

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Nora Mead Brownell, and Suedeen G. Kelly.

Starks Gas Storage L.L.C.

Docket Nos. CP05-8-000  
CP05-9-000  
CP05-10-000

ORDER ISSUING CERTIFICATE

(Issued July 25, 2005)

1. On April 19, 2005, the Commission issued a preliminary determination addressing the non-environmental issues raised in an application filed by Starks Gas Storage L.L.C. (Starks) requesting authorization to construct and operate a salt dome natural gas storage facility and associated header system in Calcasieu Parish, Louisiana.<sup>1</sup> The Starks project will create approximately 19 Bcf of additional working gas storage capacity and will initially connect with three interstate pipelines. A final certificate authorizing construction of Starks' facilities was reserved pending completion of the environmental review.
2. We have now completed our environmental analysis of Starks' proposed facilities and, for the reasons set forth below, we will grant the requested certificate authority.

**Background**

3. Starks proposes to convert two existing salt dome caverns currently used in salt brine production to natural gas storage. The two caverns, Starks 1 and Starks 2, are approximately 400 feet in diameter and 1,000 feet in height. The tops of Starks 1 and 2 are located approximately 2,500 feet below the surface.

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<sup>1</sup> *Starks Gas Storage L.L.C.*, 111 FERC ¶ 61,105 (2005), *reh'g denied*, 111 FERC ¶ 61,484 (2005).

4. The storage project will be constructed in two stages. In Stage 1 of the project, Starks will convert and use the Starks 1 cavern to store approximately 13.3 Bcf of natural gas, consisting of approximately 8.8 Bcf of working gas with approximately 4.5 Bcf of cushion gas. The facilities will be designed to allow cycling of the entire working gas volume 5 to 6 times a year at the facility's peak withdrawal rates of 400 MMcf/d and peak injection rates of 375 MMcf/d. Starks intends to commence service using the Stage 1 facilities during the summer months of 2006.

5. In Stage 2 of the project, Starks will convert the Starks 2 cavern to gas storage and expects to complete this conversion approximately 11 months after Starks 1. Starks 2 will have a total storage capacity of 15.6 Bcf, with approximately 10.4 Bcf of working gas and approximately 5.3 Bcf of cushion gas. Overall, Starks' fully developed project will have nearly 29 Bcf of capacity of which more than 19 Bcf will be available working gas capacity. The peak withdrawal and injection rates for the project will double to 800 MMcf/d and 750 MMcf/d, respectively, with the completion of Stage 2.

6. The Starks project will be located approximately 25 miles west of Lake Charles, Louisiana, near the Texas border. In Stage 1, Starks proposes to construct a 35-mile long, 30-inch diameter header system to connect initially with three nearby pipelines. A connection with Tennessee Gas Pipeline Company will be made close to the storage caverns near Vinton, Louisiana. The connections with Texas Eastern Transmission, LP and Transcontinental Gas Pipe Line Corporation will be made farther east near Gillis, Louisiana, in Beauregard Parish. The header will also cross or approach the proposed routes of several new pipelines being developed to connect new LNG terminal facilities to the marketplace. The majority of easements for the header system will parallel existing rights-of-way.

7. Starks proposes to construct a compressor station adjacent to the storage caverns on eight acres of managed forest land that is isolated from public roads and other structures. In Stage 1, four gas-fired compression units will be installed. In Stage 2, three more compressors will be added. This compression will be used to inject gas into storage and, as needed, to withdraw gas from storage for redelivery to the pipelines.

8. Starks intends to convert the existing salt caverns to gas storage as soon as the existing brining operations have been discontinued. Starks will displace the brine that remains in the wells with natural gas as it converts the caverns to natural gas storage. Once Starks begins injecting gas into the storage caverns, the gas will displace the remaining brine to the surface. Starks will construct certain new facilities necessary to dispose of any surplus brine removed from the two caverns as they are converted to gas storage service. In Stage 1, these will consist of two new brine injection wells located approximately five miles from the main compressor site and a pipeline that will transport the surplus brine to that point.

9. In the April 19 Order, we made a preliminary determination that Starks' proposal was in the public convenience and necessity because the facilities would create additional high-deliverability storage capacity in the Gulf Coast region, thereby enhancing competition and reliability.

### **Discussion of Environmental Issues**

10. On December 1, 2004, we issued a *Notice Of Intent To Prepare an Environmental Assessment For the Proposed Starks Gas Storage Project and Request for Comments on Environmental Issues* (NOI). We received comments on the NOI from Kathleen Babineaux Blanco, Governor, State of Louisiana; David Vitter, U.S. Senator, State of Louisiana; Teri F. Lanoue, State of Louisiana, Department of Environmental Quality (LDEQ), Air Quality Assessment Division; LDEQ, Contract and Grants; State of Louisiana, Department of Wildlife and Fisheries; Beauregard Parish Police Jury; Sandra J. Treme, District 11, Calcasieu Parish Police Jury; Brent Clement, President, Calcasieu Parish Police Jury; Dan Flavin, State Representative - District 36, Louisiana House of Representatives; Herman Ray Hill, State Representative - District 32, Louisiana House of Representatives; James David Cain, State Senator; Michael J. Olivier, Secretary, State of Louisiana, Louisiana Economic Development; Dan S. Borne, Louisiana Chemical Association; Willard White, President, Starks Business & Civic Association; Evelyn C. White, Starks High School; and Tim Tindell, Manager, Minerals Land & Access, Temple-Inland Forest Products Corporation (Temple-Inland); and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS); and the U.S. Fish and Wildlife Service (USFWS). Our staff addressed all substantive comments in the environmental assessment (EA).

11. Our staff prepared an EA for the Starks proposal. The EA addresses geology and soils; water resources and wetlands; vegetation, wildlife, and fisheries; endangered and threatened species; land use; cultural resources; air quality and noise; and alternatives. On June 2, 2005, we issued a *Notice of Availability of the EA for the Proposed Starks Gas Storage Project* for a 30-day comment period. We received comments on the EA from the USFWS. The USFWS states that it filed comments on the NOI on December 22, 2004, that were not referenced in the Public Notification section of the EA. We acknowledge receipt of the USFWS' December 22, 2004 letter and its involvement in that scoping phase.

12. The USFWS states that consultation on project effects on the endangered red-cockaded woodpecker (RCW) under section 7 of the Endangered Species Act (ESA) has not been completed for this project. As a procedural matter, the USFWS states section 7 ESA consultation should be completed prior to issuance of the EA's Finding of No Significant Impact to fulfill the disclosure requirements of the National Environmental Policy Act and to ensure compliance with the ESA. The Finding of No Significant Impact made in the EA

is contingent upon Starks meeting the requirements of the environmental conditions of this order, including completion of the ESA consultation.

13. The USFWS states the environmental analysis (*i.e.* section B.3.c) of the EA accurately states that negotiations are ongoing between Starks and a landowner, Temple Inland Incorporated (Temple Inland), for access to the proposed project site. Furthermore, prior to construction, Starks would provide a Biological Evaluation (BE) to the USFWS and the Commission after landowner permission has been obtained and a survey has been completed. The USFWS supports the recommendation in section B.3.c., page 28 of the EA which would preclude the project's construction pending completion of the needed RCW surveys, and the USFWS's evaluation of and concurrence with the BE and completion of section 7 ESA formal consultation. The USFWS also states that habitat surveys are an essential element in evaluating potential impacts on the RCW. The USFWS states that the condition recommendation on page 28 of the EA requiring Starks to "file updated resource information regarding currently unsurveyed areas," should be included in recommended condition 14, section D., page 57 of the EA. We agree that this condition "a." on page 28 of the EA was inadvertently omitted from condition No. 14 on page 57 of EA, and we have included this item in condition No. 14. of this order.

14. The USFWS states table Table 1, page 6, of the EA is inaccurate because the consultation required under section 7 of the ESA was not completed on August 25, 2004, as indicated in the table. The USFWS recommends that the Receipt Date in Table 1 of the EA should be revised to correctly state that the section 7 ESA consultation is ongoing. We acknowledge that section 7 ESA consultation is ongoing.

15. The USFWS states section B.2.d., page 22, of the EA indicates that because wetland delineations of Segment 3 of the proposed project have not been completed, the total acreage of wetlands that would be impacted by construction and operation of the proposed project may increase pending completion of the wetland delineations. We acknowledge that the wetland acreage may increase as a result of the wetland delineations.

16. The USFWS states the EA accurately acknowledges that wetlands along portions of the proposed project have not been delineated due to unresolved negotiations for access to Temple-Inland's property. The USFWS supports the recommendations in section B.2.d., page 22, of the EA which would preclude project construction pending completion of wetland delineation surveys. The USFWS also recommends including an additional recommendation that would require Starks to obtain the necessary authorization and permits from the U.S. Army Corps of Engineers (COE), and, if necessary, submit an approved mitigation plan prior to construction as outlined in section B.2.d., page 25, of the EA.

17. As stated on page 25 of the EA, Starks indicates that when landowner access permission is granted, it would complete the Segment 3 wetland field survey, finalize the

Wetland Delineation Report/Jurisdictional Determination Request, and would prepare section 404 and 401 permit applications. Copies of these requests, applications, and anticipated permits would be filed with the Commission prior to construction. Therefore, we do not believe a separate recommendation is necessary for Starks to apply for necessary COE permits.

### **Co-located Projects**

18. Several applications for projects filed with the Commission involve pipelines proposed to be co-located within the same rights-of-way as proposed by Starks. Therefore, to minimize construction impacts if the Starks project is constructed after other projects, we will add the following environmental condition No. 17 in this order:

For areas where the Starks Gas Storage Project would be co-located with one or more planned pipeline(s) adjacent to an existing right-of-way, the first pipeline to be constructed shall be constructed closest to the existing right-of-way. The Starks pipeline shall be constructed with a 40-foot offset from any non-affiliated pipeline or with a 25-foot offset from an affiliated pipeline. For the Starks Gas Storage Project, this area is approximately from milepost 1.8 to 4.4.

Prior to construction Starks Gas Storage shall file with the Secretary for review and written approval by the Director of OEP alignment sheets and environmental information to support the new alignment.

19. Based on the discussion in the EA, we conclude that if constructed and operated in accordance with Starks' application, approval of this proposal will not constitute a major federal action significantly affecting the quality of the human environment.

20. 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.<sup>2</sup>

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<sup>2</sup> 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).

21. Starks shall notify the Commission's environmental staff by telephone or facsimile of any environmental noncompliance identified by other Federal, state, or local agencies on the same day that such agency notifies Starks. Starks shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

### **Conclusion**

22. The April 19, 2005 Order made preliminary findings based on non-environmental issues related to Starks' application. This order completes the environmental review of the proposal. Thus, we are able to determine that the proposed facilities are required by the public convenience and necessity. The order incorporates the findings with respect to the non-environmental issues contained in the April 29 Order and constitutes our final decision on Starks' request for authorization under section 7 of the Natural Gas Act.

23. At a hearing held on July 21, 2005, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

#### The Commission orders:

(A) In Docket No. CP05-8-000, a certificate of public convenience and necessity is issued to Starks authorizing it to construct and operate the proposed storage facilities, as more fully described in the April 19 order and in Starks' application.

(B) In Docket No. CP05-9-000, a blanket construction certificate under subpart F of Part 287 is issued to Starks.

(C) In Docket No. CP05-10-000, a blanket transportation certificate under subpart G of Part 284 is issued to Starks.

(D) The certificate authorized in ordering paragraph (A) are conditioned on Starks complying with the following:

(1) Starks completing the proposed facilities and making them available for service within three years of the issuance of the final order, pursuant to paragraph (b) of section 157.20 of the Commission's regulations.

(2) complying with all applicable Commission regulations under the natural Gas Act, particularly the terms and conditions in Parts 154 and 284 and paragraphs (a), (c), (e) and (f) of section 157.20, except that the requirements of section 157.20(c)(3) are waived;

- (3) filing within 30 days after its first full year of operation and every year thereafter, an annual informational filing on its provision of service using off-system capacity, as detailed in the April 19, 2005 Order;
- (4) establishing and maintaining a subsidence monitoring network over the proposed caverns storage area;
- (5) assembling, testing and maintaining an emergency shutdown system;
- (6) logging each Cavern's well periodically to check the integrity of the cavern roof and the casing;
- (7) every five years, conducting sonar surveys of the caverns to monitor their dimensions and shape and to estimate pillar thickness between openings throughout the storage operations;
- (8) conducting an annual inventory verification study on each cavern;
- (9) ensuring that the maximum gas storage inventory stored not exceed 28,900 MMcf at 14.73 psia and 60°F, 13,300 MMcf in Starks 1 and 15,600 MMcf in Starks 2;
- (10) ensuring that the maximum gas storage shut-in stabilized pressure in each cavern does not exceed 0.9 psi per foot of cavern depth, and the minimum pressure in each cavern will be 0.34 psi per foot of the cavern depth;
- (11) determining the final gas storage operating capacity of each cavern's working gas capacity, cushion gas capacity and the minimum pressure after each cavern's final operating parameters are determined (including data work papers to support the actual operating capacity determination);
- (12) filing with the Secretary of the Commission before commencing gas storage operations in caverns one and two (a) results of a Mechanical Integrity Test for each cavern before conversion of that well/cavern to natural gas storage and (b) copies of the latest interference, tracer surveys, or other testing or analysis on the caverns which verify the lack of communication between the caverns; and
- (13) filing semiannual reports for each cavern in accordance with section 157.214(c) of the Commission's regulations;

(14) complying with the specific environmental conditions listed in the appendix to this order.

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

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.

### **Environmental Conditions for Starks Gas Storage**

1. Starks Gas Storage 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. Starks Gas Storage 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 delegation 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, Starks Gas Storage shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel would be informed of the environmental inspector's authority and have been or would 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, Starks Gas Storage 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.

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

5. Starks Gas Storage 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, and 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 (route variations required herein or) extra workspace allowed by the Upland Erosion Control, Revegetation, and Maintenance Plan, minor field realignments per landowner needs and requirements that 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 this certificate and before construction begins**, Starks Gas Storage shall file an initial Implementation Plan with the Secretary for review and written approval by the Director of OEP describing how Starks Gas Storage will implement the mitigation measures required by this Order.

Starks Gas Storage must file revisions to the plan as schedules change. The plan shall identify:

- a. how Starks Gas Storage would 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;
  - b. the number of environmental inspectors assigned per spread, and how the company would ensure that sufficient personnel are available to implement the environmental mitigation;
  - c. company personnel, including environmental inspectors and contractors, who would receive copies of the appropriate material;
  - d. the training and instructions Starks Gas Storage would give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change); with the opportunity for OEP staff to participate in the training session(s);
  - e. the company personnel (if known) and specific portion of Starks Gas Storage's organization having responsibility for compliance;
  - f. the procedures (including use of contract penalties) Starks Gas Storage would follow if noncompliance occurs; and
  - g. 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 mitigation training of onsite personnel;
    - (3) the start of construction; and
    - (4) the start and completion of restoration.
7. Starks Gas Storage shall develop and implement an environmental complaint resolution procedure. The procedure shall provide landowners with clear and simple directions for identifying and resolving their environmental mitigation problems/concerns during construction of the project and restoration of the ROW. Prior to construction, Starks Gas Storage shall mail the complaint procedures to each landowner whose property would be crossed by the project.
- a. In its letter to affected landowners, Starks Gas Storage shall:
    - (1) provide a local contact that the landowners should call first with their concerns; the letter should indicate how soon a landowner should expect a response;

- (2) instruct the landowners that, if they are not satisfied with the response, they should call Starks Gas Storage's Hotline at (866) 945-4040; the letter should indicate how soon to expect a response; and
    - (3) instruct the landowners that, if they are still not satisfied with the response from Starks Gas Storage's Hotline, they should contact the Commission's Enforcement Hotline at (888) 889-8030.
  - b. In addition, Starks Gas Storage shall include in its weekly status report a copy of a table that contains the following information for each problem/concern:
    - (1) the date of the call;
    - (2) the identification number from the certificated alignment sheets of the affected property;
    - (3) the description of the problem/concern; and
    - (4) how it was resolved or why it has not been resolved.
8. Starks Gas Storage shall employ at least one (or as may be established by the Director of OEP) environmental inspector for the project. The environmental inspector(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;
  - 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
  - e. responsible for maintaining status reports.
9. Starks Gas Storage shall file updated status reports prepared by the head environmental inspector with the Secretary on a biweekly basis until all construction and restoration activities are complete. On request, these status reports would also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

- a. the current 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;
  - b. a listing of all problems encountered and each instance of noncompliance observed by the environmental inspector(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);
  - c. corrective actions implemented in response to all instances of noncompliance, and their cost;
  - d. the effectiveness of all corrective actions implemented;
  - e. 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
  - f. copies of any correspondence received by Starks Gas Storage from other federal, state or local permitting agencies concerning instances of noncompliance, and Starks Gas Storage's response.
10. Starks Gas Storage must receive written authorization from the Director of the OEP **before commencing service from 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 certificated facilities in service**, Starks Gas Storage 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 would be consistent with all applicable conditions; and
  - b. identifying which of the certificate conditions Starks Gas Storage has complied with or would 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. Starks Gas Storage shall conduct, with the well owner's permission, pre- and post-construction monitoring of well yield and water quality for water wells located within 150 feet of the construction area. **Within 30 days of placing the facilities in service**, Starks Gas Storage shall file a report with the Secretary discussing whether any complaints were received concerning well yield or water quality and how each

was resolved. Further, Starks Gas Storage shall replace any potable water supply system that it damages during construction and cannot repair to its former capacity and quality. **Within 1 year of completion of construction**, Starks Gas Storage shall file a report with the Secretary identifying all potable water supply systems damaged by construction and how they were repaired.

13. **Prior to construction**, Starks Gas Storage shall:
  - a. perform wetland delineation surveys on all areas of the project not surveyed and file the survey results with the Secretary; and
  - b. file resource information on all streams not surveyed.
14. Starks Gas Storage shall not begin construction activities **until**:
  - a. Starks Gas Storage files updated resource information regarding currently unsurveyed areas;
  - b. the staff receives comments from the U.S. Fish and Wildlife Service (USFWS) regarding the Red-cockaded woodpecker Recovery Plan and Biological Evaluation;
  - c. the staff completes formal consultation with the USFWS, if required; and
  - d. Starks Gas Storage has received written notification from the Director of OEP that construction or use of mitigation may begin.
15. Starks Gas Storage shall conduct a noise survey at the Starks Gas Storage Compressor Station to verify that noise from the compressor station operated at full load does not exceed an  $L_{dn}$  of 55 dBA at any nearby noise sensitive areas (NSAs) and file the results of the noise survey with the Secretary **no later than 60 days after placing the compressor station in service**. If the noise attributable to the operation of the Compressor Station at full load exceeds an  $L_{dn}$  of 55 dBA at any nearby NSAs, Starks Gas Storage should install additional noise controls to meet that level **within one year of the in-service date**. Starks Gas Storage should confirm compliance with the  $L_{dn}$  of 55 dBA requirement by filing a second noise survey with the Secretary no later than 60 days after the additional noise controls are installed.
16. Starks Gas Storage shall defer construction and use of facilities and staging, storage, and temporary work areas, and new or to be improved access roads until it files with the Secretary completed cultural resource reports and the Director of OEP reviews and approves all reports and notifies Starks Gas Storage in writing that it may proceed.

All material filed with the Commission containing location, character, and ownership

information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: **“CONTAINS PRIVILEGED INFORMATION--DO NOT RELEASE”**.

17. For areas where the Starks Gas Storage Project would be co-located with one or more planned pipeline(s) adjacent to an existing right-of-way, the first pipeline to be constructed shall be constructed closest to the existing right-of-way. The Starks pipeline shall be constructed with a 40-foot offset from any non-affiliated pipeline or with a 25-foot offset from an affiliated pipeline. For the Starks Gas Storage Project, this area is approximately from milepost 1.8 to 4.4.

Prior to construction Starks Gas Storage shall file with the Secretary for review and written approval by the Director of OEP alignment sheets and environmental information to support the new alignment.