



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 1, 2021

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Ms. Meghan M. Emes
Attorney
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221

Dear Ms. Emes:

The Office of Resource Conservation and Recovery (ORCR) of the U.S. Environmental Protection Agency (EPA or Agency) grants approval to National Fuel Gas Distribution Corporation (NFGDC) to use alternative sampling site selection procedures for the purpose of removal and abandonment of natural gas pipelines that differ from the methodology specified in 40 CFR §§ 761.60(b)(5), 761.247, and 761.250 subject to the conditions of the enclosed approval. This approval is issued pursuant to section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 USC § 2605(e)(1), and 40 CFR § 761.61(c) of the federal PCB regulations. This approval is applicable on a nationwide basis because NFGDC will use these alternative sampling procedures in more than one EPA Region. This approval is effective upon EPA's signature and, except as specified otherwise in Condition 9, expires five years after the date of signature.

According to the application and subsequent amendment, dated February 10, 2021 and April 7, 2021, respectively, NFGDC plans to remove or abandon various sections of natural gas pipelines over several miles as part of replacement work. 40 CFR §§ 761.60(b)(5), 761.247(b), and 761.250(b) specify the requirements for determining PCB concentrations of natural gas pipelines that will either be abandoned or removed for disposal. According to § 761.247(b), when sampling multiple contiguous pipe segments for removal, depending on the total length, samples must be taken from seven segments or every ½ mile at a minimum of seven samples. According to § 761.250(b), when sampling pipeline sections for abandonment, at a minimum, samples must be taken from all ends of all pipeline sections. Collectively, these regulations contemplate sampling of contiguous pipeline that will either be removed or abandoned, not a combination of both. This approval modifies the sampling requirements for both the pipe segments to be removed and the pipeline sections to be abandoned, allowing NFGDC to better manage contiguous pipelines being replaced through a combination of removal and abandonment.

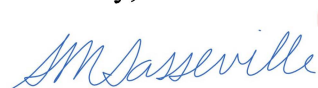
EPA previously approved National Fuel for similar alternative sampling site selection procedures in an approval issued December 10, 2015, which expired on December 10, 2020. NFGDC submitted to EPA its application for renewal on February 10, 2021 and submitted an amended application on April 4, 2021. EPA is granting this approval based upon the Agency's finding that NFGDC's use of the alternative sampling site selection procedures specified in this approval will not present an unreasonable risk of injury to health or the environment. In cases where sampling is performed every ½ mile of contiguous pipeline, the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments

or by § 761.250(b) for abandonment of pipeline sections if NFGDC were to either uniformly remove or abandon contiguous pipelines. In cases where sampling is not performed every ½ mile of contiguous pipeline because it would cause disturbance to existing construction or environmentally sensitive areas, for which fewer samples are taken than prescribed by the regulations under 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections, additional requirements for reporting and for approval of proposed deviations provide EPA greater oversight of sampling procedures to remain protective of human health and the environment.

This approval only covers the sampling site selection procedures for removal and abandonment of natural gas pipelines; NFGDC must comply with all applicable conditions of the approval and all applicable provisions of the PCB regulations. A violation of any condition of the approval or any applicable federal regulation may subject NFGDC to enforcement action and may be grounds for modification, revocation, or suspension of the approval. Modification, revocation, or suspension of this approval may also result from future EPA rulemaking(s) with respect to PCBs or from new information gathered by NFGDC and/or the EPA at, for example, a demonstration site or during subsequent operations at other sites.

Please contact Karen Swetland-Johnson (Swetland-Johnson.Karen@epa.gov), Paul Diss (Diss.Paul@epa.gov), and ORCRPCBs@epa.gov if you have any questions pertaining to this approval.

Sincerely,



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Sonya M. Sasseville, Director
Program Implementation and Information Division

Enclosure

cc: EPA Regional PCB Coordinators

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)	APPROVAL TO USE
)	
NATIONAL FUEL GAS)	ALTERNATIVE SAMPLING SITE
DISTRIBUTION CORPORATION)	
)	SELECTION PROCEDURES FOR
6363 MAIN STREET)	
)	POLYCHLORINATED BIPHENYLS
WILLIAMSVILLE, NY 14221)	
)	(PCBs)

AUTHORITY

This approval is issued pursuant to section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 USC § 2605(e)(1), and 40 CFR § 761.61(c) of the federal Polychlorinated Biphenyls (PCB) regulations.

Failure to comply with the approval conditions specified herein shall constitute a violation of 40 CFR §§ 761.61(c) and 761.50(a) and may also be a violation of other provisions of the PCB regulations in 40 CFR part 761. A violation of the PCB regulations is a prohibited act under section 15 of TSCA.

SUMMARY AND FINDINGS

Background information and illustrations of the alternative sampling site selection procedures are included in Appendices I and II.

National Fuel Gas Distribution Corporation (NFGDC) of Williamsville, New York, an interstate transporter of natural gas and a subsidiary of National Fuel Gas Company, plans to remove and replace several miles of natural gas pipelines. NFGDC may also abandon in place certain pipeline sections where necessary to simplify construction or reduce disturbances to the environment, roads, infrastructure, or utilities. For example, pipeline sections may be abandoned when construction methods to remove and replace the pipeline are not feasible or the pipeline is near environmentally sensitive areas that may be damaged by removal. 40 CFR § 761.60(b)(5) and part 761, subpart M specify the requirements for determining PCB concentrations for purposes of abandonment or removal for disposal of natural gas pipelines.

This approval modifies the sampling requirements for both the pipe segments to be removed and the pipeline sections to be abandoned, allowing NFGDC to better manage contiguous pipelines being replaced through a combination of removal and abandonment. EPA finds that NFGDC's use of the alternative sampling site selection procedures specified in this approval will not present an unreasonable risk of injury to health or the environment. In cases where sampling is performed every ½ mile of contiguous pipeline, the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR § 761.247(b) for

removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections if NFGDC were to either uniformly remove or abandon contiguous pipelines. In cases where sampling is not performed every ½ mile of contiguous pipeline because it would cause disturbance to existing construction or environmentally sensitive areas, for which fewer samples are taken than prescribed by the regulations under 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections, additional requirements for reporting and for approval of proposed deviations provide EPA greater oversight of sampling procedures to remain protective of human health and the environment.

EFFECTIVE DATE

This approval to operate nationwide is effective upon signature by the Director of the Program Implementation and Information Division (PIID) and shall expire five (5) years after the date of signature, except as otherwise specified in Condition 9.

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DEFINITIONS AND ACRONYMS

Definitions found in 40 CFR § 761.3 apply unless otherwise noted below.

“Application” means all data and materials upon which the EPA based its decision to approve NFGDC’s alternative sampling request (e.g., information submitted to the EPA by NFGDC to define, represent, or describe proposed sampling site selection procedures). This includes the request for approval required by 40 CFR § 761.61(c) and such data and materials submitted in relation to the approval application, as well as NFGDC’s “Alternate Sampling Approval” application, dated February 10, 2021, and the April 7, 2021, amendment.

“Approval” means the content of this document, the conditions within, and the application.

“Calendar year” or “year” means any 365 consecutive days except in the occurrence of a leap year, which contains 366 days. The calendar year does not necessarily begin on January 1st.

“CFR” means the Code of Federal Regulations.

“Contiguous pipeline” means a length of natural gas pipe that consists of only pipe segments to be removed for disposal or reuse and pipeline sections to be abandoned. “Contiguous pipeline” does not encompass any active natural gas pipe.

“Day(s)” means a calendar day(s), unless otherwise specified.

“Director of PIID” means the Director of the Program Implementation and Information Division (PIID), Office of Resource Conservation and Recovery (ORCR), U.S. EPA, Washington, DC. Mailing address: USEPA Headquarters, 1200 Pennsylvania Avenue, N. W., OLEM/ORCR/PIID, Mail Code: 5303P, Washington, DC 20460.

“HQ” means EPA Headquarters.

“Operations” means the sampling process to determine PCB concentrations for purposes of abandonment or removal for disposal of natural gas pipelines that may be contaminated with PCBs.

“ORCR” means the Office of Resource Conservation and Recovery, within EPA Headquarters.

“PCB” means polychlorinated biphenyls as defined in 40 CFR § 761.3.

“PCB regulations” are the regulations at 40 CFR part 761.

“PIID” means the Program Implementation and Information Division of the Office of Resource Conservation and Recovery, within EPA Headquarters.

“Pipe segment,” as specified in 40 CFR § 761.240(b), means a length of natural gas pipe that has been removed from the pipeline system to be disposed of or reused, and that is usually approximately 12.2 meters (40 feet) or shorter in length. Pipe segments are usually linear.

“Pipeline section,” as specified in 40 CFR § 761.240(c), means a length of natural gas pipe that has been cut or otherwise separated from the active pipeline, usually for purposes of abandonment, and that is usually longer than 12.2 meters in length. Pipeline sections may be branched.

“Quarter” means a three-month period starting January 1, April 1, July 1, or October 1.

“Regional PCB Coordinator” means the contact listed on the following website for the EPA Region in which NFGDC will be operating: <https://www.epa.gov/pcbs/program-contacts>.

“Spill” has the same meaning as the term is defined in EPA's PCB Spill Cleanup Policy in 40 CFR § 761.123.

CONDITIONS OF APPROVAL

(1) Scope of Approval

In accordance with 40 CFR § 761.61(c), this approval authorizes NFGDC to use alternative sampling site selection procedures in lieu of the sampling site selection procedures required under 40 CFR §§ 761.60(b)(5), 761.247(b), and 761.250(b). This approval will allow NFGDC to follow sampling requirements specified in this approval to better manage contiguous pipelines being replaced through both removal and abandonment.

This approval is solely for the purpose of alternative sampling site selection for contiguous pipelines. Any removal and abandonment activities that NFGDC conducts after sampling site selection shall be completed in accordance with the self-implementing procedures under 40 CFR § 761.60(b)(5) and do not require approval from the EPA. NFGDC shall comply with all other applicable requirements of the PCB regulations. In the event that the information contained in the application differs from the conditions specified in this approval, the conditions of this approval shall govern.

(2) Sampling Requirements

This approval allows NFGDC to use alternative sampling site selection procedures specified below, for determining PCB concentrations of contiguous pipelines that contain a combination of pipe segments to be removed for disposal and pipeline sections to be abandoned, in lieu of the sampling site selection procedures required under 40 CFR § 761.247(b), and § 761.250(b). See Appendix II for illustrations. To provide in-field flexibility, NFGDC may sample up to 200 feet away from any ½ mile sampling point as described in the following conditions, provided the number of samples does not deviate from the total prescribed.

- a. The first sample site shall be located at the upstream end of the contiguous pipeline. All sample sites along the contiguous pipeline shall be within ½ mile of the next upstream and downstream sampling sites.
- b. NFGDC must sample and cap each end of each pipeline section to be abandoned within the contiguous pipeline regardless of length. Additional samples must be taken at minimum every ½ mile if the abandoned pipeline section is longer than ½ mile. Where the abandoned pipeline section is cut to obtain samples, NFGDC must seal or cap the opening, such that all abandoned pipeline sections are sealed. All other provisions of 40 CFR § 761.250 apply to pipeline sections to be abandoned.
- c. When the total length of the contiguous pipeline is equal to or less than three (3) miles, at least seven (7) samples shall be taken, taking into account the samples taken from the pipeline sections to be abandoned in accordance with Condition 2(b). Sample sites for pipe segments to be removed shall be selected to be roughly equidistant from the next upstream and downstream sampling sites, provided that all such sample sites are within ½ mile of the next upstream and downstream sampling sites in accordance with Condition 2(a).
- d. When the total length of the contiguous pipeline is more than three (3) miles, sample each pipe segment to be removed that is ½ mile distant from either the pipe segment previously sampled or a pipeline section to be abandoned that is sampled in accordance with Condition 2(b), for a minimum of seven samples, taking into account the samples taken from the pipeline sections to be abandoned in accordance with Condition 2(b).
- e. NFGDC has indicated there are scenarios when sampling every ½ mile of abandoned pipeline section would cause disturbance to existing construction or environmentally sensitive areas. In these circumstances, NFGDC may use one of the following options, depending on the deviation needed for the work.

- (i) NFGDC may abandon pipeline sections up to 8 miles in length without sampling every ½ mile provided NFGDC samples and caps each end of the abandoned pipeline section. NFGDC shall not deviate from the ½ mile sampling requirement for any length of pipeline sections greater than what is necessary to reduce disturbance to existing construction or environmentally sensitive areas. All other applicable sampling requirements in Condition 2 apply. This scenario is summarized in “Scenario 5” of Appendix II. In addition, NFGDC shall notify ORCR at the beginning of each quarter detailing when in the previous quarter NFGDC used this sampling method. The notification shall be submitted via email to ORCRPCBs@epa.gov. NFGDC shall include all rationale used to determine that the sampling method does not pose an unreasonable risk of injury to health or the environment, including detail of existing construction and/or environmentally sensitive areas.
- (ii) For any other scenario, NFGDC may request a deviation from the sampling procedures outlined in this approval to reduce the disturbance to existing construction or environmentally sensitive areas. Requests shall be submitted to ORCR via email to ORCRPCBs@epa.gov and include the rationale for the request. The rationale shall include, at minimum, detail of existing construction and/or environmentally sensitive areas; proposed sampling plan; and a determination that the proposal does not pose an unreasonable risk of injury to health or the environment. ORCR intends to respond to NFGDC’s request within a reasonable period of time. NFGDC shall not deviate from the sampling procedures outlined in this approval until ORCR has approved the request.
- (iii) Alternatively, NFGDC may conduct the self-implementing procedures for the entire contiguous pipeline as described in 40 CFR part 761, subpart M and summarized in “Scenario 3” of Appendix II of this approval instead of requesting a deviation from the sampling procedures authorized under this approval.

(3) Recordkeeping and Reporting Requirements

During the sampling conducted under this approval, NFGDC shall maintain, electronically or in hard copy, at their corporate office a copy of this approval, personnel training records, precise sampling site locations, and the results/data used to determine the regulatory status of the sampled pipe as specified in 40 CFR § 761.257. Upon expiration of this approval, or if NFGDC terminates business, NFGDC shall electronically submit the sampling site locations and the results/data used to determine the regulatory status of the sampled pipe for sampling conducted under this approval to the Director of PIID within 90 days of expiration of this approval or termination of business, whichever comes first. Quarterly reports as described in Condition 2(e) shall be submitted electronically to ORCRPCBs@epa.gov.

(4) Notifications and Reports

Notifications or reports required to be mailed to the Director of PIID shall be mailed to: Director of PIID, USEPA Headquarters, 1200 Pennsylvania Avenue, N. W., Mail Code: 5303P, Washington, DC 20460. For electronic submission to the Director of PIID or ORCR HQ contact, NFGDC shall email the information to ORCRPCBs@epa.gov. Wherever practical, email is preferable to phone and mail communication, except where otherwise specified.

Phone numbers for the EPA Regional PCB Coordinators can be found on the following website: <https://www.epa.gov/pcbs/program-contacts>. The ORCR HQ contacts are Karen Swetland-Johnson (Swetland-Johnson.Karen@epa.gov), Paul Diss (Diss.Paul@epa.gov), and ORCRPCBs@epa.gov.

(5) Agency Approvals/Permits

No operation may commence until NFGDC has obtained all required approvals/permits from federal, state, and local agencies. NFGDC is responsible for obtaining such approvals/permits.

(6) Personnel Training

NFGDC shall ensure that personnel directly involved with the sampling of natural gas pipelines covered by this approval are familiar with the requirements of this approval. The training materials shall be kept on site as either an electronic document or physical paper copy, and the materials shall be accessible to all personnel engaged in sampling under this approval during working hours. The training materials must include standard operating procedures and a copy of this approval. NFGDC shall annually train personnel and document training on the following:

- a) Types of natural gas pipelines NFGDC manages, NFGDC removal and abandonment process (in compliance with 40 CFR part 761, subpart M and 40 CFR § 761.60(b)(5)), and sampling site selection procedures as stated in this approval;
- b) The recordkeeping and reporting requirements identified in Condition 3, and the location of records and retention times;
- c) The handling and/or PCB waste disposal requirements in the PCB regulations for process residuals and other materials generated during the sampling, removal, or abandonment procedures;
- d) The safety, operating, and maintenance procedures in the PCB regulations, with an emphasis on the safe handling of PCB remediation wastes and natural gas condensate; and
- e) NFGDC's spill prevention and cleanup plan, including the requirements set forth in the PCB Spill Cleanup Policy in 40 CFR part 761, subpart G.

(7) Ownership Transfer

If NFGDC intends to transfer ownership to a new entity and the transferee wants to operate under the same or similar terms as this approval, NFGDC shall notify the Director of PIID, in writing, at least 90 days before transferring ownership. NFGDC shall also submit to the Director of PIID, at least 90 days before such transfer, a notarized affidavit signed by the transferee that states the transferee is seeking an approval to use alternative sampling site selection procedures for determining PCB concentrations of contiguous pipelines that contain a combination of pipe segments to be removed for disposal and pipeline sections to be abandoned in lieu of the sampling site selection procedures required under 40 CFR §§ 761.60(b)(5), 761.247(b), and 761.250(b). Failure of NFGDC to provide EPA with this required written documentation of the transfer within the specified time frame would be a violation of this approval, and the approval would immediately terminate upon the transfer of ownership.

After receiving notification, EPA may: 1) issue an amended approval substituting the transferee's company name for NFGDC's name; 2) require the transferee to apply for a new approval by either submitting a complete application request or a partial application request (e.g., that focuses on information that demonstrates the transferee has the ability to comply with the terms and conditions of this approval, such as a summary of company personnel qualifications and previous training that are relevant to complying with the terms and conditions of this approval, or a summary of previous compliance history, if applicable); or 3) a combination thereof. The transferee shall not operate unless EPA either has amended this approval to allow for such operation or has issued a new approval to the transferee. The amended or new approval may include additional and/or revised conditions that may be deemed necessary to apply to the transferee.

(8) Approval Expiration Date

This approval shall become effective upon signature of the Director of PIID and expire five (5) years after the date of signature, except as otherwise specified in Condition 9.

(9) Approval Renewal

If NFGDC intends to continue to operate beyond the expiration date of this approval, NFGDC shall submit a complete approval renewal application. If NFGDC submits this information to the EPA at least 180 days prior to the expiration date of this approval, this approval continues in force (i.e., does not expire) until the EPA either issues an approval renewal, a conditional approval renewal, or an approval renewal denial. If NFGDC does not submit a complete approval renewal application to the EPA at least 180 days prior to the expiration date of this approval, this approval will expire as specified in Condition 8.

A complete approval renewal application shall be, at a minimum, information that was submitted in previous approval applications with appropriate modifications or updates based on proposed revisions to the original approval or prior approval renewals, which may include operation changes and revised procedures. It shall also include verifiable sampling site locations, and the results/data used to determine the regulatory status of sampled pipe specified in 40 CFR § 761.257. NFGDC shall not operate under revised operating conditions until the EPA issues NFGDC an approval renewal allowing such revised operating conditions.

(10) PCB Spills

In the event NFGDC believes, or has reason to believe, that a spill (as defined in EPA's PCB Spill Cleanup Policy in 40 CFR § 761.123) of PCBs has, or may have, occurred from any activities or devices related to NFGDC's operations under this approval:

- a) NFGDC shall notify the Regional PCB Coordinator and the ORCR HQ contact identified in Condition 4 by phone immediately after initial response actions have been taken to ensure the protection of human health and the environment. NFGDC shall control and clean up any spills of PCBs or other PCB-containing fluids to minimize the consequences of any release that may occur.
- b) NFGDC shall submit a written report to the appropriate Regional PCB Coordinator and the Director of PIID no later than 15 business days after the spill occurred, that describes the: 1) spill; 2) known or suspected cause(s) of the spill; 3) operations that were being conducted prior to, and during, the spill; 4) cleanup actions conducted; and 5) changes in operations that NFGDC implemented to prevent such spills from occurring in the future.
- c) NFGDC shall also report PCB spills in accordance with applicable federal, state, and local requirements.

DECISION TO APPROVE NFGDC'S REQUEST TO USE ALTERNATIVE SAMPLING SITE SELECTION PROCEDURES

1. Approval to use alternative sampling site selection procedures for natural gas pipelines is hereby granted to National Fuel Gas Distribution Corporation (NFGDC) of Williamsville, New York, subject to the conditions of this approval, and consistent with the information included in the application submitted to EPA by NFGDC.
2. EPA finds that the alternative sampling site selection procedures described in this approval, when conducted in accordance with applicable regulations and the conditions of this approval, do not present an unreasonable risk of injury to health or the environment. In cases where sampling is performed every ½ mile of contiguous pipeline, the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections if NFGDC were to either uniformly remove or abandon contiguous pipelines. In cases where sampling is not performed every ½ mile of contiguous pipeline because it would cause disturbance to existing construction or environmentally sensitive areas, for which fewer samples are taken than prescribed by the regulations under 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections, additional requirements for reporting and for approval of proposed deviations provide EPA greater oversight of sampling procedures to remain protective of human health and the environment.
3. EPA reserves the right to impose additional conditions or revoke this approval when it has reason to believe that the continued operation of NFGDC's alternative sampling site selection procedures present an unreasonable risk of injury to health or the environment, new information requires changes to this approval, and/or the EPA issues new regulations or standards that impact conditions of this approval.
4. EPA will make reasonable efforts, taking into account the nature of the risk, to provide reasonable advance notice to NFGDC and to provide the opportunity for NFGDC to comment on any modifications or termination of the approval. EPA may require NFGDC to immediately suspend operations while the EPA is deciding whether to impose approval modifications or to terminate this approval.
5. Any departure from the conditions of this approval or the terms expressed in the application must receive prior written authorization from the Director of PIID.
6. NFGDC shall be responsible for the actions of its employees and contractors when those actions are within the scope of implementing the alternative sampling site selection procedures described in this approval. NFGDC shall assume full responsibility for compliance with this approval and all applicable federal, state, and local regulations, including, but not limited to, any spill, pollutant release, incident, or other reporting requirements.
7. EPA reserves the right for its employees or agents to inspect NFGDC's sampling operations covered by this approval at any location at any reasonable time.

8. Violations of any applicable regulations or conditions of this approval may be subject to enforcement action and may result in termination of this approval. Violation of any requirement of this approval is a violation of 40 CFR §§ 761.60(e) and 761.50(a) and may also be a violation of other provisions of 40 CFR part 761. A violation of the PCB regulations is a prohibited act under section 15 of TSCA.

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Date

Sonya M. Sasseville, Director
Program Implementation and Information Division

APPENDIX I

COMPANY BACKGROUND

National Fuel Gas Distribution Corporation (NFGDC) of Williamsville, New York, an interstate transporter of natural gas and a subsidiary of National Fuel Gas Company, plans to remove and replace several miles of pipeline. NFGDC may need to abandon in place certain pipeline sections where necessary to simplify construction and reduce environmental disturbances. Examples of the pipeline sections to be capped and abandoned include pipeline under roadways, where construction methods to remove the sections are not feasible, or near environmentally sensitive areas.

40 CFR §§ 761.60(b)(5), 761.247(b), and 761.250(b) specify the requirements for determining PCB concentrations of natural gas pipelines that will either be abandoned or removed for disposal or reuse. According to § 761.247(b), when sampling multiple contiguous pipe segments for removal, depending on the total length, samples must be taken from seven segments or every ½ mile at a minimum of seven samples. According to § 761.250(b), when sampling pipeline sections for abandonment, at a minimum, samples must be taken from all ends of all pipeline sections. Collectively, these regulations contemplate sampling of contiguous pipeline that will either be removed or abandoned, not a combination of both. This approval modifies the sampling requirements for both the pipe segments to be removed and the pipeline sections to be abandoned, allowing NFGDC to better manage contiguous pipelines being replaced through both removal and abandonment. The removal or abandonment process itself does not require an approval from EPA when the self-implementing requirements in 40 CFR part 761, subpart M are followed; however, pursuant to § 761.61(c), a person may request approval to conduct alternative sampling procedures.

NFGDC submitted to EPA its application dated February 10, 2021, amended on April 7, 2021, requesting a risk-based approval pursuant to 40 CFR § 761.61(c), to allow NFGDC to sample the contiguous pipeline in a manner other than what is prescribed in subpart M.

EPA finds that the alternative sampling site selection procedures described in this approval, when conducted in accordance with applicable regulations and the conditions of this approval, do not present an unreasonable risk of injury to health or the environment. In cases where sampling is performed every ½ mile of contiguous pipeline, the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections if NFGDC were to either uniformly remove or abandon contiguous pipelines. In cases where sampling is not performed every ½ mile of contiguous pipeline because it would cause disturbance to existing construction or environmentally sensitive areas, for which fewer samples are taken than prescribed by the regulations under 40 CFR § 761.247(b) for removal of multiple contiguous pipe segments or by § 761.250(b) for abandonment of pipeline sections, additional requirements for reporting and for approval of proposed deviations provide EPA greater oversight of sampling procedures to remain protective of human health and the environment.

EPA previously approved National Fuel for similar alternative sampling site selection procedures in an approval issued December 10, 2015, which expired on December 10, 2020.

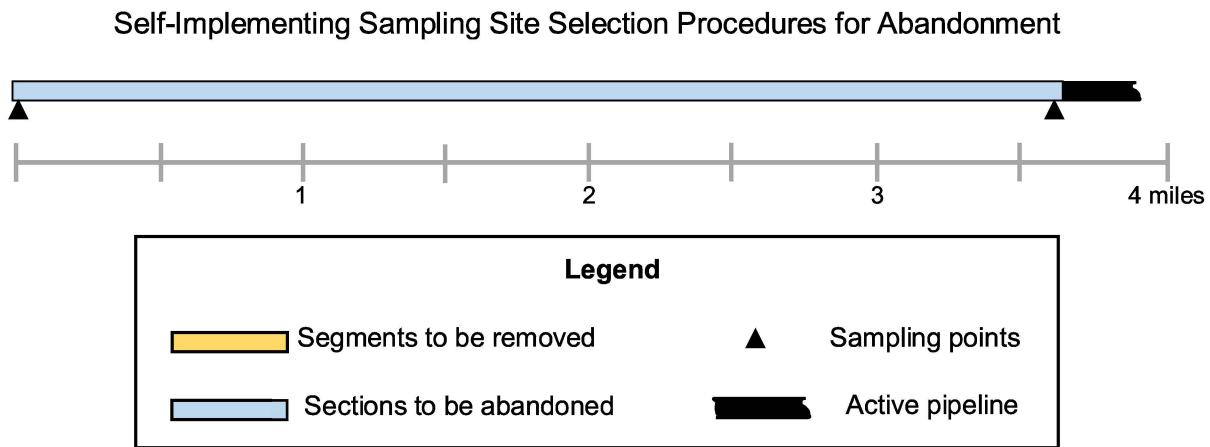
APPENDIX II

ILLUSTRATIONS

The figures below illustrate the sampling site selection procedures discussed in this approval applied to a contiguous pipeline that contains pipe segments to be removed and/or pipeline sections to be abandoned.

Scenario 1: Complete Abandonment

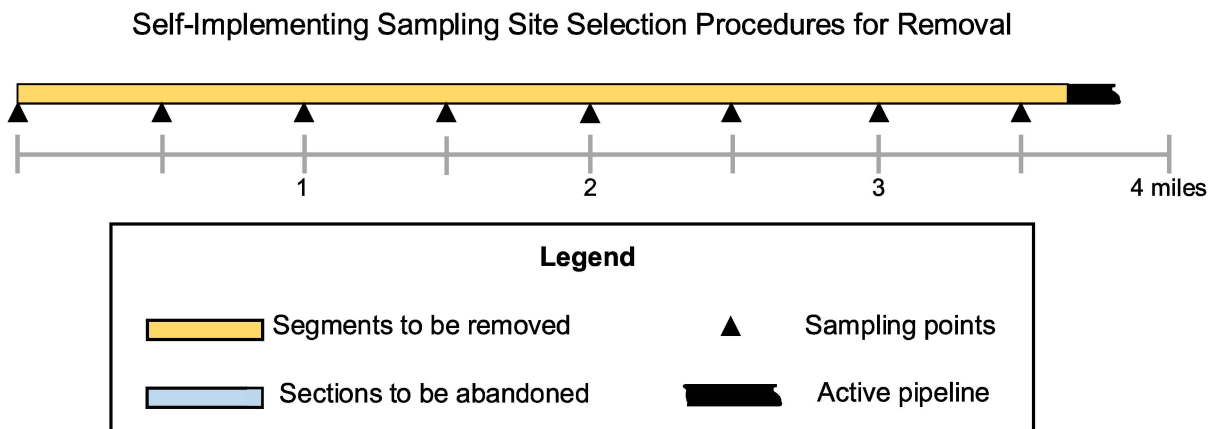
According to 40 CFR § 761.250(b), when sampling a contiguous pipeline for abandonment, at a minimum a sample must be taken from all ends of all pipeline sections.



Scenario 2: Complete Removal

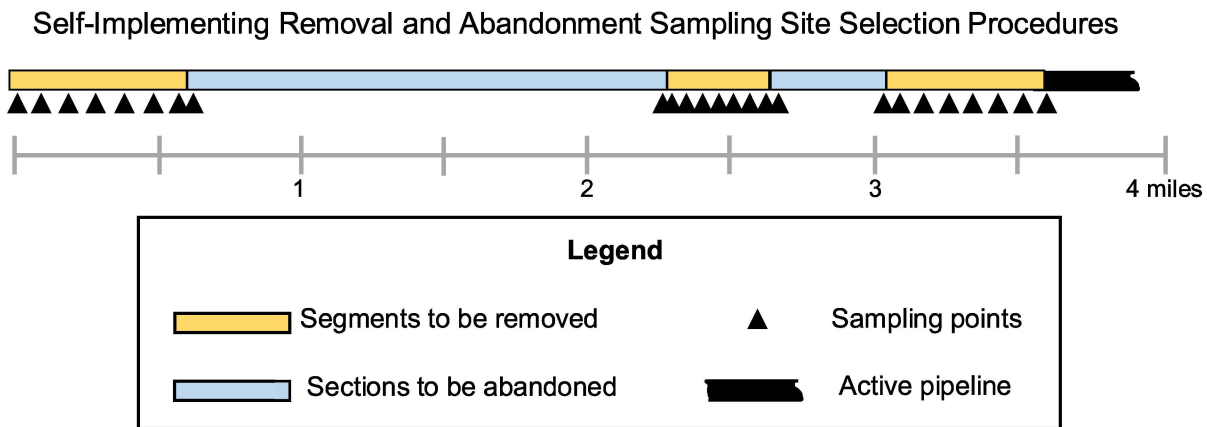
Under 40 CFR § 761.247(b)(2), there are two scenarios to consider for complete removal of contiguous pipeline. For segments 3 miles or less in length, samples must be taken at either end of the removed pipeline with a minimum of five additional samples taken along removed segment.

According to 40 CFR § 761.247(b)(2)(iii), when sampling a contiguous pipeline for removal that is greater than 3 miles in length, a sample must be taken every ½ mile, for a minimum of seven samples.



Scenario 3: Combination of Removal and Abandonment under the Self-Implementing Sampling Site Selection Procedures

Collectively, these regulations contemplate sampling of contiguous pipeline that will either be removed or abandoned, not a combination of both. Thus, if some portions of the contiguous pipeline are removed and others are abandoned, each portion would be managed as separate pipelines. The removal or abandonment process itself does not require an approval from the EPA when the self-implementing requirements in 40 CFR part 761, subpart M are followed: when sampling multiple contiguous pipe segments for removal, depending on the total length, samples must be taken from seven segments or every ½ mile at a minimum of seven samples, while each pipeline section for abandonment must, at a minimum, be sampled from all ends.



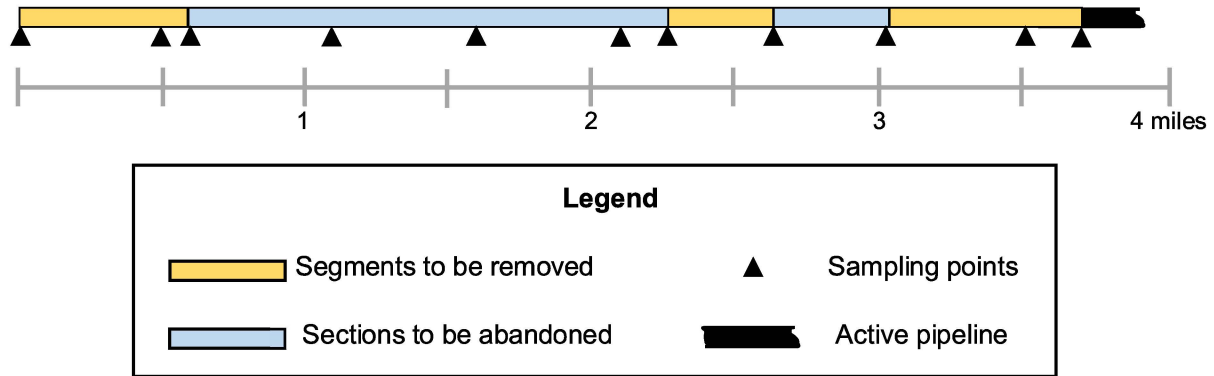
Scenario 4: Combination of Removal and Abandonment under the Alternative Sampling Site Selection Procedures Granted under this Approval

NFGDC, under this approval, shall sample the upstream end of the contiguous pipeline; each end of each pipeline section to be abandoned, regardless of length, and every ½ mile if the abandoned pipeline section is longer than ½ mile. To provide in-field flexibility, NFGDC may sample up to 200 feet away from any ½ mile sampling point as described in the following conditions, provided the number of samples does not deviate from the total prescribed.

For contiguous pipeline equal to or less than three (3) miles, at least seven (7) samples shall be taken that are roughly equidistant from the next upstream and downstream sampling sites, taking into account the samples taken from the pipeline sections to be abandoned. For contiguous pipeline greater than three (3) miles, NFGDC must sample each pipe segment to be removed that is ½ mile distant from either the

pipe segment previously sampled or a pipeline section to be abandoned, for a minimum of seven (7) samples.

Proposed Alternative Sampling Site Selection Procedures



Scenario 5: Combination of Removal and Abandonment under the Alternative Sampling Site Selection Procedures Granted under Condition 2(e)(i)

NFGDC may abandon pipeline sections up to 8 miles in length without sampling every ½ mile provided there are no other deviations to the requirements prescribed in Condition 2. This alternative may be used in scenarios where sampling would cause disturbance to existing construction or environmentally sensitive area, and NFGDC shall notify EPA as outlined in Condition 2(e)(i). NFGDC shall not deviate from the ½ mile sampling requirement for any length of pipeline sections greater than what is necessary to reduce disturbance to existing construction or environmentally sensitive areas.

Proposed Alternative Sampling Site Selection Procedures

