

address each agency's requirements.¹⁹ FERC's NEPA regulations require applicants to "[c]onsult with the appropriate Federal, regional, State and local agencies during the planning stages of the proposed action to ensure that all potential environmental impacts are identified" and to "submit applications for all Federal and State approvals as early as possible in the planning process." 18 C.F.R. 380(b)(3)&(4). This would include applicable EPA permits.

¹⁹ For more information on the FERC pre-filing process see ferc.gov/help/processes/flow/lng-1.asp

Once an application has been filed, FERC prepares either an environmental assessment (EA) or an EIS to fulfill its obligations under NEPA. When appropriate, EPA can serve as a cooperating agency to assist FERC in the preparation of an EA or EIS. When FERC prepares an EIS, EPA reviews and comments on the document as part of EPA's responsibility under section 309 of the CAA.

Unlike deepwater ports, onshore projects are not considered "new sources" under the CWA. Therefore, under CWA section 511(c), the issuance of any required NPDES permit is exempt from NEPA's EIS requirement.

Onshore does not mean just next to the seashore. Here is EPA's definition:¹⁷ "Onshore natural gas transmission compression means all compressors that move natural gas at elevated pressure from production fields or natural gas processing facilities in transmission pipelines to natural gas distribution pipelines or into storage." Storage includes tanker trucks and rail tankers.

Without FERC as the lead agency, the other federal agencies are in disarray. For small-scale inland LNG facilities, because FERC has disclaimed involvement, there are no NEPA reviews; no Environmental Impact Statements; no DPA licenses; no USCG processing of license applications; no recommendations as to deepwater port conforming to the requirements of the CAA, CWA, and MPRSA. Further, there are no state and local permitting requirements for LNG export facilities in the state of Florida.

¹⁷ CFR 40, Chapter I, Subchapter C, Part 98, Subpart W, Petroleum and Natural Gas Systems, §98.230 Definitions of the source categories for industry segments, (a)(4) Onshore natural gas transmission compression, accessed September 29, 2022, <https://www3.epa.gov/carbon-footprint-calculator/tool/definitions/petro-natgas-systems.html>
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-98/subpart-W>