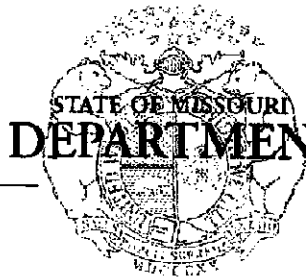


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Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

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DL-1142- GA BIN

May 9, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE; Room 1A
Washington, DC 20426

Re: Rockies Express Pipeline LLC – EAST Pipeline Project
FERC/EIS-0217D
Docket No. CP07-208-000

Dear Ms. Bose:

The Missouri Department of Natural Resources (department) has reviewed the Final Environmental Impact Study (FEIS) for construction and operation of natural gas pipeline facilities proposed by Rockies Express Pipeline, LLC (Rockies). In Missouri, the proposed pipeline would begin near the town of Mexico and continue eastward 43 miles to the Mississippi River a few miles north of the town of Louisiana. The department submits the following comments on the FEIS.

Permitting for Land Disturbance Activities

The department will require that Rockies secure a Missouri State Operating Permit (MSOP) pertaining to land disturbance activities. REX-West secured an MSOP for construction of this pipeline that is contiguous with REX-East project. While the federal Energy Policy Act of 2005, Congress amended the federal Clean Water Act has exempted gas pipelines from federal NPDES permitting, the federal exemption and related rule changes do not prevent states from regulating such activity pursuant to their own legal authority. The department will permit this activity under section 644.026 of the Missouri Clean Water Law.

Groundwater Resources

The FEIS states that the glacial till aquifer underlies the Missouri section of the pipeline route in Audrain, Ralls and Pike counties. While this is true, this aquifer is not typically used for water supply in those three counties. Most of the water supply wells are drilled into deeper bedrock aquifers. The department suggests that the potential for impact to these bedrock aquifers be considered and discussed.

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Kimberly D. Bose
May 9, 2008
Page 2

Hydrostatic Testing

The department previously commented that Grassy Creek, one of the potential sources of water for the Hydrostatic Testing proposed by Rockies may not be suitable for withdrawal of the magnitude of water needed to successfully conduct pressure tests on the pipeline. The department requests that Rockies provide the final list of water sources that will be used to withdraw water for the purpose of conducting hydrostatic testing along with the volume of water planned for withdrawal at each proposed location prior to construction.

Air Quality Issues

Rockies submitted an air construction permit application for a natural gas compressor station to be located at Rush Hill in Audrain County. That permit application is pending resolution.

The department offers the following comments to address potential air quality impacts that may occur during the construction phase of the project.

Any demolition activities undertaken as part of this project must be conducted in accordance with state and federal asbestos regulations (40 CFR Part 61, Subpart M and state rules 10 CSR 10-6.241 and 10-6.250). These regulations require that prior to demolition; all regulated structures must be inspected by a Missouri certified asbestos inspector. Notice of the demolition must also be provided to the department's Air Pollution Control Program on the appropriate form at least 10 days prior to commencement of demolition.

If during the course of the asbestos inspection, it is determined that the total amount of asbestos containing material (both friable asbestos containing material and asbestos containing material that would be rendered friable during the course of the demolition) exceeds 160 sq. ft. or 260 linear ft., then the asbestos would have to be removed by a registered asbestos abatement contractor and disposed of according to the National Emissions Standards for Hazardous Air Pollutants.

If there are less than these threshold amounts, then the material would not have to be removed prior to demolition. If the material is contaminated with asbestos, regardless of the amount, the sanitary landfill may have special packaging requirements for disposal.

State regulation 10 CSR 10-6.170 restricts the emissions of particulate matter to the ambient air beyond the premises of origin. Efforts should be made to control any potential fugitive dust that may result from any construction or demolition activities associated with this project.

State regulation 10 CSR 10-6.045 only allows for open burning of vegetative debris from land clearing operations outside the city limits of an incorporated area and at a distance of more than 200 yards from the nearest inhabited dwelling. For open burning of vegetative waste that does not meet these restrictions, the department must be notified to determine if a permit to allow the burning can be issued. The open burning of tires, petroleum-based products and asbestos containing materials is prohibited.

Kimberly D. Bose
May 9, 2008
Page 3

Rockies may contact Ms. Kyra Moore of the department's Air Pollution Control Program at (573) 526-3835 for information related to air quality issues.

Section 4.1.3 Geologic Hazards, page 4-9, Subsidence

This subsection addresses karst potential along the alignment of the proposed pipeline. The FEIS proposes the development of a plan to identify and mitigate karst subsidence problems, if any are encountered. Table 4.1.3-2 indicates that karst features may exist between mileposts 25.4 and 42.7 within Missouri. The department recommends that this table be revised to show karst potential between mileposts 21 and 42.7. The department's Division of Geology and Land Survey has completed reconnaissance geologic mapping that indicates that potentially karst bedrock (limestone) exists within a few hundred feet north of the proposed right of way of the pipeline starting near milepost 21. This is a location where the proposed alignment diverts from the existing right of way. Although no karst features are known to exist along the proposed right of way in this area, the geologic mapping of nearby potentially karst bedrock suggests that it would be prudent to watch for its presence. Rockies may contact Mr. Peter Price of the department's Division of Geology and Land Survey at (573) 368-2131 for information related to geological issues.

The department appreciates the opportunity to review and provide comments on this Final EIS. If you have any questions or need clarification, please contact Mr. Robert Stout in my office at 573-751-3195. The address for correspondence is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



H. Floyd Gilzow
Deputy Director for Policy

HFG:rsj

Document Content(s)

REX-East FEIS comments 5-9-08.PDF.....1-3