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DEWEY & LEBOEUF

January 17, 2012

BY ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: **Pine Prairie Energy Center, LLC, Docket No. CP11-1-000**
Submission of Implementation Plan for Staff Review

Dear Secretary Bose:

By order issued in Docket No. CP11-1-000 on May 19, 2011, the Commission has authorized Pine Prairie Energy Center, LLC to construct, own, operate and maintain certain facilities that would expand the storage capacity of the Pine Prairie Energy Center natural gas storage facility. Pine Prairie refers to these facilities as the "Phase III Expansion Project."[1] On November 16, 2011, Pine Prairie notified the Commission that it accepted the certificate granted by the May 19 Order. The purpose of this letter is to submit for Commission Staff review and approval Pine Prairie's Implementation Plan.

The May 19 Order's Environmental Condition No. 7 requires Pine Prairie to file bi-weekly construction status reports beginning with Pine Prairie's filing of the Implementation Plan. Because Pine Prairie is not seeking clearance to commence construction at this time, Pine Prairie respectfully requests that the Commission grant a waiver of Environmental Condition No. 7 to allow Pine Prairie to begin preparing and filing bi-weekly status reports immediately after Pine Prairie receives clearance to commence construction.

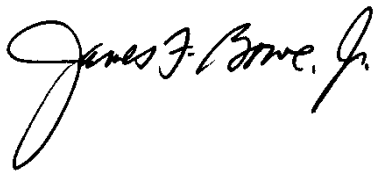
[1] *Pine Prairie Energy Ct., LLC*, 135 FERC ¶ 61,168 (2011) ("May 19 Order").

Request for Approval of Implementation Plan

In accordance with May 19 Order's Environmental Condition No. 6, Pine Prairie hereby submits its Implementation Plan for the Staff's review. Pine Prairie hereby requests written approval of this Implementation Plan from the Director of OEP.

Please let us know if you have any questions concerning this request. Thank you for your attention in this matter.

Sincerely,



James F. Bowe, Jr.
William E. Rice
Counsel for Pine Prairie Energy Center, LLC

cc: Eric Tomasi, FERC Staff

ENVIRONMENTAL CONDITIONS IMPLEMENTATION PLAN

PINE PRAIRIE ENERGY CENTER, LLC

EVANGELINE, ACADIA AND RAPIDES PARISHES, LOUISIANA

FERC Docket No. CP11-1-000

Prepared by:

Pine Prairie Energy Center, LLC
333 Clay Street, Suite 1500
Houston, Texas 77002

Prepared for submission to:

Federal Energy Regulatory Commission
Office of Energy Projects
Department of Environmental and Engineering Review
888 First Street, NE
Washington, DC 20426

SUBMITTED
January 17, 2012

PINE PRAIRIE ENERGY CENTER, LLC

Environmental Conditions Implementation Plan

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Appendix A

Implementation of Environmental Conditions Required by Order Issuing Certificate

Pine Prairie Energy Center, LLC
Environmental Conditions Implementation Plan
(January 2012)

INTRODUCTION

The Environmental Conditions identified as numbers 1 through 12 below are set forth in the Federal Energy Regulatory Commission's May 19, 2011 order authorizing Pine Prairie Energy Center, LLC ("Pine Prairie") to construct the Phase III expansion of its natural gas storage facility in Louisiana.[1] Pine Prairie is filing this Implementation Plan in accordance with Environmental Condition No. 6 of the Phase III Certificate Order. This Implementation Plan is intended to satisfy all of the Environmental Conditions set forth in that order.

The Commission granted Pine Prairie authorization to construct, own and operate the Pine Prairie Energy Center natural gas storage facility in Docket Nos. CP04-379-000, CP04-380-000 and CP04-381-000 in 2004, 2006, 2009 and 2010.[2] Construction under those authorizations was governed by an Implementation Plan filed by Pine Prairie in December 2004 and subsequently revised.[3]

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[1] *Pine Prairie Energy Ctr., LLC*, 135 FERC ¶ 61,168 (2011), *order on reh'g and compliance*, 137 FERC ¶ 61,060 (2011) ("Phase III Certificate Order" or the "Order").

[2] *Pine Prairie Energy Ctr., LLC*, 109 FERC ¶ 61,215 (2004) (the "Certificate Order"). Pine Prairie's certificate was subsequently amended to include certain pipeline and interconnect facilities, known as the Miller's Lake Lateral. *Pine Prairie Energy Ctr., LLC*, 116 FERC ¶ 61,316 (2006) (the "Miller's Lake Lateral Order"). Pine Prairie's certificate was further amended in 2009 to include certain expansion facilities, consisting primarily of Cavern Nos. 4 and 5 and six additional compressors, known as the "Supplemental Expansion Project." *Pine Prairie Energy Ctr., LLC*, 128 FERC ¶ 61,136 (2009) (the "2009 Order Amending Certificate"). The Commission subsequently authorized Pine Prairie to construct six electric motor drive compressors in place of four previously authorized natural gas engine driven compressors. *Pine Prairie Energy Ctr., LLC*, 131 FERC ¶ 62,226 (2010) (the "Electric Compression Order").

[3] *See*, *e.g.*, *Pine Prairie Energy Ctr.,* Docket No. CP04-379-002, "Revisions to Environmental Conditions Implementation Plan for Construction of the Pine Prairie Energy Center Supplemental Expansion Project" (submitted Aug. 7, 2009).

1. Pine Prairie 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 environmental assessment, unless modified by the Order. Pine Prairie 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.

    Pine Prairie will implement all construction procedures and mitigation measures described in its October 4, 2010 Phase III Expansion Project Application, responses to Staff data requests and all supplements thereto, and in the May 19, 2011 Order issued in Docket No. CP11-1-000 ("Order"), unless case-specific variations are approved in writing by the Director of OEP following Pine Prairie's request. Construction procedures and mitigation measures Pine Prairie will employ include Pine Prairie's Erosion Control Plan (incorporating the most recent versions of FERC's Wetland and Waterbody Construction and Mitigation Procedures and Upland Erosion Control, Revegetation, and Maintenance Plan) and Pine Prairie's Spill Prevention, Control, and Countermeasure Plan. See Appendices B, C and D, which are incorporated herein by reference.

2. The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall allow:

    a. the modification of conditions of the Order; and
    b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions, as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.

    Pine Prairie understands that the Director of OEP has been delegated the authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the Pine Prairie Energy Center Project, including the Phase III Expansion Project, as described in this Environmental Condition. Pine Prairie is committed to full compliance with the Order's environmental conditions and to the protection of all environmental resources in the project area.

3. **Prior to any construction**, Pine Prairie 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.

   Appendix E to this Implementation Plan contains an affirmative statement certified by a senior company official that all company personnel 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.

4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets, and shall include the Stump Lake Avoidance Variation. **As soon as they are available, and before the start of construction**, Pine Prairie 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.

   The facility location information for all facilities Pine Prairie identified in its October 4, 2011 Phase III Expansion Project Application accurately depict the detailed facility alignments Pine Prairie will establish for facilities approved by the Order other than "minor field realignments," as that term is defined in Condition No. 5 below and except for the Stump Lake Avoidance Variation described in Environmental Condition No. 12 below, which Pine Prairie has committed to employ. No revisions to the alignment sheets filed on October 4, 2010 are required by the Order, and therefore Pine Prairie does not expect to file with the Secretary a new set of alignment sheets covering the entire Phase III Expansion Project. Pine Prairie will, however, include with any request for modification involving site-specific issues a revised alignment sheet showing both the original location and the proposed change, referenced to the alignment sheets filed on October 4, 2010.

5. Pine Prairie 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 extra workspaces allowed by Pine Prairie's Upland Erosion Control, Revegetation and Maintenance Plan, 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 adversely affect sensitive environmental areas.

The detailed alignment sheets and aerial photographs included in the October 4, 2010 Phase III Expansion Project Application accurately depict the planned locations of all facilities authorized in the Order, except for the Stump Lake Avoidance Variation described in Environmental Conditions No. 12 below. Pine Prairie will seek the written approval of the Director of OEP before changing or realigning any facility locations relative to those authorized in the Order, and in doing so will submit the information specified in Condition No. 5. Pine Prairie acknowledges that it may not commence construction in or near any area in which it proposes to relocate certificated facilities, or use or disturb any areas not previously disclosed, until it receives the OEP Director's written approval for the relocation or disturbance.

6. **Within 60 days of the acceptance of this certificate and before construction begins**, Pine Prairie shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Pine Prairie must file revisions to the plan as schedules change. The plan shall identify:

   a. how Pine Prairie 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;

      To ensure that construction of the proposed facilities will comply with the construction procedures and mitigation measures identified in Pine Prairie's filings, the EA, the Order, and requirements imposed by other federal and state permitting agencies, Pine Prairie will include, whenever

possible, implementation details in its construction drawings and specifications.

b. how Pine Prairie 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;

Pine Prairie's contractors will receive copies of the relevant specifications and an "Environmental Compliance Training Manual" containing, among other things, pipeline, compressor, and equipment drawings designated as being approved for construction. In order to solicit accurate bids for construction, Pine Prairie will provide specifications and advance copies of the Environmental Compliance Training Manual to prospective contractors.

For those mitigation measures which address pre-construction surveys/clearances, Pine Prairie will include references to relevant correspondence and documentation in the Environmental Compliance Training Manual. For those mitigation measures which address permit conditions imposed by federal and state agencies, Pine Prairie will include copies of permits and related drawings in the Environmental Compliance Training Manual. For those mitigation measures which address post-construction requirements, Pine Prairie will include instructions and documentation to be provided to Pine Prairie's operating personnel following the completion of construction. These instructions will include copies of relevant permits and references to all permit conditions applicable post-construction.

Pine Prairie will require its contractors to install all facilities according to its specifications, the Environmental Compliance Training Manual, and the terms of the construction contracts (which will incorporate the environmental mitigation measures required by the Order). Pine Prairie's environmental and engineering consultants have prepared Soil Erosion and Sediment Control Plans incorporating State requirements and provisions of FERC's Erosion Control, Revegetation and Maintenance Procedures. Those plans will be included in the Environmental Compliance Training Manual. Each contractor's contract document package will specifically require compliance with all conditions imposed by the Order and with all other permit conditions.

c. the number of EIs assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;

For purposes of quality assurance and compliance with the Order's conditions, other applicable regulatory requirements and company specifications, an EI will be assigned to the project. Pine Prairie may engage additional EIs, as necessary, if construction is being performed simultaneously at multiple locations. Pine Prairie will identify a backup EI to be available if the primary EI is unavailable due to illness or other reason. That backup inspector will be trained in the same manner as the principal EI.

d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;

Copies of the construction package, including the Environmental Compliance Training Manual, contracts, drawings, specifications and applicable permits, will be distributed to Pine Prairie's EI and to the various contractors' supervisory personnel. Additional copies will be held in reserve for distribution to additional or replacement personnel as they come on the job. Copies will be available at the job site at all times.

e. the location of the environmental compliance training Pine Prairie will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);

Pine Prairie will conduct a preliminary environmental training session at the outset of each phase of project construction after the EI and contractors are identified. These training sessions will cover EI responsibility for compliance issues, reading and interpreting soil plans, permit compliance, and other related topics. Pine Prairie will conduct refresher environmental training prior to commencing construction of facilities approved by the Order and will advise the Director of OEP of the specific date and location of this session once it has been finalized.

Prior to commencement of construction of the Phase III Expansion Project authorized by Order, Pine Prairie will conduct training sessions for all contractor employees concerning the terms and conditions of the Order, as well as the requirements of all relevant permits. Pine Prairie's EI and other construction personnel will also meet with the contractors' supervisors to address mitigation requirements specific to the particular facilities authorized in the Order. All contractor personnel will receive a compliance handout, and will be required to acknowledge by signature that they have read and understand its contents. Refresher training or additional training on specific environmental issues arising during construction will be conducted as needed.

Pine Prairie will advise OEP staff of the date of the initial training session focused on the Phase III Expansion Project. OEP staff may participate in such sessions by contacting Pine Prairie for specific information regarding the date, location and time of any scheduled training session.

f. the company personnel (if known) and specific portion of Pine Prairie's organization having responsibility for compliance;

Daniel D. Noack, Vice President of Operations, is in charge of engineering, operations and construction. Mr. Noack's responsibility includes all aspects of Pine Prairie's expansion as Mr. Noack will also act as Project Manager. Under his direct supervision, Pine Prairie has employed a Manager of Construction. The Manager of Construction will be responsible for ensuring that all facilities and pipelines are constructed in compliance with regulatory and non-regulatory requirements and agreements. Also reporting to Mr. Noack will be Pine Prairie's EI. Any instances of noncompliance with environmental conditions or other requirements will be addressed by the Project Manager or the Manager of Construction, as appropriate. If technical or management assistance is required, these Managers will request assistance from appropriate Pine Prairie personnel.

Routine reporting or specific communications with FERC Staff regarding design, installation and maintenance of the certificated facilities is the responsibility of the referenced Managers and the EI.

- *Staff inquiries regarding the drilling and completion of storage wells, design and construction of surface facilities and gathering lines should be addressed to Bobby Haney at 333 Clay Street, Suite 1500, Houston, Texas 77002 or by telephone at (713) 854-5466.*

- *Any inquiries regarding environmental compliance matters should be addressed to Warren Fusilier at 333 Clay Street, Suite 1200, Houston, Texas 77002 or by telephone at (713) 646-4515 or cell (713) 201-3911. On-site EIs will be trained and under the direction of Mr. Fusilier.*

g. the procedures (including use of contract penalties) Pine Prairie will follow if noncompliance occurs; and

Pine Prairie's construction contracts will provide enforceable means by which to remedy unsatisfactory work at the Contractor's expense. If the Contractor's performance is unsatisfactory, the terms of the contract will allow Pine Prairie to stop work in progress, and cause the Contractor to begin remedial work in a timely fashion. If the Contractor fails to timely

remedy unsatisfactory work, Pine Prairie may, in accordance with the terms of the contract, take over the work and bring in another contractor to remedy unsatisfactory work at the original Contractor's expense. The Contractor is to be held liable for any and all penalties and fines assessed against Pine Prairie as a result of the Contractor's violation of various permits issued in regard to this work.

Provisions similar to these will be incorporated into each of the contracts Pine Prairie anticipates executing with contractors who will be responsible for well drilling activities and for pipeline and surface facility construction.

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.

Please refer to the Implementation Schedule, attached as Appendix F, for additional scheduling information on surveys, reports, training of contractors' personnel, construction and restoration.

7. Beginning with the filing of its Implementation Plan, Pine Prairie 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 Pine Prairie'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 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);
d. a description of the corrective actions implemented in response to all instances of noncompliance, and their cost;
e. the effectiveness of all corrective actions implemented;

f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and

g. copies of any correspondence received by Pine Prairie from other federal, state, or local permitting agencies concerning instances of noncompliance, and Pine Prairie's response.

Pine Prairie's chief EI will be instructed to comply with each of the requirements specified in Environmental Condition No. 7. The EI will submit bi-weekly reports to the Secretary once construction begins that will cover activities occurring during the previous two-week period. The reports will address items a. through f. above, as applicable, and will continue until restoration and initial seeding and work at all of the facilities is complete.

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

Pine Prairie has received all authorizations required under federal law for construction of the Phase III expansion facilities. A summary of these federal authorizations was filed as Exhibit J to Pine Prairie's October 4, 2010 Phase III Expansion Project application, as updated in Pine Prairie's response to data requests.

9. Pine Prairie must receive written authorization from the Director of OEP **before commencing service from each phase of the project**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way is proceeding satisfactorily.

Pine Prairie will request written authorization from the Director of OEP before commencing service using the Phase III Expansion Project facilities authorized by the Order, and understands that such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the Phase III Expansion Project are proceeding satisfactorily.

10. **Within 30 days of placing the certified facilities in service**, Pine Prairie 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 certificate conditions Pine Prairie 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.

Pine Prairie will file an affirmative statement, certified by a senior company official, within 30 days of placing the certificated facilities in service, that the Pine Prairie Energy Center Project facilities have been constructed in compliance with all applicable conditions of the Order and that continuing activities will be consistent with all applicable conditions. Any exceptions to this affirmative statement will be noted, and a compliance action plan will be included if appropriate.

11. Pine Prairie shall file a noise survey with the Secretary **no later than 60 days** after placing the newly authorized units at the Gas Handling Facility (GHF) in service. If the noise attributable to the operation of the GHF at full load exceeds an day-night equivalent noise level (L_{dn}) of 55 A-weighted decibels (dBA) at any nearby noise sensitive areas, Pine Prairie should install additional noise controls to meet that level **within 1 year** of the in-service date. Pine Prairie 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 it installs the additional noise controls.

Pine Prairie will conduct a noise survey to verify that the noise attributable to the operation of the Gas Handling Facility Compressor Station at full load does not exceed an Ldn of 55 dBA at any nearby NSA. In accordance with the Order, Pine Prairie will conduct such noise survey after it has completed installation of the additional compressors authorized the Order. It will file the noise survey with the Secretary within 60 days of placing the additional compressors into service. If the 55 dBA Ldn level is exceeded, Pine Prairie will implement additional noise control measures within one year of the in-service date and file a second noise survey with the Secretary to confirm compliance no later than 60 days after installing additional noise controls.

12. Pine Prairie shall use the Stump Lake Avoidance Variation (identified in Figure 3 of the EA) to avoid Stump Lake and associated forested wetlands for the Cavern No. 7 temporary access road.

Pine Prairie commits to employ the Stump Lake Avoidance Variation as identified in the EA.

Appendix B

Federal Energy Regulatory Commission's Wetland and Waterbody Construction and Mitigation Procedures

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

01/17/2003 VERSION

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

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WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES (PROCEDURES)

I. APPLICABILITY

A. The intent of these Procedures is to assist applicants by identifying baseline mitigation measures for minimizing the extent and duration of project-related disturbance on wetlands and waterbodies. The project sponsors should specify in their applications for a FERC Certificate (Certificate) any individual measures in these Procedures they consider unnecessary, technically infeasible, or unsuitable due to local conditions and to fully describe any alternative measures they would use. Applicants should also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is certificated, further changes can be approved. Any such changes from the measures in these Procedures (or the applicant's approved procedures) will be approved by the Director of the Office of Energy Projects (Director), upon the applicant's written request, if the Director agrees that an alternative measure:

1. provides equal or better environmental protection;

2. is necessary because a portion of these Procedures is infeasible or unworkable based on project-specific conditions; or

3. is specifically required in writing by another Federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Any requirements in these Procedures to file material with the Secretary of the FERC (Secretary) do not apply to projects undertaken under the provisions of the blanket certificate program. This exemption does not apply to a request for alternative measures.

Project-related impacts on non-wetland areas are addressed in the staff's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

B. DEFINITIONS

1. "Waterbody" includes any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing, and other permanent waterbodies such as ponds and lakes:

   a. "minor waterbody" includes all waterbodies less than or equal to 10 feet wide at the water's edge at the time of crossing;

   b. "intermediate waterbody" includes all waterbodies greater than 10 feet wide but less than or equal to 100 feet wide at the water's edge at the time of crossing; and

   c. "major waterbody" includes all waterbodies greater than 100 feet wide at the water's edge at the time of crossing.

2. "Wetland" includes any area that is not in actively cultivated or rotated cropland and that satisfies the requirements of the current Federal methodology for identifying and delineating wetlands.

II. PRECONSTRUCTION FILING

A. The following information shall be filed with the Secretary prior to the beginning of construction:

1. the hydrostatic testing information specified in section VII.B.3. and a wetland delineation report as described in section VI.A.1., if applicable; and

2. a schedule identifying when trenching or blasting would occur within each waterbody greater than 10 feet wide, or within any designated coldwater fishery. The project sponsor shall revise the schedule as necessary to provide FERC staff at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice.

B. The following site-specific construction plans required by these Procedures must be filed with the Secretary for the review and written approval by the Director:

1. plans for extra work areas that would be closer than 50 feet from a waterbody or wetland;

2. plans for major waterbody crossings;

3. plans for the use of a construction right-of-way greater than 75 feet wide in wetlands; and

4. plans for horizontal directional drill (HDD) "crossings" of wetlands or waterbodies.

III. ENVIRONMENTAL INSPECTORS

A. At least one Environmental Inspector having knowledge of the wetland and waterbody conditions in the project area is required for each construction spread. The number and experience of Environmental Inspectors assigned to each construction spread should be appropriate for the length of the construction spread and the number/significance of resources affected.

B. The Environmental Inspector's responsibilities are outlined in the Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

IV. PRECONSTRUCTION PLANNING

A. A copy of the Stormwater Pollution Prevention Plan (SWPPP) prepared for compliance with the U.S. Environmental Protection Agency's (EPA) National Stormwater Program General Permit requirements must be available in the field on each construction spread. The SWPPP shall contain Spill Prevention and Response Procedures that meet the requirements of state and Federal agencies.

1. It shall be the responsibility of the project sponsor and its contractors to structure their operations in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to waterbodies or wetlands. The project sponsor and its contractors must, at a minimum, ensure that:

a. all employees handling fuels and other hazardous materials are properly trained;

b. all equipment is in good operating order and inspected on a regular basis;

c. fuel trucks transporting fuel to on-site equipment travel only on approved access roads;

d. all equipment is parked overnight and/or fueled at least 100 feet from a waterbody or in an upland area at least 100 feet from a wetland boundary. These activities can occur closer only if the Environmental Inspector finds, in advance, no reasonable alternative and the project sponsor and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill;

e. hazardous materials, including chemicals, fuels, and lubricating oils, are not stored within 100 feet of a wetland, waterbody, or designated municipal watershed area, unless the location is designated for such use by an appropriate governmental authority. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas; and

f. concrete coating activities are not performed within 100 feet of a wetland or waterbody boundary, unless the location is an existing industrial site designated for such use.

2. The project sponsor and its contractors must structure their operations in a manner that provides for the prompt and effective cleanup of spills of fuel and other hazardous materials. At a minimum, the project sponsor and its contractors must:

a. ensure that each construction crew (including cleanup crews) has on hand sufficient supplies of absorbent and barrier materials to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills;

b. ensure that each construction crew has on hand sufficient tools and material to stop leaks;

c. know the contact names and telephone numbers for all local, state, and Federal agencies (including, if necessary, the U. S. Coast Guard and the National Response Center) that must be notified of a spill; and

d. follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

B. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and Federal agencies as outlined in these Procedures and in the Certificate.

V. WATERBODY CROSSINGS

A. NOTIFICATION PROCEDURES AND PERMITS

1. Apply to the U.S. Army Corps of Engineers (COE), or its delegated agency, for the appropriate wetland and waterbody crossing permits.

2. Provide written notification to authorities responsible for potable surface water supply intakes located within 3 miles downstream of the crossing at least 1 week before beginning work in the waterbody, or as otherwise specified by that authority.

3. Apply for state-issued waterbody crossing permits and obtain individual or generic section 401 water quality certification or waiver.

4. Notify appropriate state authorities at least 48 hours before beginning trenching or blasting within the waterbody, or as specified in state permits.

B. INSTALLATION

1. Time Window for Construction

Unless expressly permitted or further restricted by the appropriate state agency in writing on a site-specific basis, instream work, except that required to install or remove equipment bridges, must occur during the following time windows:

a. coldwater fisheries - June 1 through September 30; and

b. coolwater and warmwater fisheries - June 1 through November 30.

2. Extra Work Areas

a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from water’s edge, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.

b. The project sponsor shall file with the Secretary for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from the water's edge, (except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback.

c. Limit clearing of vegetation between extra work areas and the edge of the waterbody to the certificated construction right-of-way.

d. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.

3. General Crossing Procedures

a. Comply with the COE, or its delegated agency, permit terms and conditions.

b. Construct crossings as close to perpendicular to the axis of the waterbody channel as engineering and routing conditions permit.

c. If the pipeline parallels a waterbody, attempt to maintain at least 15 feet of undisturbed vegetation between the waterbody (and any adjacent wetland) and the construction right-of-way.

d. Where waterbodies meander or have multiple channels, route the pipeline to minimize the number of waterbody crossings.

e. Maintain adequate flow rates to protect aquatic life, and prevent the interruption of existing downstream uses.

f. Waterbody buffers (extra work area setbacks, refueling restrictions, etc.) must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

4. Spoil Pile Placement and Control

a. All spoil from minor and intermediate waterbody crossings, and upland spoil from major waterbody crossings, must be placed in the construction right-of-way at least 10 feet from the water's edge or in additional extra work areas as described in section V.B.2.

b. Use sediment barriers to prevent the flow of spoil or heavily silt-laden water into any waterbody.

5. Equipment Bridges

a. Only clearing equipment and equipment necessary for installation of equipment bridges may cross waterbodies prior to bridge installation. Limit the number of such crossings of each waterbody to one per piece of clearing equipment.

b. Construct equipment bridges to maintain unrestricted flow and to prevent soil from entering the waterbody. Examples of such bridges include:

(1) equipment pads and culvert(s);
(2) equipment pads or railroad car bridges without culverts;
(3) clean rock fill and culvert(s); and
(4) flexi-float or portable bridges.

Additional options for equipment bridges may be utilized that achieve the performance objectives noted above. Do not use soil to construct or stabilize equipment bridges.

c. Design and maintain each equipment bridge to withstand and pass the highest flow expected to occur while the bridge is in place. Align culverts to prevent bank erosion or streambed scour. If necessary, install energy dissipating devices downstream of the culverts.

d. Design and maintain equipment bridges to prevent soil from entering the waterbody.

e. Remove equipment bridges as soon as possible after permanent seeding unless the COE, or its delegated agency, authorizes it as a permanent bridge.

f. If there will be more than 1 month between final cleanup and the beginning of permanent seeding and reasonable alternative access to the right-of-way is available, remove equipment bridges as soon as possible after final cleanup.

6. Dry-Ditch Crossing Methods

a. Unless approved otherwise by the appropriate state agency, install the pipeline using one of the dry-ditch methods outlined below for crossings of waterbodies up to 30 feet wide (at the water's edge at the time of construction) that are state-designated as either coldwater or significant coolwater or warmwater fisheries.

b. Dam and Pump

(1) The dam-and-pump method may be used without prior approval for crossings of waterbodies where pumps can adequately transfer streamflow volumes around the work area, and there are no concerns about sensitive species passage.

(2) Implementation of the dam-and-pump crossing method must meet the following performance criteria:

(i) use sufficient pumps, including on-site backup pumps, to maintain downstream flows;
(ii) construct dams with materials that prevent sediment and other pollutants from entering the waterbody (e.g., sandbags or clean gravel with plastic liner);
(iii) screen pump intakes;
(iv) prevent streambed scour at pump discharge; and
(v) monitor the dam and pumps to ensure proper operation throughout the waterbody crossing.

c. Flume Crossing

The flume crossing method requires implementation of the following steps:

(1) install flume pipe after blasting (if necessary), but before any trenching;

(2) use sand bag or sand bag and plastic sheeting diversion structure or equivalent to develop an effective seal and to divert stream flow through the flume pipe (some modifications to the stream bottom may be required in to achieve an effective seal);

(3) properly align flume pipe(s) to prevent bank erosion and streambed scour;

(4) do not remove flume pipe during trenching, pipelaying, or backfilling activities, or initial streambed restoration efforts; and

(5) remove all flume pipes and dams that are not also part of the equipment bridge as soon as final cleanup of the stream bed and bank is complete.

d. Horizontal Directional Drill (HDD)

To the extent they were not provided as part of the pre-certification process, for each waterbody or wetland that would be crossed using the HDD method, provide a plan that includes:

(1) site-specific construction diagrams that show the location of mud pits, pipe assembly areas, and all areas to be disturbed or cleared for construction;

(2) a description of how an inadvertent release of drilling mud would be contained and cleaned up; and

(3) a contingency plan for crossing the waterbody or wetland in the event the directional drill is unsuccessful and how the abandoned drill hole would be sealed, if necessary.

7. Crossings of Minor Waterbodies

Where a dry-ditch crossing is not required, minor waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

a. except for blasting and other rock breaking measures, complete instream construction activities (including trenching, pipe installation, backfill, and restoration of the streambed contours) within 24 hours. Streambanks and unconsolidated streambeds may require additional restoration after this period;

b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and

c. equipment bridges are not required at minor waterbodies that do not have a state-designated fishery classification (e.g., agricultural or intermittent drainage ditches). However, if an equipment bridge is used it must be constructed as described in section V.B.5.

8. Crossings of Intermediate Waterbodies

Where a dry-ditch crossing is not required, intermediate waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

a. complete instream construction activities (not including blasting and other rock breaking measures) within 48 hours, unless site-specific conditions make completion within 48 hours infeasible;

b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and

c. all other construction equipment must cross on an equipment bridge as specified in section V.B.5.

9. Crossings of Major Waterbodies

Before construction, the project sponsor shall file with the Secretary for the review and written approval by the Director a detailed, site-specific construction plan and scaled drawings identifying all areas to be disturbed by construction for each major waterbody crossing (the scaled drawings are not required for any offshore portions of pipeline projects). This plan should be developed in consultation with the appropriate state and Federal agencies and should include extra work areas, spoil storage areas, sediment control structures, etc., as well as mitigation for navigational issues.

The Environmental Inspector may adjust the final placement of the erosion and sediment control structures in the field to maximize effectiveness.

10. Temporary Erosion and Sediment Control

Install sediment barriers (as defined in section IV.F.2.a. of the Plan) immediately after initial disturbance of the waterbody or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan; however, the following specific measures must be implemented at stream crossings:

a. install sediment barriers across the entire construction right-of-way at all waterbody crossings, where necessary to prevent the flow of sediments into the waterbody. In the travel lane, these may consist of removable sediment barriers or driveable berms. Removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent;

b. where waterbodies are adjacent to the construction right-of-way, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way; and

c. use trench plugs at all waterbody crossings, as necessary, to prevent diversion of water into upland portions of the pipeline trench and to keep any accumulated trench water out of the waterbody.

11. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any waterbody. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. RESTORATION

1. Use clean gravel or native cobbles for the upper 1 foot of trench backfill in all waterbodies that contain coldwater fisheries.

2. For open-cut crossings, stabilize waterbody banks and install temporary sediment barriers within 24 hours of completing instream construction activities. For dry-ditch crossings, complete streambed and bank stabilization before returning flow to the waterbody channel.

3. Return all waterbody banks to preconstruction contours or to a stable angle of repose as approved by the Environmental Inspector.

4. Application of riprap for bank stabilization must comply with COE, or its delegated agency, permit terms and conditions.

5. Unless otherwise specified by state permit, limit the use of riprap to areas where flow conditions preclude effective vegetative stabilization techniques such as seeding and erosion control fabric.

6. Revegetate disturbed riparian areas with conservation grasses and legumes or native plant species, preferably woody species.

7. Install a permanent slope breaker across the construction right-of-way at the base of slopes greater than 5 percent that are less than 50 feet from the waterbody, or as needed to prevent sediment transport into the waterbody. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the waterbody.

8. Sections V.C.3. through V.C.6. above also apply to those perennial or intermittent streams not flowing at the time of construction.

D. POST-CONSTRUCTION MAINTENANCE

1. Limit vegetation maintenance adjacent to waterbodies to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in a herbaceous state. In addition, trees that are located within 15 feet of the pipeline that are greater than 15 feet in height may be cut and removed from the permanent right-of-way.

2. Do not use herbicides or pesticides in or within 100 feet of a waterbody except as allowed by the appropriate land management or state agency.

VI. WETLAND CROSSINGS

A. GENERAL

1. The project sponsor shall conduct a wetland delineation using the current Federal methodology and file a wetland delineation report with the Secretary before construction. This report shall identify:

a. by milepost all wetlands that would be affected;

b. the National Wetlands Inventory (NWI) classification for each wetland;

c. the crossing length of each wetland in feet; and

d. the area of permanent and temporary disturbance that would occur in each wetland by NWI classification type.

The requirements outlined in this section do not apply to wetlands in actively cultivated or rotated cropland. Standard upland protective measures, including workspace and topsoiling requirements, apply to these agricultural wetlands.

2. Route the pipeline to avoid wetland areas to the maximum extent possible. If a wetland cannot be avoided or crossed by following an existing right-of-way, route the new pipeline in a manner that minimizes disturbance to wetlands. Where looping an existing pipeline, overlap the existing pipeline right-of-way with the new construction right-of-way. In addition, locate the loop line no more than 25 feet away from the existing pipeline unless site-specific constraints would adversely affect the stability of the existing pipeline.

3. Limit the width of the construction right-of-way to 75 feet or less. Prior written approval of the Director is required where topographic conditions or soil limitations require that the construction right-of-way width within the boundaries of a federally delineated wetland be expanded beyond 75 feet. Early in the planning process the project sponsor is encouraged to identify site-specific areas where existing soils lack adequate unconfined compressive strength that would result in excessively wide ditches and/or difficult to contain spoil piles.

4. Wetland boundaries and buffers must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

5. Implement the measures of sections V. and VI. in the event a waterbody crossing is located within or adjacent to a wetland crossing. If all measures of sections V. and VI. cannot be met, the project sponsor must file with the Secretary a site-specific crossing plan for review and written approval by the Director before construction. This crossing plan shall address at a minimum:

   a. spoil control;

   b. equipment bridges;

   c. restoration of waterbody banks and wetland hydrology;

   d. timing of the waterbody crossing;

e. method of crossing; and

f. size and location of all extra work areas.

6. Do not locate aboveground facilities in any wetland, except where the location of such facilities outside of wetlands would prohibit compliance with U.S. Department of Transportation regulations.

B. INSTALLATION

1. Extra Work Areas and Access Roads

a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.

b. The project sponsor shall file with the Secretary for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from wetland boundaries (except where adjacent upland consists of actively cultivated or rotated cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback.

c. Limit clearing of vegetation between extra work areas and the edge of the wetland to the certificated construction right-of-way.

d. The construction right-of-way may be used for access when the wetland soil is firm enough to avoid rutting or the construction right-of-way has been appropriately stabilized to avoid rutting (e.g., with timber riprap, prefabricated equipment mats, or terra mats).

In wetlands that cannot be appropriately stabilized, all construction equipment other than that needed to install the wetland crossing shall use access roads located in upland areas. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the construction right-of-way.

e. The only access roads, other than the construction right-of-way, that can be used in wetlands without Director approval, are those existing roads that can be used with no modification and no impact on the wetland.

2. Crossing Procedures

a. Comply with COE, or its delegated agency, permit terms and conditions

b. Assemble the pipeline in an upland area unless the wetland is dry enough to adequately support skids and pipe.

c. Use "push-pull" or "float" techniques to place the pipe in the trench where water and other site conditions allow.

d. Minimize the length of time that topsoil is segregated and the trench is open.

e. Limit construction equipment operating in wetland areas to that needed to clear the construction right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the construction right-of-way.

f. Cut vegetation just aboveground level, leaving existing root systems in place, and remove it from the wetland for disposal.

g. Limit pulling of tree stumps and grading activities to directly over the trenchline. Do not grade or remove stumps or root systems from the rest of the construction right-of-way in wetlands unless the Chief Inspector and Environmental Inspector determine that safety-related construction constraints require grading or the removal of tree stumps from under the working side of the construction right-of-way.

h. Segregate the top 1 foot of topsoil from the area disturbed by trenching, except in areas where standing water is present or soils are saturated or frozen. Immediately after backfilling is complete, restore the segregated topsoil to its original location.

i. Do not use rock, soil imported from outside the wetland, tree stumps, or brush riprap to support equipment on the construction right-of-way.

j. If standing water or saturated soils are present, or if construction equipment causes ruts or mixing of the topsoil and subsoil in wetlands, use low-ground-weight construction equipment, or operate normal equipment on timber riprap, prefabricated equipment mats, or terra mats.

k. Do not cut trees outside of the approved construction work area to obtain timber for riprap or equipment mats.

l. Attempt to use no more than two layers of timber riprap to support equipment on the construction right-of-way.

m. Remove all project-related material used to support equipment on the construction right-of-way upon completion of construction.

3. Temporary Sediment Control

Install sediment barriers (as defined in section IV.F.2.a. of the Plan) immediately after initial disturbance of the wetland or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench). Except as noted below in section VI.B.3.c., maintain sediment barriers until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan.

a. Install sediment barriers across the entire construction right-of-way at all wetland crossings where necessary to prevent sediment flow into the wetland. In the travel lane, these may consist of removable sediment barriers or driveable berms. Removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent

b. Where wetlands are adjacent to the construction right-of-way and the right-of-way slopes toward the wetland, install sediment barriers along the edge of the construction right-of-way as necessary to prevent sediment flow into the wetland.

c. Install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way through wetlands. Remove these sediment barriers during right-of-way cleanup.

4. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any wetland. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. RESTORATION

1. Where the pipeline trench may drain a wetland, construct trench breakers and/or seal the trench bottom as necessary to maintain the original wetland hydrology.

2. For each wetland crossed, install a trench breaker at the base of slopes near the boundary between the wetland and adjacent upland areas. Install a permanent slope breaker across the construction right-of-way at the base of a slopes greater than 5 percent where the base of the slope is less than 50 feet from the wetland, or as needed to prevent sediment transport into the wetland. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the wetland.

3. Do not use fertilizer, lime, or mulch unless required in writing by the appropriate land management or state agency.

4. Consult with the appropriate land management or state agency to develop a project-specific wetland restoration plan. The restoration plan should include measures for re-establishing herbaceous and/or woody species, controlling the invasion and spread of undesirable exotic species (e.g., purple loosestrife and phragmites), and monitoring the success of the revegetation and weed control efforts. Provide this plan to the FERC staff upon request.

5. Until a project-specific wetland restoration plan is developed and/or implemented, temporarily revegetate the construction right-of-way with annual ryegrass at a rate of 40 pounds/acre (unless standing water is present).

6. Ensure that all disturbed areas successfully revegetate with wetland herbaceous and/or woody plant species.

7. Remove temporary sediment barriers located at the boundary between wetland and adjacent upland areas after upland revegetation and stabilization of adjacent upland areas are judged to be successful as specified in section VII.A.5. of the Plan.

D. POST-CONSTRUCTION MAINTENANCE

1. Do not conduct vegetation maintenance over the full width of the permanent right-of-way in wetlands. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in a herbaceous state. In addition, trees within 15 feet of the pipeline that are greater than 15 feet in height may be selectively cut and removed from the permanent right-of-way.

2. Do not use herbicides or pesticides in or within 100 feet of a wetland, except as allowed by the appropriate land management agency or state agency.

3. Monitor and record the success of wetland revegetation annually for the first 3 years after construction or until wetland revegetation is successful. At the end of 3 years after construction, file a report with the Secretary identifying the status of the wetland revegetation efforts. Include the percent cover achieved and problem areas (weed invasion issues, poor revegetation, etc.). Continue to file a report annually until wetland revegetation is successful.

4. Wetland revegetation shall be considered successful if the cover of herbaceous and/or woody species is at least 80 percent of the type, density, and distribution of the vegetation in adjacent wetland areas that were not disturbed by construction. If revegetation is not successful at the end of 3 years, develop and implement (in consultation with a professional wetland ecologist) a remedial revegetation plan to actively revegetate the wetland. Continue revegetation efforts until wetland revegetation is successful.

VII. HYDROSTATIC TESTING

A. NOTIFICATION PROCEDURES AND PERMITS

1. Apply for state-issued water withdrawal permits, as required.

2. Apply for National Pollutant Discharge Elimination System (NPDES) or state-issued discharge permits, as required.

3. Notify appropriate state agencies of intent to use specific sources at least 48 hours before testing activities unless they waive this requirement in writing.

B. GENERAL

1. Perform non-destructive testing of all pipeline section welds or hydrotest the pipeline sections, before installation under waterbodies or wetlands.

2. If pumps used for hydrostatic testing are within 100 feet of any waterbody or wetland, address the operation and refueling of these pumps in the project’s Spill Prevention and Response Procedures.

3. The project sponsor shall file with the Secretary before construction a list identifying the location of all waterbodies proposed for use as a hydrostatic test water source or discharge location.

C. INTAKE SOURCE AND RATE

1. Screen the intake hose to prevent entrainment of fish.

2. Do not use state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate Federal, state, and/or local permitting agencies grant written permission.

3. Maintain adequate flow rates to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users.

4. Locate hydrostatic test manifolds outside wetlands and riparian areas to the maximum extent practicable.

D. DISCHARGE LOCATION, METHOD, AND RATE

1. Regulate discharge rate, use energy dissipation device(s), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive streamflow.

2. Do not discharge into state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate Federal, state, and local permitting agencies grant written permission.

Appendix C

Federal Energy Regulatory Commission's Upland Erosion Control, Revegetation and Maintenance Plan

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN

01/17/2003 VERSION

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN

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UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN (PLAN)

I. APPLICABILITY

A. The intent of this Plan is to assist applicants by identifying baseline mitigation measures for minimizing erosion and enhancing revegetation. The project sponsors should specify in their applications for a FERC Certificate (Certificate) any individual measures in this Plan they consider unnecessary, technically infeasible, or unsuitable due to local conditions and to fully describe any alternative measures they would use. Applicants should also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is certificated, further changes can be approved. Any such changes from the measures in this Plan (or the applicant's approved plan) will be approved by the Director of the Office of Energy Projects (Director), upon the applicant's written request, if the Director agrees that an alternative measure:

1. provides equal or better environmental protection;

2. is necessary because a portion of this Plan is infeasible or unworkable based on project-specific conditions; or

3. is specifically required in writing by another Federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Any requirements in this Plan to file material with the Secretary of the FERC (Secretary) do not apply to projects undertaken under the provisions of the blanket certificate program. This exemption does not apply to a request for alternative measures.

Project-related impacts on wetland and waterbody systems are addressed in the staff's Wetland and Waterbody Construction and Mitigation Procedures (Procedures).

II. SUPERVISION AND INSPECTION

A. ENVIRONMENTAL INSPECTION

1. At least one Environmental Inspector is required for each construction spread during construction and restoration (as defined by section V). The number and experience of Environmental Inspectors assigned to each construction spread should be appropriate for the length of the construction spread and the number/significance of resources affected.

2. Environmental Inspectors shall have peer status with all other activity inspectors.

3. Environmental Inspectors shall have the authority to stop activities that violate the environmental conditions of the Certificate, state and Federal environmental permit conditions, or landowner requirements; and to order appropriate corrective action.

B. RESPONSIBILITIES OF ENVIRONMENTAL INSPECTORS

At a minimum, the Environmental Inspector(s) shall be responsible for:

1. Ensuring compliance with the requirements of this Plan, the Procedures, the environmental conditions of the Certificate authorization, the mitigation measures proposed by the applicant (as approved and/or modified by the Certificate), other environmental permits and approvals, and environmental requirements in landowner easement agreements;

2. Identifying, documenting, and overseeing corrective actions, as necessary to bring an activity back into compliance;

3. Verifying that the limits of authorized construction work areas and locations of access roads are properly marked before clearing;

4. Verifying the location of signs and highly visible flagging marking the boundaries of sensitive resource areas, waterbodies, wetlands, or areas with special requirements along the construction work area;

5. Identifying erosion/sediment control and soil stabilization needs in all areas;

6. Ensuring that the location of dewatering structures and slope breakers will not direct water into known cultural resources sites or locations of sensitive species;

7. Verifying that trench dewatering activities do not result in the deposition of sand, silt, and/or sediment near the point of discharge into a wetland or waterbody. If such deposition is occurring, the dewatering activity shall be stopped and the design of the discharge shall be changed to prevent reoccurrence;

8. Ensuring that subsoil and topsoil are tested in agricultural and residential areas to measure compaction and determine the need for corrective action;

9. Advising the Chief Construction Inspector when conditions (such as wet weather) make it advisable to restrict construction activities to avoid excessive rutting;

10. Ensuring restoration of contours and topsoil;

11. Verifying that the soils imported for agricultural or residential use have been certified as free of noxious weeds and soil pests, unless otherwise approved by the landowner;

12. Determining the need for and ensuring that erosion controls are properly installed, as necessary to prevent sediment flow into wetlands, waterbodies, sensitive areas, and onto roads;

13. Inspecting and ensuring the maintenance of temporary erosion control measures at least:

    a. on a daily basis in areas of active construction or equipment operation;

    b. on a weekly basis in areas with no construction or equipment operation; and

    c. within 24 hours of each 0.5 inch of rainfall;

14. Ensuring the repair of all ineffective temporary erosion control measures within 24 hours of identification;

15. Keeping records of compliance with the environmental conditions of the FERC certificate, and the mitigation measures proposed by the project sponsor in the application submitted to the FERC, and other Federal or state environmental permits during active construction and restoration; and

16. Identifying areas that should be given special attention to ensure stabilization and restoration after the construction phase.

III. PRECONSTRUCTION PLANNING

The project sponsor shall do the following before construction:

A. CONSTRUCTION WORK AREAS

1. Identify all construction work areas (e.g., construction right-of-way, extra work space areas, pipe storage and contractor yards, borrow and disposal areas, access roads, etc.) that would be needed for safe construction. The project sponsor must ensure that appropriate cultural resources and biological surveys have been conducted.

2. Project sponsors are encouraged to consider expanding any required cultural resources and endangered species surveys in anticipation of the need for activities outside of certificated work areas.

B. DRAIN TILE AND IRRIGATION SYSTEMS

1. Attempt to locate existing drain tiles and irrigation systems.

2. Contact landowners and local soil conservation authorities to determine the locations of future drain tiles that are likely to be installed within 3 years of the authorized construction.

3. Develop procedures for constructing through drain-tiled areas, maintaining irrigation systems during construction, and repairing drain tiles and irrigation systems after construction.

4. Engage qualified drain tile specialists, as needed to conduct or monitor repairs to drain tile systems affected by construction. Use drain tile specialists from the project area, if available.

C. GRAZING DEFERMENT

Develop grazing deferment plans with willing landowners, grazing permittees, and land management agencies to minimize grazing disturbance of revegetation efforts.

D. ROAD CROSSINGS AND ACCESS POINTS

Plan for safe and accessible conditions at all roadway crossings and access points during construction and restoration.

E. DISPOSAL PLANNING

Determine methods and locations for the disposal of construction debris (e.g., timber, slash, mats, garbage, drilling fluids, excess rock, etc). Off-site disposal in other than commercially operated disposal locations is subject to compliance with all applicable survey, landowner permission, and mitigation requirements.

F. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and Federal agencies as outlined in this Plan and in the Certificate.

1. Obtain written recommendations from the local soil conservation authorities or land management agencies regarding permanent erosion control and revegetation specifications.

2. Develop specific procedures in coordination with the appropriate agency to prevent the introduction or spread of noxious weeds and soil pests resulting from construction and restoration activities.

G. STORMWATER POLLUTION PREVENTION PLAN

Make available on each construction spread the Stormwater Pollution Prevention Plan prepared for compliance with the U.S. Environmental Protection Agency's National Stormwater Program General Permit requirements.

IV. INSTALLATION

A. APPROVED AREAS OF DISTURBANCE

1. Project-related ground disturbance shall be limited to the construction right-of-way, extra work space areas, pipe storage yards, borrow and disposal areas, access roads, and other areas approved in the Certificate. Any project-related ground disturbing activities outside these Certificated areas, except those needed to comply with the Plan and Procedures (e.g., slope breakers, energy-dissipating devices, dewatering structures, drain tile system repairs) will require prior Director approval. All construction or restoration activities outside of the Certificated areas are subject to all applicable survey and mitigation requirements.

2. The construction right-of-way width for a project shall not exceed 75 feet or that described in the FERC application unless otherwise modified by a Certificate condition. However, in limited, non-wetland areas, this construction right-of-way width may be expanded by up to 25 feet without Director approval to accommodate full construction right-of-way topsoil segregation and to ensure safe construction where topographic conditions (such as side-slopes) or soil limitations require it. Twenty-five feet of extra construction right-of-way width may also be used in limited, non-wetland or non-forested areas for truck turn-arounds where no reasonable alternative access exists.

   Project use of these additional limited areas is subject to landowner approval and compliance with all applicable survey and mitigation requirements. When such additional areas are used, each one should be identified and the need explained in the weekly or biweekly construction reports to the FERC, if required. The following material should be included in the reports:

   a. the location of each additional area by station number and reference to a previously filed alignment sheet, or updated alignment sheets showing the additional areas;

   b. identification of where the Commission's records contain evidence that the additional areas were previously surveyed; and

c. a statement that landowner approval has been obtained and is available in project files.

Prior written approval of the Director is required when the Certificated construction right-of-way width would be expanded by more than 25 feet.

B. TOPSOIL SEGREGATION

1. Unless the landowner or land management agency specifically approves otherwise, prevent the mixing of topsoil with subsoil by stripping topsoil from either the full work area or from the trench and subsoil storage area (ditch plus spoil side method) in:

   a. actively cultivated or rotated croplands and pastures;

   b. residential areas;

   c. hayfields; and

   d. other areas at the landowner's or land managing agency’s request.

2. In residential areas importation of topsoil is an acceptable alternative to topsoil segregation.

3. In deep soils (more than 12 inches of topsoil), segregate at least 12 inches of topsoil. In soils with less than 12 inches of topsoil make every effort to segregate the entire topsoil layer.

4. Where topsoil segregation is required, maintain separation of salvaged topsoil and subsoil throughout all construction activities.

5. Segregated topsoil may not be used for padding the pipe.

C. DRAIN TILES

1. Mark locations of drain tiles damaged during construction.

2. Probe all drainage tile systems within the area of disturbance to check for damage.

3. Repair damaged drain tiles to their original or better condition. Do not use filter-covered drain tiles unless the local soil conservation authorities and the landowner agree. Use qualified specialists for testing and repairs.

4. For new pipelines in areas where drain tiles exist or are planned, ensure that the depth of cover over the pipeline is sufficient to avoid interference with drain tile systems. For adjacent pipeline loops in agricultural areas, install the new pipeline with at least the same depth of cover as the existing pipeline(s).

D. IRRIGATION

Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties.

E. ROAD CROSSINGS AND ACCESS POINTS

1. Maintain safe and accessible conditions at all road crossings and access points during construction.

2. If crushed stone access pads are used in residential or active agricultural areas, place the stone on synthetic fabric to facilitate removal.

F. TEMPORARY EROSION CONTROL

Install temporary erosion controls immediately after initial disturbance of the soil. Temporary erosion controls must be properly maintained throughout construction (on a daily basis) and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration is complete.

1. Temporary Slope Breakers

a. Temporary slope breakers are intended to reduce runoff velocity and divert water off the construction right-of-way. Temporary slope breakers may be constructed of materials such as soil, silt fence, staked hay or straw bales, or sand bags.

b. Install temporary slope breakers on all disturbed areas, as necessary to avoid excessive erosion. Temporary slope breakers must be installed on slopes greater than 5 percent where the base of the slope is less than 50 feet from waterbody, wetland, and road crossings at the following spacing (closer spacing should be used if necessary):

Slope (%)	Spacing (feet)
5 - 15	300
>15 - 30	200
>30	100

c. Direct the outfall of each temporary slope breaker to a stable, well vegetated area or construct an energy-dissipating device at the end of the slope breaker and off the construction right-of-way.

d. Position the outfall of each temporary slope breaker to prevent sediment discharge into wetlands, waterbodies, or other sensitive resources.

2. Sediment Barriers

a. Sediment barriers are intended to stop the flow of sediments and to prevent the deposition of sediments into sensitive resources. They may be constructed of materials such as silt fence, staked hay or straw bales, compacted earth (e.g., driveable berms across travelways), sand bags, or other appropriate materials.

b. At a minimum, install and maintain temporary sediment barriers across the entire construction right-of-way at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody, wetland, or road crossing until revegetation is successful as defined in this Plan. Leave adequate room between the base of the slope and the sediment barrier to accommodate ponding of water and sediment deposition.

c. Where wetlands or waterbodies are adjacent to and downslope of construction work areas, install sediment barriers along the edge of these areas, as necessary to prevent sediment flow into the wetland or waterbody.

3. Mulch

a. Apply mulch on all slopes (except in actively cultivated cropland) concurrent with or immediately after seeding, where necessary to stabilize the soil surface and to reduce wind and water erosion. Spread mulch uniformly over the area to cover at least 75 percent of the ground surface at a rate of 2 tons/acre of straw or its equivalent, unless the local soil conservation authority, landowner, or land managing agency approves otherwise in writing.

b. Mulch can consist of weed-free straw or hay, wood fiber hydromulch, erosion control fabric, or some functional equivalent.

c. Mulch before seeding if:

(1) final grading and installation of permanent erosion control measures will not be completed in an area within 20 days after the trench in that area is backfilled (10 days in residential areas), as required in section V.A.1; or

(2) construction or restoration activity is interrupted for extended periods, such as when seeding cannot be completed due to seeding period restrictions.

d. If mulching before seeding, increase mulch application on all slopes within 100 feet of waterbodies and wetlands to a rate of 3 tons/acre of straw or equivalent.

e. If wood chips are used as mulch, do not use more than 1 ton/acre and add the equivalent of 11 lbs/acre available nitrogen (at least 50 percent of which is slow release).

f. Ensure that mulch is adequately anchored to minimize loss due to wind and water.

g. When anchoring with liquid mulch binders, use rates recommended by the manufacturer. Do not use liquid mulch binders within 100 feet of wetlands or waterbodies.

h. Install erosion control fabric on waterbody banks at the time of final bank recontouring. Anchor the erosion control fabric with staples or other appropriate devices.

V. RESTORATION

A. CLEANUP

1. Commence cleanup operations immediately following backfill operations. Complete final grading, topsoil replacement, and installation of permanent erosion control structures within 20 days after backfilling the trench (10 days in residential areas). If seasonal or other weather conditions prevent compliance with these time frames, maintain temporary erosion controls (temporary slope breakers and sediment barriers) until conditions allow completion of cleanup.

   The project sponsor should file with the Secretary for the review and written approval of the Director, a winterization plan if construction will continue into the winter season when conditions could delay successful decompaction, topsoil replacement, or seeding until the following spring.

2. A travel lane may be left open temporarily to allow access by construction traffic if the temporary erosion control structures are installed (as specified in section IV.F.) and inspected and maintained (as specified in sections II.B.12 through 14). When access is no longer required, the travel lane must be removed and the right-of-way restored.

3. Rock excavated from the trench may be used to backfill the trench only to the top of the existing bedrock profile. Rock that is not returned to the trench should be considered construction debris, unless approved for use as mulch or for some other use on the construction work areas by the landowner or land managing agency.

4. Remove excess rock from at least the top 12 inches of soil in all actively cultivated or rotated cropland and pastures, hayfields, and residential areas, as well as other areas at the landowner's request. The size, density, and distribution of rock on the construction work area should be similar to adjacent areas not disturbed by construction. The landowner may approve other provisions in writing.

5. Grade the construction right-of-way to restore pre-construction contours and leave the soil in the proper condition for planting.

6. Remove construction debris from all construction work areas unless the landowner or land managing agency approves otherwise.

7. Remove temporary sediment barriers when replaced by permanent erosion control measures or when revegetation is successful.

B. PERMANENT EROSION CONTROL DEVICES

1. Trench Breakers

a. Trench breakers are intended to slow the flow of subsurface water along the trench. Trench breakers may be constructed of materials such as sand bags or polyurethane foam. Do not use topsoil in trench breakers.

b. An engineer or similarly qualified professional shall determine the need for and spacing of trench breakers. Otherwise, trench breakers shall be installed at the same spacing as and upslope of permanent slope breakers.

c. In agricultural fields and residential areas where slope breakers are not typically required, install trench breakers at the same spacing as if permanent slope breakers were required.

d. At a minimum, install a trench breaker at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody or wetland and where needed to avoid draining a waterbody or wetland.

2. Permanent Slope Breakers

   a. Permanent slope breakers are intended to reduce runoff velocity, divert water off the construction right-of-way, and prevent sediment deposition into sensitive resources. Permanent slope breakers may be constructed of materials such as soil, sand bags, or some functional equivalent.

   b. Construct and maintain permanent slope breakers in all areas, except cultivated areas and lawns, using spacing recommendations obtained from the local soil conservation authority or land managing agency.

      In the absence of written recommendations, use the following spacing unless closer spacing is necessary to avoid excessive erosion on the construction right-of-way:

Slope (%)	Spacing (feet)
5 - 15	300
>15 - 30	200
>30	100

   c. Construct slope breakers to divert surface flow to a stable area without causing water to pool or erode behind the breaker. In the absence of a stable area, construct appropriate energy-dissipating devices at the end of the breaker.

   d. Slope breakers may extend slightly (about 4 feet) beyond the edge of the construction right-of-way to effectively drain water off the disturbed area. Where slope breakers extend beyond the edge of the construction right-of-way, they are subject to compliance with all applicable survey requirements.

C. SOIL COMPACTION MITIGATION

1. Test topsoil and subsoil for compaction at regular intervals in agricultural and residential areas disturbed by construction activities. Conduct tests on the same soil type under similar moisture conditions in undisturbed areas to approximate preconstruction conditions. Use penetrometers or other appropriate devices to conduct tests.

2. Plow severely compacted agricultural areas with a paraplow or other deep tillage implement. In areas where topsoil has been segregated, plow the subsoil before replacing the segregated topsoil.

   Alternatively, make arrangements with the landowner to plant and plow under a "green manure" crop, such as alfalfa, to decrease soil bulk density and improve soil structure. If subsequent construction and cleanup activities result in further compaction, conduct additional tilling.

3. Perform appropriate soil compaction mitigation in severely compacted residential areas.

D. REVEGETATION

1. General

   a. The project sponsor is responsible for ensuring successful revegetation of soils disturbed by project-related activities, except as noted in section V.D.1.b.

   b. Restore all turf, ornamental shrubs, and specialized landscaping in accordance with the landowner's request, or compensate the landowner. Restoration work must be performed by personnel familiar with local horticultural and turf establishment practices.

2. Soil Additives

   Fertilize and add soil pH modifiers in accordance with written recommendations obtained from the local soil conservation authority, land management agencies, or landowner. Incorporate recommended soil pH modifier and fertilizer into the top 2 inches of soil as soon as possible after application.

3. Seeding Requirements

   a. Prepare a seedbed in disturbed areas to a depth of 3 to 4 inches using appropriate equipment to provide a firm seedbed. When hydroseeding, scarify the seedbed to facilitate lodging and germination of seed.

b. Seed disturbed areas in accordance with written recommendations for seed mixes, rates, and dates obtained from the local soil conservation authority or as requested by the landowner or land management agency. Seeding is not required in actively cultivated croplands unless requested by the landowner.

c. Perform seeding of permanent vegetation within the recommended seeding dates. If seeding cannot be done within those dates, use appropriate temporary erosion control measures discussed in section IV.F. and perform seeding of permanent vegetation at the beginning of the next recommended seeding season. Lawns may be seeded on a schedule established with the landowner.

d. In the absence of written recommendations from the local soil conservation authorities, seed all disturbed soils within 6 working days of final grading, weather and soil conditions permitting, subject to the specifications in section V.D.3.a-c.

e. Base seeding rates on Pure Live Seed. Use seed within 12 months of seed testing.

f. Treat legume seed with an inoculant specific to the species using the manufacturer’s recommended rate of inoculant appropriate for the seeding method (broadcast, drill, or hydro).

g. In the absence of written recommendations from the local soil conservation authorities, landowner, or land managing agency to the contrary, a seed drill equipped with a cultipacker is preferred for seed application.

   Broadcast or hydroseeding can be used in lieu of drilling at double the recommended seeding rates. Where seed is broadcast, firm the seedbed with a cultipacker or imprinter after seeding. In rocky soils or where site conditions may limit the effectiveness of this equipment, other alternatives may be appropriate (e.g., use of a chain drag) to lightly cover seed after application, as approved by the Environmental Inspector.

VI. OFF-ROAD VEHICLE CONTROL

To each owner or manager of forested lands offer to install and maintain measures to control unauthorized vehicle access to the right-of-way. These measures may include:

A. Signs;

B. Fences with locking gates;

C. Slash and timber barriers, pipe barriers, or a line of boulders across the right-of-way; and

D. Conifers or other appropriate trees or shrubs across the right-of-way.

VII. POST-CONSTRUCTION ACTIVITIES

A. MONITORING AND MAINTENANCE

1. Conduct follow-up inspections of all disturbed areas after the first and second growing seasons to determine the success of revegetation.

2. Revegetation in non-agricultural areas shall be considered successful if upon visual survey the density and cover of non-nuisance vegetation are similar in density and cover to adjacent undisturbed lands. In agricultural areas, revegetation shall be considered successful if crop yields are similar to adjacent undisturbed portions of the same field.

   Continue revegetation efforts until revegetation is successful.

3. Monitor and correct problems with drainage and irrigation systems resulting from pipeline construction in active agricultural areas until restoration is successful.

4. Restoration shall be considered successful if the right-of-way surface condition is similar to adjacent undisturbed lands, construction debris is removed (unless requested otherwise by the land owner or land managing agency), revegetation is successful, and proper drainage has been restored.

5. Routine vegetation maintenance clearing shall not be done more frequently than every 3 years. However, to facilitate periodic corrosion and leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be maintained annually in a herbaceous state. In no case shall routine vegetation maintenance clearing occur between April 15 and August 1 of any year.

6. Efforts to control unauthorized off-road vehicle use, in cooperation with the landowner, shall continue throughout the life of the project. Maintain signs, gates, and vehicle trails as necessary.

B. REPORTING

1. The project sponsor shall maintain records that identify by milepost:

   a. method of application, application rate, and type of fertilizer, pH modifying agent, seed, and mulch used;

   b. acreage treated;

   c. dates of backfilling and seeding;

   d. names of landowners requesting special seeding treatment and a description of the follow-up actions; and

   e. any problem areas and how they were addressed.

2. The project sponsor shall file with the Secretary quarterly activity reports documenting problems, including those identified by the landowner, and corrective actions taken for at least 2 years following construction.

Appendix D

Pine Prairie Energy Center LLC's Spill Prevention, Containment, and Countermeasure Plan

Pine Prairie Energy Center, LLC
Phase III Expansion Project
Spill Prevention, Containment, and
Countermeasure Plan

Introduction

This Spill Prevention, Containment, and Countermeasure (SPCC) Plan describes planning, prevention and control measures to minimize impacts resulting from spills of fuels, petroleum products, or other regulated substances as a result of pipeline and associated facility construction activities. These measures will be implemented by the Contractor (unless otherwise indicated) during Pine Prairie Energy Center, LLC (PPEC) Phase III Expansion Project. This SPCC Plan was developed in accordance with PPEC's Stormwater Pollution Prevention Plan (SWPPP).

1.0 Planning and Prevention

PPEC requires its contractors to implement proper planning and preventative measures to minimize the likelihood of spills, and to quickly and successfully clean up a spill should one occur. PPEC has developed this SPCC Plan to set forth minimum standards for handling and storing regulated substances, and for cleaning up spills. Potential sources of construction-related spills include storage tank leaks, machinery and equipment failure, and fuel handling and transfer accidents. The contractor will be responsible for implementing, at a minimum, the following planning and prevention measures.

1.1 Roles and Responsibilities

Spill Coordinator

- A Spill Coordinator shall be designated by the contractor, subject to approval by PPEC.
- The Spill Coordinator shall mobilize on-site personnel, equipment, and materials for containment and/or cleanup commensurate with the extent of the spill.
- The Spill Coordinator shall assist the emergency response contractor (Appendix A) and monitor containment procedures to ensure that the actions are consistent with the requirements of this SPCC Plan.
- The Spill Coordinator and/or representative, in consultation with appropriate agencies, shall determine when it is necessary to evacuate spill sites to safeguard human health.

- The Spill Coordinator shall notify the Environmental Inspector immediately of any spill.
- The Spill Coordinator will assist the Environmental Inspector in completion of a spill report form.

Environmental Inspector

- The Environmental Inspector will monitor the contractor's compliance with the provisions of this SPCC Plan.
- The Environmental Inspector will be assisted by the Spill Coordinator during completion a Spill Report Form (Appendix B) within 24 hours of the occurrence of a spill, regardless of the size of the spill.

Authorized Personnel

- Authorized personnel are representatives of the contractor who are designated to handle fuel, lubricants or other regulated substances.
- Authorized personnel shall be familiar with the requirements of the SPCC Plan and the consequences of non-compliance.

Construction Superintendent

- The contractor's construction Superintendent or representative must immediately notify the PPEC representative and the Environmental Inspector of any spill of a petroleum product or hazardous liquid, regardless of volume.

Construction Personnel

- Construction personnel are representatives of the contractor that are involved with installation of the pipeline.
- Construction personnel shall notify the crew foreman or Spill Coordinator immediately of any spill of a petroleum product or hazardous liquid, regardless of volume.

PPEC Representative

- PPEC will promptly report spills to appropriate federal, state, and local agencies as required.
- PPEC will coordinate with these agencies regarding contacting additional parties or agencies.
- The PPEC representative will promptly notify the U.S. Coast Guard National Response Center immediately of spills, regards of size, that enter

lakes, streams or other standing or flowing waters. The National Response Center phone number is listed in Section 4.3 of this SPCC Plan.

- The Representative and/or the Spill Coordinator, in consultation with appropriate agencies, determines when spill sites will be evacuated as necessary to safeguard human health.

1.2 Training

•

The contractor shall train all employees handling fuels and other regulated substances to follow and comply with this SPCC Plan.

1.3 Equipment

The contractor will maintain spill kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits may include, but are not limited to absorbent pads, straw bales, absorbent clay, sawdust, floor-drying agents, spill containment barriers, plastic sheeting, skimmer pumps and holding tanks.

Suitable plastic lining materials shall also be available for placement below and on top of temporarily-stored contaminated soils and materials.

All fuel and service vehicle shall carry materials adequate to control foreseeable spills. Such material may include but not be limited to absorbent pads, commercial absorbent material, plastic bags with ties and a shovel.

The Spill Coordinator shall make known to authorized personnel, construction personnel, the Environmental Inspector and the PPEC representative the locations of spill control equipment and materials and have them readily accessible during construction activity.

Construction equipment that can be moved on an existing roadway shall be removed from wetlands and parked a minimum of 100 feet away from streams, wetlands, ditches and other waterbodies at the end of each workday.

In large wetlands where no upland site is available for refueling, auxiliary fuel tanks on construction equipment are recommended.

All fuel nozzles shall be equipped with functional automatic shut-offs.

Fuel trucks transporting fuel to on-site construction equipment shall travel only on approved access roads.

1.4 Supervision and Inspection

The contractor shall perform a pre-construction inspection and test of all equipment to ensure that it is in good repair.

During construction, the contractor shall regularly inspect hoses, pipes, valves, and tanks to ensure equipment is free of leaks.

2.0 Storage and Handling of Fuels/Hazardous Liquids

2.1 Typical Fuels, Lubricants and Hazardous Materials

	Fluids	Typical Amounts	Storage	Typical Transport Mode
Fuels	Diesel	6,000-12,000 Gallons	1-3 Tanks or Tankers stored at Contractor Yard 5 gallon cans, 100-gallon storage in pickups, etc.	1-3 Fuel Trucks, 1-3 "Fuel Skids"
	Military Aviation Kerosene [1]	6,000-12,000 Gallons		
	Kerosene [1]	6,000-12,000 Gallons		
	Gasoline	5,000 Gallons		
Lubricant	Engine Oil	< 500 Gallons	Bulk Storage or Retail Packaging at Contractor Yard Warehouse	1-3 "Grease" Trucks
	Transmission/ Drive Train Oil	< 500 Gallons		
	Hydraulic Oil	< 500 Gallons		
	Gear Oil	< 500 Gallons		
	Lubricating Grease	20-30 cases of 24 cans per case		
Coolants	Ethylene Glycol	100 Gallons		
	Propylene Glycol	100 Gallons		

Used straight or as additives only in extremely cold weather.

The table above identifies fuels, lubricants and coolants that are generally present on pipeline construction spreads and identifies typical total volumes, storage and transportation methods.

2.2 Storage of Fuel and Hazardous Liquids - General

The contractor shall follow proper storage practices for fuels and hazardous liquids, including, but not limited to, the following:

- Fuel storage shall be performed at contractor yards only or as approved by PPEC.
- Tools and materials to stop the flow of leaking tanks and pipes shall be kept on-site. Such equipment must include, but not be limited to, plugs of various sizes, a hammer, assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape.
- Fuels, lubricants, waste oil, and any other regulated substances shall be stored in aboveground tanks only.
- Storage tanks and containers must conform to all applicable industry codes (NFPA, UFC, etc.).

A suitable secondary containment structure must be utilized at each fuel storage site. These structures must be lined with suitable plastic sheeting; provide a minimum containment volume equal to 150 percent of the volume of the largest storage vessel; and provide at least 1 foot of freeboard.

If earthen containment dikes are used, they shall be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability.

Secondary containment area drain valves will be closed and sealed during normal operation. Precipitation may be drawn off as necessary. If visual inspection indicates that no spillage has occurred in the secondary containment structure, accumulated water may be drawn off and sprayed on the surrounding upland areas. If spillage has occurred in the structure, accumulated waste shall be drawn off and pumped into drum storage for disposal.

Vehicle maintenance wastes, including used oils and other fluids, shall be handled and managed by personnel trained in the procedures outlined in this plan. Vehicle maintenance wastes will be stored and disposed of in accordance with Section 6.0 of this SPCC Plan.

2.3 Refueling

Fuels shall be dispensed by authorized personnel only. Adequate lighting will be provided for refueling after dark.

2.4 Refueling and Fuel Storage Near Wetlands, Waterbodies and Rural Residences

The storage of petroleum products, refueling and lubricating operations must take place in upland areas that are located more than 100 feet from wetlands, streams, and waterbodies (including drainage ditches), and 150 feet from water supply wells. In addition, the contractor must store hazardous materials, chemicals, fuel and lubricating oils, and perform concrete coating activities outside these areas. Auxiliary fuel tanks solidly attached to construction equipment or pumps are not considered storage and are acceptable.

In certain instances, refueling or fuel storage may be unavoidable due to site-specific conditions or unique construction requirements (e.g., continuously operating pumps). The Environmental Inspector must approve these locations in advance. In addition to those practices described above, the following precautions will be taken when refueling within 100 feet of streams, wetlands, waterbodies or 150 feet of water wells:

Adequate amounts of absorbent materials and containment booms must be kept on hand by each construction crew to enable the rapid containment and cleanup of any spill, which may occur.

If fuel must be stored within wetlands or near streams for refueling of continuously operating pumps, secondary containment must be provided.

Secondary containment structures must be lined with suitable plastic sheeting, provide a containment volume of at least 150 percent of the storage vessel, and allow for at least one foot of freeboard.

Procedures regarding excavation and disposal of contaminated soil material from wetlands or near waterbodies are described in Section 5.2 of this SPCC Plan.

3.0 Initial Spill Management

3.1 Immediate Response

Immediately upon learning of any fuel, oil, hazardous material or other regulated substance spill, or upon leaming of conditions that will lead to an imminent spill, the person discovering the situation shall:

Initiate actions to contain the fluid that has spilled or is about to spill, and initiate action to eliminate the source of the spill to the maximum extent that is safely possible.

Notify the Spill Coordinator and provide them with the following information:

- Location and cause of the spill
- The type and amount of material that has spilled
- Whether the spill has reached or is likely to reach any surface water

Upon learning of a spill or a potential spill the Spill Coordinator shall:

- Assess the situation and determine the need for further action.
- Direct subsequent activities and/or further assign responsibilities to other personnel.
- Notify the Environmental Inspector.

3.2 Mobilization

The Spill Coordinator shall mobilize on-site personnel, equipment, and materials for containment and/or cleanup commensurate with the extent of the spill.

If the spill is determined to be significant, the Spill Coordinator shall notify the Representative otherwise the Representative will be notified by a copy of the Spill Report.

If the Spill Coordinator believes that a spill is beyond the scope of on-site equipment and personnel, the Spill Coordinator shall immediately notify the Construction Superintendent that an Emergency Response Contractor is needed to contain and/or clean up the spill. Appendix A of this SPCC Plan contains a list of potential Emergency Response Contractors.

The Spill Coordinator shall assist the Emergency Response Contractor and monitor containment procedures to ensure that the actions are consistent with the requirements of this SPCC Plan.

4.0 Spill Notification Responsibilities

4.1 Notification Volumes

The Contractor's Construction Superintendent or representative must notify the Representative and the Environmental Inspector immediately of any spill of a petroleum product or hazardous liquid, regardless of volume.

4.2 Spill Report Form

The Environmental Inspector shall complete a Spill Report Form (Appendix B) for each release of a regulated substance, regardless of volume. The Spill Report Form must be submitted to the Representative within 24 hours of the occurrence of a spill. To complete the Spill Report Form, the Spill Coordinator shall compile the following information:

- A legal description of the spill location, pipeline milepost and specific directions from the nearest community.
- The time and date of the spill, and the time and date the spill was discovered. The type and estimated volume of spilled material, and the manufacturer's name. The media in which the spill exists (e.g., soil, water, etc.).
- The topography and surface conditions of the spill site.
- Proximity of surface waters.
- Weather conditions.
- Name, company, address and telephone number of the Construction Superintendent, Spill Coordinator, representative, and the person who reported the spill.
- The cause of the spill.
- Immediate containment and/or cleanup actions taken.
- Current status of cleanup actions.

Follow-up written reports, associated laboratory analyses and other documentation may also be required separately on a case-specific basis and are the responsibility of the contractor.

4.3 Agency Notification

The Environmental Inspector or Contractor shall call PPEC representatives as required.

The PPEC representative will make determinations regarding agency reporting. If reporting is necessary the PPEC representative will provide direction to contractor

agencies to be contacted. The contractor is ultimately responsible for reporting their spills and complying with all relative local, state and federal environmental regulations.

5.0 Spill Containment and Cleanup

In the event of a spill, the Contractor will abide by applicable federal, state and local regulations with respect to cleaning up the spill. All clean-up and other construction related spill activities must be completed by, and costs assumed by the contractor. Specific control and clean-up measures for both upland and wetland/waterbody spills are described below.

5.1 Spill Control and Clean-up - Upland Areas

If a spill should occur during refueling operations, STOP the operation until the spill can be controlled and the situation corrected.

Spill sources must be identified and contained immediately.

For large spills on land, the spill must be contained and pumped immediately into tank trucks. The contractor or, if necessary, an Emergency Response Contractor, shall excavate contaminated soil. Appendix A of this SPCC Plan lists potential Emergency Response Contractors.

Spilled material and contaminated soil must be treated and/or disposed of in accordance with applicable federal, state, and local requirements (Section 6.0).

Smaller spills on land shall be cleaned up with absorbent materials. Contaminated soil or other materials associated with these releases shall also be collected and disposed of in accordance with applicable regulations (Section 6.0).

Flowing spills must be contained and/or absorbed before reaching surface waters or wetlands.

Absorbent material(s) shall be placed over spills to minimize spreading and to reduce its penetration into the soil.

The Spill Coordinator and/or Representative, in consultation with appropriate agencies, determines when spill sites will be evacuated as necessary to safeguard human health. Evacuation parameters shall include consideration for the potential of fire, explosion, and hazardous gases.

5.2 Spill Control and Cleanup - Wetlands and Waterbodies

In addition to the measures described previously in this SPCC Plan, the following conditions shall apply if a spill (regardless of size) occurs near or into a stream, wetland or other waterbody:

- If a spill should occur during refueling operations, STOP the operation until the spill can be controlled and the situation corrected.

- For spills into streams, lakes or other waterbodies containing standing or flowing water, regards of size, the Representative must promptly notify the National Response Center.

- For spills in standing water, floating booms, skimmer pumps and holding tanks shall be on-hand and used by the Contractor to recover and contain released materials on the surface of the water.

- If necessary, for large spills in waterbodies, an Emergency Response Contractor must be secured to further contain and clean up the spill. A list of potential Emergency Response Contractors is included in Appendix A of this SPCC Plan.

Contaminated soils in wetlands must be excavated and placed on, and covered by, plastic sheeting in bermed areas a minimum of 100 feet away from the wetland. Dispose of contaminated soil as soon as possible in accordance with Section 6.0 of this SPCC Plan.

6.0 Storage and Disposal of Contaminated Materials

Appendix A of this SPCC Plan lists potential treatment and disposal facilities for contaminated materials, petroleum products and other construction-related wastes.

All contaminated soils, absorbent materials, and other wastes shall be stored and disposed of by the contractor in accordance with applicable state and federal regulations.

Only licensed carriers may be used to transport contaminated material from the site to a disposal facility.

If it is necessary to temporarily store excavated soils on site, these materials shall be (1) contained in plastic bags or (2) placed on, and covered by, plastic sheeting, and the storage area bermed to prevent and contain runoff.

APPENDIX A

Emergency Response Contractors; Disposal and Treatment Facilities

The contractor must dispose of all wastes according to applicable state and local requirements. A list of potential Emergency Spill Response Contractors and waste disposal facilities is provided below. This list was developed from statewide databases. This list represents firms operating at the time the database was produced. These firms are not necessarily endorsed by PPEC. The contractor is responsible for verifying if a contractor or facility is currently operating under appropriate permits or licenses or if there are other approved options available for his use. Selection of an Emergency Response Contractor or disposal facility is subject to approval by PPEC. The contractor is responsible for ensuring wastes are disposed of properly.

Spill Response Contractors
Oil Mop, LLC
P.O. Box 56981
New Orleans, LA 70156
Phone: 504-394-6110 (24 hour)

Disposal Facilities
Oil Mop, LLC
P.O. Box 56981
New Orleans, LA 70156
Phone: 504-394-6110 (24 hour)

Thermal Treatment Facilities and Asphalt Plants Authorized to Treat Soil
Oil Mop, LLC
P.O. Box 56981
New Orleans, LA 70156
Phone: 504-394-6110 (24 hour)

APPENDIX B
Pine Prairie Energy Center, LLC
Construction Spill Report Form

Date of Spill: _____ Date of Spill Discovery: _____
Time of Spill: _____ Time of Spill Discovery: _____

Name and Title of Discoverer: _____

Type of material spilled and manufacturer's name: _____

Legal Description of spill location: _____
Directions from nearest community: _____
Estimated volume of spill: _____
Weather conditions: _____
Topography and surface conditions of spill site: _____
Spill medium (pavement, sandy soil, water, etc.): _____
Proximity of spill to surface waters: _____
Did the spill reach a waterbody? Yes _____ No _____
If so, was a sheen present? Yes _____ No _____

Describe the causes and circumstances resulting in the spill: _____
_____
_____

Describe the extent of observed contamination, both horizontal and vertical (i.e., spill-stained soil in a 5-foot radius to a depth of 1 inch): _____
_____
_____

Describe immediate spill control and/or cleanup methods used and implementation schedule: _____
_____
_____

Current status of cleanup actions: _____

Name/Company/Address/Phone Number for the following:
Construction Superintendent: _____
Spill Coordinator: _____
Representative: _____
Person Who Reported the Spill: _____
Environmental Inspector: _____
Form completed by: _____ Date: _____

Appendix E

Affirmative Statement Concerning Environmental Mitigation Measures

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

PINE PRAIRIE ENERGY CENTER, LLC § DOCKET NO. CP11-1-000

CERTIFICATE OF SENIOR COMPANY OFFICIAL

Pursuant to Environmental Condition No. 3 incorporated into the Order Issuing Certificate issued in the captioned proceeding on May 19, 2011 (135 FERC ¶ 61,168), I, Daniel D. Noack, hereby certify, this the 16th day of January 2012, that all Pine Prairie Energy Center, LLC personnel, environmental inspectors, and contract personnel will be informed of the environmental inspector's authority and have or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

Daniel D. Noack
Vice President – Operations
Pine Prairie Energy Center, LLC

Subscribed and sworn to before me
this 16th day of January 2012

Notary Public

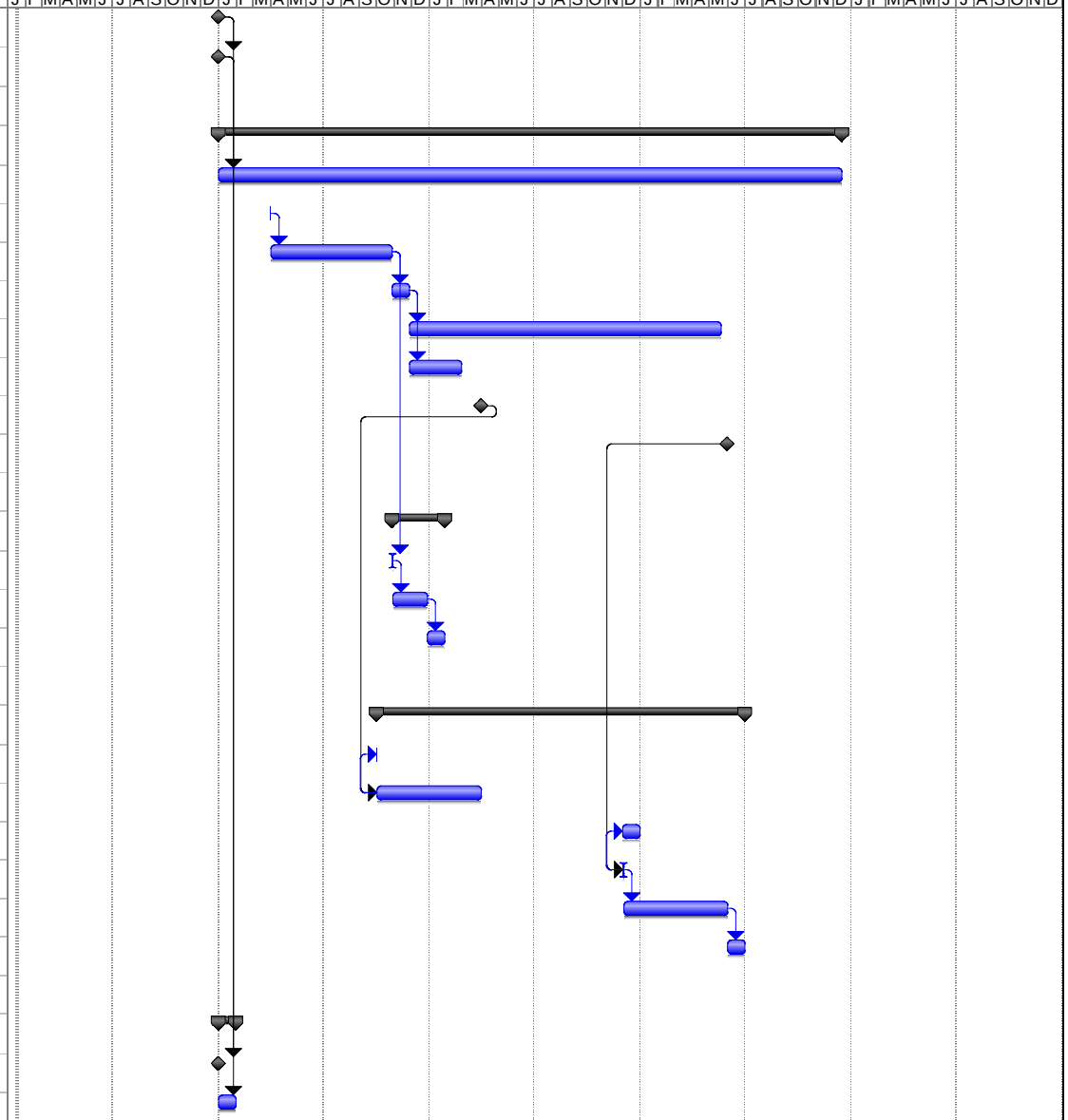
My Commission Expires: 9-14-2015

Appendix F

Implementation Schedule for the Pine Prairie Energy Center Phase III Expansion Project

Pine Prairie Energy Center
PH-III Expansion Implementation Plan

ID	Task Name	Duration
1	**Certificate Order**	0 days
2		0 days
3		
4	**Cavern Wells**	**1080 days**
5		36 mons
6	Environmental Compliance Training	1 day
7	Drill & Complete Two New Caverns #6 and #7	7 mons
8	Extend Flowlines to New Caverns #6 & #7	1 mon
9	Solution Mine Caverns #6 and #7	18 mons
10	Environmental Restoration	3 mons
11	Place Cavern Well #6 In-Service	0 days
12	Place Cavern Well #7 In-Service	0 days
13		
14	**Leaching Pipeline Loop & Related Enhancements**	**91 days**
15	Environmental Compliance Training	1 day
16	Pipeline Construction	2 mons
17	Environmental Restoration	1 mon
18		
19	**Compression**	**638 days**
20	Environmental Compliance Training	1 day
21	Install new Electric Compressor #15	6 mons
22	Environmental Restoration	1 mon
23	Environmental Compliance Training	1 day
24	Install new Electric Compressor #16	6 mons
25	Environmental Restoration	1 mon
26		
27	**Interconnects**	**30 days**
28	Increase capacity of KMLA Interconnect	0 days
29	Increase capacity of TGT Interconnect	1 mon



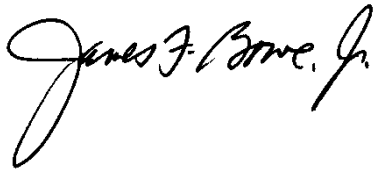
Project: PPEC Implementation Plan 01
Date: Tue 1/17/12

Task
Progress
Milestone
Summary
Rolled Up Task
Rolled Up Milestone
Rolled Up Progress
Split
External Tasks
Project Summary
Group By Summary
Deadline

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice of Procedure.

Dated at Washington, D.C. this 17th day of January, 2012.



James F. Bowe, Jr.

Attorney for *Pine Prairie Energy Center, LLC*