

# People's Hearing on FERC

## *Testimony of William Huston*

(independent pipeline safety researcher)

My name is William Huston. I live in Broome County NY, just across the border and downwind of some of the most heavily fracked counties in Pennsylvania. With shale gas fracking comes pipelines, and with pipelines comes compressor stations.

Today I want to tell you about rights which were denied to me, i.e., my right to participate in, and to have my health protected by an environmental review under the National Environmental Policy Act (NEPA) of some of the largest individual & aggregate sources of air pollution in the Northeast.

This is due to a racket conducted by a nexus of the Oil & Gas industry, the Pipeline and Hazardous Materials Safety Administration (PHMSA), and by the Federal Energy Regulatory Commission (FERC).

The object of this scam is to ensure that some of the largest compressor stations, clearly jurisdictional under the Natural Gas Act (NGA), avoid federal environmental review.

The NGA says at 15 USC § 717(b):

The provisions of this chapter shall apply to the transportation of natural gas in interstate commerce,

and at 15 USC § 717f(c)(1)(a),

“No natural-gas company ... shall engage in the transportation or sale of natural gas, *subject to the jurisdiction of the Commission*, or undertake the construction ... of any facilities therefor..., unless there is in force ... a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations”

...the key phrase being “*subject to the jurisdiction of the Commission*”.

As you may know, executive agencies are authorized by statute: the United States Code (USC). The agencies must then create detailed rules which implement the law, under the authority of the Administrative Procedure Act. This is the Code of Federal Regulations (CFR). Yes, these agencies essentially **write their own rules**.

The problem is, **the nexus of FERC and PHMSA have delegated**, without the authority of Congress, **authorship of critical sections of the regulations to the very industries they are supposed to regulate!** This is called “*inclusion by reference*”.

At 49 CFR § 192.1 we find that PHMSA has decided that “onshore gathering lines” are not subject to the NGA, and at 49 CFR § 192.8 have delegated the definition to the **American Petroleum Institute**, in the document API-RP80, which is included by reference.

At least a dozen large compressor stations within 50 miles of my home, which pump high pressure methane into FERC-regulated transmission lines for the purpose of interstate commerce, **are built without a FERC certificate of public convenience and necessity**, and thus without NEPA review.

While these facilities are clearly jurisdictional under the NGA, FERC looks the other way & allows these facilities to be constructed without a certificate, while granting these same companies certificates to build pipelines.

I believe these violations of our federal environmental laws are criminal in nature. Congress should clarify this law, and prosecute those responsible.

Thank you.

These massive facilities connect to large, high pressure interstate transmission lines under FERC permitting authority, yet were constructed with...

# NO FERC PERMIT!

and no penalty



**Williams Dunbar Compressor  
Windsor, Broome County NY**

**Williams Central Station,  
Susquehanna County PA**

"No natural-gas company ... shall engage in the transportation or sale of natural gas... or undertake the construction or extension of any facilities therefor ... unless there is in force ... a CERTIFICATE of PUBLIC CONVENIENCE and NECESSITY issued by the Commission authorizing such acts or operation."