

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ENVIROGAS LP	DOCKET NO. P-861
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**PIPELINE PERMIT**

(Issued November 16, 2005)

Permit No. 1218 Lateral Cedar Rapids

Permission is granted to EnviroGas LP (EnviroGas), Cedar Rapids, Iowa, to construct, operate, and maintain a pipeline in Linn County, Iowa, for the transportation of flammable landfill gas at a maximum operating pressure of 100 psig for approximately 1.626 miles over the route attached to and incorporated by reference in this permit.

Permit No. 1218 is granted subject to the provisions of Iowa Code Chapter 479 (2005), 199 IAC 10, and the November 9, 2005, "Proposed Decision and Order Granting Permit" issued in this docket.

Additionally, the following safety restrictions shall apply to Permit No. 1218:

- a. As required by state and federal rules, certain pipeline records must be kept in Iowa at locations where operations and maintenance activities are conducted and must be available to appropriate operating personnel and Board inspectors. 199 IAC 10.12, 18.2, 18.3; 49 C.F.R. § 192.605.

b. Prior to commencement of operation of the pipeline, EnviroGas must file information with the Board sufficient to show how it will comply with applicable drug and alcohol testing requirements contained in federal regulations at 49 C.F.R. Part 199 and adopted by reference at 199 IAC 10.12(1)"c." Personnel who are subject to drug and alcohol testing as required by 49 C.F.R. Part 199, including local personnel, must be available for the operation and maintenance of the pipeline.

c. If EnviroGas does not continue its contractual relationship with Montana-Dakota or significantly modifies its contractual relationship during the period of construction of the pipeline or during the initial two-year "primary term" of the Agreement, EnviroGas must immediately notify the Board and explain how it intends to comply with applicable state and federal requirements regarding the pipeline contained in Iowa Code Chapter 479, 199 IAC § 10.12, and 49 C.F.R. Part 192.

d. Although construction of the proposed pipeline may commence with the issuance of this permit, EnviroGas may not begin operating the pipeline until the following conditions are met:

- 1) Board inspection staff files a report stating that the completed construction complies with applicable federal safety standards;

2) EnviroGas files an acceptable Operation, Maintenance, and Emergency Plan as required by federal pipeline safety standards with the Board;

3) Personnel who are qualified under applicable federal pipeline safety standards at 49 C.F.R. Part 192, including local personnel, are available for the operation and maintenance of the pipeline;

4) EnviroGas files the necessary information regarding the pipeline with Iowa One Call;

5) EnviroGas files satisfactory assurance that a written continuing public education program that conforms with 49 C.F.R. § 192.616 will be completed within one year of placement of the pipeline into service; and

6) EnviroGas files satisfactory assurance that it will conduct, or cause to be conducted, an investigation for the presence of High Consequence Areas within one year of placement of the pipeline into service, and that if necessary, EnviroGas will prepare, or cause to be prepared, a Pipeline Integrity Management Program that complies with 49 C.F.R. Part 192 Subpart O.

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Permit No. 1218 shall be effective until November 16, 2030, unless revoked, terminated, or amended by the Utilities Board.

**UTILITIES BOARD**

/s/ John R. Norris  
Chairman

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 16<sup>th</sup> day of November, 2005.

EXHIBIT A

LEGAL DESCRIPTION

Metes & Bounds Description of A Street SW Pipeline  
from Bluestem Solid Waste Landfill to the Penford Products Plant

THE PIPELINE EXTENDS FROM THE PROPERTY OF ALLIANT ENERGY IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, T 83 N, R 07 W OF THE 5<sup>TH</sup> P. M., CEDAR RAPIDS, LINN COUNTY, IOWA AND PASSES THROUGH SAID QUARTER QUARTER AND THROUGH THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THROUGH THE SOUTHEAST QUARTER OF SAID SECTION 28, THEN PASSES THROUGH THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, T 83N, R 07 W OF THE 5<sup>TH</sup> P. M. AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T 83N, R 07 W OF THE 5<sup>TH</sup> P. M. AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 7, MAY PALMER AND THOMPSONS REPLAT OF MAY AND COVELLS ADDITION; THENCE ALONG THE SOUTHEAST LINE OF SAID LOT 7, S 63° 12' 07" W, 160.4' TO THE POINT OF BEGINNING;

THENCE S 26° 46' 28" E, 609.43';

THENCE S 65° 49' 37" E, 346.71';

THENCE 82.95' ALONG A 500.00' RADIUS CURVE CONCAVE SOUTHWESTERLY WITH AN 82.86' CHORD BEARING S 61° 04' 27" E;

THENCE S 56° 19' 17" E, 306.82';

THENCE N 38° 51' 36" E, 101.70';

THENCE 108.22' ALONG A 250.00' RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 107.37' CHORD BEARING N 51° 15' 39" E;

THENCE N 63° 39' 42" E, 473.76';

THENCE N 81° 31' 54" E, 216.47';

THENCE S 71°-03'-52" E, 136.27';

THENCE 122.31' ALONG A CURVE, CONCAVE SOUTHWESTERLY, WITH A 176.02' RADIUS AND A 119.86' CHORD BEARING S 49°-32'-29" E;

THENCE S 36°-44'-43" E, 222.55';

THENCE 53.33' ALONG A CURVE, CONCAVE NORTHEASTERLY, WITH A 187.27' RADIUS AND A 53.15' CHORD, BEARING S 44°-53'-02" E;

THENCE S 55°-37'-57" E, 406.75';

THENCE 29.05' ALONG A CURVE, CONCAVE NORTHERLY, WITH A 109.00' RADIUS AND A 28.96' CHORD, BEARING S 70°-59'-14" E;

THENCE S 88°-54'-10" E, 63.03';

THENCE 7.98' ALONG A 20.00' RADIUS CURVE CONCAVE SOUTHERLY WITH A 7.93' CHORD BEARING S 77° 28' 13" E;

THENCE S 66° 02' 16" E, 467.38';

THENCE S 54° 20' 02" E, 438.89';

THENCE 54.25' ALONG A CURVE CONCAVE SOUTHWESTERLY, WITH A 46.46' RADIUS AND A 51.22' CHORD, BEARING S 22°-26'-37" E;

THENCE S 06°-57'-35" W, 73.65';

THENCE 35.21' ALONG A CURVE CONCAVE NORTHEASTERLY, WITH A 28.17' RADIUS AND A 32.96' CHORD, BEARING S 33°-35'-45" E;

THENCE S 67°-06'-01" E, 141.44';

THENCE 141.78' ALONG A CURVE CONCAVE NORTHERLY, WITH A 696.84' RADIUS AND A 141.54' CHORD, BEARING S 68°-47'-44" E;

THENCE S 73°-32'-20" E, 37.05';

THENCE S 77°-17'-19" E, 192.67';

THENCE 98.25' ALONG A CURVE CONCAVE NORTHERLY, WITH A 662.24' RADIUS AND A 98.16' CHORD, BEARING S 80°-40'-13" E;

THENCE 527.70' ALONG A CURVE CONCAVE NORTHERLY, WITH A 725.75' RADIUS AND A 516.16' CHORD, BEARING N 73°-08'-45" E;

THENCE N 48°-22'-37" E, 157.20';

THENCE N 55°-49'-23" E, 46.55';

THENCE N 45°-39'-05" E, 306.61';

THENCE 206.86' ALONG A CURVE CONCAVE SOUTHEASTERLY, WITH A 613.90' RADIUS AND A 205.88' CHORD BEARING N 58°-57'-48" E;

THENCE 17.63' ALONG A CURVE CONCAVE SOUTHERLY, WITH A 65.64' RADIUS AND A 17.57' CHORD, BEARING N 83°-18'-18" E;

THENCE 86.39' ALONG A CURVE CONCAVE SOUTHERLY, WITH A 486.23' RADIUS AND A 86.27' CHORD, BEARING S 84°-45'-43" E;

THENCE 42.03' ALONG A CURVE CONCAVE SOUTHERLY, WITH A 85.84' RADIUS AND A 41.61' CHORD, BEARING S 62°-49'-30" E;

THENCE 84.88' ALONG A CURVE CONCAVE SOUTHWESTERLY, WITH A 210.72' RADIUS AND A 84.31' CHORD, BEARING S 41°-04'-10" E;

THENCE S 31°-30'-20" E, 99.04';

THENCE S 34°-05'-55" E, 36.58';

THENCE 80.07' ALONG A CURVE CONCAVE NORTHEASTERLY, WITH A 109.01' RADIUS AND A 78.28' CHORD, BEARING S 56°-18'-31" E;

THENCE 81.59' ALONG A CURVE CONCAVE NORTHERLY, WITH A 139.48' RADIUS AND A 80.44' CHORD, BEARING N 78°-37'-51" E;

THENCE N 60°-19'-38" E, 61.17';

THENCE N 58°-10'-17" E, 54.05';

THENCE 67.83' ALONG A CURVE CONCAVE NORTHWESTERLY, WITH A 163.12' RADIUS AND A 67.34' CHORD,  
BEARING N 49°-20'-57" E;

THENCE N 36°-29'-07" E, 81.00';

THENCE 223.86' ALONG A CURVE CONCAVE SOUTHERLY, WITH A 107.29' RADIUS AND A 185.41' CHORD,  
BEARING S 89°-34'-56" E;

THENCE S 30°-52'-22" E, 66.62';

THENCE S 29°-11'-35" E, 397.54';

THENCE S 26°-33'-47" E, 421.86';

THENCE S 24°-49'-48" E, 450.00';

THENCE S 67°-40'-26" W, 23.00' TO AN EXISTING PIPELINE.

THE PROPERTY THAT THIS PIPELINE PASSES THROUGH IS ALL PUBLIC PROPERTY OR RIGHT OF WAY,  
UNTIL IT GETS TO THE PROPERTY OF BLUESTEM LANDFILL SITE #1 AT THE WEST LINE OF THE SOUTHEAST  
QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27 WITH THE EXCEPTION OF A SMALL PARCEL  
THAT BELONGS TO THE END USER OF THE GAS --PENFORD PRODUCTS COMPANY. THE PETITIONER HAS AN  
AGREEMENT WITH PENFORD TO CROSS AND UTILIZE PENFORD'S PROPERTY.