



April 13, 2020

Via e-filing

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

**Re: *Sabal Trail Transmission, LLC*, Docket No. CP15-17-000
Response to Request for Extension of Time to Complete Construction of Phase
II Project Facilities (Accession No. 20200326-5147) and Request to Place Phase
II Project Facilities into Service (Accession No. 20200408-5059)**

Dear Secretary Bose:

The Sierra Club requests that FERC deny Sabal Trail Transmission, LLC's ("Sabal Trail") April 8, 2020 request to place the Albany and Dunnellon compressor stations into service on or around April 30, 2020.¹ FERC should deny Sabal Trail's request to place these non-essential, polluting facilities into service in the midst of the Covid-19 pandemic. The Albany compressor station would increase air pollution—which has been linked to higher coronavirus death rates²—in a predominantly African American community that has “one of the highest infection rates in the country.”³ Albany is located in Dougherty County, which is reportedly “one of the biggest hot spots in the world for the novel coronavirus.”⁴ Now is not the time to needlessly increase the pollution burden on an environmental justice community that is particularly vulnerable to these threats.

¹ This request was preceded by a March 26, 2020 request for extension of time to complete construction of these project facilities.

² Lisa Friedman, *New research links air pollution to higher coronavirus death rates*, N.Y. Times, April 7, 2020, <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html>.

³ Haisten Willis and Vanessa Williams, *A funeral is thought to have sparked a covid-19 outbreak in Albany, Ga. — and led to many more funerals*, Washington Post, April 4, 2020, https://www.washingtonpost.com/politics/a-funeral-sparked-a-covid-19-outbreak--and-led-to-many-more-funerals/2020/04/03/546fa0cc-74e6-11ea-87da-77a8136c1a6d_story.html.

⁴ Alan Mauldin, *Dougherty officials brace for what could be worst week in coronavirus crisis*, Albany Herald, April 6, 2020, https://www.albanyherald.com/news/dougherty-officials-brace-for-what-could-be-worst-week-in-coronavirus-crisis/article_121e5026-7840-11ea-b350-fb3fe9cfb067.html.

The Albany Compressor Station is Located in an Environmental Justice Community

According to U.S. Census data, 73.5% of the population of Albany, Georgia is “Black or African American alone.”⁵ The community directly surrounding the Albany compressor station site is likewise predominantly African American. Specifically, 84% of the residents within a half-mile radius of the site are African American, as are 82% of the residents within a one-mile radius. Comments on Draft EIS for the Southeast Market Pipelines Project (Accession No. 20151027-5089) at 28-29. *See also Sierra Club v. FERC*, 867 F.3d 1357, 1370 (D.C. Cir. 2017) (“The neighborhood in question is a 100% African American census block.”). Accordingly, African Americans will “bear a disproportionate share of the negative environmental consequences resulting from” operation of the Albany compressor station. U.S. Environmental Protection Agency, *Final Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analyses*, § 1.1.1 (1998) (“EPA Guidance”).

Compressor Stations Emit Harmful Air Pollutants that Cause Respiratory Problems

Compressor stations emit air pollutants known to cause serious adverse effects including respiratory problems, lung damage, and premature death. FERC has “recognized that pollutants from compressor stations ‘are known to increase the effects of asthma and may increase the risk of lung cancer.’” *Friends of Buckingham v. State Air Pollution Control Bd.*, 947 F.3d 68, 85 (4th Cir. 2020).

According to FERC, the Albany compressor station has the potential to emit 9.14 tons/year of particulate matter (PM₁₀/PM_{2.5}), 46.77 tons/year of nitrogen oxides (NO_x), and 57.8 tons/year of volatile organic compounds (VOCs). Sabal Trail Final EIS (Accession No. 20151218-4001) at 3-257. EPA has linked particulate matter “to a variety of problems, including: premature death in people with heart or lung disease; nonfatal heart attacks; irregular heartbeat; aggravated asthma; decreased lung function; [and] increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.”⁶ Short-term exposure to nitrogen oxides can trigger asthma attacks, and may be related to chronic obstructive pulmonary disease and other respiratory diseases.⁷ Ozone, which forms by a reaction between NO_x and VOCs, can result in “respiratory symptoms, reduced lung function, and airway inflammation, as well as more serious effects such as increased hospital admissions and increased daily mortality.”⁸

For ozone and particulate matter, there is no “threshold concentration below which these pollutants are known to be harmless.” *Am. Trucking Ass’n v. EPA*, 283 F.3d 355, 360 (D.C. Cir. 2002). Even when the national ambient air quality standards (NAAQS) are not violated as to particulate matter, exposure to PM_{2.5} increases the risk of asthma, heart attacks, and death. *Friends of Buckingham*, 947 F.3d at 92. Moreover, the NAAQS “address regional air quality concerns... [but] do not adequately assess risk to human health for residents living in close proximity to

⁵ <https://www.census.gov/quickfacts/fact/table/albanycitygeorgia/RHI225218#RHI225218>

⁶ EPA, *Health and Environmental Effects of Particulate Matter (PM)*, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulatematter-pm>.

⁷ EPA, *Integrated Science Assessment for Oxides of Nitrogen Health Criteria*, lxxxiii (2016).

⁸ EPA, *Ozone Pollution and Your Patients’ Health*, <https://www.epa.gov/ozone-pollution-and-your-patients-health/course-outlineand-key-points-ozone>.

polluting sources..., where emissions can be highly variable.”⁹ *See also Friends of Buckingham*, 947 F.3d at 91 (rejecting state agency’s conclusion that meeting air quality standards justified dismissing environmental justice concerns).

Environmental Justice Communities Are Particularly Vulnerable to Increased Pollution

Environmental justice populations are likely to be “more susceptible to pollution and environmental degradation (e.g., reduced access to health care)...” EPA Guidance at § 5.0. FERC acknowledged in the EIS for the Sabal Trail Pipeline that “it is reasonable to assume that, where African American populations are present, they have an increased risk of experiencing adverse impacts from decreased air quality.” Sabal Trail Final EIS at 3-214. *See also* Atlantic Coast Pipeline Final EIS (Accession No. 20170721-4000) at 4-514 (recognizing that due to “compressor station emissions, African American populations near [a pipeline project] could experience disproportionate health impacts due to their susceptibility to asthma.”); *Friends of Buckingham*, 947 F.3d at 88 (“FERC’s analysis ... outlined all the risks to African Americans from the Compressor Station, e.g., increased risk of asthma and lung cancer, and even noted that African Americans were an ‘especially sensitive’ community for these conditions.”).

In addition, residents of Albany are already overburdened with polluting industrial facilities and infrastructure. *See Sierra Club*, 867 F.3d at 1370 (“A letter to FERC from four members of Georgia’s congressional delegation cites the grim statistics: southern Dougherty County has 259 hazardous-waste facilities, 78 air-polluting facilities, 20 toxic-polluting facilities, and 16 water-polluting facilities.”).

Air Pollution Has Been Linked to Higher Covid-19 Death Rates

Researchers have discovered a link between air pollution and Covid-19 death rates. *See* Xiao Wu et al., *Exposure to air pollution and COVID-19 mortality in the United States* (April 2020).¹⁰ Researchers at the Harvard University T.H. Chan School of Public Health found that an increase of only one microgram per cubic meter in PM_{2.5} is associated with a 15% increase in the Covid-19 death rate.¹¹ The Albany compressor station has the potential to emit 9.14 tons per year of particulate matter (PM₁₀/PM_{2.5}). Sabal Trail Final EIS at 3-257.

⁹ Southwest Pennsylvania Environmental Health Project, Summary on Compressor Stations and Health Impacts 6 (Feb. 24, 2015),

<https://www.environmentalhealthproject.org/sites/default/files/assets/downloads/summary-compressor-station-emissions-and-health-impacts-02.24.2015.pdf>.

¹⁰ https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf

¹¹ *Id.* *See also* Lisa Friedman, *New Research Links Air Pollution to Higher Coronavirus Death Rates*, N.Y. Times, April 7, 2020, <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html> (“Dr. John R. Balmes, a spokesman for the American Lung Association and a professor of medicine at University of California, San Francisco, said the findings were particularly important for hospitals in poor neighborhoods and communities of color....”).

In addition, according to the Centers for Disease Control and Prevention, “[p]eople with moderate to severe asthma may be at higher risk of getting very sick from COVID-19.”¹² African Americans “have one of the highest rates of current asthma compared to other racial/ethnic groups.” Sabal Trail Final EIS at 3-214. Compressor stations emit pollutants that aggravate asthma and reduce lung function. *See also* Reis Thebault et al., *The coronavirus is infecting and killing black Americans at an alarmingly high rate*, Washington Post, April 7, 2020¹³ (“African Americans have historically been disproportionately diagnosed with chronic diseases such as asthma, hypertension and diabetes — underlying conditions that experts say make covid-19 more lethal.”); Ellen Barry, *Days After a Funeral in a Georgia Town, Coronavirus ‘Hit Like a Bomb,’* N.Y. Times, March 30, 2020¹⁴ (“Dougherty County, dominated by cotton plantations in the 19th century, routinely ranks near the bottom of Georgia’s 159 counties in terms of most health outcomes, with high rates of diabetes and lung disease.”).

Albany is a “Global COVID-19 Hotspot”¹⁵

As of April 13, 2020, 1,208 people have tested positive for Covid-19 in Dougherty County, and 77 people have died.¹⁶ “[O]n a per-capita basis the outbreak makes Albany the fourth-worst hit in the country.” Graham Rapier, *How a small Georgia city far from New York became one of the worst coronavirus hotspots in the country*, Business Insider, April 7, 2020.¹⁷ And Albany has “the highest rate of deaths per 100,000 population of any metropolitan area in the country.” Alan Judd, *Georgia’s COVID-19 deaths surge, and a rural county coroner reels*, Atlanta Journal-Constitution, April 7, 2020.¹⁸

Area hospitals are already overwhelmed. *See, e.g.*, Brad Schrade and Johnny Edwards, *City under siege: Coronavirus exacts heavy toll in Albany*, Atlanta Journal-Constitution, March 27, 2020¹⁹ (“The sudden deluge of critically ill patients quickly overwhelmed Albany’s main hospital.”); Alan Mauldin, *Dougherty officials brace for what could be worst week in coronavirus crisis*, Albany Herald, April 6, 2020²⁰ (“As of Monday, ... all of the 50 intensive care units

¹² <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html>. *See also id.* (“COVID-19 can affect your respiratory tract (nose, throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease.”).

¹³ <https://www.washingtonpost.com/nation/2020/04/07/coronavirus-is-infecting-killing-black-americans-an-alarmingly-high-rate-post-analysis-shows/?arc404=true>

¹⁴ <https://www.nytimes.com/2020/03/30/us/coronavirus-funeral-albany-georgia.html>

¹⁵ Grant Blankenship, *How Albany Emerged as a Global COVID-19 Hotspot*, Georgia Public Broadcasting, April 1, 2020, <https://www.gpbnews.org/post/how-albany-emerged-global-covid-19-hotspot>.

¹⁶ <http://www.southwestgeorgiapublichealth.org>

¹⁷ <https://www.businessinsider.com/coronavirus-hotspot-albany-georgia-funderals-covid-19-cases-per-capita-2020-4>

¹⁸ <https://www.ajc.com/news/georgia-covid-deaths-surge-and-rural-county-coroner-reels/AxjqQUhZpbjIeMr2s4pIPO/>

¹⁹ <https://www.ajc.com/news/state--regional/city-under-seige-coronavirus-exacts-heavy-toll-albany/xC9NO677gfDQSaGEQDXSAN/>

²⁰ https://www.albanyherald.com/news/dougherty-officials-brace-for-what-could-be-worst-week-in-coronavirus-crisis/article_121e5026-7840-11ea-b350-fb3fe9cfb067.html

available in Albany were filled with COVID-19 patients”); Alan Judd, *Mobile morgues suggest Georgia’s coronavirus crisis is far from over*, Atlanta Journal-Constitution, April 9, 2020²¹ (“Critical care units at [Albany’s] hospital have been pushed to their limits.”).

FERC Should Require Sabal Trail to Halt Construction and Should Deny its Request to Place Phase II Facilities into Service

As a result of this outbreak, Albany has been “mostly locked down for several weeks.”²² See also *More restrictions in place for Dougherty County shelter-in-place order*, WFXL Fox 31 News, March 22, 2020.²³ In light of these unprecedented circumstances, Sabal Trail should halt construction work on this non-essential facility. Only workers that are needed for health and safety purposes, if any, should remain at the site.

FERC also should deny Sabal Trail’s request to begin operating the Albany and Dunnellon compressor stations. In addition to the increased air pollution burden, other pertinent risks include “an unanticipated ... compressor station failure, gas leaks, and blowdowns at compressor stations.” Atlantic Coast Pipeline Final EIS at 4-14.²⁴ As local residents face an unprecedented public health emergency, they should not be forced to bear additional health and safety risks that could exacerbate respiratory illness and further tax first responders and local healthcare facilities.

Moreover, any claim that there is some urgency to placing the compressor stations into service is belied by the fact that Sabal Trail is already more than two years behind schedule,²⁵ and that Sabal Trail recently requested “a six-month extension of time, or until November 1, 2020, to place these [Phase II] Project facilities into service.”²⁶

²¹ <https://www.ajc.com/news/mobile-morgues-suggest-georgia-coronavirus-crisis-far-from-over/sooG3CY0uYQCqpNo5oJplO/>

²² *Id.*

²³ <https://wfxl.com/news/local/more-restrictions-in-place-for-dougherty-county-shelter-in-place-order>

²⁴ See, e.g., *Michigan NatGas Compressor Station Catches Fire, Explodes*, Marcellus Drilling News, Jan. 31, 2019, <https://marcellusdrilling.com/2019/01/michigan-natgas-compressor-station-catches-fire-explodes>; Amy Robinson, *Compressor station explosion raises concerns*, McKenzie County Farmer, Jan. 5, 2016, <https://www.watfordcitynd.com/?id=10&nid=3533>; Lynda Clancy, *Spectra Energy compressor station offline while engineers investigate Searsmont gas release*, Penobscot Bay Pilot, Jan. 7, 2014, <https://www.penbaypilot.com/article/spectra-energy-compressor-station-offline-while-engineers-investigate-searsmont-gas-re/26512>; Scott Detrow, *AP reports explosion at Susquehanna County compressor station*, StateImpact Pennsylvania, March 29, 2012, <https://stateimpact.npr.org/pennsylvania/2012/03/29/ap-reports-explosion-at-susquehanna-county-compressor-station>.

²⁵ See Notice of Extension of Time Request (March 27, 2020) (Accession No. 20200327-3095) (“Sabal Trail was initially required to construct all phases of its facilities and place them into service by February 2, 2018”).

²⁶ Request for Extension of Time to Complete Construction of Phase II Project Facilities (March 26, 2020) (Accession No. 20200326-5147).

Given These “Significant New Circumstances,” FERC Must Prepare a Supplemental EIS

The NEPA regulations require that:

- (1) [Agencies] . . . [s]hall prepare supplements to either draft or final environmental impact statements if:
 - ...
 - (ii) There are *significant new circumstances* or information relevant to environmental concerns and bearing on the proposed action or its impacts.
- (2) [Agencies] may also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

40 C.F.R. § 1502.9(c) (emphasis added). The use of the word “shall” is mandatory and creates a duty on the part of the agency to prepare a supplement to the EIS if there are significant new circumstances or information relevant to environmental concerns. *See Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 372 (1989). Albany’s emergence as a Covid-19 global hotspot constitutes “significant new circumstances” that require a supplement to the EIS to examine, *inter alia*, the public health and environmental justice implications of completing construction of and operating a compressor station that would further burden vulnerable populations. In addition, for the reasons set forth above, construction and operation of the compressor stations should be halted pending the outcome of the supplemental EIS.

* * *

African American populations are particularly vulnerable to asthma and other illnesses that are exacerbated by increased air pollution. These underlying conditions result in more severe cases of Covid-19, including increased death rates. African American communities “have been infected and their residents killed at a disproportionate rate across the country.”²⁷ FERC should deny Sabal Trail’s request to begin operating a non-essential compressor station that would increase harmful air pollution in a predominantly African American community that is currently a global hotspot for the Covid-19 crisis.

Sincerely,



Elly Benson
Senior Attorney, Sierra Club

²⁷ Elizabeth Thomas and Nancy Anoruo, *Coronavirus is disproportionately killing the black community. Here’s what experts say can be done about it: Numbers broken down by race have shocked the nation*, ABC News, April 9, 2020, <https://abcnews.go.com/Politics/coronavirus-disproportionately-killing-black-community-experts/story?id=70011986>.