



SUPPLEMENTAL PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: **NAN-2023-00338-EMI**
Issue Date: **April 3, 2024**
Expiration Date: **May 3, 2024**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) and an application for a Department of the Army permission pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

APPLICANT: Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard, Level 11
Houston, Texas 77056

ACTIVITY: Pipeline Maintenance Activities

WATERWAY: Raritan Bay, Lower New York Bay, and the Atlantic Ocean

LOCATION: Between Middlesex County, New Jersey and Nassau County, New York

A public notice was published on the New York District Website on August 9, 2023 with a 30-day comment period ending on September 8, 2023.

Enclosed in this Supplemental Public Notice is a Clean Air Act Statement of Conformity for the proposed work.

Emissions have been estimated using project planning information prepared by Transcontinental Gas Pipe Line Company, LLC, consisting of anticipated equipment types and estimates of horsepower and operating hours of the diesel engines powering equipment.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity, specifically on this Statement of Conformity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

It is requested that you communicate the foregoing information concerning the activity to any

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persons known by you to be interested and who did not receive a copy of this notice. Please send all comments and questions concerning this application to Christopher.W.Minck@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

STATEMENT OF CONFORMITY

1. Introduction

1.1. General Description of Proposed Work

The permit applicant, Transcontinental Gas Pipe Line Company, LLC (Transco) has requested Department of the Army (DA) authorization for pipeline maintenance activities to increase protection of the Lower New York Bay Lateral (LNYBL) pipeline. The project is located in Raritan Bay, Lower New York Bay, and the Atlantic Ocean at seven work areas between Middlesex County, New Jersey and Nassau County, New York.

The proposed work would involve the following: Discharge approximately 131,100 cubic yards of rock across seven proposed work areas totaling 26.52 acres (approximately 17.28 acres in New Jersey and approximately 9.24 acres in New York).

State	Work Area	Work Area Start	Work Area End	Area (sq ft)	Quantity of Fill (CY)
NJ	1	40° 28' 18.1234" N 74° 14' 01.1621" W	40° 28' 20.0347" N 74° 13' 50.5204" W	6,400	510
NJ	2	40° 28' 41.6225" N 74° 06' 15.4813" W	40° 28' 40.1587" N 74° 06' 00.8547" W	3,600	390
NJ	3	40° 29' 03.1178" N 74° 01' 12.5930" W	40° 29' 25.5166" N 73° 59' 36.6538" W	523,000	79,200
NJ	4	40° 29' 37.8127" N 73° 58' 49.1020" W	40° 29' 53.9587" N 73° 57' 44.6955" W	47,900	3,510
NJ	5	40° 29' 56.7932" N 73° 57' 32.4107" W	40° 30' 16.7822" N 73° 56' 14.3708" W	172,300	18,141
NY	6	40° 30' 31.1242" N 73° 55' 18.8546" W	40° 30' 43.7108" N 73° 54' 28.5576" W	56,300	4,240
NY	7	40° 32' 39.1774" N 73° 46' 38.1658" W	40° 33' 35.1839" N 73° 42' 34.1313" W	346,200	24,740

Additionally, at Area 3, approximately 2,400 linear feet of submerged sheet pile will be installed to create a submerged retaining wall to prevent currents through the Sandy Hook Federal Navigation Channel from eroding the underlying seabed. The top of the sheet pile wall would be at elevations ranging from approximately -25 feet Mean Lower Low Water (MLLW) to -45 feet MLLW, extending approximately one foot above the rock cover armor layer elevation. The proposed submerged sheet pile would be located approximately 589 feet north of the Sandy Hook Channel and the rock placement area would be approximately 557 feet north of the Sandy Hook Channel.

Part of Work Area 5 is within the Ambrose Federal Navigation Channel. Approximately 15,950 cubic yards of rock will be placed over approximately 137,900 square feet within the Ambrose Channel. The top of the proposed rock cover in the Ambrose Channel will remain below the currently authorized depth of the channel (-53 feet Mean Low Water). The applicant is coordinating with the U.S. Army Corps of Engineers (USACE), pursuant to Section 14 of the Rivers and Harbors Act (33 U.S.C. 408), regarding requirements of removing the rock cover placed within the Ambrose Channel as it pertains to future maintenance dredging and deepening of the Ambrose Channel by USACE.

1.2. Authority

The New York District, Corps of Engineers received an application for a DA permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) and an application for a Department of the Army permission pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

1.3. Project Purpose

The applicant's stated purpose of the project as described above in Section 1.1 is to promptly restore cover over seven discrete sections of the existing offshore LNYBL pipeline and limit the rate of erosion due to dynamic seafloor conditions over these sections of the pipeline where surveying conducted by Transco has identified limited cover, including areas with less than one foot of cover.

The applicant is targeting construction to begin in June 2024 and continue through September 2024.

This document represents the General Conformity Determination required under 40 CFR §93.154 by the USACE. USACE is the lead Federal agency for permitting the proposed work, and thus is responsible for making the General Conformity determination for this project.

2. Background

Section 176(c) of the Federal Clean Air Act (CAA) provides that Federal agencies cannot engage, support, or provide financial assistance for licensing, permitting, or approving any project unless the project conforms to the applicable State Implementation Plan (SIP). A SIP is a compilation of a state's air quality control plans and rules, approved by the U.S. Environmental Protection Agency (USEPA). The state and USEPA's goals are to eliminate or reduce the severity and number of violations of National Ambient Air Quality Standards (NAAQS) and achieve expeditious attainment of these standards.

Pursuant to CAA Section 176(c) requirements, the USEPA promulgated Title 40 of the Code of Federal Regulations (CFR) Part 51 Subpart W and 40 CFR § 93 Subpart B, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans."¹ These regulations, commonly referred to as the General Conformity rule, apply to all Federal actions except for those Federal actions which are excluded from review (e.g., activities listed as exempt in the rule or stationary source emissions subject to air permit rules) or related to transportation plans, programs, and projects under Title 23 U.S.C. or the Federal Transit Act, which are subject to Transportation Conformity. Title 40 CFR Part 51 Subpart W applies in states where the state has an approved SIP revision adopting General Conformity regulations; 40 CFR Part 93 Subpart B applies in states where the state does not have an approved SIP revision adopting General Conformity regulations. The General Conformity provisions in 40 CFR Part 93 Subpart B are identical to those in 40 CFR Part 51 Subpart W. The New York State Department of Environmental

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Conservation (NYSDEC) has not promulgated a rule incorporating Federal General Conformity regulations by reference or establishing its own General Conformity regulations. The New Jersey Department of Environmental Protection (NJDEP) also has not promulgated a rule incorporating Federal General Conformity regulations by reference or establishing its own General Conformity regulations. Therefore, neither state has a USEPA-approved SIP revision incorporating General Conformity. As specified in 40 CFR Part 93, Subpart B, if a state has not developed its own General Conformity rule or formally adopted the Federal General Conformity rule, then the provisions in 40 CFR Part 93 Subpart B apply.

USACE has coordinated this determination with the NJDEP, the NYSDEC, and USEPA Region 2. Relative to the National Ambient Air Quality Standards (NAAQS), the project area includes parts of counties in New York and New Jersey that are currently classified as “severe” nonattainment for the 2008 8-hour ozone standard, “moderate” nonattainment for the 2015 8-hour ozone standard, and “maintenance” for both the 2006 particulate matter less than 2.5 microns (PM_{2.5}) and the 1971 carbon monoxide (CO) standards (40 CFR §81.333). Only three of the counties in which work will take place are within the CO maintenance area: Essex, Hudson, and Union Counties, all in New Jersey. The ozone nonattainment counties are part of the Ozone Transport Region. Ozone is controlled through the regulation of its precursor emissions, which include oxides of nitrogen (NO_x) and volatile organic compounds (VOCs). Sulfur dioxide (SO₂) is a precursor for PM_{2.5}.

3. Description of Emissions

Emissions will occur during maintenance work activity for the Project. Maintenance activity emissions will occur in calendar year 2024. When maintenance work is completed, emissions will cease. Subsequent survey vessel emissions associated with annual post-maintenance hydrographic and/or benthic monitoring surveys that may be required by the USACE permits are expected to be *de minimis*.

3.1. Maintenance Activity Emissions

Maintenance activity emissions will occur from offshore work along the LNYBL route in New York State and New Jersey waters. Such activities will be in Monmouth and Middlesex Counties in New Jersey and Queens and Nassau Counties in New York. Work areas 1 through 6 in New Jersey will be within 2 miles of the NY/NJ border; work area 7 in New York will be approximately 10 miles from the NY/NJ border. Currently it is anticipated that transport of rock and sheet piles will occur primarily in New Jersey waters. Existing onshore facilities in New Jersey will be utilized as temporary facilities for the staging and loading of rock and sheet piles. An emission estimate for the onshore activities cannot be made at this time; however, the onshore emission estimate will be updated when logistics information for rock and sheet pile delivery become available.

Offshore maintenance activities will consist of sheet pile installation and rock placement in specific work areas along the LNYBL route. Sheet piles will be installed to limit future erosion and rock will be placed on top of the pipeline to restore cover and limit future seabed erosion. The primary sources of emissions during these activities will be marine

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vessels of various sizes, ranging from a small day-use crew boat to larger dynamically positioned vessels, barges, and tugboats. Except for the dynamically positioned (DP) assets all marine vessels utilized for the maintenance project are locally licensed and operated tugs, barges and crew vessels that routinely operate within NJ and NY state waters. Emission estimates from the maintenance activities are based on the anticipated duration of use of each vessel type during the construction period, the vessels' engine characteristics and duty cycles, and emission factors. The emission estimate includes emissions from transport of materials from shore to the work sites and vessels operating at the work areas to install the sheet pile and rock.

Maintenance activities are anticipated to occur from June to end of September 2024. A project-specific emission tool was developed for estimating emissions from the maintenance activities. The emission tool utilizes a detailed vessel activity schedule, inventory of vessel types, quantity and duration of use, and emission factors to calculate emission burdens generated due to the maintenance activities. The primary source of vessel emission factors is the USEPA Port Emissions Inventory Guidance issued in April 2022. Emission burden estimates for the maintenance activities are presented in Table 1. A contingency factor of 10% of total emissions is added to the current emission estimate to account for emission sources, such as onshore rock and sheet pile delivery, for which logistical data is not available at this time to use in the emission estimate.

The emissions presented in Table 1 are the total for the Project in the NY-NJ-CT ozone nonattainment area. Figure 1 shows the work area locations. Only work areas 6 and 7 are in New York State waters. The largest proportion of total emissions would occur in New Jersey as follows:

- 43 tons of NO_x are produced from shore to work site transport of materials and personnel primarily in New Jersey waters.
- 51 tons of NO_x are produced in work area 3 due to sheet pile installation and rock placement.
- The remaining 114 tons of NO_x are produced in work areas in New Jersey (work areas 1, 2, 4 and 5) and New York (work areas 6 and 7).

Table 1. Estimated Emissions from LNYBL Maintenance Activities

Year	PM₁₀ (tpy)	PM_{2.5} (tpy)	SO₂ (tpy)	NO_x^{1,2} (tpy)	Ozone Control Period NO_x (tons)³	VOCs¹ (tpy)	Ozone Control Period VOCs (tons)³
2024	4.1	4.0	0.1	208	208	3.1	3.1
2024 with 10% contingency ⁴	4.5	4.4	0.1	229	229	3.5	3.5
Annual General Conformity <i>de minimis</i>	100	100	100	25	n/a	25	n/a

Key: PM2.5 = particulate matter less than 2.5 micrometers diameter, PM10 = particulate matter less than micrometers diameter; NO_x = oxides of nitrogen; SO₂ = sulfur dioxide; tpy = tons per year; VOC = volatile organic compound

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Notes:

¹ Assumes that *de minimis* thresholds for a severe ozone nonattainment area are applicable.

² USEPA's PM_{2.5} *De Minimis* Emission Levels for General Conformity Applicability (see Federal Register Vol. 71, No. 65, April 5, 2006) sets *de minimis* levels for direct PM_{2.5} and PM_{2.5} precursor compounds (SO₂ and NO_x) at 100 tpy. However, the final rule allows a state or USEPA to make a finding that VOC and/or ammonia are PM_{2.5} precursors and to make a finding that NO_x is not a PM_{2.5} precursor.

³ Ozone control period is May 1 through September 30 (153 days). Maintenance activity period is June 17 through September 22 (97 days). Since maintenance activity period is entirely within ozone control period, all NO_x and VOC emissions occur within the control period.

⁴ A contingency factor of 10% is added to the 2024 estimate to account for emissions not yet calculated, such as onshore activity (delivery of rock and sheet pile to dock). These emissions will be calculated when logistics information is available as input to estimate emissions.

LNyBL Maintenance Project NO_x emissions would be above the General Conformity *de minimis* threshold for a severe ozone nonattainment area. Although NO_x emissions would also be above the *de minimis* threshold as a precursor for PM_{2.5}, no additional measures would be required because the General Conformity requirements addressing ozone would also apply to PM_{2.5}.

4. Emission Offsets

Transco is committed to fully offsetting the NO_x emissions generated as a result of the work associated with this project. USACE recognizes that the feasibility and cost-effectiveness of each offset option is influenced by whether the emission reductions can be achieved without introducing delay to the construction schedule that would prevent timely completion of the project to provide the benefits for which the project is being undertaken.

Transco will demonstrate conformity with the New York and New Jersey State Implementation Plans by utilizing the emission offset options listed below. The demonstration can consist of any combination of options and is not required to include all options or any single option to meet conformity. The options for meeting general conformity requirements include the following:

- a. Emission reductions from project and/or non-project related sources in an appropriately close vicinity to the project location. In assessing the potential impact of this offset option, USACE recognizes the possibility of lengthening the time period in which offsets can be generated as appropriate and allowable under the general conformity rule (40 CFR §93.163 and §93.165).
- b. Use of Surplus NO_x Emission Offsets (SNEOs) generated under the Harbor Deepening Project (HDP) and/or subsequent projects for which SNEOs have been produced. As part of the mitigation of the HDP and later projects, USACE and the Port Authority of New York & New Jersey have developed emission reduction programs coordinated through the Regional Air Team (RAT). The RAT is comprised of the USACE, NYSDEC, NJDEP, USEPA Region 2, and other stakeholders. SNEOs will be applied in concurrence with the agreed upon SNEO Protocols to ensure the offsets are real, surplus, and not double counted.
- c. Development of a Marine Vessel Engine Repower Program (MVERP) which replaces older, higher emitting marine engines with cleaner engines, the delta in emissions being used to offset project emissions. The MVERP approach worked

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successfully for offsetting the HDP's construction emissions. The details of the MVERP, its implementation, and tracking would be coordinated with the RAT.

- d. Use of Cross-State Air Pollution Rule (CSAPR) ozone season NO_x Allowances with a distance ratio applied to allowances, similar to the one used by stationary sources.
- e. Rescheduling the project by elongating the construction schedule so as not to exceed the 25 tons per year severe ozone nonattainment area *de minimis* threshold for NO_x in any one calendar year. This option is least likely to be exercised.

Air quality modeling to demonstrate that the NO_x emissions will not cause or contribute to new violations of the 8-hour 2008 ozone standard or contribute to, or increase severity of, existing violations is not a viable option due to the complexity of the chemistry of ozone formation, large datasets required, and significant time required to run models.

5. Summary

In summary, Transco will achieve conformity for NO_x using the options outlined above, as coordinated with NJDEP, NYSDEC, and EPA, and coordinated through the RAT.