

169 FERC ¶ 61,235
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Texas Eastern Transmission, LP

Docket No. CP19-191-000

ORDER ISSUING CERTIFICATE AND APPROVING ABANDONMENT

(Issued December 19, 2019)

1. On April 18, 2019, Texas Eastern Transmission, LP (Texas Eastern) filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² for authorization to replace the two existing compressor units at the Bernville Compressor Station in Berks County, Pennsylvania, with two new, more efficient gas turbine compressor units (Bernville Compressor Units Replacement Project). For the reasons discussed below, we grant the requested authorizations, subject to conditions.

I. Background and Proposal

2. Texas Eastern, a limited partnership under Delaware law,³ is a natural gas company as defined by section 2(6) of the NGA⁴ engaged in the transportation of natural gas in interstate commerce. Texas Eastern's natural gas pipeline system extends from Texas, Louisiana, and the Gulf of Mexico, through Mississippi, Alabama, Arkansas, Missouri, Tennessee, Illinois, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, and New Jersey, to its principal terminus in the New York City metropolitan area.

3. Texas Eastern proposes to replace the two existing compressor units and related facilities at the Bernville Compressor Station located in Berks County, Pennsylvania,

¹ 15 U.S.C. § 717f(b), (c) (2018).

² 18 C.F.R. pt. 157 (2019).

³ Texas Eastern is an indirect, wholly-owned subsidiary of Spectra Energy Partners, LP, which is an indirect subsidiary of Spectra Energy Corp., which is an indirect, wholly owned subsidiary of Enbridge Inc.

⁴ 15 U.S.C. § 717a(6) (2018).

with two new, more efficient compressor units and associated facilities. Texas Eastern states that the purpose of the proposed replacement is to ensure that this portion of its system complies with future air emission reduction requirements in Pennsylvania.

4. The Bernville Compressor Station currently consists of two centrifugal natural gas-fired turbines: one 22,000 horsepower (hp) unit installed in 1958, and one 19,800 hp unit installed in 1968.⁵ Specifically, Texas Eastern proposes to abandon and remove the two existing compressor units and replace them with one 26,000 hp natural gas-fired centrifugal turbine compressor unit⁶ and one 18,100 hp natural gas-fired centrifugal turbine compressor unit. Texas Eastern does not propose to increase the certificated horsepower or capacity of the station. Texas Eastern estimates the cost of the Bernville Compressor Units Replacement Project to be approximately \$125.4 million⁷ and seeks a predetermination authorizing rolled-in rate treatment for the project costs.

II. Notice, Interventions, and Comments

5. Notice of Texas Eastern's application was issued on April 30, 2019 and published in the *Federal Register* on May 7, 2019.⁸ The notice established May 21, 2019, as the deadline for filing comments and motions to intervene. The following entities filed timely, unopposed motions to intervene: Atmos Energy Corporation; Columbia Gas of Pennsylvania, Inc.; Con Edison Company of New York; Duke Energy Indiana, LLC; Duke Energy Kentucky, Inc.; Entergy Operating Companies;⁹ Municipal Defense Group;¹⁰ National Fuel Gas Distribution Corporation; National Grid Gas Delivery

⁵ Texas Eastern Application at 4.

⁶ Texas Eastern states that it will install software controls that will limit the total horsepower of the unit to 23,700 hp.

⁷ Texas Eastern Application at Exh. K.

⁸ 84 Fed. Reg. 19,915 (2019).

⁹ Entergy Operating Companies is comprised of: Entergy Services, LLC; Entergy Arkansas, LLC; Entergy Louisiana, LLC; Entergy Mississippi, LLC; Entergy New Orleans, LLC; and Entergy Texas, Inc.

¹⁰ The Municipal Defense Group consists of the following customers of Texas Eastern: Borough of Chambersburg, Pennsylvania; Batesville, Indiana; Cairo Public Utility Company, an Illinois not-for-profit corporation; Gloster, Mississippi; Harrisburg, Arkansas; Horton Highway Utility District, Tennessee; Lawrenceburg, Tennessee; Loretto, Tennessee; Middleborough, Massachusetts; Municipal Gas and Electric

Companies; New Jersey Natural Gas Company; NJR Energy Services Company; Orange and Rockland Utilities, Inc.; Philadelphia Gas Works; Piedmont Natural Gas Company, Inc.; and PSEG Energy Resources & Trade LLC. Timely, unopposed motions to intervene are granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.¹¹ On August 27, 2019, Karen Feridun, representing Berks Gas Truth, filed a late motion to intervene, which was granted by Secretary's Notice on September 19, 2019.¹²

6. Several commenters raised environmental concerns related to the project, referencing a blowdown event at the Bernville Compressor Station in 2012 during Hurricane Sandy.¹³ These comments are addressed in the Environmental Assessment (EA) issued for the project.¹⁴

III. Discussion

7. Because the proposed facilities will be used to transport natural gas in interstate commerce, subject to the Commission's jurisdiction, the construction and operation of the facilities are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.¹⁵ Additionally, Texas Eastern's proposed abandonment is subject to subsection (b) of section 7 of the NGA.¹⁶

A. Certificate Policy Statement

8. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new pipeline construction.¹⁷ The Certificate Policy Statement establishes

Department; Norwich, Connecticut, Department of Public Utilities; Smyrna, Tennessee; and Utica, Mississippi.

¹¹ 18 C.F.R. § 385.214(c) (2019).

¹² *Texas Eastern Transmission, LP*, Notice Granting Late Intervention, at 1 (Sept. 19, 2019).

¹³ *See, e.g.*, James Frank Aug. 28, 2019 Comments at 1; Susan Gage Aug. 28, 2019 Comments at 1; Susan Shaak Aug. 28, 2019 Comments at 1; Eric Gjertsen Aug. 30, 2019 Comments at 1; Heather EG Nelson Sept. 4, 2019 Comments at 1.

¹⁴ Environmental Assessment at 4–5.

¹⁵ 15 U.S.C. § 717f(c), (e) (2018).

¹⁶ *Id.* § 717f(b) (2018).

¹⁷ *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC

criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Certificate Policy Statement explains that, in deciding whether to authorize the construction of 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.

9. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the construction of the new natural gas 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 addressed.

10. As stated, the threshold requirement is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined that it is not a subsidy under the Certificate Policy Statement for existing customers to pay for projects to replace existing capacity in order to improve the reliability or flexibility of existing service.¹⁸ Here, the project is designed to benefit the system as a whole by replacing aging compressor units with new,

¶ 61,227 (1999), *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128 (2000), *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

¹⁸ Certificate Policy Statement, 88 FERC at 61,746 n.12; *see also Columbia Gas Transmission, LLC*, 156 FERC ¶ 61,125, at P 15 (2016) (*citing Kern River Gas Transmission Co.*, 153 FERC ¶ 61,302, at P 12 (2015)); *Nat. Fuel Gas Supply Corp.*, 150 FERC ¶ 61,162, at P 15 (2015) (finding that requiring existing customers that relied on facilities to pay for replacement facilities would not result in a subsidy since the existing 86-year-old pipeline was deteriorated and needed to be replaced in order to ensure continued reliability of the existing services); *Nw. Pipeline Corp.*, 104 FERC ¶ 61,176, at PP 5–7, 23 (2003) (finding that it was not a subsidy to require existing customers to pay for the costs of a project that was necessary for safety reasons and to maintain reliable service).

more efficient units that will allow Texas Eastern to meet Pennsylvania's stricter emissions requirements and thus continue to maintain existing services for its customers. Accordingly, we find that there will be no subsidization of the project by existing customers.

11. We also find that because the Bernville Compressor Units Replacement Project is designed to maintain existing service, there will be no adverse impacts on Texas Eastern's shippers, nor is there any evidence that Texas Eastern's proposed project will adversely affect any other pipelines or their customers. The proposal is not intended to replace service on other pipelines, and no other pipelines or their captive customers have objected to Texas Eastern's proposal. Thus, we find that Texas Eastern's proposed project will not adversely affect its existing customers or other pipelines and their captive customers.

12. Similarly, the proposed project will have minimal adverse effects on landowners and communities. The proposed facilities will be located entirely within the existing Bernville Compressor Station on land owned by Texas Eastern. Aside from the use of temporary workspace located outside of the station during construction, the project facilities will be constructed and installed within Texas Eastern's existing footprint. Additionally, the temporary work areas would return to pre-construction conditions shortly after construction is completed.¹⁹ For these reasons, we conclude that the project would not have a significant adverse effect on landowners and surrounding communities.

13. The proposed Bernville Compressor Units Replacement Project will allow the affected portion of Texas Eastern's system to comply with future air emission reduction requirements in Pennsylvania, permitting Texas Eastern to maintain its existing services. Based on the benefits the project will provide, the lack of adverse effects on existing customers and other pipelines and their captive customers, and the minimal adverse effects on landowners and surrounding communities, we find, consistent with the Certificate Policy Statement, that the public convenience and necessity requires approval of Texas Eastern's proposal, as conditioned in this order. Additionally, because the functionality of the two aged compressor units to be abandoned will be replaced by the two new units, we find that Texas Eastern's proposal to abandon those facilities is permitted by the public convenience or necessity.²⁰

¹⁹ Environmental Assessment at 5.

²⁰ 15 U.S.C. § 717f(b) (2018).

B. Pre-Determination of Rolled-In Rates

14. Texas Eastern estimates the cost for the project to be approximately \$125 million and requests a pre-determination favoring rolled-in treatment for the project costs.

15. To support a request for a pre-determination that a pipeline may roll the costs of a project into its system-wide rates in its next NGA section 4 general rate proceeding, a pipeline must demonstrate that rolling in the costs associated with the construction and operation of new facilities will not result in existing customers subsidizing the expansion.²¹ The Certificate Policy Statement specifically provides that increasing the rates of existing customers to pay for projects designed to improve reliability or flexibility in providing a pipeline's existing services for its customers is not a subsidy.²²

16. As discussed above, the primary purpose of the proposed project is to reduce emissions at the compressor station and ensure system reliability. The Certificate Policy Statement recognizes the appropriateness of rolled-in rate treatment for projects constructed to improve the reliability of service to existing customers or to improve service by replacing existing capacity.²³ As such, we will grant Texas Eastern's request for a pre-determination favoring rolled-in rate treatment in a future NGA section 4 general rate proceeding, absent any significant change in circumstances.

C. Environmental Analysis

17. On June 7, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Bernville Compressor Units Replacement Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the *Federal Register*²⁴ and mailed to interested parties including federal, state, and local government representatives and agencies; elected officials; Native American tribes; other interested parties; local libraries and newspapers; and affected property owners. In response to the NOI, we received seven comments from individuals stating that no prior notification of this project was given and requesting a public participation process.²⁵ Additionally, several of these commenters expressed concern

²¹ *Columbia Gas Transmission, LLC*, 166 FERC ¶ 61,037, at P 30 (2019).

²² Certificate Policy Statement, 88 FERC at 61,746 n.12.

²³ *Id.*

²⁴ 84 Fed. Reg. 27,629 (2019).

²⁵ Publication of the NOI in the *Federal Register* provides notice to a wider range of stakeholders than those who receive mailed copies. The NOI is only mailed to interested parties on the Commission staff's environmental mailing list, including

regarding a blowdown that occurred at the Bernville Compressor Station during Hurricane Sandy in 2012.

18. To satisfy the requirements of the National Environmental Policy Act of 1969, our staff prepared an EA for Texas Eastern's proposal. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, socioeconomics, cumulative impacts, and alternatives. The EA also addresses all substantive environmental comments received in response to the NOI.²⁶ The EA was issued for a 30-day comment period and placed into the public record on September 30, 2019. The notice of availability of the EA was mailed to all interested parties on Commission staff's environmental mailing list. We received no comments on the EA.

19. Based on the analysis in the EA, as supplemented herein, we conclude that if constructed and operated in accordance with Texas Eastern's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

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 replacement or operation of facilities approved by this Commission.²⁷

affected property owners within 0.5 mile of the proposed project facilities.

²⁶ Environmental Assessment at 4–5.

²⁷ See 15 U.S.C. § 717r(d) (2018) (considering a state or federal agency's failure

21. At a hearing held on December 19, 2019, the Commission on its own motion, received and made a part of the record in this proceeding all evidence, including the application, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Texas Eastern authorizing it to construct and operate the proposed Bernville Compressor Units Replacement Project, as described more fully in this order and in the application, and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in Ordering Paragraph (A) is conditioned on:

- (1) completion of construction of the authorized 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; and
- (3) compliance with the environmental conditions listed in the appendix to this order.

(C) Texas Eastern is granted permission and approval to abandon the facilities described in this order and as more fully described in the application, subject to Texas Eastern's compliance with the environmental conditions listed in the appendix to this order.

(D) Texas Eastern shall notify the Commission within 10 days of the abandonment of the facilities.

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

to act on a permit to be inconsistent with federal law); *see also Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 310 (1988) (preempting state regulation that interferes with the Commission's regulatory authority over the transportation of natural gas); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that the NGA preempts state and local regulation to the extent it conflicts with federal regulation or would delay the construction and operation of Commission-approved facilities).

(F) Texas Eastern shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Texas Eastern. Texas Eastern shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix – Environmental Conditions

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

1. Texas Eastern Transmission, LP (Texas Eastern) shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Texas Eastern 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 Office of Energy Projects (OEP) **before using that modification.**
2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order and take whatever steps are necessary to ensure the protection of environmental resources during abandonment, construction, and operation of the project. This authority shall allow:
 - a. the modification of conditions of the Order;
 - b. stop-work authority; and
 - c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project abandonment, construction, and operation.
3. **Prior to any construction or abandonment**, Texas Eastern shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EI), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EA, as supplemented by filed project plot plans. **As soon as they are available, and before the start of construction**, Texas Eastern shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of

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

5. Texas Eastern shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to extra workspaces allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or 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 resource 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 authorization and before abandonment by removal or construction begins**, Texas Eastern shall file an Implementation Plan with the Secretary for review and written approval by the Director of the OEP. Texas Eastern must file revisions to the plan as schedules change. The plan shall identify:
 - a. how Texas Eastern will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
 - b. how Texas Eastern 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 per facility 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 Texas Eastern will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
 - f. the company personnel (if known) and specific portion of Texas Eastern's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Texas Eastern will follow if noncompliance occurs; and
 - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - i. the completion of all required surveys and reports;
 - ii. the environmental compliance training of onsite personnel;
 - iii. the start of construction; and
 - iv. the start and completion of restoration.
7. Texas Eastern shall employ at least one EI. The EI shall be:
- a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
 - b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
 - c. empowered to order correction of acts that violate the environmental conditions of the Order and any other authorizing document;
 - d. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
 - e. responsible for maintaining status reports.
8. Beginning with the filing of its Implementation Plan, Texas Eastern shall file updated status reports with the Secretary on a **monthly** basis until all construction and restoration activities are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

- a. an update on Texas Eastern'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 list 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;
 - e. the effectiveness of all corrective actions implemented;
 - f. a description of any landowner/resident complaints that may relate to compliance with the requirements of the Order and the measures taken to satisfy their concerns; and
 - g. copies of any correspondence Texas Eastern receives from other federal, state, or local permitting agencies concerning instances of noncompliance and Texas Eastern's response.
9. Texas Eastern must receive written authorization from the Director of OEP **before commencing construction or abandonment of any project facilities**. To obtain such authorization, Texas Eastern must file documentation with the Secretary that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
10. Texas Eastern must receive written authorization from the Director of OEP **before placing the project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the areas affected by the project are proceeding satisfactorily.
11. **Within 30 days of placing the authorized facilities in service**, Texas Eastern shall file an affirmative statement with the Secretary, certified by a senior company official:
- a. that the facilities have been constructed in compliance with all applicable conditions and that continuing activities will be consistent with all applicable conditions; or
 - b. identifying which of the conditions in the Order Texas Eastern 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. Texas Eastern shall file noise surveys with the Secretary **no later than 60 days** after placing the modified Bernville Compressor Station into service. If a full power load condition noise survey is not possible, Texas Eastern shall file an interim survey at the maximum possible power load **within 60 days** of placing the modified station into service and file the full power load survey **within 6 months**. If the noise from all the equipment operated at the station under interim or full power load condition exceeds a day-night noise level (L_{dn}) of 55 decibels on the A-weighted scale (dBA) at any nearby noise sensitive areas, Texas Eastern shall:
 - a. file a report with the Secretary, for review and written approval by the Director of OEP, on what changes are needed;
 - b. install additional noise controls to meet that level **within 1 year** of the in-service date; and
 - c. confirm compliance with the L_{dn} of 55 dBA requirement by order a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.