



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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March 10, 2022

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

Re: Docket No. CP22-21-000 and CP22-22-000, CP2 LNG and CP Express Project

Dear Secretary Bose:

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission (FERC) Federal Register Notice of Intent to prepare an Environmental Impact Statement (EIS), published February 9, 2022, for the Venture Global CP2 LNG, LLC (CP2 LNG) and Venture Global CP Express, LLC (CP Express) project located in Jasper and Newton Counties, Texas and Calcasieu and Cameron Parishes, Louisiana. CP2 LNG and CP Express propose to construct and operate a new 20 million tonnes per annum liquefied natural gas (LNG) export terminal in Cameron Parish, Louisiana. The proposed project would involve the construction of approximately 85 miles of new 48-inch-diameter natural gas pipeline originating in Jasper County, Texas and terminating at the proposed LNG terminal. A 6-mile-long, 24-inch-diameter lateral pipeline and 187,000-horsepower (hp) Moss Lake Compressor Station would also be constructed in Calcasieu Parish, Louisiana. The project will impact 737.3 acres for the LNG and 1,724.3 acres of land for the pipeline and associated above ground facilities, including waterbodies, wetlands, cropland, and forestland. The review is pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act.

To assist in the scoping process for this project, EPA has identified several areas for your attention and provides detailed scoping comments for your consideration. EPA is most interested in the Air Quality, Groundwater, Climate Change, and Environmental Justice impacts. We offer the following comments for your consideration.

Air Quality Comments

EPA asks that the EIS provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutants, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed project. Such an evaluation is necessary to understand the potential impacts from temporary, long-term, or cumulative degradation of air quality.

We recommend the EIS describe and estimate air emissions from potential construction, maintenance and operation activities, as well as proposed mitigation measures to minimize those emissions.

EPA recommends the EIS provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in the vicinity of the project.

We recommend the EIS estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project and describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. The EIS should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D.

EPA recommends the EIS specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

We recommend the EIS include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. We recommend all applicable local, state (e.g., coordination of land-clearing activities with the state air quality agency to determine air quality conditions such as atmospheric inversions prior to performing open burning activities), or Federal requirements (e.g., certification of non-road engines as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039) be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from any potential construction-related activities.

Groundwater Comments

EPA asks FERC to provide a detailed discussion addressing potential groundwater contamination impacts from the operations of the pipelines and associated facilities and whether this would negatively impact the Chicot Aquifer. The City of Lake Charles and surrounding communities obtain drinking water from sand units in the Chicot Aquifer.

We recommend the EIS specify and elaborate on how Environmental Justice concerns may lead to Class VI permitting issues.

Climate Change

According to CEQ, agencies should “consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including as appropriate and relevant, the 2016 GHG Guidance” (Notice of rescission of 2019 draft guidance (Feb. 19, 2021)). Based on this statement, we recommend the following be addressed in the EIS:

- EPA recommends the EIS estimate and analyze potential upstream and downstream GHG emissions to fully disclose the estimated direct and indirect emissions, broken out by GHG type, associated with the proposed action.
- Consistent with the CEQ’s position expressed in the October 7, 2021, notice of proposed rulemaking, EPA emphasizes the importance of estimating potential upstream emissions associated with the project. CEQ states “air pollution, including greenhouse gas emissions, released by fossil fuel combustion is often a reasonably foreseeable indirect effect of proposed fossil fuel extraction that agencies should evaluate in the NEPA process, even if the pollution is remote in time or geographically remote from a proposed action”. The EIS should consider whether the project will foreseeably induce production, or whether the supply source is known and whether the gas will come from new or

existing production.

- EPA recommends FERC avoid percentage comparisons between project-level and national emissions, which inappropriately diminish the significance of project-level GHG emissions.
- EPA recommends the EIS include a detailed discussion of the project's GHG emissions in the context of national GHG emission reduction goals over the anticipated project lifetime and address the increasing conflict over time between continued emissions and national GHG emissions reduction goals, including ways to avoid or mitigate that conflict. EPA recommends consideration of state and regional GHG reduction goals as well.
- EPA recommends highlighting practicable mitigation measures to be undertaken to reduce the proposed action's GHG emissions in the EIS and including those measures in staff recommendations for proposed terms and conditions required as part of certificate issuance, as appropriate.
- EPA recommends FERC consider ongoing and projected regional and local climate change and ensure robust climate resilience/adaption planning in the project design.

Environmental Justice

EPA recommends that discussions be provided on Tribal impacts (Executive Order 13175) and an in-depth explanation for a no impact determination be included in the EIS.

With regards to the availability of the Notice of Intent on FERC's website, it was observed that FERC does not make the proposed projects readily accessible for public review and comments. Therefore, the opportunity for meaningful engagement in the public review and decision-making processes may be hindered. EPA recommends FERC facilitate a means for the public at large to review FERC's federal Projects that have potential adverse impacts to its populations.

We recommend the actual direct, indirect, cumulative impacts, and mitigation measures to the minority or low-income population be identified in the EIS.

EPA recommends FERC incorporate a map in the EIS depicting the locations and alignments of all proposed projects directly, indirectly, and cumulatively impacting the minority and low-income populations in Cameron and Calcasieu Parishes, Louisiana. The map should include, but not be limited to all FERC related projects

EPA recommends FERC provide an explanation on how the proposed project will not adversely impact minority and low-income communities and/or populations residing outside and adjacent to the project area. If those populations are directly, indirectly, or cumulatively impacted (induced flooding, poor water quality, subsistence fishing, noise, safety, etc.), a discussion should be incorporated in the EIS on mitigation measures that will be implemented

We recommend that FERC include in the introduction and Environmental Justice Sections of the EIS a brief discussion of any minority and low-income populations adjacent to the project area that may be adversely impacted.

With regards to induce flooding and invoking of eminent domain, EPA recommends that the FERC, CP2 LNG, CP Express, and local governments implement equitable treatment of minority and low-income populations adversely impacted by the project, within and adjacent/outside the project area (buyout, relocation, poor water quality, subsistence fishing, noise, safety, etc.). Any

buyout and relocation should take in consideration not only the current market value, but also the shared profit gain/saving percentage.

We recommend that FERC, incorporate a discussion in the EIS regarding how the proposed project construction will alter the contour of the land and the long-term effect on the surrounding area as it relates to seasonal storms, hurricanes, livelihoods, community resiliency, etc.

We appreciate the opportunity to review this NOI and are available to discuss our comments. Please send our office an electronic copy of the Draft EIS when it is electronically filed with the Office of Federal Activities using the following link: <https://www.epa.gov/nepa/e-nepa-guide-registration-and-preparing-eis-electronic-submission>. If you have any questions, please contact Gabe Gruta at (214) 665-2174 or gruta.gabriel@epa.gov.

Sincerely,

ROBERT
HOUSTON

Digitally signed by ROBERT HOUSTON
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=ROBERT HOUSTON,
0.9.2342.19200.300.100.1.1=68001003655693
Date: 2022.03.10 15:44:22 -0600

Robert Houston
Staff Director
Office of Communities, Tribes and
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