



Robert E. Routson
Mayor
April 30, 2008

CITY OF MONROE

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William J. Brock
City Manager

Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: Rockies Express, LLC
Docket # CP07-208-000

To Whom It May Concern:

The City of Monroe has been diligently working with Rockies Express Pipeline for the construction of a compressor station in the City of Monroe, Ohio. Enclosed for your review is a transcript of the April 15, 2008, Monroe Planning Commission meeting concerning this matter.

We do not feel that the City is being treated fairly in this process. The City of Monroe has basic building and zoning codes in place for industrial development that provide for public safety and for the safety of businesses in the area. One of the main areas of concern is our basic requirement that a fire hydrant be present within 450 feet of any facility. REX has refused stating that FERC guidelines suggest that they are not required to provide this simple and basic measure of safety for, not only themselves, but for the safety of our residents.

We urge FERC to deny the request of Rockies Express Pipeline to proceed without meeting the City of Monroe codes and supplying the most basic of safety devices - one fire hydrant.

I appreciate your consideration in this request and look forward to hearing from you in the near future.

Sincerely,

Robert E. Routson
Mayor

Steven Tannreuther
Vice-Mayor

Anna Hale
Council Member

Bob Kelley
Council Member

Suzi Rubin
Council Member

Tracy Shell
Council Member

Lora Stillman
Council Member

Enclosure

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*Transcript of Proceedings Before the City of Monroe Planning Commission on April 15, 2008,
Concerning Rockies Express Pipeline*

Consideration of a site plan application from Rockies Express Pipeline requesting a pipeline compressor station and electrical substation south of Greentree Road and west of I-75. (Tabled)

Mr. Campbell: This is tabled, what is your pleasure?

Mr. Wood: I make a motion to remove it from the table and for discussion

Mr. Campbell: I have a motion to remove it from the table and for discussion do I have a seconded.

Mr. Berry: Second.

Mr. Campbell: A motion was made and seconded any discussion. All in favor say I, all opposed same sign.

Voice Vote: All Ayes Motion Carried.

Mr. Campbell: Motion carries, bring it off the table.

Mr. Kevin Chesar, Director of Development: As Planning Commission is aware we have had um numerous meetings regarding the Rockies Express Pipeline compressor station, um work sessions, uh I, staff staff throughout the city has had various discussions on the outstanding issues. I would like to briefly go through them. Um, I do want to point out that the proposed location adjacent to I75 south of Greentree Road is approximately on 23 acres it is located in a Heavy Industrial District, per our zoning code uh this type of use is permitted within the the heavy industrial zone. From a planning perspective, as I have indicated in my report and we discussed many times, and I know this has been a very controversial issue issue with uh many many citizens within the city, um this isn't the the ideal use that we would like to see in the heavy industrial zone from a planning perspective it isn't not necessarily it isn't necessarily the highest and best use but again it is a permitted use within the heavy industrial zone and as such they have been trying to meet all the requirements of our site plan standards, our community impact assessment standards, and the other issues that I will go through with you this evening. Um, I have a list of of a potential conditions for approval for you this evening that we can discuss and various representatives from applicant um from Rockies Express Pipeline are here this evening are here to answer any questions that you have. The report that is before you and power point is everything that you have seen before I am going to jump to the end of it to go through seven, I believe there are seven additional issues that Planning Commission asked for in addition to some initial um comments that I had again some of them are minor based on indicating the zoning of the property, width of parking stalls, things of that nature. So we will get into some of the uh (pause) main issues.

Um, (pause) the the first additional item that the Planning Commission ask for, and we have discussed this before, they asked for the proposed site plan be submitted to ODOT um Department of transportation for any issues they may have due to its proximity to Interstate 75. What I have listed and you will see it in your packet previously is uh the comments based on from ODOT regarding any issues they have. They they essentially stated that that they don't think the lighting that will be placed on the site will be an issue

or provide create any light intrusions on Interstate 75. The only thing they have requested is that there be at least 10 foot buffer, and that is part of the conditions of approval, between their um limited access of their right-of-way fence and um any work or any other issues that are going on on the site. I have discussed this with the applicant and I believe they are agreeable to that condition.

The second issue that Planning Commission had discussed was they wanted additional time to explore alternatives to the screening and the landscaping um requirements throughout the site. We did go out I believe it was in January sometime. Mr. Wood, Mr. Kelley, and myself met with the applicant went through um drove the site. Um, Mr. Kelley and his his vehicle did a good job trying to get through the uh the uh soft soil and the mud. Um I have met with the applicant; we have have had several discussions regarding screening because of all the uh ancillary type of equipment and buildings that are associated with this use. This industrial use that isn't typical uh typical industrial use and does require screening. Their initial landscaping plan, um based on Planning Commission review and and my review, we did not feel that it t met the intent of what what Planning Commission wanted or Staff wanted. After our site visit they provided us with a second updated landscaping screening plan, I believe they were getting closer to what what we wanted. Um I as staff wasn't satisfied with it. I met with Mr. Ken Jones regarding this, he he is one of the representatives from Rockies Express that went out site with us and we came up with a third landscaping plan. The intent of the plan is to try to, again we cannot screen the electrical substation that is associated with the compressor site which is located on the northern part of the site, I75 is on this portion of the drawing. Um they are proposing is to screen it with natural, oh excuse me, with some evergreens along this side of it, it won't screen it completely but it will soften the substation. Um they have also provided an increased amount, oh that's sensitive, um an increased amount of screening at least of their equipment and some of their outbuildings regarding the compressor station on this portion of their site as well as including some additional landscaping and um some evergreens trees on this portion of the site in order to screen anything that you may see from the northern portion coming along I75. Concerning the western portion of the site, initially there wasn't any landscaping or screening proposed in this area, they have added that. There there is a significant amount of natural vegetation that you can see outlined in this area, now some of that will be removed as part of the construction of the underground facility for the compressor station, however the intent is to try leave as much of that natural vegetation um in place as possible. So again, this is a modified landscaped /screening plan. I think from my perspective and what I have heard Planning Commission state when they were out in the field and some of their comments at earlier meetings. This being the third paper iteration, I know we have had multiple conversations with them in the mean time I believe it at least meets the intent of them trying to screen or at least soften the majority of the site.

The third comment that Planning Commission had was regarding safety issues, um that came about because the Community Impact Assessment which they provided. They asked for further details regarding homeland security as well as disaster planning contingencies, um the applicant has provided various documents that have been included in your previous packets um to Planning Commission as well as City Staff. Um anything from regarding a typical um emergency emergency action plan, that they did not have prepared yet for this compressor station but what they provided us to was from Weld ,Colorado for the station there would will be extremely similar, it is our understanding from them, based um to this site. There have also been various memos that have gone back and forth as you have seen in the

previous packet detailing safety and response requirements as regulated but the US Department of Transportation Pipeline and Hazardous Materials Safety Administration.

Number Four, Planning Commission requested further information from Staff regarding water and or sewer supply to the subject site; and as a result of your last meeting with that they did provide information. There was um additional um requests from Planning Commission regarding the water table impacts regarding well water usage um at the site. That information was provided to you, my understanding that is being used more or less for domestic issues for the two to three staff that may be present on the site during their shift. Um any further issues you have with this or clarifications you can direct toward the City Engineer or the Fire Department regarding the water usage.

Number six, Planning Commission uh requested noise and decibel level um information regarding the site. It does sit um currently the Bern's site it does sit towards the southern portion of that um at least 3,000 feet I believe or 2,000 feet from Greentree Road. They did provide to you that analysis which was included in your packet, regarding the noise noise decibels levels. Um, essentially they have stated that the average or it is estimated to be an average of 55 decibel levels um near any impact sources that may be surrounding the site. Um, I know from my perspective, just to give a frame of reference of what 55 decibels means, um when I dealt in a previous position with decibels as related to highway traffic and noise walls, 67 Decibels on average is what someone talks to someone that it is the level you hear, 66- 67 decibels at about a three foot distance just in general conversation. So again they provided.

Mr. Allen: Where they get this from?

Mr. Chesar: If you could wait until after the report or after my report is completed and if Planning Commission has any um comments or requests any comments from the public they can do this at this time.

The applicant has also requested a waiver regarding um Planning and Zoning Code Section 1220.08 requiring underground utilities um to the site (Issue Number 5). They have provided a letter from Duke Energy, among other among other documentation that has been provided to Staff and Planning Commission, regarding um the electrical load requirements; again I am not an expert on electrical load requirements but the City Engineer as well as the representatives from from um Rockies Express are here to answer any questions.

Those were the six outstanding items that Planning Commission had had um stated that they wanted clarifications on and the applicant has provided information regarding that. I have initially had 11 comments in addition to those six comments that I just went through, just regarding general site plan um general site plan issues that they had. I do want to point out that they have addressed most of those, some of the comments revolved around the landscaping plan so again it is modifications of various issues with the landscaping plan as they provided. But uh, it is included at least in the approval conditions that I have stated to you and given to you um in your packet as well as before the meeting. I do want to note that we have talked about um fencing requirements, one of the conditions for fencing, um if the site were to occur here obviously would be security and safety issues, with that it is their intent to fence the site. Typically Planning Commission has approval of the fencing material as related to screening, so as part of this

approval, fencing requirements would be a modified landscaping slash um chain link fencing requirement.

If you have any questions of me at this time I can answer them. Any further clarifications on those other six issues either the City Engineer or applicants from Rockies Express can answer them.

Mr. Campbell: Gentleman

Mr. Allen: I got a question

Mr. Mr. Campbell: Step up to the microphone please.

Mr. Kelley: State your name for the record please

Mr. Allen: Donald Allen, Greentree Road, I have one for the Fire Department, where will you all get your water in case you do have a fire?

John Centers, Assistant Fire Chief: The closest hydrants set location is Greentree & Cincinnati Dayton Road or um Union Road. (Mr. Centers did not have his microphone on, in turn his responses were not completely audible.)

Mr. Allen: So you are going to have to tanker it in?

John Centers: We will have to tanker it in or we would use um additional supply lines. (Mr. Centers did not have his microphone on, in turn his responses were not completely audible.)

Mr. Allen: You got that many fire lines to run that much pressure.

Mr. Centers: We have the ability for mutual aid contacts with several bordering departments. (Mr. Centers did not have his microphone on, in turn his responses were not completely audible.)

Mr. Allen: I believe they should have a special water line around in case of a fire like that.

Mr. Kelley: You are not the only one.

Mr. Allen: Huh.

Mr. Kelley: You are not the only one.

Mr. Allen: What will their working hours be when they start on this in six weeks.

Mr. Kelley: What was that again?

Mr. Allen: What will their working hours be when they start bulldozing and start bulldozing and cutting the roads? Will they work day light to dark, or around the clock?

Mr. Campbell: Gentleman, would someone like to address that, construction hours that you will be dealing with.

Mr. Kelley: Construction hours.

Ben Guidry, Construction Site Manager for Monroe Site-Rockies Express: Construction hours generally will be six to six. (Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.)

Mr. Allen: Six to six. How will you keep the dust down.

Mr. Guidry: We will spray water on the site. (Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.)

Mr. Allen: During the whole day long?

Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.)

Mr. Campbell: Typically, Typically the dust, I will tell you from construction if we start getting complaints the city will get with them and request them to start watering the site, if we are receiving significant complaints.

Mr. Allen: Where they come up with this decibel 5.5, 55?

Mr. Chesar: I can't answer how they complete their study, they did provide a study um to the Planning Commission for that again that's just what their their noise, and they would be better to answer that question then I would. Again whatever their impact is for surrounding surrounding uh, for instance your residence I believe was included in the study or some residence around there, they were able to estimate what those noise are I would suspect based on previous experience with what their construction standards are for the compressor stations as well as what what has happened in other jurisdictions that they have located these.

Mr. Kelley: Would you like an opportunity to look at that.

Mr. Allen: Yeah, the decibels points, yes.

Mr. Chesar: We could provided a copy of the uh study; actually I probably have an extra one.

Mr. Campbell: That was my next question, Kevin could we supply Mr. Allen a copy of all that.

Mr. Chesar: I am Sorry?

Mr. Campbell That was going to be my question can we supply him a copy of that for his.

Mr. Chesar: Yes, actually we have a copy here we can give him right now.

Mr. Allen: What is your pipe coded with when you burry it in the ground, what will it be coated with to keep it from rusting?

Ben Guidry, Rockies Express: An epoxy coating. (Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.)

Mr. Allen: Oh, okay, thank you. What is it, what it is made of; basic oil, tar.

Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.

Mr. Allen: Will it decay over the years?

Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.

Allen: How often do you check it?

Mr. Guidry was not at the microphone when answering these questions, in turn his responses were not completely audible.

Mr. Allen: One more, I believe before this they should make some kind of water arrangements because they will have to have plenty of water when it does blow.

Mr. Campbell: Okay, thank you for the input. Gentleman anything else?

Mr. Wood: What is the situation with the water, are we going to require them to put in a water line or are we not going to require it?

Mr. Brock, City Manager: Well, uh based on our studies and what is required under their building codes, fire suppression is is not um sufficient enough, there are no fire suppression needs that would require water line and no domestic needs that would require water line. The only thing that is requiring a water line and hydrant location is the statement in our code right now. Um, and that's right now we are looking into it that's based on the safety and fire suppression needs if there is something put out there. If there is a fire out there more than likely it will be a gas charged um fire, which you don't put water on, is that a correct statement? Um so it is the aftermath of that once the the gas gets controlled that we need to to be concerned about.

Mr. Wood: This pumping station is going to be manned 24 hours a day.

Mr. Guidry: No sir.

Mr. Chesar: If you can come to the mike, I apologize, just so we have this for the record.

Mr. Guidry: We will have three to four employees there during normal working hours, typically five days a week. Um, the station is however monitored 24 hours a day 365 in our Lakewood gas control office.

Mr. Wood: What kind of arrangements do they have for them for puddle of water and or sewage or restroom facilities?

Mr. Guidry: Our plan is to drill a well.

Mr. Wood: Is to drill a well, okay, and you will have uh, leaching fields I guess.

Mr. Guidry: Yes sir, well we will have whatever the City of Monroe or the state Ohio requires.

Mr. Brock: It would be Warren County

Mr. Guidry: Warren County

Mr. Brock: Health Department in that area.

Mr. Kelley: While you are standing there, part of , so everyone understands the reason we have been going through all this, is that part of your requirement with FERC is to make every effort to comply with the local codes and all of those things the best that you can while we are doing that. One point I would like to make is that the water line that they are talking about is part of our code, part of a basic part of our code that we require for every other development in the City, that a fire fire hydrant be placed within certain number of feet from structures and or properties divide. It's been it's been kind of a problem with me, I can't tell you how many letters I have received from residents and different people about the water line issue. People see a gas plant and they do not understand the technology that goes into operating that, they see the newspapers talking about the one in Tennessee that got hit by a tornado and set a whole town on fire and they understand that natural gas burns, and and you know while they don't have the expertise to know that you are not going to shoot water on that, you have to understand that there are a lot of people concerned about that, a lot of people that are real concerned about that. We are going to be moving potentially, if this development does chase off any further development in that area up there, we are going to need put other businesses up there that's going to require water. The next one builds up there will be required to place the fire hydrant in if you guys don't. Part of what we're going to have to do is decide whether we want to do this or not, if we want to force the issue. To be perfectly honest with ya, I'd much rather see you guys volunteer to do that. You guys have a 638 million dollar project, \$150,000-\$200,000 for a water line that gives peace of mind to a whole town that has been turned upside down with this project does not strike me as out of line by any stretch of the imagination. Um, and I understand that you guys believe that you will get FERC jurisdiction to over ride us on that and you know and go without that and put that well in, so.

Mr. Fore: I was going to respond whenever you are finished sir.

Mr. Kelley: No, help yourself if I get on a role I will never stop.

Mr. Chesar: If you could announce name for the record.

Allen Fore, Manager of Public Affairs for Rockies Express: That was Ben Guidry, he is the project manager for the the uh Monroe facility, we also have Ken Jones the permitting manger for Rex East, and Greg Brunton who is our General Council for the State of Ohio, and I am Allan Fore and manage the Public Affairs for the overall project. Um, in regards to the fire hydrant issue I think our position is that

um we don't have fire hydrants in any of our other facilities, on Rockies Express overall that is in traga west and east, and we have a plan in place for emergency procedures. Um, and we are required and we do work with all local um governing agencies over their local governing issues um as much as we possibly can. For example, I was in um Brambridge last night we have a compressor facility um going up there and the Planning Commission was talking about berming that would, one of the residents, the nearest resident I believe was a half of mile away, their preference was to have a berm that was would completely screen the facility on day one after construction and we were scribbling out how to try make that work; it would be a thirty foot berm I think. One of the Commissioners stated wait a minute that probably will look worse than the facility does. My point is though that we, the local requirements that are um we are complying with many of those we do that to the best of their ability, when we have a situation where we um when you mention FERC will over ride or FERC has jurisdiction; in situations where we have a plan put forward um a local agency, a land owner, or a stakeholder or anyone else have something that conflicts we try to work that out and if if not ultimately FERC decides that issue. So, that is our our position on the fire hydrant; we we have talked with Kevin and the City Manager uh to to try accommodate your concerns and um your interests on this. Um any implication of one compressor station has implication on others as well. So again, it's that it's that where we we believe we have a plan in place that has been very successful for on all of our other facilities, um and you have a difference of opinion we totally understand that that is why we are here to hear that out and comply with we hope 95% of what you are looking for, um those that we don't we'll you know step back and let governing authority on the project decide, and as you know they've issued on Friday um their final environmental impact statement which indentified this as the preferred location. I know we had others that have said why don't you go somewhere else, I believe Mary thinks we should go somewhere else, and others probably think we should go far away.

Mr. Campbell: A lot of people wish you would.

Mr. Fore: I understand, and why aren't we in a different state but the compressor station is where it is because engineering purposes. We have to have it in that general vicinity we tried multiple locations um and the FERC reviewed all of those and said this is their preferred site, so that's their decision.

Mr. Kelley: I think the FERC report said this is your preferred site, I don't think they have an opinion.

Mr. Fore: Well they decide where it is, we put forth our opinion uh, others, other residents have said why don't you look here or there and they did and you should have a copy, I don't know if they do or not of what I sent.

Mr. Chesar: Yesterday we received a digital copy of what you sent, I haven't even had a chance.

Mr. Fore: Okay, I have copies for you tonight, if you.

Mr. Campbell: Okay, here is my concern,

Mr. Fore: Right.

Mr. Campbell: There was a power company down in Florida two months ago that had this elaborate safety plan in place, all these fail safes that were supposed to uh, but the residents loose power, because of

two minor human errors 80,000 people were without electric. All of the automatic fail safes in the world do not compare with an ounce of prevention. What is this water line going to hurt to give everybody in this town a peace of mind and hopefully we have the water there to generate the foam so we have enough foam on that site so we do not have keep relying on everyone bringing foam in. Please understand that not too long ago we had a Texas Eastern Plant catch fire that we had to react to. All these fail safe plans that Florida had in place this electric company failed and 80,000 people without power. That's an electric outage, we are talking a potential bomb.

Mr. Kelley: Officially for the record Rockies Express's position is they would prefer not to put a water line in, is that correct?

Mr. Fore: Our position is is that we believe that our plan that is in place is sufficient to.

Mr. Campbell: So did the Florida power department and 80,000 people went without electric. That's my stands on it. I hope you can respect that we have to disagree on this one. I would like to push it that we at least put it in that we at least get a water line. I am not in favor of relying on manmade fail safe units they fail too, and we got to be able to react. We don't have enough pumping capacity, even if call even if we start asking for mutual aid that is a delay, that is a delay in time and we have residents that live out in that area. You know, if you can tell me that Florida's never going have another power problem, and that you don't you can guarantee me 100% that you will not have a bomb out there we can talk about it, I don't think you can do that.

Mr. Fore: No, I would not stand here and suggest that um um acts of God which are tornados, that or airplane crashes, or something we can't protect against.

Mr. Campbell: Or a direct lighting strike.

Mr. Fore: Um, but I can say that the the plans that we have in place are meet or exceed all of the federal guidelines applicable to all of these projects.

Mr. Campbell: I am sure the electric company did too, and they still failed. I am not trying to be argumentative, I am looking for, I am looking for security and as much protection for our citizens as I can get and I know we are too and I am trying to supersede what he is getting ready to unload about, that's why I tried to. I, I will be honest with you, I don't feel comfortable with it.

Mr. Kelley: Is that it?

Mr. Fore: Unless you have any other questions that I can try to answer.

Mr. Kelley: Not, not at this time.

Mr. Fore: Thank you.

Mr. Campbell: Gentleman any other comments.

Mr. Chesar: Not at this time.

Mr. Campbell: Mr. Brock?

Mr. Brock: No Sir.

Mr. Campbell: Mr. Centers?

Mr. Centers: No Sir.

Mr. Campbell: Gentleman, your wishes.

Mr. Kelley: Everybody interested in pushing this to see where this goes so I guess we'll give this a shot.

Mr. Kelley: I will make a motion to approve the site plan subject to um Rockies Express Pipeline complying with all applicable City of Monroe requirements, including the fire hydrant requirements and that the that be subject to FERC jurisdiction.

Mr. Wood: Seconded.

Mr. Chesar: And that would include some of the minor issues that I had related to site plan um site plan issues, um the foot candles, the photometric, everything else of that nature?

Mr. Campbell: All items discussed, correct Mr. Kelley.

Mr. Kelley: Yes, all City of Monroe requirements and zoning requirements and including the fire hydrant requirements.

Mr. Campbell: Mr. Wood do you still seconded that?

Mr. Wood: Yes.

Mr. Campbell: I have a motion was made and seconded any other discussion. All in favor say I, all opposed same sign.

Voice Vote: All Ayes Motion Carried.

Motion carries.

Mr. Campbell: Uh, Bill, I have been requested and I seem to agree, can we send out an official letter to FERC stating our stands on the water line and we get a proper review on this. Thank you.

4.30.08

Date

Casey Sparks

Casey Sparks, Planning and Zoning Specialist