

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
DOCKET NO. 2008-02**

APPLICATION OF TENNESSEE GAS PIPELINE COMPANY

February 10, 2010

**Order on Complaint of Carol M. Desrosiers
Regarding Noise Level testing**

Background

On March 19, 2009, the Site Evaluation Committee (Committee) issued a Certificate of Site and Facility (Certificate) to Tennessee Gas Pipeline Company (Tennessee) to site, construct, and operate a new 6,130 horsepower compression station on its line 200 system (also known as the Concord Lateral System) in Pelham, New Hampshire. In addition, the Certificate permitted Tennessee to upgrade its existing "Laconia Meter Station" in Concord, New Hampshire with piping modifications to accommodate additional capacity. The Certificate authorized the Applicant to "construct, operate and maintain the Station so that it remains in full compliance with applicable FERC sound level regulations." *See*, Certificate at p. 29. As a condition of the Certificate, Tennessee was required to comply with noise level standards required by the Federal Energy Regulatory Commission (FERC) and to conduct sound surveys at relevant noise sensitive areas (NSA) within sixty days of the commencement of operation of the Facility. In the Certificate, the Committee specifically retained its authority "to monitor the proposed facility, to investigate complaints and to enforce the terms and conditions of the Certificate of Site and Facility, including the authority to require further sound level testing or additional remedial measures." *Id.* On December 23, 2009, Tennessee filed its sound survey data as required by the Certificate. On December 26, 2009, Carol M. Desrosiers filed a letter of complaint with the Committee asserting that the noise survey was incomplete and inadequate. On January 19, 2010, Tennessee filed a response to the complaint.

On January 29, 2010, at a duly noticed public meeting, the Committee considered Ms. Desrosiers's letter and the response from Tennessee. Although Ms. Desrosiers did not appear at the hearing, the Committee thoroughly reviewed her complaint and also heard additional information from Tennessee. Thereafter, the Committee unanimously voted to accept Tennessee's offer to conduct an additional sound survey responsive to the complaint. This Order memorializes the action taken by the Committee and the reasons for that action.

The Complaint and Response

In her letter, Ms. Desrosiers identifies two relevant issues. She first inquires as to why the sound level testing was not conducted at the actual residential structures designated as NSAs. She explains that Tennessee never contacted her prior to conducting the sound level measurements, but conducted them at the roadway approximately one hundred feet from her actual residential structure. Second, she complains that a sound level test was not conducted at NSA 4.

On January 19, 2010, Tennessee responded to Ms. Desrosier's letter. In its response, Tennessee asserts that the methodology and conclusions contained within its sound survey were scientifically valid and complied with the American National Standards Institute (ANSI) standards for measurement of

environmental sound. Tennessee also advised that sound level measurements involve a number of variable elements that make homeowner notification problematic. Among the variables that must be considered are weather conditions and the ability to operate the compressor station at full load in order to achieve the most informative results. Tennessee reports that coordinating these variables with homeowner notification is difficult. Tennessee also responded that it is necessary to conduct sound surveys at a distance from residential structures in order to eliminate the reflection of non-station generated environmental sounds. Tennessee points out that the ANSI standard recommends that sound surveys not be conducted within twenty-four feet of a sound reflecting surface. Tennessee also points out that it appropriately calculated a distance adjustment to arrive at the sound level at each NSA and used a prudent methodology to estimate the sound level at NSA 4. Tennessee concludes in its response that the sound levels at each of the NSAs are well below the maximum permitted by the Certificate and by the FERC conditions. Nonetheless, Tennessee proposes to take supplemental sound measurements within the recommended distance from Ms. Desrosiers residence and within the same distance from NSA 4 if it can obtain landowner permission to go on the property.


Discussion

The Committee's enabling statute authorizes the Committee to exercise continuing authority to monitor the construction and operation of an energy facility granted a Certificate. *See*, RSA 162-H: 4, I (c). The statute also permits the Committee to enforce the terms and conditions of any Certificate that it has issued. *See*, RSA 162-H: 4, I (d). In this docket, the Certificate specifically required Tennessee to "construct, operate and maintain the Station so that it remains in full compliance with applicable FERC sound level regulations." *See*, Certificate at p. 29. In exercising its continuing authority, the Committee is aware of the proximity of this Facility to residential neighborhoods and the concerns about increased noise levels previously expressed by local residents and Counsel for the Public. Having considered Ms. Desrosiers letter and the response filed by Tennessee, the Committee, in exercising its continuing jurisdiction to monitor the construction and operation of the Facility, finds Tennessee's suggestion to be a reasonable approach to the issues presented by Ms. Desrosiers letter. Therefore, we will order Tennessee to conduct a supplemental sound survey and report its findings back to the Committee.

Conclusion and Order

It is hereby Ordered that: Tennessee shall conduct additional sound surveys, consistent with ANSI standards, and within the recommended distance from residential structures at the residence of Ms. Desrosiers and at NSA 4 (assuming that Tennessee obtains landowner permission to enter the property at NSA 4). In doing so, Tennessee shall also conduct additional measurements at one of the additional NSAs that was previously tested in order to provide a benchmark measurement. The additional sound survey shall be conducted at a time when the Facility is operating at full capacity to enable comparison of the two rounds of testing. The results of the additional sound survey shall be filed with the Committee within 60 days of the date of this Order. Thereafter, Ms. Desrosiers or any other directly affected person may respond to the survey by making a filing with the Committee within 14 days of the Committee's receipt of the additional sound survey.

SO ORDERED by the Site Evaluation Committee this 10th day of February, 2010.


New Hampshire Site Evaluation Committee
Thomas S. Burack, Chairman