



NORTH DAKOTA PUBLIC SERVICE COMMISSION

**APPLICATION OF
ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
for
ROUTE PERMIT FOR A CRUDE OIL PIPELINE**

BERTHOLD STATION UPGRADE PROJECT

MAY 2010

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SECTION A

DESCRIPTION OF PROPOSED FACILITY

A.1 TYPE OF FACILITY

See Section A.1 of the Application for a Certificate of Corridor Compatibility.

A.2 PRODUCT

See Section A.2 of the Application for a Certificate of Corridor Compatibility.

A.3 SIZE AND DESIGN

See Section A.3 of the Application for a Certificate of Corridor Compatibility.

A.4 TIME SCHEDULE

See Section A.4 of the Application for a Certificate of Corridor Compatibility.



APPLICATION FOR A ROUTE PERMIT

SECTION B

LOCATION

B.1 APPLICANT'S POLICIES AND COMMITMENTS TO LIMIT ENVIRONMENTAL IMPACT

An integral part of Enbridge Pipelines (North Dakota) LLC's ("EPND") business conduct is environmental protection policy. Environmental protection efforts will span the entire Project, from planning through construction to restoration and into full operation.

B.1.a Construction

In this Application, EPND is proposing to upgrade its existing Berthold Station facility located about one mile northwest of Berthold, North Dakota. The upgrade (referred to hereinafter as the "Berthold Station Upgrade Project" or the "Project") includes the construction of approximately 600 feet of new 4-inch station piping and 1,800 feet of new 10-inch station piping, and the installation of 2 refurbished pumping units, metering facilities and other related appurtenances as more fully described in Section A.3 of the Application for Certificate of Corridor Compatibility. EPND also plans to reactivate an existing 80,000 barrel tank for the receipt of new supply volumes and acquire approximately 80 acres of land located directly east of its existing station site (see Exhibits B.2 and B.3). This Project enables EPND to receive new supply volumes from a new shipper-owned and operated truck unloading facility that will be located directly east of the existing Berthold Station on land leased from EPND. The Project also enables EPND to increase the injection capacity into its mainline system by November 2010. The Project will result in temporary short-term impacts, but is not expected to result in significant long-term change to the environment.

Planning, design, construction, and restoration will incorporate the equipment and measures discussed in Sections B.6 and B.9. Environmental monitoring and inspection will take place during and after construction. Inspectors will monitor compliance with required environmental protection measures, permit conditions, and specifications, and provide ongoing oversight for day-to-day issues that may arise during construction. Contract specifications will



incorporate environmental protection and mitigation measures, and contractors will be expected to implement these measures in the field. Contractor training and project orientation will also be provided by EPND.

Environmental data has been assessed as described in Section B of the Application for Certificate of Corridor Compatibility. EPND will continue to work with appropriate regulatory agencies to gather comprehensive information during the permitting process.

B.1.b Ongoing Pipeline Operation

The EPND System, which was formerly owned by Portal Pipeline Company¹, has been in operation since the 1980's and is regulated by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration under 49 CFR Part 195 (and other codes). EPND is committed to pipeline safety; accordingly, Enbridge has developed a comprehensive set of operating and maintenance procedures that assure pipeline safety. Additionally, EPND has a continuing commitment to conduct its operations in an environmentally responsible manner. EPND reduces the impact of the pipeline to the environment by maintaining a constant concern for pipeline integrity, operational safeguards, emergency response, and landowner relationships. EPND personnel are responsible for environmental, maintenance, and internal pipeline integrity plans that monitor compliance with the various pipeline safety and environmental regulations, and EPND's own company policy. Moreover, EPND has a review program in place to ensure policies and procedures are effective and continue to comply with applicable regulations.

B.1.c Energy Conservation Considerations

Energy conservation is a major concern at EPND since energy/power costs represent the largest single recurring expense in pipeline operation. EPND pays constant attention to energy conservation.

EPND continually works with its individual energy providers to assure economical and efficient use of power for its North Dakota pipeline system. EPND also continuously reviews and tracks firm and non-firm power requirements, and works closely with electrical utilities in planning for transmission and generation needs.

¹Pursuant to the North Dakota Public Service Commission's Order in Case No. 10,472.



EPND's energy conservation goal is to minimize power/energy unit costs through the implementation of internal programs directed at continuous improvement of energy utilization efficiency. EPND has considered several energy efficiency and conservation programs. The following provides a brief explanation of the programs reviewed during the Project development phase:

B.1.c.(1) Pipeline Diameter

For the proposed 4-inch and 10-inch station piping, EPND performed an analysis of the product specifications, range in operating temperatures, anticipated delivery volumes and required pumping rates to determine the appropriate pipeline diameter. It was determined that the 4-inch and 10-inch size station piping will reduce operating pressures and conserve energy when compared to a smaller pipeline. Conversely, a larger pipeline diameter would be subject to slack flow conditions and increased maintenance activities such as running internal cleaning.

B.1.c.(2) Variable Frequency Drives (VFDs)

The installation of variable frequency induction motor drives ("VFDs") is a program that has been in place for approximately 16 years. VFDs allow the pipeline operator to vary the pump rotation speed, thereby controlling the pressure produced to match the desired flow rate. This eliminates the need to dissipate or waste pressure (energy) with pressure control valves (PCVs). VFDs, however, do introduce energy losses and therefore are considered only when there is a range of operating conditions (primarily flow rate, density and viscosity) that would often require dissipation of pressures produced by the pumps. Ideally if operating conditions were constant, the pump would deliver constant pressures, eliminating the need for pressure dissipation. Therefore, operating conditions play a key role in designing the pumping stations for optimum efficiency.

VFD's will be specified to control the operating speed of the (2) mainline injection pumps associated with the proposed Berthold Station Upgrade Project.



B.1.c.(3) Pipeline Control Center

EPND pipeline control operators are trained in applied hydraulics and pipeline control through the use of a computerized pipeline control simulation system. They are trained to operate the pipeline at an optimum flow rate using efficient combinations of pumps, thereby minimizing energy consumption. Operators have the capability to start and stop pumps and monitor pipeline operating conditions to assist in achieving an energy efficient operation.

B.1.c.(4) Pump and Motor Efficiency

For the installation of the two refurbished pumping units, EPND plans to relocate two inactive positive-displacement pumping units from its Stanley Station in Mountrail County. These Gasco Model 1755 pumping units will be reinstalled at the Berthold Station as part of this Project. It is EPND's standard policy to purchase high efficiency pumps and motors in an effort to conserve long range energy requirements. For example, a pump drawing 110 hp, operating 300 days per year at 80% efficiency will consume 0.75 million kilowatt hours (kWh) of energy annually and sets a demand of 103 kW. Increasing the efficiency by only 1% translates into 9,138 kWh of energy savings. The positive-displacement pumps planned for Berthold offer high efficiency and energy savings for a wide range of service conditions. Typically, these pumps provide an efficiency of approximately 90% and combined pump/motor efficiency in excess of 80%.

B.1.c.(5) Electric Service Agreements

EPND is presently working with its various energy providers to renegotiate, if applicable, new electric service agreements for the Project.



B.2 DISCUSS THE FACTORS LISTED IN SECTION 49-22-09 NDCC TO AID THE COMMISSION'S EVALUATION OF THE PROPOSED PIPELINE ROUTE

Factors which the North Dakota Public Service Commission ("ND-PSC" or "Commission") considers in evaluating the designation of corridors and routes include the following:

B.2.a Available Research and Investigations Relating to the Effects of the Location, Construction, and Operation of the Proposed Facility on Public Health and Welfare, Natural Resources, and the Environment

A discussion of the effects of the location, construction, and operation of the Project on public health and welfare, natural resources, and the environment is included in Section B of the Application for Certificate of Corridor Compatibility. Research and investigation relating to these effects have included cultural resource reviews, protected species and sensitive area reviews, and wetland studies.

B.2.b The Effects of New Energy Conversion and Transmission Technologies and Systems Designed to Minimize Adverse Environmental Effects

The Project does not include new energy conversion or transmission technologies that are expressly designed to minimize adverse environmental effects. As described in EPND's Environmental Mitigation Plan (EMP), current construction techniques and mitigation measures will be employed to minimize the effect of construction on environmental resources (see Exhibit F of the Application for Certificate of Corridor Compatibility). These measures are also discussed in Section D.5 of the Application for a Certificate of Corridor Compatibility.

B.2.c The Potential for Beneficial Uses of Waste Energy from a Proposed Energy Conversion Facility

The Project does not involve new energy conversion facilities. No usable waste energy will result from the Project.



B.2.d Adverse Direct and Indirect Environmental Effects, Which Cannot be Avoided Should the Proposed Site or Route be Designated

Unavoidable adverse direct and indirect environmental effects may include short-term or temporary effects on vegetation, wildlife, and noise levels and permanent conversion of wetlands and agricultural lands to industrial use as described in Section D.2 of the Application for a Certificate of Corridor Compatibility. EPND will implement mitigation measures to minimize these impacts as described in EPND's EMP (see Exhibit F).

B.2.e Alternatives to the Proposed Site, Corridor or Route, Which are Developed During the Hearing Process and Which Minimize Adverse Effects

Alternatives that EPND considered when planning the project are discussed in Section C.2 of the Application for Certificate of Corridor Compatibility.

B.2.f Irreversible and Irretrievable Commitments of Natural Resources Should the Proposed Site, Corridor or Route be Designated

About 11.2 acres of agricultural land and 0.214 acres of wetland would be converted to industrial land upon the ND-PSC issuing an order and permit to construct, own and operate the facilities described herein. Since the agricultural land has been actively farmed and the permanent wetland impacts represent only a very small percent of wetlands in the Project area, only minimal irreversible or irretrievable commitments of natural resources will result from the Project. EPND will implement mitigation measures to minimize these impacts as described in EPND's EMP (see Exhibit F).

B.2.g The Direct and Indirect Economic Impacts of the Proposed Facility

B.2.g.(1) The Project presents an opportunity to utilize and enhance existing mainline capacity to meet the needs for additional liquid petroleum transportation in this region.



B.2.g.(2) The Project has significant economic benefits, such as:

- Providing a stable source of crude oil supplies to the refining regions of PADD II and supporting a healthy economic environment throughout the entire Upper Midwest.
- Providing an increase of \$70,000 in estimated property taxes.

B.2.h Existing Plans of the State, Local Government, and Private Entities for Other Developments at or in the Vicinity of the Proposed Site, Corridor, or Route

EPND is not aware of other existing developments plans by state, local or other government entities or third parties at or in the vicinity of the proposed project.

B.2.i The Effect of the Proposed Site or Route on Existing Scenic Areas, Historic Sites and Structures, and Paleontological or Archaeological Sites

On April 12, 2010, EPND requested the North Dakota State Historic Preservation Office (ND-SHPO) concur with the findings of the literature review and archaeological survey and Project clearance for the existing 26-acre tract and new 80-acre tract. The ND-SHPO responded with Project concurrence on April 12, 2010. Please refer to Section B of the Application for Certificate of Corridor Compatibility for a discussion of the effects of the Project on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.

B.2.j The Effect of the Proposed Route on Areas Which are Unique Because of Biological Wealth or Because They are Habitats for Rare and Endangered Species

On January 14, 2010, a letter was submitted to the North Dakota Game and Fish Department (ND-GFD) requesting review of the study area for concerns related to unique or rare wildlife. This review covered EPND's entire existing 26-acre tract and the new 80-acre tract of the Berthold Station site. A response from the ND-GFD was received on February 9, 2010 stating that the Project would not result in significant adverse impacts on wildlife or wildlife habitat, including



endangered species. A copy of the ND-GFD response is enclosed as Exhibit G.

B.2.k Problems Raised by Federal Agencies, Other State Agencies, and Local Entities

To date, no problems or concerns have been raised by federal, state, and local agencies. EPND consulted with the following federal, state, and local agencies to identify potential environmental resources in the Project area.

B.2.k.(1) North Dakota Public Service Commission

The ND-PSC has not completed its evaluation of the Project. To date, no concerns have been expressed to EPND.

B.2.k.(2) North Dakota Department of Health

The North Dakota State Department of Health has not yet concluded its evaluation of the Project. Applications for hydrostatic test water discharge permits and storm water discharge permits have not yet been submitted to the department. To date, no concerns have been expressed to EPND.

B.2.k.(3) State Historical Society of North Dakota (State Historic Preservation Office)

A discussion regarding cultural resource investigations are discussed in Section B.1 of the Application for Certificate of Corridor Compatibility.



B.2.k.(4) North Dakota State Water Commission (SWC)

A discussion regarding permitting requirements to construct within and permanently impact wetland resources is presented in Section B.2 of the Application for Certificate of Corridor Compatibility. An application for a Drain Permit to construct within and permanently impact wetland resources and a Temporary Water Permit for appropriation of the test water has not yet been submitted to the SWC. To date, no concerns have been expressed to EPND.

B.2.k.(5) U.S. Army Corps of Engineers (COE)

A discussion regarding permitting requirements to construct within and permanently impact wetland resources is presented in Section B.2 of the Application for Certificate of Corridor Compatibility. An application for a Nationwide Permit (3) for maintenance activities that result in less than ½-acre of permanent impacts to COE-jurisdictional wetland resources has not yet been submitted to the COE. To date, no concerns have been expressed to EPND.

B.3 IDENTIFY AND MAP CRITERIA LEADING TO PROPOSED PIPELINE ROUTE LOCATION WITHIN CORRIDOR

See Section D.2 of the Application for Certificate of Corridor Compatibility.

B.4 RELATIVE VALUE AND EFFECTS UPON EACH CRITERION INCLUDING LOCATION, CONSTRUCTION, AND OPERATION OF THE FACILITY

See Section D.3 of the Application for Certificate of Corridor Compatibility.



B.5 THE CRITERIA TO BE EVALUATED SHALL INCLUDE AT A MINIMUM ALL OF THE FOLLOWING, WHICH ARE WITHIN THE DESIGNATED CORRIDOR:

- Exclusion Areas;
- Avoidance Areas;
- Selection Criteria;
- Policy Criteria;
- Design and Construction Limitations; and
- Economic Considerations

Complete descriptions, potential impacts, and mitigation measures relevant to the six criteria cited above are provided in Section D.2 of the Application for Certificate of Corridor Compatibility.

B.6 MITIGATION MEASURES

See Section D.5 of the Application for a Certificate of Corridor Compatibility.

B.7 QUALIFICATIONS OF PERSONS CONTRIBUTING TO THE STUDY

See Section D.6 of the Application for a Certificate of Corridor Compatibility.

B.8 MAPS

See Section D.7 of the Application for a Certificate of Corridor Compatibility.



B.9 OTHER MATTERS

The information provided below is in accordance with North Dakota Century Code 49-22-08.1, Sections 1.e, 1.f, and 1.g.

B.9.a Right-of-Way Preparation, Construction and Reclamation Procedures

With regard to site preparation, construction and reclamation procedures, EPND has developed an EMP for this project (see Exhibit F). EPND's EMP provides a detailed discussion of the guidelines and mitigation measures that EPND would implement on this Project.

B.9.b Hydrostatic Testing

The reactivated 80,000 barrel tank and all new facilities will be factory and field pressure tested as required by federal pipeline safety regulations and industry codes. Station piping proposed for the Project will be tested as appropriate under these regulations and codes. The testing process will be implemented in accordance with EPND's EMP and permits issued by the North Dakota Department of Health.

B.9.c Landowner Issues

No new landowners will be affected by the proposed Project. Enbridge has secured an option to purchase the 80 acres it proposed to acquire in fee to expand the Berthold Station property.

B.9.d Operations and Safety

B.9.d.(1) Pipeline Operation and Control

EPND's pipeline control center is located in Estevan, Saskatchewan.

The Control Center is manned by pipeline operators 24 hours a day. A computerized pipeline control system allows these operators to remotely monitor and control the pipeline and related facilities. The Control Center also serves as an emergency center to receive calls from employees, the public or public officials reporting unusual conditions or pipeline failures. The computerized pipeline control system has been designed to control the pipeline within pre-



established minimum and maximum operating pressures. Both the computer system and operating practices include procedures for abnormal operating conditions, including emergency shutdown and isolation of the pipeline and notification procedures in the event of suspected emergencies.

Truck unloading and crude oil transfer activities from the truck unloading area to Berthold Station tankage will be monitored by the EPND control center.

B.9.d.(2) Communications Capabilities

Land lines are used to exchange the necessary computerized data for pipeline monitoring and control. EPND maintains a UHF radio system, supplemented by cellular phones, to facilitate personnel communications during operation, maintenance, or emergency activities.

B.9.d.(3) Protection of the Pipe from Damage

EPND has an aggressive program in educating excavators and the public about the presence of the pipeline and preventing damage to the pipeline from excavating equipment. As in all other states where EPND and affiliates have existing facilities, EPND has joined and supports the North Dakota One-Call system.

The pipeline is protected from corrosion in a number of ways. Pipelines are covered with a protective coating. In addition, all buried or submerged metallic structures (pipeline systems) are under a cathodic protection system, as required by Pipeline Safety Regulations.

B.9.d.(4) Inspections

EPND conducts routine inspections of the pipeline and facilities to ensure that the system is operating properly, in compliance with CFR 49 Part 195.

Each calendar year (not to exceed a 15-month interval), the cathodic protection system is monitored by taking pipe/structure-to-soil and line current (where possible) readings. Additionally, each rectifier and anode groundbed



used to impose cathodic protection on the pipeline and associated below-grade facilities is inspected to ensure proper operation. Repairs and adjustments to the cathodic protection system are either made during the annual survey or during later maintenance activities. At least six times per year, each rectifier and critical cathodic protection interference bond to foreign structures is inspected and corrective measures taken, if needed.

In addition, EPND periodically evaluates the effectiveness of its cathodic protection system by conducting supplemental close interval surveys (e.g., close interval pipe to soil, etc.) of the system. Although not required by regulation, this method allows EPND to assess the overall effectiveness of the pipeline system.

The pipeline route including pump stations and related facilities is patrolled by air at least 26 times per year to inspect the surface conditions of land on or adjacent to the pipeline right-of-way. If weather and other conditions permit, this aerial inspection is conducted weekly. Line walking inspection of the right-of-way is sometimes used to supplement aerial inspections in congested areas. This inspection also assists in identifying unknown construction or other unsafe activity on the pipeline right-of-way.

Isolating valves are checked at least twice per year to ensure proper operation. In the event of a leak, it is important for valves to close properly to isolate the section of pipeline and minimize the amount of petroleum that may escape. Other components of the pipeline, such as tanks and pump stations are also routinely inspected.

EPND periodically inspects the transmission segments of its pipeline system, in accordance with the integrity management standards under 49 CFR Part 195. These inspections are conducted with the use of an electronic inspection tool – called “instrument pigs.” These devices travel through the inside of the pipeline and are used to examine the condition (dents, gouges, corrosion, or cracks) of the pipe by on-board computers. Results of the inspection are analyzed, the pipe is inspected to verify preliminary findings, as necessary, and repairs are then made, as required.



All overpressure safety devices capable of limiting, regulating, controlling, and/or relieving operating pressures are inspected and tested to ensure the device is in good mechanical condition and functioning properly.

Periodically, inspectors from the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("DOT-PHMSA") inspect EPND's compliance with applicable government regulations. Inspections of the EPND's written procedures, records, and facilities are also periodically conducted.

B.9.d.(5) Maintenance

Many other maintenance activities are performed on the pipeline and related facilities. EPND has a comprehensive preventative maintenance program that meets and, in many cases exceeds, minimum federal safety standards set forth in 49 CFR Part 195. When facilities are added or replaced, there are comprehensive standards for their design and installation in both EPND procedure manuals and contract specifications. Repair pipe is pre-tested and other components used to repair the pipeline meet national standards and regulatory requirements. Other procedures, such as welding procedures, movement of the pipe, coating repair, corrosion control, and tank maintenance are all guided by written procedures, which have been reviewed by the DOT-PHMSA inspectors.

B.9.d.(6) Training of Personnel

EPND has established a comprehensive orientation, technical, safety, emergency, and on-the-job training program that is in compliance with the Operator Qualification rules issued by the DOT-PHMSA under 49 CFR Part 195. As personnel progress in pipeline operation and maintenance positions, they receive hundreds of hours of formal and on-the-job training. Demonstrations of competence are shown through review of job performance, periodic pipeline control system simulators, emergency exercises, welding certification tests, and other functions required to maintain safe pipeline operation and maintenance.



B.9.d.(7) Public Awareness Program

EPND conducts a comprehensive public education program to ensure that the affected public (those who work and live in the vicinity of the pipeline), excavators, local public officials, and emergency units of government are aware of how to recognize and avoid or respond to a pipeline emergency. EPND has also been active at the local, county, and state level in emergency response planning and joint training/exercises to prepare all potential responders to deal with emergencies.

The pipeline route is marked at all public roads and railway crossings (at a minimum) to increase the public's awareness of the underground pipeline. Additional markings are posted at valves, other pipeline facilities, and stations along the pipeline route.

B.9.d.(8) Emergency Preparedness

EPND's operating and maintenance practices are aimed at preventing emergencies. However, it is imperative that EPND be prepared to respond to an emergency. In addition to preventative activities described above, EPND's emergency response program has been prepared in compliance with DOT-PHMSA rules under 49 CFR Part 194. The Emergency Response Plan has been submitted, and approved by DOT-PHMSA and includes pre-planning, equipment staging, notifications, and emergency and leak containment procedures.

B.9.d.(9) Spill Response

EPND has developed a Spill Prevention, Containment and Control Plan (SPCCP) (see Exhibit I) that describes planning, prevention and control measures to minimize impacts of project-related spills.



B.9.e Other Required Permits

EPND is working with the following other federal and state agencies to secure the appropriate permits required for the Berthold Station Upgrade Project as specified below. See Table 1 which shows EPND's current status in obtaining those permits.

B.9.e.(1) North Dakota Department of Health (ND DOH) – Construction Stormwater Permit and Stormwater Pollution Prevention Plan

EPND would comply with the provisions of the DOH's NDPDES Construction Storm Water Permit program. Coverage under the construction general permit (NDR10-0000, recently reissued on October 12, 2009) for a project disturbing greater than 5 acres requires the submittal of a notice of intent (NOI) and development of a Stormwater Pollution Prevention Plan (SW3P). The SW3P is a comprehensive document that details project activities and best management practices for erosion and sediment control. Coverage under the general permit becomes effective 7 days after the NOI is submitted to the DOH.

The NDPDES stormwater discharge general permit associated with industrial activity, NDR05-0000, is required if a facility falls under a specific primary SIC Code. Stations and facilities are assumed to operate (pre- and post-construction) under SIC 4612 (NAICS 486110) for pipeline transportation of crude oil. SIC 4612 does not require industrial stormwater coverage. Therefore, provided SIC 4612 is not modified prior to construction, industrial stormwater coverage will not be required for this project.



B.9.e.(2) State Water Commission (SWC) – Hydrostatic Test Water Appropriation Permit

A water appropriation permit from the SWC would be required to appropriate groundwater or surface waters for hydrostatic testing of the proposed pipeline, tanks, and miscellaneous piping. A possible water source includes a slough located southwest of Berthold Station (previously authorized for use by the landowner and the SWC). Authorization is generally obtained within 3 weeks from application submittal. If there is not enough water present in this slough at the time of construction, an alternative source will need to be determined (e.g., off-right-of-way waterbody, municipal source, etc.) to support the hydrostatic test(s).

B.9.e.(3) SWC – Drain Permit Ward County Water Resources District – Stormwater Management Plan

A Drain Permit from the SWC is required to construct within and permanently impact wetlands with a contributing drainage area greater than 80-acres. The application and supporting documentation is sent to the Office of the State Engineer (OSE) first. The OSE determines if the project is of statewide or interdistrict significance. Most drain projects are not of statewide or interdistrict significance, which shortens the processing timeline. Once the OSE has made that determination, it is sent on to the Water Resource District (WRD) within which the project is located (i.e., Ward County WRD). The Ward County WRD would then make the final decision on whether to approve or deny the permit. EPND is also preparing a Stormwater Management Plan for Ward County WRD approval. Permit issuance is anticipated within 2 to 3 months of application submittal.

B.9.e.(4) DOH – Hydrostatic Test Water Discharge Permit

EPND would prepare and submit the NDPDES permit application - Short Form C for coverage under the general permit (NDG-070000). Coverage is generally obtained within 30 days after the application is submitted to the DOH.



B.9.e.(5) ND DOH – Air Permit

EPND will complete the DOH required Permit to Construct application. Assumed that the total station emissions will be below the PSD (250 tons per year) and Part 70 major source thresholds (100 tons per year per criteria pollutant and 10 tons per year of individual HAPs or 25 tons per year HAPs in aggregate) through the station and control equipment design. An administratively complete permit application which will review all the applicable regulatory requirements, including NSPS will be submitted. Permit issuance is anticipated within 90 days.

B.9.e.(6) COE – Nationwide Permit (3) - Maintenance

EPND will complete the Nationwide Permit (3) application. If compensatory mitigation is necessary, EPND will work with the COE District Engineer to develop an appropriate and practicable mitigation plan. Permit issuance is anticipated within 30 days.



Table 1 – List of Other Required Permits

Permits/ Requirements	Agency	Applicability	Anticipated Preparation/Submittal Date	Anticipated Issuance/Completion Date
Nationwide Permit (3)	U.S. Army Corp of Engineers	Required for maintenance activities that result in less than ½-acre of permanent impacts to wetlands under the jurisdiction of the COE.	May 15, 2010	June 15, 2010
Construction Stormwater Permit and Stormwater Pollution Prevention Plan	North Dakota Department of Health	Required if the project will disturb five or more acres	June 15, 2010	July 23, 2010
Temporary Dewatering/Hydrostatic Discharge Permit	North Dakota Department of Health	Required to discharge hydrostatic test water	September 15, 2010	October 15, 2010
Water Appropriation Permit	North Dakota State Water Commission	Required to appropriate hydrostatic test water	September 15, 2010	October 15, 2010
Air Permit to Construct Amendment	North Dakota Department of Health	Required if the station modifications will increase the potential for air quality emissions	June 1, 2010	July 23, 2010
Drain Permit	North Dakota State Water Commission	Required to construct within and permanently impact wetlands with a contributing drainage area greater than 80-acres	May 15, 2010	July 15, 2010
Spill Prevention, Containment, and Countermeasures Plan Update	Environmental Protection Agency	Plan updates required prior to construction and operation	June 15, 2010	July 23, 2010