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Rockies Express Pipeline LLC

September 16, 2008

06-1142-GA-BFN

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1A
Washington, DC 20426

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RE: Docket No. CP07-208-000
Rockies Express Pipeline LLC, REX-East Project
Spill Prevention, Containment, and Countermeasure Plan

Ms. Bose:

Rockies Express Pipeline LLC ("Rockies Express") hereby submits a revised Spill Prevention, Containment, and Countermeasure (SPCC) Plan for the REX-East Project.[1] The SPCC Plan was updated to reflect that refueling and the storage of hazardous materials will be limited to upland areas at least 100 feet from wetlands and waterbodies.

Rockies Express is providing complete copies of this filing directly to the FERC Project Manager. If you have any questions, please do not hesitate to Ryan Childs at (307) 760-5635.

Respectfully submitted,

/s/ Shippen Howe
Shippen Howe
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, NW
Washington, DC 20007

Attorney for
Rockies Express Pipeline LLC

Attachment

cc: Laura Turner, FERC
All Parties

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AR Date Processed 9/19/08

[1] The REX-East project was granted a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act by the Federal Energy Regulatory Commission on May 30, 2008 in this docket. Rockies Express Pipeline LLC, 123 FERC ¶ 61,234 (2008). On June 2, 2008, Rockies Express, pursuant to Section 157.20(a) of the Commission's Regulations, 18 C.F.R. § 157.20(a), notified the Commission that it accepted the Commission's Order.

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ROCKIES EXPRESS PIPELINE COMPANY LLC

ROCKIES EXPRESS PIPELINE – EAST PROJECT SPILL PREVENTION, CONTAINMENT, AND COUNTERMEASURE PLAN

September 2008

Rockies Express Pipeline

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SPILL PREVENTION, CONTAINMENT, AND COUNTERMEASURE PLAN

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ROCKIES EXPRESS PIPELINE-EAST PROJECT
SPILL PREVENTION, CONTAINMENT, AND COUNTERMEASURE PLAN

1.0 INTRODUCTION

This Spill Prevention, Containment and Countermeasure Plan (SPCC Plan) is to be implemented during construction of Rockies Express Pipeline Company LLC's (Rockies Express') Rockies Express Pipeline – East (REX-East) Project. This SPCC Plan outlines specific preventative measures and practices to reduce the likelihood of an accidental release of a hazardous or regulated liquid and, in the event such a release occurs, to expedite the response to and remediation of the release.

This SPCC Plan restricts the location of fuel storage, fueling activities, and construction equipment maintenance along the construction right-of-way and provides procedures for these activities. Training and lines of communication to facilitate the prevention, response, containment, and cleanup of spills during construction activities are also described.

All contractor and subcontractor personnel working on the Rockies Express right-of-way are responsible for implementation of the measures and procedures defined in this SPCC Plan. This SPCC Plan will be included in the contract documents as contractual requirements to the contractor.

2.0 PREVENTATIVE MEASURES

Rockies Express will require that Contractors minimize, to the extent practicable, the potential for and consequences of a spill during construction of Rockies Express' pipeline facilities. Rockies Express will require its Contractors to comply with applicable environmental and safety laws and regulations, including compliance by all its subcontractors. The Contractors will be required to maintain a copy of this plan available onsite to all personnel and provide a copy to all subcontractors.

2.1 Training

Rockies Express will require that all Contractor employees involved with transporting or handling fueling equipment or maintaining construction equipment be required to complete spill training before they commence work on the right-of-way. Rockies Express will audit Contractor compliance with this requirement. Spill training will also be required for contractor supervisory personnel prior to commencement of work on the right-of-way for each spread. These training sessions will provide information concerning pollution control laws; inform personnel concerning the proper operation and maintenance of fueling equipment; and inform personnel of spill prevention and response requirements. Measures, responsibilities, and provisions of this SPCC Plan, and identification of response team individuals will be incorporated into the training.

Training of other workers will be provided through ongoing weekly safety meetings. Topics will include spill handling and personal responsibility for initiating and adhering to appropriate procedures, and the required spill containment supplies to be maintained with each construction crew. These weekly sessions will be held by the contractor as crew "tail gate" meetings. Rockies Express will audit Contractor compliance with this requirement to ensure the meetings are conducted.

2.2 Release Response Equipment

The Contractor shall supply each construction crew with a quantity of absorbent and barrier materials sufficient to contain and recover spills that could potentially occur from the equipment with the largest on-board volume of fuel and lubricant. These materials may include, but are not limited to, drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, spill containment barriers, plastic sheeting, skimmer pumps, covered holding tanks, and fire extinguishers.

The Contractor shall make known to all construction personnel the yard and warehouse locations of spill response equipment and materials and have them readily accessible during construction.

3.0 REGULATED MATERIALS STORAGE AND HANDLING

3.1 Contractor Yards

The Contractor will store fuel, petroleum products, and hazardous materials at the construction contractor yards (yards) in a manner designed to protect the environment. Storage will be provided with secondary containment structures lined with an impervious material that provides a minimum containment volume equal to 110 percent of the volume of the largest storage vessel located in the yard. The contractors will construct these containment structures such that in the event of a leak or spill, the liquid will be contained within the structures. If earthen containment dikes are used, they will be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability. Containment areas will not have drains.

Accumulated rainwater may be removed if authorized by a Rockies Express Environmental Inspector (EI) from bulk storage tanks. If visual inspection indicates that no spillage has occurred in the containment structure and if approved by the EI, accumulated water may be drawn off and disposed of in an appropriate manner. If spillage has occurred in the structure, accumulated waste water shall be drawn off and pumped into a storage vessel for disposal.

A Rockies Express EI will visually inspect aboveground bulk tanks frequently. Drain valves on temporary storage tanks will be locked to prevent accidental or unauthorized discharges from the tank. Rockies Express's Contractor will correct visible leaks in tanks as soon as possible.

All fuel nozzles shall be equipped with functional automatic shut-off valves. Prior to departure of any fuel tank truck, all valves, fillings, and hoses on the vehicle shall be examined by the driver for leakage and tightened, adjusted, or replaced to prevent liquid leaking while in transit.

Routine equipment maintenance of wheel-mounted vehicles, such as oil changes, will typically be accomplished at the contractor yards or staging area. However, emergency repairs and maintenance may be required in the field. If so, then adequate personnel and materials will be required to avoid hazardous materials spills from the maintenance activity. Routine maintenance of track-mounted equipment will be conducted in a manner to gather oil and other discharges and remove them to a suitable recycling or disposal site.

Storage containers will display labels that identify the contents of the container and whether the contents are hazardous. Copies of Material Safety Data Sheets (MSDS) for all potentially

hazardous materials will be provided and maintained by Rockies Express's Contractors and be accessible to all contractor personnel.

Table 1 presents typical vehicle and equipment fuels, lubricants, and hazardous materials stored or used during construction, and briefly describes the location and usual methods of storage. Storage methods and quantities vary with length of construction spread, time of year, and type of terrain. Rockies Express' Contractors will provide, maintain, and make available the appropriate MSDS documents for each of these materials and those for any other hazardous or controlled materials utilized on the right-of-way or in the contractor yards at an accessible location.

TABLE 1

Rockies Express Pipeline-East Project
Typical Fuel, Lubricants, and Hazardous Materials

Fluid Uses	Fluids	Method of Storage	Storage Location
Fuels	Diesel	Tanks or Tankers	Contractor Yard Warehouse/fuel vehicle parking areas
	Gasoline	Tanks or Tankers, 10-Gallon containers, Pick-up Tanks	Contractor Yard Warehouse/fuel vehicle parking areas
Lubricants	Engine Oil	Bulk Storage or Retail Packaging	Contractor Yard Warehouse
	Transmission/ Drive Train Oil	Retail Packaging on Service Trucks	Contractor Yard Warehouse, Service Trucks
	Hydraulic Oil	Bulk Storage or Retail Packaging	Contractor Yard Warehouse, Service Trucks
	Gear Oil	Retail Packaging on Service Trucks	Contractor Yard Warehouse, Service Trucks
	Lubricating Grease	Tubes stored in Paper Cases	Contractor Yard Warehouse, Service Trucks
Miscellaneous/ Coolants, Hydraulic fluids	Ethylene Glycol	Bulk Storage or Retail Packaging	Contractor Yard Warehouse, Service Trucks
	Propylene Glycol	Bulk Storage or Retail Packaging	Contractor Yard Warehouse, Service Trucks
	Power Steering Fluid	Retail Packaging on Service Trucks	Contractor Yard Warehouse, Service Trucks
	Brake Fluid	Retail Packaging on Service Trucks	Contractor Yard Warehouse, Service Trucks
	Propane	Pressurized Tanks	Contractor Yard Warehouse, Welding Trucks
Battery acids		Bulk Storage or Retail Packaging	Contractor Yard Warehouse, Service Trucks
Solvents		Bulk Storage or Retail Packaging	Contractor Yard Warehouse, Service Trucks

3.2 Activities on the Construction Right-of-Way

Rockies Express' Contractors will undertake preventative measures to avoid environmental impacts from refueling and lubrication activities on the construction right-of-way.

Refuelling and lubricating of construction equipment will be restricted to upland areas at least 100 feet from the edge of a wetland or waterbody; 200 feet from private water supply wells; and 400 feet from public water supply wells, wherever possible. If refuelling cannot be avoided in these areas, refer to section 3.3 of this SPCC Plan.

Fuels and lubricants will be stored in designated areas and in appropriate service vehicles. Storage sites for fuels, other petroleum products, chemicals, and hazardous materials including wastes shall be located in upland areas. To prevent these materials and other potential contaminants from reaching waterways, no hazardous substances will be stored within 100 feet of waterbodies or wetlands. If fuel must be stored in these areas, refer to section 3.3 of this SPCC Plan. The contractors will confirm with the EI the locations of areas where these activities are prohibited prior to construction crews entering that area with equipment.

Rockies Express will maintain a minimum of 20 pounds of suitable commercial absorbent and barrier materials at each contractor yard and on fuel and service trucks to allow rapid containment and recovery of a spill. Absorbent and barrier materials shall also be utilized to contain runoff from spill areas. Fuel trucks shall also be equipped with shovels and an assortment of hand tools to aid in the containment of a spill.

Equipment shall not be washed in streams, wetlands, ditches, or other waterbodies. Equipment operators shall be responsible for prompt reporting and mitigation of any fuel or lubricant spills from equipment.

3.3 Restricted Refueling Areas

Restricted refuelling areas include areas where the buffer zone (e.g., 100 feet from a wetland or waterbody, 200 feet from private water wells, and 400 feet from public water wells) cannot be maintained. Potential situations where plans may be approved by the EI to allow refuelling in restricted areas include extensive wetland crossings with limited right-of-way access, continuous construction at stream/river crossings, and the required placement and operation of stationary equipment such as dewatering pumps, generators, and boring/drilling equipment. The requirement for any refuelling and equipment service within restricted areas will be verified and approved by the EI prior to initiating such activity. Within these areas, the previously described fuel handling and refuelling procedures and the following procedures will also apply.

3.3.1 Tracked Equipment

In wetlands where no upland site is available for refueling, auxiliary fuel tanks may be mounted to equipment to minimize the need for refueling.

Only a pickup truck with a maximum 300 gallons auxiliary fuel tank may enter restricted areas to refuel construction equipment. Two trained personnel will be present during refuelling to reduce the potential for spills or accidents.

3.3.2 Stationary Equipment

Equipment such as non-portable, stationary pumps may be fitted with auxiliary fuel tanks as appropriate. Auxiliary tanks will be placed within a secondary containment structure. Refuelling of dewatering pumps, generators, and other small, portable equipment will be performed using approved containers with a maximum volume of 100 gallons. Fuel containers will be stored in a secondary containment structure or in an upland area at least 100 feet from wetlands and waterbodies.

3.4 Vehicle and Equipment Maintenance

Vehicle and equipment maintenance on the right-of-way involving fluid replacement will be conducted outside the boundary restrictions for wetlands, waterbodies, and water wells. Before lubricants are drained from the construction equipment, a suitable containment vessel and plastic sheeting will be placed under the equipment to collect any spilled material. Rockies Express' Contractor will take necessary precautions to ensure that material that might accumulate on the liner does not spill on the ground surface. Vehicle maintenance wastes, including used oils and other fluids, will be handled and managed by personnel trained in the procedures outlined in this plan. Vehicle maintenance wastes shall be stored and disposed of in accordance with applicable Federal, state and local regulations. Non-routine repairs can be conducted within the buffer zone only on approval from an EI and only with adequate containment.

4.0 SPILL RESPONSE

In the event of a spill, the release will be contained and remediated as soon as possible. The order of priorities after discovering a spill is to protect the safety of personnel and the public, and to minimize environmental impacts.

There will typically be three tiers for a spill response, which include:

- Tier 1-Minor – an equipment leak or leaking storage receptacle that does not exceed reportable quantities and/or agency notification;
- Tier 2-Minor – a spill of a reportable quantity that requires berm installation, absorbent material application, or agency notification; and
- Tier 3-Major – a spill that poses an immediate threat to health and human safety, which requires Spill Response Coordinator to activate notification and containment procedures outlined in sections 4.2 and 6.0.

Reportable spills will be documented by the EI in coordination with the Contractor's Spill Response Coordinator that documents the site of the spill. Documentation will include photos and/or soil/water samples, as required.

4.1 Spill Coordinator

For each spread, the contractor will appoint a Spill Coordinator who will be responsible for the reporting of spills, coordinating contractor personnel for spill cleanup, subsequent site investigations, and associated incident reports. The Spill Coordinator will report to the EI and may be removed from that role by Rockies Express at its discretion. The Spill Coordinator,

along with the EI, will be responsible for determining the extent of the spill containment and isolation area.

4.2 Immediate Response

ALL SPILLS, REGARDLESS OF SIZE, MUST BE REPORTED TO THE SPILL COORDINATOR AND ROCKIES EXPRESS' EI

The person observing the incident will take the following actions:

1. Assess the safety of the situation (including the risk to the surrounding public).
2. If safe to do so, make every effort to remove potential ignition sources and stop the source of the spill.
3. Promptly notify the Spill Coordinator and the EI. Report the spill location and the extent of the incident.
4. Cordon off area, if necessary.
5. Identify leak source and approximate size of spill (land affected and volumes spilled).
6. Estimate elapsed time since the spill.
7. If applicable, identify other nearby contaminated areas unrelated to construction project.

Upon learning of the spill, the Spill Coordinator will implement the following measures:

1. For an upland spill, if necessary, berms will be constructed with available equipment to physically contain the spill.
2. Absorbent materials will be applied to the spill area. Contaminated soils and vegetation will be excavated and temporarily placed on and covered by plastic sheeting in a containment area a minimum of 100 feet away from any wetland or waterbody, until proper disposal is arranged.
3. If a spill is beyond the scope of on-site equipment and personnel, an Emergency Response Contractor will be secured to further contain and clean up the spill.

4.3 Wetland or Waterbody Response

Regardless of size, the following conditions apply if a spill occurs near or into a stream, wetland, or other waterbody:

1. For spills in standing water, floating booms, skimmer pumps, and holding tanks shall be used as appropriate by the contractor to recover and contain released materials on the surface of the water.
2. For a spill threatening a waterbody, berms and/or trenches will be constructed to contain the spill before it reaches the waterbody. Deployment of booms, sorbent materials, and skimmers may be necessary if the spill reaches the water. The

spilled product will be collected and the affected area cleaned up in accordance with appropriate state or federal regulations.

3. Contaminated soils in wetlands must be excavated, and placed on and covered by plastic sheeting in approved containment areas a minimum of 100 feet away from the wetland or waterbody. Contaminated soil will be disposed of as soon as possible in accordance with appropriate state or Federal regulations.

5.0 REPORTING

With assistance from the EI, the Spill Coordinator is responsible for the completion of the Rockies Express Spill Report Form (see Attachment 1). Completion of this form will assist in the assessment of the spill and provide information necessary for agency notification. The form will be completed and submitted to a Construction Spread Supervisor within 24 hours of the occurrence. A Construction Spread Supervisor will notify the appropriate agencies (see section 6.0).

6.0 NOTIFICATIONS

IN THE EVENT OF A RELEASE OF A REPORTABLE QUANTITY, ROCKIES EXPRESS OR ITS REPRESENTATIVE WILL NOTIFY THE APPROPRIATE FEDERAL, STATE, AND LOCAL AGENCIES

6.1 Federal and State Agencies

6.1.1 Federal

National Response Center (Washington, D.C.) and U.S. Coast Guard

Phone: 1-800-424-8802 (24 hours)

U.S. Army Corps of Engineers St. Louis District Emergency Operations Center

Phone: 314/331-8605

U.S. Army Corps of Engineers Rock Island District Emergency Operations

Phone: 309/794-5595

U.S. Army Corps of Engineers Louisville District Emergency Operations Center

Phone: 502/315-6911

U.S. Army Corps of Engineers Huntington District Emergency Response Mission

Phone: 304/399-5284

6.1.2 State

Missouri

Missouri Department of Natural Resources, Environmental Emergency Response System

Phone: 1-800-361-4827 / 573-751-3443

Illinois

Illinois Emergency Management Agency, State Emergency Response Commission

Phone: 1-800-782-7860 / 217-782-7860

Indiana

Indiana Department of Environmental Management, Emergency Response Section

Phone: 1-888-233-7745 / 317-233-7745

Ohio

Ohio Environmental Protection Agency, Emergency Response Unit

Phone: 1-800-282-9378 / 614-644-3196

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ATTACHMENT 1

Spill Report Form

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Rockies Express Pipeline

Rockies Express Pipeline-East Project
Spill Report Form

Date/time of spill: _____

Date/time of spill discovery: _____

Name and title of discoverer: _____

Name and title of person completing form: _____

Milepost/Legal Description: _____

Material spilled/Estimated volume: _____

Name of Product (Name of Manufacturer): _____

Media in which the release exists: (circle: sand, silt, clay, upland, wetland, surface water, other):

_____

Topography and surface conditions of spill site: _____

_____

Proximity to wetlands and surface waters (including ditches): _____

_____

Proximity to private or public water supply wells: _____

_____

Directions from nearest community: _____

_____

Weather conditions at the time of release: _____

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:

_____

_____

Location of any excavated/stockpiled contaminated soil: _____

_____

Describe the extent of spill-related injuries and remaining risk to human health and environment:

Name, company, and telephone number of party causing spill (e.g., contractor):

Current status of cleanup actions:

Name and company for the following:

Construction Superintendent:

Spill Coordinator:

Environmental Inspector:

Chief Inspector (Rockies Express):

Landowner notified (if appropriate):

Date:

Form completed by:

Date:

Government agency notified (to be completed by Rockies Express or a Rockies Express Representative):

Date:

Spill Coordinator must complete this form for any spill, regardless of size, and submit the form to the Rockies Express Representative and Environmental Inspector within 24 hours of the occurrence.

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