

# **Federal and State Permit Stipulations**



FERC Docket No. CP09-54-000

**November 2010**

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## List of Abbreviations and Acronyms

AO	Approval Order
BMP	Best Management Practice
DMR	Discharge Monitoring Report
DOT	Department of Transportation
ICE	internal combustion engine
NDEP	Nevada Division of Environmental Protection
OPTC	Operating Permit to Construct
ROW	right-of-way
Ruby	Ruby Pipeline, LLC
TCW	Transportation Commission of Wyoming
WY DEQ	Wyoming Department of Environmental Quality

# 1.0 Overview

## 1.1 Introduction

Appendix T, prepared as part of the Plan of Development (POD), summarizes the requirements and stipulations for each of the state and federal permits/approvals acquired by Ruby Pipeline, L.L.C (Ruby).

Section 1 includes Table 1.1, which is a comprehensive list of each of the State and Federal permits, sectioned according to the state to which the permit pertains: Wyoming, Utah, Nevada, or Oregon. Section numbers are included in Table 1.1 as a reference to the location within this Appendix where permit summaries and stipulations can be found (Sections 2 through 5). The Agency issuing the permit is provided, along with the name of the permit, the date the permit was issued, and the permit expiration date (if applicable).

## 1.2 Methodology

Sections 2 through 5 provide a summary of each of the federal and state permits presented in Table 1.1 that have been received to date (February 16, 2010). Placeholders have been used if an application has been submitted but the permit has not yet been received. Information for each permit summary includes the following:

### **Permit Name**

### **Agency**

### **Permit No.**

### **GENERAL**

This section includes the scope of the permit and highlights any dates of issue or expiration pertaining to the permit.

### **PERMIT DETAILS**

This section includes a summary of any specifications or limitations as described within the permit.

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
<b>Federal Permits</b>	<b>Sec. 2</b>				
	2.1	Federal Communications Commission	License for Operation Fixed Microwave Communications Facilities - Not on critical path		
	2.2	Army Corps of Engineers	Nationwide Permit No. 12 Section 404 - Jurisdictional Determination	1/4/2009	Does Not Expire
	2.3	Army Corps of Engineers	Nationwide Permit No. 12 Section 404 - Preconstruction Notification	7/30/2010	7/30/2012
	2.4	United States Bureau of Reclamation/MP Region	Right of Use Application		
	2.5	United States Bureau of Reclamation/MP Region	Temporary Use Permit for Access to Complete the Civil, Environmental, and Cultural Surveys for the Proposed Ruby Pipeline Project Southern Langell Valley Route Variation	6/16/2009	8/1/2009
	2.6	United States Fish & Wildlife Service - Sheldon National Wildlife Refuge	Special Use Permit - Access Roads		

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
<b>Wyoming State Permits</b>					
	<b>Sec. 3</b>				
	3.1	Wyoming Department of Environmental Quality, Water Quality Division	Section 401 Permits Conditionally Certified with Section 404 Nationwide Permit	7/30/10	7/30/12
	3.2	Wyoming Department of Environmental Quality, Water Quality Division	General Permit for Temporary Discharges - Hydrostatic Test Water and Construction Dewatering	3/22/10	12/31/10
	3.3	Wyoming Department of Environmental Quality, Air Quality Division	Waiver for Back-up Generator	2/25/2009	Does Not Expire
	3.4	Wyoming Department of Environmental Quality, Water Quality Division	Storm Water Discharge Permit	4/08/2010	3/15/2011
	3.5	Wyoming Department of Transportation - Maintenance	WYDOT Utility License	5/21/2009	Does Not Expire
<b>Utah State Permits</b>					
	<b>Sec. 4</b>				
	4.1	Utah Department of Environmental Quality, Division of Water Quality	Section 401 Permits Conditionally Certified with Section 404 Nationwide Permit	7/30/10	7/30/12
	4.2	Utah Department of Environmental Quality, Division of Water Quality	Permit by Rule for Hydrostatic Discharge and Construction Dewatering	Letter received 4/08/2010	Does Not Expire

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
	4.3	Utah Department of Environmental Quality, Division of Water Quality	Storm Water General Permit for Construction Activities	Effective upon submittal of NOI and Fee – 4/30/2010	5/15/2011
	4.4	Utah Department of Environmental Quality, Division of Air Quality	Installation and Operation of the Wildcat Hills Compressor Station	8/12/2009	2/12/2011
	4.5	Utah Department of Natural Resources - Division of Water Rights	Stream Alteration Permit	2/17/2010	3/1/2011
	4.6	Utah Department of Natural Resources - Division of Wildlife Resources	Special Use Permit	5/29/2008	5/29/2009
	4.7	Utah Department of Transportation - ROW Control	ROW Encroachment Permit Highway Right-of-Way Encroachment	9/8/2009	3/11/2011
	4.8	Utah Department of Transportation - ROW Control	Utah DOT Engineering Review	Not Applicable	Not Applicable
	4.9	Utah Department of Transportation - Statewide Permitting	Statewide Utility License Agreement	4/17/2009	To Be Determined by Permittee
	4.10	Utah Department of Transportation - Statewide Permitting	Continuous Statewide Utility Agreement Bond	4/27/2009	Does Not Expire
	4.11	Utah School and Institutional Trust Lands Administration -Industrial Special Use Lease	Special Use Lease	Letter provided 4/27/2009 indicating permit will be issued at a date TBD	TBD

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
	4.12	Utah Department of Natural Resources - Division of Wildlife Resources	COR Permit: Pygmy Rabbits	7/15/2010	12/31/2010
<b>Nevada State Permits</b>					
	<b>Sec. 5</b>				
	5.1	Nevada Division of Environmental Protection - Bureau of Water Pollution Control	Section 401 Water Quality Certification	7/30/10	7/30/12
	5.2	Nevada Division of Environmental Protection - Bureau of Water Pollution Control	Onsite Sewage Disposal System Application		
	5.3	Nevada Division of Environmental Protection - Bureau of Water Pollution Control	Temporary Discharge Permit for Hydrostatic Discharge and Construction Dewatering	6/15/10	12/14/10
	5.4	Nevada Division of Environmental Protection - Bureau of Water Pollution Control	Onsite Storm Water Discharge Permit	Effective upon submittal of NOI and Fee – 5/24/2010	9/15/12
	5.5	Nevada Department of Conservation and Natural Resource; Division of Wildlife	Protected Wildlife Species Take Permit	8/18/10	6/30/12
	5.6	Nevada Division of Environmental Protection - Bureau of Air Pollution Control	Air Operating Permit and Permit to Construction - Wieland Flats Compressor Site	9/11/2009	3/11/2011
	5.7	Nevada Division of Environmental Protection - Bureau of Air Pollution Control	Surface Area Disturbance Permit (Dust)		

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
	5.8	Nevada Division of Environmental Protection - Bureau of Air Pollution Control	Air Operating Permit - Desert Valley Compressor Site Class II Air Quality Operating Permit No. AP4922-2538	5/1/2009	Does Not Expire
	5.9	Nevada Division of Environmental Protection - Bureau of Water Pollution Control	Temporary Work in Waterways Permit Temporary Authorization to Discharge for Work in Waters of the State	6/15/2010	12/14/2010
	5.10	Nevada Department of Transportation	R/W Occupancy Permit		
	5.11	Nevada Department of Transportation - Elko	Class I Air Quality Operating Permit to Construct (OPTC)	9/11/2009	3/11/2011
	5.12	Nevada Department of Transportation - Elko	Excavation and Encroachment Permit		
	5.13	Nevada Department of Transportation - Elko	Temporary Occupancy Permits		
<b>Oregon State Permits</b>					
	<b>Sec. 6</b>				
	6.1	Oregon Department of Environmental Quality - Water Quality division	Section 401 Permits Conditionally Certified with 404 (Nationwide Permit 12)	7/30/10	7/30/12
	6.2	Oregon Department of State Lands	Removal-Fill Joint Permit	7/16/10	7/16/11

**Table 1-1 Federal and State Permits**

	<b>Appendix Section No.</b>	<b>Agency</b>	<b>Permit</b>	<b>Issued Date</b>	<b>Expired Date</b>
	6.3	Oregon Department of Transportation	Permit to Perform Operations with the Right of Way	5/4/10	Does not expire
	6.4	Oregon Department of Transportation	Application or Permit to Construct a Pipeline		
	6.5	Oregon Department of Transportation	Application for State Highway Approach		
	6.6	Oregon Department of Environmental Quality - Water Quality division	Individual Water Pollution Control Facility Permit for Hydrostatic Discharge and Construction Dewatering		
	6.7	Oregon Department of Environmental Quality - Water Quality division	1200 C Construction Storm Water General Permit	6/1/10	11/30/10 Pending State renewal of permit.
	6.8	Oregon Department of Fish and Wildlife	Scientific Taking Permit – Fish	7/15/10	12/31/10
	6.9	Oregon Department of Fish and Wildlife	Scientific Taking Permit – Reptiles and Amphibians	7/30/10	12/31/10
	6.10	Oregon Department of Fish and Wildlife	Fish passage	7/8/10	Does not expire
	6.11	Oregon Department of Fish and Wildlife	Wildlife Removal	9/27/10	Does not expire
	6.12	Oregon Department of Fish and Wildlife	In Water Blasting Permit	7/30/10	Does not Expire

## 2.0 Federal Permits

### 2.1 License for Operating Fixed Microwave Communications Facilities – Not on Critical Path

**Agency:** Federal Communications Commission

[Will be updated upon receipt of permit]

### 2.2 Nationwide Permit No. 12 Section 404 – Preliminary Jurisdictional Determination

**Agency:** US Army Corps of Engineers (Corps), Sacramento District, Nevada-Utah Regulatory Branch

**Permit NO:** File/ORM# SPK-2009-00083-NO

#### GENERAL

- **Scope:** This preliminary JD finds that there “may be” waters of the United States on the proposed project site and identifies all aquatic features on the site that could be affected by the proposed activity
- **Dates:** Preliminary JD effective January 4, 2010
- **Summary:** An area of approximately 679 miles was reviewed along the pipeline route in WY, UT, NV, and OR for this determination.

#### PERMIT DETAILS

##### Explanation of Determination:

- The Corps believes there may be jurisdictional waters of the US on the project site. Ruby Pipeline LLC is advised of their option to obtain an approved JD as part of this preliminary permit.
- If Ruby Pipeline LLC obtains an individual permit, Nationwide General Permit (NWP) or other general permit requiring “preconstruction notification” and does not obtain an approved JD they must be made aware of the following:
  - A permit authorization based on a preliminary JD does not make an official determination of jurisdictional waters
  - Basing a permit authorization on an approved JD may result in less required compensatory mitigation
  - Ruby Pipeline LLC has the right to request an individual permit rather than accepting the terms and conditions of the Nationwide Permit or other general permit authorization and must comply with any Corps required compensatory mitigation
  - If Ruby Pipeline LLC undertakes any activity in reliance upon any permit authorization, the Corps will assume a formal JD request will follow as soon as practicable..
  - Any JDs will be processed by the Corps as soon as practicable

## 2.3 Nationwide Permit No. 12 Section 404 – Preconstruction Notification

**Agency:** Army Corps of Engineers

**Permit No:** NWP 12, SPK-2009-0083-NO

### GENERAL

- **Scope:** This permit approves the activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States.
- **Dates:** Permit effective July 30, 2010, permit expires two years from the date of the notification letter (July 30, 2012). A modification letter was issued November 22, 2010 providing permit coverage for Project reroutes.

### PERMIT DETAILS

#### General Conditions

- **Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.
- Where the proposed utility line is constructed or installed in navigable waters of the U.S. copies of the pre-construction notification and NWP verification will be sent to the Corps, NOAA and NOS, for charting the utility line to protect navigation.
- Access roads used solely for construction of the utility line must be removed upon completion of the work, according to the requirements for temporary fills.
- **Compliance Certification:** Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation.

#### Special Conditions

- Notify the Corps, Sacramento District Regulatory Division with the date the activities authorized in waters of the US are scheduled to begin.
- Submit post-construction photos of the project site within 15 days after restoration completion.
- Special Conditions exist for Wyoming, Utah, Nevada and Oregon. See respective state sections.
- **Special Condition for Goose Lake:**
  - Provide a narrative description of the location and distance between each trench blocker in the Goose Lake Wetlands with a description of the materials used for each trench blocker.
  - Provide an as-built drawing depicting the location of each trench blocker in the Goose Lake Wetlands with a symbol to show the different types of materials used for each trench blocker.
  - Monitor the wetlands and waterway crossings of Goose Lake and its tributaries to ensure hydrology has not been adversely affected beyond the aspects described in the biological narrative and the anticipated impacts from the project overall
  - Comply with all of the best management practices and the narrative describing how the project will be implemented in the "Goose Lake White Paper."

- Restore the areas temporarily impacted in the Goose Lake basin by seeding these affected areas with the planting plan outlined in the wetland seed mixture list in the table titled “Wetland Seed Schedule O-C”
- Sign the Compliance Certification and return to the Corps within 30 days after completion of the authorized work.

## **2.4 Right of Use Application**

**Agency:** United States Bureau of Reclamation/MP Region

[Will be updated upon receipt of permit]

## **2.5 Temporary Use Permit for Access to Complete the Civil, Environmental, and Cultural Surveys for the Proposed Ruby Pipeline Project Southern Langell Valley Route Variation**

**Agency:** United States Department of the Interior, Bureau of Reclamation, Klamath Project, Oregon—California

**Permit No:** O-KLA-2009-28

### **GENERAL**

- Scope: permit covers access to BoR lands, facilities, or waterbodies to complete civil, environmental, and cultural surveys for the southern Langell Valley route variation.
- Dates: permit effective on June 17, 2009, permit expired at 5 pm on August 1, 2009.

### **Reporting Requirements**

- None

## **2.6 Special Use Permit - Access Roads**

**Agency:** United States Fish & Wildlife Service – Sheldon Natural Wildlife Refuge

[Will be updated upon receipt of permit]

## 3.0 Wyoming State Permits

### 3.1 Section 401 Permits Conditionally Certified with Section 404 Nationwide Permit

**Agency:** Wyoming Department of Environmental Quality, Water Quality Division

**Dates:** Coincides with Federal Permit – Issued 7/30/10, Expires 7/30/12

**General:**

- **Waiver of 401 Certification:** NWP 1, 2, 4, 8, 9, 10, 11, 15, 19, 22, 24, 28, 34, 35 and 48 have been waived because they have been determined to either not involve discharges or have little or no application in this state.
- **Denial of 401 Certification:** 401 Certification for NWP 16, 17, 23, 27, 31, 40, 43 and 44 have been denied in all waters. See below for more details.
- **Denial of Certification on Class 1 Waters:** Certification for NWP 3, 5, 6, 7, 12, 13, 14, 18, 25, 26, 29, 30, 32, 33, 36, 37, 39, 41, 42, 45, 46 and 47 is denied on Wyoming Class 1 waters, but are certified for use on Wyoming class 2, 3, and 4 waters (all other waters). See below for more information on the definition of Class 1 Waters.
- **Approved 401 Certification:** NWP 20, 21, 38, 49 and 50 are acceptable as written on all waters in the state so long as the general conditions, management practices and other provisions of the nationwide program are strictly followed.

#### PERMIT DETAILS

**Denied Permits:**

NWP 27: Wetland and Riparian Restoration and Creating Activities. This permit cannot provide assurance that wetland creation and restoration projects will be constructed in compliance with water quality standards so each project must be evaluated individually and specific conditions relative to water quality protection must be added.

NWP 31: Maintenance of Existing Flood Control Facilities. This permit may have significant effects on water quality depending on the scale and site specific circumstances, especially when dredging detention basins where there may be an accumulation of toxic substances or nutrients. This permit must be evaluated on an individual basis for each project and specific conditions relative to water quality will be added as needed.

NWP 43: Storm Water Management Facilities. This can have a significant effect on water quality depending on the scale and location of the project depending on storm water runoff. Because the consequences to water quality are unsure it

must be evaluated on an individual basis and specific conditions relative to the protection of water quality may be added.

**Class 1 Waters:** Class 1 waters are those in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint source discharges will be controlled by the implementation of best management practices designed to maintain existing water quality. Authorization of the activities covered by these NWP's will only be given after individual departmental review. Below is a list of current class 1 waters in Wyoming:

- All surface waters within the boundaries of national parks and congressionally designated wilderness areas;
- The main stem of the Snake River through its entire length above the US Highway 22 Bridge;
- The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
- The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
- The main stem of the North Platte River from the mouth of Sage Creek (about 15 miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
- The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam;
- The main stem of the North Platte River from the Natrona County Road 309 bridge upstream to Alcova Reservoir;
- The main stem of Sand Creek above the U.S. Highway 14 bridge;
- The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
- The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
- The main stem of the Sweetwater River above the mouth of Alkali Creek;
- The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
- The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
- All waters within the Fish Creek (near Wilson, Wyoming) drainage;

- The main stem of Granit Creek (tributary of the Hoback River) through its entire length;
- Fremont Lake;
- Wetlands adjacent to the above listed Class 1 waters.

**Additional Conditions on All NWP:**

The following conditions apply when operating equipment or otherwise undertaking construction in a water of the state:

- a. Construction equipment should not be operated below the existing water surface except as follows:

Fording the stream at one location is acceptable, however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or footing installations is acceptable to the extent that it does not create turbidity in excess of the Chapter 1 Surface Water Standards or unnecessary stream channel disturbance. Frequent fording should not occur in areas where extensive turbidity will be created. In all cold water fisheries and drinking water supplies (Classes 1, 2AB, 2A and 2B) in stream activities associated with this permit shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs). In all warm water or non-game fisheries (Classes 1, 2AB, 2A, 2B, and 2C) in stream activities associated with this permit shall not increase turbidity by more than 15 NTUs.

In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) and (b) of the Standards in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place.

- b. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.
- c. Care should be taken to cause only the minimum necessary disturbance. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work.

Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events.

All cut and fill slopes that will not be protected with riprap should be revegetated with appropriate species to prevent erosion.

- d. All fill material should be placed and compacted and subsequently protected from erosion. Areas to be filled should be cleared of all vegetation, debris and other materials that would be objectionable to the fill.
- e. The period and timing of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning.
- f. Care must be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water. A spill contingency should be developed for all projects where a large amount of petroleum products or solvents will be stored on the project site, and must be prepared when storage of these materials exceeds the federal limits.

### **Regional Conditions pursuant to General Condition 23 of the nationwide permits**

#### **23(a). Wetlands Classified as Fens**

Permittees must notify the Wyoming Regulatory Office (WRO) in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities in wetlands classified as fens.

#### **23(b). Waters Adjacent to Natural Springs**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-construction Notification) prior to undertaking any authorized activities within 100 feet of the water source in natural spring areas.

#### **23(c). Class 1 Waters**

Permittees must notify the WRO in accordance with General Condition 27 (Preconstruction Notification) prior to undertaking any authorized activities in Class 1 waters.

#### **23(d). Statewide Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 27 (Pre Construction Notification) prior to undertaking any activities authorized by Nationwide Permits 23 and 27.

#### **23(e). Teton County Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities in Teton County.

### 23(f). Spawning Seasons

The following is additional information on requirements of General Condition (GC0 3 (Spawning Areas) regarding trout species. However this information does not diminish the scope of GC 3, which is applicable to all fish species.

Spawning seasons for common trout are:

Rainbow and Cutthroat Trout - March 15 through July 31

Brown and Brook Trout - September 15 through November 30

Site specific information on spawning seasons and spawning areas for all fish species may be obtained from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices.

### 23(g). Historic Properties

The following is additional information on requirements of General Conditions 18 (Historic Properties) regarding procedures to be enacted if there is a discovery of historic or archeological remains during construction.

The permittee, contractors, or any of the employees, subcontractors or other persons working in the performance of a contract(s) to complete activities authorized by a nationwide permit shall cease work and report the discovery of any previously unknown historic or archeological remains to the WRO. Notification shall be by telephone to (307) 772-2300 or by facsimile to (307) 722-2920 within 24 hours after discovery. Reports must also be submitted in writing within 48 hours after discovery to the following address:

US Army Corps of Engineers  
Wyoming Regulatory Office  
2232 Dell Range Boulevard, Suite 210  
Cheyenne, Wyoming 82009

Work shall not resume until the WRO provides the permittee a notice to proceed.

## **3.2 General Permit(s) for Temporary Discharge – Hydrostatic Testing and Construction Dewatering**

**Agency:** Wyoming Department of Environmental Quality, Water Quality Division

**Permit No:** WYG740263 **Dates:** Issued 3/22/10; Expires 12/31/10

**Permit No:** WYG740289 **Dates:** Issued 7/21/10; Expires 07/31/10

### **GENERAL**

- **Scope:** These two permits authorize the discharge of wastewaters associated with construction dewatering and hydrostatic testing.

**Documents:** These permits have three documents associated with it: a General Permit for Temporary Discharge; General Permit Fact Sheet; and General Permit Authorization Memorandum. Specific effluent limitations are listed in the latter document.

## PERMIT DETAILS

### A. Authorization to Discharge

Coverage under this Permit

- All areas within the State of Wyoming except the Wind River Indian Reservation
- Hydrostatic test water from testing of pipes, tanks or other vessels
- Effluent associated with disinfection of potable water lines
- Effluent associated with pump testing of water wells
- Effluent associated with construction dewatering
- Wastewater produced from the treatment of gasoline or diesel contaminated ground or surface water leaking above ground/underground storage tank remediation activities.

### B. Request for Authorization

Terms, Conditions and Specific Limitations

- Discharge cannot exceed the Total Maximum Daily Load (TMDL) for any pollutant in the receiving water
- Receiving water cannot be a 303(d) listed impaired water body
- Beneficial uses of the receiving water may not be adversely impacted
- Discharge must pass a Whole Effluent Toxicity (WET) test, when required
- Effluent may not cause a violation(s) of water quality standards in receiving water(s)
- Dischargers are not allowed that include soaps, degreasers, detergents, surfactants, antifreeze, deicers, or any hazardous constituents and hazardous substances
- There shall be no discharge of sanitary wastewater from toilets, septic tanks, or related facilities
- Bulk storage structures for fuels and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled material from entering the effluent stream or waters of the State
- All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge
- The discharge of chlorinated water (including potable tap water) shall not be allowed unless it can be demonstrated that the chlorine substantially dissipates to non-detectable levels prior to discharge (less than 0.05 mg/l)
- No chemicals are to be added to the discharge unless permission for the specific chemical is granted by the DEQ/WDQ
- Discharges to Class 1 surface waters are not authorized under this permit
- Permittee must notify the DEQ/WDQ of the termination of the discharge by submitting a Notice of Termination provided by the Administrator

### C. Effluent Limitations and Monitoring Requirements

Monitoring shall occur at each of the following outfalls for Permit WYG740263:

**Outfall 001:** NWNE Section 28, Township 21N, Latitude 41.77722, Longitude -110.35056, Lincoln County Unnamed ephemeral tributary (class 3B) to the Hams Fork River (class 2AB), Green River Basin

**Outfall 002:** SENE Section 23, Township 20N, Range 115W, Latitude 41.70628, Longitude -110.36666, Lincoln County. Unnamed ephemeral tributary (class 3B), Green River Basin

**Outfall 003:** NWNE Section 5, Township 19N, Latitude 41.66446, Longitude -110.43480, Lincoln County Unnamed Ephemeral Tributary (class 3B), Green River Basin

**Outfall 004:** SENE Section 24, Township 18N, Range 120W, Latitude 41.52941, Longitude -110.92589, Uinta County. Unnamed Ephemeral Tributary (class 3B), Bear River Basin

**Outfall 005-00n:** Beginning at NWNE Section 28, Township 21N, Range 114W, Latitude 41.77722, Range 110.35056, Lincoln County and Ending at NWSE Section 13, Township 18N, Range 121 W, Latitude 41.54052, Longitude -111.04758

Monitoring shall occur at each of the following outfalls for Permit WYG740289

**Outfall 001:** SW of Section 24, Township 20N, range 115W, Latitude 41.699744, Longitude -110.363099, Lincoln County.

#### Effluent Limitation

Parameter	Monthly Average	Weekly Average	Daily Maximum
Total Suspended Solids, mg/l	30	45	90
pH, su (standard units)	N/A	N/A	6.5-9.0
Oil and Grease <sup>(1)</sup> , mg/l	N/A	N/A	10 <sup>(1)</sup>
Turbidity, nephelometric turbidity units (NTU) <sup>(2)</sup>	N/A	N/A	10 <sup>(2)</sup>

<sup>(1)</sup>Based upon visual observation in the discharge. If visually observed a grab sample shall be immediately taken for analysis.

<sup>(2)</sup>A discharge to cold water fisheries and drinking water supply or warm water nongame fisheries that is a class 2AB,2A,2B shall not result in a net increase of 10 NTU.

#### Monitoring Requirements

Parameter	Measurement Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
pH su (standard units)	Daily	Grab
Oil and Grease <sup>(1)</sup>	Daily	Visual <sup>(1)</sup>
Turbidity <sup>(2)</sup>	Daily <sup>(2)</sup>	Grab <sup>(2)</sup>

<sup>(1)</sup> In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken and analyzed and reported. The sample shall not exceed 10 mg/l.

<sup>(2)</sup> A discharge to cold water fisheries and drinking water supply or warm water nongame fisheries that is a class 2AB,2A,2B shall not result in a net increase of 10 NTU.

**HYDROSTATIC TEST WATER SOURCE: HAM'S FORK RIVER and BEAR RIVER**

Ham's Fork River water will be discharged into the Hams Fork drainage from outfalls 001-003; Bear River water will be discharged to the Bear River drainage from outfalls 004. Outfall 005 to infinity are construction dewatering of ground water (where and if needed to various tributaries in both drainages, see pages 1 and 2 of this authorization).

The wastewater discharged from Hydrostatic Test Water from the Testing of Pipes, Tanks, or other Similar Vessels at these locations shall be limited and monitored by the permittee as specified below:

**Effluent Limitation**

<b>Parameter</b>	<b>Monthly Average</b>	<b>Weekly Average</b>	<b>Daily Maximum</b>
Total Dissolved Solids, mg/L	N/A	N/A	5,000
Total Suspended Solids, mg/L	30	45	90
pH, standard units (s.u.)	N/A	N/A	6.5-9.0
Oil and Grease <sup>(1)</sup> , mg/L	N/A	N/A	10 <sup>(1)</sup>
Total Residual Chlorine <sup>(2)</sup> , mg/L	N/A	N/A	0.02 <sup>(2)</sup>

<sup>(1)</sup>In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported. The sample shall not exceed 10 mg/l.

<sup>(2)</sup>Chlorinated water must be detained before discharge until the chlorine residual reaches less than 0.02 mg/l (non-detectable).

**Monitoring Requirements. Hydrostatic Testing**

<b>Parameter</b>	<b>Measurement Frequency</b>	<b>Sample Type</b>
Flow, gpm	Daily	Instantaneous or Continuous
Oil and Grease <sup>(1)</sup> , mg/L	Daily	Visual <sup>(1)</sup>
pH, s.u.	Daily	Grab
Total Residual Chlorine <sup>(2)</sup> , mg/L	Daily	Grab <sup>(2)</sup>
Total Dissolved Solids, mg/L	Weekly	Grab
Total Suspended Solids, mg/L	Weekly	Grab

<sup>(1)</sup>In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported.

<sup>(2)</sup>Chlorinated water must be detained before discharge until the chlorine residual reaches less than 0.02 mg/l (non-detectable).

If the duration of the discharge is shorter than the required sample frequency, a minimum of one sample shall be taken for all parameters.

For all outfalls, the permit establishes the following:

- If the discharge point is more than 0.5 miles from a perennial stream and the discharge flow is less than 0.5 cfs, permittee may use a series of hay bales instead of a temporary sedimentation basin.
- If the discharge point is more than 0.5 miles from a perennial stream and the discharge flow is greater than 0.5 cfs, permittee must use a temporary sediment basin
- If the discharge point is less than 0.5 miles from a perennial stream and discharge potentially reaches the perennial stream, permittee must use a temporary sedimentation basin.
- The above mentioned measures shall be modified or augmented if ineffective in preventing sedimentation or erosion.

Reporting is required quarterly, using the DEQ-provided "Discharge Monitoring Logs" to be submitted by the 28<sup>th</sup> day following the calendar quarter of discharge activity. Logs shall include this temporary authorization number (WYG740263, and WYG740289); outfall number, date and time of sampling, dates and times of analyses, and the person or persons performing sampling and analysis.

### 3.3 Waiver for Back-up Generator

**Agency:** Wyoming Department of Environmental Quality (WY DEQ), Air Quality Division

**Permit No:** AP-9024

#### GENERAL

- **Scope:** This permit evaluates the air quality impact of one lean burn or rich burn natural gas fired emergency generator with 268 hp or less and one 0.5 MMBtu/hr natural gas fired utility heater at the Roberson Creek Compressor Station
- **Dates:** No specific dates. WY DEQ Air Quality Division must be notified within 15 days of startup. Generator will then be tested every three years to verify permit compliance.
- **Waiver:** The WY DEQ Division of Air Quality has determined the proposed natural gas fired emergency generator and the proposed natural gas fired utility heater to be insignificant in emission rate and ambient air quality impact, and waives permitting requirements under Chapter 6 Section 2(k)(viii) of the Wyoming Air Quality Standards and Regulations

#### PERMIT DETAILS

##### Conditions of Operation:

Notification:

- Start-up notification will be submitted to WY DEQ Air Quality Division within 15 days of startup of the lean burn or rich burn natural gas fired emergency generator. The generator start-up notification shall be submitted on a complete Engine Installation/Removal form. The form can be downloaded from the Air Quality Division website <http://deq.state.wy.us/aqd>.
- Notifications, reports, and correspondences associated with this waiver shall be submitted to the Stationary Source Compliance Program Manager, Air Quality Division, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming and a copy shall be submitted to the District Engineer, Air Quality Division, 510 Meadowview Drive, Lander, Wyoming 82520

- All records required by any condition of this waiver shall be kept for a period of at least five years and shall be made available to the Division upon request.

#### Generator Limits:

- The lean burn or rich burn emergency generator shall be limited to a maximum of 268 horsepower, 2.0 g/hp-hr NO<sub>x</sub>, 4.0 g/hp-hr CO, and 1.0 g/hp-hr VOC emissions.
- Compliance with the g/hp-hr limit is presumed to demonstrate compliance with the lb/hr limit as long as the engine is operated within the horsepower reported in the Engine Installation/Removal form required by Condition 1 of this waiver.
- The emergency generator shall be limited to 500 hours of operation per year. Ruby shall install and maintain an hour meter on the emergency generator to demonstrate compliance with the hours limit in this condition. Dates and operating hours of the emergency generator shall be recorded.

#### Testing:

Ruby shall adhere to the following testing requirements for the emergency generator as part of this waiver:

- The emergency generator shall be tested within 90 days of initial start-up for NO<sub>x</sub>, CO, and VOC Emissions. Testing shall follow 40 CFR part 60, subpart JJJJ §60.4244. A test protocol must be submitted to the WY DEQ Air Quality Division for review and approval prior to testing. Engine horsepower and other operating conditions shall be recorded during each test run and submitted with the test report.
- The emergency generator shall be tested every three years to verify compliance with the limits set forth in this permit. Testing for NO<sub>x</sub>, CO, and VOC Emissions shall consist of a one-hour test following the requirements of 40 CFR part 60, subpart JJJJ §60.4244
- Notification of all test dates shall be provided to the Air Quality Division 15 days prior to testing. Results shall be submitted to the Division within 45 days of completion.

#### Compliance

- Ruby shall comply with all applicable requirements of 40 CFR part 60, subpart JJJJ
- The Air Quality Division shall be notified within 24-hours of any engine where the testing/monitoring required by this waiver shows operation outside the permitted emission limits.
- By no later than seven calendar days of such testing/monitoring event, the owner or operator shall repair and retest/monitor the affected engine to demonstrate that the engine has been returned to operation within the permitted emission limits.
- Compliance with this permit condition regarding repair and retesting/monitoring shall not be deemed to limit the authority of the WY DEQ Air Quality Division to cite the owner or operator for an exceedences of the permitted emission limits for any testing/monitoring that shows noncompliance.

### 3.4 Storm Water Discharge Permit

**Agency:** Wyoming Department of Environmental Quality, Water Quality Division

**Permit:** General Permit to Discharge Storm Water Associated with Large Construction Activity Under the WYPDES

**Permit Number:** WYR10-0000

**Permit Authorization Number:** WYR104148

**Agency:** Wyoming Department of Environmental Quality (DEQ), Water Quality Division

## GENERAL

- **Scope:** This permit allows for the discharge and dewatering of collected storm water and minor amounts of ground water from excavations and depressions provided that requirements specified in Part 8.8 (outlined below) are followed and the necessary BMPs are installed and effective.
- **Dates:** Effective: September 1, 2006, Expires: March 15, 2011
- **Waiver:** The WY DEQ Division of Air Quality has determined the proposed natural gas fired emergency generator and the proposed natural gas fired utility heater to be insignificant in emission rate and ambient air quality impact, and waives permitting requirements under Chapter 6 Section 2(k)(viii) of the Wyoming Air Quality Standards and Regulations

## Conditions of Operation

### Notification:

- **Notice of Intent:** A Notice of Intent (NOI) must be submitted with this permit to the DEQ at least 30 days prior to commencing construction activities.
- **Notice of transfer and Acceptance:** When responsibility of stormwater discharges for a large construction activity changes from one operator to another, the current and future permittee shall submit a completed Notice of Transfer and Acceptance (NOTA). The certification shall be submitted to DEQ within 14 days of the change in operator.

## Terms and Conditions

1. Effluent Limits
  - a. Ensure that stormwater discharges do not cause a violation of Wyoming Water Quality Standards.
  - b. The quality of permitted storm water discharges shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP
2. BMP Selection, Installation and Maintenance
  - a. All BMPs must be selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices.
  - b. If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.
3. Visible or measurable erosion
  - a. Visible or measurable erosion as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited
    - i. Visible or measurable erosion, def: Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.
4. Recovery of offsite sediment
  - a. If any measurable quantity of sediment leaves the construction site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent. Under no

- condition shall the sediment be washed into municipal storm sewers or surface waters of the state.
5. Concrete Washout
    - a. Concrete wash water shall not be discharged to waters of the state or to storm sewer systems.
  6. Bulk Storage of Petroleum Products
    - a. Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled material from entering waters of the state or municipal storm sewer systems.
  7. Construction Site Dewatering
    - a. Pumped discharges from construction sites covered under this permit are limited to storm water and minor amounts of groundwater. A separate permit must be obtained for the discharge of water from other sources, including ground water. Where there is sufficient ground water present such that it must be pumped from the construction site, those discharges do not meet the definition of minor amounts of ground water and must be covered under a separate WYPDES permit specifically for those discharges.
      - i. Pumped water that may be turbid or sediment laden must be treated with appropriate BMPs, such that the discharge does not:
        1. Cause a violation of water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.
        2. Adversely affect downstream landowners.
        3. Cause erosion or scouring at the outlet or in the receiving water.
      - ii. The discharge must be dispersed over appropriate energy dissipation devices such as rock riprap, sand bags, plastic sheeting, or equivalent.
      - iii. The general rule of thumb for determining what ground water is non-significant is as follows: If an operator is able to work in a trench or excavation without dewatering during dry weather and only needs to dewater due to a rain or snow melt, then the ground water can be considered non-significant.
  8. Temporary Stabilization
    - a. Temporary Stabilization for exposed soil areas where activities have permanently or temporarily ceased should be installed whenever practicable in areas where further work is not expected for 28 days or more. Areas to be protected include graded slopes, ditches, berms and soil stockpiles.
  9. Minimum Storm Size for BMPs
    - a. BMPs must be able to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event (0.8 to 2.6 inches).
  10. Allowable Discharges
    - a. All discharges must be entirely of storm water associated with construction activity or related effluents.
  11. Requirements of other Agencies
    - a. All storm water discharges must comply with erosion control or other requirements, policies, or guidelines of other local, state or federal agencies.

## Site Inspection

1. Active Construction Sites
  - a. Inspections must follow either one of the following inspections schedules:





- It is understood that conventional construction methods like trenching, plowing, boring, pole setting by truck, etc. will be used. Activities like blasting, erection of poles by helicopter, and other non-conventional methods will require specific prior approval by TCW's engineer.
- Based on the complexity, construction methods, and/or other concerns TCW may assign part-time or full-time inspector(s) to Ruby's project.
- Ruby shall not commence work until it has obtained all required insurance, provided a copy of all policies to TCW, and received approval from TCW on the policies

#### Utility Encroachment Construction Details

- All disturbed areas must be returned to their original condition, to the satisfaction of the Wyoming DOT maintenance foreman.
- Any changes to the original intent of the license must be approved in advance of work and submitted in triplicate.
- Minimum depth of placement to be ten feet at all points within the right of way Depth for crossings is to be ten feet below bottom of ditch or low point in crossing.
- Direct crossing only – road bore.
- Backfill and compact daily, no open trenching to be left overnight, within reason.
- Crossing of state primary and secondary ROW and any paved approaches encountered along route of installation will be made by dry boring, jacking, or mining from a point no closer than 15 feet to the toe of slope or ditch to a like point on the other side of the roadway template.
- The casing requirement is waived if that portion of the carrier pipe traversing the right-of-way has substantially increased wall thickness and quality than normally being used thereby alleviating the need for encasement.
- Reseed in accordance with standard Wyoming DOT specifications.
- Subsequent leakage of any ditches breached by/for this installation which results in damage to the roadway and/or appurtenances or results in drainage problems on the ROW are the responsibility of Ruby and will be promptly and satisfactorily repaired upon notification to do so by Wyoming DOT.
- All gas pipeline facilities within the highway ROW shall be designated for Class 3 locations per Title 49 CFR: *Transportation, Part 192, Transportation of natural gas and other gas by pipeline; minimum Federal safety standards.*
- All personnel working within state highway ROWs will wear high-visibility safety apparel meeting Performance Class 2 specifications of the current ANSI/ISEA 107 standard.

## 4.0 Utah State Permits

### 4.1 Section 401 Permits Conditionally Certified with 404

**Agency:** Utah Department of Environmental Quality, Division of Water Quality

**Permit No:** NA

#### GENERAL

- **Scope:** Lists conditions for 401 Certification that must be included in all NWP's that require notification to the District Engineer prior to commencing work.
- **Dates:** Coincides with Federal Permit – Issued 7/30/10, Expires 7/30/12

#### PERMIT DETAILS

The following conditions must be included in all NWP's that require notification to the District Engineer prior to commencing work to ensure that the activities authorized by the NWP's have minimal individual and cumulative adverse impacts on the aquatic environment:

1. Whenever an applicant causes the water turbidity in an adjacent surface water to increase by 10 NTUs or any visible increase in turbidity as a direct result of the project, the applicant shall notify the Utah DWQ.
2. The applicant shall not use any fill material which may leach organic chemicals (e.g. discarded asphalt) or nutrients (e.g. phosphate rock) into the receiving water.
3. Applicant shall protect any potentially affected fish spawning areas.
4. Utah Code Annotated 19-5-114 requires that any spill or discharge of oil or other substance which may cause pollution to the waters of the state must be reported to DWQ immediately.
5. In an effort to abate pollution as a result of NWP activities, the applicant shall remediate riparian areas along stream banks to minimize water quality impacts if vegetation is disturbed as a result of a project.

## 4.2 Permit by Rule for Hydrostatic Discharge and Construction Dewatering

**Agency:** Utah Department of Environmental Quality, Division of Water Quality

**Permit No:** NA

### GENERAL

- **Scope:** Letter received from the Utah Department of Environmental Quality stating that the Division of Water Quality (DWQ) has determined that the proposed hydrostatic water and possible construction de-watering discharge qualifies for ground water discharge permit-by-rule in accordance with R317-6-6.2.A.25 of the Administrative Rules for Ground Water Quality Protection.
- **Dates:** Letter dated April 08, 2010

### PERMIT DETAILS

The DWG noted the following in support of the permit-by-rule:

- The pipeline will be constructed exclusively of new steel pipe;
- The water source for the hydrostatic testing is from nearby water sources;
- Source and discharge waters will be tested for potential contaminants;
- Only clean, post-pipe-washing water will be discharged to the approved field or retention basin;
- Prior to discharge, the water will be tested to verify that there are no contaminants present;
- Ruby Pipeline will notify DWQ if any changes to the plan are made and keep DWQ updated on pipeline construction progress.

## 4.3 Storm Water General Permit for Construction Activities

**Agency:** Utah Department of Environmental Quality, Division of Water Quality

**Dates:** Issued 4/30/10. Expires 5/15/11

**Permit No:** UTR300000

### GENERAL

- **Scope:** This general permit authorizes storm water discharges to waters of the State of Utah resulting from construction activities, including construction support activities, anywhere in within the State of Utah with exception to Indian Country.
- **Dates:** Authorization to discharge occurred immediately after the preparation of a SWPPP and submittal of a NOI and fee occurred. Ruby submitted the NOI and fee on April 30<sup>th</sup>, 2010. The permit is valid until May 15<sup>th</sup>, 2011. The General Permit was put into effect July 1, 2008 and will expire on June 30<sup>th</sup>, 2013.

### PERMIT DETAILS

#### Part 1: Permit Scope and Coverage

Allowable Storm Water Discharges

- Storm water associated with construction activity
- Discharges from construction support activities
- Discharges composed of allowable discharges covered in this permit commingled with a discharge authorized by a different UPDES permit authorization.

#### Allowable Non-storm Water Discharges

- Discharges from fire-fighting activities
- Fire Hydrant flushing
- Waters used to wash vehicles where detergents are not used
- Water used to control dust
- Potable water including uncontaminated water line flushings
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used
- Uncontaminated air conditioning or compressor condensate
- Uncontaminated ground water or spring water
- Foundation or footing drains where flows are not contaminated with process materials such as solvents
- Landscape and other irrigation drainage.

#### Discharges not allowed under this Permit

- Discharges from construction activities within Indian Country
- Post Construction Discharges
- Discharges Mixed with Non-storm water
- Discharges Covered by Another Permit
- Discharges Threatening Water Quality
- Discharges from Commercial Construction Support and related activities.
- Spills

### **Part 2: Special Conditions, Management Practices, Responsibilities, and other Non-Numeric Limitations**

#### Release of excess of Reportable Quantities

- The discharge(s) from a site shall be prevented or minimized in accordance with the applicable SWPPP for the site. This permit does not relieve the Permittee of the reporting requirements of 40 CFR part 117, 110, or 302.
- Permittee is required to notify the National Response Center (NRC) (800-424-8802) and the Division of Water Quality (DWQ) (801-536-4123) or the 24 hour DWQ answering service (801-536-4123) as soon as he or she has knowledge of a reportable discharge.
- Permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including type and amount of material), the date the release occurred, the circumstances leading to the release, the measures taken and/or planned to be taken to clean up the release, and steps to be taken to minimize the chance of future occurrences.
- The SWPPP required under Part 3 of this Permit must be modified within 14 calendar days of the knowledge of the release to provide a description of the release. In addition the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the SWPPP must be modified where appropriate.

#### Discharges Compliance with Water Quality Standards and TMDL Requirements

- Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard or a violation of TMDL requirements are not authorized by this Permit.

### **Part 3: Storm Water Pollution Prevention Plans**

### SWPPP Required

- A Storm Water Pollution Prevention Plan (SWPPP) shall be developed, implemented and maintained throughout the term of the project.
- Permittees must implement the SWPPP as written or modified from commencement of construction until final stabilization is complete and an NOT has been submitted.

### SWPPP Location, Availability, Revision, and Signature

- A copy of the SWPPP, including a copy of the Permit, the NOI and any amendments to the SWPPP, shall be retained on-site at the site which generates the storm water discharge.
- For linear construction projects, such as pipelines, the posted notice shall be located at a publicly accessible location near the active part of the construction project.
- The Permittee shall also make a copy of the SWPPP available to the public to review at reasonable times during regular business hours.
- The Executive Secretary may notify the Permittee at any time the SWPPP does not meet one or more of the minimum requirements of this Part 3. Within 7 days of such notification the Permittee shall make the required changes to the SWPPP and shall submit to the Executive Secretary a written certification that the changes have been made.
- All SWPPPs must be signed and certified in accordance with Part 5.16 of this Permit.

### Keeping SWPPPs Current

- The Permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP.
- Amend the SWPPPs whenever inspections or investigation determines the SWPPP is not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.
- The Permittee shall amend the SWPPP whenever a new owner/operator becomes responsible for implementing all or part of the SWPPP.
- The following activities shall be maintained as part of the SWPPP
  - Dates when major grading activities occur
  - Dates when construction activities temporarily or permanently cease on a portion of or all of the site
  - Dates when stabilization measures are initiated.
- Once an area has been finally stabilized, the Permittee may identify this area in the SWPPP and no further SWPPP or inspection requirement shall apply to that area.

### SWPPP Content

- See Sec. 3.5 of the General Permit UTR 30000 for a list of content required within the SWPPP

### Inspections

- Inspections shall be conducted either
  - Once every 7 calendar days; or
  - Once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater.
- Inspections must be conducted by qualified personnel
  - A person knowledgeable in the practices of erosion and sediment controls who possesses the skills to assess conditions at the construction site.

- Inspection must include all areas of the sit disturbed by construction activity and areas used for storage of materials that are exposed to precipitation.
- Inspections at construction sites involving linear must occur at the same frequency as other construction projects, but personnel may instead inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature interests the construction site. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending the end of the 0.25 mil segment to either end of the next 0.25 mile segment.
- Inspection reports must include:
  - The inspection date
  - Names, titles, and qualifications of personnel making the inspection
  - Weather information for the period since the last inspection
  - Location(s) of discharges of sediment or other pollutants from the site
  - Location(s) of BMPs that need to be maintained
  - Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location
  - Location(s) where additional BMPs are needed that did not exist at the time of inspection
  - Corrective action required including any changes to the SWPPP necessary and implementation dates.
- Records of each inspection must be maintained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated.

#### Non-Storm Water Discharges

- The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

#### Part 4. Termination/Changes in Owner/Operator for Site

##### Termination of Coverage

- Permittees may or shall terminate coverage under this Permit under the following conditions:
  - Completion of construction activities and site stabilization
  - Partial completion of construction activities and site stabilization
  - New responsible owner/operator

#### 4.4 Installation and Operation of the Wildcat Hills Compressor Station

**Agency:** Utah Department of Environmental Quality Division of Air Quality

**Dates:** Issued 8/12/09,

**Permit No:** Approval Order Number DAQE-AN014209001-09

##### GENERAL

- **Scope:** This air quality Approval Order (AO) authorizes the installation and operation of the Wildcat Hills Compressor Station within the limits specified in the AO.
- **Dates:** This AO applies throughout the life of the project. However, if the construction and/or installation has not been completed within 18 months from the date of this AO (August 12, 2009), the Executive Secretary shall be notified in writing on the status of the construction and/or installation (Notification Deadline: February 12, 2011).

## PERMIT DETAILS

### Section I: General Provisions

- Modifications to the equipment or processes approved by this AO that could affect the emissions covered by this AO must be reviewed and approved.
- Records shall be kept for a minimum of two (2) years and made available to the Executive Secretary or Executive Secretary's representative upon request.
- Owners and operators shall, to the extent practicable, maintain and operate any equipment approved under this AO. All maintenance performed on equipment authorized by this AO shall be recorded.

### Section II: Special Provisions

#### II.A: Approved Equipment Installation

- Facility Wide - Turbine Compressor Station
- Turbine #1
- Turbine #2
- Standby Generator Engine
- Heaters and Tanks (M-1)

#### II.B: Requirements and Limitations

##### II.B.1 Site Requirements

- Visible emissions from the following emission points shall not exceed the following values:
  - All natural gas operated equipment with an exhaust stacks – 10% opacity
  - All other points – 20% Opacity
- Opacity observations of emissions from stationary sources shall be conducted according to 40 CFR 60, Appendix A, Method 9.
- The Ruby Pipeline shall only use natural gas as fuel in the two turbine compressor engines, the natural gas generator and the miscellaneous heaters.
- Ruby Pipeline shall notify the Executive Secretary in writing when the installation of the equipment listed in this permit has been completed and is operational. To ensure proper credit when notifying the Executive Secretary, send your correspondence to the Executive Secretary, attn: Compliance Section.
- If the construction and/or installation has/have not been completed within 18 months from the date of this AO, the Executive Secretary shall be notified in writing on the status of the construction and/or installation. At that time, the Executive Secretary shall require documentation of the continuous construction and/or installation of the operation and may revoke the AO.

##### II.B.2 Requirements on Turbines

- The following emissions rate of  $\text{NO}_x \leq 6.46$  lbs/hr and 15 ppm at 15% excess  $\text{O}_2$ , shall not be exceeded from each turbine.
- The following emission rate of  $\text{CO} \leq 6.55$  lbs/hr and 25 ppm at 15% excess  $\text{O}_2$ , shall not be exceeded from each turbine.
- Testing Status
  - Initial compliance testing is required. The initial test date shall be performed as soon as possible and in no case later than 180 days after the start up of a new emission source, an existing source without an AO, or the granting of an

- AO to an existing emission source that has not had an initial compliance test performed. If an existing source is modified, a compliance test is required on the modified emission point that has an emission rate limit.
- Test as per 40 CFR 60 Subpart KKKK. The Executive Secretary may require testing at any time.
  - Notifications
    - The Executive Secretary shall be notified at least 30 days prior to conducting any required emission testing. A source test protocol shall be submitted to DAQ when the testing notification is submitted to the Executive Secretary
    - The source test protocol shall be approved by the Executive Secretary prior to performing the test(s). The source test protocol shall outline the proposed test methodologies, stack to be tested. A pretest conference shall be held, if directed by the Executive Secretary.
  - Sample Location
    - The emissions point shall be designed to conform to the requirements of 40 CFR 60, Appendix A, Method 1, or other methods as approved by the Executive Secretary. An Occupational Safety and Health Administration or Mine Safety and Health Administration approved access shall be provided to the test location
  - Volumetric Flow Rate
    - 40 CFR, Appendix A, Method 2 or other testing methods approved by the Executive Secretary.
  - NO<sub>x</sub>
    - 40 CFR, Appendix A, Method 7, 7A, 7B, 7C, 7D, 7E, or other testing methods approved by the Executive Secretary.
  - CO
    - 40 CFR, Appendix A, Method 10, or other testing methods approved by the Executive Secretary.

**Section III: Applicable Federal Requirements**

- NSPS (Part 60), JJJJ: Stationary Spark/Ignit R.I.C.E.
- NSPS (Part 60), KKKK: Stationary Combustion Turbines
- MACT (Part 63), ZZZZ: Recipro. Int. Comb Engine

**4.5 Stream Alteration Permit**

**Agency:** Utah Department of Natural Resources – Division of Water Rights

**Permit No:** See Table 4-1 below.

**GENERAL**

- Scope: permit order(s) covers the installation of a utility crossing at the natural streams listed in Table 4-1 below.
- Dates: permit issued on February 17, 2010, permit expires March 1, 2011.

**Table 4-1 Utah Stream Alteration Applications**

UTAH APPLICATION NUMBER	STREAM NAME	COUNTY	STATE
09-23-02SA	Bear River	Rich	UT

**Table 4-1 Utah Stream Alteration Applications**

UTAH APPLICATION NUMBER	STREAM NAME	COUNTY	STATE
09-23-03SA* 09-23-04SA 09-23-05SA	Woodruff Creek (reach 1)	Rich	UT
09-23-03SA* 09-23-04SA 09-23-05SA	Woodruff Creek (reach 2)	Rich	UT
09-23-03SA* 09-23-04SA 09-23-05SA	Woodruff Ck trib (Birch Ck)	Rich	UT
09-23-06SA	Walton Creek	Rich	UT
09-25-22SA* 09-25-24SA	East Fk Little Bear & tribs (reach 1)	Cache	UT
09-25-23SA	Mill Creek tribs	Cache	UT
09-25-22SA* 09-25-24SA	East Fk Little Bear & tribs (reach 2)	Cache	UT
09-25-25SA	Little Bear, S Fk Little Bear, & tribs	Cache	UT
09-25-26SA	Spring Branch & assoc drainages	Cache	UT
09-25-27SA	West Fk Little Bear & trib	Cache	UT
09-29-04SA	North Lake trib	Box Elder	UT
09-29-05SA	Bear River	Box Elder	UT
09-29-06SA	Sulphur Creek & tribs	Box Elder	UT
09-29-07SA	Salt Creek drainages	Box Elder	UT
09-13-01SA	Faust Valley (Blue Ck tribs)	Box Elder	UT
09-13-01SA, 09-13-02SA	Blue Creek & trib	Box Elder	UT
09-13-03SA	Deep Creek	Box Elder	UT
09-13-04SA	Dove Creek	Box Elder	UT
09-13-05SA	Muddy Creek	Box Elder	UT
09-13-06SA	Rosebud (headwaters)	Box Elder	UT
09-13-07SA	Grouse Creek	Box Elder	UT

**PERMIT DETAIL**

- Work affecting the bed and/or banks of the stream may not be conducted after March 1, 2011. The expiration date may be extended, at the State Engineer's discretion, by

submitting a written request outlining the need for the extension and the reasons for the delay in completing the proposed stream alteration.

- A copy of this order must be kept onsite at any time the work authorized under this order is in progress.
- Disturbed areas must be planted with a variety of appropriate vegetation (especially woody vegetation where feasible) to help hold the soil around riprap, prevent excessive erosion, and to help maintain other riverine functions. Successful revegetation efforts must be monitored and reported to this office (Utah DNR).
- Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
- This approval does not authorize trespass, easements, right-of-way, or any other access and land use permits.
- Excavated material and construction debris may not be wasted in any steam channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material etc. may not be stockpiled in riparian or channel areas.
- Whenever the applicant causes the water turbidity in an adjacent surface water to increase 10 NTU's or more, the applicant shall notify the Division of Water Quality.
- Erosion control, revegetation, and noxious weed control must be implemented and monitored until revegetation becomes well established. Success of these measures must be reported prior to the compliance inspection. This is especially important for all disturbed areas, including fill, in order to prevent sediments from entering flowing water. Particular attention is required to assure that silt fencing is properly installed and left in place until after revegetation becomes established at which time the silt fence can be carefully removed.
- If historical or archaeological resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, historical artifacts (glass, ceramic metal, etc.) are found during construction, the permit holder is advised to cease work and contact the Division of State History at 801-533-3555.
- Ingress and egress access should be kept to a minimum.
- Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. Flows must be diverted away from the construction area using a non-erodible cofferdam or other means of bypass.
- Machinery must be properly cleaned and fueled offsite prior to construction.
- Bedding and backfill material, placed around the pipe, may not be more free draining than existing soils in steam channels, banks, and riparian zones. Loosely compacted material may act to violate this condition. Bedding and backfill materials must be either fine grained or constructed in such a manner that it does not act as a drain. This shall include placing clay cutoff collars, or utilizing compaction techniques.
- Appropriate water rights must be acquired prior to water use.
- Please submit photos of the completed project.

#### Work Notification

- **Ruby's contact with the Division is Daren Rasmussen at 801-538-7414**

## 4.6 Special Use Permit

**Agency:** Utah Department of Natural Resources, Division of Wildlife Resources

**Permit No:** Lease Application No 1664

### GENERAL

- Scope: permit covers entrance to the Department of Natural Resources property for the purpose of surveying and staking the proposed route, and for conducting physical inspections, engineering studies, soil investigations, archeological surveys, and biological surveys. Permit also includes permission to use existing roads and trails across adjacent lands.
- Dates: permit effective on May 29, 2008, permit expired on May 29, 2009.

### REPORTING REQUIREMENTS

- None

## 4.7 Highway Right-of-Way Encroachment

**Agency:** Utah Department of Transportation

**Permit No:** See Table 4-2

### GENERAL

- Scope: permits cover installation of pipeline within the ROW limits of the highways listed in Table 4-2 below.
- Dates: permits effective on September 8, 2009, permits expire on March 31, 2011.

**Table 4-2 Highways Covered by Utah DOT ROW Encroachment Permits**

Permit No.	Road	In/near	Permit Inspector	Permit Inspector contact no.
R1-091067-1	Highway 30	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192
R1-091065-1	Highway 15	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192
R1-091069-1	Highway 83	Box Elder, Box Elder County	William Arnold	(435) 760-7353
R1-091066-1	Highway 16	Rich, Rich County	William Arnold	(435) 760-7353
R1-091070-2	Highway 89	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192
R1-091063-1	Highway 39	Cache, Cache County	William Arnold	(435) 760-7353
R1-091068-1	Highway 38	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192
R1-091071-1	Highway 102	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192
R1-091064-1	Highway 13	Box Elder, Box Elder County	Dirk Richards	(435) 553-5192

### PERMIT DETAILS

**Construction methodology requirements:**

- This permit is for auger/bore method only.
- Untreated Base Course with 97% compaction for the full depth of the trench with six inch lifts.
- Must use PG asphalt. Saw cut and tack joints. Asphalt replace to 6"- minimum with 3 inch lifts.
- An inspector may be required at permittee's expense, with 48 hours notice.
- Licensee is responsible for repairing and/or restoring any portion of the roadway damaged during construction.
- Licensee must restore shoulder of highway to its original or better condition. Including reseeding, replacing sidewalk, fencing, pipe, culverts or signs removed or damaged during construction and any other roadway features.
- Ruby will comply with all applicable environmental laws.
- Minimum depth of five feet required.

**Work notification:**

- **Ruby will contact permits inspector (listed in table above) and Tommy Vigil at (801)-791-4988 24 hours before starting work.**

**Failure to complete work clause:**

- If work is commenced but not completed, Utah DOT may correct deficiencies or completed the permitted work at the expense of the permittee.
- Permittee shall pay any costs immediately upon receipt of an invoice from Utah DOT.
- If court time is required to settle any invoice disputes, the permittee shall be responsible for Utah DOT's costs and fees, including attorney's fees.

**4.8 Utah Department of Transportation Engineering Review**

**Agency:** Utah Department of Transportation

**Permit No:** NA

**GENERAL**

- Scope: These specifications were implemented to cover any construction company, utility company or political subdivision for the construction maintenance, repair, operation or use of any gas, oil, telephone, power, sewer, water, communication and similar facilities within a State ROW. The purpose of these specifications is to provide uniform guidance for the Regions Permit Offices when excavations, within State of Utah Highway ROW, are permitted. This is a supporting document to the Utah DOT ROW Encroachment Permit
- Dates: NA

**PERMIT DETAILS****Protection of Public During Construction**

- Contractor shall comply with all federal, state and local laws ordinances and the U.S. Department of Transportation Federal Highway Administration's "Manual on Uniform Traffic Control Devices"
- Construction operation will be conducted so that a minimum amount of interference or interruption of highway traffic results.

- The contractor will provide, erect and maintain all necessary barricades, warning lights, signals and signs, and watch persons and flaggers as required by the Manual on Uniform Traffic Control Devices
- Except in emergency, full road closures may not be permitted unless authorized in advance by the Utah DOT.

### **Method of Crossing**

- Jacking or boring is preferred to open trench excavation, and shall be required in all cases of utility facilities crossing under paved surfaces, unless not feasible. Jetting by means of water or compressed air will not be permitted.

### **Removal of Pavement, Sidewalks, Curbs, Etc.**

- Cuts are to be made vertically along the lines forming the trench so that adjoining pavement is not damaged. Any pavement damage by operations outside the limits of the trench will be replaced. Large broken pavement material must immediately be removed from the work site.

### **Repairs**

- Repairs to Utah DOT roads are only to be made by licensed contractors, utility companies, or political subdivisions with qualified skilled workers.

### **Flowable Fill**

- Unless otherwise agreed to by prior written agreement in all urban areas and on rural highway with high volume traffic as determined by Utah DOT, flowable fill be used for backfill under paved areas and will be in conformance with the requirements of "Flowable Fill" of the State of Utah "Standard Specifications for Road and Bridge Construction" Current Edition.
- In rural areas where flowable fill is impractical, such cases shall be in conformance with the requirements of the Borrow, Granular Borrow and Granular Backfill Borrow, in the current edition of the State of Utah "Standard Specifications for Road and Bridge Construction"

### **Compaction of Backfill**

- Materials for backfill must be free of organic matter, large broken concrete and similar material obtained from excavation.
- All backfill will be placed in six inch thick layers, loose measure.
- Material for backfill must be properly moistened or watered to the correct moisture content for proper compaction.
- Compaction must be obtained by mechanical means.
- Jetting or internal vibrating methods of compaction will be permitted
- Utah DOT requires a dry density of backfill shall not be less than 96% under pavements, sidewalks curbs or other structures, as determined by compaction test made in conformity with the current edition of the AASHTO (Standard Specifications for Highway Material Methods of Sampling and Testing).
- Utah DOT requires density of backfill on shoulders to be 90% or more by the same standard.

### **Restoration of Surfaces**

- All surfacing removed in the performance of the work will be restored in kind by the contractor in accordance with the specifications.

- Deviations of more than ¼ inch between old and new work or within new construction will be corrected. Such measures will be made from ten feet, minimum length straight edge.

#### **Protection of Paved Surfaces**

- Track equipment must use rubber cleats or paving pads when operating on or crossing paved surfaces.

#### **Tracking**

- Before entering a State Highway, any vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate or any other similar material will be required to remove any loose material on any portion of the vehicle not designed to carry the material.

#### **Time Limit**

- The contractor will provide a paved surface on all locations remaining overnight at his own expense for all pavement removed or damaged due to excavation unless additional time is granted in writing by the Utah DOT Region Permits Officer.
- If weather conditions do not permit immediate placing of pavement, a temporary six-inch cold mulch shall be placed until weather conditions become favorable.
- If the gravel is fouled with clay or other materials, the entire surfacing will be removed and replaced with new gravel surfacing material.
- Repairs to pavement or surface will include that which has been damaged with construction equipment.
- If the utility fails to restore the surface to a satisfactory condition, the Utah DOT shall restore the roadbed at the Utility's expense.

#### **Restoring Concrete or Asphalt Surfaces**

- TEMPORARY SURFACE - Where trenches are excavated, in paved areas and the surface is replaced overnight with a temporary six-inch cold mulch surface, flowable fill will be required up to six-inches from the surface. Where flowable fill cannot be used the gravel below the cold mulch shall be placed deep enough to provide 12-inches of gravel.
  - Gravel will be placed in the trench at the time it is back-filled. The temporary cold mulch surface shall be maintained by rolling, adding cold mulch, etc., to maintain a safe, uniform surface until the final surface is placed. Excess material shall be removed immediately.
  - Material for use on gravel surfaces will be obtained from sound, tough durable gravel or rock in accordance with the current edition of Utah DOT Standard Specifications for Granular Borrow.
- ASPHALTIC CONCRETE SURFACE- The sub-base material and exposed edges of existing pavement shall be primed with a tack coat material, current edition of the Utah DOT Standard Specifications for Tack Coat. Hot mix asphalt meeting the requirements of Utah DOT Standard Specifications for Hot Mix Asphalt will be used. The thickness will be equal to the adjacent surface or six inches minimum. On trenches crossing a highway, a Plant Mix Seal Coat will be applied with a minimum width of five feet on either side of the excavation. If longitudinal trench excavation is permitted under a paved road, a Plant Mix Seal Coat, meeting the requirements of the current edition of Utah DOT Standard Specifications For Road and Bridge Construction will be applied to a minimum width of five feet each side of the trench or to the edge of the traveled lane on either side of the trench. If the trench is located in

the shoulder area, a Plant Mix Seal Coat will be placed from the edge of the traveled way to the outside edge of the shoulder. An alternative method will be acceptable in cases where the asphalt is cut to straight uniform lines. This method will use under lap joints and tackcoat overlapping the road in place of seal coat. Minimum thickness of asphalt patch will be five inches when this method is used. Materials and methods will conform to Road Mix Asphalt Surface Course the current Utah DOT Standard Specifications for Road and Bridge Construction for Road and Bridge Construction.

- **CONCRETE SURFACE** - The sub-base will be pre-wetted immediately prior to placing the concrete. Joints and surfaces will be made to match the original surfaces. The thickness of concrete will be equal to the adjacent concrete. Concrete pavement will be replaced with full panel replacement as required in the current Utah DOT Standard Drawings, "Concrete Pavement details for Urban and Interstate", and Urban "Concrete Pavement Details". Concrete will meet and be placed in accordance with "Portland Concrete Cement Pavement of the current edition of the Utah DOT Standard Specifications for Road and Bridge Construction.
- **GRAVEL SURFACES** - Trenches excavated through gravel surfaced areas such as gravel roads, gravel shoulders and unpaved driveways will have the gravel surface restored to a minimum of 1-inch more than the thickness of existing gravel.

#### **Cleanup**

- At the completion of work all equipment, barricades and other items shall be removed from the right of way. All excess material will be removed. Adjacent borrow pits and road shoulders used for storage of excavated material will be smoothed and graded to their original contour.

#### **Seeding**

- Any plant growth within the highway right-of- way, that is disturbed or removed by the utility construction operations, will be restored by him through seeding or replanting as directed by the Utah DOT Region Permit.

#### **Records**

- Construction revisions will be documented with as-constructed plans. The proposed instillation will be tied by survey to the nearest permanent-type marker, such as ROW, street intersections, section corners, U.S. Geological Survey and Coast and Geodetic Triangulation Stations. Ties to highway stations when survey work has been completed will also be accepted. The tolerance of error in these ties cannot exceed one minute in direction and one foot in distance.
- Any field changes made during construction will be noted and corrected prints furnished the Utah DOT Region Permits Officer within twelve calendar days after completion of construction.

#### **Liability**

- Any individual or organization performing work within the state highway right-of-way will hold the Utah Department of Transportation and its employees, and the owners and employees of any other utility company lawfully within said ROW, free and harmless from all damages caused through such operations.
- Any defective workmanship discovered within three years of the completion of the job will be immediately corrected.

## 4.9 Statewide Utility License Agreement

**Agency:** Utah Department of Transportation

**Permit No:** Federal ID No. 26-1442249

### GENERAL

- **Scope:** This document is an agreement between Utah DOT and Ruby stating that while Ruby must still file permits with Utah DOT for locating, constructing, and maintaining utility lines and related facilities within State Highway ROW, Utah DOT will expedite the approval of these permits
- **Dates:** Valid starting April 17, 2009 until either party terminates agreement.

### PERMIT DETAILS

#### Agreement Conditions:

#### 1) Utah DOT Agreement to Review Applications:

- The agreement is not a permit or guarantee of a permit, however Utah DOT will promptly review applications submitted by Ruby..
- All permits that may be issued will be subject to the Manual for the Accommodation of Utilities and Protection of State Highway ROWs.

#### 2) Approval:

- All location, construction, and maintenance applications and permits will be accompanied by two sets of plans for the proposed alignment of Ruby facilities
- A Utah DOT Region/District Director or other authorized representative will have the authority to approve submitted permits as expeditiously as possible

#### 3) Reservation and Special Provisions

- Each party reserves the right to require the execution of a specific permit for any particular location and construction and may include special provisions as part of that permit.

#### 4) Inspection

- Utah DOT will routinely inspect the work of Ruby to ensure compliance.
- All costs of inspection will be paid for by Ruby.

#### 5) Costs

- All costs of the facilities installation shall be paid for by Ruby.

#### 6) Beginning Construction

- Ruby Pipeline LLC may commence construction on Utah DOT property or ROW once notice has been given to Utah DOT and an encroachment permit obtained.

#### 7) Traffic Control

- Ruby shall conduct all operations so there is a minimum of interference without interruption of highway traffic
- Ruby shall conform to all Utah DOT approved traffic control plans and application of traffic control devices in adherence with the current FHWA "Manual of Uniform Traffic Control Devices"

- No lane closures may be made without prior approval of Utah DOT and peak hour lane closures are prohibited

#### **8) Excavation**

- All excavation shall be made in compliance with current Utah DOT regulations and by obtaining the required permit.
- Ruby must also be cleared on a variety of environmental laws prior to permitting.
- Jacking or boring is preferred to open trench excavation, and will be required in all cases of facilities crossing under and not parallel to paved surfaces.
- Jetting by means of water or compressed air is not permitted
- The pavement, sidewalk, curb and gutter, driveway, etc. shall be cut vertically along the lines forming the trench so that the adjoining pavement is not damaged
- Ruby shall not cause damage to the pavement outside the limits of the trench and will remove any large broken paving materials immediately from the site of work.

#### **9) Emergency Excavation**

- Emergency excavation may be made without a prior permit if there is imminent danger or loss of life or severe damage to property.
- Excavating parties must contact Utah DOT by the end of the first working day following excavation and must notify all utility owners prior to excavation
- The prior-permit requirement is the only provision of this agreement that is waived for emergency situations

#### **10) Backfill and Compaction**

- In all urban areas and on rural highways with high volume traffic flowable fill shall be used for backfill under paved areas and shall be in conformance with the requirements set forth of Section 03575 for "Flowable Fill" of the State of Utah Current Edition of the "Standard Specifications of Road and Bridge Construction"

#### **11) Protection of Paved Surfaces**

- Ruby shall use rubber cleats or paving pads when operating track equipment on or crossing surface paved surfaces

#### **12) Restoration of Existing Pavement**

- Ruby Pipeline, LLC shall pay and provide for the replacement of any pavement removed or damaged with approval by Utah DOT within 48 hours after completion of excavation of backfill
- If weather conditions do not permit immediate placing of permanent pavement, temporary pavement will be used and replaced with permanent pavement as soon as weather conditions allow.
- If the gravel surface, gravel shoulders, or gravel surfaced approach roads become contaminated and are not consistent with Utah DOT specifications, or have been damaged by construction, such surfacing material will be entirely removed and replaced with new gravel surfacing material.
- Utah DOT will notify Ruby of the need to repair the pavement.

#### **13) Restoration of Traffic Signal Equipment**

- If any traffic signal equipment or facilities are disturbed or relocated Ruby must pay for restoration by a qualified electrical contractor (approved by Utah DOT) experienced in signal installation.

- Traffic signal restoration work shall be scheduled to ensure minimal interruption to traffic signal operation.

**14) Cleaning-Up Highway ROW**

- Upon completion of work all excess material shall be removed from within highway limits and all highway features or facilities shall be restored to current Utah DOT standards.
- Any disturbed surfaces shall be graded to the lines and grades established.
- Seeding may be required to restore vegetation damaged or destroyed.

**15) Maintenance**

- Ruby shall pay for all maintenance activities and will be notified by Utah DOT of any failure to maintain standards.
- The facilities will be serviced without access from any interstate highway or ramp.

**16) Future Highway Construction**

- Utah DOT will have the right to cross said facilities line at any point necessary in the future for the State highway system provided that Utah DOT uses due care in the protection of the facilities line.

**17) Relocation Costs**

- If the highway is to be reconstructed in the future Utah DOT will meet with Ruby to determine a relocation schedule. Relocation costs will be determined according to UT Code 72-6-116.

**18) Liability**

- Ruby Pipeline, LLC is required to post a continuous bond in the amount of \$100,000 to guarantee satisfactory performance as provided in the agreement. [See Section 3.2.10 for details on issuance of the continuous bond.]
- Utah DOT may proceed against said bond to recover all expenses incurred by Utah DOT in sections of roadway interfered with by Ruby.
- The liability of Ruby shall not be limited to the amount of the bond, however, Utah DOT may only claim the \$100,000 maximum amount.

**19) Cancellation of Permit**

- If Ruby fails to comply with the terms of the agreement or fails to pay any sum of money required for the inspection, reconstruction, repair, or maintenance of said facilities, Utah DOT may cancel the permit and remove said facilities at the expense of Ruby.
- Utah DOT will notify Ruby in writing before permit cancellation and will give a reasonable amount of time to fully correct said violations.

**20) Assignment**

- Any permit granted as part of this agreement may not be assigned without the prior written consent of Utah DOT

**21) Successors and Assigns**

- All covenants and agreements are binding on Utah DOT and Ruby.

**22) Utah DOT Maintenance Operations**

- Underground facilities must be buried to the proper depth to avoid conflict with Utah DOT's normal and routine maintenance activities.
- Ruby shall protect, indemnify, and hold harmless Utah DOT for damages to lines within the horizontal and vertical clearances.
- Any noncompliance may result in permit annulment

### **23) Termination of License Agreement**

- This agreement may be terminated at any time by either party upon thirty days' advance written notice to the other.
- This termination shall not affect any permits issued and approved under this agreement. Affected permits shall continue beyond termination as agreed to by their terms and provisions.

## **4.10 Continuous Statewide Utility Agreement Bond**

**Agency:** Utah Department of Transportation

**Permit No:** Bond No. RLB0012535

### **GENERAL**

- Scope: This bond covers the placement of utilities on property and ROW belonging to the Utah DOT.
- Dates: The bond was signed, sealed and dated on 04/27/2009

### **PERMIT DETAILS**

#### **General Description**

- As part of the Utah DOT Utility License Agreement; this bond binds the Principal unto the Utah DOT for the penal sum of \$100,000.00 to guarantee the proper restoration and replacement to the extent of actual damages caused by the principal or their facilities of the State maintained, governed or owned; Rights-of-Way, or property to include roads, ditches, bridges, culverts, and other appurtenances that the Principal utilized or impacted during the installation of the utility facilities.

#### **Signatories**

- Principal Seal: John Hopper, Ruby Vice President and Treasurer
- Surely Seal: Greg E. Chilson, RLI Insurance Company, Attorney-in-Fact
- Notary: Nancy Cruz, Notary Public in the State of Texas

## **4.11 Special Use Lease**

**Agency:** State of Utah School & Institutional Trust Lands Administration

**Reference:** Application No. 1664

### **GENERAL**

- Scope: The State of Utah School & Institutional Trust Lands Administration has responded with a letter acknowledging the acceptance of the Special Use Lease Application No. 1664. The forthcoming lease is for the construction of a compressor site on Utah state land identified as Township 12 North, Range 11 West, SLB&M, Section 16, Box Elder County.

- Upon the completion of a cultural survey by the Trust Land Administration staff, and the payment of associated fees (see below) by Ruby, the Trust Land Administration will prepare a lease document.
- Dates: Letter of acceptance of Special Use Lease Application dated 02/02/2010, Date of lease: TBA.

## PERMIT DETAILS

### Associated Fees

- Industrial Rental: \$15,000.00
- Processing Fee: \$700.00
- Advertising Fee: \$75.60
- Total: \$15,775.60

### Follow up action

- Ruby to submit associated fees.
- Trust Land Administration to conduct a cultural survey.
- Trust Land Administration to prepare a lease document.

## 4.12 COR Permit

**Agency:** Utah Department of Natural Resources – Division of Wildlife Resources

**Permit/COR No:** 1BAND6890.

### GENERAL

- Scope: Authorization to trap and release Pygmy Rabbits
- Dates: Effective from 7/15/2010 to 12/31/2010. Report of Activities and Report of Regional Contact due December 31.

## PERMIT DETAILS

### Specific Provisions:

- This permit authorizes Ruby to trap and release pygmy rabbits at the following locations:
  - Tooele/Juab – Ibapah
  - Iron – Cedar City
  - Iron/Millard – Minersville Valley
  - Piute – Grass Valley
  - Sevier – Grass Valley
  - Wayne – Grass Valley\
  - Rich – Woodruff area associated with Ruby Pipeline.
- Before beginning banding activities contact the following wildlife biologists:
  - Keith Day – Southern Region 435-865-6120, [nrdwr.kday@state.ut.us](mailto:nrdwr.kday@state.ut.us)
  - Kim Hersey – Central Region 801-491-5678
  - Masako Wright – Northern Region 801-510-2034

- Pygmy Rabbits will only be handled by trained personnel.
- Use of sedative drugs and reversal agents must be closely monitored.
- Color-coded ear tags must not be so large that they impair normal use or function of pygmy rabbits' ears or so noticeable that they increase the risk of predation.
- Number to be captured: Up to 74
- Disposition: Live trapped, Radio Collared, Ear Tagged, Blood Sampled, Taken and Released at site of capture.
- Report of activities and report of regional contact (forms enclosed with permit) due **December 31**

## 5.0 Nevada State Permits

### 5.1 Section 401 Water Quality Certification

**Agency:** Nevada Division of Environmental Protection (NDEP) of Water Pollution Control

**Date:** Coincides with Federal Permit – Issued 7/30/10, Expires 7/30/12

**Permit Number:** NV401-10-071

#### GENERAL

- Scope: This certification is based on the finding that the proposed Section 404 discharge will comply with all pertinent water quality standards.
- Dates: Certification letter was issued on July 30, 2010

#### PERMIT DETAIL

- Best Management Practices (BMPs) to prevent erosion and sediment must be properly installed and maintained throughout the project construction period until all disturbed areas are stabilized
- Photographs of BMPs, specifically in the wetlands and waterbody crossing sites, must be made available to NDEP on the project website within 2 of installation.
- Any modifications to original project submittal must be reviewed and approved by the NDEP prior to implementation
- All conditions of NDEP's Temporary Authorization To Discharge Permit (Construction / Dewatering Permit) or any other permit issued by NDEP for the project must be followed.

### 5.2 Onsite Sewage Disposal System Application

**Agency:** Nevada Division of Environmental Protection – Bureau of Water Pollution Control

[Will be updated upon receipt of permit]

### 5.3 Temporary Discharge Permit for Hydrostatic Discharge and Construction Dewatering

**Agency:** Nevada Division of Environmental Protection – Bureau of Water Pollution Control

**Dates:** Issued 6/15/2010, Expires 12/14/2010

**Permit Number:** TNEV2010433

#### GENERAL

- Scope: This permit authorizes the discharge of hydrostatic water and construction dewatering, including at compressor stations, to waters of the State as described in the application.
- Dates: This permit will expire on 12/14/2010. Monthly Discharge Monitoring Reports (DMRs) are due by the 28<sup>th</sup> day of each month. The final DMR and narrative report and photo documentation of project activities is due January 28, 2011, or by the 28<sup>th</sup> day of the month following project completion, whichever comes first.
- Documents: A full copy of the Temporary Discharge Permit was submitted to Ruby Pipeline LLC on March 3, 2010. Only the cover letter for the permit was received by E & E inc.

## PERMIT DETAILS

### Part 1: Effluent Limitations, Monitoring and Conditions

- Discharge is not permitted to surface water
- Discharge flows shall be allowed to evaporate and infiltrate to groundwaters of the State.

#### Effluent Limitations

- Discharge samples shall be collected prior to discharge to the groundwater.
- Discharge shall be limited and monitored as specified by Table I.A.1 below

**Table I.A.1. Discharge Limitations and Sampling and Monitoring Requirements**

Effluent Parameters & Units		Discharge Limitations	Sampling Locations	Monitoring Frequency	Monitoring Type
Flow Rate <sup>1,2</sup>	gpm, MGD	2.5 MGD	Discharge Locale	Continuous, as discharge occurs	Flow meter, calculation
Biocide <sup>3</sup>		M&R	Discharge Locale	Daily, as discharge occurs	Discrete

gpm: gallons per minute

MGD: Million Gallons per Day

M&R: Monitor and Report

1. Measure in gpm and calculate daily flow in MGD; measure continuously and report monthly.
2. Discharge velocity shall not be greater than 2 ft/sec to ground surface.
3. Specific Biocide to be determined and reported to NDEP.

#### Monitoring Requirements

- Monthly discharge monitoring reports (DMRs) and final narrative report shall include the following:
  - Monitoring and sampling data collected and analytical reports
  - Photos of the project construction elements, dewatering system, discharge points and BMPs utilized.
  - Narrative describing project activities.
- DMRs shall be received by the 28<sup>th</sup> day of each month of the permit life.

- The final report, photos and analytical data shall be received by the 28<sup>th</sup> day following project completion.
- DMRs and Final Report shall be submitted to the following address:  
Nevada Division of Environmental Protection  
Bureau of Water Pollution Control  
ATTN: Compliance Coordinator  
901 S. Stewart Street, Suite 4001  
Carson City, NV 89701
- DMRs must be signed by the authorized representative that is responsible for the facility.

## 5.4 Storm Water Discharge Permit

**Agency:** Nevada Division of Environmental Protection – Bureau of Water Pollution Control

**Dates:** Effective 05/28/10, Renew 07/01/10

**Permit No:** NVR100000

**Project ID No:** CSW-16613

### GENERAL

- Scope: This general permit authorizes storm water discharges to waters of the State of Nevada resulting from construction activities, including construction support activities, anywhere in within the State of Utah with exception of Tribal Areas.
- Dates: Authorization to discharge occurred immediately after the preparation of a SWPPP and submittal of a NOI and fee occurred. NDEP received and issued the confirmation letter May 28, 2010. The permit is valid until July 1, 2010. The General Permit was put into effect September 16, 2007 and will expire on September 15<sup>th</sup>, 2012.

### PERMIT DETAILS

#### Part I: Coverage Under this General Permit

##### Allowable Stormwater Discharges

- Storm water associated with construction activity
- Discharges from construction support activities
- Discharges composed of allowable discharges covered in this permit commingled with a discharge authorized by a different UPDES permit authorization.

##### Miscellaneous Non-storm Water Discharges

- Discharges from fire-fighting activities
- Fire Hydrant flushing
- Waters used to wash vehicles where detergents are not used
- Water used to control dust
- Water used for compacting soil, provided effluent or other wastewaters are not used
- Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives
- Potable water including uncontaminated water line flushings
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used
- Uncontaminated air conditioning or compressor condensate

- Uncontaminated ground water or spring water
- Foundation or footing drains where flows are not contaminated with process materials such as solvents
- Landscape and other irrigation drainage.
- Water obtained from dewatering operations of foundations in preparation for and during excavation and construction that will have flows of 300 gallons per minute (gpm) or less for thirty (30) days or less.

Discharges not allowed under this Permit

- Discharges from construction activities within Tribal Areas
- Post Construction Discharges
- Discharges Mixed with Non-storm water
- Discharges Covered by Another NPDES Permit
- Discharges Threatening Water Quality

**Part II: Request for Inclusion Under this General Permit**

Submittal of an NOI and Fee [completed to obtain permit]

Continuation of Coverage in the General Permit

- A NOI must be submitted within ninety (90) days of the effective date to remain included under the original NOI.

**Part III: Storm Water Pollution Prevention Plans**

Objective

- A Storm Water Pollution Prevention Plan (SWPPP) shall be developed, implemented and maintained throughout the term of the project.
- Permittees must implement the SWPPP as written or modified from commencement of construction until final stabilization is complete and an NOI has been submitted.

SWPPP Content

- See Sec. III.A of the General Permit NVR 10000 for a list of content required within the SWPPP

Inspections

- Inspections shall be conducted once every seven (7) calendar days; and within 24 hours of a storm event of 0.5 inches or greater.
- Inspections must be conducted by qualified personnel
  - A person knowledgeable in the practices of erosion and sediment controls who possesses the skills to assess conditions at the construction site.
- Inspection must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation.
- Inspections at construction sites involving linear must occur at the same frequency as other construction projects, but personnel may instead inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending the end of the 0.25 mile segment to either end of the next 0.25 mile segment.
- Inspection reports must include:

- The inspection date
- Names, titles, and qualifications of personnel making the inspection
- Weather information for the period since the last inspection
- Location(s) of discharges of sediment or other pollutants from the site
- Location(s) of BMPs that need to be maintained
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location
- Location(s) where additional BMPs are needed that did not exist at the time of inspection
- Corrective action required including any changes to the SWPPP necessary and implementation dates.
- Records of each inspection must be maintained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated.

#### Maintaining an Updated SWPPP

- The Permittee shall amend the SWPPP within seven (7) days whenever
  - there is a change in design, construction, operation, or maintenance which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP.
  - Amend the SWPPPs whenever inspections or investigation determines the SWPPP is not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.
  - If implementation of the BMPs required by the SWPPP revision before the next anticipated storm event is impractical, the BMPs shall be implemented as soon as possible.

#### **Part IV. Termination/Changes in Owner/Operator for Site**

##### Termination of Coverage

- Permittees may or shall terminate coverage under this Permit under the following conditions:
  - Completion of construction activities and site stabilization
  - Partial completion of construction activities and site stabilization
  - New responsible owner/operator
- The following activities shall be maintained as part of the SWPPP
  - Dates when major grading activities occur
  - Dates when construction activities temporarily or permanently cease on a portion of or all of the site
  - Dates when stabilization measures are initiated.

Once an area has been finally stabilized, the Permittee may identify this area in the SWPPP and no further SWPPP or inspection

##### SWPPP Location, Availability, Revision, and Signature

- A copy of the SWPPP, including a copy of the Permit, the NOI and any amendments to the SWPPP, shall be retained on-site at the site which generates the storm water discharge.
- For linear construction projects, such as pipelines, the posted notice shall be located at a publicly accessible location near the active part of the construction project.
- The Permittee shall also make a copy of the SWPPP available to the public to review at reasonable times during regular business hours.

- The Executive Secretary may notify the Permittee at any time the SWPPP does not meet one or more of the minimum requirements of this Part 3. Within 7 days of such notification the Permittee shall make the required changes to the SWPPP and shall submit to the Executive Secretary a written certification that the changes have been made.
- All SWPPPs must be signed and certified in accordance with Part 5.16 of this Permit.

#### Non-Storm Water Discharges

- The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

### Part 4. Termination/Changes in Owner/Operator for Site

#### Termination of Coverage

- Permittees may or shall terminate coverage under this Permit under the following conditions:
  - Completion of construction activities and site stabilization
  - Partial completion of construction activities and site stabilization
  - New responsible owner/operator

## 5.5 Protected Wildlife Species Take Permit

**Agency:** Nevada Department of Conservation and Natural Resource; Division of Wildlife

**Dates:** Issued – August 18, 2010. Expires – June 30, 2012. Annual Report due – July 30, 2011 and July 30, 2012

**Permit Number:** S 33318

#### GENERAL

- Scope: Permit authorizes the capture, salvage and relocation of fish including the following fish species:
  - Lahontan Cutthroat Trout
  - Lahontan Redside Trout
  - Speckled Dace
  - Mountain Sucker
  - Warner Sucker

#### Conditions:

1. Permit must be in possession of the authorized collectors while conducting collection/salvage activities
2. Limited to only streams located in Elko, Humboldt and Washoe Counties
3. Capture and release only
4. Annual Report
  - a. Create and maintain a record of each specimen (or group of specimens for a single species) taken at each site-locally. Include the following information:
    - i. Date
    - ii. Number of specimens
    - iii. Species name
    - iv. Habitat type where the species was taken
    - v. Numeric breakdown of sex whenever possible

- vi. Description of location where species was taken
- b. Submit annual report by July 30, 2011 and July 30, 2012 to the following address
  - Nevada Department of Wildlife,
  - License Office – Scientific Collection Report,
  - 4600 Kietzke Ln D-135
  - Reno, NV 89502

## 5.6 Air Operating Permit and Permit to Construction - Wieland Flats Compressor Site

**Agency:** Nevada Division of Environmental Protection – Bureau of Air Pollution Control

**Dates:** Issued - September 11, 2009. Expires - March 11, 2011

**Permit Number:** AP4922-2537

### GENERAL

- Scope: Permit for the construction and operation of the Wieland Flat Compressor Station with appropriate restrictions.

### Section I: General Conditions

- Severability
  - Each of the conditions and requirements of the permit is severable
- Prohibited Acts
  - The Permittee shall not
    - Violate any provision, term or condition of the OPTC
    - Fail to pay any fee
    - Falsify material
    - Render inaccurate any monitoring device or method
- Prohibited Discharge
  - The Permittee shall not cause or permit the discharge into the atmosphere of any stationary source hazardous air pollutants as determined by the Director.
- Prohibited Conduct: Concealment of Emissions
- Compliance/Noncompliance
  - The Permittee shall comply with all conditions of this OPTC
- Schedules for Compliance
  - The Permittee shall comply with NAC 445B.001 through 445B.3791 inclusive
- Assertion of Emergency as Affirmative Defense to Action for Noncompliance
  - The Permittee may assert an affirmative defense to an action brought for noncompliance if...
    - An emergency occurred as defined in NAC 445B.056
    - The facility was being properly operated at the time of emergency
    - All reasonable steps to minimize excess emissions were taken
    - Notice of emergency was submitted to the Director within 2 working days after the emergency
- Halting or reducing activity to maintain compliance is not a defense to noncompliance with any condition of the OPTC
- Revocation and re-issuance
  - OPRC may be revoked if the control equipment is not operating
  - OPRC may be revoked upon determination of a violation

- OPRC may be revoked upon determination of new emission or performance standards
  - The revocation is effective 10 days after the service of a written notice, unless a hearing is requested
- The Permittee shall provide the Director, within a reasonable time, with any requested information.
- The Permittee shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331
- Right to Entry
  - The Permittee shall allow the Bureau of Air Pollution Control staff to
    - Enter upon the premises where:
      - The stationary source is located
      - Activity related to emission is conducted; or
      - Records are kept pursuant to the conditions of this OPTC
    - Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this OPTC
    - Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this OPTC; and
    - Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this OPTC.
- A responsible official of the Permittee shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of this Operating Permit to Construct are true, accurate and complete.
- Testing and Sampling
  - The Director may either conduct or order the owner to conduct testing and sampling as the Director determines necessary. Testing and or sampling must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 after initial startup of the facility and as such times as may be required by the Director.
  - Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
    - Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology
    - Approves the use of an equivalent method
    - Approves the use of an alternative method
    - Waives the requirement for tests of performances if the owner or operator demonstrates that the affected facility is in compliance with the standard.
  - The owner operator shall give notice to the Director 30 days before the test of performance along with a written testing procedure.
  - Each test of performance must consist of at least three separate runs using the applicable method for the test.
  - The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities must be provided and paid for by the owner of the stationary source
  - All information and analytical results of testing and sampling must be certified and provided to the Director no later than 60 days after the testing or sampling or both.

- Open Burning is prohibited except for exemptions described in NAC 445B.22067.2.
- Max Opacity of Emissions
  - Atmospheric discharge of any emission unit with opacity equal to or greater than 20% is prohibited. Opacity must be determined by one of the following methods
    - Visual measurement as determined in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
    - Data from a continuous monitoring system must be reduced to 6-minute averages
  - The provisions in this section do not apply to opacity that consists of uncombined water.
- Odors
  - The Permittee may not discharge from a stationary source any material or regulated which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or prevents comfortable enjoyment of life or property.
- Fugitive Dust
  - The Permittee may not cause or permit the handling, transporting, or storing of any material that may cause particulate matter to become airborne.
  - The Permittee may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas with first putting into effect without first putting into effect best practical methods to prevent particulate matter from becoming airborne.
  - The Permittee may not disturb or cover 5 acres or more of land or its topsoil until an Operating Permit has been obtained.

## Section II: General Construction Conditions

- Expiration
  - This permit to construct expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated.
  - The 18 months period may be extended upon satisfactory showing that an extension is justified.

## Section III: General Operating Conditions

- Facility Operations
  - The Permittee may not operate the stationary source of air pollution unless control equipment for air pollution is installed and operating.
  - The Permittee may not disconnect, alter or remove any of the control equipment for air pollution or modify any procedure required by a condition of this OPTC
- Excess Emissions
  - Scheduled maintenance, repairs or testing which may result in excess emissions must be approved by the Director and performed during a time designated by the Director
  - The Director must be notified in writing at least 24 hours before any scheduled maintenance which may result in excess emissions.
  - The Director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process. The telephone number for the notification is (775) 687-9350

- The Permittee shall provide the Director, within 15 days after the excess emissions caused by malfunction or upset of the process has occurred. The information must include at least the following:
  - The identity of the stack or other point of emission, or both, where the excess emissions occurred.
  - The estimated magnitude of the excess emissions, and the data and methods used in estimating the magnitude.
  - The time and duration of the excess emissions.
  - If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
  - The steps taken to limit the excess emissions.
  - Documentation that the equipment for controlling air pollution, process equipment, or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
- Breakdown or upset, determined by the director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of the regulations.

#### **Section IV: General Monitoring, Recordkeeping, and Reporting Requirements**

- The Permittee shall retain records of all required monitoring data and supporting information for 5 years from the date of the sample collection, measurement, report or analysis.
- The Permittee will record,
  - Monitoring information required by the conditions of this OPTC including the date, the location and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
  - The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used, and the results of the analysis.
- The Permittee will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions.
  - These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. **The completed form must be submitted no later than March 1 annually** for the preceding calendar year, unless otherwise approved by the Bureau of Air Pollution Control.
- Notification and Recordkeeping
  - The Permittee shall maintain records of the occurrence and duration of any star-up, shutdown, or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

#### **Section V: Specific Operation Conditions**

- Emission Units
  - S2.001 – Gas Turbine Compressor
  - S2.002 – Gas Turbine Compressor
- Air Pollution Equipment
  - Emissions from S2.001 and S2.002 each shall be controlled by lean pre-mix combustion (SoLoNO<sub>x</sub>) for NO<sub>x</sub>, CO, and VOC

- Construction requirements
  - The Permittee shall provide the Director the following:
    - A notification of the construction of S2.001 and S2.002 is commenced, postmarked no later than 30 days after such date.
    - A notification of anticipated date of initial startup of S2.001 and S2.002, postmarked not more than 60 days nor less than 30 days prior to such date.
    - A notification of the actual date of initial startup of S2.001 and S2.002, postmarked within 15 days after such date.
- Operating requirements
  - Emission Limits for S2.001 and S2.002.
    - **PM < 4.17 pounds per hour, and < 18.26 tons per 12-month rolling period**
    - **PM<sub>10</sub> < 4.17 pounds per hour, and < 18.26 tons per 12-month rolling period**
    - **SO<sub>2</sub> < 0.47 pounds per hour, and < 2.06 tons per 12-month rolling period**
    - **NO<sub>x</sub> < 12.67 pounds per hour, and < 55.49 tons per 12-month rolling period**
    - **CO < 15.43 pounds per hour, and < 67.59 tons per 12-month rolling period**
    - **VOC < 0.88 pounds per hour, and < 3.85 tons per 12-month rolling period**
    - **The Opacity from S2.001 and S2.002 each will not equal or exceed 20%.**
  - New Source Performance Standards (NSPS) for Stationary Combustion Turbines – Permittee will not discharge into the atmosphere from the exhaust stats of S2.001 and S2.002 each of the following pollutants in excess of the following specific limits
    - **NO<sub>x</sub> < 25 ppmv at 15% oxygen**
    - **Permittee must not burn any natural gas which contains total potential sulfur emissions in excess of 25 ng SO<sub>2</sub>/J (0.06 lb SO<sub>2</sub>/MMBtu).**
  - Operating Parameters
    - **Max allowable heat input rate for S2.001 and S2.002 each will not exceed 126.75 MMBtu per hour (LHV), combusting a maximum of 136,000 standard cubic feet per hour of natural gas.**
    - **S2.001 and S2.002 each may operate 8,760 hours per calendar year.**
  - Monitor and record the following
    - heat input rate in MMBtu for S2.001 and S2.002 each on a daily basis
    - natural gas consumption rate in standard cubic feet for S2.001 and S2.002 on a daily basis
    - hours and operation for S2.001 and S2.002 each on a daily basis
      - Monitoring will be maintained in a log contain at a minimum the following
        - The calendar date of any required monitoring
        - Required monitoring items listed above
        - The average hour heat input rate in MMBtu per hour
        - The average hourly natural gas consumption in cubic feet per hour.

- Within 60 days after achieving the maximum natural gas usage rate at which S2.001 and S2.002 will be operated, but no later than 180 days after initial startup of the facility, Permittee shall determine compliance with the emissions limits established above by conducting initial performance testes on the exhaust stacks and fuels of S2.001 and S2.002.
  - See actual permit for performance testing requirements
- Reporting Requirements
  - For each affected unit that performs annual performance tests for  $\text{NO}_x$ , Permittee must submit a written report of the results of each performance test before the close of business on the 60<sup>th</sup> day following the completion of the performance test.
- Notification
  - The Bureau of Air Pollution Control will be notified in writing 60 days, or as soon as practicable, of any physical or operational change to an existing facility which may increase the emission rate of any regulated air pollutant.

### Section V: Specific Operation Conditions

- Emission Units
  - S2.003 – Standby Emergency Generator EG-6101
- Air Pollution Equipment
- Emissions from S2.003 shall be controlled by lean pre-mix combustion  $\text{NO}_x$  and CO.
- Construction requirements
  - The Permittee shall provide the Director the following:
    - A notification of the construction of S2.003 is commenced, postmarked no later than 30 days after such date.
    - A notification of anticipated date of initial startup of S2.003, postmarked not more than 60 days nor less than 30 days prior to such date.
    - A notification of the actual date of initial startup of S2.003, postmarked within 15 days after such date.
- Operating requirements
  - Emission Limits for S2.003.
    - **PM < 0.063 pounds per hour, and < 0.02 tons per 12-month rolling period**
    - **PM<sub>10</sub> < 0.063 pounds per hour, and < 0.02 tons per 12-month rolling period**
    - **SO<sub>2</sub> < 0.0037 pounds per hour, and < 0.0001 tons per 12-month rolling period**
    - **NO<sub>x</sub> < 2.96 pounds per hour, and < 0.74 tons per 12-month rolling period**
    - **CO < 5.91 pounds per hour, and < 1.48 tons per 12-month rolling period**
    - **VOC < 1.48 pounds per hour, and < 0.37 tons per 12-month rolling period**
    - **The Opacity from S2.003 each will not equal or exceed 20%.**
  - New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Engines – Permittee will not discharge into the atmosphere from the exhaust stats of S2.003 of the following pollutants in excess of the following specific limits
    - **NO<sub>x</sub> < 2.0 g/HP-hr**
    - **CO < 4.0 g/HP-hr**

- **VOC < 1.0 g/HP-hr**
- Operating Parameters
  - **Max allowable fuel combustion rate for S2.003 will not exceed 6776.4 standard cubic feet of natural gas per hour.**
  - **S2.003 shall combust only natural gas**
  - **Permittee shall operate S2.003 only as an Emergency Stationary Internal Combustion Engine.**
  - **S2.003 may operate 24 hours per day, but not more than 500 hours per 12-month rolling period for non-emergency use.**
- Monitor and record the following
  - natural gas consumption rate in standard cubic feet for on a daily basis
  - hours and operation on a daily basis
    - Monitoring will be maintained in a log contain at a minimum the following
      - The calendar date of any required monitoring
      - Required monitoring items listed above
      - The average hour heat input rate in MMBtu per hour
      - The monthly hours of operation, and the corresponding sum of hours of operation for every 12-month rolling period
- Permittee/owner of the stationary internal combustion engine must demonstrate compliance according to one of the methods specified in 40 CFR 60.4233.
  - See actual permit for performance testing requirements
- Permittee/owners and operators of the stationary internal combustion engine who conduct performance tests must follow the procedures in 40 CFR 60.4244(a)-(f)
  - Initial performance test must be conducted according to 40 CFR 60.8 unless otherwise specified in 40 CFG 60.4244(b).

#### **Section VI: Emissions Cap**

- Permittee did not request emissions caps.

#### **Section VII: Surface Area Disturbance Conditions**

- Dust Control Plan
  - The Permittee must prevent particulate matter from becoming airborne using all such measures as may be required by the Director
  - Fugitive dust will be controlled in accordance with the dust control plan entitled “ Surface Area Disturbance Permit – Fugitive Dust Control and Process Equipment Control Plan – New Stationary Source,” dated February 16, 2009.
- Fugitive Dust
  - The Permittee may not cause or permit the handling, transporting, or storing of any material that may cause particulate matter to become airborne.
  - The Permittee may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas with first putting into effect without first putting into effect best practical methods to prevent particulate matter from becoming airborne.
  - The Permittee may not disturb or cover 5 acres or more of land or its topsoil until the Permit to construct has been obtained.

**Action Items:**

- None.

**5.7 Surface Area Disturbance Permit (Dust)**

**Agency:** Nevada Division of Environmental Protection – Bureau of Air Pollution Control

[Will be updated upon receipt of permit]

**5.8 Class II Air Quality Operating Permit**

**Agency:** Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Air Pollution Control (BAPC)

**Permit No:** AP4922-2538

**GENERAL**

- **Scope:** This permit evaluates the air quality impact of one Solar Titan 130 Gas Turbine Compressor and on Standby (Emergency) Generator at the Desert Valley Compressor Station
- **Dates:** Permit effective on May 1, 2009

**PERMIT DETAILS****Section I. General Conditions**

- **Severability:** All of the conditions and requirements of the Operating Permit are severable. If any are held invalid the remaining conditions and requirements continue
- **Prohibited Acts:** Ruby shall not knowingly violate permit conditions for the filing of information, fail to pay any fee, falsify information, or render any monitoring devices inaccurate.
- **Prohibited Conduct:** Ruby shall not install construct or use any device which conceals any emission without reducing the total release of regulated air pollutants
- **Compliance/Noncompliance:** Any noncompliance constitutes a violation of this permit and is grounds for revising, revoking, reopening and revising, or terminating the Operating Permit or denial of a renewal application for the Operating Permit
  - The need to halt or reduce activity to maintain compliance is not a defense for noncompliance
  - The Operating Permit does not convey any property rights
  - Ruby shall promptly respond to all information requests from the BAPC in writing to determine cause for revising, revoking and reissuing, reopening, or terminating the permit or to determine compliance
- **Fees:** Ruby shall pay fees to the BAPC in accordance with NAC 445B.327 and 445B.331
- **Right to Entry:** Ruby shall allow BAPC personnel the following:
  - Entry to the premises where the stationary source is located, activity related to emissions is conducted, or records are kept pursuant to conditions of the permit
  - Access to and copy any records relevant to the permit

- The right to inspect any facilities, practices, operations, or equipment that are regulated or required as part of the permit
  - The right to sample or monitor to determine compliance with the permit
- **Certification:** A Ruby official shall certify that the statements made in any document required to be submitted as part of the permit are true, accurate, and complete.
- **Testing and Sampling:** The director may conduct or order Ruby to conduct testing and sampling to determine compliance.
  - Tests and sampling results must be submitted to the director within 60 to 180 days after achieving the maximum rate of production at which the affected facility will be operated
  - Tests of performance and data reduction must be performed as outlined in the permit
  - Ruby shall make available to the director all records that may be necessary to determine conditions of the performance test and give the director at least 30 days notice before the performance test
  - Each performance test shall consist of three separate runs conducted for the time and conditions specified in the applicable standard
  - The cost of all testing and sampling must be provided and paid for by Ruby
  - All information and analytical results must be certified for compliance and provided to the director no later than 60 days after sampling and/or testing.
- **Maximum Opacity of Emissions:** Ruby shall not cause or permit discharge into the atmosphere from any emission unit opacity equal or greater to 20 percent
- **Exemptions for Stationary Sources:** The provisions of NAC 445B.22017 do not apply to smoke from open burning, smoke discharged in the course of training operations, emissions from an incinerator, or emissions of stationary diesel-powered engines during warm-up for not longer than 15 minutes to achieve operating temperatures
- **Odors:** Ruby may not cause or discharge any material or regulated air pollutant which is offensive to the senses, injurious or detrimental to health and safety, or which interferes or prevents enjoyment of life or property
- **Assertion of Emergency as Affirmative Defense to Action for Noncompliance:** Ruby may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the holder of the permit demonstrates the following:
  - an emergency occurred and the cause identified,
  - the facility was being properly operated,
  - Ruby took all reasonable steps to minimize excess emissions
  - Notice was submitted to the director within two working days of the emergency
  - the burden of proof for noncompliance lies with the permittee
- **Revocation and Re-Issuance:** The operating permit may be revoked if the control equipment is not operating or the director has determined a violation has occurred. Revocation is effective ten days after a written notice has been served unless a hearing is requested

## Section II. General Conditions

- **Notification:** BAPC will be notified in writing of any physical or operational change to an existing facility which may increase air pollutant emissions. The notice must be postmarked 60 days before the change is commenced.

## Section IIA. Specific Construction Requirements

### Emission Unit S2.001 – Initial Compliance Testing

- **Test Methods and Procedures** – Within 60 days after achieving natural gas operational rates, Ruby shall determine compliance with the emission limits established by initial performance tests on the exhaust stack as follows:
  - Use Method 5 in Appendix A of 40 CFR Part 60 to determine the particulate matter concentration
  - Opacity observations shall be conducted in accordance with Reference Method 9 in Appendix A of 40 CFR Part 60
  - An initial CO performance test must be conducted in accordance with Method 10 in Appendix A of 40 CFR Part 60
  - An initial NO<sub>x</sub> performance test must be conducted in accordance with 40 CFR 60.8, measured using EPA Method 7E or 20, and conducted at an ambient temperature greater than 0°F. This test must be done at any load condition within plus or minus 25 percent of 100 percent of the peak load.
  - An initial SO<sub>2</sub> performance test must be conducted as required in 40 CFR 60.8, collecting a representative sample following ASTM D5287 for natural gas.
  - Compliance with the applicable emission limits must be demonstrated at each tested level and each test must be conducted for a minimum of 60 minutes
- **Notification and Record-Keeping:** Ruby shall provide the director with notification 30 days within the date of construction, 30-60 days within the anticipated date of initial startup, and 15 days within the actual date of initial startup of S2.001

### Section III. General Operating Conditions

- **Facilities Operation:** Ruby may not disconnect, alter, or remove any of the control equipment for air pollution or the procedures required by the operating permit
- **Excess Emissions:**
  - Scheduled maintenance, testing or repairs that may produce excess emissions must be approved by the director. The director must be notified by telephone or in writing within 24 hours of scheduled maintenance. The telephone number is (775) 687-4670.
  - Ruby must inform the director within 15 days after any incident which results in excess emissions.
- **Permit Revision**
  - A revision of this operating permit is required before the stationary source can be modified

### Section IV. General Monitoring and Recordkeeping

- **Records Retention:** Ruby shall retain all records for five years from the date of sample collection, report, or analysis
- **Reporting:** Ruby shall promptly report to the director any deviations from the Operating Permit
- **Yearly Reports:** Ruby shall submit yearly reports to the BAPC. These reports must be submitted to the BAPC no later than March 1 annually for the preceding calendar year

### Section V. Specific Operating Conditions

#### Emission Unit S2.001

- **Air Pollution Equipment:** NO<sub>x</sub>, CO, and VOC emissions from S2.001 shall be controlled by pre-mix combustion. S2.001 has no add-on controls for PM, PM<sub>10</sub> or SO<sub>2</sub>.

- **Emission Limits:** On and after the date of startup of S2.001, Ruby will not discharge from the exhaust stack of S2.001 the following pollutants in excess of their limits:
  - PM will not exceed 4.40 lbs/hr or 19.27 tons/yr
  - PM<sub>10</sub> will not exceed 4.40 lbs/hr or 19.27 tons/yr
  - SO<sub>2</sub> will not exceed 0.50 lbs/hr or 2.19 tons/yr
  - NO<sub>x</sub> will not exceed 13.50 lbs/hr or 59.13 tons/yr, nor 25ppmv at 15 percent oxygen
  - CO will not exceed 16.44 lbs/hr or 72.01 tons/yr
  - VOC will not exceed 0.94 lbs/hr or 4.12 tons/yr
  - Opacity from the stack discharge will not equal or exceed 20 percent in accordance with NAC 445B.22017
  - Permittee must not burn and natural gas in S2.001 which contains total potential sulfur emissions in excess of 26 ng SO<sub>2</sub>/J
- **Operating Parameters**
  - The maximum allowable heat input rate will not exceed 135 MMBtu/hr
  - S2.001 may operate 8,760 hours per calendar year
- **Monitoring Testing and Reporting:**
  - Ruby shall monitor and record the heat input rate in MMBtu, natural gas consumption rate, and hours of operation on a daily basis.
  - The required monitoring shall be maintained in a log book
- **Non-NSPS Particulate Matter Performance/Compliance Testing:**
  - At least 90 days prior to the permit expiration date, Ruby will conduct and record the following performance tests on the exhaust stack:
    - Method 5 in Appendix A of 40 CFR Part 60
    - Method 201A and 202 test in accordance with 40 CFR Part 51, Appendix M
  - All performance tests shall be conducted for a minimum of 60 minutes
  - Ruby shall provide 30-day notification of the anticipated date for conducting opacity observations and shall provide a written report of the results within 60 days
- **Non-NSPS CO and SO<sub>2</sub> Performance/Compliance Testing**
  - Ruby shall perform SO<sub>2</sub> performance tests on an annual basis and CO performance tests on a biannual basis subsequent to the initial compliance test.
- **NSPS 40 CFR Part 60, Subpart KKKK NO<sub>x</sub> Monitoring/ Performance/ Compliance Testing**
  - Ruby must perform NO<sub>x</sub> performance tests in accordance with 40 CFR 60.4400 to demonstrate continuous compliance.
  - If the NO<sub>x</sub> emission result is  $\leq$  75 percent of the NO<sub>x</sub> emission limit then the testing frequency may be reduced to once every two years, otherwise they must be done annually.
  - For each test the permittee will measure the NO<sub>x</sub> concentration using EPA Method 7E or EPA Method 20 in Appendix A of 40 CFR Part 60
  - The performance test must be done at any load condition within +/- 25 percent of 100% of peak load.
  - The performance test must be conducted at an ambient temperature greater than 0°F
  - Results are to be submitted 60 days after test completion
- **NSPS 40 CFR Part 60, Subpart KKKK SO<sub>2</sub> Monitoring/ Compliance/ Performance Testing**
  - Ruby must perform SO<sub>2</sub> performance tests in accordance with 40 CFR 60.8 on an annual basis

- The permittee must monitor the total sulfur content of the fuel being burned in S2.001 and recorded once per unit operating day
- If the potential sulfur emissions do not exceed 26 ng SO<sub>2</sub>/J then Ruby may elect not to monitor total sulfur content of the natural gas.
- **Reporting Requirements**
  - Ruby shall utilize all performance test results to report the lb/hr emission rate of all the pollutants specified in this permit to demonstrate compliance with hourly limits.

### Emission Unit S2.002

- **Air Pollution Equipment:** NO<sub>x</sub> and CO emissions from S2.002 shall be controlled by lean burn combustion.
- **Emission Limits:** On and after the date of startup of S2.002, Ruby will not discharge from the exhaust stack of S2.001 the following pollutants in excess of their limits:
  - PM will not exceed 0.07 lbs/hr or 0.02 tons/yr
  - PM<sub>10</sub> will not exceed 0.07 lbs/hr or 0.02 tons/yr
  - SO<sub>2</sub> will not exceed 0.004 lbs/hr or 0.001 tons/yr
  - NO<sub>x</sub> will not exceed 2.96 lbs/hr or 0.74 tons/yr, or 2.0 g/HP-hr
  - CO will not exceed 5.91 lbs/hr or 1.48 tons/yr, or 4.0 g/HP-hr
  - VOC will not exceed 1.48 lbs/hr or 0.37 tons/yr, or 1.0 g/HP-hr
  - Opacity from the stack discharge will not equal or exceed 20% in accordance with NAC 445B.22017
- **Operating Parameters**
  - The maximum allowable fuel combustion rate for S2.002 will not exceed 6776.4 standard cubic feet of natural gas/hour
  - S2.002 may only be operated as an Emergency Stationary Internal Combustion Engine (ICE)
  - S2.002 may operate 24 hr/day, but not more than 500 hours per 12-month period
- **Monitoring Testing and Reporting:**
  - Ruby shall monitor and record the heat input rate in MMBtu, natural gas consumption rate, and hours of operation on a daily basis.
  - The required monitoring shall be maintained in a log book
- **40 CFR Part 60, Subpart JJJJ Compliance Requirements for Owners and Operators:** Owners and Operators of a stationary ICE must comply with emission standards specified in 40 CFR 60.4233
- **40 CFR Part 60, Subpart JJJJ Testing Requirements for Owners and Operators:** Owners and Operators of a stationary ICE who conduct performance tests must comply with procedures specified in 40 CFR 60.4244(a) – (f). Initial performance tests must be conducted according to 40 CFR 60.8.
- **40 CFR Part 60, Subpart JJJJ Notification, Reports, and Records for Owners and Operators:** Owners and Operators of a stationary ICE must keep records of all submitted compliance notifications, maintenance conducted on the ICE, and any manufacturer's emission documentation (if applicable).
  - Any stationary ICE units greater than or equal to 500 HP manufactured on or after July 1, 2010 that do not meet non-emergency engine standards, must have records kept by the operator on the hours of operation
  - Owners and operators of stationary ICE units that are subject to performance testing must provide copies of the test within 60 days of completion

## 5.9 Temporary Authorization to Discharge for Work in Waters of the State

**Agency:** Nevada Division of Environmental Protection (NDEP)

**Dates:** Issued 6/15/2010, Expires 12/14/2010

**Permit No:** TNEV2010396

### GENERAL

- Scope: permit covers ground disturbance related to construction in waters of the State. Discharges include releases of sediment from heavy equipment operations (as opposed to actual discharge of fluids) but addresses the potential for inadvertent discharges such as fuel spills.
- Dates: permit effective on June 15, 2010, permit expires at midnight on December 14, 2010.
- Extension: Application for six-month renewal of permit to be submitted if project activities are projected to continue beyond the six months of this permit.

### PERMIT DETAILS

#### PART I.A.: Effluent Limitations, Monitoring, and Conditions

- Best Management Practices (BMPs) must be developed and will be adhered to for all work components and possible flow.
- BMPs will be applied to prevent and control releases of debris and sediment into waterbodies, and also to prevent and control turbidity increases in waterbodies during construction activities. These BMPs must be consistent with all applicable BMP handbooks and manuals, including Ruby's Plan and Procedures.

#### PART I.A.2: Monitoring Requirements

##### General Sampling Requirements:

- Water quality sampling to be conducted by a qualified third party.
- Ruby will conduct turbidity sampling during construction activities in all flowing waterbodies if a visible sediment plume is observed. It's not clear in the permit, but background sampling may be required even if no plumes are observed. (wW will confirm with NDEP.) Testing will be conducted on-site with handheld turbidity meters.
- Ruby will conduct petroleum hydrocarbon sampling for all instances when fuel, grease, solvents, etc. inadvertently spill into flowing waterbodies. Samples will be sent to State of Nevada Certified laboratories for analysis of TPH-full range organics.
- Ruby will conduct petroleum hydrocarbon sampling during all hydrostatic pressure testing water discharges. Samples will be sent to State of Nevada Certified laboratories for analysis of TPH-full range organics.
- For each measurement or sample taken as required by this permit, the following information will be recorded:
  - The exact place, date, and time of sampling;
  - The dates that any analyses were performed;
  - The person(s) who performed the analyses;
  - The analytical techniques or methods used; and
  - The results of all required analyses, including reporting limits.

##### Turbidity Sampling:

- Turbidity monitoring will be conducted for all perennial streams and other streams that are actively flowing at the time that a project activity crosses or occurs in or near that waterbody. Personnel will monitor for visible plumes during all in-stream construction activities.
- Background samples for water turbidity shall be taken in the centroid of flow approximately 100 feet upstream of the proposed activity.
- If a visible turbidity plume is observed during the proposed activity, a grab sample for water turbidity shall be taken from the center of the plume approximately 200 feet downstream of the proposed activity.
- Handheld turbidity meters will be used to analyze the samples. If the plume sample is greater than or equal to 10 NTUs over the background sample for longer than 15 minutes, the permittee will re-evaluate the BMPs that are in place and make adjustments as applicable. All such incidents will be reported to the NDEP within 48 hours of each incident.
- All sample readings will be recorded in a dedicated water quality logbook and will include information such as time of samples, plume length, width and depth, identification of waterbody affected and activity causing effect, BMPs in place at time of plume, BMPs proposed to alleviate the plume, and all other pertinent information.
- If a plume persists for more than 30 minutes, the activity causing the plume will be stopped immediately. Any such incident will be reported to NDEP Immediately.

**Petroleum Hydrocarbon Spill Sampling:**

- If a petroleum hydrocarbon sheen is observed (fuel, grease, solvent, etc.), a grab sample from the sheen will be taken. The sheen sample will be sent to a Nevada State Certified laboratory for analyses of TPH-full range organics.
- If the sheen was caused by a fuel leak or equipment failure, the NDEP Spill Line will be contacted at 1-888-331-6337 within 24 hours of the spill occurrence.

**Documentation:**

- All sample turbidity readings will be recorded in a dedicated water quality logbook.
- All water quality (turbidity and petroleum hydrocarbon) sampling and monitoring results will be submitted to NDEP quarterly (twice during the permit life), once during the period covered by the permit (Quarterly Report), and once after the period covered by the permit (Final Report). In addition, Ruby will submit Discharge Monitoring Reports (DMRs) for all discharges into any project water bodies.
- Ruby will submit a Quarterly Report to NDEP by June 28, 2010. This report shall include the information recorded in the water quality logbook and a brief narrative of the first quarter's project activities. Photographs do not need to be included in this report.
- Ruby will submit a comprehensive Final Report to NDEP on the 28<sup>th</sup> day of the month following expiration of the permit or the conclusion of the project (whichever comes first). The Final Report will include a narrative that describes all project activities in or near project waterbodies and wetlands, and all compliance issues related to water quality. In addition, this report will include the completed water quality logbook, all photographs and any information pertaining to water quality exceedances.
- "Before, during, and after" photos of all waterbodies and wetlands crossed by the project would accompany the Final Report. Photos should be taken from established points and would document all pipeline installation-related activities that could potentially impact water quality, including BMPs installation and removal, and restoration activities.

- If Ruby applies for and receives a renewal of this permit, the Final Report will be submitted to NDEP on the 28<sup>th</sup> day of the month following expiration of the final permit or the conclusion of the project (whichever comes first).

#### **PART I.A.3: Additional Specific Requirements**

- For any heavy equipment used in the project in or near any waterbodies or wetlands in Nevada operations will be conducted in accordance with the plans and specifications submitted to the NDEP, and also the following requirements:
- Any heavy equipment to be used in the project area must be steam cleaned at least once before any work in or near waterbodies;
- Equipment to be inspected for leaks daily, and any leaks to be repaired immediately;
- A record will be kept of heavy equipment used in or near project waterbodies each day;
- All equipment refueling and storage of fuels to be conducted at least 100 feet away from all waterbodies or wetlands;
- Ruby will ensure site stabilization of waterbody and wetland areas by replacing vegetation as applicable and practicable;

#### **PART I.A.4 Schedule of Compliance**

- The permittee will achieve compliance with the permit limitations upon issuance of permit. Within 30 days of permit issuance (issued January 11, 2010) Ruby will provide hard copies of the Ruby Plan and the Ruby Procedures to the NDEP.

#### **PART I.A.6 Quarterly and Final Report**

- The Quarterly and Final Reports will contain the information described above in PART I.A.2.
- The Final Report will contain the original signature of the Engineer-In-Charge of the project.
- Both the Quarterly Report and the Final Report will be submitted in hard copy.

#### **PART I.A.11 Plan Approval for New Routes**

- If at any time after the permit is issued the route changes, a new route will be submitted to NDEP for approval. The new route description will identify the changes to waterbody crossings. All changes to the plans must be approved by NDEP prior to construction.

#### **PART I.B.1 Additional Monitoring Requirements**

- Report all sampling: If monitoring pollutant locations occurs more frequently than required by this permit, using approved analytical methods, the results of such monitoring will be included in any calculation or reported value required by this permit. Such increased frequency will be indicated in required reports.
- Records retention: All records and information resulting from monitoring activities during this project will be retained for a minimum of five years, or longer if required by NDEP. Records and information includes all data, data sheets, test and analysis results, photographs, and required reports pertaining to the water quality testing and monitoring during the project.
- Reporting limits: The approved method of testing that is selected for analyses will utilize a reporting limit which is:
  - At least half, or less, of the discharge limit; or, if there is no discharge limit,

- At least half, or less, of the applicable water quality criteria; or, if there is no applicable water quality criteria or discharge limit,
- The lowest reasonably obtainable limit using an approved test method.

#### **PART I.B.2 Reporting and Signatures**

- Discharge Monitoring Reports: Analytical data and monitoring results for all discharges (from hydrostatic pressure testing or trench dewatering) will be summarized and/or tabulated for presentation in standardized DMRs. Any test results from State of Nevada Certified laboratories (e.g. for spills) must be included with the DMR submittals.
- DMR Submittal Schedule: DMRs will be submitted to NDEP on a monthly basis, beginning on the 28<sup>th</sup> day of the month following the effective date of the permit and then on the 28<sup>th</sup> of every month thereafter. For this permit, this initial DMR submittal will be March 28, 2010. If no discharge occurs during a reporting month, the project status will be summarized and “no discharge” will be reported on the submitted DMR form.
- Signatures: Each DMR report must be signed by the representative that is responsible for the project/facility. The initial DMR submitted must include the written letter designating this representative. If the authorized representative changes, a new designation letter must be submitted.
- Signatures: All reports, applications, or other submittals will be signed by a currently authorized project representative.
- Additional Information: All additional information or corrections to previously filed permit application must be submitted promptly.
- Plan Changes: Notice of Plan changes is only required when the alteration or addition to a permitted facility could significantly change the nature or increase the quantity of pollutants discharged.

#### **PART II.A.4 Notification**

- The permittee will notify the NDEP administrator within 24 hours of any diversion, bypass, spill, upset, overflow, or release of discharge other than that which is authorized by this permit, by calling the NDEP Spill Hotline at 1-888-331-6337. In addition, a written report detailing the occurrence will be submitted to NDEP within fivedays.
- All other non-compliances will be reported at the time that discharge monitoring reports are submitted.
- All reports prepared under the terms of this permit will be available for public inspection in the NDEP administrator’s office.

### **5.10 R/W Occupancy Permit**

**Agency:** Nevada Department of Transportation

[Will be updated upon receipt of permit]

### **5.11 Class I Air Quality Operating Permit to Construct**

**Agency:** Nevada Division of Environmental Protection Bureau of Air Pollution Control

**Permit No:** AP4922-2537

#### **GENERAL**

- Scope: Permit for the construction and operation of the Wieland Flat Compressor Station with appropriate restrictions.
- Dates: Issued - September 11, 2009. Expires - March 11, 2011

## PERMIT DETAILS

### Section I: General Conditions

- Severability
  - Each of the conditions and requirements of the permit is severable
- Prohibited Acts
  - The Permittee shall not
    - Violate any provision, term or condition of the Operating Permit to Construct (OPTC)
    - Fail to pay any fee
    - Falsify material
    - Render inaccurate any monitoring device or method
- Prohibited Discharge
  - The Permittee shall not cause or permit the discharge into the atmosphere of any stationary source hazardous air pollutants as determined by the Director.
- Prohibited Conduct: Concealment of Emissions
- Compliance/Noncompliance
  - The Permittee shall comply with all conditions of this OPTC
- Schedules for Compliance
  - The Permittee shall comply with NAC 445B.001 through 445B.3791 inclusive
- Assertion of Emergency as Affirmative Defense to Action for Noncompliance
  - The Permittee may assert an affirmative defense to an action brought for noncompliance if:
    - An emergency occurred as defined in NAC 445B.056;
    - The facility was being properly operated at the time of emergency;
    - All reasonable steps to minimize excess emissions were taken;
    - Notice of emergency was submitted to the Director within two working days after the emergency.
- Halting or reducing activity to maintain compliance is not a defense to noncompliance with any condition of the OPTC
- Revocation and re-issuance:
  - OPTC may be revoked if the control equipment is not operating;
  - OPTC may be revoked upon determination of a violation;
  - OPTC may be revoked upon determination of new emission or performance standards;
  - The revocation is effective ten days after the service of a written notice, unless a hearing is requested.
- The Permittee shall provide the Director, within a reasonable time, with any requested information.
- The Permittee shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331
- Right to Entry
  - The Permittee shall allow the Bureau of Air Pollution Control staff to
    - Enter upon the premises where:
      - The stationary source is located
      - Activity related to emission is conducted; or
      - Records are kept pursuant to the conditions of this OPTC

- Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this OPTC
  - Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this OPTC; and
  - Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this OPTC.
- A responsible official of the Permittee shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of this OPTC are true, accurate and complete.
- Testing and Sampling
  - The Director may either conduct or order the owner to conduct testing and sampling as the Director determines necessary. Testing and or sampling must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 after initial startup of the facility and as such times as may be required by the Director.
  - Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
    - Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology
    - Approves the use of an equivalent method
    - Approves the use of an alternative method
    - Waives the requirement for tests of performances if the owner or operator demonstrates that the affected facility is in compliance with the standard.
  - The owner operator shall give notice to the Director 30 days before the test of performance along with a written testing procedure.
  - Each test of performance must consist of at least three separate runs using the applicable method for the test.
  - The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities must be provided and paid for by the owner of the stationary source
  - All information and analytical results of testing and sampling must be certified and provided to the Director no later than 60 days after the testing or sampling or both.
- Open Burning is prohibited except for exemptions described in NAC 445B.22067.2.
- Max Opacity of Emissions
  - Atmospheric discharge of any emission unit with opacity equal to or greater than 20 percent is prohibited. Opacity must be determined by one of the following methods
    - Visual measurement as determined in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
    - Data from a continuous monitoring system must be reduced to six-minute averages
  - The provisions in this section do not apply to opacity that consists of uncombined water.
- Odors
  - The Permittee may not discharge from a stationary source any material or regulated which is or tends to be offensive to the senses, injurious or

detrimental to health and safety, or prevents comfortable enjoyment of life or property.

- Fugitive Dust
  - The Permittee may not cause or permit the handling, transporting, or storing of any material that may cause particulate matter to become airborne.
  - The Permittee may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas with first putting into effect without first putting into effect best practical methods to prevent particulate matter from becoming airborne.
  - The Permittee may not disturb or cover five acres or more of land or its topsoil until an Operating Permit has been obtained.

## Section II: General Construction Conditions

- Expiration
  - This permit to construct expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated.
  - The 18 months period may be extended upon satisfactory showing that an extension is justified.

## Section III: General Operating Conditions

- Facility Operations
  - The Permittee may not operate the stationary source of air pollution unless control equipment for air pollution is installed and operating.
  - The Permittee may not disconnect, alter or remove any of the control equipment for air pollution or modify any procedure required by a condition of this OPTC
- Excess Emissions
  - Scheduled maintenance, repairs or testing which may result in excess emissions must be approved by the Director and performed during a time designated by the Director
  - The Director must be notified in writing at least 24 hours before any scheduled maintenance which may result in excess emissions.
  - The Director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process. The telephone number for the notification is (775) 687-9350
  - The Permittee shall provide the Director, within 15 days after the excess emissions caused by malfunction or upset of the process has occurred. The information must include at least the following:
    - The identity of the stack or other point of emission, or both, where the excess emissions occurred.
    - The estimated magnitude of the excess emissions, and the data and methods used in estimating the magnitude.
    - The time and duration of the excess emissions.
    - If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
    - The steps taken to limit the excess emissions.
    - Documentation that the equipment for controlling air pollution, process equipment, or processes were at all times maintained and operated, to

- o a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
- o Breakdown or upset, determined by the director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of the regulations.

#### **Section IV: General Monitoring, Recordkeeping, and Reporting Requirements**

- The Permittee shall retain records of all required monitoring data and supporting information for five years from the date of the sample collection, measurement, report or analysis.
- The Permittee will record,
  - o Monitoring information required by the conditions of this OPTC including the date, the location and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
  - o The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used, and the results of the analysis.
- The Permittee will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions.
  - o These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. **The completed form must be submitted no later than March 1 annually** for the preceding calendar year, unless otherwise approved by the Bureau of Air Pollution Control.
- Notification and Recordkeeping
  - The Permittee shall maintain records of the occurrence and duration of any star-up, shutdown, or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

#### **Section V: Specific Operation Conditions**

- Emission Units
  - o S2.001 – Gas Turbine Compressor
  - o S2.002 – Gas Turbine Compressor
- Air Pollution Equipment
  - o Emissions from S2.001 and S2.002 each shall be controlled by lean pre-mix combustion (SoLoNOx) for NOx, CO, and VOC
- Construction requirements
  - o The Permittee shall provide the Director the following:
    - A notification of the construction of S2.001 and S2.002 is commenced, postmarked no later than 30 days after such date.
    - A notification of anticipated date of initial startup of S2.001 and S2.002, postmarked not more than 60 days nor less than 30 days prior to such date.
    - A notification of the actual date of initial startup of S2.001 and S2.002, postmarked within 15 days after such date.
- Operating requirements
  - o Emission Limits for S2.001 and S2.002.
    - **PM < 4.17 pounds per hour, and < 18.26 tons per 12-month rolling period**

- **PM<sub>10</sub> < 4.17 pounds per hour, and < 18.26 tons per 12-month rolling period**
- **SO<sub>2</sub> < 0.47 pounds per hour, and < 2.06 tons per 12-month rolling period**
- **NO<sub>x</sub> < 12.67 pounds per hour, and < 55.49 tons per 12-month rolling period**
- **CO < 15.43 pounds per hour, and < 67.59 tons per 12-month rolling period**
- **VOC < 0.88 pounds per hour, and < 3.85 tons per 12-month rolling period**
- **The Opacity from S2.001 and S2.002 each will not equal or exceed 20%.**
- New Source Performance Standards (NSPS) for Stationary Combustion Turbines – Permittee will not discharge into the atmosphere from the exhaust stacks of S2.001 and S2.002 each of the following pollutants in excess of the following specific limits
  - **NO<sub>x</sub> < 25 ppmv at 15 percent oxygen**
  - **Permittee must not burn any natural gas which contains total potential sulfur emissions in excess of 25 ng SO<sub>2</sub>/J (0.06 lb SO<sub>2</sub>/MMBtu).**
- Operating Parameters
  - **Max allowable heat input rate for S2.001 and S2.002 each will not exceed 126.75 MMBtu per hour (LHV), combusting a maximum of 136,000 standard cubic feet per hour of natural gas.**
  - **S2.001 and S2.002 each may operate 8,760 hours per calendar year.**
- Monitor and record the following
  - heat input rate in MMBtu for S2.001 and S2.002 each on a daily basis
  - natural gas consumption rate in standard cubic feet for S2.001 and S2.002 on a daily basis
  - hours and operation for S2.001 and S2.002 each on a daily basis
    - Monitoring will be maintained in a log contain at a minimum the following
      - The calendar date of any required monitoring
      - Required monitoring items listed above
      - The average hour heat input rate in MMBtu per hour
      - The average hourly natural gas consumption in cubic feet per hour.
- Within 60 days after achieving the maximum natural gas usage rate at which S2.001 and S2.002 will be operated, but no later than 180 days after initial startup of the facility, Permittee shall determine compliance with the emissions limits established above by conducting initial performance tests on the exhaust stacks and fuels of S2.001 and S2.002.
  - See actual permit for performance testing requirements
- Reporting Requirements
  - For each affected unit that performs annual performance tests for NO<sub>x</sub>, Permittee must submit a written report of the results of each performance test before the close of business on the 60<sup>th</sup> day following the completion of the performance test.
- Notification
  - The Bureau of Air Pollution Control will be notified in writing 60 days, or as soon as practicable, of any physical or operational change to an

existing facility which may increase the emission rate of any regulated air pollutant.

#### Section V: Specific Operation Conditions

- Emission Units
  - S2.003 – Standby Emergency Generator EG-6101
- Air Pollution Equipment
- Emissions from S2.003 shall be controlled by lean pre-mix combustion NO<sub>x</sub> and CO.
- Construction requirements
  - The Permittee shall provide the Director the following:
    - A notification of the construction of S2.003 is commenced, postmarked no later than 30 days after such date.
    - A notification of anticipated date of initial startup of S2.003, postmarked not more than 60 days nor less than 30 days prior to such date.
    - A notification of the actual date of initial startup of S2.003, postmarked within 15 days after such date.
- Operating requirements
  - Emission Limits for S2.003.
    - **PM < 0.063 pounds per hour, and < 0.02 tons per 12-month rolling period**
    - **PM<sub>10</sub> < 0.063 pounds per hour, and < 0.02 tons per 12-month rolling period**
    - **SO<sub>2</sub> < 0.0037 pounds per hour, and < 0.0001 tons per 12-month rolling period**
    - **NO<sub>x</sub> < 2.96 pounds per hour, and < 0.74 tons per 12-month rolling period**
    - **CO < 5.91 pounds per hour, and < 1.48 tons per 12-month rolling period**
    - **VOC < 1.48 pounds per hour, and < 0.37 tons per 12-month rolling period**
    - **The Opacity from S2.003 each will not equal or exceed 20%.**
  - New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Engines – Permittee will not discharge into the atmosphere from the exhaust stats of S2.003 of the following pollutants in excess of the following specific limits
    - **NO<sub>x</sub> < 2.0 g/HP-hr**
    - **CO < 4.0 g/HP-hr**
    - **VOC < 1.0 g/HP-hr**
  - Operating Parameters
    - **Max allowable fuel combustion rate for S2.003 will not exceed 6776.4 standard cubic feet of natural gas per hour.**
    - **S2.003 shall combust only natural gas**
    - **Permittee shall operate S2.003 only as an Emergency Stationary Internal Combustion Engine.**
    - **S2.003 may operate 24 hours per day, but not more than 500 hours per 12-month rolling period for non-emergency use.**
  - Monitor and record the following
    - natural gas consumption rate in standard cubic feet for on a daily basis
    - hours and operation on a daily basis

- Monitoring will be maintained in a log contain at a minimum the following
  - The calendar date of any required monitoring
  - Required monitoring items listed above
  - The average hour heat input rate in MMBtu per hour
  - The monthly hours of operation, and the corresponding sum of hours of operation for every 12-month rolling period
- Permittee/owner of the stationary internal combustion engine must demonstrate compliance according to one of the methods specified in 40 CFR 60.4233.
  - See actual permit for performance testing requirements
- Permittee/owners and operators of the stationary internal combustion engine who conduct performance tests must follow the procedures in 40 CFR 60.4244(a)-(f)
  - Initial performance test must be conducted according to 40 CFR 60.8 unless otherwise specified in 40 CFG 60.4244(b).

#### **Section VI: Emissions Cap**

- Permittee did not request emissions caps.

#### **Section VII: Surface Area Disturbance Conditions**

- Dust Control Plan
  - The Permittee must prevent particulate matter from becoming airborne using all such measures as may be required by the Director
  - Fugitive dust will be controlled in accordance with the dust control plan entitled "Surface Area Disturbance Permit – Fugitive Dust Control and Process Equipment Control Plan – New Stationary Source," dated February 16, 2009.
- Fugitive Dust
  - The Permittee may not cause or permit the handling, transporting, or storing of any material that may cause particulate matter to become airborne.
  - The Permittee may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas with first putting into effect without first putting into effect best practical methods to prevent particulate matter from becoming airborne.
  - The Permittee may not disturb or cover five acres or more of land or its topsoil until the Permit to construct has been obtained.

#### **Action Items:**

- None.

### **5.12 Excavation and Encroachment Permit**

**Agency:** Nevada Department of Transportation

[Will be updated upon receipt of permit]

### **5.13 Temporary Occupancy Permits**

**Agency:** Nevada Department of Transportation

[Will be updated upon receipt of permit]

## 6.0 Oregon State Permits

### 6.1 Section 401 Permits Conditionally Certified with 404 (Nationwide Permit 12)

**Agency:** Oregon Department of Environmental Quality, Water Quality Division

**Dates:** Coincides with Federal Permit – Issued 7/30/10, Expires 7/30/12

#### GENERAL

- **Scope:** Lists conditions for 401 Certification that must be included in all NWP that require notification to the District Engineer prior to commencing work.

#### PERMIT DETAILS

##### *Nationwide (NWP) Regional Permit Conditions*

- High Value Aquatic Resources (Exception for NWPs 3, 20, 27, 32, 47, and 48)
  - Any activity that would result in a loss of waters of the US in a high value aquatic resource is not authorized by NWP
- In-water Work Window
  - All in-water work shall be conducted during the listed in-water work window as applicable (refer to Oregon Department of Fish and Wildlife “Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources.”)
- Cultural Resources and Human Burials-Inadvertent Discovery Plan
  - Upon discover cease all ground disturbing activity
  - Notify Portland District Regulatory Branch by fax (503-808-4375) within 24 hours and follow up with a call to the Corps representative.
  - Notify State Historic Preservation Office (503-986-0674)
- Erosion Control: Ensure all practicable erosion and sediment control measures are installed and maintained in good working order
- Heavy Equipment: Ensure that all heavy equipment is operated from the bank and not placed in the stream
- Deleterious Waste: Treat all discharged water to remove debris, sediment, petroleum products, metals, and other pollutants likely to be present.
- Fish Passage: Ensure activities authorized by nationwide permit will not restrict passage of aquatic life
- Fish Screening: Ensure that all intake pipes utilize fish screening.
- Upland Disposal: Place materials disposed of in uplands in a location and manner that prevents discharge of the material and/or return water into waterways or wetlands.
- Inspection of Project Site: Allow representatives of the Corps to inspect activities.

- Maintenance: Ensure project design includes appropriate grad control necessary to prevent headcutting of streambanks and erosion
- Scientific Measurement Devices: Remove all measurement devices within 30 days after research is completed.
- Survey Activities:
  - In water explosives is not authorized under this NWP
  - Ensure that all in-stream exploratory trenching is conducted in the dry.
- Utility Line Activities
  - Ensure that utility lines buried within or adjacent to wetland areas utilize trench-blockers
  - The upper 12 inches of topsoil must be removed and stockpiled separately from subsurface soils and shall be used as the final layer in backfilling the trench
- Bank Stabilization
  - Use bioengineering techniques and natural products to the maximum extent practicable and minimize the use of rock.
  - Work shall be performed in the dry or during low flow.
- Residential Developments
  - Wetland impacts associated with the construction or expansion of a single residence including attendant features shall not exceed ¼ acre
  - Fill into tributaries shall be limited to the creation of access roads
- Temporary Construction, Access and Dewatering
  - Work shall be performed in the dry or during low flow
  - Cofferdams shall be constructed of non-erosive material.
  - Sand and gravel bag dams shall be lined with a plastic liner or geotextile fabric
  - Downstream flows shall be maintained by routing flows around the construction site with a pump, bypass pipe, or diversion channel
  - A sediment basin shall be used to settle sediments in return water prior to release back into the waterway.

#### *401 Water Quality General Conditions*

In addition to all USACE permit conditions, the following 401 WQC conditions apply to all Nationwide Permit categories certified or partially certified by this 401 WQC,

- Turbidity
  - Shall not exceed 10% above natural stream turbidities, except where allowed by rule.
  - Monitoring shall be conducted and recorded as described below.
  - Monitoring shall occur each day during day light hours when in-water work is being conducted.
    - A properly and regularly calibrated turbidimeter is recommended, however, visual gauging is acceptable.
  - Representative Background Sample or Observation must be taken every four hours at a relatively undisturbed area approximately 100 feet upcurrent from in-water disturbance to establish background turbidity levels

- Compliance Samples or Observations shall occur every four hours approximately 100 feet down current from the point of discharge.
  - Turbidity, location and time must be recorded for each sample
- Exceedances are as follows:

MONITORING WITH A TURBIDIMETER		
ALLOWABLE EXCEEDANCE TURBIDITY LEVEL	ACTION REQUIRED AT 1 <sup>ST</sup> MONITORING INTERVAL	ACTION REQUIRED AT 2 <sup>ND</sup> MONITORING INTERVAL
0 to 5 NTU above background	Continue to monitor every 4 hours	Continue to monitor every 4 hours
5 to 29 NTU above background	Modify BMPs & continue to monitor every 4 hours	Stop work after 8 hours at 5-29 NTU above background
30 to 49 NTU above background	Modify BMPs & continue to monitor every 2 hours	Stop work after 2 hours at 30-49 NTU above background
50 NTU or more above background	Stop work	Stop work
VISUAL MONITORING		
No plume observed	Continue to monitor every 4 hours	Continue to monitor every 4 hours
Plume observed	Modify BMPs & continue to monitor every 4 hours	Stop work after 8 hours with an observed plume

- When monitoring visually, turbidity that is visible over background is considered an exceedance of the standard.
- Reporting: Copies of daily logs for turbidity shall be kept and made available.
- Post-Construction Stormwater Management for NWP activities involving impervious surfaces
  - A narrative and site sketch describing applied Low Impact Development (LID) techniques and, best management plans (BMPs) and other stormwater treatment options commensurate with the scale of the project will constitute a post-construction stormwater management plan which must be submitted to the DEQ for review and approval prior to construction.
- Spill Prevention
  - Fuel, operate, maintain, and store vehicles and construction materials in areas that minimize disturbance to habitat and prevent adverse effects from potential fuel spills.
- Spill & Incident Reporting
  - In the event that petroleum products, chemicals, or any other deleterious materials are discharged into state waters, or onto land with a potential to enter state waters, report promptly to Oregon Emergency Response (OERS, 1-800-452-0311)
  - Containment and Cleanup must begin immediately and be completed as soon as possible.

## 6.2 Removal-Fill Joint Permit - 196.795-990, OAR 141

**Agency:** Oregon Department of State Lands – Wetlands/Waterways Division

**Dates:** Permit effective on 7/16/2010, Expires 7/16/2011

### GENERAL

- **Scope:** Permit authorizes the removal and or fill of a finite amount of material within wetlands and waterways

### PERMIT DETAILS

#### Special Conditions

- A copy of the permit shall be available at the work site whenever authorized operations are being conducted.
- Authorization to Conduct Removal and/or Fill
  - Permanent placement of up to 347 cubic yards of material in wetlands,
  - Permanent placement of up to 3,719 cubic yards of material in waterways
  - Temporary placement of up to 145,1874 cubic yards of material in wetlands
  - Temporary placement of up to 23,011 cubic yards of material in waterways
  - Permanent removal of up to 347 cubic yards of material in wetlands
  - Permanent removal of up to 3,719 cubic yards of material in waterways
  - Temporary removal of up to 145,184 cubic yards of material in wetlands
  - Temporary removal of up to 23,011 cubic yards of material in waterways in multiple townships, ranges, sections and tax lots, Klamath and Lake Counties
- Work Period in Jurisdictional Areas
  - Fill or removal activities below the ordinary high water elevation of waterways shall be conducted during the designated in-water work periods as specified in the “Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife”
- Any changes made in project design, implementation and/or operation conditions to comply with conditions imposed by other permits must be approved by DSL prior to implementation

#### Pre-Construction Conditions

- The following permits/approvals are to be obtained and furnished to DSL prior to initiation of impacts:
  - A Conditional Use Approval and Development Permit from Klamath County

- Oregon Department of Fish and Wildlife Blasting Permit
- Memorandum of Agreement (FERC Docket No. CP09-54-000) documenting the mitigation measures of the final Historic Properties Treatment Plan
  - If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease and the State Historic Preservation Office contacted (503-986-0674)
- Boundaries of avoided wetlands and riparian areas shall be surrounded by bright orange construction fencing or flagging which shall be maintained during construction of the project

#### General Construction Conditions

- The following permits/approvals/plans must be in place during construction
  - Water Quality Certification
  - Erosion Control Plan
  - Hazardous, Toxic and Waste Material Handling
- Federally Listed Endangered or Threatened Species
  - If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder must contact DSL.
- Hazards to Recreation, Navigation or Fishing
  - Activity shall not interfere with or create a hazard to recreational or commercial navigation or fishing
- Impact Corridor
  - There shall be no removal of vegetation or heavy equipment operating outside the designated impact corridor or footprint
- Riprap Placement Methods
  - If riprap is required to stabilize banks, a written approval from DSL is necessary and mitigation for permanent impacts may be required.
  - Riprap shall be placed in a manner that allows for native woody vegetation establishment

#### Project Specific Conditions

- The work area shall be isolated from where flowing water and fish are likely to be present during construction
- Waterways shall not be relocated outside of the active channel
- Trenching Wetlands
  - The top layer of soil shall be separated from the rest of the excavated material and put back on top when the trench or pit is back-filled
- Pre-construction Report for Impacted Wetlands
  - Submit to DSL within four months of the initiations of impacts.
  - Report shall include
    - Photos from fixed photo points
    - Location of wetlands (right-of-way, access road, etc)
    - Existing hydrology
    - Topographical features contributing to site hydrology
    - Invasive species present

- Pre-Construction Report for Impacted Waterways
  - Submit to DSL within three months of the initiations of impacts
  - Report shall include
    - Photos from fixed photo points
    - Longitudinal profile and cross section data
    - Documentation of waterway system type (bedrock, coluvial, alluvial)
    - Active channel dimensions
    - Large Wood presence and number
    - Existing hydrology
    - Topographical features contributing to site hydrology
    - Grade Control (type, location, nature, or constructed)
    - Hydrologic roughness
    - Channel Planform (straight, meandering, braided, etc.)
    - Erosion Presence
    - Valley type
    - Average slope
    - Existing fish passage barriers
    - Surrounding land use
    - Bank condition
    - Riparian vegetation type (forested, scrub-shrub, etc)
    - Riparian vegetation cover
    - Riparian vegetation condition
    - Reference site if available
    - Impacted feature (pool, riffle, glide)
    - Bed material size
- Post-Construction Report for Impacted Wetlands and Waterways
  - Submit to DSL within three months after project completion or twelve months of the initiation of impacts, whichever comes first.
  - Report shall include
    - Crossing type
    - Date of impact
    - As-built condition
    - Unforeseen issues identified during construction
    - Saturated wetland presence (if applicable)
    - Additional temporary workspace (to be pre-approved by DSL)
    - Bentonite quantity if appreciable flow is detected and trench breaker material
    - Location and quantity
    - Planting information as specified in the approved Wetland Restoration Plan
    - Any deviation from the approved Wetland Restoration Plan
    - Planting Dates
    - Documentation of any plant or seed materials received from commercial sources
    - Permanent sample plot locations
- Temporary Impacts

- All temporary impacted areas shall meet the performance standards listed in this permit within 24 months from the date the impacts occur
- Temporary Disturbances
  - Construction areas within areas identified as temporary impacted shall not exceed two construction seasons and rectification of temporary impacts must be completed within 24 months of the initiation of impacts. However, if the temporary impact only requires one construction season, restoration activities must be completed within that same construction season
- Plantings of native woody vegetation shall be completed before the next growing season after re-establishment of the pre-construction contours

#### Performance Standards for Herbaceous Wetlands

- Native Species Cover
  - Stratum shall meet either 100% of pre-disturbance cover or 80% of adjacent undisturbed herbaceous wetland habitat within the 300' study area
- Invasive Species Cover
  - Invasive species is the lesser of pre-disturbance percent cover or <10% cover.
- Bare Substrate cover shall not exceed either pre-disturbance percent cover or 20% cover
- Species Diversity
  - Diversity of dominant native species shall meet either pre-disturbance dominant species diversity or 80% of adjacent, undisturbed herbaceous wetland habitat within the 300' study area
- Moisture Prevalence index total for all strata shall be <3.0

#### Performance Standards for Wetlands with Shrub Compounds

- Native Species Cover
  - Stratum shall meet either 100% of pre-disturbance cover or 80% of adjacent undisturbed herbaceous wetland habitat within the 300' study area
- Invasive Species Cover
  - Invasive species is the lesser of pre-disturbance percent cover or <10% cover.
- Bare Substrate cover shall not exceed either pre-disturbance percent cover or 20% cover
- Woody Vegetation
  - Shall have the same species composition as pre-disturbance conditions or 80% stem density of adjacent undisturbed herbaceous wetland habitat within the 300' study area
  - Dead plants may not be counted toward the standard but native species volunteering on the site may be counted toward the standard
- Moisture Prevalence index total for all strata shall be <3.0

#### Performance Standards for Waterways

- Slope: The Final channel slope shall be the same as in pre-project measurements for a minimum of ten channel widths upstream and downstream of the centerline of the excavation.
- Riparian Composition: The pre-project riparian composition, density, and distribution shall be replaced through planting and vegetation management as appropriate for the particular stream crossing
- Large Wood: Any large wood present in the project area shall be replaced in equal number, in a similar location, and in a similar configuration. Large wood consists of pieces > 12 feet in length and at least 12" in diameter.
- Cross Sections: Representative cross-sections showing the morphology for each habitat type (i.e. pools, glides, riffles, runs, steps, and cascades) will be the same as in pre-project measurements
- Longitudinal Profile and Aquatic Habitat Types shall be the same as pre-construction measurements
- Bed Material particle size and distribution shall be the same as in pre-project measurements
- Banks: Banks shall be restored to a stable slop pattern, and profile suitable for establishment of permanent native woody vegetation. If artificial stabilization is necessary, a bioengineered approach is preferred. If hard stabilization is required to stabilize banks, a written approval from DSL is necessary and mitigation for permanent impacts may be required.

#### Monitoring and Reporting for Temporary Impacts

- Terms of Monitoring; Annual Monitoring Reports Required
  - Monitoring of temporarily disturbed wetlands and waterways shall occur for a minimum period of five growing seasons after the date of their initial impact for wetlands and waterways.
  - Annual Monitoring Reports are Required.
- Monitoring Reports
  - Due by December 31 of each year
  - Contain the following:
    - Completed Monitoring Report Cover Sheet which includes permit number, permit holder name, monitoring date, report year, performance standards, and a determination of whether the site is meeting performance standards
    - A determination if impacts to each wetland or waterway have been rectified and supporting data
    - Recommendations to meet performance standards regarding site rectification
    - Data collected to support the determination and/or conclusions related to rectification of the site relative to the performance standards listed in the permit
    - A brief narrative that describes maintenance activities
    - Site map showing permanent plot locations that correspond to the data collected and fixed photo points
    - Photos from fixed photo points

- Other information necessary or required to document compliance with the performance standards listed in this permit.

### Monitoring and Reporting Schedule

<b>Report</b>	<b>Requirements</b>	<b>Schedule</b>	
Pre-Construction	Pre-construction Report	Due four months after the initiation of wetland or waterway impacts	
Post-Construction	Post-construction report	Due the earlier of three months after project completion or 12 months after the initiation of individual wetland or waterway impacts	

Report	Requirements	Schedule	
First Annual report	<p>Permanent monitoring locations and photos</p> <p>Vegetation performance standards</p> <p>A brief narrative that describes maintenance activities and contingency measures to meet rectification within a 24-month period from the date wetland or waterway impacts occur</p>	<p>Replant or reseed before the end of the first growing season following trench closure. Report information collected after one growing season of completing proposed plantings at each wetland or waterway.</p> <p>Report due by the following December 31</p>	
Second Annual report	<p>Permanent monitoring locations and photos</p> <p>Vegetation performance standards</p> <p>Determination if impacts to each wetland or waterway were rectified within a 24-month period from the date wetland or waterway impacts occurred</p> <p>A brief narrative describing maintenance activities</p>	<p>Report information collected after two growing seasons of proposed plantings</p> <p>Report due by the following December 31</p> <p>If DSL agrees impacts to each wetland or waterway were rectified within a 24-month period from the date wetland or waterway impacts occurred, DSL may release the applicant from using the vegetation performance standards in this permit during the third, fourth, and fifth years of monitoring</p>	
Third and Fourth Annual reports	<p>Permanent monitoring locations and photos</p> <p>Vegetation performance standards (if DSL determines temporary impacts were not rectified within a 24-month period from the date wetland or waterway impacts occurred)</p> <p>Additional information required by DSL if temporary impacts were not rectified within a 24-month period from the date wetland or waterway impacts occurred</p>	<p>Report information collected after three and four growing seasons of proposed plantings</p> <p>Report due by the following December 31</p>	

Report	Requirements	Schedule	
Fifth Annual report (or final report if the monitoring period has been extended)	Permanent monitoring locations and photos  Vegetation performance standards (if DSL determines temporary impacts were not rectified within a 24-month period from the date wetland or waterway impacts occurred)  Additional information required by DSL if temporary impacts were not rectified within a 24-month period from the date wetland or waterway impacts occurred	Report information collected after five growing seasons of proposed plantings  Report due by the following December 31	

### 6.3 Permit to Perform Operations Upon a State Highway

**Agency:** Oregon Department of Transportation

**Dates:** Permit effective on 4/04/10

#### GENERAL

- **Scope:** Permit grants permission to conduct construction of the boring operation at mile point 148.8 on Highway US 395.

#### PERMIT DETAILS

##### Worksite

- Contractor must call for utility locates before digging (1-800-332-2344)
- A copy of the permit and all attachments must be kept at the work site
- Access control fence must be maintained during construction and restoration to its original or better condition after construction is complete
- All grass and small brush within the work area shall be rotary or flail mowed to ground level prior to the beginning of work to facilitate clean up. Disturbed areas shall be reseeded with grass native to the area in an appropriate seeding time
- The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently if so determined by the District Manager or representative.

##### Traffic

- The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways. (MUTCD).
  - Flaggers must have a card or certificate indicating their completion of an approved work zone traffic control course
  - All traffic devices shall be maintained according to ATTSSA Quality Standards for Work Zone Traffic Control Devices handbook
- Contractor to provide a detailed Traffic Control Plan (TCP) for each phase of the work.
  - Plans must be submitted for approval by the District manager or representative in advance of construction or maintenance.

- At a minimum the Plan should adhere to signage standards outlined in the MUTCD, Chapter 6 and the current Oregon Roadway Engineering Standard Drawings, particularly TM 204 abd 821.
- All damaged or removed highways signs shall be replaced by the applicant.
- No travel lane restrictions will be permitted on the State Highway

#### Drainage

- No construction site storm water, “de-watering water” or “used water” drainage or run-off shall be allowed to enter the ODOT right of way natural or man-made facility that flows into the ODOT right of way.
  - The contractor shall submit a “Temporary Storm and Run-off Water Control Plan” to ODOT for approval prior to construction activity

#### Excavation/Construction

- Any area of cut or damaged asphalt shall be restored as directed by the District Manager or his representative.
  - The contractor shall be responsible for the condition of pavement patches for a period of 2 years following the repair.
- Highway crossings shall be bored or jacked. Bore pits shall be located off of the right of way.
- Any area of cut or damaged concrete shall be restored as directed.
- Signs and pedestals shall be placed as near the highway right-of-way line as practical. In no case shall pedestals and line markers be located within the highway maintenance area.

#### Special Provisions

- The applicant shall be responsible and liable for
  1. Investigating presence/absence of any legally protected or regulated environmental resources(s) in the area
  2. Determining any and all restrictions or requirements that relate to the proposed actions and complying with such. Including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historical resources state and federal threatened or endangered species, etc.
  3. Complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.
    - To verify compliance with this provision, and section 4.10.5 of the FEIS, Ruby must submit a “concurrence letter” issued by the Oregon State Historic Preservation Office (SHPO).
- Permittee shall be responsible for all costs associated with impacts to legally protected/regulated resources.
- The contractor shall be responsible for locating and preserving all existing survey monumetation with the work area in accordance with ORS 209.150 and/or 209.155
- The contractor shall submit a “plan and profile” sheet and a “pipe wall thickness calculation” sheet, which are stamped and signed by a Registered Engineer who is qualified to perform high pressure natural gas pipeline design activities.
- Upon completion of the pipeline installation, Ruby Pipeline will provide to the ODOT District 11 Maintenance Office maps, including survey coordinates which precisely locate the pipeline facilities with the ODOT right of way.

## 6.4 Application or Permit to Construct a Pipeline

**Agency:** Oregon Department of Transportation

[Will be updated upon receipt of permit]

## 6.5 Application for State Highway Approach

**Agency:** Oregon Department of Transportation

[Will be updated upon receipt of permit]

## 6.6 Individual Water Pollution Control Facility Permit for Hydrostatic Discharge and Construction Dewatering

**Agency:** Oregon Department of Environmental Quality – Water Quality Division

[Will be updated upon receipt of permit]

## 6.7 1200 C Construction Storm Water General Permit

**Agency:** Oregon Department of Environmental Quality – Water Quality Division

**Dates:** Permit effective June 1, 2010; Permit expires November 30, 2010 [Currently pending state renewal]

**File No:** 119852

### GENERAL

- **Scope:** General Permit to Discharge Storm Water Associated with Large Construction Activity Under the WYPDES.

### PERMIT DETAILS

Information provided in the cover letter to the general permit:

- Submit Renewal Application if the project extends beyond November 30, 2010
- Updates to Erosion and Sediment Control Plan need to be submitted to the DEQ or DEQ Agent
- Submit a Notice of Termination when construction is completed

### Schedule A: Limitations and Controls for Stormwater Discharges

Water Quality Standards

- Permit registrant must not cause a violation of instream water quality standards.

Water Quality Requirements for TMDL and 303(d) Listed Waterbodies

- Collect and analyze samples for turbidity in stormwater runoff from the construction site and compare the results to the benchmark value of 160 Nephelometric Turbidity Units (NTUs). The benchmark is used to determine if best management practices are effective; it is not an effluent limit.

### Performance Requirements

- Prevent Discharge of Significant Amounts of Sediment. For example;
  - Earth Slides or Mud Flow
  - Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered or settled to remove sediment;

- Turbid flow of stormwater that are not filtered or settled to remove turbidity
  - Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters.
  - Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity; or
  - Deposits of sediment from the construction site on any adjacent property outside of the permitted activity.
- If significant amount of sediment or turbidity are visibly detected in: 1) the discharge to a conveyance system leading to surface waters; 2) the discharge to surface waters 50 feet downstream; or 3) the discharge in surface waters at any location where more than one-half of the width of the receiving surface waters is affected, the permit registrant must:
    - Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable
    - Evaluate the Erosion and Sediment Control Plan (ESCP) to determine the cause of the discharge
    - Document in the inspection records the corrective action taken
    - Submit an Action Plan to the department with ten (10) calendar days of the discharge identifying the correction action taken to cease the discharge.
- Allowable Discharges are as follows:
    - Stormwater associated with construction activity authorized by this permit.
    - Stormwater from support activities at the construction site (e.g., concrete or asphalt operations, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)
- Allowable Non-Stormwater Discharges:
    - Discharges from fire-fighting activities
    - Fire hydrant and potable water flushing
    - Waters used to wash vehicles where detergents or hot water are not used
    - Potable water including uncontaminated water line flushing
    - Routine external building wash down that does not use detergents or hot water
    - Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents or hot water are not used
    - Uncontaminated air conditioning or compressor condensate
    - Construction dewatering activities
    - Foundation or footing drains where flows are not contaminated with process materials such as solvents; and
    - Landscape irrigation.
- Erosion and Sediment Control Plan (ESCP)  
An ESCP must be prepared and maintained throughout the duration of the project. A copy of the ESCP must be kept at the construction site.

## **Schedule B: Minimum Monitoring Requirements**

### Visual Monitoring Requirements

- The following must be inspected by the registrant

- All areas of the site disturbed by construction activities to ensure that BMPs are in working order.
  - Discharge point(s) identified in ESCP for evidence of or the potential for the discharge of significant impacts to surface waters.
  - Locations where vehicles enter or exit the site for evidence of off-site sediment tracking
  - Areas used for storage of materials that are exposed to precipitation for evidence of spillage or other potential to contaminate stormwater runoff.
- All ESCP controls and practices must be inspected visually according to the following schedule

Site Condition	Minimum Frequency
1. Active period.	Daily when stormwater runoff, including runoff from snow melt, is occurring.
2. Prior to the site becoming inactive or in anticipation of site inaccessibility.	Once to ensure that erosion and sediment control measures are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than seven (7) consecutive calendar days.	Once every two (2) weeks.
4. Periods during which the site is inaccessible due to inclement weather.	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.

#### Turbidity Monitoring Requirements for TMDL and 303(d) Listed Waterbodies

Parameter	Minimum Frequency	Monitoring Points	Type of Sample <sup>1</sup>	Test Method <sup>2</sup>
Turbidity (NTU)	At a minimum one stormwater sample that represents the flow and characteristics of the stormwater discharge must be collected at each monitoring point on a weekly basis when stormwater runoff is detectable.	All stormwater discharge points indicated on the site map see A.6.d.xiii., p. 7.	Grab	Field turbidimeter

5. Occurring during regular working hours at the construction site.

6. The Permit registration must use sampling procedures, testing methods and turbidity meter calibration methods approved by the department

#### Recordkeeping Requirements

- Documentation of Visual Inspections must include
  - Inspection date and inspector's name
  - Inspect the quality of the discharge for any turbidity, color, sheen, or floating materials
  - Inspections of all BMPs and record the locations of BMPs that need to be maintained
  - Location(s) of BMP failure
  - Location(s) of where additional BMPs are needed
  - Corrective action required and implementation dates
- ESCP including Action Plan(s) Retained Onsite
- Inspection and Monitoring Results must be maintained on-site
- Retention of Inspection and Monitoring Results for Three (3) years

### 6.8 Scientific Taking Permit - Fish

Agency: Oregon Department of Fish and Wildlife

**Permit Number:** 15425

**Dates:** 7/15/2010 – 12/31/2010

## GENERAL

- **Scope:** Permit received from the ODFW granting authority to rescue and salvage fish in the Warner Lakes HUC, Goose Lake HUC, and Lost River HUC

## PERMIT DETAILS

### Conditions and Authorization of the Permit:

- Local officials of the DFW and Oregon State Police must be notified before each sampling effort.
- An annual activity/collection report must be submitted to DOFW by 31 December 2010 using the online application process at the website specified in the permit. Permit cannot be renewed until this is received.
- No protected species can be taken unless specified in the permit.
- Co-investigators must sign their own cop of the permit and carry it while engaging in the activities authorized in the permit.
- Any unnamed person must be accompanied by the Principal Investigator or a Co-investigator when assisting in collection
- Specifications
  - May rescue or salvage fish and invertebrates during in-water construction area isolation. This includes handling of 5 Modoc suckers, 15 Lost River suckers, 10 Shortnose suckers, 17 Warner suckers and other fish described in the permit application. After examination and recovery all fish should be released as soon as possible, unharmed, into nearby free-flowing water or as instructed by local ODFW biologists. Prior to release fish should be held in fresh, cool, aerated water.
  - All species handled must be recorded in the annual report for this permit
  - In-water work must occur in the appropriate in-water work windows. Exceptions must be approved by the local ODFW District Fish Biologist or representative and submitted to the ODFW ESA Program Specialist in writing prior to commencing work outside the approved in-water work windows.
  - Fish may be taken by backpack electrofishing. Electrofishing protocols should follow the guidelines established by the NMFS in June 2000
  - Activities must be coordinated with local ODFW Fish Biologists, David Banks, Roger Smith or Bill Tinniswood, at least two weeks prior to any sampling in their respective watersheds. (See Fish Biologist list attached to original permit for contact information).
  - Indirect mortality may not exceed 10% of the total take for any species at any site or as described in the federal authorization for listed species. If the mortality for any species exceeds this rate the permittee must contact the Endangered Species Act Program Specialist, ODFW, prior to any further activity.
  - Follow FDA approved protocols and use only FDA approved substances for anesthetizing fish.
  - If sampling in multiple sub-basins (4<sup>th</sup> field HUCs), boots and sampling equipment intended for use in the water will be disinfected and air-dried prior to use in each location. Water containing chemicals used in handling fish and used for disinfecting equipment must not be allowed to enter waters of the state. Dispose of on dry land or allow it to evaporate.
  - Obtaining any appropriate federal clearance under the Endangered Species Act is the permittee's responsibility.

- If any condition on this permit conflicts with a condition on the federal permit or authorization, the permittee must comply with the more restrictive condition
- All authorized take is only for the species, purposes and by the protocols described in the permit application. If you approach or meet your permitted take at a location and still have sampling to do contact the DOFW ESA Program Specialist as soon as possible.

## 6.9 Scientific Taking Permit – Reptiles/Amphibians

**Agency:** Oregon Department of Fish and Wildlife

**Permit Number:** 128-10

**Dates:** 7/30/2010 – 12/31/2010

### GENERAL

- **Scope:** Permit received from the ODFQ covering incidental take or safe removal of amphibians/reptiles prior to in-stream work.

### PERMIT DETAILS

#### Conditions of Permit:

- Any animal captured that is categorized as a non-native Prohibited or controlled species (e.g. American bullfrog) may NOT be released back into the wild. Final disposal of all non-native Prohibited or Controlled species captured must be humane euthanasia.
- Disinfect project equipment after use at each project site to prevent possible transmission of disease.
- Any identified mortalities are to be reported on the annual scientific taking report
- Annual scientific taking report is to be recorded using ODFW standard report form due by January 30, 2011.

## 6.10 Fish passage

**Agency:** Oregon Department of Fish and Wildlife (ODFW)

**Dates:** Permit(s) effective of the date the permit was received.

### GENERAL

- **Scope:** Permits received from the ODFW, in the form of approval letters, acknowledging Ruby’s Fish Passage Plan corresponds with Oregon Fish Passage statutes and meets Oregon Fish Passage design criteria (OAR 635-421-0035 (1),(3),(10)).

### PERMIT DETAILS

The table below lists the stream crossings in which Fish Passage permits were applied for.

Stream ID	MP	County	Stream Name	Permit Received	Date Received
SS-153-004	590.64	Lake	Twelvemile Creek	Y	7/15/10
SS-184-003	598.34	Lake	Twentymile Creek	Y	7/8/10

<b>Stream ID</b>	<b>MP</b>	<b>County</b>	<b>Stream Name</b>	<b>Permit Received</b>	<b>Date Received</b>
<b>SS-20-013</b>	603.13	Lake	Tributary to Deep Creek	Y	7/8/10
<b>SS-184-004</b>	603.83	Lake	Unnamed Trib. to Deep Creek	Y	7/8/10
<b>SS-174-005</b>	604.10	Lake	Deep Creek	Y	7/8/10
<b>SS-174-003B</b>	605.43	Lake	Horse Creek	Y	7/8/10
<b>SS-200-001</b>	616.53	Lake	Unnamed Trib. to Crane Creek	No Permit Needed	
<b>SS-152-006</b>	616.66	Lake	Tributary to Crane Creek	Y	7/8/10
<b>SS-152-013</b>	622.40	Lake	Thomas Creek	Y	7/8/10
<b>SS-33-013</b>	625.37	Lake	Tributary to Goose Lake	Y	7/8/10
<b>SS-33-016</b>	626.35	Lake	Drews Creek	Y	7/15/10
<b>SS-29-008</b>	628.50	Lake	Tributary to Goose Lake	Y	7/8/10
<b>SS-36-001</b>	631.01	Lake	Tributary to Goose Lake	Y	7/8/10
<b>SS-36-002</b>	631.83	Lake	Tributary to Goose Lake	Y	7/8/10
<b>SS-214-001</b>	632.50	Lake	Unnamed Canal From Dry Creek	Y	7/8/10
<b>SS-214-002&amp;003</b>	632.50	Lake	Dry Creek	Y	7/8/10
<b>SS-51-004</b>	633.96	Lake	Dry Creek	Y	7/15/10
<b>SS-51-006</b>	634.38	Lake	Sibley Draw	Y	7/8/10
<b>SS-172-002</b>	635.30	Lake	Dry Creek	Y	7/15/10
<b>SS-33-028</b>	636.27	Lake	Tributary to Dry Creek	Y	7/8/10
<b>SS-29-025</b>	637.25	Lake	Dry Creek	Y	7/8/10
<b>SS-29-024</b>	637.33	Lake	Fall Creek	Y	7/8/10
<b>SS-172-004</b>	639.19	Lake	Unnamed Trib. to Fall Creek	Y	7/15/10
<b>SS-37-001</b>	641.98	Lake	South Arm East Willow Creek	Y	7/8/10
<b>SS-38-007</b>	645.06	Lake	North Fork Willow Creek	Y	7/8/10
<b>SS-38-008</b>	645.67	Lake	Tributary to North Fork Willow Creek	Y	7/8/10

Stream ID	MP	County	Stream Name	Permit Received	Date Received
SS-174-001	648.31	Lake	Unnamed Trib. to Wild Horse Creek	Y	7/8/10
SS-154-001	654.47	Klamath	Rock Creek	Y	7/8/10
SS-153-001	664.16	Klamath	East Branch Lost River	Y	7/15/10
SS-175-001	667.80	Klamath	Lost River	Y	7/15/10
SS-156-004	674.46	Klamath	Low Line Canal	Y	7/15/10
SS-156-002	675.24	Klamath	Unnamed Trib. to Canal D	Y	7/8/10
SS-49-013	675.35	Klamath	High Line Canal	Y	7/8/10
SS-49-015	675.35	Klamath	Low Line Canal	Y	7/15/10

Note:

Proposed crossing methods and equipment bridges may be substituted due to seasonal and site-specific conditions at the time of construction.

Each of the received fish passage approvals are contingent on the following requirements.

1. All in-water work associated with the project shall be performed during the ODFW in-stream work window or as negotiated with ODFW
2. Requirement 2 depends on the fish passage method chosen for the respective stream. The options are as follows:
  - a. All efforts shall be made to use the dam and flume method during in-stream work to maintain fish passage during construction. However, if dam and pump is required Ruby shall discuss options with ODFW district fish staff to mitigate for potential impact to fisheries resources and their habitats.
  - b. No water (stream flow) shall be present within the creed channel during the time of construction while the open cut method of excavation and pipe placement is utilized.
3. All blasting shall be done with controlled blasting measures as listed in the Fish Passage Permit Application Companion Report section 2-4 provided by Ruby, and shall be in concurrent with the requirements of the ODFW In-Water Blasting Permit to provide coverage for OAR 635-425-000
4. Ruby shall monitor and report the effectiveness of fish passage during, throughout and after completion of the project. This shall include providing ODFW with a post-construction report that clearly details the methods used during construction of the project site and fish passage status after the first channel forming hydraulic event (flows of bankfull or greater) post construction. All monitoring will be performed by a qualified fisheries biologist to determine that fish passage at the site is unchanged from conditions that existed pre-construction, paying special attention to scour and erosion around and related to the project area. Monitoring and reporting shall be based on visual observations and stream flow conditions as they relate to fish passage performance throughout the project area.
5. Monitoring reports shall be completed and submitted by Ruby to the ODFW Fish Passage Program Coordinator and the District Fish Biologist for a period of 3 years after completion. These reports shall be submitted by June 30<sup>th</sup> for the previous year's reporting period.

6. If, as a result of the Project, monitoring indicates that upstream or downstream passage of native migratory fish is compromised, Ruby shall be responsible to resolve the fish passage problems(s), as required in Oregon Revised Statute 509.610
7. Temporary bridges shall not preclude fish passage. Temporary bridge lengths, including foundation structures (footers, piers, abutments, etc.) shall be sized to “clear-span” the active channel width of the stream proposed for crossing. Installation and removal of temporary bridges shall have no effect on fish passage or fish habitat at the construction site. Temporary bridges shall not affect or alter the natural stream channel or longitudinal profile during installation or deconstruction. All elements of the bridge (piers, mats, abutments) shall be removed by the end of the in-water work period. Upon removal of the bridge Ruby shall provide photo documentation to show that conditions have been restored to their pre-construction state. If circumstances dictate that the bridge must remain in after the end of the in-water work window (September 30<sup>th</sup>), Ruby shall discuss options with ODFW district staff.
8. The ODFW shall be allowed to inspect the project at reasonable time for duration of this approval. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.

## 6.11 Wildlife Removal Permit

**Agency:** Oregon Department of Fish and Wildlife (ODFW)

**Dates:** Permit(s) effective on September 27, 2009

### GENERAL

- **Scope:** Permits received from the ODFW, in the form of approval letters allowing employees and contractors of Ruby Pipeline LLC to remove small mammals, herpetiles and/or birds that may become stranded in the ditch during construction.

### PERMIT DETAILS

- All wildlife removed from the ditch will be immediately released in the vicinity of the capture site outside the construction right of way.
- Record the date, approximate pipeline mile, species and number of wildlife removed from the ditch.
- If any mortalities occur as a result of the capture and removal effort employees and contractors will contact the Department office in Lakeview to discuss disposition.

## 6.12 In-Water Blasting Permit

**Agency:** Oregon Department of Fish and Wildlife

**Dates:** Issued July 30, 2010. Expiration date varies per listed waterbody.

**Permit Number:** ORS 509.140

### GENERAL

- **Scope:** This permit authorizes the use of explosives in Water of the state of Oregon for the specific location listed within the permit.
- **Dates:** The permit was issued on July 30, 2010. However the period in which explosives is authorized varies per each listed waterbody. See permit for specific dates.

## PERMIT DETAILS

### General Conditions

- Notify ODFW at least 48 hours prior to blasting activities
- Care shall be taken to minimize disturbance of stream banks and streamside vegetation.
- It is the responsibility of the applicant to warn recreational users and nearby property owners of any potential dangers associated with blasting.
- A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.

### Notification Requirements

- Applicants must notify the Lakeview fishery biologist (David Banks at 541-947-2950) at least 48 hours before actual blasting, and the department must have the opportunity to have an observer present during and after the blasting. The department may conduct a pre-blasting site inspection.
- Notify the local law enforcement agencies before blasting activities.
- Notify all adjacent landowners, renters or lessees, and recreational users within the affected area by
  - Registered letters to landowners with return receipts;
  - Publication in the local newspaper;
  - Postings in the vicinity of the project; and
  - Auditory warnings before blasting.
- The applicant must provide to the department satisfactory evidence of compliance with notification at least three days before the blasting occurs.

### Special Conditions

- Blasting within the beds and banks of waterways within the state of Oregon shall be done between the dates listed on the chart at the end of the permit.
- All blasting shall be done in compliance with the ODFW fish passage approvals for Ruby Pipeline stream crossings where native migratory fish are present or were historically present (ORS 509.585).
- All water quality conditions in the DEQ 401 Nationwide Water Quality Certification must be adhered to.
- Surveys will be conducted prior to construction to identify any sensitive fish and wildlife species located within the blasting sites.
- Streams containing native migratory fish will be flumed or dammed and pumped prior to blasting as described in the blasting permit application and fish passage approvals.
- Prior to blasting in streams with water a certified fish biologist needs to supervise the removal of fish and any sensitive, threatened or endangered amphibians from within the construction right-of-way upstream and downstream of the blasting area.
- Native material will be used to backfill the ditch above the pipeline.
- Control blasting as described in the Ruby Pipeline In-water Blasting Permit Application and Blasting Plan shall be used at all stream and wetland crossings.
- Trench breakers will be installed at the edges of wetlands and streams to prevent horizontal migration of water from the resources.
- Seismic refraction surveys will be conducted per Appendix E of the blasting permit.
- If significant fracturing occurs beyond the intended limits of excavation within any of the stream or wetland crossings, the ditches will be tested to determine if any of the fractures will be surface-water discharge points.
- If fractures will be surface-water discharge points, discharge will be mitigated per the blasting permit application and fish passage approvals

- Surveys to locate nesting raptors within 1 mile of proposed blasting sites will be conducted yearly. Construction will not occur within 0.75-1.0 miles of an active raptor nest until the young have fledged. Blasting will not occur within 1 mile of an eagle nest or 0.75 miles of any other raptor nest until after the nesting season.
- All provisions of the federally approved Water Crossing Plan will be followed.