

FILE



OL-1142-GA-BIN

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June 5, 2008

Via E-Mail: brockb@monroecohio.org

Bill Brock
Manager, City of Monroe
233 South Main Street
Monroe, Ohio 45050

RE: Rockies Express Pipeline Project
Tract No. OH-FF-118.S05
Reminger File No. 4449-14741C-06

Dear Bill:

As you know, I am counsel for Rockies Express Pipeline LLC ("REX") for the state of Ohio. I am following-up with regard to the City of Monroe's request that REX install a fire hydrant near its compressor station. I know this has been a matter of on-going debate between the City of Monroe and REX, as REX has indicated that it did not believe a fire hydrant was necessary to be installed near the compressor station, either for safety reasons or as required by federal regulations governing the REX pipeline project.

We are now in receipt of the Order Issuing Certificate ("Order") that was issued May 30, 2008 by the Federal Energy Regulatory Commission ("FERC"). The FERC Order found that the public convenience and necessity required approval of the REX East project. (See FERC Order at ¶ 34).

The FERC Order also specifically authorized construction of the compressor stations for REX East, including the compressor station located in Warren County, Ohio in the City of Monroe. The FERC Order indicates that REX will install its appurtenant facility pursuant to § 2.55(a) of the FERC regulations. (See ¶ 11, footnote 17 of the FERC Order). Moreover, ¶ 192 of the FERC Order indicates any state or local permits must be consistent with the conditions of the Certificate. In that same paragraph, FERC notes case law stating that federal regulations control projects under the Natural Gas Acts, such as this project.

Thus, because the FERC Order does not require the construction of a fire hydrant, REX will respectfully decline to construct such a facility. REX continues its desire to maintain amicable relations with the City of Monroe and looks forward to working with the City of Monroe in the future on this important project.

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If you have any questions or comments, feel free to contact me.

Very truly yours,

REMINER CO., L.P.A.

A handwritten signature in black ink, appearing to read 'Brunton', with a large, stylized initial 'B'.

Gregory D. Brunton

GDB/atd

cc: Allen Fore (via email)

City of Monroe Planning Commission
April 15, 2008

The Planning Commission of the City of Monroe met in regular session at 6:00 PM on Tuesday, April 15, 2008. The meeting was held at Monroe City Hall.

Call to Order

The meeting was called to order by Steve Campbell. Members present were: Bob Kelley, James Berry, and Steve Wood.

Also present were: Kevin Chesar, Director of Development/Zoning Enforcement Officer, City Manager William Brock, and Assistant Fire Chief, John Centers.

Approval of the Minutes

Mr. Kelley made a motion to approve the March 18th minutes from 2008; seconded by Mr. Wood.

Voice Vote: All Ayes Motion Carried.

Business

Consideration of the construction documents for the roadway improvements for Salzman Road at Logistics Way.

Mr. Chesar stated that the applicant is Industrial Development International; they are requesting approval for the construction documents for the improvements of Salzmann Road for the Monroe Logistics Center. Mr. Chesar stated that he would recommend approval based on the condition that the comments provided by Staff and the City Engineer comments met.

Mr. Kelley asked what the timeline is for the roadway improvements.

Ben Chrin, Industrial Development International, stated that everything is intended to begin by this summer.

Mr. Brock discussed the proposed left turn lane improvements and stated the TIS did not warrant any improvements on Salzmann Road itself.

Mr. Kelley stated that without knowing an end user we will not have an accurate TIS for the building.

Mr. Brock stated that they used numbers based on the use and size of the two buildings.

Mr. Kelley stated that he was concerned about the issues they have had with the traffic light that in that location.

Mr. Brock stated that they will have to make some changes to the timing of the light but it does not warrant a dedicated left hand turn lane in that location.

Mr. Kelley made a motion to approve the final construction documents for the roadway improvements on Salzman Road with the following conditions:

1. All relevant engineering comments are met.
2. A final mylar indicating all the referenced changes, as well as a final digital copies, shall be provided prior to final approval.

Mr. Wood seconded the motion.

Voice Vote:

All Ayes

Motion Carried.

Consideration of the site plan application from Industrial Development International of industrial warehousing and industrial offices in the Monroe Logistics Center.

Mr. Chesar stated that applicant IDI is requesting site plan approval for warehouse and industrial offices. Mr. Chesar stated that this is the first of the two buildings that will be on the site, they do not have a user currently. The building will be 720,000 square feet located on 40 acres in the L-1 light industrial zoning district, south of State Route 63 on Salzman Road.

Mr. Chesar showed images of the topography of the site and discussed the grading on the property and the proposed mounding to the adjacent property.

Mr. Chesar discussed the parking, stating that currently our code requires a 10x18 parking stall, the applicant is requesting a waiver for 9x18 parking stall. Mr. Chesar stated that due to fact that they will not be utilizing this for retail use he does not foresee this as an issue.

Mr. Kelley asked the applicant if a use such as Granger would be interested in leasing this facility would they be interested in looking into this tenant.

Mr. Chrin stated that because of its cross docking system, this building is not set up for a small client such as this.

Mr. Kelley stated that the Granger has a building in West Chester that is very similar to this and it has retail.

Mr. Chrin stated that the building in West Chester only has one dock and parking on both sides, this building will be larger and the primary entrance would be on the north east and north west corner.

Mr. Kelley asked the applicant how they would handle a situation in which an interested tenant had some retail portion to their business.

Mr. Chrin stated that this building does not satisfy the needs of the clients that Mr. Kelley is referring to.

Mr. Chesar discussed architectural guidelines for the building and screening of the dumpster locations.

Mr. Chesar discussed the proposed landscaping for the property and the landscaping requirements per our zoning code. Based on the topography and the natural vegetation Mr. Chesar believes that a waiver for the required landscaping should be provided.

Mr. Chesar stated that they are proposing mounding and landscaping materials to buffer the residential area. Some of the neighbors have expressed their desire to have some of the natural vegetation kept, the applicant is willing to do this.

Mr. Chesar stated that he does not have an issue with the proposed landscaping plan, it is the applicant's intent to make this facility look as nice as possible as it is a speculative building. The applicant is proposing street trees along Logistics Way and islands within the parking area with two trees per area.

Mr. Chesar stated that they are required approximately 340 estimated parking areas, because they do not know the tenant they are requesting to only construct 170 parking stalls initially.

Mr. Chesar stated that in previous site plan applications Staff has requested to see all the proposed parking spaces so they will not have to come back to Planning Commission.

Mr. Kelley asked if their trailer parking will be a concrete pad or a full concrete parking structure.

Mr. Chin stated that most of the tenants only require an 8x12 concrete dolly strip, everything else is temporary asphalt.

Mr. Kelley asked how many dock doors will they have.

Mr. Chin stated that typically 4 dock doors per bay.

Mr. Kelley asked if the Commission feels they need to provide some additional screening for residential areas towards the south side of the property to buffer the trucks and the noise.

Mr. Chin explained the proposed buffering and topography of the site.

Mr. Chesar stated that he has expressed his concern to the applicant regarding only providing the initial parking. Staff is concerned that if a tenant needs additional parking that it will not be approved in sufficient time for the use. The applicant stated that they are confident that they will have enough time for approval from the Planning Commission if this situation were to occur.

Mr. Chesar stated that he has explained to the applicant that a zoning certificate or certificate of occupancy will not be issued until the parking space requirement is met.

Mr. Chesar stated that the applicant is requesting a waiver for the underground utilities portion of the code.

Mr. Wood asked where the utilities will be located.

Mr. Chrin explained to the Planning Commission the need for the above ground utilities due to the topography of the land and described the proposed location. Mr. Chrin stated that due to the topography of the property and the proposed landscaping the above ground utilities will be hid from the residential areas.

Mr. Kelley stated that he does not have a problem with the parking but if they will have a retail user utilize this building they will need to adhere to the current zoning regulations regarding the parking stall size.

Mr. Chesar discussed some of the retail users that may be permitted within this use, there are some retail uses are permitted conditionally but they will need to come back to the Planning Commission for approval. Mr. Chesar stated that when the tenants come in for zoning approval Staff could review their proposed parking area.

Mr. Wood made a motion to approve the site plan application from Industrial Development International for industrial warehousing and industrial offices in the Monroe Logistics Center with the following conditions:

1. Indicate the existing zoning of the property in question and all adjacent properties, per section 1236.01(3).
2. Indicate sidewalk location per section 1236.01(9).
3. Indicate the schedule of phasing of the project per section 1236.01(14).
4. Per section 1236.01(16), Indicate location, size and color of the address identification for the subject property pursuant to conditions A-D.
5. A waiver shall be granted to allow for 9x18 parking stalls size for the initial 170 spaces with further parking stall size subject to Zoning Enforcement Officer review.
6. Elevation drawings of the structure are approved per Planning Commission's review.
7. Indicate potential dumpster locations per section 1236.01(18). Future location of any service structures and dumpster location(s) as well as required screening and material type is subject to the Zoning Enforcement Officer's review and approval.
8. The modified landscaping plan shall be approved as submitted.
9. A waiver shall be granted for Section 1274.10 Bufferyard Requirements, to allow for modified screening/ mounding to the adjacent residential-zoned area to the south.
10. Approval of a modification of the screening requirements in Section 1268.08 regarding the outdoor storage of semi-tractors and trailers as depicted on the Landscape Plan.
11. No temporary non-solid surface (i.e. gravel) areas will be permitted for parking and or storage of vehicles or semi-tractor trailers.
12. Per the development agreement, the Community Impact Assessment documentation shall be waived.
13. Future tenant(s) shall seek zoning approval based on uses permitted in the Light Industrial District as well as the development agreement.
14. Minor changes to the landscaping, parking, screening and site plan shall be approved by the Zoning Enforcement Officer.
15. A waiver shall be granted for Section 1220.08 for Public Utilities and Underground Facilities to allow for above ground electric poles due to topography issues.
16. All relevant City Engineer comments shall be satisfied.
17. A complete and overall approved site plan shall be submitted on mylar as well as digital copies prior to future building permit approval.

Mr. Kelley seconded the motion.

Voice Vote:

All Ayes

Motion Carried

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).

The following is a transcript of the case regarding Rockies Express Pipeline.

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 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 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 sturdy 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 apoxy 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.

Mr. 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 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.

Other Business

Mr. Kelley moved to adjourn the meeting. Mr. Wood seconded the motion. The meeting was adjourned at 7:30p.m.

Voice Vote: All Ayes Motion Carried.

1220.06 WATER SUPPLY.

The developer shall install or cause to be installed a water system for the subdivision by one of the following methods:

(a) Public System.

- (1) A complete water main system which shall be connected to a public or other community water supply shall meet the requirements of the State of Ohio or other government authority having jurisdiction, and shall be approved by the City Engineer, the Zoning Enforcement Officer and the Planning Commission.
- (2) The plans for the complete installation shall show size, location, depth, material and all connections thereto, including fire hydrants and valves.
- (3) The subdivider shall furnish the Commission a complete set of plans and profiles as approved by the City Engineer and Enforcement Officer.
- (4) In all instances, fire hydrants shall be spaced a maximum of 400 feet apart and shall comply with Section 1268.10.
- (5) No water main shall be less than eight inches in diameter with smaller mains being permitted with the approval of the City Engineer and Planning Commission, larger mains will be required where determined necessary by the City Engineer, Zoning Enforcement Officer and the Planning Commission.
- (6) A water main shall be required to extend across the complete frontage of the subdivision to facilitate future development.

(b) Individual Supply.

- (1) If the developer submits proper evidence to the City Engineer that no other form of water supply is possible or economically feasible, then the Planning Commission shall permit an individual water supply on each lot in the subdivision, subject to compliance with all recommended design standards of the Butler or Warren County Department of Health and the State of Ohio.
- (2) Such individual systems are not encouraged by the City.
(Ord. 98-28. Passed 11-10-98; Ord. 2001-15. Passed 8-14-01.)

1268.10 HYDRANT LOCATION.

(a) Unless otherwise approved by the Fire Chief or designee, buildings, other than accessory buildings shall be constructed within 450 feet of a fire hydrant and located on public or private property accessible to vehicular fire equipment. Distance shall be measured by using hard surfaced roadway capable of supporting 40 pounds per square foot and not less than 15 feet in unobstructed width.

(b) Private hydrants shall not be placed into or removed from service until approved by the Fire Chief or designee and shall be subject to annual inspection by the City.

(c) The flow, location and number of fire hydrants shall be recommended by the Fire Chief and approved by the City Engineer.

(d) Any new construction or reconstruction of a public street consisting of three or more lanes shall include the placement of fire hydrants on both sides of the street at a spacing recommended by the Fire Chief and approved by the City Engineer.
(Ord. 2002-02. Passed 2-26-02.)



Robert E. Routson
Mayor

CITY OF MONROE

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William J. Brock
City Manager

April 25, 2008

Rockies Express Pipeline LLC
Attn: Ken Jones
940A Science Blvd.
Columbus, OH. 43230

Dear Mr. Jones:

This letter will confirm Planning Commission's April 15th, 2008, decision to approve a consideration of the site plan application from Rockies Express Pipeline requesting a pipeline compressor station and electrical substation south of Greentree Road and west of I-75 with the following conditions:

1. Solid surfacing is required in all vehicular use areas. A waiver shall be granted for the gravel area located within the Duke Energy Electrical Substation area.
2. Indicate location and size of address identification signs.
3. A minimum 10' buffer between the ODOT right of way fence and any work area shall be provided.
4. Per 1270.13(b) the foot candles at all property lines cannot exceed 0.5 foot candles.
5. Per section 1270.12 and various requirements in Chapter 1274, modified versions and or waivers of the required landscaping including surrounding parking areas with 6 ½ feet of landscape material, total landscape area, landscape frontage requirements, and number and types of plant materials are approved as modified and as depicted on the Landscape Plan.
6. A waiver of Section 1268.08 shall be granted to allow a modification of the screening requirements regarding the outdoor storage of various pipeline related materials which includes the landscape materials as depicted on the Landscape Plan as well as inclusion of a chain link fence to not exceed 10 feet in height.
7. Minor changes to the landscaping, parking, screening and site plan shall be approved by the Zoning Enforcement Officer.



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Mayor

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City Manager

8. Per Zoning Code Sections 1268.10 and 1220.06 Water supply and hydrant location supply are subject to Fire Chief and City Engineer approvals. Planning Commission strongly objected to the applicant's request to waive the code requirements to provide a hydrant within 450 feet of the development.
9. A waiver of Section 1220.08 Public Utilities and Underground Facilities to allow for above ground electric poles serving the site is subject to City Engineer approval.
10. All relevant City Engineer comments shall be satisfied.
11. A complete and overall approved site plan shall be submitted on mylar as well as a digital copy prior to future building permit approval.

If you have any questions, please feel free to contact me.

Sincerely,

Kevin Chesar

Director of Development/Zoning Enforcement Officer

KC:cs

Document Content(s)

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