

Response to Public Comments

R30-00900138-2023

Appalachia Midstream Services, L.L.C.

Mountaineer Compressor Station

Date: February 9, 2023

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BACKGROUND INFORMATION

The Appalachia Midstream Services, L.L.C., Mountaineer Compressor Station is covered by Standard Industrial Classification (SIC) 1389. The station has the potential to operate seven (7) days per week, twenty-four (24) hours per day, fifty-two (52) weeks per year. The facility compresses and dehydrates up to 200 MMscf of locally produced natural gas per day. Additionally, raw field condensate is received at the site, stabilized, and then sent off site via tanker trucks or pipeline. The primary equipment includes: four (4) natural gas compressors, and one (1) natural gas dehydrator, with flash tank, regenerator/still and reboiler. The auxiliary equipment includes: one (1) microturbine generator, two (2) units for pigging operations, and eight (8) storage tanks for stabilized condensate and produced water.

The facility was issued a minor new source review permit, R13-3482, for construction of the facility on March 17, 2020. Since this facility is a Title V major source, the facility was also required to apply for a Title V operating permit within twelve months after commencing operations. The Mountaineer Compressor Station commenced operations on March 9, 2021 and the Title V application was received on March 1, 2022.

Public notice for the Draft Title V Permit was published in *The Brooke County Review* on October 21, 2022. During the public comment period, a request for a public hearing was received and the request was granted by the Director. Notice of the public hearing was published in *The Brooke County Review* and the *Weirton Daily Times* on November 11, 2022. The public hearing was held on December 15, 2022. The written comment period for the Draft Permit was extended to December 27, 2022.

OVERVIEW OF COMMENTS RECEIVED

The West Virginia Division of Air Quality (WV DAQ) received written comments during the public comment period (October 21, 2022 through December 27, 2022) and oral comments during the December 15, 2022 public hearing. Comments were received by and/or on behalf of the following individuals, groups, and organizations.

- Regina Lindsey-Lynch and Edward Lynch
- Christopher J. Paull
- Yuri Gorby, FreshWater Accountability Project (FWAP)
- Anais Peterson, Earthworks
- Missi Canterbury

Pursuant to §45-30-6.8.e, all comments received during the public comment period and during the public hearing have been reviewed and are addressed in this document.

ORGANIZATION OF COMMENT RESPONSE

The DAQ's response to comments includes both a general and specific response section. The general response defines issues over which the DAQ has authority and by contrast, identifies those issues that are beyond the purview of the DAQ. The general response also discusses the role of the Title V permitting process within the larger divisional goal of maintaining air quality in West Virginia. In addition, the general response also describes the statutory basis for the issuance/denial of a permit, DAQ Compliance/Enforcement Procedures, details the current status of the ambient air in Brooke County and how that is determined,

The specific response summarizes each relevant non-general comment that falls within the purview of the DAQ and provides a response to it (if a response is required). This document does not reproduce all the comments here (they are available for review in the R30-00900138-2023 application file accessible on ApplicationXtender at <https://dep.wv.gov/daq/permitting/titlevpermits/Pages/default.aspx>). Instead, each comment is summarized and key points are listed. The DAQ makes no claim that the summaries are complete; they are provided only to place the responses in a proper context. For a complete understanding of submitted comments, please see the original documents in the file. The DAQ responses, however, are directed to the entire comments and not just to what is summarized. Comments that are not directly identified and responded to in the specific response section of this document are assumed to be answered under the general response section.

GENERAL RESPONSE TO COMMENTS

Statutory Authority of the DAQ

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

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

Therefore, while the code states that the intent of the rule includes the criteria outlined in the latter part of the above sentence, it is clear by the underlined and bolded section of the above sentence that the scope of the delegated authority does not extend beyond the impact of air quality on these criteria. Based on the language under §22-5-1, *et. seq.*, the DAQ, in making

determinations on issuance or denial of permits under WV Legislative Rule 45CSR30 - Requirements for Operating Permits (45CSR30 or Title V) and 45CSR13 - Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation (45CSR13 or NSR), does not take into consideration substantive non-air quality issues such as job creation, economic viability of proposed project, strategic energy issues, non-air quality environmental impacts, nuisance issues, etc.

DAQ Title V Program

Under the authority of 45CSR30, the WV DAQ issues Title V operating permits to major sources of emissions. A major source for Title V is defined as a facility having potential emissions of one or more criteria pollutants that are 100 tons per year or more; one or more hazardous air pollutants that are 10 tons per year or more; and/or aggregate hazardous air pollutants that are 25 tons per year or more.

The Title V program was established in the 1990s to issue operating permits that include all of a facility's applicable air requirements. Section 5.1 of 45CSR30 states that each Title V operating permit issued shall include all applicable requirements that apply to the source at the time of permit issuance. The Draft Title V operating permit for Appalachia Midstream Services, L.L.C., Mountaineer Compressor Station which went out for public comment on October 21, 2022 included all the source's applicable air regulatory requirements, specifically, requirements from R13-3482, state rules, and federal regulations.

The Title V operating permit does not establish new emission or operating limitations. Emission and operating limitations are established through new source review permits, in this case under 45CSR13, state rules, and federal regulations.

DAQ Title V Permit Process in Context

It is important to note that the DAQ Title V permitting process is but one part of a system that works to meet the intent of the Air Pollution Control Act (APCA) and the Federal Clean Air Act in WV. The DAQ maintains a Permitting Section, a Compliance/Enforcement (C/E) Section, an Air Monitoring Section, and a Planning Section to effect this. Most pertinent to the permitting process, the C/E Section regularly inspects permitted sources to determine the compliance status of the facility including compliance with all testing, monitoring, recordkeeping, and reporting requirements. These inspections are scheduled by the C/E Section taking into consideration such

issues as the size and compliance history of the source, resource management and inspector workloads, and program applicability.

In addition to the monitoring and reporting requirements under the NSR permit, facilities with a Title V operating permit are required to submit monitoring reports to the WV DAQ on a semi-annual basis and compliance certification reports on an annual basis.

DAQ Compliance/Enforcement Procedures

When inspecting a facility, the C/E inspectors will, in addition to visually inspecting the facility, generally review all required certified record-keeping to determine compliance with required monitoring. When violations are discovered, the C/E Section has the authority to issue a Notice of Violation (NOV) and a Cease and Desist Order (C&D) to compel facilities to stop operating the equipment/process responsible for the violation. Finally, a negotiated Consent Order (CO) may be entered into between the DAQ and the violator that lays out the finding of facts, a path back into compliance for the violator, and often includes a monetary penalty as determined on a case-by-case basis.

Additionally, the C/E Section investigates citizen complaints directed against a facility (including odor complaints), reviews monitoring reports submitted to the DAQ (again with the authority to issue violations based on the submitted reports), reviews performance test protocols submitted to the DAQ, and will often observe performance tests at the facility site. All records and documents submitted to the DAQ for compliance purposes must be certified as accurate (and subject to criminal penalties if knowingly inaccurate) by a properly designated “responsible official.” All of these documents - including C/E documents such as NOVs, C&Ds, and COs - when in final form, and minus any confidential information, are available to the public via a FOIA request (for older documents) or (for new facilities) are available on ApplicationXtender (<https://documents.dep.wv.gov/AppXtender/DataSources/DEPAX/account/login?ret=Lw==cess>).

Ambient Air Quality Status of Brooke County

The quality of the air of a defined local area - in this case Brooke 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: <https://www.epa.gov/criteria-air-pollutants/naaqs-table>.

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/unclassifiable” with the NAAQS. It is important to note that while some counties have no air monitoring, EPA will still designate these areas as “attainment/unclassifiable” based on a variety of submitted data. These areas are still properly called “attainment areas.” However, this designation is not the same as a designation of just “unclassifiable.” As stated on EPA’s website: “[i]n some cases, EPA is not able to determine an area’s status after evaluating the available information. Those areas are designated “unclassifiable.” (<https://www.epa.gov/criteria-air-pollutants/naaqs-designations-process>)

The Appalachia Midstream Services, L.L.C., Mountaineer Compressor Station is located in Brooke County, WV. Brooke County is currently designated “attainment” or “attainment/unclassifiable” for all NAAQS. The area is a “maintenance” area for SO₂, PM_{2.5} and Ozone, meaning it was designated as “non-attainment” for these pollutants in the past, but was redesignated to “attainment” after the EPA approved redesignation requests and maintenance plans for the area based on improved air quality and State Implementation Plans (SIPs) providing for continued maintenance of the applicable NAAQS.

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 DAQ currently operates six (6) monitors in Brooke County. For a full list of air monitors in WV, see the table at: <https://dep.wv.gov/daq/air-monitoring/Pages/default.aspx>.

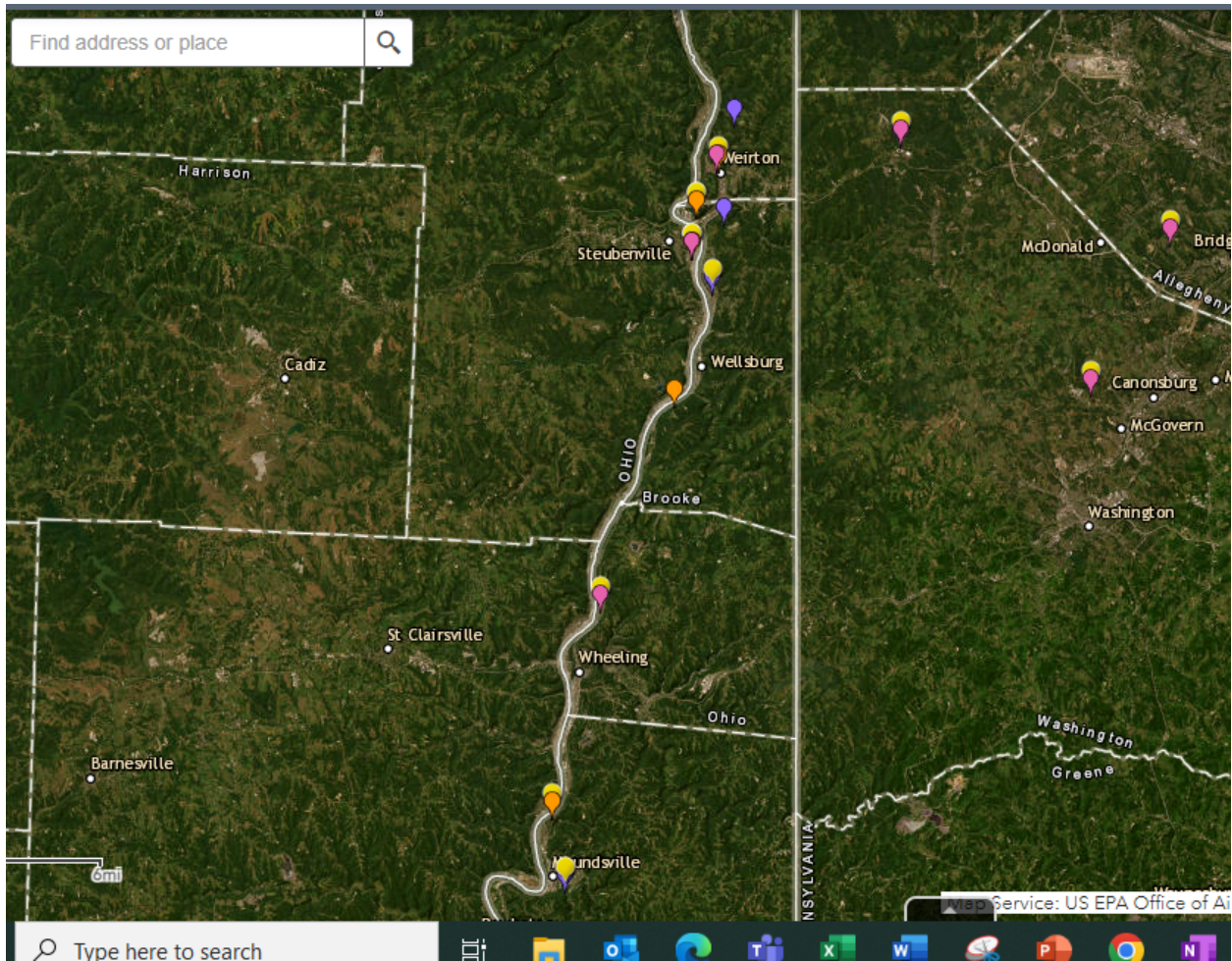
The location of air monitors are chosen to provide the most efficient means of assessing the ambient air quality in WV with limited resources and are based on such metrics as a location’s population exposure, local emission sources, existing pollutant background levels, and other considerations. There is currently no evidence, based on available data and standard analysis procedures, to indicate that Brooke County is not in attainment of the NAAQS or that the impacts from the potential air emissions at the Appalachia Midstream Services, L.L.C., Mountaineer Compressor Station would cause or contribute to a violation of the NAAQS.

The location and data from air monitoring sites may be accessed at the following EPA web address: <https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>.

The ambient air near Wellsburg, WV is well characterized. A screenshot of ambient air monitors near Wellsburg, WV is below from

<https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>.

Monitor Location	Pollutants	Approx. distance to Wellsburg	AQS ID
Brilliant, OH	PM ₁₀	2 miles	39-081-0001
Follansbee, WV	PM _{2.5} , SO ₂	4.5 miles	54-009-0005
McKims Ridge, WV	SO ₂	8 miles	54-009-0007
Marland Heights, WV	PM ₁₀ , PM _{2.5} , SO ₂	7.5 miles	54-009-0011
Steubenville, OH	O ₃ , PM ₁₀ , SO ₂	6.5 miles	39-081-0017



Multi-Source Air Impacts Analysis

The complex task of conducting a multi-source air impact analysis is a time and resource intensive computer modeling operation and is, therefore, only required for certain (but not all) major stationary sources on a pollutant-by-pollutant basis. Beyond just exceeding the major source threshold, the source must meet the additional applicability threshold of first having modeled only the source's impacts over a specific value known as the "significant impact level" (SIL) before a multi-source air impact analysis is then required. Again, these screening methods are used to limit the unnecessary burdens of conducting multi-source modeling when the likelihood of adverse impacts is low. Therefore, even for a new major source, a multi-source air impact analysis is only required for specific pollutants that meet this additional threshold.

As noted above, the Appalachia Midstream Services, L.L.C., Mountaineer Compressor Station facility was reviewed pursuant to the requirements of 45CSR13 - the applicable permitting rule. This rule does not require a cumulative air impact analysis that includes other sources in the determination to issue or deny the permit in question. Further, the DAQ does not believe that if such modeling was conducted, it would show that the source would cause or contribute to a NAAQS violation.

General Response Conclusion

In conclusion, the APCA and 45CSR30 do not grant the WV DAQ the authority to take into consideration non-air quality issues when evaluating the permit application. Additionally, the issuance of a permit is but one part of the involvement of the WV DAQ with a source. After issuance, the facility will submit semi-annual monitoring reports and annual compliance certifications, and will receive regular inspections to determine compliance with the requirements as outlined in the Title V operating permit.

SPECIFIC RESPONSES TO COMMENTS

Comments from Regina Lindsey-Lynch and Edward Lynch

1. There have been 5 episodes of uncontrolled emissions from the thermal oxidizer at the Mountaineer Compressor station. Can residents be notified of potentially harmful events at the compressor station instead of an individual having to hunt for them at the WV DEP website 10 days after the event?

DAQ Response

The mentioned instances of control device malfunctions were reported to WV DAQ's Compliance/Enforcement (C/E) Section as required by condition 6.5.3 of R13-3482. When received, the C/E Section reviews the reports and determines what actions are needed to prevent similar malfunctions in the future. If a facility has an unplanned release of air pollutants above applicable quantities, notifications are provided by the facility to federal and state call centers which will then coordinate with local emergency personnel to determine an appropriate course of action which may include notification to the public, a shelter in place, or an evacuation.

2. The 2021 reported emissions for the facility were not accurate due to an error in the gas analysis. Why was there a discrepancy in benzene emissions listed in the Fact Sheet? Was this corrected with new data? Can a Title V permit be issued with incomplete data?

DAQ Response

The error occurred when Appalachia Midstream Services, L.L.C. reported their 2021 actual emissions for the Mountaineer Compressor Station to WV DAQ's Emissions Inventory Section. The 2021 Emissions Inventory for the Mountaineer Compressor station was under review and was corrected during the Draft Title V Permit notice period. Please see the Fact Sheet for the corrections.

A Title V permit is an operating permit. It contains all the facility's applicable air requirements. The actual emissions reported to WV DAQ's Emissions Inventory Section were included in the Fact Sheet for informational purposes, but do not change the facility's applicable air requirements included in the permit.

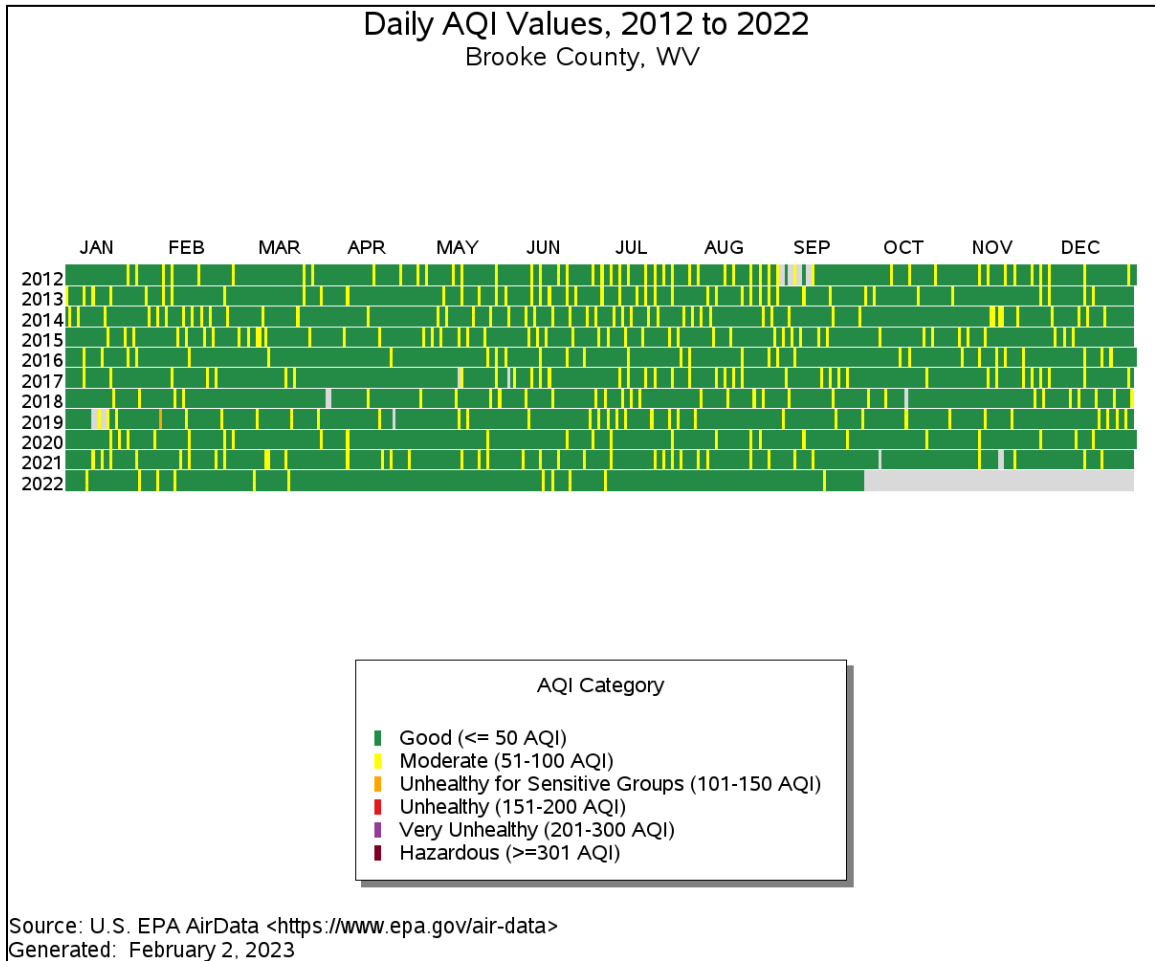
3. There is no way for the neighborhood to monitor uncontrolled emission events; we request air quality monitoring devices be placed in several of our neighborhoods. Will the WV DEP monitor the ambient air quality in real time in neighborhoods within several miles of a compressor station for VOCs and HAPs?

DAQ Response

DAQ's ambient air monitoring sites are typically designed for general population exposure trends. The Title V permitting program does not determine the location of these monitoring stations. DAQ must site monitors per federal guidelines and approval, and as resources allow. Ambient air monitoring sites are expensive to maintain and operate. DAQ monitors for HAPs (including some VOCs) in Ohio County in the Northern part of the state; this data is available at <https://www.epa.gov/outdoor-air-quality-data>. DAQ does not monitor VOCs continuously, however, we do monitor ozone continuously during ozone season, March 1 - October 31.

The ambient air monitors around the area are currently meeting EPA's NAAQS criteria. DAQ's annual report, containing charts of ambient air monitoring data can be found at: https://dep.wv.gov/daq/Pubs/Documents/2018-2020_DAO_AirQualityAnnualUpdate.pdf

EPA has a website where multi-year tile plots of AQI data can be generated: <https://www.epa.gov/outdoor-air-quality-data/air-data-multiyear-tile-plot>. An example for Brooke County, WV in which Wellsburg is located, is provided below.



Another EPA website that may provide additional information is <https://www.epa.gov/outdoor-air-quality-data/air-quality-index-report>.

4. There does not appear to be any back-up system or secondary flare available at the compressor station to prevent the release of un-incinerated VOCs in the future. What backup systems are in place if the thermal oxidizer malfunctions?

DAQ Response

There are no state rules or federal regulations requiring the facility to have “back-up” control devices. The Title V operating permit does not establish new emission or operating limitations. Emission and operating limitations are established through new source review permits, state rules, and federal regulations.

5. The added burden on our rural neighborhood of uncontrolled emission events of known carcinogens begs the question of environmental justice. Our rural neighborhood of some 50+ homes is potentially subjected to emission events of hazardous air pollutants, along with noise. The emotional and physical well-being of the people living in rural communities need to be a top priority when compressor station sites are selected and permitted. This relates to the concept of environmental justice.

DAQ Response

From EPA’s Environmental Justice website: “Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys: the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

The WV DAQ has engaged in the fair treatment and meaningful involvement of all people affected by this permitting action. A notice of the draft permit was published in *The Brooke County Review*; the application, permit, and fact sheet have been available for review on our website since October; the comment period was open for more than two months; and we held a public hearing and announced the hearing more than thirty days prior to the hearing through notice in both *The Brooke County Review* and the *Weirton Daily Times*.

6. Our neighborhood would like to request a public hearing on the above air quality issues.

DAQ Response

As requested, a public hearing was held on December 15, 2022.

7. Does WV DEP consider the location of existing neighborhoods when allowing a compressor station to be built?

DAQ Response

The Title V permitting program issues permits to existing sources, so siting is not considered under this program. However, for new facilities, it is not the decision of the WV DAQ to determine where a compressor station can be built. This is a decision made on the local level, such as the Mayor, city council, county commission, zoning board, etc.

8. Can Williams schedule blowdowns and notify neighbors of these events?

DAQ Response

There are currently no state or federal regulations that require Williams to schedule their blowdowns and notify neighbors of the events.

9. We wanted to know about the two prolonged flaring events, one on October 16, 2022 for 10 hours and another on November 17, 2022 for 6 hours. Do these prolonged emissions correspond with any extra emissions in air monitoring data collected by the facility?

DAQ Response

Alleged issues of non-compliance are outside the purview of the Title V Permitting Section, so this question was referred to the WV DAQ C/E Section for further investigation. The WV DAQ C/E Section conducted an investigation and determined that on October 16, 2022, the flaring time was documented at 6 minutes and 45 seconds and the flaring was due to a compressor engine shutdown. On November 17, 2022, flaring occurred for a total of 1 hour and 26 seconds over a period of 6 hours and 6 minutes. The November 17, 2022 occurrence was due to an unplanned facility shutdown. Related to these events, no enforcement action was deemed necessary as the NSR permit R13-3482 allows for flaring events.

Emissions from flaring events are accounted for in the facility's actual calendar year emissions reported to DAQ's Emissions Inventory Section.

10. Does the WV DEP have rolling data for Mountaineer Compressor Station so that we can compare emissions for October and November with other months in the past 12 months? We would like to see this data.

DAQ Response

Several types of records are required to be maintained for the Mountaineer Compressor Station, including, but not limited to: operation, monitoring, and maintenance records for

the control devices; visible emission checks and opacity testing; dry natural gas throughput on a monthly and 12 month rolling total basis; potential to emit HAP calculations for the entire facility; actual average benzene emissions (in terms of benzene emissions per year); a record of the blowdown and pigging events and estimated volume per event on a monthly and rolling 12 month rolling total basis; storage vessel throughputs on a monthly and 12 month rolling total basis; volume of gas flared on a monthly basis; compressor rod packing replacement records; and fugitive emissions monitoring surveys. These records are required to be maintained on site by the permittee and when requested by the Director of the DAQ or his/her duly authorized representative, shall be certified by a responsible official and made available. These records would be requested by the C/E Section during an inspection and not by the Permitting Section.

While there are many methods (monitoring, testing, recordkeeping, and reporting) used to demonstrate compliance with the applicable requirements contained within Mountaineer Compressor Station's new source review permit R13-3482 and in the Draft Title V Permit R30-00900138-2023, the requirement to calculate and record a 12 month rolling total of actual emissions for the facility is not included. The throughput limits were established to ensure that the emission limits would not be exceeded. The actual emissions can be calculated from the recorded throughputs, but DAQ does not have facility-wide emissions records for the 12 month rolling total as requested.

From the throughput records for the facility, actual calendar year emissions are calculated and reported to the DAQ's Emissions Inventory Section. The emissions are required to be reported by March 31st of each year for the previous calendar year. Emissions for 2022 have not yet been reported to the DAQ, but are required to be reported by March 31, 2023. The emissions reported will be facility-wide, but reported on a calendar year basis and not monthly or a 12 month rolling total.

11. Will the WV DEP and EPA investigate moving one of the 3 air monitoring stations from Follansbee/Weirton to the area off McAdoo Ridge to monitor air quality in this area?

DAQ Response

The ambient air monitors located in Brooke and Hancock Counties in WV are required by EPA as part of a Maintenance Plan which is part of the State Implementation Plan (SIP). Therefore, they cannot be moved at this time. As discussed elsewhere in this document, ambient air monitors are resource intensive to operate, and DAQ has limited resources. DAQ must site monitors per federal guidelines and approval, and as resources allow.

Every year, the DAQ offers an opportunity for public inspection and comment on the ambient air monitoring Annual Network Plan (ANP). A notice beginning the 30-day public inspection period is published on our website at:

<https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx>.

The current network plan is available for review at:

<https://dep.wv.gov/daq/air-monitoring/Pages/default.aspx>.

12. What did the siren mean in the November 17, 2022 flaring event at 3:17 pm? Should our neighborhood have been warned to take cover or evacuate?

DAQ Response

Since alleged issues of non-compliance are outside the purview of the Title V Permitting Section, this question was referred to the WV DAQ C/E Section for further investigation. The WV DAQ C/E Section conducted an investigation and determined that on November 17, 2022, the siren was due to the unplanned facility shutdown and associated flaring event. Decisions about warnings to the nearby neighbors are addressed at the local level by the county emergency management personnel.

13. Mr. Lynch discussed the health impacts of air pollution from natural gas compressor stations during the public hearing on December 15, 2022 and stated that permits for compressor stations should involve input from the public and consider the following criteria:

- a. Location - away from as many families and building structures as possible.
- b. Emission limits for air pollutants such as benzene and other volatile organic chemicals, such as radon.
- c. Monitoring of air quality within the station, at the fence-line and sites nearby.
- d. Limits for compressor station size based on locality, other facilities in the area that may also be discharging chemicals, and local topography.
- e. Limit the noise with barriers surrounding the entire pad or other mitigation measures.

DAQ Response

- a. Location was discussed above under comment 7.
- b. The Title V operating permit contains all applicable air regulatory requirements and has emission limits for benzene and VOC.
- c. Placement of air monitors was discussed above under comment 3.

- d. Title V is an operating permit for an existing facility. Multi-source impact analysis was discussed in the General Response to Comments section. The Mountaineer compressor station emissions do not meet the thresholds for a multi-source impact analysis.
- e. Since there are no air regulatory requirements established for noise, noise mitigation requirements were not included in the Title V operating permit. The Title V operating permit does not establish new emission or operating limitations. Emission and operating limitations are established through new source review permits, state rules, and federal regulations.

Received From: Regina Lindsey-Lynch and Edward Lynch and compiled from comments received from a letter dated November 1, 2022; an email dated December 26, 2022; oral statements made by Regina Lindsey-Lynch at the public hearing on December 15, 2022; and oral statements made by Edward Lynch at the public hearing on December 15, 2022.

DAO Action on the Title V permit

A public hearing was held on December 15, 2022. No changes were made to the Title V Permit due to these comments. The actual emissions were updated in the Fact Sheet.

Comments from Christopher J. Paull

1. Despite the nearby proximity of many other facilities such as Brooke Hills Park or the Franklin VFD Firehall the hearing on this Title V permit was scheduled in the north end of the next town north of Wellsburg (in Follansbee, WV) some fifteen miles drive away. Please note our objection to the hearing location as it does not lie reasonably within the “general area in which the facility is located” and likely contributed to the absence of some affected residents who elected not to drive such a distance at night in December to participate or voice concerns.

DAO Response

The Brooke Hills Park was contacted and although it was available, we were notified that the facility did not have any heating and since the public hearing was to be held in mid-December, it was not selected. Other sites were considered, including the Franklin VFD Firehall and the Wellsburg Courthouse, but both were unavailable for December 15, 2022. Before selecting the Follansbee location, the person who requested the public hearing was contacted to verify the location was suitable.

According to Section 6.8.c.4 of 45CSR30, any public hearing shall be held in the general area or the county in which a facility is located. WV DAQ met the requirements under the rule. Additionally, attendance at the public hearing is not a requirement for the submission of comments, and anyone who could not attend the public hearing on December 15th, still had ample opportunity to provide written comments on the Draft Permit through the close of the comment period on December 27th. The public comment period was open from October 21st until December 27th.

2. The integrity of on-going air monitoring for the SIP in the era of a new compressor station source requires careful re-evaluation of the siting of all air monitors in Brooke County and warrants the relocation or addition of suitable VOC capable monitors in the immediate vicinity of the Mountaineer compressor station (MCS). Annual evaluation of those monitoring sites because of this new source should be mandated by the DEP as a condition of the permit, and temporary immediate monitoring should be required of the applicant for the affected neighborhood until the annual re-evaluations can be completed.

DAQ Response

See response to Regina Lindsey-Lynch and Edward Lynch's Comments 3 and 11.

The ambient air monitors located in Brooke and Hancock Counties in WV are required by EPA as part of a Maintenance Plan which is part of the State Implementation Plan (SIP). Therefore, they cannot be removed at this time. As discussed elsewhere in this document, ambient air monitors are resource intensive to operate, and DAQ has limited resources.

Furthermore, state and federal emissions standards are developed to allow multiple facilities to operate, and in aggregate maintain NAAQS.

3. It is apparent that the location of the MCS was strategically selected along the state border, where it might escape scrutiny under federal jurisdiction (FERC), but still participate effectively in what amounts to interstate transmission of natural gas and NGL's. More information than appears in the application and fact sheets is needed to evaluate these jurisdictional issues, as it is clear that FERC JURISDICTION would trigger a substantially more meaningful and protective regulatory scheme, which would require that the applicant address the full environmental aspects of the chosen site, including express consideration and mitigation of impacts on the community from not only air emissions, but noise and light pollution and transportation impacts as well. Where FERC regulations apply is it now the increasing practice of the industry to voluntarily employ more modern and available technology in construction of compressor stations, to include solar and electric driven compressor engines and turbines, and zero-emission compressors and auxiliary equipment. See, for example, FERC's recent ORDER ISSUING CERTIFICATE in the application of

TENNESEE GAS PIPELINE, LLC., DOCKET NO CP20-493-000, at 179 FERC, P61,041, for an in-depth discussion of such technology being applied in the service of gas from Pennsylvania to Westchester County, New York. There is no good reason that West Virginians should fail to receive the benefits of the use of such available technology, via appropriate federal and state regulations and incentives. The promoters of “environmental justice” could hardly find a better example to depict the concept in practical terms.

DAQ Response

WV DAQ does not have the authority to determine FERC applicability. The Title V program issues operating permits which include all the facility’s applicable air regulations and these have been included in the Draft Permit.

4. It is clear from the year one operating history that the applicant is aware that the MCS has noise impacts throughout the surrounding neighborhoods as, following initial neighborhood complaints, it began an evaluation of sound levels and constructed a sound barrier on the west side of the facility. It stopped those efforts at some point and has not completed sound barriers to the north or east, without explanation other than they’ve done all they economically are willing to do. The sound impacts from the site for the neighbors who initially complained are largely as they were from day one of operations.

DAQ Response

Since there are no air regulatory requirements established for noise, these types of requirements were not included in the Title V operating permit and can not be added to the Title V operating permit.

5. The DEP/DAQ should recall and acknowledge that it modified in 2017 the General Permit G35 form for compressor station sources to eliminate consideration of noise and light pollution impacts, at the sole and self-interested request of the WVONGA, and without meaningful public input. As this Title V permit process is technically not same as the approval of a now less protective and streamlined G35 permit, this joint federal-state permit process should in practice become a more site specific, and customized evaluation of this new source, and there is no apparent authority that prevents the DAQ from continuing or reinstating it past practice to evaluate and require mitigation of sound and light pollution impacts.

DAQ Response

In regards to noise and light, WV DAQ does not have the authority under any state rules or federal regulations to regulate noise and light. General permit to construct G35-C had the following requirement “The registrant shall not create a nuisance to the surrounding community by way of unreasonable noise and light during operation.” During the public

review period for G35-D, the WV DAQ received comments regarding this condition. Upon review of the comments, it was the opinion of the WV DAQ, that West Virginia Code, Chapter 22 Article 5 does not allow this permit condition. Therefore, this permit condition was removed from the Class II General Permit G35-D. Please note, there were only a handful of facilities which registered under general permit G35-C as those sources had the option of obtaining a source specific permit under 45CSR13 which did not contain the noise and light provisions. Additionally, the condition included in G35-C was unenforceable as written since it did not define any parameters to measure or identify unreasonable noise and light.

6. DEP will recall that the WV Legislature in 2013 specifically prompted the DEP to commission a state funded study of adverse impacts from noise, light, and particulate matter emanating from unconventional drilling activity, but if DEP believes it currently lacks or needs similar authority to support lawful and meaningful regulation of such impacts from compressor stations to protect West Virginians' peaceful enjoyment of their homes and property, then it should lobby the Governor and Legislature to get that done NOW, and before further proliferation of new sources which destroy the natural serenity of our state.

DAQ Response

The results of the DEP's Office of Oil and Gas study were set forth in the May 28, 2013 report titled: *Noise, Light, Dust and Volatile Organic Compounds Generated by the Drilling of Horizontal Wells Related to the Well Location Restriction Regarding Occupied Dwelling Structures*, available online at:

<https://dep.wv.gov/oil-and-gas/Horizontal-Permits/legislativestudies/Pages/NoiseLightDustVolatileOrganicCompounds.aspx>

The DEP is prohibited from lobbying the Legislature by state ethics rules. Citizens have the opportunity to engage their state and local officials to effect the changes they seek through the legislative process or local ordinances.

7. Operations under the temporary construction permit began late spring 2021 after an unsigned and cryptic letter was left in our mailboxes from the Williams companies "gathering operations". This letter contained very little specific information on what would happen next. No effective notifications procedures have been created or relayed to residents other than an 800-Williams phone number.

DAQ Response

Permit R13-3482 is not a "temporary permit." This was a permit to construct the compressor station and contains emission and operating limitations as well as monitoring, testing, recordkeeping, and reporting provisions. This permit is active for the life of the

facility and must be updated any time there is a change to the facility's equipment or process. The Title V Permit contains all applicable air regulatory requirements, including the R13-3482 requirements.

Since R13-3482 was for a new construction, 45CSR13 required publication of two Class I legal advertisements, each notice starting a 30 day public comment period. The first notice was published by the applicant in *The Brooke County Review* on January 3, 2020. The second notice was published by the DAQ in *The Brooke County Review* on February 14, 2020. 45CSR13 requires publication of Class I legal advertisements in a newspaper of general circulation in the area where the source will be located. Both notices must contain the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, and the proposed start-up date for the source. The notices for the Mountaineer Compressor Station were published in the only "qualified" newspaper listed for Brooke County on the WV Secretary of State's website, *The Brooke County Review*. In addition to the DAQ's Class I legal advertisement, DAQ's notice of intent to issue the permit was also sent via WVDEP's Mailing List for Public Notices. This mailing list is free to join on WVDEP's website (<https://apps.dep.wv.gov/ListServ/>).

8. Looking specifically at the FACT SHEET and the Draft Permit DAQ Determinations and Justifications:

- Thermal Oxidizer and Flares 01 & 02: findings of DAQ re "negligible hourly pm emissions" and "should demonstrate compliance as shown via testing" are not borne out by operating experience in year one. Multiple bi-weekly flaring events (most recently 11/17/2022 and 11/25/2022) disclose heavy and uncontrolled black smoke in any direction, usually east to PA neighbors (Video footage by the undersigned will be submitted with this comment letter if feasible, but in any event is available to be viewed); and there are multiple documented T-Ox malfunctions self-reported, all without neighborhood notice/regard. Reference is made to the description of such events in the record, and specifically in the comments of Regina and Ed Lindsey-Lynch.
- Standards of performance of o&g prod & transmission requires "appropriate start up notifications" not sure if that happened – See comment number 7 above.
- Limited monitoring of HAP from the glycol dehydration unit, including benzene emissions, and a reliance on the applicant's record keeping thereof: Inasmuch as benzene was/is already mis-recorded or mis-analyzed, per fact sheet intro, there is so much more in the way of local monitoring that should be required as a condition of permit approval.

DAQ Response

Permit conditions 5.1.2.f, 7.1.6.v, and 8.1.5.v require no visible emissions from the flares except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Any visible emissions not in compliance with these limits would be a violation of the conditions of the NSR permit R13-3482 and the Title V operating permit. The videos have been sent to the C/E Section for further investigation.

For comment regarding start-up notifications, please see response to comment 7. In addition, notifications of startup required by federal regulations are filed in ApplicationXtender. A link for ApplicationXtender was included in previous responses. The Title V operating permit contains the source's applicable air regulatory requirements. The WV DAQ does not have any regulatory authority to require local monitoring as part of the Title V permitting process.

9. A non-applicability determination for compliance monitoring (CAM) was made that defers such monitoring until permit renewal; but this is necessarily premised on control devices working, which apparently don't always work. This is a questionable deferral decision for CAM.

DAQ Response

The CAM Plan submittal was deferred until the Title V renewal since the dehydrator falls under the category of "Other PSEUs" in 40 C.F.R. §64.5(b) because post-control device emissions of VOC and HAPs are less than the Title V major source thresholds. Even with those instances of thermal oxidizer shutdowns, post-control emissions would not have exceeded major source thresholds. The thermal oxidizer has conditions in the Title V operating permit that require monitoring the presence of the flame, the temperature, and the residence time. There is also a requirement that the thermal oxidizer be operated at all times emissions are being vented to it. It should be noted that the monitoring parameters determined when the facility undergoes CAM review are not always more stringent than what is already required in the Title V permit.

10. The most important outcome for our neighborhood from the DEP-DAQ permit review is an increased long-term and immediate monitoring program near this facility as needed to determine proper baselines for actual operation and to ensure the county limited maintenance plan revision to the SIP is not undermined or rendered invalid. Without enhanced monitoring in this corner of county this new pollutant source will never be accurately evaluated nor will actual continued attainment with EPA Air Quality Standards be realized.

DAQ Response

The Title V permitting program issues operating permits to existing sources. It does not determine the location of air monitoring sites. See Response to Comment 3 from Regina Lindsey-Lynch and Edward Lynch.

Received From: Chistopher J. Paull from a letter dated December 27, 2022 and statements made at the public hearing on December 15, 2022.

DAQ Action on the Title V Permit

None.

Comments from Yuri Gorby

During the public hearing, Mr. Gorby discussed air monitors developed by Carnegie Mellon and how they are being used to gather data for non-regulatory purposes in the region. He also stated that these monitors are available to be hosted by communities and the data is available in real time on a web site.

DAQ Response

Mr. Gorby did not provide any comments on the Title V operating permit.

Received From: Yuri Gorby at the public hearing on December 15, 2022.

DAQ Action on the Title V Permit

None.

Comments from Anais Peterson

Ms. Peterson discussed research on the impacts of compressor station air pollution and how permitted pollution is still pollution with health impacts. She then made the following comments:

1. Appalachia Midstream Services, L.L.C. and West Virginia DEP need to to be transparent with the community about any potential expansions of the facility, and existing air emissions events and monitoring.

DAQ Response

Any increase in permitted emissions, requires a Class II administrative update or a modification to R13-3482. If the requested emissions increase is less than 6 lbs/hr, 144 lbs/day, or 10 tons/year of a regulated pollutant or 2 lbs/hr or 5 tons/yr of a hazardous air pollutant, a Class II administrative update is required. For a Class II administrative update, the applicant must publish a Class I legal advertisement at the time of application submittal.

For an emissions increase equal to or greater than 6 lbs/hr, 144 lbs/day, or 10 tons/year of a regulated pollutant or 2 lbs/hr or 5 tons/year of a hazardous air pollutant, a modification is required. For a modification, there are two public comment periods. The first one begins when the applicant publishes a Class I legal notice at the time of application submittal. The second one begins when the DAQ publishes a Class I legal notice of their intent to issue the permit modification. In addition to the publication in the newspaper of DAQ's intent to issue the permit modification, the notice of intent to issue the permit will also be sent via WVDEP's Mailing List for Public Notices. This mailing list is free to join on WVDEP's website (<https://apps.dep.wv.gov/ListServ/>).

All the monitoring requirements the facility is subject to are contained in the Title V operating permit and any deviations from the Title V operating permit are reported to WV DAQ for review by the C/E Section. Permit applications, permits, fact sheets, engineering evaluations, notifications, reports, etc. are filed in ApplicationXtender for which there is public access.

2. Residents need to receive frequent communications from WVDEP and the company about flaring, blowdowns and other major quality of life and health events.

DAQ Response

There are no state rules or federal regulations requiring the facility to notify the public of flaring events or engine blowdowns. If a facility has an unplanned release of air pollutants above applicable quantities, notifications are provided by the facility to federal and state call centers which will then coordinate with local emergency personnel to determine an appropriate course of action which may include notification to the public, a shelter in place, or an evacuation.

3. Requested that the written comments deadline be extended into January.

DAQ Response

The public comment period was open from October 21, 2022 to December 27, 2022 (30 days extended to 67 days). The comment period was not extended further.

4. Stated that the permit notice and public hearing were published in *The Brooke County Review* and the public hearing was not well advertised.

DAQ Response

Section 6.8.a.3.B states that the Secretary shall publish the public notice as a Class I legal advertisement in a newspaper in general circulation for the county where emissions will occur. The notice for the permit was published in the only “qualified” newspaper listed for Brooke County on the WV Secretary of State’s website, *The Brooke County Review*. The notice was also sent via WVDEP’s Mailing List for Public Notices. This mailing list is free to join on WVDEP’s website (<https://apps.dep.wv.gov/ListServ/>).

A thirty day public notice must be given for public hearings. For the public hearing, notices were published in both *The Brooke County Review* and the *Weirton Daily Times* on November 11, 2022. Additionally, this notice was also sent via WVDEP’s Mailing List for Public Notices.

5. Stated that the location of the Public hearing was not closer to the facility.

DAQ Response

As discussed above in the response to Mr. Paull’s comment on location, the WV DAQ made several attempts to find a location closer to the facility, but these were either unsuitable or unavailable. WV DAQ staff contacted the commenter who requested the hearing and was told that the proposed location in Follansbee was acceptable for the hearing.

Received From: Anais Peterson at the public hearing on December 15, 2022.

DAQ Action on the Title V Permit

None.

Comments from Missi Canterbury

1. She wants to know what actions should be taken by residents when the sirens are going off.

DAQ Response

This comment is unrelated to the Title V operating permit. Decisions about warnings to the nearby neighbors are addressed at the local level by the county emergency management personnel and not by WV DAQ. Residents may file a complaint with the

Division of Air Quality about an alleged air pollution issue by contacting DAQ's Northern Panhandle Regional Office at:

Division of Air Quality
Northern Panhandle Regional Office
131A Peninsula Street
Wheeling, WV 26003
Phone: 304-238-1220 ext. 81220
Fax: 304-238-1136

2. Wants set times for blowdowns and pigging.

DAQ Response

There are no state rules or federal regulations that limit when the facility can conduct pigging and engine blowdown events. Therefore, these requirements were not included in the Title V operating permit.

3. Are the doors used to reduce noise from the facility staying shut?

DAQ Response

The WV DAQ does not have the authority under any state rules or federal regulations to regulate noise.

4. Asked about flaring events happening when the station is unmanned.

DAQ Response

The Title V operating permit allows for flaring events. The facility does their planned maintenance that requires flaring during daytime hours when personnel are present. However, regular flaring occurs at the site per operational needs and may occur at times when the station is unmanned. The station is continuously monitored remotely whether personnel are present at the station or not.

Received From: Missi Canterbury at the public hearing on December 15, 2022.

DAQ Action on the Title V permit

None.