

141 FERC ¶ 61,027  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
Cheryl A. LaFleur, and Tony T. Clark.

Elba Express Company, L.L.C.

Docket Nos. CP12-11-000  
CP12-11-001

ORDER AMENDING CERTIFICATE

(Issued October 12, 2012)

1. On October 31, 2011, Elba Express Company, L.L.C. (Elba Express) filed an application in Docket No. CP12-11-000, as amended on May 3, 2012, in Docket No. CP12-11-001, to amend the order issued in *Southern LNG, Inc.*, 120 FERC ¶ 61,258 (2007) (2007 Order). That order, among other things, authorized Elba Express to construct and operate pipeline and compression facilities in Georgia and South Carolina (Elba Express Pipeline Project).<sup>1</sup> In its amended proposals, Elba Express requests authorization to change the location of an authorized compressor station from a site in Jenkins County, Georgia to a site in Hart County, Georgia. For the reasons set forth below, the Commission will approve the proposals.

**Background and Proposal**

2. In the 2007 Order, the Commission authorized Elba Express to construct and operate the Elba Express Pipeline Project in two phases. Specifically, the Commission authorized Elba Express to construct and operate in Phase A, an approximately 189-mile long pipeline extending from Port Wentworth, Georgia, north to interconnections with Transcontinental Gas Pipe Line Company, LLC (Transco) in Hart County, Georgia, and Anderson County, South Carolina. The pipeline authorized in Phase A would enable Elba Express to provide up to 945 million cubic feet (MMcf) per day of transportation capacity. The pipeline was completed and placed in service on March 1, 2010. In

---

<sup>1</sup> See *Elba Express Company, LLC*, 120 FERC ¶ 61,258 (2007). The Commission issued a preliminary determination in *Elba Express Co., LLC*, 119 FERC ¶ 61,015 (2007).

Phase B, the Commission authorized Elba Express to construct and operate a 10,000 horsepower (hp) compressor station at a site in Jenkins County, Georgia, to provide an additional 230 MMcf per day of transportation capacity, increasing the capacity of the new pipeline to 1,175 MMcf per day to the Transco interconnections. BG LNG Services LLC (BG) subscribed to the 230 MMcf per day of capacity that would be created by the compressor station. The compressor station authorized as Phase B has not been constructed, and is the subject of this application.<sup>2</sup>

3. One of the purposes of the Elba Express Pipeline Project was to provide additional transportation capacity from Southern LNG Company, L.L.C.'s liquefied natural gas (LNG) terminal at Elba Island, Georgia. Since the project was approved in 2007, however, demand for service from the Elba Island LNG terminal has decreased and BG, Elba Express's firm customer for the new compression, no longer needs additional northbound transportation service from the Elba Island LNG terminal. Instead, BG has requested that Elba Express "essentially invert" the location of its receipt and delivery points, so that it can receive gas at the northern end of the pipeline for transportation in a southerly direction.

4. To accommodate BG's request, Elba Express proposed in its October 31, 2011 application to relocate the previously authorized compressor station from the Jenkins County, Georgia site to a new site in Elbert County, Georgia (referred to as the Coldwater Compressor Station) closer to the point of receipt with BG. After filing the application, however, at the suggestion of Commission staff,<sup>3</sup> Elba Express evaluated the technical and practical feasibility of several other sites identified by staff. Elba Express states that it examined these potential alternative sites based primarily on hydraulic requirements for the Elba Express system and issues related to accessibility, impacts to nearby residences and other noise sensitive areas (NSAs), and other environmental features. Based on its evaluation, Elba Express determined that a site in Hart County, Georgia would more appropriately meet its objectives while minimizing adverse effects on the environment. Accordingly, on May 3, 2012, Elba Express filed an amendment to its October 31, 2011 application, proposing to change the proposed location of the compressor station from the Elbert County site to the site in Hart County (the Hartwell Compressor Station).

---

<sup>2</sup> The 2007 Order required Elba Express to place the compressor station in service by December 31, 2012. In an order issued September 10, 2009, the Commission granted Elba Express an extension of time until December 31, 2014 to place the compressor station in service.

<sup>3</sup> See Staff information requests dated December 23, 2011 and February 10, 2012.

5. Elba Express proposes to construct the Hartwell Compressor Station on a 30-acre site that it will purchase, which is adjacent to its pipeline at approximately Milepost 186. Elba Express states that the proposed site consists of planted pine trees managed for timber production. Elba Express proposes to use approximately 8.8 acres of the site for construction of the compressor station, but only 6.0 acres will be converted to industrial usage. The remaining 21.2 acres will remain undisturbed and maintained as a buffer.

6. Elba Express proposes to install 10,000 hp of compression at the Hartwell Compressor Station, the same as authorized in the 2007 Order. However, the incremental capacity which will be created by the relocated station will decrease from 230 to 220 MMcf a day because of the change in flow pattern, resulting from the transposition of receipt and delivery points. Elba Express and BG have executed an amended precedent agreement under which BG will subscribe to all the capacity created by the proposed Hartwell Compressor Station.

7. Elba Express avers that the change in location of the subject compressor station will not affect its ability to provide service to Shell NA LNG LLC (Shell), a current customer.<sup>4</sup> Elba Express also states that the change in location will likewise not have an adverse effect on Transco and Southern Natural Gas Company, L.L.C. (Southern), the two pipelines that interconnect with Elba Express. In fact, Elba Express contends that the flexibility to receive gas from Transco and to transport it in a southerly direction for delivery to Southern will provide an added benefit to shippers on Transco's and Southern's respective systems.

8. Elba Express proposes to leave its currently approved recourse rates in effect upon completion of Phase B because there are no significant capital changes associated with the change in location of the compressor station, the project is fully subscribed under negotiated rates, and Elba Express is required under the terms of the 2007 Order to file a cost and revenue study by March 1, 2014.<sup>5</sup> Elba Express estimates the cost of the compressor station project to be approximately \$23,510,404.

### **Notice and Interventions**

9. Notices of Elba Express's application in Docket No. CP12-11-000 and the amendment to the application in Docket No. CP12-11-001 were published in the *Federal Register* on November 21, 2011 (76 Fed. Reg. 71,961) and May 16, 2012 (77 Fed. Reg.

---

<sup>4</sup> Shell receives gas in Anderson County, South Carolina from the Elba Island LNG Terminal.

<sup>5</sup> The initial rates were described and conditionally approved in the Preliminary Determination for the project. *See Elba Express Co., LLC*, 119 FERC ¶ 61,015 (2007).

28,864), respectively. BG, Calpine Energy Services, L.P., SCANA Energy Marketing, Inc., individually, and South Carolina Electric & Gas Company and Public Services Company of North Carolina, jointly, filed timely, unopposed motions to intervene in Docket No. CP12-11-000. The Municipal Gas Authority of Georgia filed a timely, unopposed motion to intervene in Docket No. CP12-11-001.<sup>6</sup>

### **Discussion**

10. Because the proposed facilities are and will be used for the transportation of natural gas in interstate commerce, the facilities are subject to the Commission's jurisdiction and the requirements of section 7 of the Natural Gas Act (NGA).

#### **A. Application of the Certificate Policy Statement**

11. The 2007 Order analyzed Elba Express's proposed project in light of the Commission's Certificate Policy Statement<sup>7</sup> and found that the proposal was in the public convenience and necessity. Specifically, the order found that the project could proceed without subsidization since Elba Express had no existing customers. In addition, the order found that there would not be any adverse affects on existing pipelines or their customers and that adverse impacts to landowners and communities affected by the project would be minimal.

12. Elba Express's amendment proposes to change the location of an already approved compressor station. The costs associated with the Hartwell Compressor Station will be recovered through the rate negotiated with BG just as the costs associated with the original Jenkins County compressor station would have been. Therefore, Elba Express will not be relying on subsidies from existing customers and its proposal satisfies the no-subsidization requirement of the Certificate Policy Statement.

13. Elba Express's existing customers should not experience any degradation of service as a result of the proposed project. The project will have no adverse impact on existing pipelines or their captive customers, as the project involves only a change in

---

<sup>6</sup> Timely, unopposed motions to intervene are granted by operation of Rule 214(c) of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2012).

<sup>7</sup> *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128 (2000); *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

location of already certificated facilities and delivery and receipt points.<sup>8</sup> Additionally, no pipeline company has protested Elba Express's application.

14. Elba Express has taken appropriate steps to minimize adverse impacts on landowners with property near the compression station. Further, Elba Express has also secured an option to purchase the site for the compressor station from its owners.

15. Although the original basis for the compressor station authorized in Phase B of the 2007 Order no longer exists (i.e., a need to transport natural gas in a northerly direction from the Elba Island LNG facility), Elba Express has demonstrated a need for the compressor station proposed herein so that it can transport gas in a southerly direction. Elba Express has executed a long-term contract with BG for all the capacity to be created by the compression. Moreover, the ability of Elba Express to receive gas from Transco and deliver it to Southern will provide an added benefit to shippers on Transco's and Southern's systems. Based on the benefits the project will provide and the lack of any identifiable adverse impacts on Elba Express's existing customers, other pipelines, landowners, or communities, the Commission finds, consistent with the Certificate Policy Statement and section 7(c) of the NGA, that approval of the Phase B compression station in Hart County is required by the public convenience and necessity, subject to the conditions discussed below.

#### **B. Rates**

16. The Commission approved initial rates for this project in the Preliminary Determination issued in 2007.<sup>9</sup> Elba Express proposes no change to these initial rates and has shown that they remain cost supported. Therefore the Commission accepts Elba Express's proposal to retain the previously approved initial rates.

#### **C. Environment**

17. On December 9, 2011, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Coldwater Compressor Station Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the Federal Register<sup>10</sup> and mailed to approximately 100 parties including federal, state, and local government officials; agency representatives; environmental and public interest

---

<sup>8</sup> The redesignation of receipt and delivery points does not require Commission approval, as Elba Express already has pre-granted abandonment and certificate authority for open-access transportation services. See the 2007 Order at Ordering Paragraph (E).

<sup>9</sup> *Elba Express Co., LLC*, 119 FERC ¶ 61,015 at P 25.

<sup>10</sup> 76 Fed. Reg. 35,882 (2011).

groups; Native American tribes; local libraries and newspapers; and all affected landowners as defined in the Commission's regulations (i.e., residences within one-half mile of the compressor station boundary). On January 10, 2011, a public scoping meeting was held at the Elbert County Government Complex in Elberton, Georgia, to provide the general public an opportunity to comment on environmental issues associated with the Coldwater Compressor Station. In response to the NOI, the Commission received written comments from the National Park Service, the Elbert County Board of Commissioners, and 52 private landowners.<sup>11</sup> In addition, 12 individuals provided oral comments at the public scoping meeting.

18. On March 26, 2012, the Commission issued a supplemental NOI soliciting environmental comments on an alternative compressor station site, known as the Hartwell site, which was identified during the scoping period. The Commission received 12 comments in response to the March 2012 NOI from private landowners. In general, comments received pertained to water contamination, visual impacts, property values, access roads and traffic during construction and operation, air quality impacts on humans and livestock, noise impacts, and safety and security. These same issues were also raised in response to the originally proposed Coldwater site in Elbert County. Because the Hartwell site offers several environmental advantages over the Coldwater site in terms of natural vegetative screening and greater distance from residences, Elba Express selected the Hartwell site, as indicated in its May 3 amended application.

19. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA), Commission staff prepared an environmental assessment (EA) for the Hartwell Compressor Station site. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, wildlife, federally listed species, cultural resources, land use, recreation, visual resources, socioeconomics, air quality and noise, safety, cumulative impacts, and alternatives. As summarized below, the EA also addresses all substantive issues raised during the supplemental scoping period for the Hartwell Compressor Station site.

20. Landowner comments during the scoping process included concerns regarding potential water contamination resulting from the project. The EA states that prior to construction, Elba Express will be required to submit a Stormwater Discharge Plan to the Georgia Department of Natural Resources' Environmental Protection Division. Further, Elba Express must comply with the Commission's *Wetland and Waterbody Construction and Mitigation Procedures* during construction, which include measures to prevent sedimentation from entering any streams outside the project area. Elba Express must also

---

<sup>11</sup> The National Park Service did not provide any substantive comments. The Elbert County Board of Commissioners requested that alternative compressor station sites be evaluated beyond the Coldwater site in Elbert County.

develop a Spill and Waste Management Plan to meet federal and state requirements. This plan will contain procedures for handling fuel and other fluids, use of secondary containment, inspection equipment for leaks, as well as providing for effective cleanup and reporting if a spill does occur. With the implementation of these measures, the EA concludes, and the Commission agrees, that there will be no significant impacts on groundwater or surface water from the Hartwell Compressor Station.

21. Several nearby landowners expressed concern that Elba Express would clear the existing pine plantation trees on the proposed site for the compressor station, which would cause an adverse visual impact. The landowners were also concerned that the tree clearing, when combined with the noise associated with operating a compressor station, would devalue property values in the area. To minimize the visual impacts of the compressor station in the vicinity, the EA states that Elba Express will maintain an untouched forested buffer of 22 acres around the station on the 30-acre parcel. Further, the EA explains that the operational noise impacts of the compressor station will be minimized by Elba Express's proposed mitigation measures and a requirement that the noise levels be below 55 decibels on the A-weighted scale at the nearest residence.<sup>12</sup> On balance, the Commission finds that the visual and noise mitigation measures proposed by Elba Express and the requirement for noise surveys included as Environmental Condition 11 in this Order will appropriately mitigate potential visual and noise impacts.

22. Some landowners commented on traffic congestion on Turner Road and other nearby roads during construction and operation of the compressor station. In addition, one landowner was concerned for the safety of her children because of heavy equipment traveling on the roads near her home. The EA indicates that during construction, Elba Express anticipates about three round-trips per day for trucks delivering equipment and materials and about 20 vehicle trips per day for personnel commuting to the site. Although there will be an increased number of vehicles on nearby roadways during morning and evening peak times, corresponding to normal workday hours, the EA explains that the existing road network in the vicinity of the site provides adequate alternate access, and impacts on traffic and transportation routes are expected to be minimal. The EA also states that during operation, the compressor station will be unmanned. Occasional site visits by operations personnel will be required for conducting maintenance activities, but they are expected to be minimal in frequency. Thus, the EA concludes that the construction- and operation-related traffic impacts will not be significant. The Commission agrees with the EA's conclusion.

---

<sup>12</sup> The U.S. Environmental Protection Agency has indicated that a day-night noise level of 55 decibels on the A-weighted scale protects the public from indoor and outdoor activity interference. We have adopted this criterion and use it to evaluate the potential noise impact from operation of compressor facilities.

23. Commentors near the Hartwell Compressor Station site were also concerned about the degradation of roads due to the transportation of construction vehicles and materials. The EA indicates that Elba Express will need to apply for a permit from the Georgia Department of Transportation (GDOT) to transport the compressor station equipment on roads if the weight of the equipment exceeds the established limits. The EA states that permit holders are normally required to post a bond to account for damages, and that GDOT has the expertise and regulatory authority to establish and enforce weight limits for roads. Thus, the EA properly concludes that the transportation of materials would not result in significant impacts on the roads' integrity.

24. Landowners also expressed concern with the air quality impacts of the Hartwell Compressor Station, including its impacts on human and livestock health. As explained in section B.6.1 of the EA, the U.S. Environmental Protection Agency has established standards, known as the National Ambient Air Quality Standards (NAAQS), for pollutants to protect human health and the public welfare. As the EA pointed out, emissions from the Hartwell Compression Station will be below NAAQS thresholds. Moreover, the EA explains that the Hartwell Compressor Station will be a minor source of air emissions under all other applicable federal programs. In any event, Elba Express must comply with all federal and state air quality regulations, including reporting requirements. Although the compressor station will emit some regulated air pollutants, the EA concludes that the emissions would not reach a level as to be a significant contributor to air quality deterioration. The Commission agrees with the EA's conclusion.

25. Safety was a concern for several commentors. Section B.7 of the EA explains that the station must be designed, constructed, operated, and maintained in accordance with the U.S. Department of Transportation (DOT) *Minimum Federal Safety Standards*. The DOT regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures. The EA also describes certain reliability and safety measures that Elba Express would implement that exceed the DOT *Minimum Federal Safety Standards* in 49 C.F.R. Part 192. The EA properly concludes that Elba Express would safely operate the proposed project, if it complies with DOT's regulations.

26. The EA also evaluated the Coldwater Compressor Station site as an alternative to the Hartwell Compressor Station site. Commission staff's analysis demonstrates that the environmental impacts of both sites are similar, but finds that the Hartwell site would be farther from the nearest NSA and that the noise attributable to the Hartwell Compressor Station would be lower at the nearest NSAs. The Hartwell site would provide an existing mature pine tree buffer around the compressor station, whereas the Coldwater site is located in open land, although Elba Express could plant mature trees to minimize visual impacts. The EA shows that both sites meet the objective of the project and are economically and technically feasible. Moreover, the EA concludes that the Coldwater

Compressor Station site did not offer any significant environmental advantages over the proposed Hartwell Compressor Station site.

27. On July 24, 2012, the EA was placed into the public record of this proceeding<sup>13</sup> and issued for a 30-day comment period. The EA was mailed to those on the Commission's environmental mailing list, including affected landowners for the proposed Hartwell site, as well as landowners near Elba Express's original Coldwater site. In response to the EA, the Commission received comments from the National Park Service and three private landowners.<sup>14</sup>

28. Rick and Gail Hulme, Jacqueline Hulme, and the Reverend and Mrs. Lamar Bass, all landowners near the Hartwell Compressor Station site, filed comment letters on the EA reiterating concerns about noise, air pollution, traffic, and safety. Rick and Gail Hulme also mentioned that they opposed the project as strongly as the landowners near the Coldwater Compressor Station site. As discussed above, the EA described the noise mitigation measures that Elba Express will implement during construction and operation of the Hartwell Compressor Station. The noise measure recommended in the EA, and included as Environmental Condition 11 in this order, will ensure that noise impacts in the vicinity of the compressor station are sufficiently minimized. The EA also explained why emissions would not be a significant contributor to air quality deterioration. As noted, Elba Express will be required to comply with all federal and state air quality and safety regulations. Finally, the EA described the potential traffic impacts of the project and indicates why construction and operation-related traffic impacts would not be significant.

29. The Commission reviewed the information and analysis contained in the record, including the EA, regarding the potential environmental effect of the Hartwell Compressor Station. Based on consideration of this information, the Commission agrees with the conclusions presented in the EA and finds that if constructed and operated in accordance with Elba Express's application, as supplemented, and the conditions imposed herein, approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

30. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this authorization. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or

---

<sup>13</sup> A notice announcing the availability of the EA was published in the *Federal Register* on August 1, 2012 (77 Fed. Reg. 45,596).

<sup>14</sup> The National Park Service did not provide any substantive comments.

local laws, may prohibit or unreasonably delay the construction and operation of facilities approved by this Commission.<sup>15</sup>

31. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, as supplemented, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Elba Express, to construct and operate the Hartwell Compressor Station facilities (Phase B of the Elba Express Pipeline Project) in Hart County, Georgia, as described more fully in the application and in the body of this order.

(B) The authorization in the above paragraph is conditioned on Elba Express's:

(1) complying with the environmental conditions set forth in the appendix of this Order and all regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and

(2) constructing and making available for service the facilities described herein, within one year of the date of this Order.

(3) executing a firm contract or contracts equal to the level of service represented in its precedent agreement prior to the commencement of construction.

(C) Elba Express shall notify the Commission's environmental staff by telephone, e-mail, and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Elba Express. Elba Express shall file written confirmation of such notification with the Secretary of the Commission (Secretary) within 24 hours.

---

<sup>15</sup>See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

(D) In all other respects, the 2007 Order shall remain in full force and effect.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

## Appendix

### Environmental Conditions

As recommended in the Environmental Assessment (EA) and otherwise amended herein, this authorization includes the following conditions:

1. Elba Express shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Elba Express must:
  - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
  - b. justify each modification relative to site-specific conditions;
  - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
  - d. receive approval in writing from the Director of Office of Energy Projects (OEP) before using that modification.
2. The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall allow:
  - a. the modification of conditions of the Order; and
  - b. the design and implementation of any additional measures deemed necessary (including stop-work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. **Prior to any construction**, Elba Express shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EI), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.
4. The authorized facility location shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Elba Express shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 for all facilities approved by the Order. All requests for modifications of environmental

conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

5. Elba Express shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all facility relocations, staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
  - b. implementation of endangered, threatened, or special concern species mitigation measures;
  - c. recommendations by state regulatory authorities; and
  - d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **Within 60 days of the acceptance of the certificate and before construction begins**, Elba Express shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Elba Express must file revisions to the plan as schedules change. The plan shall identify:
    - a. how Elba Express will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
    - b. how Elba Express will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and

- specifications), and construction drawings so that any mitigation required at the site is clear to onsite construction and inspection personnel;
  - c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
  - d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
  - e. the location and dates of the environmental compliance training and instructions Elba Express will give to all personnel involved with construction and restoration (initial and the refresher training as the project progresses and personnel change);
  - f. the company personnel (if known) and specific portion of Elba Express's organization having responsibility for compliance;
  - g. the procedures (including use of contract penalties) Elba Express will follow if noncompliance occurs; and
  - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
    - i. the completion of all required surveys and reports;
    - ii. the environmental compliance training of onsite personnel;
    - iii. the start of construction; and
    - iv. the start and completion of restoration.
7. Beginning with the filing of its Implementation Plan, Elba Express shall file updated status reports with the Secretary on a **monthly basis until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. an update on Elba Express's efforts to obtain the necessary federal authorizations;
  - b. the construction status of the project, and work planned for the following reporting period, and any schedule changes for work in environmentally-sensitive areas;
  - c. a listing of all problems encountered and each instance of noncompliance observed by the EIs during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
  - d. a description of the corrective actions implemented in response to all instances of noncompliance, and their cost;
  - e. the effectiveness of all corrective actions implemented;

- f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
  - g. copies of any correspondence received by Elba Express from other federal, state, or local permitting agencies concerning instances of noncompliance, and Elba Express's response.
8. **Prior to receiving written authorization from the Director of OEP to commence construction of any project facilities**, Elba Express shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
9. Elba Express must receive written authorization from the Director of OEP **before placing the compressor station into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the site and other areas affected by the project are proceeding satisfactorily.
10. **Within 30 days of placing the authorized facilities in service**, Elba Express shall file an affirmative statement with the Secretary, certified by a senior company official:
  - a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
  - b. identifying which of the certificate conditions Elba Express has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
11. Elba Express shall file a noise survey with the Secretary **no later than 60 days** after placing the Hartwell Compressor Station in service. If the noise attributable to the operation of the equipment at the Hartwell Compressor Station at full load exceeds a day-night sound level of 55 decibels on the A-weighted scale at any nearby noise-sensitive areas, Elba Express shall install additional noise controls to meet the level **within one year** of the in-service date. Elba Express shall confirm compliance with the above requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.