

06-1142-GA-BIN



October 8, 2008

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

RE: Docket No. CP07-208-000  
Rockies Express Pipeline LLC, REX-East Project  
Response to Notification of Required Corrective Action

Ms. Bose:

During the week of September 29, 2008, a right-of-way inspection was conducted for the REX-East Project.<sup>1</sup> Four "Notification of Required Corrective Action or Response" reports ("Notices") were issued (Attachment A). Rockies Express Pipeline LLC hereby provides its responses to the Notices (Attachment B).

Please direct any questions with respect to this request for authorization to proceed to Crystal Heter at (303) 914-7795.

Respectfully submitted,

/s/ Shippen Howe  
Shippen Howe  
Van Ness Feldman, P.C.  
1050 Thomas Jefferson Street, NW  
Washington, DC 20007  
202-298-1800

Attorney for  
Rockies Express Pipeline LLC

Attachments

cc: Laura Turner, FERC  
John Peconom, FERC  
Ellen Saint Onge, FERC  
All Parties

<sup>1</sup> 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.

370 Van Gordon Street P.O. Box 281304 Lakewood, CO 80228-8304 303/989-1740

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 TM Date Processed 10/10/2008

RECEIVED-DOCKETING DIV  
2008 OCT 10 AM 7:41  
PUCO

**Rockies Express Pipeline LLC**

**REX-East Project**

**CP07-208**

**ATTACHMENT A**

**Federal Energy Regulatory Commission**  
**Office of Energy Projects**  
888 First Street, NE  
Washington, DC 20426

**Notification of Required Corrective Action or Response**

Company: Rockies Express Project: REx East  
Docket No.: CP07-208-000

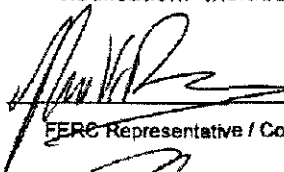
Our environmental compliance inspection of the above-referenced project identified the following items that require your immediate attention:

Date	Facility / Location (MP, Spread, Station No., etc.)	Item(s) Requiring Response or Remediation	Within	
			24 hrs.	72 hrs
9/30	Highway 106 HDD entry site	Topsoil / subsoil mixing <del>Grading crew removed top soil</del> Grading crew removed top soil and subsoil from the SW corner of the drill site and placed both in the same pile	✓	


check one

- ☐ No separate filing required. Correct the listed items within the indicated timeframe. Report on the status of the corrective measures in your next weekly or biweekly status report if one is required.
- ☒ Due to the nature and/or extent of the problems noted, you are hereby requested to file with the Federal Energy Regulatory Commission (FERC) a formal response to the items listed above. For each item you must describe:
- how it occurred;
  - how and when each occurrence was corrected or a precise schedule of when it will be corrected (include photographs documenting corrective measures for each item); and
  - how your company will ensure that similar occurrences will be avoided.

File your response, with the Secretary of the FERC, within 5 working days of the date of this notification. Include a copy of this notification with your filing.

 9/30/08  
FERC Representative / Contractor (signature / date)

John Pecanovich  
(print name)

 9/30/08  
Received by: Company Representative (signature / date)

Bob Anderson  
(print name)

**Federal Energy Regulatory Commission**  
**Office of Energy Projects**  
 888 First Street, NE  
 Washington, DC 20426

**Notification of Required Corrective Action or Response**

Company: Rockies Express

Project: REX East

Docket No.: CP07-208-000

Our environmental compliance inspection of the above-referenced project identified the following items that require your immediate attention:

Date	Facility / Location (MP, Spread, Station No., etc.)	Item(s) Requiring Response or Remediation	Within	
			24 hrs.	72 hrs
9/30	Highway 55 Road Base	Topsoil/Subsoil Mixing (relocation of topsoil was incomplete prior to placement of subsoil on former topsoil piles)		✓
<hr/>				
	Problem areas:	1) topsoil stripping (needs to be checked by ag. inspector for proper depths)	✓	
		2) dewatering pump placement (pulling up too much mud)	✓	
		3) dewatering structure (release of mud)		

check one

☐ No separate filing required. Correct the listed items within the indicated timeframe. Report on the status of the corrective measures in your next weekly or biweekly status report if one is required. (release of mud) 24 hrs

☒ Due to the nature and/or extent of the problems noted, you are hereby requested to file with the Federal Energy Regulatory Commission (FERC) a formal response to the items listed above. For each item you must describe:

- how it occurred;
- how and when each occurrence was corrected or a precise schedule of when it will be corrected (include photographs documenting corrective measures for each item); and
- how your company will ensure that similar occurrences will be avoided.

File your response, with the Secretary of the FERC, within 5 working days of the date of this notification. Include a copy of this notification with your filing.

Ann V. Reem 9/30/08  
 FERC Representative / Contractor (signature / date)

John Peconom  
 (print name)

[Signature] 9/30/08  
 Received by: Company Representative (signature / date)

Bob Anderson  
 (print name)

**Federal Energy Regulatory Commission**  
**Office of Energy Projects**  
 888 First Street, NE  
 Washington, DC 20426

**Notification of Required Corrective Action or Response**

Company: Rockies Express Project: REX East  
 Docket No.: CP07-208-000

Our environmental compliance inspection of the above-referenced project identified the following items that require your immediate attention:

Date	Facility / Location (MP, Spread, Station No., etc.)	Item(s) Requiring Response or Remediation	Within	
			24 hrs.	72 hrs
9/30	SN 5005+21 (Happy Hollow)	Lack of slope breakers on steep slope near WB-IL-94-AAA	✓	
<hr/>				
Problem areas:		"equipment bridge" through WB-IL-94AAA (matted through <del>with</del> a dry waterbody within past two weeks)		
		wood chips need to be removed		

check one

☐ No separate filing required. Correct the listed items within the indicated timeframe. Report on the status of the corrective measures in your next weekly or biweekly status report if one is required.

☒ Due to the nature and/or extent of the problems noted, you are hereby requested to file with the Federal Energy Regulatory Commission (FERC) a formal response to the items listed above. For each item you must describe:

- how it occurred;
- how and when each occurrence was corrected or a precise schedule of when it will be corrected (include photographs documenting corrective measures for each item); and
- how your company will ensure that similar occurrences will be avoided.

File your response, with the Secretary of the FERC, within 5 working days of the date of this notification. Include a copy of this notification with your filing.

John V. R. 9/30/08  
 FERC Representative / Contractor (signature / date)

John Pecoreau  
 (print name)

[Signature] 9/30/08  
 Received by: Company Representative (signature / date)

Bob Anderson  
 (print name)

**Federal Energy Regulatory Commission**  
**Office of Energy Projects**  
 888 First Street, NE  
 Washington, DC 20426

**Notification of Required Corrective Action or Response**

Company: Rockies ExpressProject: Rex EastDocket No.: CP07-208-000

Our environmental compliance inspection of the above-referenced project identified the following items that require your immediate attention:

Date	Facility / Location (MP, Spread, Station No., etc.)	Item(s) Requiring Response or Remediation	Within	
			24 hrs.	72 hrs
9/30	MP 76.3	No erosion control at flowing waterbody, clearing crews were through at least 48 hours before inspection, slope breakers present do not meet standards for temporary erosion control on steep slopes.	✓	

check one

☐ No separate filing required. Correct the listed items within the indicated timeframe. Report on the status of the corrective measures in your next weekly or biweekly status report if one is required.

☒ Due to the nature and/or extent of the problems noted, you are hereby requested to file with the Federal Energy Regulatory Commission (FERC) a formal response to the items listed above. For each item you must describe:

- how it occurred;
- how and when each occurrence was corrected or a precise schedule of when it will be corrected (include photographs documenting corrective measures for each item); and
- how your company will ensure that similar occurrences will be avoided.

File your response, with the Secretary of the FERC, within 5 working days of the date of this notification. Include a copy of this notification with your filing.

[Signature] 9/30/08  
 FERC Representative / Contractor (signature / date)

John Peconom  
 (print name)

[Signature] 9/30/08  
 Received by: Company Representative (signature / date)

Bob Anderson  
 (print name)

**Rockies Express Pipeline LLC**

**REX-East Project**

**CP07-208**

**ATTACHMENT B**

**REX EAST**  
**RESPONSE TO NOTIFICATION OF REQUIRED CORRECTIVE ACTION**

**I. Notice of Required Correction Action or Response:**

9/30/08 Spread A2, Hwy 106 HDD entry site

Topsoil/subsoil mixing, Grading crew removed topsoil and subsoil from the SW corner of the drill site and placed both in the same pile.

**Response:**

REX believes that it complied with the FERC Certificate at this location.

REX has conferred with the spread chief inspector that was present during construction activities at this location. The chief inspector reports that topsoil was removed from the drill pad site and placed to the north side of the construction ROW. In order to prepare a level pad for the HDD drilling rig, a cut of approximately 2 feet also was required at the south west corner. The spoil that resulted from this latter cut in the southwest corner was spread to the north and east in the process of establishing a level drill pad. No subsoil pile was established because the soil was spread thinly; the soil was not placed on top of the north side pile. No color differentiation was noted in the north side topsoil pile, however very little color difference exists between the topsoil and subsoil in this area.

**II. Notice of Required Correction Action or Response:**

9/30/08 Spread A2, Highway 55 road bore

Topsoil/subsoil mixing, relocation of topsoil was incomplete prior to placement of subsoil on former topsoil piles.

Problem areas: 1) topsoil stripping needs to be checked by Ag Inspector for proper depth. 2) dewatering pump placement (pulling up too much mud)  
3) dewatering structure (release of mud)

**Response:**

The tract where this incident occurred was the subject of a condemnation filing. Therefore, REX did not gain use of any additional temporary workspace creating a challenging situation with the road bore activities. The area was topsoiled and piled. The topsoil pile then had to be moved to allow more room for the subsoil pile. During the process of moving the topsoil pile, a small amount of the topsoil was left in place. When the subsoil was piled

within the work area, the resulting pile was significantly larger than the residual topsoil pile. A small amount of subsoil sloughed onto the residual topsoil.

REX recognizes that the contractor should have taken more care when pulling the topsoil pile to the new location. However, REX contends that adequate topsoil was preserved. The topsoil stake was labeled as 5". In this area, no color differentiation exists between the topsoil and upper subsoil layer. When excavating for the bore, the operator continued to segregate topsoil beyond the 5" until a difference in the soil consistency was detected at a depth of 12-14 inches. A tailgate meeting was held by the environmental inspector with the bore crew to reiterate the project requirements and discuss corrective actions. The subsoil that sloughed off the pile has been pulled back and the residual topsoil has been pulled onto the topsoil pile.

**Problem Areas:**

- 1) The circumstances of this issue have been discussed above. The Agriculture Inspector had previously viewed the spoil piles and determined that an appropriate amount of topsoil was segregated.
- 2) The dewatering pump did have a float in place and a rock sump had been placed in the bottom of the bore pit in efforts to avoid pulling mud from the pit. The float has now been tied to the ditch wall as well to further prevent the pulling of mud from the ditch.
- 3) Silt in the bar ditch occurred during numerous changing of the filter bag during the dewatering operation. The dewatering structure has been moved into a pit dug on the ROW. Upon discovery of this situation, crews were immediately mobilized to clean up the bar ditch by means of a vacuum truck and water truck.

**III. Notice of Required Correction Action or Response:**

9/30/08 Spread A2, Station 5005+21, Happy Hollow

*Lack of slope breakers on steep slope near WB-IL-AAA.*

**Problem Area:**

"Equipment bridge" through WB-IL-99AAA, matted through a dry waterbody within past two weeks, wood chips need to be removed before grading (piles as well as scattered chips)

**Response:**

Slope breakers had been installed at the top of the slope on either side of the water body crossing. As corrective action, three additional slope breakers have

been added on either side. Silt fence has been installed at each creek bank. REX has shut down the clearing activities to allow the environmental crews to address all areas which have currently been graded. An additional environmental crew has been added to Spread A2 for a total of three (3) environmental crews. Additionally, three (3) utility inspectors have been removed from the project for failing to address this situation. An additional agricultural inspector will be hired to support Spread A2.

Problem Area:

An equipment bridge was built across a dry waterbody. The bridge was built such that it could potentially obstruct flow if flow were to occur. The bridge has been rebuilt with an increase in elevation. REX will communicate with the construction crews to consider the potential for flow when bridging dry waterbodies.

IV. Notice of Required Correction Action or Response:

9/30/08 Spread A2, MP 76.3

No erosion control at flowing waterbody, clearing crews were through at least 48 hours before inspection, slope breakers present do not meet standards for temporary erosion control on steep slopes.

Response:

Slope breakers had been installed following the clearing crew and ahead of any grading activity. The construction team felt that the slope breakers installed were adequate, although temporary, until the grading crew reached this area and installed more substantial slope breakers. The slope breakers on both sides of the crossing have now been reworked to be 3 feet wide and 16-18 inches high. Erosion control devices have been installed at each creek bank. REX has shut down the clearing activities to allow the environmental crews to address all areas which have currently been graded.

V. General Response for Spread A-2

An additional environmental crew has been added to Spread A2 for a total of three (3) environmental crews. Additionally, three (3) utility inspectors have been removed from the project for failing to address this situation. An additional agricultural inspector will be hired to support Spread A2.

Document Content(s)

Letter and attachments.PDF.....1-10