

John W. Morrison  
400 East Broadway, Suite 600  
P.O. Box 2798  
Bismarck, ND 58502-2798  
Office: 701.223.6585  
Direct: 701.224.7534  
jmorrison@crowleyfleck.com

August 27, 2010

**Hand Delivered**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Ave.  
Dept. 408  
Bismarck, ND 58505-0480



**Re: PU-10-120- Hess Corporation - Tioga Gas Plant, Inc. gas plant expansion.**

Dear Mr. Nitschke:

Please find enclosed 1 original plus 10 copies of the Hess Corporation –Tioga Gas Plant Expansion Permit Filing and Status report PU-10-120.

If you have any questions please do not hesitate to call my office at your earliest convenience.

Thank You

Very Truly Yours,

John W. Morrison

Cc Pat Fahn

24 **PU-10-120** Filed: 8/27/2010 Pages: 20  
**Permit Filing and Status Report**

Hess Corporation  
John W. Morrison, Crowley Fleck PLLP

**HESS Corporation - Tioga Gas Plant Expansion**  
**Permit Filing and status Report**  
**PU-10-120**

HESS Corporation filed an application with the North Dakota Public Service Commission (Commission) for a Certificate of Site Compatibility on June 25, 2010, concerning the planned expansion of its existing Tioga Gas Processing Plant. This proceeding is being considered in Case No. PU-10-120.

To assist the Commission in its review of the project, HESS Corporation submits this supplemental information into the project record providing copies of environmental permits and approvals Hess Corporation has obtained since filing its application and a status summary on ongoing environmental agency coordination. A discussion of permits/approvals information is provided below organized by agency and where appropriate, copies of permits are enclosed as supporting documentation.

Federal Aviation Administration

HESS Corporation has been coordinating with the Federal Aviation Administration (FAA) because of the proximity of the project to the Tioga Airport and the potential for heights of the new structures to be of concern to aircraft traffic. HESS Corporation submitted project review requests to the FAA on June 3 and June 25, 2010, regarding the tallest proposed structure of the project, a new emergency gas flare stack, which would be 215 feet high and require using a 375-foot-high construction crane. HESS Corporation received FAA approval for the flare and crane on July 21 and 22; called a Determination of No Hazard to Air Navigation (both Determinations are attached). The FAA Determinations require that lighting equipment be installed on the flare and crane to alert nearby aircraft, and HESS Corporation will adhere to the lighting specifications.

HESS Corporation is now proceeding with detailed engineering design work for remaining tower structures. These structures are significantly shorter than the height of the emergency flare stack, however FAA regulations require that any structure exceeding the FAA height thresholds, which is approximately 60 feet at the location of the project, must be reviewed by the FAA. For example, the next tallest structure in the project design is a building called a demethanizer tower, and would be approximately 115 feet in height, e.g. 90 feet shorter than the approved flare stack.

Detailed engineering design work must be completed for each structure to a level of accuracy of one foot, before the project review request can be submitted to FAA. Because the remaining structures are so much shorter than the flare stack that has already reviewed and approved, HESS Corporation anticipates receiving a favorable FAA determination for these structures as well. HESS Corporation plans to submit the remaining structure reviews (and their associated construction crane) to the FAA in September, and will adhere to identified mitigation requirements.

## North Dakota Department of Health

### 1. Air Emissions

HESS Corporation has been coordinating with North Dakota Department of Health (NDDH) on obtaining the necessary permits for construction and operation of new emission sources associated with the project, which include two natural gas fired heaters, piping components, and an emergency gas flare. A Permit to Construct from the NDDH is required prior to beginning construction of a new stationary emission source (note that NDDH regulations Part 33-15-14-01.1. Definitions, sub item 2.b. specifies that "Construction" means the placement or erection of the air emission unit, and exempts site work, foundation or housing building work).

HESS Corporation submitted an application to the NDDH for the Permit to Construct for the emergency gas flare stack on July 1, 2010, (construction on the flare stack unit proper is schedule to begin in late 2010). HESS Corporation received a response from the NDDH on August 5, 2010 stating that since the emergency flare will not result in an ongoing increase in emissions, that a Permit to Construct the flare is not required (see attached letter).

HESS Corporation is currently completing the NDDH Permit to Construct application for the remaining new emission sources (all remaining sources will be submitted in one combined application), incorporating specifications from the detailed engineering design work, and anticipates submitting this application in fall, 2010.

The August 5 correspondence from the NDDH does require that HESS Corporation prepare an emissions dispersion modeling analysis that would include potential emissions from the flare, and submit it with the permit application requesting an amendment to HESS Corporation's Title V Operating Permit for the operation of the new plant processing equipment. HESS Corporation will complete the requested analysis and submit it to the NDDH with its Operating Permit application. The amended Operating Permit is required within 12 months of project start-up to incorporate the new emission sources. Authorization to operate the project emission sources is provided by the Permit to Construct until the time the Operating Permit is amended.

### 2. Asbestos Abatement

Some old process equipment that will be removed or modified in the expansion of the project will contain friable asbestos-containing material. HESS Corporation will use a qualified third-party asbestos contractor to conduct asbestos removal in accordance with both Environmental Protection Agency and NDDH regulations. HESS Corporation will coordinate with the NDDH prior to commencing construction on this type of equipment.

### 3. Hydrocarbon Remediation

HESS Corporation has been coordinating with the NDDH regarding the investigation and appropriate remediation treatment of a hydrocarbon impact in soil and ground water identified on-site during early routine pre-construction geotechnical work. The extent of the impact has been delineated and is localized to a small area around the existing emergency flare stack, and has been determined to have occurred 20 or more years ago. Analytical testing has shown that the hydrocarbons have undergone some natural biodegradation to date, and through further coordination with the NDDH, HESS Corporation developed a remediation plan that relies on the continued use of natural biodegradation, plus the addition of groundwater monitoring wells

around the plant boundaries to gauge that the impact does not migrate off-site. HESS Corporation submitted its Phase II Environmental Assessment Report to the NDDH on August 27, 2010, and while it has not received formal written approval of the remediation plan discussed in the report, HESS Corporation expects that the report will be approved since it was developed in close coordination with the NDDH over the last few months. Hess is now implementing the remediation program, and will report results to the NDDH.

#### 4. NDPDES Stormwater and Industrial Permits

HESS Corporation currently holds a NDDH Pollution Discharge Elimination System (NDPDES) Industrial Stormwater Permit for operation of its existing gas processing facility, and is coordinating with the NDDH to obtain both construction and industrial stormwater permits for the project. As required in its NDPDES Permit HESS Corporation submitted a Notification Letter to the NDDH on July 23, 2010 advising them that it is planning an expansion of the plant which will result in modifications to its stormwater management system (see attached letter).

HESS Corporation is obtaining its Construction Stormwater discharge authorizations for the project in a two-phased approach to accommodate its construction schedule for the emergency flare stack preparation work. In preparation to beginning the expansion work, Hess Corporation plans to begin select excavation and grading construction work on September 7, 2010, around the flare stack, but within the existing property boundaries of the plant. HESS Corporation complied with Section 49-22-03(3)(a) of the North Dakota Century Code specific to undertaking this construction. HESS Corporation submitted its Notice of Intent for stormwater coverage for the flare work area on August 17, 2010, and received the NDDH Notice of Coverage on August 23, 2010 (see attached).

HESS is currently completing its detail engineering design of the final grading plans for the expansion area, and once completed will submit the Construction Stormwater application for the expansion area in early September.

To accommodate the additional stormwater runoff load associated with operation of the plant expansion, Hess is planning to construct and operate a new third stormwater retention pond. The detailed engineering design work on the new retention pond is currently under way, and when completed, Hess will submit an application to modify its existing NPDES Industrial Permit to incorporate discharges from the third retention pond. This permit is not required until the end of construction, prior to beginning operation.

#### Williams County Planning and Zoning

The land on which the existing Tioga Gas Plant sits is classified for industrial use by the Williams County Planning and Zoning Department; however the adjacent land on which part of the project expansion would occur had been still classified as agricultural use. HESS Corporation submitted a Zone Change Application to the Williams County Planning and Zoning Department on March 10, 2010 to change the land use classification from agricultural to industrial for the expansion land. The Williams County Commission issued a resolution revising the zoning classification for this area on April 12, 2010 (see attached application and resolution).

### Building / Municipal / Road Permits

HESS Corporation consulted with both the Williams County Building Department and the Tioga Auditor to determine what building permits may be required from their offices, and none are required. The Williams County Building Inspector reported that through discussions with the Williams County Commission Board, the County has determined that the Building Department will not become involved in issuing permits for, or conducting building inspections of the project. This position was reached in consideration that the project is regulated by the Commission, will not entail the construction of occupied structures, and that the County does not have the adequate staffing levels or expertise to inspect the construction of the project. Instead, the County will be relying on HESS Corporation's commitment to use outside third-party craft inspection services to inspect the project.

Both the Williams County Building Inspector and the Tioga City Auditor confirmed that Tioga does not hold any regulatory authority over construction of the project. The limit of Tioga's regulatory purview is contained within a ½-mile buffer area surrounding the city limits, and the project is located outside of this buffer zone. A map provided by the Williams County Building Inspector and Tioga Auditor showing the jurisdictional limits of Tioga's' building authority is attached for reference.

HESS Corporation has begun developing a transportation plan that will describe the type of heavy trucks and equipment needed for the project and the time schedule for mobilization. Once prepared, HESS Corporation will obtain the necessary road permits from the Williams County Highway Department. Heavy trucks or equipment are not needed to begin initial work on the project.

### **Attachments:**

- FAA: Determination of No Hazard to Air Navigation (Flare Stack) – July 21, 2010
- FAA: Determination of No Hazard to Air Navigation For Temporary Structure (Flare Construction Crane) – July 22, 2010
- NDDH Division of Air Quality: August 5, 2010 Letter Re: New Emergency Flare
- HESS Corporation Letter to the NDDH Submitting Phase II Environmental Assessment Report – August 27, 2010
- HESS Corporation Notification Letter to NDDH Re: Plant Expansion and NDPDES Change – July 23, 2010
- NDDH Stormwater Program: Notice of Coverage for Stormwater Discharge, Phase I – August 23, 2010
- HESS Corporation: Application for Zoning Change; Williams County – March 10, 2010
- Williams County Commission: Resolution Amending Zoning Classification From Agricultural to Industrial – April 12, 2010
- City of Tioga Jurisdictional Boundary Map



Federal Aviation Administration  
 Air Traffic Airspace Branch, ASW-520  
 2601 Meacham Blvd.  
 Fort Worth, TX 76137-0520

Aeronautical Study No.  
 2010-AGL-3707-OE  
 Prior Study No.  
 2010-AGL-3191-OE

Issued Date: 07/21/2010

B Scott Wright  
 Hess Corporation  
 500 Dallas Street  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Stack Flare Stack  
 Location: Tioga, ND  
 Latitude: 48-23-59.12N NAD 83  
 Longitude: 102-54-40.68W  
 Heights: 216 feet above ground level (AGL)  
 2453 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 01/21/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO**

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7082. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AGL-3707-OE.

**Signature Control No: 127504250-128506486**

( DNE )

Earl Newalu  
Specialist



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2010-AGL-3187-OE

Issued Date: 07/22/2010

B Scott Wright  
Hess Corporation  
500 Dallas Street  
Houston, TX 77002

**\*\*DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE\*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane Flare Crane
Location:	Tioga, ND
Latitude:	48-24-01.59N NAD 83
Longitude:	102-54-36.97W
Heights:	375 feet above ground level (AGL) 2617 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is (are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, flags/red lights - Chapters 3(Marked),4,5(Red),&12.

See attachment for additional condition(s) or information.

It is required that the FAA be notified at least 5 business days prior to the temporary structure being erected and again when the structure is removed from the site. Notification should be made to this office during our core business hours (Monday through Friday, 9:00 a.m. to 3:00 p.m.) via telephone at 816.329.3696. Notification is necessary so that aeronautical procedures can be temporarily modified to accommodate the structure. Voicemail messages are not acceptable notice.

**NOTIFICATION IS REQUIRED AGAIN VIA TELEPHONE AT 816.329.3696 WHEN THE CRANE IS REMOVED FROM THE SITE FOR NOTICE TO AIRMAN (NOTAM) CANCELLATION.**

It is required that the manager of See Page 3 Below. be notified at least 5 business days prior to the temporary structure being erected and again when the structure is removed from the site.

Any height exceeding 375 feet above ground level (2617 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 12/31/2010 unless extended, revised or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

**This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.13, a separate aeronautical study and FAA determination is required.**

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (816) 329-3696. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AGL-3187-OE

**Signature Control No: 710739-128567563**

( TMP )

Richard Cantu  
DivUser

Attachment(s)  
Additional Information  
Case Description  
Map(s)

**Additional information for ASN 2010-AGL-3187-OE**

This is a temporary crane(s)determination only. Does not include any permanent associated structure.

This proposed temporary crane would be located 1.28 nautical miles north northwest of the airport reference point for the Tioga Municipal Airport(D60),Tioga,ND. It is identified as an obstruction under the standards of 14 CFR Part 77 as applied to D60 as follows:

- > Section 77.23 (a)(3): A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria):Tioga Muni (D60) ND. Obstacle penetrates Diverse A Climb Area requiring TAKE-OFF MINIMUM AND (OBSTACLE) DEPARTURE PROCEDURES, Rwy30, 400-3 or std. with min climb gradient of 230 feet per NM to 2700. NOTE: Rwy30, Temp Crane 5022 feet from departure end of runway, 2668 feet right of centerline, 375 AGL 2605 AMSL, NEH 2562 AMSL. ADDITIONAL EFFECTS: Tioga Muni (D60) ND. RNAV (GPS) Rwy30, increase CAT A/B/C circling MDA from 2760 to 2960, NEH 2458 AMSL. With 2C accuracy, increase CAT A/B/C circling MDA from 2760 to 2960, NEH 2458 AMSL. 72 hour advanced noticed required for NOTAM processing and publication.
- > Section 77.23 (a)(2) Exceeds this imaginary surface by 146 feet.
- > Section 77.25 (b) Exceeds the conical surface by 160 feet.

This proposed crane project does not present significant impact due to its temporary status provided the conditions listed above and below of this determination are strictly met.

- > The proponent is required to work closely with the Tioga Municipal Airport (D60),Tioga,ND airport manager at PHONE 701-641-3886/664-2216 OR CELL 641-3886 and provide his office with a 72 hour advance notification prior to elevating this crane and again when lowering and or removing it from the site.
- > The proponent should make every attempt to "if possible" lower this crane at night, or when not in use, to the maximum extent capable.If unable to lower advise the airport manager for Tioga Municipal on initial contact/coordination.
- > The proponent is required to contact this office within 5 business days of elevating this crane and again when lowering and or removing it from the site. DO NOT LEAVE A VOICE MAIL MESSAGE. VOICE TO VOICE CONTACT IS REQUIRED FOR TIMELY NOTICE TO AIRMEN PREPARATION.

Contact Numbers are as follows:

Richard Cantu OES Specialist 816.329.3696  
Jim Finley OES Specialist 816.329.3692  
Alternate Robert van Haastert OES Supervisor 907.271.5863

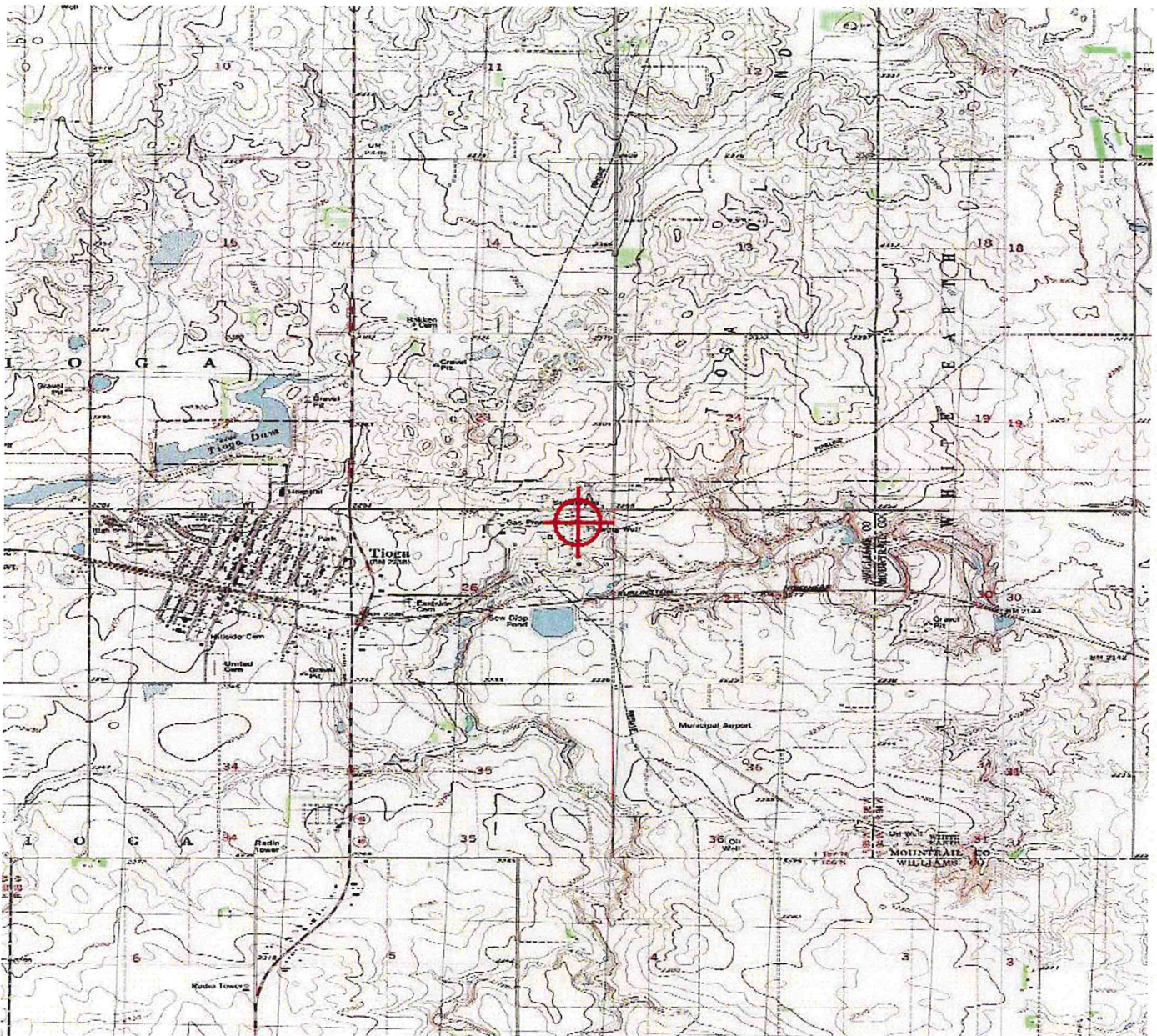
Refer to the ASN/Study Number listed above when making this call.

\*\*\*Please note that this determination is for the temporary crane only.\*\*\*

**Case Description for ASN 2010-AGL-3187-OE**

Hess is expanding the natural gas processing capacity at its existing Tioga gas plant. Design plans include the addition of a new natural gas flare stack which would require the use of a 375-foot-high crane. The crane would operate within the boundaries of a 250-foot by 250-foot boxed area.

IOPO Map for ASN 2010-AGL-3187-0E





**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



August 5, 2010

Mr. Michael Ford  
Hess Corporation  
P.O. Box 2040  
Houston, TX 77252-2040

Re: New Emergency Flares  
Tioga Gas Plant

Dear Mr. Ford:

We have reviewed the information received July 5, 2010 regarding the new emergency flares to be constructed at the Tioga Gas Plant. Construction of the new flares will not result in an increase in emissions and the new flare heights will be higher than the existing flare heights. Based upon the information submitted, a permit to construct is not required for installation of the flares. Note that the flares must be constructed in accordance with the information submitted.

The information indicates that a separate air quality permit application will be submitted to address the new plant processing equipment. Air quality dispersion modeling will be required as part of the application to demonstrate compliance with the ambient air quality standards and emissions from the new flares will need to be included in the modeling analysis.

If you should have any questions, feel free to contact Craig Thorstenson of my staff at (701)328-5188.

Sincerely,

Terry L. O'Clair, P.E.  
Director  
Division of Air Quality

TLO/CDT:saj

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210



HESS CORPORATION  
3520 North Broadway  
Minot, ND 58703



August 27, 2010

Mr. Kris Roberts  
North Dakota Department of Health  
918 E. Divide Ave., 4<sup>th</sup> Floor  
Bismarck, ND 58501-1947

**RE: Tioga Gas Plant Phase II Environmental Assessment Report**

Dear Mr. Roberts,

Please see the enclosed Phase II Environmental Assessment Report for Hess' Tioga Gas Plant. As we discussed, the paper report enclosed is limited to the primary document with selected tables and figures, while the enclosed CD has an inclusive document and all data related to the assessment.

This concludes our investigation of the hydrocarbon impacts identified on the gas plant facility. We will notify you when construction activities are complete, so we can work together to initiate the monitoring well program identified in the recommendations of the report. Currently, we project the construction will be complete in the first quarter of 2013.

Our thanks to you and the North Dakota Department of Health for participating in the investigation, and for providing support during delineation and evaluation of the impact area.

Please call me at 701-420-6940 (office), or 701-509-3847 (cell) if you have any questions.

Respectfully,

Michael Melius  
Environmental Specialist

Cc: Dennis Fewless,  
Division of Water Quality  
North Dakota Department of Health

Dave Hvinden  
Dept. of Mineral Resources  
North Dakota Industrial Commission



RECEIVED

AUG 06 2010

HESS CORPORATION

Tioga Gas Plant  
Post Office Box 459  
Tioga, ND 58852-459

July 23, 2010

DIV. OF WATER QUALITY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Gary Bracht  
Environmental Engineer  
Division of Water Quality  
North Dakota Department of Health  
918 East Divide Avenue, 2<sup>nd</sup> Floor  
Bismarck, North Dakota 58501-1947

**Re: Hess Corporation  
Tioga Gas Plant  
NDPDES Permit No: ND0025836 – Notification of Plant Expansion**

Dear Mr. Bracht:

Hess Corporation (Hess) owns and operates the Tioga Gas Plant (Plant), a natural gas processing facility located one mile east of Tioga, North Dakota. Hess holds NDPDES Industrial Permit No: ND0025836 from the North Dakota Department of Health (NDDH) for the discharge of water from its two existing stormwater retention ponds at the plant.

Hess is planning an expansion of the Plant that would entail the construction of underground piping and installation of new above-ground gas processing facilities on approximately 21 acres of land adjacent to the existing Plant. To accommodate the additional stormwater runoff load associated with the Plant expansion, Hess is planning to construct and operate a new third stormwater retention pond. Pursuant to Part II.A.3. of Hess' NPDES Permit, Hess is providing this notice of a planned change regarding the management of stormwater at the Plant.

Hess is currently is currently finalizing design plans for the expansion work, focusing first on the construction grading plan and stormwater drainage patterns during construction activities. Hess will be preparing a StormWater Pollution Prevention Plan for construction activities associated with the project, and anticipates submitting a Notice of Intent for coverage under NDPDES General Permit NDR10-0000 (Stormwater Discharges Associated with Construction Activity) to your office in early August 2010. Initial construction activities are scheduled to begin mid-August 2010. As the final engineering design work on the new retention pond is completed, Hess will submit an application to modify its existing Industrial NPDES Permit to incorporate discharges from the third retention pond.

If you have any questions or need any additional information, please contact Charles Hagen at (701) 664-6121 or Bill Regan, of Merjent, Inc., Hess' environmental consultant at 612-746-3662.

Sincerely,

Rory Nelson  
Plant Manager



August 23, 2010

North Dakota Pollutant Discharge Elimination System (NDPDES)  
General Permit for Stormwater Discharges from Construction Activity  
**NOTICE OF COVERAGE**

Permittee(s)

Owner Contact: Scott Wright  
Hess Corporation  
500 Dallas St  
Houston, TX 77002

Coverage under the 2009 reissued construction general permit (NDR10-0000) is identified as follows:

Permit ID: **NDR103429**      Site Name: **Tioga Gas Plant Expansion Project - Phase I**

Please remember to update the Stormwater Pollution Prevention (SWPP) plan as appropriate for site conditions. The best management practices (BMPs) and temporary structures must be inspected, maintained and adjusted until the site is stabilized following construction activities. Once the site is stabilized as outlined in the general permit, you may end permit coverage by filing a termination notice. Cities or counties may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system. Please check with the local officials to be sure all local stormwater management considerations are addressed.

Additional Information

The permit conditions, forms and related information may be found on our web site at:

[www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm](http://www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm)

Should you have any questions on the permit, please contact a stormwater staff person listed below.

Dallas Grossman  
Division of Water Quality  
701.328.5242  
[dgrossma@nd.gov](mailto:dgrossma@nd.gov)


APPLICATION FOR ZONE CHANGE  
WILLIAMS COUNTY, ND

Fee: \$100.00

DATE March 10, 2010

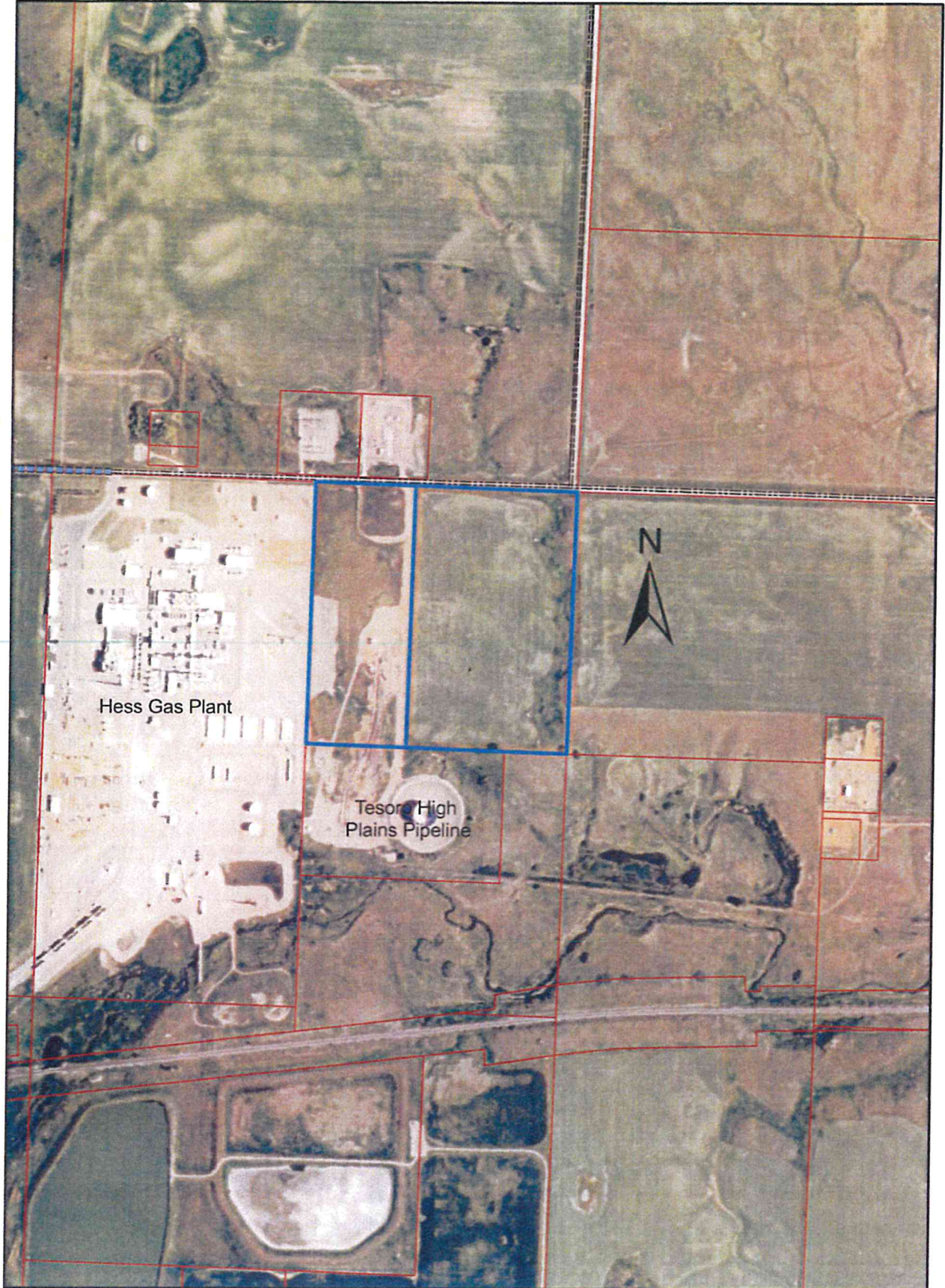
- 1) Name of Applicant Hess Corp. Tioga Gas Plant Phone (701) 664-6200  
Address 10384 68<sup>th</sup> St. NW, Tioga, ND 58852
- 2) Name of Local Agent Craig McIvor Phone (701) 572-0895  
Address PO Box 786, Williston, ND 58802-0786
- 3) Owner of Record Hess Corporation Phone (701) 664-3361  
Address One Allen Center, 500 Dallas St., Houston, TX 77002
- 4) Engineer NA Phone \_\_\_\_\_  
Address NA
- 5) Land Surveyor Kadmas Lee & Jackson Phone (701) 572-6352  
Address 222 Airport Road, Williston, ND 588801
- 6) Attorney NA Phone \_\_\_\_\_  
Address NA
- 7) Location NA
- 8) Total Acreage 24.58±
- 9) Existing Zoning Agricultural
- 10) Existing Land Use Agricultural
- 11) Requested Zoning Industrial
- 12) Purpose Expanding the Gas Plant
- 13) Has the Zoning Board of Adjustment granted any variance, conditional use, or special permit concerning this property? No  
If so, describe \_\_\_\_\_
- 14) Is any variance from the Zoning Regulations requested? No  
If so, describe \_\_\_\_\_
- 15) Does the application involve a Subdivision Application? No
- 16) Attach vicinity map and certified survey map, or subdivision plat.
- 17) If applicant is not owner of record, attach letter from owner of record concurring with proposed zoning.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

  
Signature of Applicant

3-12-10  
Date

# Zone change Ag to Industrial Sec 26, T157 R95/Hess



**A RESOLUTION AMENDING THE ZONING  
ORDINANCE AND SUBDIVISION REGULATIONS  
OF WILLIAMS COUNTY, NORTH DAKOTA  
ADOPTED JULY 7, 1987**

WHEREAS: A request has been received to amend the Zoning Ordinance and Subdivision Regulations of Williams County as delineated in the Application and map attached hereto and by reference incorporated herein;

WHEREAS: The procedures required under NDCC Chapter II-33 and the Williams County Zoning Ordinance and Subdivision Regulations have been complied with;

WHEREAS: The Williams County Commission has determined that it is appropriate to grant the request for amendment to the Zoning Ordinance and Subdivision Regulations of Williams County:

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of the County of Williams, North Dakota, as follows:

The Zoning Ordinance and Subdivision Regulations of Williams County are hereby amended to reflect the change from A: Agricultural to I: Industrial for property located in the NENE, Section 26, T157 R95, Tioga Township.

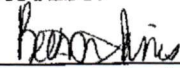
The Williams County Planning Administrator is hereby directed to enter such amendment upon the Williams County Zoning Map.

Dated this 12<sup>th</sup> day of April, 2010

County of Williams

By:   
Dan Kalil, Chairman

ATTEST:

  
Beth Innis, Auditor

**Legend**

-  TiogaCityLimits
-  TiogaCityLimits\_Half\_Mile\_Buffer

