



REGION 8

DENVER, CO 80202

January 2, 2025

Ref: 8EJC-NE

Bureau of Land Management
Colorado River Valley Field Office
Attn: Jill Bogdanovich and Jacob Casey
2300 River Frontage Road
Silt, Colorado 81652

Dear Jill Bogdanovich and Jacob Casey:

The U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management's Draft Environmental Assessment (EA) for the TEP Rocky Mountain LLC and Grand River Gathering, LLC West Mamm Creek Pipeline Project (DOI-BLM-CO-G020-2023-0048-EA), prepared in cooperation with the U.S. Department of Agriculture Forest Service White River National Forest. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we are providing comments that convey questions and/or concerns that we recommend addressing in the Final EA.

The BLM and Forest Service have prepared this Draft EA to analyze and disclose the potential impacts of providing Rights-Of-Way (ROWs) from the BLM and Special and Temporary Use permits from the Forest Service to install and operate two water pipelines and two natural gas pipelines. These pipelines would provide support for existing natural gas production and potential future development and production in the West Mamm Creek area in Garfield County, roughly 7.5 miles south of Rifle, Colorado.

Based on information in the Draft EA, our areas of interest for the TEP Rocky Mountain LLC and Grand River Gathering, LLC West Mamm Creek Pipeline Project (Mamm Creek Pipeline Project) include: (1) pipeline spill risks; (2) water resources; (3) air quality; and (4) impacts on wildlife from construction and reclamation. We also provide general comments relating to truck trip estimates, induced growth, and public scoping comments. We recommend the EA analyze and disclose the environmental effects on resources associated with each alternative in a manner that will allow for the decision-maker to effectively plan to reduce potential impacts to such resources to the greatest extent possible.

The EPA appreciates the opportunity to provide comments at this stage of the NEPA process. Thank you for considering our input. If further explanation of our comments is desired, please contact me at (303) 312-6155 or mccoy.melissa@epa.gov, or Greyson Abid, lead reviewer, at (303) 312-6425 or abid.greyson@epa.gov.

Sincerely,

**MELISSA
MCCOY**

Digitally signed by
MELISSA MCCOY
Date: 2025.01.02
17:50:24 -07'00'

Melissa W. McCoy, Ph.D., J.D.
NEPA Branch Manager
Environmental Justice, Community Health, and
Environmental Review Division

ENCLOSURE

1. EPA's Detailed Comments for the Mamm Creek Pipeline Project Draft EA

EPA's Detailed Comments on the Mamm Creek Pipeline Project EA

General Comments

Truck Trip Estimates, Reasonably Foreseeable Future Actions, and Induced Growth

The EPA appreciates that the BLM and Forest Service have included estimates of how many truck trips the proposed action would reduce annually and a discussion of reasonably foreseeable future actions in the West Mamm Creek area.¹ Such information adds context to the public's understanding of the impacts under the Action and No-Action Alternatives and provides a basis for understanding the cumulative impacts of the Project. To help the public better understand the reasoning behind the truck trip estimates, we recommend discussing how these estimates were made, including any data or assumptions used to derive them.

Since the proposed action would enable the development of two natural gas pipelines, we recommend considering the potential that the proposed action may lead to indirect impacts through induced fluid mineral development growth. To assess these potential indirect impacts, we recommend estimating the reasonably foreseeable development likely to occur with and without the construction of the two proposed natural gas pipelines and considering any differences in fluid mineral development due to these natural gas pipelines as potential indirect effects under the Action Alternative.

Public Scoping Comments

The EA notes that 49 unique comment letters and emails were received during the Project's public scoping period between August 11, 2023 and September 11, 2023, including comments from Colorado Parks and Wildlife, Garfield County, and a wide range of environmental non-profit organizations. The EPA appreciates that the BLM and Forest Service have included an appendix with these scoping comments along with responses to these comments. Some concerns raised during scoping were not addressed, such as concerns relating to noise impacts and public safety discussed in comment 9611 or the pipeline spill risk mentioned in comments 9526, 9609, 9733, 9734, 9748, 9749, 7086, and 8917. Given the degree of public participation in the Project during the scoping period and media interest concerning the Project's potential for pipeline spills, wildlife and plant impacts, and increased future drilling,² within the EA itself, we recommend including a summary of all comments received during the prior scoping period and a discussion of how concerns raised during the scoping period were addressed. We also recommend including a reference within Section 1.5 (entitled "Scoping") of the EA's Introduction to the appendix containing the earlier scoping comments. Finally, we recommend revisiting public scoping comments to ensure that they have all been addressed and that public feedback is incorporated into the decision-making process.

Pipeline Spill Risk

The EPA notes that produced water has been released into Mamm Creek in the past due to pipeline spills.³ In addition, Summit Midstream Partners LLC—which wholly owns Grand River Gathering, LLC,

¹ EA, pages 7 and 23.

² See, e.g., https://www.gjsentinel.com/news/environmental-assessment-released-on-rifle-area-pipeline-project/article_9615970c-b41f-11ef-8258-07b15250ecb6.html.

³ See https://www.gjsentinel.com/news/western_colorado/drilling-company-says-spill-minimal-did-not-harm-creek/article_22313cb7-607d-571f-9a75-bfd9880f5526.html.

the applicant for the proposed Special and Temporary Use permits from the Forest Service—has been previously subject to federal fines for “...negligently causing the discharge into U.S. waters in 2014, and deliberately failing to immediately report the spill to federal authorities as required.”⁴ Given this context and the non-negligible risk of a pipeline spill in general, the EPA recommends that the EA include a detailed evaluation of potential adverse impacts to human health and the environment from pipeline leaks or spills, including potential adverse impacts to air quality, water resources, and human health. We recommend that this analysis include the chemical characteristics of any transported pipeline fluids and the anticipated fate and transport of any spill into the environment, including anticipated volatilization rates and resulting toxicity hazard. It may be useful to discuss the probabilities and/or likely frequencies of different types of spill and leak events over the life of the pipeline, including any potential need for emergency response to prevent significant impacts to ecosystems and human health.

We recommend that the EA describe how pipeline leaks would be detected, the time frame over which a leak may occur prior to detection and control, and the potential volume that would be released before shut-off could occur. If a Supervisory Control and Data Acquisition (SCADA) System is proposed, we recommend that it be discussed. We additionally recommend that the analysis describe how small leaks that may not be detectable by the SCADA system would be identified.

Air Quality

Existing Air Quality Conditions

To provide a more complete characterization of air quality in the project area, we recommend providing the existing air quality baseline for criteria pollutants and air quality related values (AQRVs), including visibility and resources sensitive to deposition. This information makes it possible to meaningfully evaluate the Project’s potential air quality impacts in relation to existing conditions and determine what measures may be needed to mitigate significant impacts. For criteria pollutants, we recommend coordinating with the Colorado Department of Public Health & Environment (CDPHE) to establish representative design values (background pollutant concentrations) based on the most recent monitoring data representative of the project area. Data are also available from EPA at the design values webpage.⁵ Monitoring locations and data can be accessed through EPA’s outdoor air monitor webpage,⁶ and through the EPA’s Air Quality System (AQS) for AQS users.⁷

Since it is possible that the proposed natural gas pipelines may induce growth in fluid mineral development, it will be useful to provide an existing baseline for AQRVs. We therefore recommend characterizing trends in visibility in nearby Class I areas, such as the Maroon Bells-Snowmass and Flat Tops Wilderness, and any adjacent sensitive receptors. Data are available through the IMPROVE monitoring network and information prepared by the Federal Land Managers (FLMs). We suggest working with CDPHE and the FLMs regarding existing AQRVs in the areas they manage. Information is also available online at:

⁴ See <https://www.justice.gov/opa/pr/pipeline-company-sentenced-largest-ever-inland-oil-spill>.

⁵ <https://www.epa.gov/air-trends/air-quality-design-values>

⁶ <https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>

⁷ <https://www.epa.gov/aqs>

- <http://vista.cira.colostate.edu/Improve>;
- <https://www.nps.gov/subjects/air/park-conditions-trends.htm>; and
- https://www.fs.usda.gov/air/technical/class_1/alpha.php

Existing deposition may be characterized by utilizing the National Atmospheric Deposition Program (NADP) monitoring network in conjunction with total deposition (TDEP)⁸ estimates and information available from the FLMs and websites bulleted above. We recommend characterizing AQRVs for airsheds within Colorado for which data exist and correlating existing AQRVs with potential future development that could affect visibility within a particular airshed.

Air Quality Impacts

To understand the Project's air quality effects, the EPA recommends that the EA estimate the emission-generating activities and potential air quality impacts associated with pipeline construction, maintenance, and operation. To accomplish this, we recommend estimating the number of hours of equipment use and types of equipment needed for the clearing of vegetation, excavation and grading of the ROWs, installation of the pipeline, backfilling of trenches, reclamation, and all other planned activities.⁹ Emission factors may then be used to estimate emissions from planned activities. Based on this information, we recommend preparing an emissions inventory to inform a discussion of the pollutants generated from the proposed activities. With this emissions inventory, the EA can discuss the direct, indirect, and cumulative impacts associated with the proposed action to air quality more thoroughly. This is meaningful because violations of the NAAQS (see cumulative air quality impacts section below) are not the only potentially significant air quality impacts that could occur with this project. For example, there could be local and/or temporary impacts that could be substantial, especially to sensitive receptors. By disclosing how activities may affect air quality, the BLM and Forest Service can identify measures to prevent potentially significant impacts, such as the implementation of design features and placing limits on how much activity can occur in specific locations.

If, per our recommendation on page 3 above, it is determined that the proposed action may lead to indirect impacts through induced fluid mineral development, then we recommend also estimating emissions from this reasonably foreseeable development and using the emissions to evaluate the effects to air quality and AQRVs from both pipeline development and induced fluid mineral development.

Cumulative Air Quality Impacts

The EPA appreciates that the BLM and Forest Service utilized the Colorado Air Resource Management Modeling Study – version 2.0 (CARMMS) to estimate reasonably foreseeable future near-field air quality conditions surrounding the project area. The EA notes that:

CARMMS analysis predicted that the contributions of cumulative air quality from federal and non-federal project-specific maximum potential annual emissions (full development plus one full year of production occurring in the same year) would be below the applicable National

⁸ See <https://nadp.slh.wisc.edu/committees/tdep/>.

⁹ See EA, page 10.

Ambient Air Quality Standards (NAAQS) and Colorado Ambient Air Quality Standards (CAAQS) for all pollutants in the area surrounding the West Mamm Creek area.¹⁰

For increased clarity, we recommend providing additional context for CARMMS, such as an overview of the different development scenarios considered and how data specific to the present Project was, or was not, incorporated into or otherwise accounted for in the model, and discussing any new developments that may have affected cumulative air quality conditions surrounding the project area since the development of CARMMS. To facilitate the comparison between cumulative emissions and air quality standards, we recommend providing a table that includes the results of the CARMMS analysis with NAAQS and CAAQS. This would allow the public to appreciate that these air pollutant standards would be met and to understand how close expected air quality will be to these standards.

Water Resources

Water Resource Existing Conditions

The EPA appreciates that the BLM and Forest Service have included a table and map of all pipeline water crossings.¹¹ These water crossings include both ephemeral and intermittent streams, and three crossings of Dry Creek. In addition to these water crossings, we recommend discussing and including high-resolution maps or GIS shapefiles of any additional waterbodies surrounding or downstream of the project area. Such data for any streams and waterbodies potentially affected by the proposed activities can provide information for the evaluation of the potential impacts on water quality (e.g., impacts caused by a potential pipeline leak), and a point of comparison for future monitoring of impacts. To provide the public with a more thorough understanding of existing water resource conditions, we recommend including the following in the EA or noting where such information is not available:

- A discussion and one or more maps or shapefiles of surrounding and downstream surface waters, including available water quality data in relation to current standards (including designated uses), stream functional assessments, stream channel and stream bank stability conditions, sediment loads, and aquatic life;
- A discussion and one or more maps or shapefiles of surrounding wetlands, riparian areas, springs, and seeps, including types, functions, conditions, and acreages;
- A map of Clean Water Act impaired or threatened waterbody segments surrounding or downstream of the project area, which can be accessed using the EPA's How's My Waterway Tool,¹² and a discussion of any impairments to these waterbodies (e.g., sedimentation, temperature) and their likely causes; and
- Maps depicting the location of sensitive groundwater resources such as sole source aquifers (available from EPA's Sole Source Aquifer website at <https://www.epa.gov/dwssa>), municipal watersheds, source water protection zones, sensitive aquifers, shallow aquifers, and recharge areas.

¹⁰ EA, page 24.

¹¹ EA, pages 38 and 39.

¹² <https://mywaterway.epa.gov/>

Water Resource Impacts

The EA notes that temporary impacts from stream crossings would be expected during pipeline installation. The EA states that installation “...would typically occur in ‘the dry’ or when water is not flowing. If water were flowing, a flume would be used to divert water around construction.”¹³ Since the Draft EA does not state what impacts from stream crossings are expected, we recommend clarifying the anticipated site-specific impacts in the Final EA. We also recommend ensuring that best management practices (BMPs) for water diversion during construction are utilized, such as minimizing the disturbance of soil and removal of vegetation and using diversion structures free from grease, oil, silt, sand, and other pollutants.

We also recommend discussing additional possible water resource impacts from pipeline installation and pipeline water crossings. Such impacts may be both temporary and non-temporary, and may include impacts to water quality, wildlife, aquatic life, soils, riparian plants, and so on. Examples include short and long-term impacts to wildlife, water quality, and soil from possible pipeline spills¹⁴ and long-term impacts on plant species, such as decreased biomass, and soils, such as soil compaction and temperature, that may result from pipeline installation.¹⁵

With respect to stream crossings, the EA also states that:

The BLM RMP [resource management plan] stipulation designated “CSU-3 for Intermittent and Ephemeral Streams” requires application of CSU [controlled surface use] constraints within 100 feet from the edge of intermittent or ephemeral stream drainages as defined by the U.S. Geological Survey National Hydrography Dataset or field evaluation. This stipulation would apply to 100 feet on both sides of a drainage at four locations on BLM-managed lands, for a total of 800 feet (7%) of the 2.14 miles on BLM lands. With a proposed disturbance width of up to 50 feet, this length represents 0.9 acre of impacts to intermittent and ephemeral streams. Design measures, BMPs, and ROW stipulations would satisfy this CSU without the need for relocation.¹⁶

To ensure these design measures, BMPs, and ROW stipulations are adequately protective, we recommend discussing the potential impacts to intermittent or ephemeral stream drainages, the specific design measures, BMPs, and ROW stipulations that would be implemented, and how these measures would provide protections intended by the inclusion of CSU-3 in the RMP (i.e., protections that maintain and protect water quality, stream stability, aquatic health, seasonal use and downstream fisheries, and sediment processes downstream). Without a discussion of the specific design measures, BMPs, and ROW stipulations that would be applied, it is unclear whether the purpose of CSU-3 would be satisfied without a need for relocation.

Impacts on Wildlife from Construction and Reclamation

The EA notes that the project area overlaps with mule deer and moose winter range, and elk winter concentration and production areas.¹⁷ To mitigate potential impacts to these big game species, the

¹³ EA, page 38.

¹⁴ See [https://www.cell.com/heliyon/fulltext/S2405-8440\(18\)35602-0](https://www.cell.com/heliyon/fulltext/S2405-8440(18)35602-0).

¹⁵ See <https://access.onlinelibrary.wiley.com/doi/pdf/10.1002/agg2.20312>.

¹⁶ EA, page 40.

¹⁷ EA, page 41.

Action Alternative restricts construction between December 1 to April 30 for winter concentration areas and winter range, and May 15 to June 30 for elk production areas.¹⁸ The EA notes that construction is anticipated to last for 4 months¹⁹ and that the process of reclamation of disturbed areas, including seeding, would occur within 30 days after the completion of construction.²⁰ Given this restricted 5 month timeframe for construction between July 1 and November 30, we recommend discussing whether reclamation activities would take place during the December 1 to April 30 timeframe, what impacts reclamation activities and associated human presence may have on wintering big game species if they were to occur during this timeframe, and what steps would be taken if impacts on big game species due to reclamation activities are anticipated.

¹⁸ EA, page 45.

¹⁹ EA, page 9.

²⁰ EA, page 12.