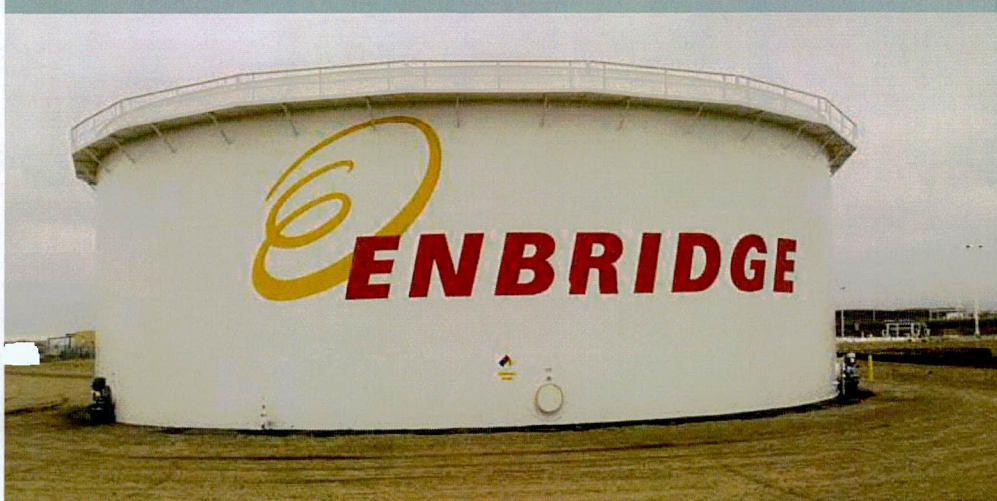




Berthold Station Expansion Project Post-Construction Inspection Report

March 27, 2015
Case No. PU-11-232



Prepared for:



Prepared by:



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1.0 EXECUTIVE SUMMARY

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Public Service Commission (Commission) to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of the citizens of North Dakota. Commission construction inspections ensure that projects are constructed in compliance with the siting laws (North Dakota Century Code Chapter 49-22) and rules (North Dakota Administrative Code Article 69-06) and applicable Commission Orders.

The Commission retained ProSource Technologies, LLC (ProSource) to complete construction inspections of the Berthold Station Expansion Project (Project), Case No. PU-11-232, which was constructed by Enbridge Pipelines (North Dakota) LLC (Enbridge), in Ward County, North Dakota. The Project area is approximately 517 acres in size and is located south of North Dakota State Highway 2, west of 296th Street NW, east of 310th Street NW, and north of 72nd Avenue NW.

ProSource conducted three inspections; two of the inspections were conducted during construction and one of the inspections was conducted after construction and restoration was complete. The reports of the two inspections conducted during construction were filed with the Commission on August 27, 2012 and November 23, 2012, respectively. The post-construction inspection was conducted on October 28, 2014 after a full growing season. ProSource prepared this report to document the post-construction inspection and to provide a summary of compliance with the Commission Orders.

The purpose of the post-construction inspection was to observe current site conditions at the Project, and to ensure the Project was constructed in compliance with the siting laws and rules and the Findings of Fact, Conclusions of Law and Order for Case No. PU-11-232 dated May 30, 2012. Photographs taken during the site inspection are included in Appendix A. Prior to the construction inspection, ProSource reviewed Project documents and filings. A review of the Project docket files indicated that the environmental permits were filed on March 20, 2013, after construction had commenced. Commission Order No. 4 requests permits to be submitted prior to the start of construction. The inspections did not identify issues of non-compliance. Overall, the Project was in satisfactory condition and was constructed as planned with efforts to minimize impacts. Based on the inspections and review of the records, with the exception of the late filed permits, the Project was constructed in compliance with siting laws and rules and applicable Commission Orders.

2.0 BACKGROUND AND SCOPE

On December 21, 2011, Enbridge filed applications in Case No. PU-11-232 for a Certificate of Corridor Compatibility and a Route Permit for the construction of its Berthold Station Expansion Project. The project consists of installing transfer pumps, control buildings, a quality sampling building, a 4,000-gallon sump tank, two 150,000-barrel tanks, an approximately 5,000-foot, 20-inch diameter pipeline, and other piping and equipment just west of Berthold, North Dakota on approximately 500 acres, all in Ward County. The Commission issued a decision approving a corridor and a route on May 30, 2012.

The Project consists of three properties. The first property is the existing Berthold Station as approved by the North Dakota Public Service Commission in Case No. PU-10-130 which includes 106 acres. The major facilities to be constructed include two transfer pumps and motors, a new control building, new custody transferring metering, a new quality sampling building, and other miscellaneous piping and equipment.

The second property is described as the Berthold West Property comprising approximately 92 acres. The constructed facilities include five transfer pumps and motors, a sample building, a control building, and a 4,000-gallon sump tank, along with miscellaneous piping and equipment. Two 150,000-barrel tanks were also constructed.

The third property is known as the Berthold South Property. This property consists of approximately 319 acres, the majority of which includes a non-jurisdictional rail transfer facility. The only jurisdictional facilities to be constructed on this property are station pipeline for connectivity to the rail transfer facility, a 20-inch diameter pipeline approximately 5,000 feet in length, and a valve site.

According to Enbridge, the Project was designed to meet the transportation requirements of the Bakken producers and shippers by providing an alternative transportation solution to move an incremental 80,000 barrels per day of high-quality Bakken crude by rail to new markets across the United States. This Project provides Bakken producers the extra capacity needed to further develop their current and future production profiles as future pipeline capacity requirement are determined with its shippers and new pipeline capacity is built.

This post-construction inspection report is based on the three inspections and a review of the Project information filed with the Commission. Section 3.0 describes the order conditions and compliance confirmation references.

3.0 ORDER CONDITIONS

Findings of Fact, Conclusions of Law and Order May 30, 2012

Order Number	Order Provision	Reference Confirmation
1	Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.	No issues of non-compliance were identified during the field inspections.
2	Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.	The preconstruction meeting was held on July 31, 2012.
3	Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.	Enbridge agreed to comply with rules and regulations of all other agencies having jurisdiction over the facility. Enbridge filed environmental permits with the Commission on March 20, 2013.
4	Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.	Enbridge filed environmental permits with the Commission on March 20, 2013, after construction had commenced.
5	Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a weekly basis.	Enbridge provided notice on June 5, 2012 of its intent to start construction on June 11, 2012. Enbridge filed weekly construction status reports throughout the project.

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6	Company understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.	Enbridge agreed to this construction condition.
7	Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.	No issues of non-compliance were identified during the field inspections.
8	Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.	Enbridge has agreed to maintain the required records.
9	Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.	No issues of safety violations were identified during the field inspections.
10	Company agrees to construct and operate the transmission facility in the manner described in Company's application, in any late-filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.	No issues of non-compliance were identified during the field inspections.
11	Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.	No discoveries of threatened or endangered species were communicated to inspection staff.

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Order Number	Order Provision	Reference Confirmation
12	Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity In the affected area.	Enbridge filed the approval letter from the North Dakota State Historic Preservation Office with the Commission on November 15, 2011.
13	Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.	No discoveries of cultural resource sites were communicated to inspection staff.
14	Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.	The field inspections confirmed that the railroad crossing was bored.
15	Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.	No issues of non-compliance were identified during the field inspections.
16	Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.	Enbridge agreed to this condition. No issues of non-compliance were identified during the field inspections.
17	Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the subsoil. Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also	Enbridge agreed to this construction condition. No issues of non-compliance were identified during the field inspections.

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Order Number	Order Provision	Reference Confirmation
	be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.	
18	Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.	The post-construction inspection confirmed the revegetated areas were well established along the pipeline corridor.
19	Company understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.	Enbridge has agreed to continue the reclamation and maintenance of the right-of-way throughout the life of the transmission facility.
20	Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.	Enbridge has agreed to continue the reclamation and maintenance of the transmission facility, associated facilities, and roadways throughout the life of the transmission facility.
21	Company agrees to comply with the Tree and Shrub Mitigation Specifications.	Enbridge filed its Tree and Shrub Mitigation Plan with the Commission on March 5, 2013.
22	Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.	No issues of non-compliance were identified during the field inspections.
23	Company understands and agrees that it shall repair or replace all drainage the broken or damaged drainage tile as a result of construction and operation of the transmission facility.	No issues of non-compliance were identified during the field inspections.
24	Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.	No issues of non-compliance were identified during the field inspections.

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Order Number	Order Provision	Reference Confirmation
25	Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.	No issues of improper disposal of waste was identified during the field inspection.
26	Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.	Restoration of the disturbed areas was acceptable, as observed during the post-construction field inspection.
27	Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.	The Enbridge Berthold Station properties are fenced with controlled access.
28	Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.	No extraordinary events were communicated to the inspection staff.
29	Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company.	Enbridge filed a complaint process and response procedure with the Commission on July 16, 2012.
30	Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.	Enbridge filed the construction drawings with the Commission on September 5, 2012.
31	Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.	Enbridge filed a request for a route deviation on October 1, 2012. Commission Staff approved the route deviation on October 9, 2012 and the Commission acknowledged the approval on October 24, 2012.
32	Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3	Enbridge submitted the electronic and paper copy of the corridor on September 5, 2012.

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	<p>months of the Commission order approving the corridor. Company also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. AU submissions must specify the datum in which the data was developed.</p>	<p>The Commission's Order was signed on May 30, 2012.</p> <p>This was 5 days after the 3 month timeline.</p>
33	<p>Company agrees to provide the Commission with both an electronic and a paper copy of the design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM &it* 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.</p>	<p>Enbridge filed both an electronic and paper copy of the as-built design specifications on April 2, 2014.</p>
34	<p>Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.</p>	<p>Enbridge has agreed to this Condition.</p>
35	<p>Company understands and agrees that in the event Company desires to construct, within any condor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in Company's application in this proceeding, Company shall apply to the Commission for a Route Permit or Site Certificate for the facility.</p>	<p>Enbridge has agreed to this Condition.</p>

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Order Number	Order Provision	Reference Confirmation
36	<p>Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.</p>	<p>No reports of damage to underground facilities were reported to the inspection staff.</p>
37	<p>Company understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.</p>	<p>Enbridge has agreed to this Condition.</p>

4.0 CONCLUSION

The inspections did not identify issues of non-compliance. Overall, the Project was in satisfactory condition and was constructed as planned with efforts to minimize impacts. Based on the inspections and review of the records, with the exception of the late filed permits, the Project was constructed in compliance with siting laws and rules, and applicable Commission Orders.

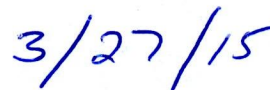
5.0 SIGNATURE

Recommendations and findings contained in this report are based on available information and technically accepted practices at the present time.

Project Manager David Hennen, Director of Environmental Services, prepared this report.



David E. Hennen, Director of Environmental Services



Date

6.0 REFERENCES

North Dakota Public Service Commission (NDPSC) Online Case Search. Available from http://www.psc.nd.gov/database/docket_file_list.php. Accessed March 2015.

APPENDIX A

Photographs

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Photo 1: View of successful revegetation along the pipeline right-of-way.



Photo 2: Controlled access to Enbridge facilities.

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Photo 3: Security fence at Enbridge facilities.



Photo 4: Restoration of disturbed construction area.

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Photo 5: Restoration of disturbed construction area.

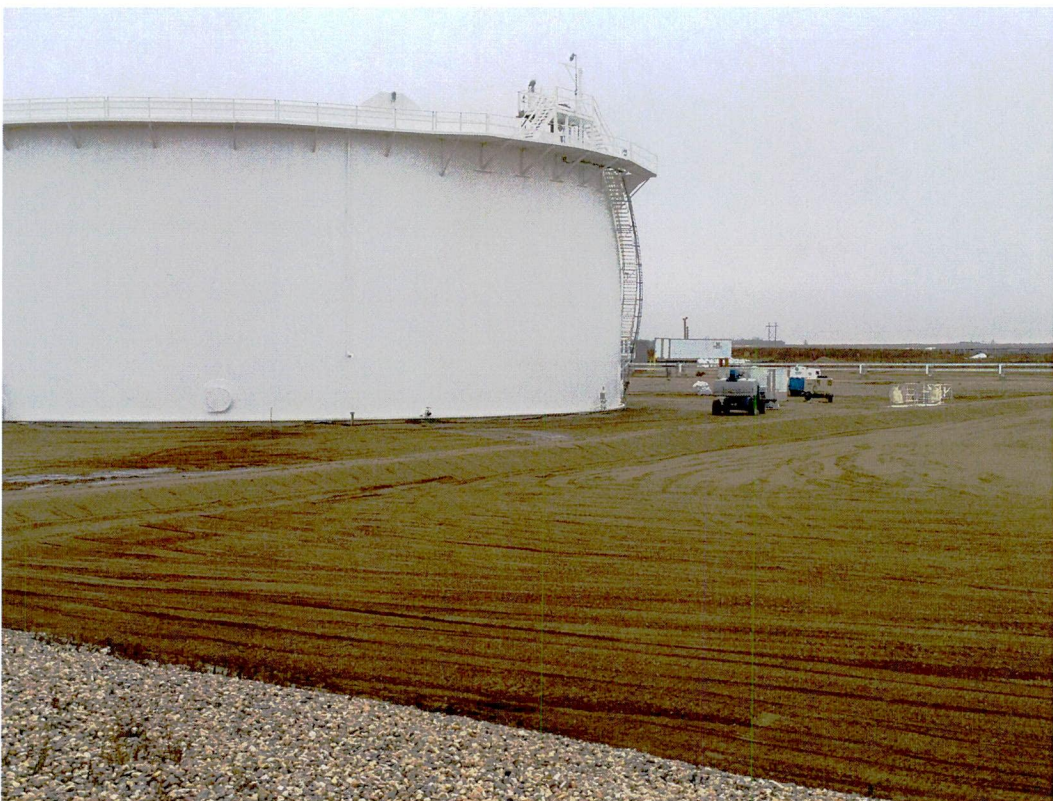


Photo 6: Restoration of tank construction area.