



HOWARD ENERGY PARTNERS, LLC

**GENERAL GUIDELINES
FOR THIRD-PARTY
CONSTRUCTION, MAINTENANCE
WORK OR CROSSINGS**

April 2021

Howard Energy Partners and its affiliates (HEP) has implemented these guidelines (“Guidelines”) for third-party construction, blasting, installation or modification of pipelines, underground utilities, roads, streets, driveways, ditches, drainage canals or any other type of temporary or permanent structure or obstruction or any other encroachment on, over, across, or paralleling, HEP’s right-of-way (hereinafter referred to as “Crossing” or “Crossings”).

These Guidelines are intended to be consistent with §756.123 of the Texas Health and Safety Code as well as all applicable state laws and regulations and are further based upon industry standards and practice. These Guidelines are merely guidelines and upon notification to HEP of a proposed Crossing, as required by the Texas Health and Safety Code, each proposed Crossing and its corresponding finalized plans and profile drawings will be evaluated by HEP and the third-party requesting such Crossing, pending final approval.

1. Notification

- a. The party requesting such Crossing shall use its best efforts to provide HEP with its finalized plans and profile drawings at least thirty (30) days prior to any related construction or maintenance activity. The pipeline facility shall include, but is not limited to, rights-of-way, fee properties, easements, pipelines, meter and regulator buildings, and valve sites (“HEP Pipeline Facility” or “Facilities”). Unless otherwise agreed to by HEP in writing, no equipment shall enter onto HEP’s Pipeline Facility unless a HEP representative is on location.
- b. No excavation shall occur in the vicinity of HEP’s pipeline facility until: In accordance with State Approved Notification Centers, HEP shall be notified at least 48 hours in advance of any construction or maintenance activity. You must contact the state one call service provider in addition to contacting HEP’s field representative before commencing any Crossing at or near HEP’s Pipeline Facility; and Unless otherwise agreed to by HEP in writing, a HEP inspector must be on site to monitor the excavation activities.

2. Drawings for Proposed Construction or Maintenance

Any proposed construction or maintenance activity in the vicinity of HEP’s Pipeline Facility will require submittal of final plans and profile drawings for prior review and approval by HEP no later than seven (7) business days prior to start of activities. One (1) copy of these drawings must be submitted to HEP’s Encroachment Department located 16211 La Cantera Pkwy, Suite 202, San Antonio, Texas 78256. All plans and drawings must show in detail, all of HEP’s Pipeline Facility, its corresponding right-of-way, and any other landmarks that will assist HEP to determine the location of the proposed Crossing and the effects of the proposed construction or maintenance activity on HEP’s Pipeline Facility.

3. Encroachment Agreement

In certain instances, due to the type of Crossing required and the probable impact upon HEP’s Facilities, an encroachment agreement may be necessary for proposed construction or maintenance within HEP’s Pipeline Facility. HEP shall be responsible for preparing such Encroachment Agreement and shall bear the cost and expense in such preparation. Such Encroachment Agreement shall

outline the responsibilities, conditions, and liabilities of the parties and must be fully executed and in HEP's possession prior to commencing any construction activity.

4. Insurance Coverage

In certain instances, due to the type of crossing required and the probable impact upon HEP's Facilities, HEP may require evidence of comprehensive general liability insurance coverage prior to any construction or maintenance activity in the vicinity of its Facilities. In the event that HEP requires evidence of comprehensive general liability insurance, HEP and/or its affiliates and related companies, whichever the case may be, shall be named as additional insured.

5. Crossing Pipelines with Heavy Equipment

To protect HEP's pipelines or related Facilities from additional external loading, HEP may perform a field survey and an engineering study to determine the effects of any proposed activity over its pipelines or related Facilities. Mats, timber, bridges, or other protective materials deemed necessary and appropriate by HEP may be required and placed over HEP's pipelines or related Facilities for the duration of any loading

6. Excavation, Cuts, or Fill near HEP's Pipelines

- a. Unless otherwise stated, a HEP representative will be on location prior to and during construction activity within HEP's Pipeline Facility.
- b. No heavy equipment of any type will be permitted to work directly over HEP's pipelines or related Facilities, unless otherwise agreed to in writing by HEP.
- c. All excavation within twenty-four inches (24") of any pipeline will be performed by hand. At the discretion of HEP's onsite representative, excavators may be required to hand dig beginning at a distance greater than twenty-four (24) inches.
- d. All excavations within HEP's Pipeline Facility shall be backfilled with a minimum of eight (8) inch lifts of backfill material compacted to a minimum standard proctor density of 95% using mechanical compaction equipment. Soil backfill must be compacted to the satisfaction of the HEP onsite inspector so that settling does not occur.
- e. The Contractor shall complete the filling of the ditch to produce a trim backfill. Excavated material shall be placed in the ditch. Topsoil, where it has been segregated, shall be backfilled as close as possible to its original location.
- f. Rock, two inches in diameter and larger, or like materials shall not be backfilled directly onto the pipe. Where such materials are encountered, the Contractor shall haul, if necessary, sufficient earth or sand to be backfilled around and over the pipe to form a protective padding or cushion. Acceptable rock-free padding material may be obtained directly from the spoil, or by using a padding machine with material taken directly from the spoil or rock-free padding material can be hauled in by the

Contractor. below or as otherwise specified in the Scope of Work. Large rock or boulders in excess of 24 in. in diameter, width or length, shall not be backfilled into the ditch. Such rock shall be disposed of properly.

- g. The Contractor shall not use soil from the existing grade right-of-way except from the spoil bank.
- h. No grade cuts will be permitted within HEP's Pipeline Facility unless otherwise agreed to in writing by HEP and with HEP's representative on location. An engineering study may be performed to ensure that the lateral stability of HEP's pipelines or related Facilities are not affected.
- i. When boring under HEP's pipelines or related Facilities, the party with the approved Crossing plans and drawings shall expose a minimum of twenty-four (24) inches below the bottom of each pipeline to ensure vertical separation of not less than twenty-four (24) inches of clearance. Plan and profile drawings are required for all proposed borings.
- j. No fill shall be permitted within HEP's Pipeline Facility unless otherwise agreed to in writing by HEP. In no event, shall more than twenty-four inches (24") of earthen fill material, free from any rocks, trash, concrete, rubbish, rebar, hazardous materials, be permitted within HEP's Pipeline Facility, unless otherwise agreed to in writing by HEP.
- k. Earthen cover over HEP's pipelines shall be thirty-six (36) inches or no less than what was originally there prior to any construction. In the event that HEP determines that a lesser cover will not increase the risk to the public or increase the risk of a break, leak, rupture or other damage to HEP's pipelines or related Facilities, HEP may allow a lesser earthen cover, in a minimum amount as determined solely within the discretion of HEP.
- l. No trash or debris shall be placed in any excavation or left in or on HEP's Pipeline Facility.

7. Aboveground Appurtenances, Structures and Obstructions

Unless otherwise agreed to in writing by HEP, no aboveground appurtenances, structures, or obstructions of a temporary or permanent nature shall be located within HEP's Pipeline Facility that, in any way, interfere with operating, maintaining, accessing, inspecting, repairing, modifying, replacing or relocating such Facilities. The appurtenances, structures, and obstructions include, but are not limited to, the following: buildings, structures, signage, utility poles, steel towers, guy wires, other structures supporting aerial lines, satellite dishes, manholes, catch basins, utility pedestals, transformers, fire hydrant, large spoils of earthen materials, decks, pools, boats, RV's, trailers, storage of hazardous or non-hazardous materials.

8. Proposed Pipe and Utility Lines

- a. General Guidelines:

1. For the safety of the public and to lessen the risk of a break, leak, rupture or other damage to HEP's Pipeline Facility and in furtherance of the Texas Health and Safety Code, HEP's Pipeline Facility shall be positively located before any Crossings are constructed or installed near HEP's Pipeline Facility. Unless otherwise agreed to in writing by HEP, HEP requires a minimum clearance of twenty-four (24) inches be maintained between HEP's pipeline (top, bottom, and sides) or related Facilities and any foreign line or facilities.
 2. All foreign lines shall fully cross under HEP's Pipeline Facility at an angle of not less than forty-five degrees (45°), or as near as possible thereto unless agreed to in writing. Buried utility lines must be identified with permanent above-ground markers where lines enter and exit HEP's right-of-way, which rights to install and maintain the markers, shall be the responsibility of the foreign line owner. Longitudinal occupancy of HEP's Pipeline Facility will not be permitted.
 3. No manholes, valves or other appurtenances will be permitted within HEP's Pipeline Facility.
 4. Vertical and horizontal bends shall be minimized within HEP's Pipeline Facility. HEP's Pipeline Facility is cathodically protected. All other cathodically protected facilities that enter or cross HEP's Pipeline Facility must have test leads installed. Any inquiries for cooperative testing should be directed to the attention of HEP's Field Representative on location.
 5. All underground utilities (other than residential telephone, cable TV and 24-volt DC power lines) may require plastic identification tape installed no closer than eighteen (18) inches above the line.
- b. Water or Forced Sewer Lines
- All water and sewer lines shall be either (1) ductile iron or steel casing (coated to protect it from HEP's cathodic protection) or (2) plastic PVC pipe encased in concrete (at least 4- inches thick in all directions) for 5-feet on either side of any HEP pipeline or related Facilities. Forced sewer lines shall have no piping connections located within 5-feet of any HEP pipeline or related Facilities or placed within HEP's pipeline easement.
- c. Communication, Power or Combustible Material Lines
1. All underground fiber optic cables, telephone and television cables (other than residential telephone and cable TV) crossing HEP's Pipeline Facility shall be either installed in rigid steel conduit or schedule 80 PVC conduit encased in orange concrete (4-inches thick in all directions) for the full width of the right-of- way.
 2. All underground electric cables except 24-volt DC power lines (including single residential service drops) crossing HEP's facilities shall be either installed in rigid steel conduit or schedule 80 PVC conduit encased in red

concrete (4-inches in all directions) for the full width of the right-of-way.

3. HEP recommends that all underground residential telephone, cable TV and 24-volt DC power lines be encased in plastic conduit for the full width of the right-of-way.

9. **Proposed Roads, Streets, Driveways, Access ways and Parking Lots**

- a. Load stress will be calculated by HEP to determine if any protection of the pipeline is required for roadways, streets, driveways, access ways, planned to cross HEP's Pipeline Facility. In the event it is determined by HEP that the roadways, streets, driveways, access ways, will increase a risk to the public or increase a risk of a break, leak, rupture or other damage to HEP's Pipeline Facility, HEP may require, at the sole cost and expense of the party requesting such Crossing, the installation of protective material as may be deemed necessary by HEP to protect the public or HEP's Pipeline Facility.
- b. The preferred earth cover over HEP's Pipeline Facility is forty-eight (48) inches at all roadways, streets, driveways, access ways, including adjacent ditch lines. In the event that HEP determines that a lesser cover will not increase a risk to the public or increase a risk of a break, leak, rupture or other damage to the pipeline or related Facilities, HEP may allow a lesser earth cover, in a minimum amount as determined solely within the discretion of HEP. In the event the required amount of cover is not obtainable as reflected in finalized plan and profile drawings, HEP may require the installation of protective material at no expense to HEP. Cover shall be measured from the top of HEP's pipeline to the surface of the road.
- c. Roads and streets crossing over HEP's Pipeline Facility shall cross at an angle of not less than forty-five degrees (45°), or as near as possible thereto. Crossings should be over straight pipe and at locations free of any crossovers. Longitudinal occupancy of the right-of-way will not be permitted.
- d. No parking areas or the like will be allowed on, over or across HEP's Pipeline Facility unless HEP determines that the parking areas will not increase a risk to the public or increase a risk of a break, leak, rupture or other damage to the Facilities and the party requesting such Crossing installs, at its sole cost and expense, any protective material as deemed necessary by HEP to protect the public or HEP's Pipeline Facility.
- e. A permanent pipeline marker, supplied by HEP, will be installed at all road crossings.

10. **Disposal Systems**

No aerobic septic systems, septic tanks, liquid disposal systems, or hazardous waste disposal systems will be allowed on HEP's Pipeline Facility or within twenty-five (25) feet of HEP's Pipeline Facility, unless otherwise agreed to in writing by HEP. This will include, but is not limited to, affluent from sewage disposal systems, the discharge of any hydrocarbon substance, the discharge or

disposal of any regulated waste, or any other discharge that may prove damaging or corrosive to HEP's Pipeline Facility.

11. Impoundment of Water

- a. In order to provide for the adequate maintenance and operation of HEP's Pipeline Facility, the impoundment of water on HEP's Pipeline Facility will not be allowed.
- b. Temporary soil erosion and sediment control devices and storm water detention basins/traps will not be permitted on HEP's Pipeline Facility unless otherwise agreed to in writing by HEP.

12. Blasting

To the extent it impacts the lateral stability or otherwise endangers or interferes with the efficiency, safety, or convenient operation of HEP's Pipeline Facility, no explosive detonations will be permitted within 300-feet of HEP's Pipeline Facility without (1) prior analysis and written approval from HEP and (2) HEP's representative on site during blasting. To determine if the detonation stresses will be detrimental to the safety of HEP's Pipeline Facility, information required to complete HEP's "Blasting Data Sheet" must be submitted to HEP for evaluation and approval no less than 30 days prior to the proposed date of blasting activity. The contractor performing the blasting will be required to verify by signature the proposed blasting plan.

13. Landscaping & Irrigation Systems

Landscaping within HEP's Pipeline Facility is limited to lawn and low growing (less than three 3-feet at maturity), shallow rooted shrubbery. Unless otherwise agreed to in writing by HEP and the party requesting such Crossing in an encroachment agreement, planting of shrubbery and installation of irrigation systems within HEP's Pipeline Facility shall be at the risk of the landowner and, in any event, will not be permitted closer than five (5) feet from either side of HEP's pipeline or related Facilities. Irrigation systems shall not be directly installed longitudinally over HEP's Pipeline Facility and shall not be buried deeper than 12-inches, regardless of location, from the surface of the ground within HEP's Pipeline Facility. No trees or crepe myrtles (unless dwarf variety) are permitted.

14. Pipeline Markers

The party request such Crossing will ensure that all temporary and permanent pipeline markers installed by HEP are protected and maintained at all times during construction or Crossing related activity. Any permanent markers damaged or removed will be replaced by HEP at the sole expense of the party requesting such Crossing. No work will be allowed to commence until, in the opinion of HEP, sufficient pipeline markers are in place. Unauthorized damage or removal of pipeline markers is punishable by Federal law.

15. **Right of Ingress and Egress**

The party requesting such Crossing shall have the right to install fences on, over and across the Facilities, provided, however, that HEP shall have the unrestricted right of ingress and egress to its Facilities at all times. HEP, at its sole option and discretion, may require the party requesting such Crossing to install, at its sole cost and expense and for HEP's benefit, a walk gate at least three (3) feet in width for residential lots or gate at least twelve (12) feet in width for rural areas at each fence crossing. HEP shall provide a lock for such gate(s). Said gate(s) shall be installed as to provide HEP with ingress and egress access to its pipeline or related facilities and to minimize vehicular and equipment travel over HEP's pipeline or Facilities. The party requesting such Crossing or encroachment shall be responsible for keeping the enclosed portion of HEP's pipeline or related Facilities free of any debris or trash. HEP's pipeline or related Facilities shall be positively located by HEP before any fences are constructed or installed near HEP's pipeline or related Facilities. Post hole excavations for fencing placed upon HEP's pipeline or related Facilities shall not be greater than a depth of eighteen inches (18") below the undisturbed grade level nor closer than five feet (5') horizontally from HEP's pipeline or related Facilities, unless approved in writing by HEP. No other excavations of any kind may be made in the pipeline or related Facilities without the prior written consent of HEP.

16. **Statement Regarding Existing Rights**

NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO CONVEY, WAIVE, OR SUBORDINATE ANY OF HEP'S EXISTING RIGHTS WHATSOEVER. SHOULD A CONFLICT EXIST WITH THE LANGUAGE CONTAINED IN ANY HEP ENCROACHMENT AGREEMENT, EASEMENT, OR PETITION IN CONDEMNATION AND THESE GUIDELINES, HEP'S ENCROACHMENT AGREEMENT OR PETITION IN CONDEMNATION SHALL CONTROL AND BE DECISIVE OF THE ISSUE.

17. **Statements Regarding Guidelines for Construction and Maintenance**

Certain construction and maintenance activities may be reviewed and approved by HEP at one point in time, but not immediately installed or performed. Therefore, all construction and maintenance activities are subject to the Guidelines in affect at the time the work actually takes place. In addition, the guidelines described in this document represent those industry standards that HEP believes meet the minimum acceptable standards regarding third-party construction and maintenance activities in the vicinity of HEP's Pipeline Facility. Therefore, after review of the final plan and profile drawings submitted, HEP may, in the event that HEP determines the construction and maintenance activities will increase a risk to the public or increase a risk of a break, leak, rupture or other damage to HEP's Pipeline Facility, require fortifications in furtherance of the Texas Health and Safety Code. The party requesting such Crossing or encroachment agrees to alter, modify or halt any construction activity, which in the sole opinion of HEP, will increase the risk to the public or increase the risk of a break, leak, rupture or other damage to HEP's Pipeline Facility.