

150 FERC ¶ 61,205
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.

Transcontinental Gas Pipe Line Company, LLC Docket No. CP14-504-000

ORDER ISSUING CERTIFICATE

(Issued March 19, 2015)

1. On June 23, 2014, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application under section 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² for certificate authorization to construct and operate its Rock Springs Expansion Project to provide service for Old Dominion Electric Cooperative (Old Dominion) at its new Wildcat Point Generating Facility (Wildcat Plant) in Cecil County, Maryland. For the reasons discussed below, the Commission will grant the requested authorization, subject to appropriate conditions.

I. Background and Proposal

2. Transco is a natural gas company with a transmission system that extends from Texas, Louisiana, and the offshore Gulf of Mexico area, through Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and New Jersey, to its termini in the New York City metropolitan area.

3. Transco proposes to construct and operate the Rock Springs Expansion Project to provide 192,000 dekatherms per day (Dth/d) of firm natural gas transportation service for Old Dominion from Transco's Station 210 Zone 6 Pool in Mercer County, New Jersey, to Old Dominion's new Wildcat Plant, which will be a 1,000-megawatt natural gas combined cycle electric generation facility in Cecil County, Maryland. Transco estimates

¹ 15 U.S.C. § 717(f) (2012).

² 18 C.F.R. Pt. 157 (2014).

the project facilities will cost \$79.5 million. Specifically, Transco proposes to construct and operate the following facilities:

- approximately 11.17 miles of 20-inch-diameter pipeline extending from Transco's Mainlines "A" and "B" near milepost (MP) 1683.32 in Lancaster County, Pennsylvania, to a new compressor station (Compressor Station 196) to be located within Old Dominion's existing property boundary adjacent to the proposed Wildcat Plant;
- Compressor Station 196, which will include a 4,000 horsepower (hp) electric motor-driven compressor station, metering facilities, and a pig receiver;
- piping and valve modifications to Transco's existing Compressor Station 200 in Chester County, Pennsylvania, to allow for bi-directional flow along its mainline; and
- various appurtenant above- and below-ground facilities, such as valves and pig launchers and receivers.

4. Transco's proposed lateral will have a design capacity of 192,000 Dth/d.³ On August 27, 2013, Transco executed a precedent agreement with Old Dominion for 192,000 Dth/d of firm service using Transco's mainline and the proposed lateral.⁴ In addition, Transco held an open season from August 28 to September 27, 2013, to determine whether there was any additional demand by other potential shippers for firm transportation service. Transco received no other bids.

5. The precedent agreement with Old Dominion is for a 30-year firm transportation service agreement for 192,000 Dth/d under Transco's Rate Schedule FT. Old Dominion has elected to pay a negotiated rate for the proposed firm transportation service. However, Transco proposes an incremental recourse reservation charge for transportation service on the expansion facilities.

³ See Application at 4.

⁴ Gas presently can only flow from south to north to Transco's Compressor Station 200. The proposed modifications to Compressor Station 200 will enable Transco to receive Old Dominion's gas at a receipt point north of Compressor Station 200 and transport the gas from north to south to the new lateral.

6. Transco proposes to apply its generally applicable system fuel retention and electric power rates for service on the proposed expansion facilities. Transco states this is warranted because the project facilities will reduce overall system fuel use (gas fuel consumption plus the gas equivalent of electric power consumption) to the benefit of non-project shippers.⁵

II. Notice, Interventions, and Protests

7. Notice of Transco's application was issued on July 3, 2014, and published in the *Federal Register* on July 11, 2014 (79 Fed. Reg. 40,095). The notice established July 24, 2014, as the deadline for comments and interventions. The parties listed in Appendix A filed timely, unopposed motions to intervene. Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure.⁶

8. Untimely, unopposed motions to intervene were filed by PSE&G Energy Resources & Trade, LLC and Charles W. Smithgall. We find that those filing untimely motions to intervene have demonstrated an interest in this proceeding, and that granting these motions at this stage of the proceeding will not cause undue delay, disruption, or prejudice to other parties. We will therefore grant the untimely motions to intervene.⁷

9. Old Dominion filed comments in support of Transco's proposal. The City of Lancaster, Pennsylvania, and several individuals filed comments in opposition to the project, expressing concern about the proposed pipeline's route and environmental impacts. The concerns raised by these commenters in response to the notice of Transco's application and other commenters in response to the Commission's notice of intent to prepare an Environmental Assessment (EA) are summarized and discussed in the EA and, as appropriate, in this order.

III. Discussion

10. Transco's proposed facilities will be used to transport natural gas in interstate commerce subject to the jurisdiction of the Commission. Therefore, the construction and

⁵ See Application at 7, Exhibit Z-1.

⁶ 18 C.F.R. § 385.214(c) (2014).

⁷ 18 C.F.R. § 385.214(d) (2014).

operation of the facilities are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.

A. Certificate Policy Statement

11. The Commission's Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.⁸ 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 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 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 facilities. 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.

13. In order to provide the service requested by Old Dominion, Transco's Rock Springs Expansion Project will include a new 11.17-mile-long lateral with a design capacity equivalent to 192,000 Dth/d and modifications at existing Compressor Station 200 to make a segment of Transco's mainline facilities bi-directional, allowing gas to be transported from north to south to the new lateral. As noted above, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to

⁸ *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).

financially support the project without relying on subsidization from its existing customers. The Commission has determined that, in general, when a pipeline proposes an appropriately designed incremental rate for proposed expansion capacity that is higher than the generally applicable system rate, the pipeline satisfies the threshold requirement that the project will not be subsidized by existing shippers.⁹ Transco proposes an incremental recourse charge for service using the proposed lateral and mainline capacity that will be made bi-directional by the project. As discussed below, the proposed incremental recourse rate is calculated to recover the incremental cost of service attributable to the expansion facilities. Thus, we find that the project will not be subsidized by Transco's existing customers, and the threshold requirement of no subsidization is met.¹⁰

14. The project will enable Transco to provide new firm transportation service to meet the needs of a shipper, Old Dominion, for fuel supplies for its new Wildcat Plant. Old Dominion has entered into an agreement to subscribe the full capacity of the expansion project. None of Transco's existing shippers have raised any concerns that the proposed project will have any adverse effects on their services. Nor have any other pipelines or their customers filed adverse comments regarding Transco's proposal. Thus, we find that Transco's proposed project will not adversely affect its existing customers or other pipelines and their captive customers.

15. We also find that Transco's proposed project will have minimal adverse impacts on landowners and communities. Transco states that it expects to negotiate settlements with all affected landowners for all necessary easements and property rights. To the

⁹ See, e.g., *Transcontinental Gas Pipe Line Corp.*, 98 FERC ¶ 61,155, at 61,552 (2002).

¹⁰ Transco will be charging Old Dominion a negotiated rate rather than the proposed recourse rate. Under the Commission's general policies, if a pipeline experiences revenue shortfalls as the result of agreeing to negotiated rates with some shippers that are lower than the recourse rate or other generally applicable rate, the pipeline will not be allowed in a future NGA section 4 rate case to recover those revenue shortfalls from existing shippers, including its shippers paying the incremental recourse rate for expansion capacity. See *Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines; Regulation of Negotiated Transportation Services of Natural Gas Pipelines*, 74 FERC ¶ 61,076, at 61,242 (1996); *NorAm Gas Transmission Company*, 77 FERC ¶ 61,011, at 61,033-34 (1996), *order on reh'g*, 81 FERC ¶ 61,204 (1997).

extent parties are unable to reach mutual agreement, a court will decide the appropriate levels of compensation for necessary property rights.¹¹

16. In view of the considerations above, we find that Transco has demonstrated a need for the Rock Springs Expansion Project and that the project's benefits to the market will outweigh any adverse effects on Transco's existing shippers, other pipelines and their captive customers, and on the economic interests of landowners and surrounding communities. Consistent with the criteria discussed in the Certificate Policy Statement and subject to the environmental discussion below, we find that the public convenience and necessity requires approval of Transco's proposal, as conditioned in this order.

B. Rates

1. Recourse Rate

17. While Transco and Old Dominion have agreed to a negotiated rate,¹² Transco proposes an incremental recourse reservation charge for service under Rate Schedule FT using the proposed lateral line and mainline capacity that will be made bi-directional by the project. Transco developed a daily recourse reservation charge of \$0.23977 per Dth by dividing the annual incremental cost of service of \$16,802,960 by an annual transportation quantity of 70,080,000 Dth (192,000 Dth/d multiplied by 365 days). Transco applied a pre-tax return of 15.34 percent, which it states is the most recently established pre-tax return underlying the design of its settlement rates in Docket No. RP01-245-000.¹³ Transco states that its cost of facilities and operations and maintenance expenses are based on engineering estimates reflecting similar facilities. Transco states that it used a depreciation rate of 2.61 percent, which includes its currently

¹¹ 15 U.S.C. § 717(f) (h) (2012).

¹² Pipelines are required to file any service agreement containing non-conforming provisions and to disclose and identify any transportation term or agreement in a precedent agreement that survives the execution of the service agreement.

¹³ *Transcontinental Gas Pipe Line Corp.*, 100 FERC ¶ 61,085 (2002) (order approving partial stipulation and agreement filed on July 23, 2002). Transco has used the pre-tax return and certain other cost factors underlying the Docket No. RP01-245 settlement rates instead of those in the more recent settlement in Docket No. RP12-993, which was a "black box" settlement that does not specify rate of return or most other cost of service components. *Transcontinental Gas Pipe Line Co., LLC (Transco)*, 145 FERC ¶ 61,205 (2013).

effective onshore transmission depreciation rate of 2.04 percent and negative salvage of 0.57 percent provided for in the settlement in its rate case in Docket No. RP12-993-000.¹⁴

18. Transco's proposed incremental recourse reservation charge of \$0.23977 per Dth for service using the reverse-flow Zone 6 mainline capacity and the new pipeline lateral is higher than the Zone 6 recourse reservation charge of \$0.12984 per Dth contained in Transco's tariff for Rate Schedule FT.

19. Based on our review of Transco's proposed incremental cost of service and the incremental recourse reservation charge, we find that they are reasonable. Transco does not propose a commodity charge for the project. Therefore, we will require Transco to establish an incremental recourse commodity charge of \$0.00 per Dth.

20. Consistent with the Certificate Policy Statement, we direct Transco to keep separate books and accounting of costs attributable to the project. The books should be maintained with applicable cross-references, as required by section 154.309 of the Commission regulations.¹⁵ This information must be in sufficient detail so that the data can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case and the information must be provided consistent with Order No. 710.¹⁶ Such measures protect existing customers from cost overruns and from subsidization that might result from under-collection of the project's incremental cost of service, as well as help the Commission and parties to the rate proceedings determine the costs of the project.

2. Fuel Retention and Electric Power Rates

21. Transco proposes to charge its generally applicable system fuel retention and electric power rates for service using the proposed lateral and mainline capacity that will be capable of reverse flow as a result of project modifications. However, Transco requests a finding supporting rolled-in rate treatment for its fuel costs and rates for service using the expansion capacity in its future fuel and electric power cost

¹⁴ Although the settlement in Docket No. RP12-993 does not specify most cost of service components, there are certain exceptions, including the establishment of the negative salvage rate of 0.57 percent for onshore plant. *See* Appendix A to August 27, 2013 Stipulation and Agreement (Settlement) filed in Docket No. RP12-993-000.

¹⁵ 18 C.F.R. § 154.309 (2014).

¹⁶ *See Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines*, Order No. 710, FERC Stats. & Regs. ¶ 31,267 (2008).

adjustments.¹⁷ Based on its study designed to determine the impact of fuel consumption (compressor fuel plus the fuel equivalent of electricity consumed), Transco determined that the project will result in a 0.72 percent reduction in system fuel use attributable to existing shippers.¹⁸

22. In view of Transco's representation that existing shippers will benefit, we will approve Transco's proposal to charge its generally applicable system gas fuel and electric power rates for service using the expansion capacity. We will also grant Transco a predetermination that the gas fuel and electric power costs associated with the expansion capacity will qualify for rolled-in rate treatment into its future fuel and electric power cost adjustments, as stipulated in Transco's tariff.¹⁹ However, this predetermination is based on Transco's representation that existing shippers will not be adversely affected and therefore is subject to rebuttal in any future proceeding on a filing by Transco to adjust its gas fuel or electric power rates.

C. Environmental Analysis

23. On October 31, 2013, Commission staff began its environmental review of the Rock Springs Expansion Project after granting Transco's request to use the pre-filing process and assigning Docket No. PF14-3-000. On February 7, 2014, Commission staff issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned Rock Springs Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was 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. On May 22, 2014,

¹⁷ See Application at 7, Exhibit Z-1. Transcontinental Gas Pipe Line Company, LLC, FERC NGA Gas Tariff, Fifth Revised Volume No. 1, [Section 38, Fuel Retention Adjustment, 2.0.0](#) and [Section 41, Transmission Electric Power Cost Adjustment Provision, 2.0.0](#).

¹⁸ Transco's study was based on ten representative days from 2013 and portions of the facilities in Zones 4-6. Transco states that its fuel study did not include its proposed Compressor Station 196 that will be located at Old Dominion's Wildcat Plant because the compressor unit at Station 196 will run on electric power provided directly by Old Dominion at no cost to Transco. See Application at Exhibit Z-1.

¹⁹ Transco NGA Gas Tariff, Fifth Revised Volume No. 1, [Section 38, Fuel Retention Adjustment, 2.0.0](#) and [Section 41, Transmission Electric Power Cost Adjustment Provision, 2.0.0](#).

as a result of modifications to Transco's planned mainline tie-in location, Commission staff issued a letter with the NOI attached, inviting newly affected landowners to comment on the project within an additional 30-day comment period.

24. We received 247 comments in response to the NOI, including comments from the U.S. Department of the Interior's National Park Service (Park Service), Lancaster County Conservancy (County Conservancy), and numerous individuals. The Park Service provided comments on the Captain John Smith Chesapeake National Historic Trail (National Trail) and the County Conservancy provided comments on the County Conservancy lands. Most individuals commenting expressed opposition to both the Rock Springs Expansion Project and a separate planned Transco project called the Atlantic Sunrise Pipeline Project (Atlantic Sunrise Project), which would also cross Lancaster County, Pennsylvania, and is currently in the pre-filing process in Docket No. PF14-8-000. The primary issues raised concerned general impacts, water resources, wildlife and vegetation, land use, nature preserves and natural heritage areas, cultural resources, air and noise, reliability and safety, and alternatives.

25. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA),²⁰ our staff prepared an EA for Transco's proposal. Commission staff prepared the EA with the cooperation of the Maryland Department of Natural Resources. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, visual resources, cultural resources, air quality, noise, safety, socioeconomics, cumulative impacts, and alternatives. All substantive comments received in response to the NOI were addressed in the EA. On November 14, 2014, the Commission issued the EA for a 30-day comment period and placed it into the public record. The Park Service, the Pennsylvania Department of Environmental Protection (Pennsylvania DEP), and Mr. Mike Horst filed comments on the EA.

1. National Park Service's Comments

a. National Trail

26. The Park Service comments that the construction and maintenance of the Rock Springs Expansion Project will impact the landscapes and visitors' experience on the National Trail. The National Trail is a national water trail designated by the Park Service

²⁰ 42 U.S.C. § 4321 *et seq.* (2012).

that follows the historic trips of Captain John Smith in the Chesapeake Bay area, including along the Susquehanna River.

27. The Park Service states that the route of the Rock Springs Expansion Project will be located within one mile of the Susquehanna River and will cross several of its tributaries. The Park Service comments that approximately 25 percent of the route will require the permanent removal of mature forested riparian corridors and the permanent maintenance of the proposed pipeline right-of-way will prevent landscape from returning to mature growth above the buried pipeline. As these riparian areas can be seen from the Susquehanna River, the Park Service states the visitor experience and the National Trail will be impacted.

28. Although the Rock Springs Expansion Project does cross several tributaries of the Susquehanna River, the EA states that the National Trail is at least one mile away from the proposed pipeline at any point, outside the project's region of influence. Any visitor using the National Trail will be unable to view either the cleared vegetation or the maintained right-of-way. Further, any construction and maintenance impacts associated with the project will be limited by the use of best management practices²¹ and not result in significant impacts on landscapes, cultural resources,²² or recreational activities associated with the National Trail. Thus, the EA concluded the project is not expected to affect the National Trail.²³

b. Cumulative Impacts

29. The Park Service also asserts that the EA for Transco's Rock Springs Expansion Project failed to adequately address the incremental cumulative impacts of the pipeline project on the Susquehanna River and surrounding areas when added to the impacts of other actions. In particular, the Park Service states that the impacts of Transco's construction of the proposed 11.17-mile-long lateral need to be added to those that will result from Old Dominion's plans to use water from the reservoir of the Conowingo Hydroelectric Project No. 405, located on the Susquehanna River in Harford and Cecil

²¹ To minimize project impacts, Transco will implement its Wetland and Waterbody Construction Procedures; Upland Erosion Control, Revegetation and Maintenance Plan; state-specific Soil Erosion and Sediment Control Plans; and Spill Plan for Oil and Hazardous Material. EA at 55.

²² Transco states that it will adhere to the Unanticipated Discovery Plan should it encounter any cultural resources during construction. EA at 48.

²³ EA at 55.

Counties, Maryland, and York and Lancaster Counties, Pennsylvania, to support the operations of Old Dominion's new Wildcat Plant. The Park Service also states that because the EA's conclusion that Transco's project will result in minimal impacts was based in part on Transco's implementation of best management practices, engineering controls, resource protection, and other mitigation measures that were not presented in the EA or available for public review, the Park Service is unable to perform its own evaluation of the potential incremental impacts of Transco's proposed project.

30. The related project at the Conowingo Project cited by the Park Service is an agreement between Old Dominion and Exelon Generation Company (Exelon), the licensee of the Conowingo Project, for Old Dominion to withdraw up to 8.7 million gallons per day (mgd), consume up to 7.9 mgd for use as cooling and process water at its Wildcat Plant, and discharge water not used to support the Wildcat Plant's operations back into the Conowingo Project's reservoir. On August 25, 2014, Exelon applied for Commission approval of its agreement with Old Dominion for a non-project use of the Conowingo Project land and reservoir, which is under review as Conowingo Project No. 405-111.

31. The Park Service is incorrect in its assertion that the EA for Transco's Rock Springs Expansion Project failed to take into account the potential incremental impacts of the proposal under review as Conowingo Project 405-111 for Old Dominion to withdraw water from the Conowingo Project's reservoir and discharge water not consumed by the plant's operations back into the reservoir. The EA for Transco's Rock Springs Expansion Project incorporates "by reference the environmental information contained in Docket No. 405-111" into this proceeding, and states that the "conclusions and recommendations in both EAs" will be used in considering whether to authorize either project.²⁴

32. The EA for the related Conowingo Project 405-111 was issued on December 29, 2014 (Conowingo EA).²⁵ The Conowingo EA acknowledges the impacts that would result from Old Dominion's planned construction activities and the proposal to withdraw water from the Conowingo Project's reservoir to support the operations of the Wildcat Plant.²⁶ Construction of water withdrawal facilities would result in a temporary increase

²⁴ EA at 1-2.

²⁵ See eLibrary Issuance and Accession # 20141229-3004 in Docket No. P-405 dated December 29, 2014, which includes both the "Notice of Availability of Environmental Assessment" and the EA (Conowingo EA).

²⁶ The Conowingo EA's findings relating to potential impacts from construction activities and water withdrawals are discussed in the Conowingo EA at p. 39.

in sedimentation and turbidity in the reservoir. Also, construction of a pump house and aboveground portions of the proposed waterlines between the Conowingo reservoir and the Wildcat Plant could result in a temporary increase in soil erosion. However, mitigation measures such as revegetation of disturbed areas to prevent erosion and sedimentation would minimize cumulative impacts.

33. The Conowingo EA also finds that while other existing water withdrawals by the City of Baltimore, Chester Water Authority, Exelon, and York Energy Center already result in a combined consumptive water withdrawal total of 324.22 mgd, total water withdrawals would still be a small fraction of the total flow available if Old Dominion is allowed to withdraw up to 8.7 mgd. The total volume of water withdrawal also would still be negligible compared to the 14 billion cubic feet of water in the Conowingo reservoir at normal pool elevation. Old Dominion's consumptive use of an additional 7.9 mgd to increase the total authorized consumptive use to 332.12 mgd would not significantly adversely affect river flows.

34. However, the Conowingo EA finds there would be construction-related impacts from ground disturbing construction activities on approximately two acres of Conowingo Project land and on an additional 47 acres to install 4.4 miles of non-jurisdictional water lines between the Wildcat Plant and the Conowingo Project. The Conowingo EA's analysis also takes into account the impacts from Transco's Rock Springs Expansion Project on approximately 234.7 acres of land, including agricultural land, upland forest, open land, and wetlands, to construct an 11.17-mile-long pipeline lateral to serve the Wildcat Plant. In summary, the Conowingo EA finds that while a total of approximately 284 acres of land would be disturbed for construction of these interrelated actions, the implementation of soil erosion control measures would minimize adverse impacts on affected areas. However, the Conowingo EA acknowledges that long-term cumulative impacts would occur as the result of land clearing for construction.

35. As explained above, the Conowingo EA's findings take into account Transco's Rock Springs Expansion Project and the EA for Transco's project incorporates by reference the Conowingo EA's findings to reach its conclusion that minimal cumulative impacts would result from Transco's project when added to the impacts of other projects, including Old Dominion's planned construction activities and proposed use of water from the Conowingo Project's reservoir to support operations at its new Wildcat Plant.²⁷ Therefore, we believe we have met the NEPA expectation that an environmental

²⁷ EA at 88.

document contain “a reasonably complete discussion of possible mitigation measures,”²⁸ and that these measures “be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated.”²⁹ Further, contrary to the Park Service’s assertions, the EA for Transco’s pipeline expansion project describes Transco’s proposed mitigation measures, including its Upland Erosion Control, Revegetation, and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and its soil erosion and sediment control plans, and the proposed measures have been available to the public since they were submitted by Transco and entered into the Commission’s eLibrary system in Docket No. CP14-504-000. The EA includes recommended conditions to enforce these mitigation measures,³⁰ and the EA’s recommended conditions are included in the environmental conditions set forth in Appendix B to this order authorizing Transco’s Rock Springs Expansion Project.

2. Pennsylvania DEP’s Comments

a. Pre-Application Meeting

36. Pennsylvania DEP recommends that Transco set up a pre-application meeting to discuss state-issued environmental permits, including the Clean Water Act Water Quality Certification. Pennsylvania DEP suggests that Transco work with its staff to obtain the appropriate permits and approvals necessary for the project.

37. Table A-6 of the EA provides a list of permits, approvals, and consultations for the project and the status of the permits and approvals at the time of the EA’s issuance. Transco will continue its application process with Pennsylvania DEP to receive all applicable state-permits for the project. Environmental Condition 9 requires that Transco receive all federal authorizations required before construction is authorized.

b. Air Quality Analysis and General Conformity Determination

38. Pennsylvania DEP challenges the EA’s air quality analysis used to support Commission staff’s conclusion that a General Conformity Determination is not required.

²⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989) (*Robertson*).

²⁹ *City of Carmel-By-The-Sea v. U.S. Dep’t of Transportation*, 123 F.3d 1142, 1154 (9th Cir. 1997) (quoting *Robertson*, 490 U.S. at 353).

³⁰ EA at 12, 96-100.

General Conformity Determinations stem from section 176(c) of the Clean Air Act,³¹ which requires a federal agency to demonstrate that a proposed action conforms to the applicable State Implementation Plan, a state's plan to attain the National Ambient Air Quality Standards for nonattainment pollutants. A General Conformity Determination is required when the federal agency determines that an action will generate emissions exceeding conformity threshold levels of pollutants in the nonattainment area, and assesses whether the federal action will conform with the State Implementation Plan.³²

39. Because the Rock Springs Expansion Project will be located in a nonattainment area, Commission staff reviewed the criteria pollutant emissions expected to be generated during construction of the project and compared them to the General Conformity thresholds in section 93.1531(b)(1) of the Environmental Protection Agency's (EPA) regulations.³³ Commission staff did not review operating emissions as no new operating emissions will result from the project since Transco will install electric-generated compressor units at the new Compressor Station 196. Commission staff calculated the construction emissions associated with the Rock Springs Expansion Project using conservative assumptions. As shown in Table B-15 in the EA, Commission staff concluded that the construction emissions associated with the project will be below the applicable General Conformity thresholds. Therefore, a General Conformity Determination is not required.

40. Pennsylvania DEP argues that Commission staff improperly segmented the air emissions from Transco's planned Atlantic Sunrise Project from its conformity analysis in this proceeding. The EPA's General Conformity rules prohibit segmentation of projects in conformity analyses when the emissions of the projects are reasonably foreseeable; otherwise, segmentation may "provide an overall inaccurate estimate of emissions."³⁴ Pennsylvania DEP states that the emissions from the Atlantic Sunrise

³¹ 42 U.S.C. § 7506(c) (2012).

³² See 40 C.F.R. § 93.153 (2014).

³³ 40 C.F.R. § 93.153(b)(1) (2014).

³⁴ *Determining Conformity of General Federal Actions to State or Federal Implementation Plans*, 58 FR 63214, 63240 (Nov. 30, 1993) (General Conformity Rule).

Project are reasonably foreseeable given that both projects would cross Lancaster County, Pennsylvania, and there would be a slight temporal overlap in construction periods.³⁵

41. We disagree with Pennsylvania DEP's contention. Commission staff did not improperly segment the Atlantic Sunrise Project from its General Conformity analysis for the Rock Springs Expansion Project. The Atlantic Sunrise Project is currently in the Commission's pre-filing process in Docket No. PF14-8, and Transco has not yet filed an application for the project with the Commission. Thus, the air emissions from the Atlantic Sunrise Project are not yet defined and subject to change. However, using the information available, the EA found the air emissions associated with the construction of the Atlantic Sunrise Project will not be concurrent with the construction emissions from the Rock Springs Expansion Project. Transco anticipates beginning construction of the Rock Springs Expansion Project in May 2015, and concluding pipeline construction in August 2016 for an August 1, 2016 in-service date, whereas the estimated construction date for the Atlantic Sunrise Project is June 2016, if an application is filed and approved in time to accommodate that timeline. Thus, the EA properly excluded any anticipated construction emissions of the Atlantic Sunrise Project from its General Conformity analysis for the Rock Springs Expansion Project. Should Transco file an application for the Atlantic Sunrise Project, any air emissions from that project will be thoroughly examined at that time.³⁶

42. Pennsylvania DEP also challenges Commission staff's methodology for the air quality analysis in the EA. Pennsylvania DEP states that the air quality analysis used to make the conformity determination "must be based on the latest and most accurate emission estimation techniques available."³⁷ Pennsylvania DEP recommends that the EA's air emissions analysis use the methodology and inputs contained in

³⁵ We note that neither project has begun construction, and project construction cannot begin until the Commission issues a certificate authorizing construction for the project and the applicant complies with the certificate conditions, as appropriate.

³⁶ EA at 84.

³⁷ 40 C.F.R. § 93.159(b) (2014).

NONROAD2008,³⁸ instead of using the EPA AP-42 and EPA Tier 3 Off-Road emission factors as Commission staff did in the EA.³⁹

43. Under General Conformity regulations, the requirement to use “the latest and most accurate emission estimation techniques available” only applies if the Commission develops a General Conformity Determination. As we stated earlier, Commission staff determined that a General Conformity Determination was not required. Commission staff only calculated emissions⁴⁰ in order to compare them with General Conformity applicability thresholds.⁴¹ The EPA’s General Conformity Guidance states that to determine if a proposed action exceeds applicability thresholds, an agency may base emission studies on historical analysis of actions similar in size and scope, or on NEPA analyses.⁴² AP-42 is a “Compilation of Air Pollutant Emission Factors” that contains “emission factors and process information” for a host of pollutant categories and a wide range of activities.⁴³ AP-42 has been published since 1972, with the most recent edition published in 1995; however, the emission factors are periodically updated. In addition, the assumptions underlying staff’s calculations using AP-42 were more conservative than would have been the case if NONROAD2008 had been used instead. Therefore, we find Commission staff’s use of EPA AP-42 and its historical emissions factors to determine if the proposed actions exceeded applicability thresholds to be appropriate.

44. Pennsylvania DEP asserts that the EA does not indicate that the air quality analysis used deterioration rates, which are needed to accurately reflect emissions of nonroad equipment. The EA states that the emission estimates associated with the construction equipment were based on conservative estimates using EPA’s AP-42

³⁸ The NONROAD2008 model is used to estimate air pollution inventories by professional mobile source modelers, such as state air quality officials and consultants. Environmental Protection Agency, NONROAD Model, <http://www.epa.gov/otaq/nonrdmdl.htm>.

³⁹ EA at 64-65.

⁴⁰ *Id.* at 63-65.

⁴¹ *See* 40 C.F.R. § 93.153(b) (2014).

⁴² EPA, *General Conformity Guidance: Questions and Answers* at 11 (July 13, 1994), available at http://www.epa.gov/air/genconform/documents/gcgqa_940713.pdf.

⁴³ EPA, *Emissions Factors & AP 42, Compilation of Air Pollutant Emission Factors*, available at <http://www.epa.gov/ttnchie1/ap42/>.

standards⁴⁴ and this standard does not specify deterioration rates. Commission staff reviewed the construction emissions standards in preparing the EA and found them acceptable.

45. Pennsylvania DEP continues that the air quality analysis lacks sufficient transparency and detail to allow the State to determine whether the emission estimations are accurate. Specifically, Pennsylvania DEP states that the analysis contains no listing of the load factors used for specific types of equipment, emission factors, or equipment count.

46. As stated in the EA, emissions estimates for the use of construction equipment and vehicles (listed in tables B-16, B-17, and B-18) were calculated using the conservative assumption that Transco will be operating over the full duration of the active construction schedule (six days per week, eight or nine hours per day depending on the equipment type, for six months for the pipeline lateral, four months for the back pressure valve, and nine months for Compressor Station 196).⁴⁵ The use of construction vehicles on highways is expected to be minimal, therefore additional air quality analysis for highway emissions from construction vehicles is unnecessary. The use of the fugitive dust emissions formula from EPA's AP-42 standards is meant to be general and covers a wide range of construction activities. We find it is acceptable for estimating emissions from construction.

47. Pennsylvania DEP asserts that the air quality analysis must include emissions from the increasing highway traffic caused by the project construction activities, and that the air quality analysis did not estimate emissions from employee trips to and from the project area. In addition, Pennsylvania DEP states if traffic is affected by construction activity, extra emissions from the affected traffic must be included.

⁴⁴ EPA Standards 1998 and 2006.

⁴⁵ Emission factors for diesel equipment and vehicles were obtained using EPA's Tier 3 Off-Road Standards and AP-42 (EPA 1998; EPA 2006), including tables 3.3-1 of AP-42 for conservation emissions factors from older equipment. Emission factors obtained from tables A-1, C-1, and C-2 in part 98 of the EPA's regulations were used to estimate exhaust emissions of Greenhouse Gases (GHG) (EPA 2009; EPA 2006b). Worst-case fugitive dust emissions for particulate matter were calculated based on the EPA AP-42 Compilation of Air Pollutant Emission Factors (AP-42) recommended formula for fugitive dust emissions from construction sites (found within Section 13.2.2, Equation 1a of AP-42), along with estimates of the extent and duration of active surface disturbance (EPA 2006).

48. As stated in the EA, the impacts on traffic in the project vicinity will be temporary, and are limited to the duration of construction activities.⁴⁶ Most personnel will travel to and from the project during off-peak traffic hours. Since the additional traffic will be minimal and temporary, an additional air analysis associated with highway traffic is not warranted.

49. Pennsylvania DEP also requests that Commission staff consider future leaks of reactive gases, specifically volatile organic compounds (VOCs), in its air quality analysis for both Transco's planned Atlantic Sunrise Project and its proposed Rock Springs Expansion Project. Pennsylvania DEP states that Commission staff should estimate future VOC emissions from leaks, blowdown venting, maintenance events, and all other fugitive events, or, in the alternative, develop a detailed protocol to include in the EA that addresses how underground pipeline leaks of VOCs will be prevented.

50. Emissions from leaks, blowdown venting, and maintenance events at the Rock Springs Expansion Project are disclosed in tables B-16, B-17 and B-18 of the EA.⁴⁷ The VOC emissions associated with blowdown activities will be minimal as blowdown events will occur infrequently (i.e., one to three times monthly), and thus, no additional analysis is warranted. As stated earlier, the estimated emissions associated with the Atlantic Sunrise Project will be disclosed in the draft environmental impact statement which will be prepared for that project if an application is filed with the Commission.

51. Pennsylvania DEP notes that the total construction emissions listed in table B-16 of the EA is not equal to the sum of the emissions of the new project facilities and existing Compressor Station 200 where certain pipeline valve modifications will be made to allow for bi-directional gas. We clarify that Compressor Station 200's emissions listed in table B-18 are correct and should replace the values used for the Compressor Station 200 emissions listed in table B-16. This correction does not, however, change the conclusions in the air quality analysis in the EA.

3. Mr. Mike Horst's Comments

52. Mr. Mike Horst filed comments challenging Transco's proposed route for the Rock Springs Expansion Project and asserting need for other route alternatives. The EA identifies six alternative routes for the project and concludes that none of these six route

⁴⁶ EA at 57.

⁴⁷ EA at 63-65.

alternatives demonstrated a clear significant environmental advantage when compared to the proposed route.⁴⁸

53. Mr. Horst also questions why Transco is not required to construct or upgrade its pipeline system using existing rights-of-way. Table A-3 of the EA⁴⁹ shows where the proposed pipeline will be collocated with existing utilities, including Transco's existing right-of-way. Construction of expansion pipeline within existing rights-of-way is not always feasible. As stated in the EA, Transco will overlap and use existing right-of-way for construction where feasible, and will overlap up to 10 feet of temporary work space with existing rights-of-way where the proposed pipeline is adjacent, abutting, or collocated. Where the proposed pipeline is within Transco's existing right-of-way, the entire permanent right-of-way overlaps the existing right-of-way.

4. Environmental Analysis Conclusion

54. Based on the analysis in the EA, we conclude that if constructed and operated in accordance with Transco's application and supplements, and in compliance with the environmental conditions in Appendix B of this order, our approval of this proposal will not constitute a major federal action significantly affecting the quality of the human environment.

55. 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.⁵⁰

⁴⁸ EA at 91-92.

⁴⁹ EA at 7, table A-3.

⁵⁰ 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); *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

IV. Conclusion

56. At a hearing held on March 19, 2015, the Commission on its own motion received and made a 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 to Transco authorizing it to construct and operate the Rock Springs Expansion Project, as described in the application and conditioned herein.

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

(1) completion of 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) compliance with all applicable regulations under the NGA, including paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations;

(3) compliance with the environmental conditions listed in Appendix B of this Order; and

(4) execution of firm contracts for volumes and service terms equivalent to those in its precedent agreement prior to the commencement of construction.

(C) Transco's incremental recourse reservation charge under Rate Schedule FT is approved, as conditioned in the order.

(D) Transco must file with the Commission not less than 30 days, or more than 60 days before the in-service date of the proposed facilities, either the negotiated rate agreement with Old Dominion or a tariff record containing the essential terms of such an agreement, as discussed above.

(E) Transco shall file actual tariff records with the incremental recourse reservation charge no earlier than 60 days and no later than 30 days, prior to the date the project facilities go into service.

(F) Transco shall keep separate books and accounting of costs attributable to the proposed incremental services, as described above.

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

(H) The untimely motions to intervene are granted pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix A

Timely, Unopposed Interventions

- Atlanta Gas Light Company
- Calpine Energy Services, L.P.
- Consolidated Edison Company of New York, Inc.
- Exelon Corporation
- Lancaster County Conservancy
- Municipal Gas Authority of Georgia
- National Fuel Gas Distribution Corporation
- National Grid Gas Delivery Companies
- New Jersey Natural Gas Company
- NJR Energy Services Company
- Old Dominion Electric Cooperative
- Philadelphia Gas Works
- Piedmont Natural Gas Company, Inc.
- Pivotal Utility Holdings, Inc.
- Transco Municipal Group⁵¹
- UGI Distribution Companies⁵²
- Virginia Natural Gas, Inc.

⁵¹ The Transco Municipal Group is an ad hoc group of Transco's municipal customers, including: Cities of Alexander City and Sylacauga, Alabama; the Commissions of Public Works of Greenwood, Greer, and Laurens, South Carolina; the Cities of Fountain Inn and Union, South Carolina; the Patriots Energy Group (consisting of the Natural Gas Authorities of Chester, Lancaster, and York Counties, South Carolina); and the Cities of Bessemer City, Greenville, Kings Mountain, Lexington, Monroe, Rocky Mount, Shelby, and Wilson, North Carolina.

⁵² UGI Distribution Companies include: UGI Utilities, Inc. and UGI Penn Natural Gas, Inc.

Appendix B

Environmental Conditions for Transco's Rock Springs Expansion Project

Docket No. CP14-504-000

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

1. Transco 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 this Order. Transco 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,** Transco 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,** Transco 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.

Transco'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. Transco'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 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. Transco 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 and contractor yards, new access roads, and other areas that will 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 will 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 Transco'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**, Transco shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Transco must file revisions to the plan as schedules change. The plan shall identify:

- a. how Transco 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 Transco 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 Transco 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 Transco's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Transco 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. Transco shall employ at least one EI per construction spread. The EI(s) shall be:
- a. responsible for monitoring and ensuring compliance with all mitigation measures required by this 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 this Order, and any other authorizing document; and
 - d. responsible for documenting compliance with the environmental conditions of this Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, Transco 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 Transco'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; and
 - 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 copies of any correspondence received by Transco from other federal, state, or local permitting agencies concerning instances of noncompliance, and Transco's response.
9. **Prior to receiving written authorization from the Director of OEP to commence construction of any Project facilities**, Transco shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
10. Transco must receive written authorization from the Director of OEP **before commencing service on the Project**. 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**, Transco shall file an affirmative statement with the Secretary, certified by a senior company official:
 - a. that the facilities have been constructed and installed 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 Transco 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. **Prior to construction of the Project facilities in Maryland**, Transco shall file with the Secretary, a final Forest Conservation Plan, that includes consultation with the State of Maryland regarding the plan.
13. **Transco shall not begin construction of the Project facilities in Pennsylvania until:**
 - a. the staff completes any necessary Section 7 consultations with the U.S. Fish and Wildlife Service for the northern long-eared bat; and
 - b. Transco has received written notification from the Director of OEP that construction and/or use of mitigation may begin.
14. **Prior to construction of the Project facilities in Maryland**, Transco shall file with the Secretary any subsequent correspondence with the Maryland Department of Natural Resources regarding sensitive plant species and any applicable mitigation developed during consultation with the Maryland Department of Natural Resources.
15. **Transco shall not begin construction of Project facilities in Maryland until** Transco files with the Secretary a copy of the State of Maryland's determination of consistency with the Coastal Zone Management Act.
16. Transco shall file a noise survey with the Secretary **no later than 60 days after placing the Compressor Station 196 into service**. If a full power load condition noise survey is not possible, Transco shall file an interim survey at the maximum possible power load **within 60 days of placing the Compressor Station 196 in service and file the full load survey within 6 months**. If the noise attributable to the operation of Compressor Station 196 at full or interim power load conditions exceeds 55 decibels on the A-weighted scale, day-night sound level (dBA L_{dn}) at any nearby noise sensitive areas, Transco shall file a report on what changes are needed and should install the additional noise controls to meet the level **within 1 year of the in-service date**. Transco shall confirm compliance with the above requirement by filing a second full power noise survey with the Secretary **no later than 60 days after it installs the additional noise controls**.