

144 FERC ¶ 61,182
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Dominion Transmission, Inc.

Docket No. CP13-13-000

ORDER ISSUING CERTIFICATE

(Issued September 3, 2013)

1. On November 1, 2012, Dominion Transmission, Inc. (Dominion) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² for a certificate of public convenience and necessity authorizing it to construct and operate facilities in Greene and Westmoreland Counties, Pennsylvania, known as the Natrium to Market Project. Dominion states that the proposed project will enable it to provide 185,000 dekatherms per day (Dth/d) of firm transportation service from a receipt point located at an interconnect between Dominion and the processing facilities of Dominion Natrium, LLC in Marshall County, West Virginia (Natrium Interconnect) to an interconnect between Dominion and Texas Eastern Transmission, LP (Texas Eastern) in Greene County, Pennsylvania. For the reasons discussed below, the Commission will grant Dominion's requested authorization, with appropriate conditions.

I. Background and Proposal

2. Dominion is a limited liability company formed under the laws of the State of Delaware and a wholly owned subsidiary of Dominion Resources, Inc. Dominion is a natural gas company as defined under the NGA, engaged primarily in the business of storing and transporting natural gas in interstate commerce subject to the jurisdiction of the Commission.

¹ 15 U.S.C. § 717f(c) (2012).

² 18 C.F.R. Part 157 (2013).

3. Dominion states that in order to accommodate the increased production of “wet”³ natural gas in the Appalachian region, Dominion Natrium, LLC, a Dominion affiliate, is constructing a non-jurisdictional processing facility in Marshall County, WV (Natrium Plant) to extract and process the liquid hydrocarbons from the production and deliver the residue gas to the interstate grid at the Natrium Interconnect. The facilities Dominion proposes to construct in this proceeding will enable it to transport this residue gas from the Natrium Plant to markets in the Northeastern and Mid-Atlantic regions.

4. Specifically, Dominion requests authority to construct and operate a new 7,700 horsepower (hp) compressor unit and upgrade an existing measurement and regulation (M&R) station at its existing Crayne Compressor Station in Greene County, Pennsylvania. In addition, Dominion proposes to modify existing regulators and install a new jumper line⁴ and overpressure regulation at its existing J.B. Tonkin Compressor Station in Westmoreland County, Pennsylvania. The total estimated cost of the proposed facilities is \$41,654,763.

5. Dominion conducted a binding open season from October 31 through November 7, 2011, for the proposed firm transportation services to be made available by this project.⁵ As a result of the open season, Dominion executed precedent agreements with four customers⁶ (hereinafter, referred to as the Customers) for firm service utilizing the entire 185,000 Dth/d of transportation capacity to be made available by the project. Thus, the proposed Natrium to Market Project is fully subscribed.

6. Dominion proposes to provide the proposed firm transportation service at the existing system maximum rates, including all other applicable rates, charges, surcharges, penalties and fuel retention, under Dominion’s Rate Schedule FT. Dominion asserts that an incremental firm transportation base reservation rate calculated to recover the costs of the proposed project would be lower than Dominion’s existing firm transportation base reservation rate. Therefore, Dominion requests the Commission make a preliminary

³“Wet” gas is natural gas that contains an appreciable proportion of hydrocarbon compounds heavier than methane (e.g., ethane, propane, and butane). The heavier hydrocarbons are condensable and are frequently separated as natural gas liquids.

⁴A “jumper line” is a short, flexible pipe.

⁵ Dominion conducted a reverse open season from October 22 to October 26, 2012, but did not receive any bids in response to the posting.

⁶ The four customers are: Chesapeake Energy Marketing, Inc., HG Energy, LLC, BP Energy Company, and TOTAL Gas and Power North America, Inc.

determination that, absent a significant change in circumstances, the costs associated with the expansion facilities for this project should be rolled into Dominion's existing system rates in its next section 4 general rate proceeding. Dominion also requests that the Commission approve the project on or before September 1, 2013, so that it can meet its planned construction and in-service dates.

II. Notice, Interventions, and Comments

7. Notice of Dominion's application was published in the *Federal Register* on January 17, 2013 (78 Fed. Reg. 3890). Eleven parties⁷ filed timely, unopposed motions to intervene.⁸ The Exelon Corporation (Exelon) filed a timely notice of intervention and comments on the proposal. In addition, Judy Davis; Jerry and Judy Davis; Linda Keller and Kimberly Tennant, owners of land in the vicinity of the project, filed comments concerning the potential impacts of the construction of the Crayne Compressor Station on their property. These comments are all addressed below.

III. Discussion

8. Since the proposed facilities will be used to transport natural gas in interstate commerce, subject to the jurisdiction of the Commission, the construction and operation of the facilities are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.⁹

⁷Atmos Energy Corporation, Atmos Energy Marketing LLC., Consolidated Edison Company of New York, Inc. and Philadelphia Gas Works, Exelon Corporation, Independent Oil & Gas Association of West Virginia, Inc., New Jersey Natural Gas Company, New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation, NJR Energy Services Company, Piedmont Natural Gas, Public Service Company of North Carolina, Inc., and The UGI Distribution Companies.

⁸Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. *See* 18 C.F.R. § 385.214 (2013).

⁹ 15 U.S.C. §§ 717f(c) and 717f(e) (2006).

A. Application of the Certificate Policy Statement

9. The Certificate Policy Statement provides guidance for evaluating proposals for certificating new construction.¹⁰ The Certificate Policy Statement established criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Certificate Policy Statement explained that in deciding whether to authorize the construction of major new natural gas facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

10. Under this policy, the threshold requirement for an applicant proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the construction. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis where other interests are considered.

11. As described above, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. Dominion proposes to utilize its existing system maximum rates under Rate Schedule FT as the initial recourse rates for firm transportation service on the expansion. As discussed below, an incremental rate calculated to recover the projected costs of the project would be lower than Dominion's existing system rate. In addition, project revenues at the existing rates are expected to exceed project costs. Thus, we find that Dominion's proposal to charge its existing

¹⁰ *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

Part 284 rates will prevent subsidization of the project by any existing customers and is consistent with the Policy Statement's threshold requirement.

12. We also find that the proposal will not degrade service to Dominion's existing customers. The project will accommodate the transportation of additional volumes of market area supply from the Natrium Interconnect to an interconnection between Dominion and Texas Eastern, without impacting Dominion's ability to continue to meet its existing firm obligations. In addition, no pipeline company has protested Dominion's application. For these reasons, we find the proposed project will not result in any adverse impact on Dominion's existing customers, or on other existing pipelines or their captive customers.

13. Four landowners state that the close proximity of the Crayne Compressor Station to their homes has devalued their property. As noted in the EA, the proposed facility installations will be entirely on lands that are owned by Dominion and which currently support natural gas facilities. All construction will be within the property boundaries of Dominion's existing compressor station facilities. While the addition of a compressor station could affect the resale value of surrounding property, the Commission finds the extent of such impact are speculative and, on balance, not sufficient to alter our determination. Accordingly, for purposes of our consideration under the Certificate Policy Statement, Dominion has taken steps to minimize any adverse impacts on landowners and surrounding communities.

14. The proposed Natrium to Market Project will provide additional transportation capacity for a growing gas supply to markets in the Northeastern and Mid-Atlantic regions. All of the proposed capacity has been subscribed on a firm basis under long-term contracts, demonstrating the existence of a market for the project. Based on the benefits the project will provide and the minimal adverse effect on existing shippers, other pipelines and their captive customers, landowners and surrounding communities, we find, consistent with the criteria discussed in the Certificate Policy Statement and subject to the environmental discussion below, that the public convenience and necessity requires approval of Dominion's proposal, as conditioned in this order.

B. Rates

15. Dominion proposes to utilize its existing Rate Schedule FT rates, including the reservation rate and all other applicable rates, charges, surcharges, penalties and fuel retention, as the initial recourse rate for service on the Natrium to Market Project. Dominion states that this is appropriate since an incremental monthly firm reservation

rate calculated to recover the costs of the project (\$3.6149 per Dth¹¹) would be lower than its existing Rate Schedule FT reservation rate of \$3.8820 per Dth. Dominion projects revenue for the project's first three years in service to be \$25,854,120¹² and the cost-of-service to be \$23,360,124.¹³ Therefore, the projected revenues would exceed the projected cost-of-service for the first three years by \$2,493,996.

16. Based on the foregoing, Dominion also requests that the Commission make a preliminary determination that, absent a significant change in circumstances, the costs associated with the project may be rolled into Dominion's existing system rates in Dominion's next NGA section 4 general rate proceeding.

17. Exelon requests that the Commission withhold granting Dominion authorization to charge its existing system rate for project service until the project is completed and the actual costs of construction are known. Exelon is concerned that if there are cost overruns, by the time the project is constructed and placed into service an incremental rate calculated to recover those costs might be higher than the existing system rate. Exelon argues that in that scenario the Certificate Policy Statement would call for the establishment of an incremental initial rate for the project. Accordingly, Exelon requests that the Commission defer making any determination concerning project rates until the project is ready to be placed into service so that the rate determination can be made on the basis of actual costs.

18. We will approve Dominion's proposal to use the existing Rate Schedule FT reservation rate of \$3.8820 per Dth, as well as the application of all other appropriate charges under that Rate Schedule, including Dominion's existing fuel retention percentage, as the initial recourse rate for the new capacity. While the incremental rate which would be applicable to the proposed project is currently \$0.267 lower than Dominion's system rate, it is not inconceivable, as posited by Exelon, that Dominion could incur sufficient cost overruns in constructing the project to potentially erase that difference. However, Exelon points to nothing in the record that would lead us to conclude that it is likely that Dominion has, indeed, significantly underestimated project costs. Moreover, even if that turns out to be the case, existing Dominion shippers would not be harmed because their rates are not being changed in this proceeding, and do not include any costs associated with the Natrium to Market Project.

¹¹ This value is derived by dividing the first year cost-of-service (\$8,025,143) by annual firm design capacity (2,220,000 Dth).

¹² Application at Exhibit N, Page 2.

¹³ Application at Exhibit P, Page 2.

19. In addition, we find that the record before us demonstrates that projected revenues for the project exceed its estimated incremental cost of service which supports a pre-determination that it will be appropriate to roll the costs of the project into Dominion's system rates in its next NGA section 4 general rate proceeding, absent any significant change in material circumstances. However, if circumstances change such that revenues do not exceed costs, Dominion must support any proposal to roll-in these costs.

20. To ensure that all parties to a future rate proceeding will have full knowledge of the costs and revenues attributable to the project, we will require Dominion to account for the construction and operating costs and revenues separately in accordance with section 154.309 of the Commission's regulations. With such information, the parties and the Commission can evaluate the costs of the project and identify any change in material circumstances that may warrant a re-examination of rolled-in rate treatment in Dominion's next general NGA section 4 rate proceeding. This information must be in sufficient detail so that the data can be identified in Statement G, I, and J in any future NGA section 4 or 5 rate case and provided consistent with Order No. 710 on incremental facilities.¹⁴

C. Environmental Analysis

21. The Commission issued a Notice of Intent to Prepare an Environmental Assessment for the Proposed Natrium to Market Project and Request for Comments on Environmental Issues (NOI) on January 10, 2013. The NOI was published in the Federal Register and mailed to interested parties including federal, state, and local officials; elected officials; agency representatives; environmental and public interest groups; Native American tribes; local libraries and newspapers; interested individuals and groups; and all affected landowners as defined in the Commission's regulations (i.e., owners of land within one-half mile of the compressor station).

22. To satisfy the requirements of the National Environmental Policy Act (NEPA), our staff prepared an Environmental Assessment (EA) for Dominion's Natrium to Market Project. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, and alternatives. The EA was placed into the public record on July 1, 2013.

23. In response to the NOI we received comments from four landowners near the Crayne Compressor Station. The landowners expressed concerns about impacts related

¹⁴ *Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines*, Order No. 710, *FERC Statutes and Regulations* ¶ 31,267, at P 23 (2008).

to the construction and ongoing operation of Dominion's existing Crayne Compressor Station and Crayne Meter Station (constructed in 2011 and 2012) such as construction noise, damage to properties from construction equipment, dust and construction debris. In general, the landowners contend that Dominion has been non-responsive to their attempts to resolve the issues related to the ongoing construction disturbances associated with these previously-authorized projects.

24. Although the review in our environmental assessment (EA) for the Natrium to Market Project is limited in scope to the effects of the proposed construction in this proceeding, we have addressed the general issues raised by landowners. Regarding noise at the Crayne Compressor Station, particularly with regard to periodic blowdowns during construction, we note that Dominion will be installing low-noise gas coolers to reduce both the existing noise from the station and any noise from the additional compressor. Compressor station blowdowns (gas venting) may occur during startup and shutdown of the compressor, prior to maintenance or for emergencies. During construction and initial testing of the facilities, blowdowns would occur in order to test the equipment during daytime construction times and would be clearly perceptible at the nearest noise sensitive areas. As stated in the EA,¹⁵ these blowdowns are typically of short duration, and Dominion has a policy in place to notify the local residents and local police of scheduled blowdowns. Although these events may represent a temporary disruption, the EA concluded that the impact is not significant due to their short duration and the rarity.

25. Judy Davis comments that localized flooding is occurring due to runoff from the Crayne Compressor Station. With regard to the possibility that construction of the Natrium to Market Project could exacerbate flooding, we note that Dominion will reduce runoff by installing temporary erosion control devices during construction and monitoring those devices until the work areas are successfully stabilized.¹⁶ To assist landowners in resolving outstanding issues with the construction, we are including Environmental Condition 8 in the Appendix to this order that requires Dominion to establish an environmental complaint resolution procedure for the project. This is a process for affected landowners to seek resolution with Dominion and, if unsuccessful, to contact the Commission for assistance.

26. Based on the analysis in the EA, we conclude that if constructed and operated in accordance with Dominion's application and supplements, and with the environmental conditions included in this order, our approval of the proposed project would not

¹⁵ EA at Page 21.

¹⁶ EA at Page 6.

constitute a major federal action significantly affecting the quality of the human environment. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. 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 local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.¹⁷

27. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as supplemented, and exhibits thereto, 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 authorizing Dominion to construct and operate the Natrium to Market Project, as described and conditioned herein, and as more fully described in the application.

(B) The certificate authority issued in Ordering Paragraph (A) is conditioned on Dominion's:

- (1) completion of construction of the proposed facilities and making them available for service within one year of the date of this order pursuant to section 157.20(b) of the Commission's regulations;
- (2) compliance with all applicable Commission regulations 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;

¹⁷ 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).

(3) compliance with the environmental conditions in the Appendix to this order;

(4) execution of firm service agreements equal to the level of service and in accordance with the terms of service represented in its precedent agreements prior to commencing construction.

(C) Dominion's proposed use of its system rates as initial rates for the incremental service is approved.

(D) Dominion's request for a predetermination supporting rolled-in rate treatment for the costs of the project in its next general NGA section 4 rate proceeding is granted, barring a significant change in circumstances, as discussed in the body of this order.

(E) Dominion 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 Dominion. Dominion shall file written confirmation of such notification with the Secretary of the Commission with 24 hours.

(F) Exelon's request to withhold making a rolled-in versus incremental rate determination is denied as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix Environmental Conditions

The authorization granted is subject to the following environmental conditions:

1. Dominion 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 environmental assessment (EA), unless modified by the Order. Dominion 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 the 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**, Dominion shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), 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 locations 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**, Dominion shall file with the Secretary any revised detailed construction workspace drawings 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. Dominion shall file with the Secretary detailed construction workspace drawings and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or 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 Dominion's Erosion and Sediment Control 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. **At least 60 days before construction begins**, Dominion shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Dominion must file revisions to its plans as schedules change. The plan shall identify:
 - a. how Dominion 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 Dominion will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;

- c. the number of EIs assigned, and how Dominion will ensure that sufficient personnel are available to implement the environmental mitigation;
 - d. Dominion 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 Dominion will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
 - f. Dominion personnel (if known) and specific portion of Dominion's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Dominion will follow if noncompliance occurs; and
 - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - (1) the completion of all required surveys and reports;
 - (2) the environmental compliance training of onsite personnel;
 - (3) the start of construction; and
 - (4) the start and completion of restoration.
7. Beginning with the filing of its Implementation Plan, Dominion 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 Dominion's efforts to obtain the necessary federal authorizations;
 - b. the construction status of the project, 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 EI(s) 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

following a determination that rehabilitation and restoration of the facility sites and other areas affected by the project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Dominion 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 Dominion 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.

12. Dominion shall file a combined noise survey for the Crayne Compressor Station and Crayne M&R Station **no later than 60 days** after placing both facilities into service. If a full horsepower load/maximal flow condition noise survey is not possible, Dominion should provide an interim survey at maximum possible horsepower load/flow **within 60 days** and provide the full load survey **within 6 months**. If the noise attributable to the operation of the Crayne Compressor Station and Crayne M&R Station under interim or full horsepower load/maximal flow conditions exceeds 55 day night averaged A-weighted decibels (dBA L_{dn}) at any nearby noise sensitive areas, DOMINION should install additional noise controls to meet that **level within 1 year of the in-service date**. Dominion should confirm compliance with this requirement by filing a second noise survey **no later than 60 days** after it installs the additional noise controls.