP emissions to be 10 tons/year of any one (1) HAP or 25 tons/year of any combination of HAPs. If a facility is determined to be "major" using these EPA thresholds, they would be required to obtain a Title V permit and implement maximum achievable control technology (MACT). This is required of all "major sources" and a limited number of smaller sources, called "area" sources. Source categories have been developed to target the pollutants of concern from that particular industry.

Over the past decade, a significant number of new federal rules have been adopted that specifically apply to area sources. For area sources within each source category, the Clean Air Act allows EPA to develop standards or requirements which provide for the use of generally available control technologies (GACT) or management practices rather than the MACT required for major sources. MACT requirements apply to major sources of HAPs or area sources, and these standards are congressionally mandated. GACT standards apply to some area sources, and they are considered to be an optional alternative approach to MACT.

All HAPs have potential chronic and acute health effects. These adverse health effects may be associated with a wide range of ambient concentrations and exposure times and are influenced by both source-specific characteristics such as emission rates and local meteorological conditions.

Health impacts are also dependent on multiple factors that affect variability in humans such as genetics, age, health status (e.g., the presence of pre-existing disease) and lifestyle. As stated previously, there are no federal or state ambient air quality standards for these specific chemicals.

Almost all of the potential HAP emissions at the proposed Sherwood Station - which is defined as an “area source” of HAPs - are generated in the compressor engines. The proposed engines shall be installed with oxidation catalysts which will reduce potential uncontrolled formaldehyde emissions by 76%. Each of these compressor engines is subject to 40 CFR 63, Subpart ZZZZ (a MACT rule that applies to area sources). As a defined “new” engine under Subpart ZZZZ, the rule requires the engines to meet the emission standards under 40 CFR 60, Subpart JJJJ. Based on the warranted emission factors provided by the catalyst vendor, the proposed engines will be in compliance with Subpart JJJJ. See the Engineering Evaluation/Fact Sheet for a fuller discussion of HAPs and the applicability of Subparts ZZZZ (63) and JJJJ (60).

(4) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #1 (2) above.

(5) The DAQ has not done any health studies around compressor stations.

(6) Public meeting was held on July 7, 2015 in Smithburg, Doddridge County.

Written Comment #3

(1) The DAQ grants air permits as a matter of course. (2) Permits should not be issued until an air monitoring system is in place on the ground. (3) Public benefit does not outweigh the health risks of the proposed compressor station. (4) The facility is detrimental to the health to those exposed to the potential emissions.

DAQ Response

(1) The DAQ reviewed the Permit Application R13-3239 pursuant to the requirements of WV Legislative Rule 45CSR13 and prepared an Engineering Evaluation/Fact Sheet that discussed the Division’s preliminary determination that the proposed facility will meet all applicable state and federal air quality rules. As stated under the section Statutory Basis for Permit Denial above, the Division must issue or deny permits within the authority as outlined under WV Legislative Rule 45CSR13 and §22-5-1, *et. seq.*

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

The monitoring network is reviewed annually and revised as necessary to accommodate changing Federal requirements. The data collected is used by the DAQ to implement programs to ensure attainment of NAAQS for criteria pollutants. The purpose of the network monitoring plan is to enhance ambient air quality monitoring to better serve current and future air quality management and research needs. USEPA reviews and approves the network monitoring plans annually. The

general monitoring network design requires ambient air monitors to focus on populated areas with air quality problems and to reduce monitors in areas that have measured ambient air concentrations well below the applicable NAAQS. The 2014 Ambient Air Monitoring Network Design document is located at:

<http://www.dep.wv.gov/daq/publicnoticeandcomment/Documents/WV%202014%20Network%20Design.pdf>

The closest air monitoring sites to Doddridge County are in Harrison County (PM_{2.5}), Marion County (PM_{2.5}), Wood County (PM_{2.5}, SO₂, ozone), Marshall County (PM_{2.5}, PM_{2.5} speciation, and SO₂), and Monongalia County (PM_{2.5}, SO₂, ozone). These monitors are currently showing that the PM_{2.5} concentrations in this area have declined significantly, as detailed in the most recent (2013) State of West Virginia Air Quality Annual Report. The 2013 State of West Virginia Air Quality Annual Report which includes information on the NAAQS in regards to all regulated air pollutants, the air quality index from around the state, and detailed technical information on how the monitoring program works in making these determinations can be downloaded from the following website:

<http://www.dep.wv.gov/daq/CandE/Documents/2013%20Report%20Cover.pdf>

The DAQ is aware of the continued increase in the oil and gas industry since the data presented in the 2013 report and will continue to review the new monitoring data to continue to adjust resources as appropriate to meet the goals of the Air Monitoring Program as discussed above.

(3) As stated in the “Statutory Authority of the DAQ” section above, the DAQ is limited to consideration of air quality issues only when reviewing permit applications, and does not have the authority to consider the public benefit of a proposed facility.

(4) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #1 (1) above.

Written Comment #4

(1) Suggested use of a pressure relief containment control system so as to alert the company to control any uncontrolled natural gas release so as to prevent excess release of emissions.

DAQ Response

(1) In Attachment N of the Permit Application R13-3239, Rover calculated the potential VOC, HAP, and Greenhouse Gas (GHG) emissions associated with events of uncontrolled natural gas release. These events are defined as compressor engine blowdowns (a maximum of 1 per hour/engine and 12 per year/engine), pigging operations (a maximum of 1 per hour and 3 per year), and engine start-up vents (a maximum facility-wide 105 per year). These events were calculated to have a potential total gas release of 717,945 scf/year of natural gas. Based on a conservative maximum natural gas VOC and HAP content, these events would produce maximum emission rates of 0.34 tons/year and <0.01 tons/year, respectively. These relatively low emission rates associated with the large amount of gas released reflects the low worst-case VOC and HAP percentages found in pipeline quality natural gas (PNG). Substantive amounts of formaldehyde are not expected to be found in PNG. The formaldehyde estimated to be emitted at the proposed Sherwood Station are produced in the compressor engines when combusting natural gas. Additionally, it is important to note that, on June 23, 2014, in *Utility Air Regulatory Group v. Environmental Protection Agency*, the Supreme Court

of the United States (SCOTUS) ruled that GHGs alone could no longer define a source as a “major stationary source” for the purposes of triggering Prevention of Significant Deterioration (PSD) review. This effectively removed the requirement for applicant to quantify the potential-to-emit (PTE) of GHGs in minor source permit applications.

The above discussed events are considered reasonably foreseeable and an appropriate contributor to a facility’s PTE. Uncontrolled pressure relief releases of PNG due to malfunctions, operator error, and emergencies would be considered unforeseeable and would not be required to be included in a facility’s PTE. These events would fall under the category of a non-compliance emissions release or an “emergency.” Emergencies are defined and regulated under Section 2.12 of R13-3239.

Change to Permit R13-3239

However, in response to this comment, additional language has been added to Permit Number R13-3239 to both explicitly limit [12.1.1. and 12.1.2.] and require monitoring of the events [12.2.1.] that will contribute to the facility’s PTE. Additionally, Rover shall be required to monitor, record, and report [12.2.2. and 12.3.1] to the DAQ all other events where a substantive amount of gas is released to as better provide information to the DAQ on the frequency and duration of unforeseeable uncontrolled natural gas releases.

Additionally, Rover shall be required to develop and submit a plan to limit the duration of uncontrolled fugitive releases [12.1.3.]. This plan will be required to include a visible sign listing contact information for the public to report an uncontrolled release of gas.

Written Comment #5 (e-mail)

(1) The local area has seen a large amount of BTEX, VOC, and HAP emissions.

DAQ Response

(1) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #1 (1) and Comment #2 (2, 3) above.

Written Comment #6 (e-mail)

(1) Were archeological studies done prior to the air permitting? (2) Expressed concern over the large mounts of pollution sources in the local area. (3) Expressed concern over the heavy truck traffic.

DAQ Response

(1)The mission of the Division of Culture and History’s State Historic Preservation Office is to encourage, inform, support, and participate in the efforts of the people of West Virginia to identify, recognize, preserve and protect West Virginia's prehistoric and historic structures, objects and sites. These responsibilities fall outside the authority of the DAQ.

(2) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #1 (1) above.

(3) The regulation of truck traffic and other mobile sources falls outside the authority of the DAQ.

Written Comment #7 (e-mail)

(1) What are the criteria pollutants? (2) What are the monitored concentrations for the six criteria pollutants in Doddridge County and how are they measured?

DAQ Response

(1) Criteria pollutants are defined as Carbon Monoxide (CO), Lead (Pb), Oxides of Nitrogen (NO_x), Ozone, Particulate Matter (PM₁₀ and PM_{2.5}), and Sulfur Dioxide (SO₂).

(2) There are no monitors currently located in Doddridge County. See the response to Written Comment #3 (2) for a discussion on the DAQ Air Monitoring Section.

Written Comment #8 (e-mail)

(1) Air quality monitors should be a part of the permitting process.

DAQ Response

(1) See the general response to the Ambient Air Quality Status of Doddridge County and the response to Written Comment #3 (2) for a discussion on the DAQ Air Monitoring Section.

Written Comment #9 (e-mail)

(1) Expressed concern over the emissions of ultra fine particles. (2) Expressed concern over the emissions of all pollutants. (3) Issuing the permit would violate the DAQ's stated mission. (4) Request to deny Permit Number R13-3739.

DAQ Response

(1) Ultra fine particles (PM_{2.5}) are defined as a criteria pollutant and, as such, have an established NAAQS. As stated above, Doddridge County is designated as in attainment with the PM_{2.5} standard. See the general response to the Ambient Air Quality Status of Doddridge County for a fuller discussion.

(2) See the response to Written Comment #1 (1) above.

(3) See the Statutory Authority of the DAQ and the Statutory Basis for Permit Denial above for a discussion of the authority and constraints under which the DAQ operates in reviewing permit applications and making determinations on issuance/denial.

(4) See the Statutory Authority of the DAQ and the Statutory Basis for Permit Denial above for a discussion of the authority and constraints under which the DAQ operates in reviewing permit applications and making determinations on issuance/denial. Based on the conclusion that the proposed facility would be in compliance with all applicable state and federal air quality regulations - as outlined in the Engineering Evaluation/Fact Sheet - the DAQ made a preliminary determination to issue the permit.

Oral Comments

Many similar air quality concerns - as were identified above in the written comments - were expressed in the oral comments. These included the following:

- Expressed concern over the general condition of the air quality in Doddridge County and the impacts of the proposed Sherwood Station on the continued deterioration of the air quality in the area;
- Air monitors should be required for the facility and Doddridge County; and
- Permit should be denied based on health risks of proposed facility;

Additionally, similar non-air quality concerns were expressed such as water quality, property values, truck traffic, and other issues.

For responses to these air quality and non-air quality comments, please see the General and Specific responses above that address these issues. The following, therefore, will only identify and respond to air-quality issues not including those given above.

Oral Comment #1

Expressed concerns similar to those outlined above.

Oral Comment #2

This comment was an oral restating of the written comment #4 above.

Oral Comment #3

(1) Commented that Southwest Pennsylvania Environmental Health Project monitors were used in Doddridge County and indicated many days of unhealthy air quality for both sensitive populations and for all. (2) Expressed need to use solar/wind energy instead of extraction industries.

DAQ Response

(1) The types of air quality monitors (Speck Monitors) that are used by the Southwest Pennsylvania Environmental Health Project (SWPA) are, according to their website, to be used for monitoring air inside individual homes. Additionally, according to Speck’s website, these monitors are “developed mainly for indoor use. While you can put it outdoors—for instance on a covered porch or in a garage—there are many outdoor variables that can impede the Speck's function. For example, it will lose accuracy when humidity levels are very high (e.g. during a rainstorm) or if anything obstructs the air intake (e.g. if a spider crawls in).” As such, the data generated by these monitors, while helpful to indicate short-term indoor air quality issues (which would be subject to many other variables other than ambient air quality), would be considered ineffective in determining the County-wide air quality. These monitors are not of the same caliber as used for DAQ's long term air monitoring network that are used to determine compliance with the NAAQS. See the response to Comment #3 (2) for a discussion on the DAQ Air Monitoring Section.

(2) The DAQ does not have authority to set strategic energy goals and must review and make determinations on specific permit applications according to §45-13-5.7.

Oral Comment #4

Expressed concerns similar to those outlined above.

Oral Comment #5

(1) The permit should be denied until more air quality studies are conducted in Doddridge County.

DAQ Response

(1) The DAQ must review and make determinations on specific permit applications according to §45-13-5.7. However, the DAQ is aware of the large increase in activity in the oil and gas industry in Doddridge County in particular and north-central WV in general as it pertains to horizontal drilling in the Marcellus Shale. The increase in drilling activity has created new challenges with maintaining healthy air, water, and land usage. Air quality issues associated with the oil and gas sector are an expanding aspect of the DAQ's regulatory responsibilities. As such, the DAQ will continue to evaluate and review the best possible use of resources to mitigate the impact on ambient air quality in this area from oil and gas activity while operating within circumscribed authority granted under West Virginia Code §22-5-1, *et. seq.*

Oral Comment #6

Expressed concerns similar to those outlined above and, additionally: (1) Expressed concern of the potential noise of the facility, and (2) expressed concern that there was no company contact information visible at another facility to report a noise incident.

DAQ Response

(1) The DAQ requested additional information from Rover concerning the noise modeling done for the proposed Sherwood facility (a new baseline ambient noise survey was conducted on August 21 to 23, 2015) to show compliance with the Federal Energy Regulatory Commission (FERC) noise requirements. FERC requires that noise attributable to operation of a compressor station does not exceed an L_{dn} [day-night sound level] of 55 dBA [decibels on the A-weighted scale] at any Noise-Sensitive Area (NSA). Based on information obtained from Rover, the closest NSA to the proposed Sherwood facility is an occupied residence located 1,230 feet from the station alongside Eibs Camp Road. Based on model results supplied by Rover, the highest noise impact of the new facility at this nearest NSA will be at approximately 0.3 dBA (increasing the ambient background noise from 46.3 dBA to 46.6 dBA). This information indicates that the facility will meet the FERC noise requirements and that any increase in ambient noise at the closest NSA will be less than 1.0 dBA. Additionally, Rover has proposed to FERC the use of noise control treatments for various sources at the proposed Sherwood Compressor Station.

(2) The DAQ has revised the permit to include language that requires posting visible contact information so as to facilitate public reporting of noise events to Rover.

Change to Permit R13-3239

The following language [3.1.7.] was added to the permit: “The permittee shall not create a nuisance to the surrounding community by way of unreasonable noise and light during operation and shall use the Noise Control Treatments (or equivalents) as outlined in Table 9.2.1-5 of Appendix 9A of Rover's Federal Energy Regulatory Commission (FERC) application to construct, own, and operate the proposed Rover Pipeline Project.” Additionally, Rover shall be required to develop and submit a plan to limit the duration of uncontrolled fugitive releases [12.1.3.]. This plan will be required to include a visible sign listing contact information for the public to report an uncontrolled release of gas.

Oral Comment #7

Expressed concerns similar to those outlined above.

Oral Comment #8

Expressed concerns similar to those outlined above.

Oral Comment #9

Expressed concerns similar to those outlined above and (1) requested more air quality inspectors be sent to area.

DAQ Response

(1) The proposed Sherwood facility would have a scheduled initial inspection within the first year of operation and periodic unannounced inspections thereafter. In addition, an inspector from the DAQ Compliance/Enforcement (C/E) Section would be available to witness any required performance testing that would occur for the compressor engines. Inspectors would also be sent to the site to investigate any complaints and/or operating issues concerning the facility.

Oral Comment #10

Expressed concerns similar to those outlined above and (1) requested that a baseline air quality be established and specific impacts of the proposed Sherwood facility be measured. Also (2) indicated that the proposed Sherwood facility was a factory similar to MarkWest's Sherwood facility.

DAQ Response

(1) It is important to note that the emissions from the proposed Sherwood facility were estimated using generally a worst-case analysis (i.e., the compressor engine emissions were calculated operating at full load 24 hours/day and 7 days/week) and accepted emission factors or vendor emission factors (which, in the case of NO_x, CO, and VOCs shall be verified by performance testing). For this reason, the facility-wide potential-to-emit is considered a high quality estimate of the worst-case mass emission rates that will be produced from the proposed facility. These emission rates are used to determine if the facility is defined as a "minor" or "major" stationary source under 45CSR13 and 45CSR14. WV Legislative Rule 45CSR13 provides the procedures for evaluating permit applications for minor sources and 45CSR14 provides the procedures for evaluating permit applications for major sources in areas that are designated as in attainment with the NAAQS. These major source thresholds were established by the EPA and are generally consistent across all states. 45CSR14 includes procedures for modeling potential impacts from a proposed source prior to construction and comparing these predicted impacts with allowed impacts to a given area. The allowed impacts to an area are based off of the monitored or calculated baseline air quality of an area but may never exceed the NAAQS. However, these procedures are not a part of the 45CSR13 minor source permitting rule.

(2) The proposed Sherwood facility is a compressor station only and does not include many of the processes located at the MarkWest Sherwood facility including a glycol dehydration unit, a gas processing/fractionation train, or any flaring.

Oral Comment #11

Expressed concerns similar to those outlined above.