

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

[Will be updated upon receipt of permit]

3.2 General Permit for Temporary Discharge – Hydrostatic Testing and Construction Dewatering

Agency: Wyoming Department of Environmental Quality, Water Quality Division

[Will be updated upon receipt of permit]

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 25th 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_x, 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_x, 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_x, 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
 - o Inspections must follow either one of the following inspections schedules:

- Inspections on inactive construction sites, as described above will not be required where snow cover or frozen ground conditions exists over the entire site for an extended period and melting conditions do not exist.
- 6. Retention of reports
 - Copies of the inspection reports shall be retained with the SWPPP and retained by the permittee for a minimum of three years.
- 7. Collection and submission of self monitoring information
 - Permittee shall collect and report storm water effluent and/or ambient water quality data upon written notification by the administrator.
- 8. Construction project identification
 - A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours.

3.5 Wyoming Department of Transportation Licenses (LN-10-09, LN-11-09, LN-12-09)

Agency: Transportation Commission of Wyoming (TCW), Wyoming Department of Transportation (DOT)

Permit No: NA

GENERAL

- **Scope:** This License grants Ruby permission to occupy a portion of the right-of-way (ROW) controlled by the Agency for construction of a 42-inch natural gas transmission pipeline in Lincoln County, Wyoming.
- **Dates:** License effective May 21, 2009

PERMIT DETAILS

Conditions of Operation:

Responsibility of Licensee

- Facility will be located at Ruby's expense in accordance with Wyoming Statute § 37-12-301 *et seq.*
- Ruby will contact and gain approval from the respective district engineer if there is a deviation in excess of two feet from the approved horizontal alignment.
- Ruby shall place the facility in a manner consistent with local, state, and federal laws
- Any adjustments or removals of the facility will be done at Ruby's expense.
- Ruby is required to notify the TCW in writing to cancel or nullify any issued license if the facility is not constructed within prescribed time limits, scheduled to be removed, or taken out of service
- Maintenance, use, inspection, and access to the facility shall be accomplished from locations outside of the lines of no access or access control.
- Ruby agrees to the standards for traffic control as outlines in TCW's *Traffic Control for Roadway Work Operations* manual. Traffic control plans and road closure plans must be approved by the TCW engineer prior to start-up in the ROW.
- Ruby must manage any contaminated soil encountered as part of construction, repair, or removal in accordance with WY DEQ regulations

General Provisions:

- Any changes, modifications, revisions, or amendments to this License which are mutually agreed upon by Ruby and TCW must be executed in writing and signed by both parties.

- 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

[Will be updated upon receipt of permit]

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

[Will be updated upon receipt of permit]

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 NO_x ≤ 6.46 lbs/hr and 15 ppm at 15% excess O₂, shall not be exceeded from each turbine.
- The following emission rate of CO ≤ 6.55 lbs/hr and 25 ppm at 15% excess O₂, 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_x
 - 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
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 will 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 to 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
[Will be updated upon receipt of permit]