

147 FERC ¶ 61,032
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Equitrans, L.P.

Docket No. CP13-547-000

ORDER DENYING PROTEST AND AUTHORIZING CONSTRUCTION AND
OPERATION OF FACILITIES UNDER BLANKET CERTIFICATE

(Issued April 11, 2014)

1. On September 16, 2013, Equitrans, L.P. (Equitrans) filed a prior notice request, pursuant to section 7 of the Natural Gas Act (NGA)¹ and sections 157.205, 157.208(c) and 157.210 of the Commission's blanket certificate regulations,² seeking to construct and operate under its Part 157 blanket certificate authority a turbine compressor unit at its existing Jefferson Compressor Station in Greene County, Pennsylvania (Jefferson Expansion Project). Karen R. and Dale A. Knisely (Kniselys) filed a letter protesting Equitrans' request, which was not withdrawn within the time period specified in our regulations. Accordingly, the Commission will review Equitrans' filing as a case-specific certificate application.³ For the reasons discussed herein, the Commission will deny the protest and authorize Equitrans to construct and operate the proposed facilities under its Part 157 blanket certificate.

I. Background and Proposal

2. Equitrans is a natural gas company as defined by section 2(6) of the NGA,⁴ subject to the jurisdiction of the Commission. Equitrans' Mainline and Sunrise transmission systems are located in northern West Virginia and southwestern Pennsylvania.

¹ 15 U.S.C. § 717 (2012).

² 18 C.F.R. §§ 157.205, 157.208(c) and 157.210 (2013).

³ 18 C.F.R. § 157.205(f) (2013).

⁴ 15 U.S.C. § 717a(6) (2012).

3. Equitrans proposes, pursuant to the prior notice procedures of the Commission's regulations, to construct a new 12,913 horsepower (hp) natural gas fueled turbine compressor unit, as well as appurtenant facilities, at its existing Jefferson Compressor Station. The proposed compression facilities will provide approximately 600 million cubic feet per day (MMcfd) of additional capacity on Equitrans' Sunrise system to transport production from the surrounding area for delivery to local markets, as well as to markets in the northeast and mid-Atlantic. Equitrans states that all construction will take place on land that it currently owns. Equitrans estimates that total construction costs will be approximately \$30,816,594.

4. Equitrans conducted a non-binding open season from April 18 to May 2, 2013, to gauge interest in additional firm transportation service on its Sunrise transmission system. Equitrans also solicited offers from existing shippers to turn back capacity on the Sunrise system in May 2013. No offers to turn back capacity were received. Equitrans states that it has entered into a binding precedent agreement with a customer for 295,000 MMcfd of firm service.

II. Notice and Interventions

5. On September 26, 2013, the Commission issued a notice of Equitrans' prior notice request in accordance with section 157.205(d) of the Commission's regulations. Notice of Equitrans' prior notice request was published in the *Federal Register* on October 7, 2013 (78 Fed. Reg. 61,947). Within the 60-day notice period provided by the prior notice procedures, Peoples Natural Gas Company LLC and Equitable Gas Company, LLC filed timely, unopposed motions to intervene.⁵

6. Pursuant to section 157.205(h) of our regulations, authorization to construct and operate qualifying facilities under a blanket certificate is automatic so long as no protests to the activity are filed within 60 days of the date notice is issued by the Commission. If a protest is filed within the 60-day period and it is not withdrawn within 30 days after the 60-day notice period,⁶ the prior notice request proceeds as an application under section 7(c) of the NGA for case-specific authorization.⁷

7. On September 26, 2013, the Kniselys filed a timely letter of protest with the Commission. On October 9, 2013, Equitrans filed an answer to the protest. Our rules do

⁵ Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's regulations. 18 C.F.R. § 385.214 (2013).

⁶ The 30-day period, referred to as the "reconciliation period," was established to give parties a chance to resolve their differences.

⁷ 18 C.F.R. § 157.205(f) (2013).

not permit answers to protests.⁸ However, because Equitrans' answer provides information that has assisted the Commission in its decision-making process, the Commission will, for good cause, waive the regulatory proscription against answers in this case and accept Equitrans' response.

8. The 60-day notice period for Equitrans' prior notice application ended on November 25, 2013. Thus, the 30-day period for Equitrans to attempt to resolve the Kniselys' concerns ended on December 26, 2013. On December 11, 2013, Equitrans filed a request for waiver of the 30-day reconciliation period, stating that it was apparent that it would be unable to resolve the protest by the end of the reconciliation period. The reconciliation period ended without resolution of the protest and before issuance of this order. Thus, the Commission finds that the request for waiver is moot.

A. The Protest

9. The Kniselys state that they live approximately a half-mile from the Jefferson Compressor Station and near another existing compressor station owned by Energy Corporation of America (ECA), which they state also plans to expand.⁹ The Kniselys express concern that expanding the Jefferson Compressor Station will negatively affect air and water quality, asserting that their family has already experienced health problems which they attribute to poor air quality related to the operation of the compressor station facilities. In addition, the Kniselys are concerned that the proposed expansion will increase noise and traffic on their neighborhood's roads.

B. Equitrans' Response

10. Equitrans responds that the Kniselys' concerns related to health, water, noise, air quality, and traffic flow are unsubstantiated. However, Equitrans states that the concerns raised by the Kniselys have been or will be addressed in the near future through the appropriate local, state, and federal permitting requirements. Equitrans further states that the proposed design and expected manner of operation of the Jefferson Expansion Project will mitigate any related noise issues.

III. Discussion

11. Since the facilities to be constructed and operated will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the construction and operation of these facilities are subject to the provisions of section 7(c) of the NGA.

⁸ 18 C.F.R. § 385.213(a)(2) (2013).

⁹ ECA's compressor station is not subject to the jurisdiction of the Commission.

12. As holder of a blanket construction certificate, Equitrans is authorized to undertake various routine activities subject only to certain reporting, notice, and protest requirements. The blanket certificate procedures are intended to increase flexibility and reduce regulatory and administrative burdens. It is expected that activities eligible to proceed under blanket certificate authorization will have minimal impact, such that close scrutiny of the nature involved in case-specific deliberation by the Commission is not warranted to ensure compatibility with the public convenience and necessity. The prior notice procedures apply to activities that are not minor enough to qualify for automatic authorization under the Commission's blanket certificate regulations, but that still are expected to have relatively little impact on ratepayers, pipeline operations, or the environment.¹⁰

13. Because interested parties might have valid concerns about individual activities eligible to proceed under the prior notice procedures, the regulations provide an opportunity for a more thorough review and potential adjudication of issues raised in a protest. The prior notice procedure's 30-day protest reconciliation period provides an opportunity for blanket certificate holders to resolve minor differences and still proceed under their blanket authority. Here, however, the protest was not withdrawn by the end of the prior notice procedure's 30-day reconciliation period. Therefore, Equitrans' request will be treated as an application for section 7 authorization.¹¹

14. The concerns raised by the Kniselys are addressed in the environmental assessment (EA) prepared by Commission staff, which is described below.

IV. Environmental Analysis

15. Since the Kniselys' protest was not withdrawn within the time specified in our regulations, Commission staff prepared an EA for Equitrans' proposal to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA). The analysis in the EA addresses geology, soils, water resources, vegetation, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, cumulative impacts, and alternatives.

16. The EA addressed the Kniselys' comments and concerns relating to air quality, noise, traffic, and the cumulative impact that may result from operation of the modified Jefferson Compressor Station. The EA concluded that the project will not significantly

¹⁰ See *Interstate Pipeline Certificates for Routine Transactions*, Order No. 234, 47 FR 24254 (June 4, 1982), FERC Stats. & Regs. ¶ 30,368 (1982); 18 C.F.R. § 157.206(b)(4) (2013).

¹¹ 18 C.F.R. § 157.205(f) (2013).

affect the quality of the human environment. The EA was placed into the public record on March 19, 2014.

17. The Kniselys provided comments on the EA reiterating their concerns regarding the currently ongoing and potential new noise impacts of the modified Jefferson Compressor Station on their residence. The Knisleys also question whether a noise survey conducted by Equitrans can be considered objective and unbiased.

18. The primary source of long-term noise generated by the Jefferson Expansion Project would be the operation of the modified Jefferson Compressor Station. The U.S. Environmental Protection Agency determined that a day-night sound level (L_{dn}) of 55 decibels on the A-weighted scale (dBA) is the maximum sound level not adversely affecting public health and welfare, and the Commission has adopted this standard. Accordingly, Equitrans must ensure that the Jefferson Compressor Station does not exceed an L_{dn} of 55 dBA for any noise-sensitive areas (NSAs),¹² which is equivalent to a sound level of 48.6 dBA for a steady 24-hour noise source.

19. Following the in-service date of the Jefferson Compressor Station in 2012, Equitrans demonstrated through noise surveys that the station met the L_{dn} of 55 dBA standard at nearby NSAs. As stated in the EA, the total noise contribution of the modified Jefferson Compressor Station (including operation of all existing and proposed equipment) at the nearest NSA is predicted to be an L_{dn} of 50.9 dBA, which is below the 55 dBA requirement. The noise contributions of the modified Jefferson Compressor Station at other nearby NSAs, including the Knisely residence, are expected to be less, due to greater distances from the Jefferson Compressor Station to these NSAs.¹³ In general, we acknowledge that certain processes at compressor station facilities during normal operations may result in temporary and brief noise emissions in excess of 55 dBA at nearby NSAs. The EA states that Equitrans would enclose the new turbine and compressor unit in an acoustically insulated building, equip the turbine air intake and exhaust with silencers, install a silencer on the compressor unit blowdown vent, and ensure that the turbine pneumatic starter has noise control specifications. These measures will mitigate noise

20. With respect to cumulative noise impacts, the EA states that the Knisely residence is approximately 0.5 mile east-southeast of the Jefferson Compressor Station and 0.45 mile north of the nearby ECA Station. As stated in the EA, Commission staff did not identify any other existing, planned, or reasonably foreseeable activities having the

¹² See *Equitrans, L.P.*, 136 FERC ¶ 61,046, at Environmental Condition 12 (2011). Noise-sensitive areas include areas such as schools, hospitals, residences, and any areas covered by relevant state or local noise ordinances. See 18 C.F.R. § 380.12(k)(2) (2013).

¹³ EA at 10.

potential to add cumulatively to noise impacts in the project area. Thus, cumulative noise impacts have the greatest potential to occur at the Knisely residence when both stations are operated simultaneously. In February 2013, Equitrans performed additional noise surveys at the Knisely residence, including surveys performed while both the nearby ECA Station and the Jefferson Compressor Station were operating and surveys while the ECA Station was operating but the Jefferson Station was idle.¹⁴ As detailed in the EA, the predicted cumulative noise impacts at nearby NSAs (including the Kniselys residence) from simultaneous operation of both the modified Jefferson Compressor Station and the ECA Station at full load will not exceed an L_{dn} of 55 dBA.

21. Our review of Equitrans' noise analysis finds that the surveys and results are acceptable. As required by the Commission's Part 157 regulations, Equitrans must ensure that the noise levels from continuing operations at the Jefferson Compressor Station do not exceed an L_{dn} of 55 dBA at nearby NSAs. No later than 60 days after placing the modified Jefferson Compressor Station into service, Equitrans must file noise surveys demonstrating compliance. Equitrans will perform noise testing at all nearby NSAs to verify such compliance. Therefore, we concur with the conclusion in the EA that operation of the modified Jefferson Compressor Station will not result in significant direct or cumulative noise impacts at the Knisely residence or any other identified NSA.

22. Based on the analysis in the EA, the Commission concludes that, if constructed and operated in accordance with Equitrans' application and supplements, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

23. As explained above, because Equitrans' prior notice filing was protested, the Commission has treated the filing as an application for specific section 7(c) authorization. However, the Commission has a policy against granting section 7(c) case-specific authority to construct and operate facilities when such activity may be performed under a blanket certificate.¹⁵ Therefore, having determined that the protest to the prior notice filing should be denied, the Commission will authorize Equitrans to construct and operate the subject facilities under its Part 157 blanket certificate, subject to the environmental conditions of section 157.206(b) of the Commission regulations.

¹⁴ The Kniselys express concern that Equitrans' noise surveys are biased. Rule 2005 of the Commission's regulations provides, in relevant part, that all filings with the Commission must be signed, that the signature constitutes a certificate that the signer has read the filing and knows its contents, and that the contents are true as stated to the best knowledge and belief of the signer. 18 C.F.R. § 385.2005 (2013). In addition, the filed surveys are reviewed by Commission staff.

¹⁵ See *Kinder Morgan Interstate Gas Transmission LLC*, 133 FERC ¶ 61,044 (2010); *Tennessee Gas Pipeline Co.*, 125 FERC ¶ 61,258 (2008).

24. Any state or local permits issued with respect to facilities subject to the jurisdiction of this Commission must be consistent with the conditions of any certificate issued by this Commission authorizing construction and operation of those facilities. The Commission encourages cooperation between interstate pipelines and local authorities. This does not mean, however, that state and local agencies, through application of state or local law, may prohibit or unreasonably delay construction or operation of facilities approved by this Commission.¹⁶

25. 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, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission orders:

(A) Equitrans is authorized to construct and operate the facilities, as described herein and more fully described in Equitrans' prior notice request, pursuant to its Part 157 blanket certificate.

(B) The Kniselys' protest is denied.

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

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹⁶See, 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.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).