

155 FERC ¶ 61,012
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Equitrans, L.P.

Docket No. CP15-528-000

ORDER ISSUING CERTIFICATE AND APPROVING ABANDONMENT

(Issued April 6, 2016)

1. On July 10, 2015, Equitrans, L.P. (Equitrans) filed an application under sections 7(b) and (c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² for authorization to abandon and replace approximately 20.8 miles of pipeline and associated facilities in Armstrong and Indiana Counties, Pennsylvania (TP-371 Replacement Project). As discussed below, the Commission will grant the requested authorizations, subject to conditions.

I. Background

2. Equitrans,³ a Pennsylvania limited partnership with its principal place of business in Pittsburgh, Pennsylvania, is a natural gas company as defined in section 2(6) of the NGA,⁴ engaged in the business of transporting and storing natural gas in interstate commerce.

¹ 15 U.S.C. § 717f(b), (c) (2012).

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

³ Equitrans is owned by Equitrans Investments, LLC (97.25%) and Equitrans Services, LLC (2.75%), both subsidiaries of EQT Midstream Partners, L.P.

⁴ 15 U.S.C. § 717a(6) (2012).

3. Equitrans's parent company, EQT Corporation, acquired the Allegheny Valley Connector system from Peoples Natural Gas Company LLC (Peoples) in December 2013.⁵ Prior to the sale, Peoples began upgrading the system for integrity, reliability, and safety purposes. Following the sale, EQT Corporation transferred passive ownership of the Allegheny Valley Connector System to its affiliate, Allegheny Valley Connector LLC (Allegheny LLC).⁶ The Commission then authorized Equitrans, another affiliate, to lease and operate the system from Allegheny LLC.⁷ The TP-371 pipeline, the subject of this application, is part of the Allegheny Valley Connector System.⁸ Equitrans agreed, as part of the lease agreement, to complete the system upgrades initiated by Peoples, including the proposed replacement of a portion of the TP-371 pipeline with 20-inch-diameter pipe. Peoples remains the sole shipper on the Allegheny Valley Connector System.

4. The TP-371 pipeline, a 36-mile-long pipeline originally constructed in the 1950s and 1960s, extends from a tie-in with the Allegheny Valley Connector System's 20-inch-diameter TP-7625 and 12-inch-diameter TP-301 pipelines in Armstrong County, Pennsylvania (Armstrong Tie-In) to a tie-in with the Allegheny Valley Connector System's 20-inch-diameter TP-4555 pipeline in the Derry Yard in Westmoreland County, Pennsylvania (Westmoreland Tie-In).

5. The TP-371 pipeline is comprised of two main segments: (i) a 20.8-mile-long, 12-inch-diameter pipeline segment extending from the Armstrong tie-in to the Egry Compressor Station in Indiana County, Pennsylvania; and (ii) a 15-mile-long segment, extending from the Egry Compressor Station to the Westmoreland Tie-In, which was previously replaced with 20-inch-diameter pipeline. Equitrans's proposed TP-371 Replacement Project would replace the upstream 20.8-mile-long segment between the Armstrong tie-in and Egry Compressor Station with 20-inch-diameter pipe.

⁵ See *Equitrans, L.P.*, 145 FERC ¶ 61,194, at P 10 (2013).

⁶ See *id.* P 11.

⁷ *Id.* at ordering para. (B). Pursuant to the lease agreement, Equitrans agreed to pay Allegheny LLC monthly lease payments representing the negotiated distribution of costs and benefits between Equitrans and Allegheny LLC. *Id.* PP 13-14.

⁸ We note that Equitrans filed an application on February 29, 2016, requesting, among other things, authorization to acquire the Allegheny Valley Connector System from its affiliate Allegheny LLC. This application is currently pending before the Commission in Docket No. CP16-81-000.

II. Proposal

6. Equitrans proposes to replace 20.8 miles of 12-inch-diameter pipe with 20-inch-diameter pipe in Armstrong and Indiana Counties, Pennsylvania. The replacement pipeline will be offset approximately 10 to 15 feet from the existing pipeline. Equitrans indicates that while the existing 60-foot-wide right-of-way will be shifted 10 to 15 feet, the new permanent right-of-way will be reduced to a width of 50 feet. Equitrans proposes to abandon the existing facilities in place. To facilitate continuity of service, the existing pipeline will not be abandoned until the replacement pipeline is placed into service. Equitrans also proposes to: (i) install three cathodic protection ground beds and five mainline valves; (ii) transfer seven tie-ins from the existing pipeline to the replacement pipeline via pipeline taps; and (iii) install a 20-inch pig launcher/receiver facility at the Armstrong Tie-In at the upstream end of the TP-371 pipeline.⁹

7. Equitrans states that the proposed pipeline replacement project is needed to improve system integrity, reliability, and safety. Because the existing 12-inch-diameter pipeline was installed prior to the Department of Transportation's (DOT) and the Pipeline and Hazardous Materials Safety Administration's (PHMSA) implementation of minimum federal safety standards for pipelines, the existing pipe is coated with non-standard tar and mill wrap. The replacement pipeline would be fully compliant with DOT and PHMSA standards. Equitrans proposes to use 20-inch-diameter replacement pipe not to provide additional service at this time, but because the downstream 15-mile-long segment of the TP-371 pipeline has already been replaced with 20-inch-diameter pipe. Therefore, using the same diameter pipe to replace the upstream segment of the TP-371 pipeline and installing 20-inch-diameter pigging facilities at the upstream end will allow a straight run of 20-inch-diameter pipe for pigging purposes and single in-line inspections. The maximum allowable operating pressure of the replaced pipeline will remain at 401 pounds per square inch gauge.

8. Equitrans estimates the total cost of the TP-371 Replacement Project will be approximately \$93,602,142.

III. Notice and Interventions

9. Notice of the application was published in the *Federal Register* on July 29, 2015.¹⁰ The notice established August 13, 2015, as the deadline for filing motions to intervene

⁹ Since Equitrans's proposed project will allow it to perform single-line pigging and inspection of the entire TP-371 pipeline, Equitrans states that it will remove the existing pigging facilities located at the beginning of the downstream 15-mile-long segment of the TP-371 pipeline. Equitrans Application at 6.

¹⁰ 80 Fed. Reg. 45,213.

and comments. National Grid Gas Delivery Companies, Allegheny Defense Project (Allegheny), Peoples Natural Gas Company LLC, and Pennsylvania Independent Oil and Gas Association filed timely, unopposed motions to intervene. Timely, unopposed motions to intervene are granted by operation of Rule 214(c) of the Commission's Rules of Practice and Procedure.¹¹

IV. Discussion

10. Since the proposed project includes the abandonment of existing facilities and the construction and operation of replacement facilities to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (b), (c), and (e) of section 7 of the NGA.¹²

A. Certificate Policy Statement

11. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new pipeline construction.¹³ The Certificate Policy Statement establishes 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 explains 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 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.

12. Under this policy, the threshold requirement for existing 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

¹¹ 18 C.F.R. § 385.214(c) (2015).

¹² 15 U.S.C. § 717f (2012).

¹³ *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).

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.

13. As discussed 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. The Certificate Policy Statement provides that it is not a subsidy for existing customers to pay for projects such as replacement of existing capacity to ensure the reliability of existing services.¹⁴ The proposed TP-371 Replacement Project will replace existing pipeline facilities in the Allegheny Valley Connector System that are deteriorating due to age, enabling the applicant to maintain existing levels of service and/or enhance the reliability of existing service. The project will also eliminate inefficiencies inherent in maintaining a system with non-standard-sized pipe and enable the applicant to meet emerging safety regulations by increasing its ability to pig its lines and to use modern inspection tools. Further, the Commission approved Equitrans's proposal to establish the Allegheny Valley Connector System as a separate rate zone with incremental rates,¹⁵ and Peoples

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

¹⁵ *Equitrans, L.P.*, 145 FERC ¶ 61,194 at P 37. As discussed above, Peoples sold the Allegheny Valley Connector System to EQT Corporation, which transferred passive ownership to Allegheny LLC, which leased the facilities to Equitrans. The Commission approved the lease of the facilities by Equitrans but did not approve the formula used to determine the lease payments for purposes of recovery in Equitrans's future rate cases. *Id.* P 34. The proposal in this proceeding does not involve any changes to the terms of Equitrans's lease agreement with Allegheny LLC.

contracted for all of the firm capacity at negotiated formula-based rates designed to ensure Equitrans's recovery of costs to complete the upgrade begun by Peoples.¹⁶ For these reasons, we find there will be no subsidization of the project by existing customers.¹⁷

14. Equitrans will continue to provide service using the existing facilities until the replacement facilities become operational. No pipelines, or their captive customers, have filed adverse comments regarding the applicant's proposal. Thus, we find that the project will not adversely affect the applicant's existing customers or other pipelines and their customers.

15. We further find that the applicant has taken steps to minimize any adverse impacts on landowners and communities that might be affected by the project. To limit impacts on landowners and the environment, Equitrans proposes to locate the replacement pipeline segment 10 to 15 feet from the existing pipeline. Equitrans further indicates that while the existing 60-foot right-of-way will be shifted 10 to 15 feet, the permanent right-of-way will be reduced to 50 feet in width, and approximately 19.8 miles of the proposed 20.8 miles of 20-inch-diameter replacement pipeline will be collocated within the existing right-of-way. Equitrans's proposed route for the replacement pipeline deviates from the existing right-of-way only where compelled by topography, space, or safety concerns.

16. Equitrans's project will address identified issues related to aging pipeline infrastructure which could ultimately impact existing service. The project will also ensure compliance with federal safety regulations requiring construction of new and replacement pipelines to accommodate the passage of internal pipeline inspection devices. Based on the benefits the project will provide, the minimal adverse impacts on

¹⁶ Equitrans Application at 8. *See also Equitrans, L.P.*, 145 FERC ¶ 61,194 at P 32 & n.31 (discussing Equitrans's agreement to modernize the Allegheny Valley Connector System while noting that the Commission's order did not include any pre-granted authorization for abandonment or replacement facilities to upgrade the system).

¹⁷ We note that the Certificate Policy Statement also recognizes that a presumption of rolled-in rate treatment generally is appropriate 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. Certificate Policy Statement, 90 FERC at 61,393-61,394. However, rolled-in rate treatment is not an issue here since Equitrans intends to recover its proposed replacement project's costs under the terms of its negotiated rate agreements with Peoples, which Equitrans was required to file before commencing service on the Allegheny Valley Connector System. *Equitrans, L.P.*, 145 FERC ¶ 61,194 at P 45.

the applicant's existing customers, other pipelines and their captive customers, and landowners and surrounding communities, we find that Equitrans's proposed project is consistent with the Certificate Policy Statement and required by the public convenience and necessity, as conditioned in this order. We further find that the public convenience and necessity permit Equitrans to abandon the existing facilities in place under section 7(b) of the NGA as conditioned by this order, because the facilities are deteriorating and inefficient, and the replacement facilities will ensure continuity of service.

B. Environmental Analysis

17. On August 19, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment* (NOI) for Equitrans's proposed pipeline replacement project. The NOI was mailed to federal, state, and local government representatives and agencies; elected officials; affected landowners; environmental and public interest groups; potentially interested Native American tribes; other interested parties; and local libraries, newspapers, and radio stations.

18. In response to the NOI, the Commission received environmental comments from one affected landowner, the Pennsylvania Department of Conservation and Natural Resources, Consol Energy Inc., and Allegheny Defense Project and the Ohio Valley Environmental Coalition (jointly, Allegheny). The primary issues raised by the commenters related to the project's impacts on community parks and recreation projects, vegetation, mining properties, unauthorized access to the right-of-way, future system upgrades, cumulative impacts, and natural gas production methods.

19. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA),¹⁸ Commission staff prepared an Environmental Assessment (EA) for Equitrans's proposal that was placed into the public record on February 29, 2016. The EA addresses water resources, geology, soils, vegetation and wildlife, land use, cultural resources, air quality and noise, reliability and safety, cumulative impacts, and alternatives. The EA addresses all substantive issues raised by the commenters. No further comments regarding environmental matters were filed following issuance of the EA.

20. We note that Allegheny alleges that the TP-371 Replacement Project will induce production of natural gas and, as it has in a number of other proceedings, contends that the Commission must consider the cumulative impact of gas drilling in the Marcellus and Utica shale formations in the cumulative impacts analysis for the TP-371 Replacement Project. Specifically, Allegheny asserts that approval of the project would equate to an

¹⁸ 42 U.S.C. §§ 4321 *et seq.* (2012).

increase in capacity, which would facilitate further gas drilling in the Marcellus and Utica shale formations. In addition, Allegheny contends that the Commission should have analyzed the TP-371 Replacement Project as part of the comprehensive EIS that the Commission is currently preparing for two other Equitrans projects: the Mountain Valley Pipeline Project (MVP Project) (Docket No. CP16-10-000) and the Equitrans Expansion Project (Docket No. CP16-13-000).

21. Allegheny's assertions are incorrect. The TP-371 Replacement Project involves the replacement of a 20.8-mile-long segment of existing pipeline, with 95 percent of the project being collocated with Equitrans's existing permanent right-of-way. Allegheny has failed to demonstrate how approval of the TP-371 project, which will result in no provision of additional service, will induce further natural gas drilling in the Marcellus and Utica shale formations. Similarly, because this project proposes to replace an existing pipeline segment, the project clearly has independent utility, as it will enable continuation of service currently being provided utilizing the existing facility; as noted above, the existing segment will remain in service and continue to operate until construction of the replacement pipeline is completed and it is placed into service. Commission staff determined that the TP-371 Replacement Project is not functionally or financially dependent on either the MVP Project or the Equitrans Expansion Project, nor is it dependent upon the timing of these projects' approval or in-service dates.¹⁹ We agree with this determination and find that Commission staff did not improperly segment its environmental review by evaluating the potential environmental impacts of the TP-371 Replacement Project in a separate EA.

22. Based on the analysis in the EA, we conclude that if existing facilities are abandoned and the proposed replacement facilities are constructed and operated in accordance with Equitrans's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

23. 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

¹⁹ EA at 3. In addition, Commission staff concluded that both the Equitrans Expansion Project (36 miles from the TP-371 Replacement Project) and the MVP Project (90 miles from the TP-371 Replacement Project) are outside of the region of influence for potential cumulative impacts of the TP-371 Replacement Project. Table B-19, EA at 94.

local laws, may prohibit or unreasonably delay the construction or abandonment of facilities approved by this Commission.²⁰

C. Conclusion

24. 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, and all comments and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued authorizing Equitrans to construct and operate the TP-371 Replacement Project, as described more fully in this order and in the application.

(B) The certificate authorized in Ordering Paragraph (A) above is conditioned on:

(1) Equitrans completing construction of the proposed facilities and making them available for service within two years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;

(2) Equitrans's compliance with all applicable Commission regulations including paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and

(3) Equitrans's compliance with the environmental conditions listed in the appendix to this order.

(C) Equitrans is granted permission and approval under section 7(b) of the NGA to abandon the facilities as described in this order and as more fully described in the application, subject to Equitrans's compliance with the environmental conditions listed in the appendix to this order.

²⁰ 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 it conflicts 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).

(D) Equitrans shall notify the Commission within 10 days of the date of the abandonment.

(E) Equitrans 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 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)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix

Environmental Conditions

Equitrans's TP-371 Replacement Project, Docket No. CP15-528-000

As recommended in the environmental assessment (EA), this authorization includes the following conditions:

1. Equitrans LP (Equitrans) shall follow the construction and abandonment 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. Equitrans 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 the 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 and abandonment activities. 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, and activities associated with abandonment.
3. **Prior to any construction**, Equitrans 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 EIs' 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 or abandonment**, Equitrans 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 the 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.

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

5. Equitrans 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, laydown 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 FERC'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 or abandonment begins**, Equitrans shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Equitrans must file revisions to the plan as schedules change. The plan shall identify:
- a. how Equitrans 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 Equitrans 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 Equitrans 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 and specific portion of Equitrans's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Equitrans 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. Equitrans shall employ at least one EI per construction spread. The EIs shall be:
- a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
 - b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
 - c. empowered to order the correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
 - d. a full-time position, separate from all other activity inspectors;

- e. responsible for documenting compliance with the environmental conditions of that Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
 - f. responsible for maintaining status reports.
8. Beginning with the filing of its Implementation Plan, Equitrans shall file updated status reports with the Secretary on a **biweekly 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 Equitrans'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 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 Equitrans from other federal, state, or local permitting agencies concerning instances of noncompliance, and Equitrans's response.
9. **Prior to receiving written authorization from the Director of OEP to commence construction of any project facilities**, Equitrans shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
10. Equitrans 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.
11. **Within 30 days of placing the authorized facilities in service and within 30 days of completing the abandonment of the authorized facilities**, Equitrans

shall file an affirmative statement with the Secretary, certified by a senior company official:

- a. that the facilities have been constructed and abandoned 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 Equitrans 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. **Within 30 days of placing the facilities in service**, Equitrans shall file a report with the Secretary discussing whether any complaints were received concerning well yield or water quality and how each was resolved.
13. **Prior to construction**, Equitrans shall commit to segregating topsoil only over the trenchline in wetlands, except where standing water is present, and file revised typical construction drawings for wetland crossings with the Secretary for review and written approval by the Director of OEP.
14. **Equitrans shall not clear trees** between April 1 and November 14 **until**:
- a. Equitrans has completed additional consultation with the U.S. Fish and Wildlife Service (FWS) concerning the avoidance, minimization, and mitigation of impacts on migratory birds, and has filed documentation of this consultation with the Secretary; and
 - b. Equitrans has received written notification from the Director of OEP that construction or use of mitigation may begin.
15. Equitrans shall restrict all project activities within 660 feet of any newly encountered bald eagle nests. If project activities are required within this buffer zone, Equitrans shall first consult with the FWS to determine recommended guidelines and permit requirements, and file with the Secretary documentation of its additional consultation with the FWS for review and written approval by the Director of OEP.
16. **Equitrans shall not clear trees** between April 1 and September 30 **until**:
- a. staff completes additional consultation with the FWS regarding the northern long-eared bat; and
 - b. Equitrans has received written notification from the Director of OEP that construction or use of mitigation may begin.

17. **Prior to construction of horizontal directional drill (HDD)-1, HDD-2, and HDD-6,** Equitrans shall file with the Secretary, for review and written approval by the Director of OEP, an HDD noise mitigation plan that incorporates all reasonable measures to reduce the projected noise level attributable to drilling operations at noise sensitive areas (NSAs) with predicted noise levels above 55 day-night sound level (Ldn) decibels on the A-weighted scale (dBA).

18. **Prior to nighttime and/or 24-hour drilling activities at any HDD location,** Equitrans shall file a nighttime noise mitigation plan for review and written approval by the Director of OEP. During any nighttime drilling operations, Equitrans shall implement the approved plan, monitor noise levels, and make all reasonable efforts to reduce the noise attributable to the drilling operations at NSAs with a predicted noise level above 55 Ldn dBA.