

154 FERC ¶ 61,068
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Cheryl A. LaFleur, Tony Clark,
and Colette D. Honorable.

Columbia Gas Transmission, LLC

Docket No. CP15-95-000

ORDER ISSUING CERTIFICATE AND GRANTING ABANDONMENT

(Issued February 1, 2016)

1. On February 20, 2015, Columbia Gas Transmission, LLC (Columbia) filed an application under sections 7(b) and (c) of the Natural Gas Act (NGA)¹ and Part 157, subpart A of the Commission's regulations² for a certificate of public convenience and necessity authorizing the replacement of 34 miles of existing pipeline and associated facilities located in Greene, Washington, and Allegheny Counties, Pennsylvania and for approval to abandon the facilities that are being replaced (Tri-County Project). Columbia also seeks approval to roll the project facility costs into its existing rates in its next general rate proceeding.
2. For the reasons discussed below, the Commission grants Columbia's requested certificate and abandonment authorizations, subject to certain conditions.

I. Background

3. Columbia³ is a natural gas company engaged in the transportation and storage of natural gas in interstate commerce, subject to the Commission's jurisdiction.⁴ Columbia

¹ 15 U.S.C. § 717f(b), (c) (2012).

² 18 C.F.R. Pt. 157, Subpart A (2015).

³ Columbia, a Delaware limited liability company, is a wholly owned subsidiary of the Columbia Pipeline Group, Inc.

⁴ 15 U.S.C. § 717a(d)(6) (2012).

operates transportation and storage facilities in the States of Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

4. The Tri-County Project is part of Columbia's multi-year, comprehensive modernization program designed to address its aging infrastructure.⁵ The modernization program identifies and prioritizes high risk, vulnerable portions of Columbia's system needing upgrades in order to meet emerging safety regulations or to improve service reliability.

II. Proposal

5. Columbia's Tri-County Project will replace a portion of its existing Line 1570. Line 1570 is a bi-directional (north/south) mainline that serves the Pittsburgh metropolitan area. Columbia states that the Tri-County Project will allow it to improve reliability and safety for existing customers and landowners.

6. As part of the Tri-County Project, Columbia proposes to replace approximately 34 miles of 20-inch-diameter high pressure, uncoated, bare steel pipeline on its Line 1570 with approximately 37.5 miles of new, 20-inch-diameter, coated and wrapped steel pipeline.⁶ Columbia proposes to abandon the existing Line 1570 by removal or by capping it and leaving it in place. About 28.5 miles of the project will replace the existing pipeline in the same location. The remainder of the project will deviate from the existing Line 1570's path by about 25 feet in order to avoid environmentally-sensitive areas, construction challenges, or encroachments.⁷

⁵ On January 24, 2013, the Commission approved a settlement in Docket No. RP12-1021-000, which established the basis for the modernization program, including a mechanism for the recovery of costs associated with the program. *Columbia Gas Transmission, LLC*, 142 FERC ¶ 61,062 (2013). Columbia filed another request for Commission approval of additional modernization projects called the "Modernization II Settlement" in Docket No. RP16-314-000.

⁶ The original Line 1570 pipeline was installed in 1947 and 1948. *Manufacturers Light and Heat Co.*, 5 FPC 707 (1946).

⁷ Columbia states that in locations where the new pipeline will offset the original Line 1570, it will abandon the existing pipeline in place, unless otherwise agreed upon with the landowner.

7. Columbia's proposed Line 1570 pipeline replacement will occur in three segments:

- Segment 1, located entirely in Greene County, will replace 14 miles of the existing pipeline with 14.9 miles of new pipeline from Columbia's Hero-Jollytown Regulator Station to its Waynesburg Compressor Station.
- Segment 2, located entirely within Washington County, will replace approximately 8 miles of the existing pipeline with approximately 11 miles of new pipeline from Columbia's Redd Farm Compressor Station to its Sharp Farm Compressor Station.
- Segment 3, located in Washington and Allegheny Counties, will replace 12 miles of existing pipeline with 11.9 miles of new pipeline from Columbia's Sharp Farm Compressor Station to the terminus of the Line 1570 where it intersects with the 20-inch-diameter Line 1485.

8. Columbia plans to replace a majority of the existing pipeline in Segments 1 and 3 using traditional lift-and-lay techniques.⁸ Service through these segments may be interrupted for extended periods while the existing pipeline is depressurized and removed, and the replacement pipeline is installed. Most (approximately 89 percent) of the new pipeline for Segments 1 and 3 will be replaced using the same centerline or offset approximately 25 feet from the centerline within the existing right-of-way.

9. In Segment 2, Columbia plans to abandon the existing pipeline in place. Columbia plans to offset the construction of the new pipeline from the existing pipeline to avoid service interruptions during construction.⁹ However, short-duration outages may occur when Columbia ties in the new facilities to the existing facilities. Approximately 4.3 miles of the new pipeline on Segment 2 will be within the existing right-of-way. The remainder of Segment 2 (approximately 6.7 miles) will require rerouting due to existing constraints and terrain issues, sensitive resources, or identified landowner concerns. Other than by specific agreements to the contrary with affected landowners, Columbia will retain its existing easements on property where pipe on Segments 1, 2, and 3 are proposed for abandonment by removal and in place.

⁸ In Segments 1 and 3, Columbia proposes to abandon 4,440 feet and 10,064 feet, respectively, of existing pipeline in place. The remainder of the existing pipeline in Segments 1 and 3 will be removed and replaced. *See* EA at 9-10.

⁹ Columbia proposes to abandon only 638 feet of pipeline by removal in Segment 2. *Id.* at 9.

10. In addition, Columbia proposes to replace seven mainline valves, abandon and remove one mainline valve, abandon and remove 37 taps, and construct two new bidirectional pig launchers and receivers.

11. Columbia acknowledges that its proposal will affect some local consumers currently receiving gas through the existing Line 1570, specifically, customers of Columbia Gas of Pennsylvania who currently receive gas via the mainline “farm” taps that are presently attached to the segments of Line 1570 proposed for abandonment. Columbia states that it will compensate these landowners such that they may transition to an alternative source of energy (e.g., propane) or reconnect service to another natural gas pipeline.

12. Columbia estimates the total cost of the Tri-County Project will be approximately \$136 million. Columbia seeks rolled-in rate treatment for the entirety of the Tri-County Project, asserting that the project is designed to maintain or improve service to existing customers as well as enhance the reliability and safety of Line 1570. The project is not intended to increase system capacity or enable the provision of new service.

III. Notice and Interventions

13. Notice of Columbia’s application was published in the *Federal Register* on March 13, 2015 (80 Fed. Reg. 13,370), establishing March 25, 2015, as the due date for filing comments and motions to intervene. The parties listed in Appendix A of this order filed timely, unopposed motions to intervene.¹⁰ The Cities of Charlottesville and Richmond, Virginia, jointly, filed a late motion to intervene. We grant the motion.¹¹

IV. Discussion

14. Since the facilities to be abandoned have been used to transport natural gas in interstate commerce subject to the Commission’s jurisdiction and the proposed new facilities will be used for jurisdictional service, the proposed abandonment, construction, and operation of facilities are subject to the requirements of subsections (b), (c), and (e) of section 7 of the NGA.¹²

¹⁰ Timely, unopposed motions to intervene are granted by operation of Rule 214(c) of the Commission’s Rules of Practice and Procedure. *See* 18 C.F.R. § 385.214(c) (2015).

¹¹ 18 C.F.R. § 385.214(d) (2015).

¹² 15 U.S.C. § 717f (2012).

A. Certificate Policy Statement

15. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.¹³ 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 pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal in evaluating new pipeline construction 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.

16. Under this policy, 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. 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 route of the new pipeline. 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.

17. As stated, the threshold requirement is that the applicant must be prepared to financially support the project without relying on subsidization from existing customers. The Certificate Policy Statement provides that it is not a subsidy for existing customers to pay for projects designed to replace existing capacity or improve the reliability or flexibility of existing service.¹⁴ We find the proposed Tri-County Project will replace existing pipeline facilities that are deteriorated due to age and will maintain existing levels of service and/or enhance the reliability of existing services. The project will also allow Columbia to be able to meet emerging safety regulations by installing coated and

¹³ *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).

¹⁴ Certificate Policy Statement, 88 FERC ¶ 61,227 at n.12.

wrapped steel pipeline in place of bare steel pipeline. Under these circumstances, we find that there will be no subsidization of the project by existing customers.

18. Columbia will continue to provide service using the existing facilities until the new facilities become operational. Columbia will provide for propane or arrange for alternative pipeline supply for customers of Columbia Gas of Pennsylvania who will be negatively affected by the removal of the mainline “farm” taps presently attached to the Line 1570. No pipelines, or their captive customers, including farm tap customers, have filed adverse comments regarding Columbia’s proposal. Thus, we find that the project will not adversely affect Columbia’s existing customers, or other pipelines and their customers.

19. We further find that Columbia has taken steps to minimize any adverse impacts on landowners and communities that might be affected by the project. The proposed construction or modification on parts of the existing Line 1570 will occur within Columbia’s existing right-of-way or within newly acquired right-of-way and newly purchased sites.

20. The project will allow Columbia to address identified issues related to its aging infrastructure which could ultimately impact service to its customers. Based on the benefits the project will provide, the minimal adverse impacts on Columbia’s existing customers, other pipelines and their captive customers, and landowners and surrounding communities, we find that Columbia’s project is consistent with the Certificate Policy Statement and, as conditioned in this order, is required by the public convenience and necessity. Further, we find that the public convenience or necessity permits Columbia’s abandonment of the existing facilities under section 7(b) of the NGA, because the facilities are deteriorated and inefficient, nearing the end of their useful life.

B. Rolled-In Rate Determination

21. Columbia requests a pre-determination that the project is consistent with the Certificate Policy Statement’s criteria for rolled-in rate treatment of costs. As described above, the primary purpose of the project is to replace existing pipeline due to its age and condition. The Certificate Policy Statement recognizes the appropriateness of rolled-in rate treatment for projects constructed to improve the reliability of service to existing customers or to improve service by replacing existing capacity, rather than to increase levels of service.¹⁵ Accordingly, we will grant Columbia’s request for predetermination of rolled-in rate treatment for the project in its next general rate proceeding, absent any material change in circumstances. We have reached similar preliminary determinations

¹⁵ Certificate Policy Statement, 88 FERC ¶ 61,227, *clarified*, 90 FERC ¶ 61,128 at 61,393-34, *further clarified*, 92 FERC ¶ 61,094.

in prior cases where, as here, the incurred costs are used to maintain the safety and reliability of the pipeline for the benefit of existing customers.¹⁶

22. We note that Columbia has developed a comprehensive, multi-year modernization program to address its aging infrastructure, and the Commission has approved a settlement in Docket No. RP12-1021-000 that establishes an initial baseline for recovering the modernization costs under the settlement.¹⁷ Columbia initially plans to recover its initial project costs through the settlement's Capital Cost Recovery Mechanism (CCRM).¹⁸ Any determination on the eligibility for recovery of project costs through the CCRM will be made in the CCRM proceeding. However, since the CCRM will expire under the terms of the settlement on January 31, 2019, absent a negotiated extension, Columbia states that it will seek to recover its unrecovered costs through its base rates by filing an NGA general section 4 rate case. Consequently, Columbia seeks a preliminary determination here that it may roll its share of unrecovered project costs into its system base rates in its next general rate proceeding. As discussed above, we are granting that request.

C. Environmental Analysis

23. On May 27, 2014, Commission staff granted Columbia's request to use the Pre-filing Process in Docket No. PF14-11-000. On August 6, 2014, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned Tri-County Bare Steel Replacement Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the *Federal Register*¹⁹ and mailed to over 1,160 entities including federal, state, and local government officials; agency

¹⁶ *Columbia Gas Transmission, LLC*, 153 FERC ¶ 61,042, at P 20 (2015); *Columbia Gas Transmission, LLC*, 134 FERC ¶ 61,196, at P 22 (2011); *Columbia Gas Transmission Corp.*, 111 FERC ¶ 61,431, at P 12 (2005); *Northwest Pipeline Corp.*, 104 FERC ¶ 61,176, at P 23, *reh'g denied*, 105 FERC ¶ 61,109 (2003).

¹⁷ *Columbia Gas Transmission LLC*, 142 FERC ¶ 61,062 (2013). The settlement included a provision requiring an annual tariff demand surcharge filing (Capital Cost Recovery Mechanism) for the recovery of capital investments made to modernize Columbia's system during an initial 5-year period from February 1, 2014, until the effective date of Columbia's next general rate proceeding or January 31, 2019. The parties may extend the Capital Cost Recovery Mechanism with Commission approval. (Settlement, Article VII).

¹⁸ See Columbia's June 11, 2015 Data Response at 2.

¹⁹ 79 Fed. Reg. 47,098 (Aug. 12, 2014).

representatives; environmental and public interest groups; Native American tribes; local libraries and newspapers; and all potentially affected landowners.

24. In response to the NOI, we received written comments from 13 individuals, 2 local groups, and the Tuscarora Nation. In general, the comments pertained to pipeline construction methods, impacts on water resources, land use conflicts and property values, noise impacts, safety concerns, and alternative routes. During the Pre-filing Process, Columbia refined the pipeline replacement route based on discussion with landowners and Commission staff to avoid or minimize impacts on sensitive resources, reduce or eliminate engineering and constructability concerns, and/or avoid or minimize conflicts with existing land uses.

25. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA), our staff prepared an environmental assessment (EA) for the Tri-County Project. In addition to addressing comments filed in response to the NOI, the EA analyzed the project's effects on geology, soils, water resources, wetlands, vegetation, wildlife, federally listed species, cultural resources, land use, recreation, visual resources, air quality and noise, safety, and cumulative impacts. The EA also evaluates a range of alternatives. Commission staff issued the EA on September 14, 2015. Pennsylvania Department of Conservation and Natural Resources (Pennsylvania DCNR) and four individuals filed comments in response to the EA.

1. Land Use

26. In its comments, Pennsylvania DCNR states that its Bureau of Recreation and Conservation (Bureau) funds lands that will be impacted by the proposed project, specifically the Houston Park and the Great Allegheny Passage in Washington County, Pennsylvania and the Panhandle Trail in Allegheny County, Pennsylvania. Pennsylvania DCNR commented that if Columbia makes any change in use or transfers the rights of any Bureau-funded park property, then those actions may constitute a conversion subject to Bureau review and approval. Columbia stated that the project would not change the use or transfer rights of any Bureau property. However, Columbia acknowledges that if it seeks to change the use or transfer of rights on Bureau property, it would seek the Bureau's review and approval.²⁰

²⁰ See Columbia's November 30, 2015 Response to Landowner Comments at 2. We encourage companies to work with state and local agencies; however, the Bureau cannot prohibit or unreasonably delay the construction and operation of these Commission-approved facilities through state or local law. See *infra* n.26.

2. Alternative Pipeline Routes

27. Rebecca and Doug Burig request that Columbia re-route the pipeline on the east side of their property because, as proposed, the Segment 2 pipeline would bisect the property and potentially affect their septic system and a proposed homesite. Currently, several housing developments encroach on the existing Line 1570 right-of-way. The EA explains that in order to avoid these housing developments, Columbia selected the proposed route which crosses the Burig's property. The EA analyzed three alternative routes in this area (Quarry Road area).²¹ The EA concludes that none of the alternatives are significantly environmentally preferable over the proposed route. However, Columbia stated that during the easement acquisition process, it would work with the Burigs to determine any preferable minor route alterations on their property.²² Staff will review any re-alignments of the project prior to issuing a notice to proceed with construction.

28. Andy Vance filed comments in support of the proposed Segment 2 route on behalf of the Concerned Homeowners of Meadowbrook Subdivision, which represents 41 homeowners. Specifically, the Concerned Homeowners of Meadowbrook Subdivision support the proposed route (which deviates from the existing pipeline to the west) because it reduces impacts on forested land and a small stream. Conversely, Patrick Feehery and Phillip and Lexie Darch commented that they prefer an alternate route to the east of the existing pipeline. These commenters argue that the proposed route would be sited near many residences, would remove a tree buffer/privacy barrier between their property and the Meadows Casino, and is 800 feet longer than the eastern alternate route.

29. While the eastern alternate route would be slightly shorter in length, the EA explains that it would result in more resource impacts than the proposed route (e.g. greater impacts on forested land and residences due to additional construction impacts and landowner parcel crossings).²³ We support the EA's conclusion that construction of the proposed western route is environmentally preferable to the eastern alternate route. However, Columbia stated that during the easement acquisition process, it would work with Mr. Feehery and the Darches to develop a landscape/vegetation buffer along the edge of the right-of-way to provide privacy for the landowners. We have added environmental condition 16 to this Order to ensure that Columbia provides an adequate landscape/vegetation buffer.

²¹ EA at 75.

²² See Columbia's November 30, 2015 Response to Landowner Comments at 2.

²³ EA at 77-79.

30. Mr. Feehery also expressed concern that the proposed Segment 2 route includes a sharp turn between mileposts 7.4 and 7.5, which could prevent cleaning and inspection tools from maintaining the integrity of the pipeline. The EA explains that the project must be designed in accordance with the U.S. Department of Transportation's Minimum Federal Safety Standards in Title 49 of the Code of Federal Regulations Part 192. These safety regulations require that the replacement pipeline be designated and constructed to accommodate the passage of instrumented internal inspection devices.²⁴ Therefore, Columbia must ensure that the pipeline is capable of accommodating cleaning and inspection tools. Although turns in the pipeline exist, these tools are still capable of operating through the pipeline.

3. Threatened and Endangered Species

31. The project is located within the range of the federally listed Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). Following issuance of the EA, Columbia filed Indiana bat and northern long-eared bat surveys and documentation of its consultation with the U.S. Fish and Wildlife Service (FWS).²⁵ Columbia stated that the FWS found that Columbia complied with their mutually-developed Multi-Species Habitat Conservation Plan and, specifically, the avoidance and minimization measures relative to tree-clearing restrictions. According to the avoidance and minimization measures, if Indiana bats are present in the project corridor, then Columbia cannot clear any trees from April 1 to October 15. If only northern long-eared bat are present (i.e., no Indiana bats are present) then Columbia cannot clear trees from June 1 to August 1.

32. As indicated in Columbia's bat survey report, no Indiana bats were found during a project-specific field study of Segment 1 in Greene County. However, northern long-eared bats were found along Segment 1. Therefore, for Segment 1, Columbia has acknowledged that it cannot clear trees from June 1 to August 1. Columbia has not completed bat surveys along Segments 2 or 3. Accordingly, Columbia has committed to the more conservative tree clearing restriction for Segments 2 and 3 (i.e., Columbia will not clear trees between April 1 and October 15).

33. Columbia's compliance with the tree-clearing restriction in the Multi-Species Habitat Conservation Plan's avoidance and minimization measures, coupled with collocation along about half of the alignments along Segments 2 and 3, will effectively avoid direct impacts on listed bat species in these segments, thus no further consultation under Section 7 of the Endangered Species Act is required. Therefore, the intent of the

²⁴ 49 C.F.R. § 192.150 (2015).

²⁵ Columbia's November 30, 2015 Supplemental Bat Survey Information.

EA's environmental recommendation 13 has been met and is not included as a condition to this Order.

4. **Environmental Conclusion**

34. We have reviewed the information and analysis contained in the record, including the EA, regarding the potential environmental effects of the Tri-County Project. Based on our consideration of this information, we agree with the conclusions presented in the EA and find that if constructed and operated in accordance with Columbia'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.

35. 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 local laws, may prohibit or unreasonably delay the construction and operation of facilities approved by this Commission.²⁶

V. **Conclusion**

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

The Commission orders:

(A) A certificate of public convenience and necessity is issued authorizing Columbia Gas Transmission, LLC's (Columbia) Tri-County Project, as described more fully in this order and in the application.

²⁶ See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 243 (D.C. Cir. 2013) (holding state and local regulation is preempted by the NGA to the extent they conflict with federal regulation, or would delay the construction and operation of facilities approved by the Commission); and *Iroquois Gas Transmission System, L.P.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

(B) Columbia is granted permission and approval under section 7(b) of the NGA to abandon the facilities described in this order and as more fully described in the application.

(C) Columbia's request for a pre-determination of rolled-in rate treatment of project costs is granted, as discussed above.

(D) The late motion to intervene filed by the Cities of Charlottesville and Richmond, Virginia is granted.

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

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix A
Interventions
Docket No. CP15-95-000

Atmos Energy Marketing, LLC
Calpine Energy Services, LP
Cities of Charlottesville and Richmond, Virginia*
Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of Virginia, Inc. (collectively, NiSource Distribution Companies)
Exelon Corporation
Michigan Public Service Commission
National Fuel Gas Distribution Corporation
National Grid Gas Delivery Companies
New Jersey Natural Gas Company
New York State Electric & Gas Corporation
NJR Energy Services Company
Orange and Rockland Utilities, Inc.
Piedmont Natural Gas Company, Inc.
Pivotal Utility Holdings, Inc. d/b/a/ Elizabethtown Gas Company, Elkton Gas, and Virginia Natural Gas, Inc.
PSEG Energy Resources & Trade, LLC
Public Service Company of North Carolina
UGI Utilities, Inc., UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc. (collectively known as, UGI Distribution Companies)

* Late intervention

Appendix B

Environmental Conditions for the Tri-County Project Docket No. CP15-95-000

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

1. Columbia shall follow the construction procedures and mitigation measures described in its application, supplements (including responses to staff data requests) and in the EA, unless modified by this Order. Columbia 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 this 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**, Columbia 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 soon as they are available, and before the start of construction**, Columbia shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by this Order. All requests for modifications of environmental conditions of this Order or site-specific clearances must be written and must reference locations designated on

these alignment maps/sheets. Columbia's exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to this Order must be consistent with these authorized facilities and locations. Columbia's right of eminent domain granted under Natural Gas Act section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Columbia shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and 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 and received before construction commences. 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**, Columbia shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Columbia must file revisions to the plan as schedules change. The plan shall identify:
 - a. how Columbia 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 this Order;

- b. how Columbia 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 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 Columbia will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
 - f. the company personnel (if known) and specific portion of Columbia's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Columbia 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**, Columbia shall file updated status reports with the Secretary **on a weekly 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 Columbia'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 stream crossings or work in other environmentally sensitive areas;
 - c. a listing of all problems encountered and each instance of noncompliance observed by the EI 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 this Order, and the measures taken to satisfy their concerns; and
 - g. copies of any correspondence received by Columbia from other federal, state, or local permitting agencies concerning instances of noncompliance, and Columbia's response.
8. **Prior to receiving written authorization from the Director of OEP to commence construction of any project facilities**, Columbia shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
9. Columbia must receive written authorization from the Director of OEP **before placing the project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.
10. **Within 30 days of placing the project facilities in service**, Columbia 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 Columbia 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. **Within 30 days of placing the Tri-County Project facilities in service**, Columbia shall file with the Secretary a report discussing whether any water supply well complaints concerning well yield or quality were received and how each was resolved.
12. **Prior to construction**, Columbia shall file with the Secretary a project-specific Hydrostatic Test Plan. The test plan must identify all water volumes, sources/intakes and discharge locations and procedures.
13. **Prior to construction**, Columbia shall file with the Secretary:
 - a. results of the surveys for single-headed pussy-toes and snow trillium;
 - b. any comments from the Pennsylvania Department of Conservation and Natural Resources on the species and/or the survey reports; and
 - c. any specific measures Columbia has agreed to in order to minimize impacts on these species.

14. **Prior to construction**, Columbia shall file with the Secretary, for review and written approval by the Director of the OEP, revised site-specific plans for any residence closer than 25 feet to the construction work area. The revised plans must include:
 - a. a description of the property-specific construction technique to be used and a dimensioned site plan that shows basic property features (e.g. driveways, septic systems, mature trees or landscaping beds, decks, pools, or playgrounds);
 - b. a property-specific plan for minimizing time that a trench remains open; and
 - c. evidence of landowner concurrence if the construction work area is within 10 feet of a residence.
15. **Prior to construction**, Columbia shall file with the Secretary the list of properties enrolled in the Clean and Green Program that would also be impacted by the project, and mitigation or documentation demonstrating that pipeline construction and operation would not affect a landowner's participation in the program.
16. **Prior to construction of Segment 2**, Columbia shall file with the Secretary, for review and written approval by the Director of OEP, a landscape/vegetation buffer plan for the Darch and Feehery properties along Segment 2 to provide a visual shield between the properties and the adjacent casino.
17. Columbia shall **not begin construction of the project until**:
 - a. Columbia files with the Secretary the Pennsylvania State Historic Preservation Office's comments on the Phase II report; and
 - b. the Director of OEP notifies Columbia in writing that construction may proceed.
18. **Prior to the start of the Chartiers Creek Horizontal Directional Drill (HDD)**, Columbia should file with the Secretary, for review and written approval by the Director of OEP, an HDD Noise Plan identifying:
 - a. All noise sensitive areas (NSAs) within 0.5 mile of HDD entry and exit sites;
 - b. the distance and direction of the NSAs;
 - c. the existing noise levels and projected noise levels during HDD activity;
 - d. a description of all noise mitigation which Columbia commits to implement during HDD activity to reduce the HDD projected noise levels at the nearest NSAs to below a day-night sound level (L_{dn}) of 55 decibels on the A-weighted scale (dBA), or 10 dBA over background if ambient levels are above 55 dBA L_{dn} ; and
 - e. the resulting noise levels from HDD operations with the noise mitigation implemented.