

150 FERC ¶ 61,111
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Carolina Gas Transmission Corporation

Docket No. CP14-97-000

ORDER ISSUING CERTIFICATE

(Issued February 19, 2015)

1. On February 28, 2014, Carolina Gas Transmission Corporation (Carolina Gas) filed a prior notice request pursuant to section 7 of the Natural Gas Act (NGA)¹ and sections 157.205, 157.208, and 157.210² of the Commission's Regulations, proposing to construct and operate under its Part 157 blanket certificate³ a compressor station near Edgemoor, Chester County, South Carolina, and approximately 1,300 feet of 8-inch diameter pipeline, as well as to increase the maximum allowable operating pressure (MAOP) on one of its existing pipelines (Edgemoor Compressor Station Project).

2. Three protests were filed by nearby landowners, alleging environmental and safety concerns. The protests were not withdrawn within the time specified in section 157.205(f) of the regulations.⁴ Accordingly, we will review Carolina Gas' filing as a case-specific certificate application under section 7 of the NGA. For the reasons discussed below, we will authorize Carolina Gas' proposals, subject to certain conditions.

I. Background and Proposal

3. Carolina Gas is a natural gas company within the meaning of section 2(6) of the NGA and is subject to the Commission's jurisdiction. It operates approximately

¹ 15 U.S.C. § 717f (2012).

² 18 C.F.R. §§ 157.205, 157.208, and 157.210 (2014).

³ *Carolina Gas Transmission Corp.*, 116 FERC ¶ 61,049 (2006).

⁴ 18 C.F.R. § 157.205(f) (2014).

1,500 miles of pipeline in South Carolina and Georgia. Carolina Gas is organized and existing under the laws of South Carolina.

4. Carolina Gas proposes to construct and operate a new 9,500 horsepower compressor station near Edgemoor, Chester County, South Carolina. The proposed compressor station will consist of three refurbished Solar Saturn 20-1600 natural gas-fired combustion turbine compressor sets, each with a nominal power output of 1,600 horsepower, and one refurbished Solar Centaur 40-4700S natural gas-fired combustion turbine compressor set with a nominal power output of 4,700 horsepower. In addition, Carolina Gas proposes to construct and operate 1,300 feet of 8-inch diameter pipeline within existing right-of-way to extend the existing Cone Mills Lateral from the Bowater Junction Lateral town border station to the discharge line of the proposed Edgemoor Compressor Station. Carolina Gas also proposes to increase the MAOP of its existing Line 2 between the existing Woodward Road mainline valve station in Aiken County, South Carolina and the Sally Junction mainline valve station in Orangeburg County, South Carolina.⁵ Carolina Gas states that it will perform “associated activities” in conjunction with the construction of the proposed Edgemoor Compressor Station Project, which include the modification and/or miscellaneous rearrangement of facilities at its Bowater Junction Lateral and Sumter Lateral town border stations and at the Bethune and Camden mainline valve stations, reconstruction of its existing Dupont take-off station, and installation of the new Hunting Road mainline valve station.⁶ Carolina Gas estimates the cost of the proposed project will be approximately \$23,842,035.

5. Carolina Gas states that it “conducted a general solicitation of interest on its web site” from October 29 through November 30, 2012.⁷ As a result, Carolina Gas states that it entered into precedent agreements with South Carolina Electric & Gas Company (South Carolina Electric and Gas) and Calpine Energy, LP (Calpine Energy) to provide transportation service for approximately 45,000 dekatherms (Dth) per day to South Carolina Electric & Gas’ and Calpine Energy’s requested delivery points.

⁵ Increasing the MAOP will require the temporary isolation of Line 2 at the existing Advanced Glass Fiber, Aiken-McMeekin, and Beaufort take-off stations; the Sally/Perry/Wagner town border station; the Kitchings Mill mainline valve station; and the Sally Liquefied Natural Gas boiler station.

⁶ See Carolina Gas Application at 6 for a more complete description of these activities.

⁷ Carolina Gas Application at 7 n.8.

II. Notice, Interventions, and Protests

6. Notice of Carolina Gas' prior notice request was published in the *Federal Register* on March 17, 2014 (79 Fed. Reg. 14,703), in accordance with section 157.205(d) of the Commission's regulations.⁸ The deadline for filing interventions and protests in response to a prior notice filing is 60 days following the date of issuance of the notice.⁹ Calpine Energy, Patriots Energy Group, and South Carolina Electric & Gas filed timely, unopposed motions to intervene.¹⁰

7. Pursuant to section 157.205(h) of our regulations, authorization to conduct the activity proposed under a blanket certificate is automatic so long as no protests to the activity are filed within 60 days of the date of the notice 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 noticed period,¹¹ the prior notice request proceeds as an application for case-specific authorization under section 7(c) of the NGA.¹²

8. Three timely protests were filed by owners of land near Carolina Gas' proposed project – one by a group of landowners (Landowners' Group), another by Lloyd Ledford, and the third by Michelle and Stephen Bragg (the Braggs).¹³ The protests were not withdrawn during the 30-day reconciliation period.

9. On May 21, 2014, Carolina Gas filed an answer to the pleadings of the Landowners' Group, Lloyd Ledford, and the Braggs. The Braggs filed an answer to Carolina Gas' answer, and Carolina Gas filed an answer to the Braggs' answer.¹⁴

⁸ 18 C.F.R. § 157.205(d) (2014).

⁹ *Id.*

¹⁰ Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214 (2014).

¹¹ The 30-day period, referred to as the "reconciliation period," was established to give parties a chance to resolve their differences.

¹² 18 C.F.R. § 157.205(f) (2014).

¹³ The protests were filed on March 24, April 7, and April 15, 2014, respectively. On April 7, the Landowners' Group filed a protest that was identical to the protest they filed on March 24. On April 10, they filed another identical protest, except that they added additional signatures of nearby landowners to the protest.

¹⁴ The answers were filed on June 9 and June 11, respectively.

Although the Commission's Rules of Practice and Procedure do not permit answers to protests or answers to answers,¹⁵ our rules do provide that we may, for good cause, waive this provision.¹⁶ We find good cause to do so in this instance because the answers provide information that will assist in our decision-making process.

10. The protestors, who own property and reside in the vicinity of the proposed Edgemoor Compressor Station, raised concerns about how they might be affected by noise and odors emanating from the proposed facility. They also expressed generalized concerns about the potential of the project to affect wetlands and cultural resources, contaminate ground water, and/or increase air pollution. Finally, they asked about the measures which would be in effect to ensure public safety in the event of an accident or incident. The concerns raised in the protests are addressed in the environmental assessment (EA) prepared by the Commission staff.

11. The 60-day notice period for Carolina Gas' prior notice application ended on May 9, 2014. Thus, the 30-day reconciliation period for Carolina Gas to resolve the protestors' concerns ended on June 8, 2014. On May 21, 2014, Carolina Gas filed a request for waiver of the 30-day reconciliation period so that it could proceed with the project. The reconciliation period ended without resolution of the protests and before issuance of this order. Thus, we find that the request for waiver is moot.

III. Discussion

12. Since the proposed facilities 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 requirements of subsections (c) and (e) of section 7 of the NGA.

13. As holder of a blanket construction certificate, Carolina Gas 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 the close scrutiny involved in considering applications for case-specific authorization by the Commission is not necessary 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

¹⁵ 18 C.F.R. § 385.213(a)(2) (2014).

¹⁶ 18 C.F.R. § 385.101(e) (2014).

regulations, but that are still expected to have relatively minimal impact on ratepayers, pipeline operations, and the environment.¹⁷

14. 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 procedures include a 30-day reconciliation period to allow an opportunity for blanket certificate holders to resolve protests and still proceed under their blanket authority. Here, however, the protests filed by the Landowners' Group, Lloyd Ledford, and the Braggs were not withdrawn by the end of the prior notice procedure's 30-day reconciliation period.¹⁸ Thus, Carolina Gas' request will be treated as an application for case specific section 7 authorization.¹⁹

15. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction under section 7.²⁰ 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 natural gas facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

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 existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might

¹⁷ See *Interstate Pipeline Certificates for Routine Transactions*, Order No. 234, 47 Fed. Reg. 24,254 (June 4, 1982), FERC Stats. & Regs. ¶ 30,368 (1982); 18 C.F.R. § 157.206(b)(4) (2014).

¹⁸ During the 30-day reconciliation period, Harvey Thomas; James Black; Harland Steen; and Ronald Hinson, members of the Landowners' Group, withdrew their protest.

¹⁹ 18 C.F.R. § 157.205(f) (2014).

²⁰ *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).

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. 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. As noted above, Carolina Gas' project was filed pursuant to the Commission's blanket certificate regulations. There is a presumption that such projects will qualify for rolled-in rate treatment, i.e., that they will not be subsidized by existing customers.²¹ As no rate issues were raised by the unreconciled protests filed in response to the prior notice application, that presumption still pertains. Carolina Gas has demonstrated that the proposed project is designed to serve new shippers who contracted with Carolina Gas for service. There is no evidence that the project will degrade service to Carolina Gas' existing shippers, nor will there be adverse impacts on other pipelines in the market or their captive customers. Further, no other pipeline or its customers have protested the application. The Edgemoor Compressor Station will be constructed on land owned by Carolina Gas. The 1,300 feet of 8-inch diameter pipeline will be constructed within Carolina Gas' existing right-of-way and the ancillary facilities will be constructed within previous disturbed right-of-way or facility footprints.

18. Carolina Gas has entered into precedent agreements for all of the capacity to be created by the proposed construction. Based on the benefits Carolina Gas' proposal will provide to project shippers, the lack of adverse effects on existing customers and other pipelines and their captive customers, and the minimal adverse effects on landowners and communities, we find, consistent with the Certificate Policy Statement and section 7 of the NGA, that the public convenience and necessity requires approval of Carolina Gas' proposals, as conditioned in this order.

²¹ See, e.g., *Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates*, Order No. 686, 71 FR 63680 (October 31, 2006), FERC Stats & Regs ¶ 31,231, at 30,775 - 30,776 (2006), *order on reh'g and clarification*, Order No. 686-A, 72 FR 37431 (July 10, 2007), FERC Stats. & Regs. ¶ 31,249 (2007), *order on reh'g*, Order No. 686-B, 72 FR 54818 (September 27, 2007), FERC Stats. & Regs. ¶ 31,255 (2007).

IV. Environmental Analysis

19. On June 17, 2014, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment* (NOI). The NOI was published in the Federal Register and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American tribes; local libraries and newspapers; and affected property owners, including landowners within 0.5 miles of Carolina Gas' proposed compressor station.

20. We received comments in response to the NOI from the U.S. Fish and Wildlife Service, South Carolina Electric & Gas, and three landowners (Jane Pettit, William and Laura Simpson, and Lloyd Ledford). The primary issues raised in the comments concerned noise, air quality, construction impacts on threatened and endangered species, and safety.

21. Our staff prepared an EA for Carolina Gas' proposal to satisfy the requirements of the National Environmental Policy Act of 1969. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, cumulative impacts, and alternatives. In response to the concerns raised by landowners in the vicinity of the project, Carolina Gas has committed to implementing noise-abatement measures, including, but not limited to: installing exhaust silencers or mufflers on the turbines; separating aboveground piping from other metal structures; and installing an in-duct silencer for the air intake system for each turbine.²² The EA concludes that with these measures, Carolina Gas' proposed compressor station design would adequately mitigate noise impact. The EA goes on to recommend noise surveys and monitoring to ensure noise impacts from operation of the Edgemoor Compressor Station would not be significant. We have included this recommendation as Environmental Condition 12 in the appendix to this order.²³

22. The EA was issued for a 30-day public comment period on October 16, 2014, and addressed all substantive comments received during the public scoping period. We received no comments on the EA.

²² See EA at 23.

²³ Because we are imposing specific environmental conditions on Carolina Gas' construction and operation of the project, we are issuing a case specific section 7(c) certificate for the project, rather than authorizing Carolina Gas to proceed under its blanket certificate authorization.

23. Based on the analysis in the EA, we conclude that if constructed and operated in accordance with Carolina Gas' 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.

24. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.²⁴

25. At a hearing held on February 19, 2015, 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 submitted, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Carolina Gas authorizing the construction of the Edgemoor Compressor Station Project as described and conditioned herein, and as more fully described in the application.

(B) The certificate authority granted in Ordering Paragraph (A) is conditioned on the following:

(1) Carolina Gas' completing the authorized construction of the proposed facilities and making them available for service within one year of the issuance of this order pursuant to section 157.20(b) of the Commission's regulations.

(2) Carolina Gas' complying with all applicable Commission regulations under the NGA including, but not limited to paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations.

²⁴ See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

(3) Carolina Gas' complying with the environmental conditions in the Appendix of this order.

(4) Carolina Gas' executing, prior to commencement of construction, firm service agreements equal to the capacity levels and term of service represented in its signed precedent agreements.

(C) The protests filed by the Landowners' Group, Lloyd Ledford, and the Braggs are denied.

(D) The request for waiver of the reconciliation period is dismissed as moot.

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

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix
Environmental Conditions

As recommended in the EA, this authorization includes the following conditions:

1. Carolina Gas shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Carolina Gas must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of the Office of Energy Projects (OEP) **before using that modification.**

2. The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall allow:
 - a. the modification of conditions of the Order; and
 - b. the design and implementation of any additional measures deemed necessary (including stop-work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.

3. **Prior to any construction**, Carolina Gas shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Carolina Gas 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 the Order. All requests for modifications of

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

5. Carolina Gas 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. 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**, Carolina Gas shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Carolina Gas must file revisions to the plan as schedules change. The plan shall identify:
 - a. how Carolina Gas 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 Carolina Gas 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 the project 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 Carolina Gas 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 Carolina Gas' organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Carolina Gas will follow if noncompliance occurs; and
 - h. 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. Carolina Gas shall employ at least one EI for the project. The EI 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 correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
 - d. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
 - e. responsible for maintaining status reports.
8. Beginning with the filing of its Implementation Plan, Carolina Gas shall file updated status reports with the Secretary **on a monthly basis until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

- a. an update on Carolina Gas' 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(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
- d. a description of the corrective actions implemented in response to all instances of noncompliance, and their cost;
- e. the effectiveness of all corrective actions implemented;
- f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
- g. copies of any correspondence received by Carolina Gas from other federal, state, or local permitting agencies concerning instances of noncompliance, and Carolina Gas' response.

9. **Prior to receiving written authorization from the Director of OEP to commence construction of any project facilities**, Carolina Gas shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Carolina Gas 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 project site and other areas affected by the project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Carolina Gas 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 conditions in the Order Carolina Gas 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. Carolina Gas shall file a noise survey with the Secretary **no later than 60 days** after placing the Edgemoor Compressor Station in service. If a full load condition noise survey is not possible, Carolina Gas shall provide an interim survey at the maximum possible load and provide a full load survey within **six months**. If the noise attributable to the operation of all of the equipment at the Edgemoor Compressor Station under interim or full load conditions exceeds a day-night average sound level of 55 decibels at any nearby noise sensitive areas, Carolina Gas shall file a report on what changes are needed and shall install the additional noise controls to meet the level within **one year** of the in-service date. Carolina Gas shall confirm compliance with the above requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.