

March 12, 2013

VIA HAND DELIVERY

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

**RE: BASIN TRANSLOAD, LLC
CRUDE OIL PIPELINE — BURKE
COUNTY
CASE NUMBER PU-12-775**

Dear Mr. Nitschke:

Enclosed for filing, please find an original and ten (10) copies of the following:

1. Meeting notes from the preconstruction conference call with the North Dakota Public Service Commission on March 7, 2013;
2. List of required permits and status of applications;
3. North Dakota Department of Health — ND PES Permit No. NDR105297;
4. North Dakota Department of Transportation — Utility Occupancy Permit No. 7-5-67.532;
5. Vale Township – Utility Occupancy Permits;
6. Fay Township – Utility Occupancy Permits;
7. Maps depicting route and pipeline features;
8. Schematic depicting Enbridge pipeline crossing;
9. Schematic depicting County Highway 10 crossing; and
10. Alignment Sheet Stationing Table;

Also enclosed is a CD containing the above-referenced documents in PDF format. If you have any questions, please let me know.

Letter to D. Nitschke
March 12, 2013
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Sincerely,



LAWRENCE BENDER

LB/jrr
Enclosures

cc: Patrick Fahn (*via e-mail*)
Ray Sheldon (*via e-mail*)

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PU-12-775 Pre-construction Meeting Notes
Telephone Conference Call – 9:00 am CST

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Note taker: Ray Sheldon, Basin Transload

Attendees:	Patrick Fahn, ND Public Service	Ron Kroshus, Treco Constructors
	Katie Schmidt, E3 Environmental	Bob Jeffries, Treco Constructors
	Crystal Kuntz, ECI	Shawn Hermanson, Ernst Trenching
	Michael Lopez, Tesoro	Steve Cole, Cole Excavating
	Keith Edwards, EDK Engineering	Aaron Green, Legend Pipeline Services

Patrick Fahn welcomed everyone, asked the participants to mute their phones and set out the agenda.

1. Review provisions of the Certification Relating to Order Provisions
2. Review a couple of specific items from the Order
3. Request everyone to review the penalties under the Energy Conservation and Transmission Facility Siting Act (previously provided by Patrick Fahn to the attendee list).

Patrick Fahn reviewed each item from the Certification Relating to Order Provisions with the group. Specific additional comments and discussion is documented as follows by item number from the Certification:

Item 4: Basin needs to file copies of all the other licenses / permits with the Commission through our attorney and copy Katie Schmidt at E3 prior to start of construction.

Item 5: Basin needs to inform the Commission and Katie Schmidt at E3 of its intended start of construction date and keep them informed of the progress by emailing a weekly report that includes the order number PU-12-775 in the subject line to ndpsc@nd.gov and cc: Katie Schmidt and Patrick Fahn. The weekly report format needs to leave 1.3" bottom margin and provide a brief description of the weeks activities, status of each activity and forecast of planned activity for the next week. Katie will provide examples of the weekly report format. Katie asked for alignment sheets showing the bore locations for project orientation to plan the inspections.

Item 11/12: Crystal Kuntz reported that SHPO concurred with Basin's application that no mitigation is anticipated; however, if any new resources are identified Basin will notify SHPO and handle them in accordance with appropriate requirements at that time.

Item 13: Ray Sheldon reported that permits have been obtained for the Highway 5 crossing, the CPR railroad crossing and all six of the township roads. All will be bored except the 87th Avenue NW crossing which will be open cut in accordance with landowner and township request. The agreement with the townships has also been reviewed with the Burke County Commission.

Item 16: Ron Kroshus reported that Basin doesn't know yet if any double ditching will be required depending upon frost conditions. Basin agreed to notify the Commission and E3 if double ditching will be utilized.

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Item 17: Ray Sheldon reported that virtually all of the pipeline right-of-way is across previously cultivated land or on railroad right-of-way. Basin intends to reseed in accordance with landowner preferences but for any area that is not previously cultivated, Basin will use a native seed mix as recommended by Natural Resource Conservation Service.

Item 18: Ray Sheldon reported that Basin has agreed to transfer the ownership and operation of the pipeline to Tesoro sometime after completion of construction. Patrick Fahn indicated that Basin will need to file an application to transfer the certificate to Tesoro at that time. Michael Lopez indicated that Tesoro will work with Basin to accomplish that transfer at that time.

Item 20: Ray Sheldon reported that the preliminary survey of the route indicates that only a few trees (less than 10) along the route are large enough to require mitigation. Basin will document all trees larger than 1" diameter at breast height removed by the pipeline installation and replace in accordance with the Tree and Shrub Mitigation Specifications.

Item 28: Basin will file a plan for handling public complaints to the Commission with the filing of these meeting notes. For reference any complaints received by the Commission or E3 should be directed to Ray Sheldon at 406/855-5008 or Ron Kroshus at 406/671-5530.

Item 29: Basin will file design information with the Commission with copies to Katie Schmidt at E3 as per request under item 5 above prior to start of construction.

Item 35: Ron Kroshus reported that we have already called One Call. Treco's field personnel are currently working with the telephone company to complete their locates but the all the others have been completed. Ron clarified that we have/will make the One Calls at least 48 hours prior to excavating in any area.

Patrick Fahn moved on to highlight the following items from the Commission's Order PU-12-775:

Item 7 on page 3: Basin identified a survey corridor 100 feet wide for the cultural resource field survey so the disturbance needs to stay within that width.

Item 11 on page 4: SHPO has concurred with the determination that no historic properties or significant sites will be affected.

Item 21 on page 5: The Project's permanent right-of-way is 70 feet wide with a temporary ROW generally 125 feet wide; however, the construction ROW will be reduced to 50 feet wide in wooded areas. Basin needs to stay within the narrower constraint of the 50 foot in the wooded areas or the 100 foot wide survey area.

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Telephone Conference Call – 9:00 am CST

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Patrick Fahn requested that all participants specifically review the Energy Conservation and Transmission Facility Siting Act penalty provisions as provided previously to make sure that they understand the actions that the Commission can take if any party violates the provisions of the order.

Katie Schmidt asked about training or safety requirements for the inspectors. Ron Kroshus requested that inspectors bring their own standard PPE and coordinate their visits with himself 406/671-5530 or with Bob Jeffries 406/850-9277 to make sure they are escorted throughout their inspection visits.

The conference call ended at 9:50 am.

Basin Transload LLC
Lignite Pipeline
PU-12-775

Permit List

ND Department of Transportation – Utility Occupancy Permit No. 7-5-67.532
Enbridge Pipe Crossing – pending
Canadian Pacific Pipeline Crossing Permit No. 4108201 – pending
Vale Township – Utility Occupancy Permit(s)
Fay Township – Utility Occupancy Permit(s)
ND Department of Health – Pollutant Discharge Elimination System (NDPDES) – NDR105297



March 4, 2013

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

Permittee(s)

Owner Contact: Ray Sheldon
Basin Transload, LLC
PO Box 80284
Billings, MT 59108

Operator Contact: Ron Kroshus
Tresco Constructors, Inc
PO Box 80284
Billings, MT 59018

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

Permit ID: NDR105297 Site Name: Lignite Pipeline Project

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

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

Amanda Cross
Division of Water Quality
701.328.5244
across@nd.gov



**APPLICATION (NOTICE OF INTENT) TO OBTAIN
 COVERAGE UNDER NDPDES GENERAL PERMIT
 FOR STORMWATER DISCHARGES ASSOCIATED
 WITH CONSTRUCTION ACTIVITY (NDR10-0000)**
 NORTH DAKOTA DEPARTMENT OF HEALTH
 DIVISION OF WATER QUALITY
 SFN 19145 (01/10)

FOR DEPT. USE ONLY

Application No.
Date Received

GENERAL INFORMATION

Name of Owner of Construction Project Basin Transload, LLC	Contact Person Name (Mr / Ms) Ray W. Sheldon	Contact Phone No. 406/855-5008
Mailing Address P.O. Box 80284	City Billings	State/Province MT
		Zip Code 59108
Name of Operator Working at Site (attach additional, if needed) Tresco Constructors Inc.	Contact Person Name (Mr / Ms) Ron Kroshus	Contact Phone No. 406/671-5530
Mailing Address P.O. Box 80745	City Billings	State/Province MT
		Zip Code 59108

PROJECT INFORMATION

Name of Construction Project Lignite Pipeline Project			
Brief Description of Construction Activity New crude oil pipeline installation			
Project Start Date 2/18/2013	Estimated Completion Date 6/30/2013	Estimated Total Area of Site (acres) 100 acres	Estimated Area of Disturbance (acres) 50 acres
Project Location	Street Address 10154 93 rd Avenue NW		City Columbus, ND 58727
	OR	Township 162 N	Range 92W
		Range 93 W	Section 3,4,5,6, 1,2,3
	Latitude	Longitude	County Mercer
Receiving Waters	Name of Municipal Storm Sewer System, Including Receiving Water		
	OR	Name or Description of Receiving Water Short Creek of Souris River	

Stormwater Pollution Prevention Plan (SWPPP) Requirements

Has a SWPPP been developed in accordance with Part II.C of NDR10-0000?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	STOP: A SWPPP must be prepared and available for review at the time of application. See Part I.D.2 of NDR10-0000 for submittal information.
SWPPP Contact (NDR10-0000, Part II.C.2.a) Ray W. Sheldon	SWPPP Contact Phone No. 406/855-5008	SWPPP Location (NDR10-0000, Part III.B)

Signature Information

RETURN COMPLETED APPLICATION TO: North Dakota Department of Health Division of Water Quality, 4 th Floor 918 East Divide Avenue Bismarck, ND 58501-1947 Telephone: (701) 328-5210 Fax: (701) 328-5200	I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.	
	Printed Name of Owner(s) James R Bennett	Title Director
	Signature of Owner(s) 	Date 2-12-13
	Printed Name of Operator(s) James R. Bennett	Title Vice President
	Signature of Operator(s)	Date



STORMWATER POLLUTION PREVENTION PLAN TEMPLATE
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SFN 19388 (12/2010)

Stormwater Pollution Prevention Plan

For:

Project Name: Lignite Pipeline Project
Site Location/Address: 10154 93rd Avenue NW
City: Columbus, ND 58727
County: Burke
Site Telephone Number: 701/339-9919
(if applicable)

Owner(s):

Company or Organization: Basin Transload, LLC
Contact Name: Ray W. Sheldon
Mailing Address: P.O. Box 80284
City, State, Zip Code: Billings, MT 59108
Telephone Number: 406/652-6328
Fax: 406/652-6320
E-mail: rsheldon@basintransload.com

SWPPP Preparation Date:

02/12/2013

NDPDES Permit Coverage Number:

Stormwater Pollution Prevention Plan (SWPPP)

Foreword:

All construction projects covered by the North Dakota Pollutant Discharge Elimination System General Permit associated with stormwater discharges from construction activity, NDR10-0000, shall prepare and implement a stormwater pollution prevention (SWPP) plan as part of the permit requirements. The SWPP plan and revisions are subject to review by the North Dakota Department of Health. The objectives of the plan are to identify potential sources of stormwater pollution from construction activity and to ensure practices are implemented to minimize the contribution of pollutants to stormwater runoff. Stormwater management measures developed under other regulatory programs (e.g., Spill Prevention, Control and Countermeasure requirements) can be included in the SWPP plan or incorporated by reference.

The SWPP plan may identify more than one permittee and may specify the responsibilities of each permittee by task, area, and/or timing. Permittees may coordinate and prepare more than one SWPP plan to accomplish this. However, in the event there is a requirement under the SWPP plan for which responsibility is ambiguous or is not included in the SWPP plan, each permittee shall be responsible for implementation of that requirement. Each permittee is also responsible for ensuring that its activities do not render another permittee's controls ineffective.

The SWPP plan is an enforceable document; the purpose of the plan is not for regulators to review but for owners and operators to implement.

The SWPP plan shall include the following information:

1. Site description
2. Operational controls
3. Erosion and sediment controls
4. Stormwater management
5. Maintenance
6. Inspections
7. Records location and retention
8. Plan review and revisions
9. Final stabilization
10. Construction stormwater general permit, NDR10-0000
11. Copy of the notice of intent
12. Coverage letter from the North Dakota Department of Health
13. Guidelines, specifications or manuals for selected best management practices

Stormwater Pollution Prevention Plan (SWPPP)

1. **Site Description.** The plan must include a description of the construction site and potential pollutant sources.

a. Project location. Please complete one of the selections.

Street Address: 10154 93rd Avenue NW City: Columbus, ND 58727
 Subdivision (if known): Stampede, ND

Township: 162 N Range: 92 W & 93 W
 Section: 3,4,5,6,1,2,3 --- ¼ ¼ _____ ¼ ; or
 ABCD: _____

Latitude: N 48° 53' Longitude: W 102° 44'

General Location: Pipeline route is generally immediately north of DMVW rail line

b. Describe the overall project and type of construction activity. Attach additional pages if needed and label 1-b.

Development of crude oil pipeline to transport oil from Tesoro pipeline to Stampede rail transloading terminal

c. Estimated total area of the project and total area expected to be disturbed by excavation, grading, grubbing or other activities. Include the estimated total area of offsite support activities that will be covered by the construction general permit. This includes concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas not already covered by another stormwater permit.

Total area of project: ~100 acres

Total area expected to be disturbed: ~50 acres

d. Provide a proposed timetable of soil disturbing activities for major portions of the site (for example; excavation, grading, grubbing, building, temporary stabilization, final stabilization). A construction schedule may be used if available. Attach additional pages if needed and label 1-d.

Phase	Timetable
<u>Initial Right of Way Preparation</u>	<u>Feb 2013</u>
<u>Horizontal Directional Bores</u>	<u>Mar 2013</u>
<u>High Priority Trench Areas</u>	<u>Apr 2013</u>
<u>Remaining Pipeline Route</u>	<u>May 2013</u>
<u>Testing & Initial Operations</u>	<u>Jun 2013</u>
<u>Reclamation</u>	<u>Jun 2013</u>

e. Describe the soil within the disturbed area(s). Attach additional pages if need and label 1-e. (Soil survey information may be found at websoilsurvey.nrcs.usda.gov/app/.)

Loams ranging from silt loam to sandy loams

- f. Provide the drainage path runoff takes as it leaves the site. Include the municipal, county or state-operated storm sewer or drainage ditch, as well as the first named waterbody or wetland (if known) to which the site drains. Attach additional pages if need and label 1-f.

Also include whether or not the waterbody is listed in the most recent *North Dakota Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Water Needing Total Maximum Daily Loads* or if a total maximum daily load (TMDL) has been developed for the waterbody.

The Integrated Report and a list of waterbodies with a TMDL may be found at:
www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

- If the waterbody is listed in the Integrated Report in the Section 303(d) List as impaired due to sedimentation/siltation, then distance to the waterbody must be included.
- If a TMDL allocation has been developed for the waterbody or overall watershed, then a list of the particular pollutants must be included and the SWPP Plan must be developed to satisfy Part I.B.5 of NDR10-0000. The pollutants of concern often are referenced in the title of the TMDL document.

For example: The site drains to the Bismarck storm sewer and discharges into a tributary of Hay Creek. Hay Creek is listed as impaired for sediment and is 1,000 feet from the site.

The pipeline route generally lies north of the DMVW railline intersecting a couple of unnamed drainages which flow into the East Branch of Short Creek, a tributary of the Souris River. Short Creek is not listed in the 2010 Section 303(d) List. The pipeline route crosses 3 USCOE jurisdictional points, all of which will be crossed using horizontal directional drilling to prevent disturbance to the drainage.

- g. Provide a site map showing the following items. Please note: Items 1 through 10 all must be shown on the site map. Label as 1-g.
- 1) Drainage patterns, including flow direction, dividing lines, existing grade and final grade
 - 2) Construction site boundaries
 - 3) Areas of soil disturbance
 - 4) Location of major structural controls identified in this plan
 - 5) Location of major nonstructural controls identified in this plan
 - 6) Location of areas that will be stabilized
 - 7) Surface waters, including an aerial extent of wetland acreage
 - 8) Locations where stormwater is discharged to surface waters
 - 9) Locations where stormwater enters municipal storm sewer systems
 - 10) If part of the project, additional site maps of:
 - Off-site concrete/asphalt batch plants
 - Equipment staging areas
 - Borrow sites
 - Offsite material disposal sites

2. **Operational Controls.** The plan must describe the best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in stormwater runoff.

- a. **SWPP plan contact.** The SWPP plan contact must be an individual who is knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPP plan and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction. The contact may be identified by name or title.

SWPPP contact: Ray W. Sheldon

Phone: 406/855-5008

Title: Development Director

- b. **Chain of responsibility.** A chain of responsibility must be developed by the owner with all operators on site to ensure the SWPP plan will be implemented and remains in effect until (1) the project is complete, (2) final stabilization has been achieved, and (3) a notice of termination (NOT) has been submitted to the department.

Basin Transload's project manager will work closely with Treco Constructors to assure that all responsibilities under this SWPPP are conducted until the project is complete and final stabilization has occurred. Basin Transload's project manager shall be responsible to file a NOT to the department.

- c. **Good housekeeping.** Describe good housekeeping practices used to maintain a clean and orderly project.

Properly handle construction debris and waste materials. The appropriate containers for debris and waste material must be provided until disposal. Litter and debris must be picked up regularly to reduce the chance of being carried away by wind or water. Collected material must be taken to the appropriate facility for disposal or recycling.

Liquid or soluble material (i.e., oil, fuel, paint and hazardous substances) must be stored properly to prevent spills, leaks or discharges off-site. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with applicable regulations.

- 1) Describe how the following items will be properly handled to minimize exposure to stormwater and not be carried offsite by wind or water. Attach additional pages if needed and label 2-c-1.
- Litter
 - Debris
 - Chemicals
 - Parts

Trash recepticals will be available for the workers. The mobile equipment will be fueled from a fuel truck. All but minor maintenance of all equipment will be conducted off-site to minimize potential chemical contaminations of the site. The material stockpiles will be located to minimize run-off impacts to water discharges from the site.

- 2) Describe how off-site accumulations of tracked sediment caused by vehicles and equipment leaving the project will be reduced and cleaned up. Attach additional pages if needed and label 2-c-2.

Note: The general permit NDR10-0000 requires you to removed accumulated sediment tracked onto off-site paved surfaces within 24 hours or within a shorter time period specified by local authorities or the department. Be sure to check with local authorities, most specify either the end of the day or within 24 hours. You also should consider whether public safety will be an issue.

No paved surfaces are located within the project area and no traffic is projected on to the paved Highway 5 to the North of the site.

- 3) Describe how dust generation will be reduced and how off-site accumulations will be cleaned up. Attach additional pages if needed and label 2-c-3.

Dust generation will be reduced by controlling the speed of all construction equipment, use of a water truck and blade to keep the haulage areas watered and smooth.

d. **Preventative maintenance.** Describe what preventative maintenance practices are used, including routine inspections and maintenance, to ensure the proper operation of the following. Attach additional pages if needed and label 2-d.

- Stormwater management devices (for example: oil-water separators, catch basins, fiber rolls, etc.)

Good housekeeping will be use to maintain a clean and orderly site. Stormwater control devices, primarily silt fences and fiber rolls, will be properly operated and maintained. The site will be inspected weekly and maintained to eliminate and minimize impacts to run-off waters and ensure compliance with the plan.

- (Preventative maintenance-continued) Equipment used on-site, such as a pre-startup inspection

Silt fences and fiber logs will be used as well as preservation of existing vegetation where possible to prevent run-off from the construction areas leaving the site, affecting downstream landowners or waterways.

e. **Spill prevention and response procedures.** Describe spill prevention and response procedures used in areas where spills could occur. Bulk storage of petroleum products and other chemicals must have adequate leak and spill protection to prevent spilled material from entering waters of the state or storm sewer systems or from draining onto adjacent property.

Include, where appropriate:

- Specific handling procedures.
- Storage requirements.
- Spill containment procedures.
- Spill cleanup procedures.

Reportable spills are those that:

- Threaten or are in a position to threaten waters of the state, such as surface or ground water.
- Cause immediate danger to human health or safety.
- Cause harm or threaten to harm wildlife or aquatic life.
- Are releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

Note: CFR stands for *Code of Federal Regulations*, and CERCLA stands for *Comprehensive Environmental Response, Compensation, and Liability Act*.

Spill Reporting

Report any spill that may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time you became aware of the spill. The report must be made to EPA-Region 8, Emergency Response Branch, at 800.424.8802 and the state of North Dakota, Division of Homeland Security, at 800.472.2121.

Some releases may require immediate response by trained emergency personnel. This may be coordinated through the Department of Health, Department of Emergency Services and any other state or local emergency response agencies that may be needed. If there is any question as to proper response, call the Department of Health at 701.328.5210 or the North Dakota hazardous materials emergency assistance and spill reporting number (800.472.2121) and provide all relevant information about the incident.

Stormwater Pollution Prevention Plan (SWPPP)

North Dakota Department of Health:

Division of Water Quality	701.328.5210
Division of Waste Management	701.328.5166
Division of Air Quality	701.328.5188
Division of Municipal Facilities	701.328.5211

North Dakota hazardous materials emergency assistance and spill reporting:
800.472.2121 (24-hour hotline)

Nonemergency releases may be reported by filling out the online [Environmental Incident Report Form](http://www.ndhealth.gov/WQ/GW/spills.htm) at www.ndhealth.gov/WQ/GW/spills.htm.

Stormwater Pollution Prevention Plan (SWPPP)

Material/Chemical	Quantity	Handling Procedures	Storage Requirements	Spill Containment Procedures	Spill Clean-up Procedures

Attach additional pages if needed

Stormwater Pollution Prevention Plan (SWPPP)

- f. **Employee training.** Describe how personnel are informed about their responsibility in implementing the practices and controls in the plan. Employee training can include spill response procedures, good housekeeping practices, and erosion and sediment control practices. Note: Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the plan and the general permit, NDR10-0000. Attach additional pages if needed and label 2-f.

Personnel are instructed as to their responsibilities and the procedures for spill prevention, response, housekeeping and erosion and sediment control by the site supervision.

- g. **Concrete wash water, grindings and slurry.** Concrete wash water may not be discharged to any water of the state or any storm sewer system or allowed to drain onto adjacent properties. Disposal must be limited to a defined area or an area designated for cement washout. The area must be sufficient to contain the wash water and residual cement.

Please note that as the project progresses, the wash out area will probably move. Be sure to keep the current position of the wash out area up-to-date on the site map.

Describe what practices will be used to prevent concrete wash water, grindings and slurry from entering waters of the state and storm sewer systems, or draining onto adjacent property. Attach additional pages if needed and label 2-g.

Concrete wash water will not be discharged to any water. Any concrete wash water will be disposed in defined basins adjacent to the foundation installation area.

- h. **Dewatering and basin draining operations.** These operations must not adversely affect receiving waters or downstream landowners. The operation should be inspected daily and a record should be maintained. The following conditions apply to dewatering activities covered by the construction general permit:

- Dewatering is limited to stormwater and groundwater that may collect on site, and the following allowable non-stormwater sources: fire-fighting, fire hydrant flushing, potable water line flushing, infrequent building and equipment wash down without detergents, uncontaminated foundation drains, springs, lawn watering and air conditioning condensate.

Note: You are allowed to discharge the non-stormwater discharges sources only if you describe what measures will be used to minimize their impact to water quality.

A temporary dewatering permit, NDG07-0000, is required for other sources such as hydrostatic testing, contaminated groundwater or surface water. Information about the temporary dewatering permit may be found at: www.ndhealth.gov/WQ/Dewatering/DewateringHome.htm. Discharging wastewater from processing operations or sanitary facilities is not authorized by the construction general permit, NDR10-0000.

- The operation must not lead to sediment deposits within storm sewers, ditches and surface waters. The operation must not cause or potentially cause a visible plume in a surface water.

Describe how dewatering operation will be operated to minimize the release of sediment and amount of erosion caused by the discharge.

Not applicable to this site

- 3. **Erosion and Sediment Controls.** An erosion and sediment control plan must be developed for the project. The plan must identify the appropriate control measures and when they will be implemented during each major phase of the project (e.g., clearing, grading, and building phases).

Stormwater Pollution Prevention Plan (SWPPP)

The basic requirements of an erosion and sediment control plan are:

- a. Sediment basins – or an appropriate combination of equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, fiber logs, vegetative buffer strips, berms, etc. – are required for all down-slope boundaries of the disturbance area and for those side-slope boundaries as may be appropriate for site conditions.
- b. Temporary erosion protection (such as cover crop planting or mulching) or permanent cover must be provided where activities have been completed or temporarily ceased. For areas with a continuous positive slope within 200 lineal feet of a surface water, this must be accomplished within 21 days. These areas include graded slopes, pond embankments, ditches, berms and soil stockpiles.

A general rule of thumb is that seed germination will occur when the soil temperature is above 50°F. Soil temperature information may be found at ndawn.ndsu.nodak.edu.

- c. All control measures must be properly selected, installed and maintained in accordance with the manufacturer’s specifications and good engineering practices. Include with this plan a copy of the use or installation directions for measures that are used during the project. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, it must be replaced or modified for the situation. You may deviate from the manufacturer's specifications and erosion and sediment control guidelines below if you provide justification for the deviation and document the rationale for the deviation in your SWPP plan.
- d. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts. The plan must be modified to prevent further sediment deposition off-site.
- e. Stormwater controls are expected to withstand and function properly up to a two-year, 24-hour precipitation event. Visible erosion and/or off-site sediment deposits should be minimal. A two-year, 24 hour rain event in North Dakota ranges from 1.9 inches in the west to 2.3 inches in the east.
- f. If the project discharges to a waterbody that has a TMDL allocation for sediment, suspended solids or turbidity, this plan must be consistent with the requirements of the TMDL. If the TMDL requires certain practices be used to meet the waste load allocation (WLA), then the practices must be included in this plan.

The erosion and sediment control plan must conform to the guidelines outlined in Appendix I of NDR10-0000 for designing, implementing and maintaining effective erosion and sediment controls. The following questions break down the requirements of Appendix I.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>1. Where practical, temporary or permanent sediment basins must be provided when 10 or more acres of disturbed area drains to a common location. The basins must be provided prior to runoff leaving the site or entering surface waters. The use of sediment basins is encouraged, but not required, in areas with steep slopes or highly erodible soils even if less than 10 acres drains to one area.</p> <p>Is the use of sediment basins practical for the project? If no, skip to question #10. Things to consider include public safety, soil type, slope and available area.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>2. Where appropriate, are temporary sediment basins installed in areas with steep slopes or highly erodible soils?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>3. Are all basins sized or designed to meet one of the following guidelines?</p> <ul style="list-style-type: none"> • Basins must be sized to provide 3,600 cubic feet of storage for every acre of disturbed area draining to the basin; or • Basins must be designed to provide storage for a two-year, 24-hour storm event plus more than 1,800 cubic feet of storage from each disturbed acre that drains to the basin.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. Are basin outlets designed to avoid short-circuiting? Short-circuiting usually occurs when the outlet is near the inlet. This causes water to exit the basin immediately upon entering and little treatment is achieved.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>5. Are basin outlets designed to avoid the discharge of floating debris?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>6. Are the basins designed to allow complete drawdown for maintenance activities? Examples of</p>

Stormwater Pollution Prevention Plan (SWPPP)

	drawdown devices include perforated riser pipes, pumps, skimmers or other means.
<input type="checkbox"/> Yes <input type="checkbox"/> No	7. Is the drawdown designed to release the storage volume in a 24-hour or longer period?
<input type="checkbox"/> Yes <input type="checkbox"/> No	8. Does the basin have a stabilized emergency overflow to prevent failure of pond integrity?
<input type="checkbox"/> Yes <input type="checkbox"/> No	9. Does the basin outlet have an energy dissipater?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	10. If temporary sediment basins are not practical in areas where 10 or more acres of disturbed area drains to a common location, then a combination of erosion and/or sediment controls with equivalent storage must be used for all down-slope construction boundaries and side-slope boundaries as appropriate. Examples of additional controls include smaller sediment basins, sediment traps, silt fences, vegetative buffer strips, etc. Have erosion and sediment controls been provided that have the same sediment-control capabilities as the sediment basins they replaced?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	11. Has temporary erosion protection been provided for exposed soil areas where activities have been completed or will temporarily cease?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	12. Has permanent cover been provided for exposed soil areas where activities have been completed or will temporarily cease?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	13. For areas with a continuous positive slope within 200 lineal feet of a surface water, does the plan address how temporary erosion protection or permanent cover will be applied within 21 days of completing or ceasing earthmoving activities in these areas (pond embankments, ditches, berms, soil stockpiles)? Temporary stockpiles without significant silt, clay or organic components, such as clean aggregate stockpiles, demolition concrete stockpiles, and sand stockpiles, are exempt.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	14. Do temporary soil stockpiles have effective sediment controls?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the plan address how temporary soil stockpiles will not be placed in surface waters, stormwater conveyance systems, curb and gutter systems, conduits or ditches?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	15. Are there any temporary or permanent drainage ditches that drain water from the construction site or divert water around the site?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the plan address how the normal wetted perimeter of these ditches will be stabilized within 200 lineal feet of the property edge or point of discharge to a surface water?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the plan address how the normal wetted perimeter will be stabilized within 24 hours of connecting to a surface water?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	16. Does the plan address how pipe outlets will be provided with temporary or permanent energy dissipation within 24 hours of connecting to a surface water?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	17. Where applicable, are splash pads and/or downspout extensions provided for roof drains to prevent erosion?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	18. For slopes with a grade of 3:1 or steeper, is the slope length broken up every 75 feet?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	19. Do temporary or permanent drainage ditches and sediment basins that are part of a treatment system have appropriate sediment controls?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20. Are all storm drain inlets within the project limits and in the immediate vicinity of the site protected?

Stormwater Pollution Prevention Plan (SWPPP)

	<p>This includes inlets affected by sediment tracked from the site.</p> <p>Note: Inlet protection is a last line of defense. Additional sediment and erosion control practices must be used on-site. Inlet protection must conform to local ordinances or regulations. Maintenance and cleaning of inlet protection must be performed in a timely manner.</p> <p>Inlet protection may be removed for a particular inlet if a specific concern, such as street flooding/freezing or snow removal, has been identified and documented in the SWPP plan. In these situations, additional erosion and sediment control practices must be used in place of the lost inlet protection.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	21. Do inlet protection devices provide adequate drainage to prevent excessive flooding?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>22. Do vegetative buffers have a minimum width of 25 feet for every 125 feet of disturbed area that drains to the buffer? For each additional 5 feet of disturbance, an additional 1 foot of buffer must be added.</p> <p>The buffer should have a slope of 5 percent or less, and the area draining to the buffer should have a slope of 6 percent or less.</p> <p>Note: In some instances, a minimum width of 25 feet may not be necessary based on past experience with buffers. In those cases, a short explanation about what your experience has shown should be included in this plan.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	23. Are concentrated flows being minimized throughout the vegetative buffer?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	24. Do vegetative buffers consist of dense, grassy vegetation? Dense, grassy vegetation is 3 to 12 inches tall with uniform coverage over 90 percent of the buffer. No more than 10 percent of the buffer may consist of woody vegetation.

4. Stormwater Management. The plan must identify what permanent practices will be used to control pollutants in stormwater discharges once construction is complete. This refers to post-construction controls like permanent infiltration devices or low-impact development practices. This does not refer to devices used to stabilize the site as a result of construction activity, such as silt fence or erosion control blanket, so this section may not apply to all projects.

Maintenance of on-site stormwater management features is your responsibility until a notice of termination has been submitted or the feature is accepted by the party responsible for long-term maintenance (e.g., a municipality accepts a stormwater pond built during the project). In the site map identify:

- a. Stormwater ponds; flow reduction practices that use open vegetated swales and natural depressions; infiltration of on-site runoff; and sequential systems that combine several practices.
- b. Velocity / energy dissipation devices placed at discharge locations (e.g., riprap) and appropriate erosion protection for outfall channels and ditches (e.g., hard armor or soft armor practices).

5. Maintenance. All erosion and sediment control (ESC) measures and other protective measures identified in the plan must be maintained in effective operating condition. The plan must indicate the appropriate maintenance or cleanout interval for selected erosion and sediment controls. Attach additional pages if needed and label 5.

If site inspections identify BMPs that are not operating effectively, maintenance must be arranged and accomplished as soon as practicable.

When describing the maintenance and cleanout frequency of selected measures, try not to use vague terms like "as needed." Instead describe what is meant by "as needed," such as when one-third full or at the end of each work day.

ESC Measure	Maintenance Frequency	Cleanout Frequency
Silt Fences	weekly	when one-third full
Fiber rolls	weekly	when one-third full

Maintenance Considerations:

- a. All erosion prevention and sediment control practices must be inspected to ensure integrity and effectiveness. All nonfunctional practices must be repaired, replaced or supplemented with functional practices.
- b. At a minimum, you must investigate and comply with the following maintenance requirements:
 - All control devices that function similarly to silt fence or fiber rolls must be repaired, replaced or supplemented with effective controls when they become nonfunctional or the sediment reaches one-third the height of the device. These repairs must be made within 24 hours of discovery or as soon as field conditions allow access.
 - Sediment that has collected within temporary or permanent sedimentation basins must be removed when one-half of the sediment storage volume has been reached. Drainage and removal must be completed within 72 hours of discovery or as soon as field conditions allow access.
- c. All sediment deltas and deposits must be removed from surface waters, drainage ways, catch basins and other drainage systems. All areas where sediment removal resulted in exposed soil must be restabilized. The removal and stabilization must take place immediately, but no more than seven (7) days after the discovery unless precluded by legal, regulatory or physical access constraints. All reasonable efforts must be used to obtain access. Once access is obtained, removal and stabilization must take place immediately, but no more than seven (7) days later. You are responsible for contacting all of the appropriate authorities and receiving the applicable permits prior to conducting any work.
- d. Accumulations of tracked and deposited sediment must be removed from off-site paved surfaces within 24 hours or sooner if required. Sediment tracking must be minimized by the appropriate management practice, like a dedicated site exit with an aggregate surface or designated off-site parking area. You are responsible for street sweeping and/or scraping if your practices are not adequate to prevent sediment from being tracked from the site.
- e. Off-site accumulations of sediment must be removed in the manner and frequency sufficient to minimize off-site impacts; for example, fugitive sediment in the street could be washed into the storm sewer by the next rain event and/or pose a safety hazard to users of public streets.
- f. If a vegetative buffer is silt covered, contains rills, or is otherwise rendered ineffective, other control measures must be implemented. Any eroded areas have to be repaired and stabilized.

6. Inspections. Site inspections must be conducted to monitor the condition of stormwater discharge outlets and the effectiveness of erosion and sediment controls and other best management practices. Personnel conducting inspections must be familiar with the permit conditions and the proper installation and operation of erosion and sediment control measures. At a minimum, inspections must be performed and recorded once every 14 calendar days and within 24 hours of a 0.50-inch or more rain event. You may use a rain gauge or the nearest National Weather Service precipitation gauge station; each must be within 5 miles of the project. Inspection frequency may be reduced based on site conditions. Refer to part III.A of the construction general permit for more information.

All erosion and sediment control measures identified in the plan must be inspected to ensure they are operating correctly and in serviceable condition.

Surface waters, drainage ditches and conveyance systems must be inspected for sediment deposits.

Exit points from the construction site (onto paved surfaces) must be inspected for sediment being tracked by vehicles or equipment.

Vegetative buffers must be inspected for the proper distribution of flows, sediment accumulation and signs of rill formation.

Erosion and sediment controls found in need of maintenance between inspections need to be repaired or supplemented with appropriate measures as soon as possible.

Discharge outlets from material storage areas, vehicle maintenance areas and permanent stormwater control measures must be inspected. Look for evidence of, or the potential for, pollutants entering a drainage system. The plan must be revised if any deficiencies are noted.

Stormwater Pollution Prevention Plan (SWPPP)

- a. Some erosion and sediment control measures may require more frequent inspections based on location or as a result of a recurring maintenance issue. The measure, location and inspection frequency should be outlined below:

ESC Measure	Location	Inspection Frequency

- b. Location of rain gauge being used: _____

- c. In some instances, more than one inspector may be responsible for reviewing different areas of the site, or there may be different inspectors involved with different phases.

Inspector(s)	Area of Inspection	Construction Phase of Inspection	Start Date	End Date
Ron Kroshus	All	ROW / Trenching/ Backfilling	02/18/2013	07/31/2013

- e. All inspections and maintenance activity must be recorded in writing. Records of each inspection and maintenance activity shall include:
- 1) The date and time of the inspection.
 - 2) The name of the person(s) conducting the inspection.
 - 3) The findings of the inspection, including recommendations for corrective actions.
 - 4) Any corrective actions taken (including dates, times and party completing the maintenance activity).
 - 5) The date and amount of all rainfall events greater than 0.05 inches in 24 hours.
 - 6) Documentation that the SWPP plan was amended when substantial changes were made to erosion and sediment controls or other best management practices.

7. Records Location and Retention.

- a. The following documents must be kept in a field office, trailer, shed or vehicle that is on-site during normal working hours:
- 1) A completed and signed copy of the notice of intent
 - 2) The permit coverage letter from the North Dakota Department of Health
 - 3) The stormwater pollution prevention plan
 - 4) Site inspection records
 - 5) A copy of the North Dakota Pollutant Discharge Elimination System General Permit associated with stormwater discharges from construction activity, NDR10-0000
- b. If a reasonable on-site location is not available, then the documents may be retained at a readily available alternative location, preferably with the SWPP plan contact. If the site is inactive, then the documents may be stored at a local office.
- c. All records and information must be kept for at least three years or longer if requested by the North Dakota Department of Health or United States Environmental Protection Agency.

8. Plan Review and Revisions.

- a. The plan must be signed in accordance with Part IV-E of NDR10-0000.
- b. The plan must be made available, upon request, to the North Dakota Department of Health, United States Environmental Protection Agency, or operator of the local municipal separate storm sewer system.
- c. The plan must be amended whenever there is a change in design, construction, operation or maintenance that could have a significant effect on the potential for the discharge of pollutants to the waters of the state. It also must be amended if it is found to be ineffective in controlling pollutants present in stormwater.

Stormwater Pollution Prevention Plan (SWPPP)

SWPPP Revision Documentation

<u>Item Revised</u>	<u>Revision Made</u>	<u>Date</u>	<u>Initials</u>
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

9. Final Stabilization.

Final stabilization means that:

- a. All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70 percent of the native cover for unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions or geotextiles) has been achieved.
- b. For areas with an average annual rainfall of less than 20 inches only, all soil-disturbing activities at the site have been completed and temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed and installed, along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent vegetative coverage within three years without active maintenance.
- c. For soil-disturbing activities on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-disturbance agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas that are not being returned to their pre-disturbance agricultural use must meet the final stabilization criteria in (a) or (b) above.

Final stabilization has been achieved when one of the criteria above has been met and:

- a. All drainage ditches constructed to drain water from the site following construction have been stabilized to preclude erosion.
- b. All temporary, synthetic and structural erosion and sediment controls have been removed.
- c. Sediment has been removed from all stormwater conveyances and basins used for permanent water quality management. Removed sediment must be stabilized to prevent subsequent erosion in the future.

Final stabilization also can be achieved when a new permittee has assumed control of the site.

In the case of residential construction, final stabilization is achieved when erosion protection and down-gradient perimeter controls for individual lots have been installed and the residence has been transferred to the homeowner. In addition, a "homeowner fact sheet" must be given to the homeowner to inform them of the need for, and benefit of, stabilizing their property. You also must demonstrate that the homeowner received the fact sheet.

Stormwater Pollution Prevention Plan (SWPPP)

The individual(s) described below is(are) responsible for the following portion(s) of the Stormwater Pollution Prevention Plan:

<u>Ray Sheldon</u> Name	<u>Basin Transload</u> Company	<u>Development Director</u> Title
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Plan Development and Revision
SWPP Plan Responsibility

<u>Ron Kroshus</u> Name	<u>Treco Constructors</u> Company	<u>Site Superintendent</u> Title
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Erosion / Sediment control / Trenching/Backfill
SWPP Plan Responsibility

_____ Name	_____ Company	_____ Title
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SWPP Plan Responsibility

_____ Name	_____ Company	_____ Title
---------------	------------------	----------------

SWPP Plan Responsibility

_____ Name	_____ Company	_____ Title
---------------	------------------	----------------

SWPP Plan Responsibility

Attach additional pages if needed.

CERTIFICATION

Certification Instructions:

The stormwater pollution prevention plan (SWPPP) must be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

The SWPPP may be signed by a duly authorized representative of the individual described above if:

- The authorization is made in writing by the person described above and submitted to the North Dakota Department of Health; and
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the plant manager, the superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

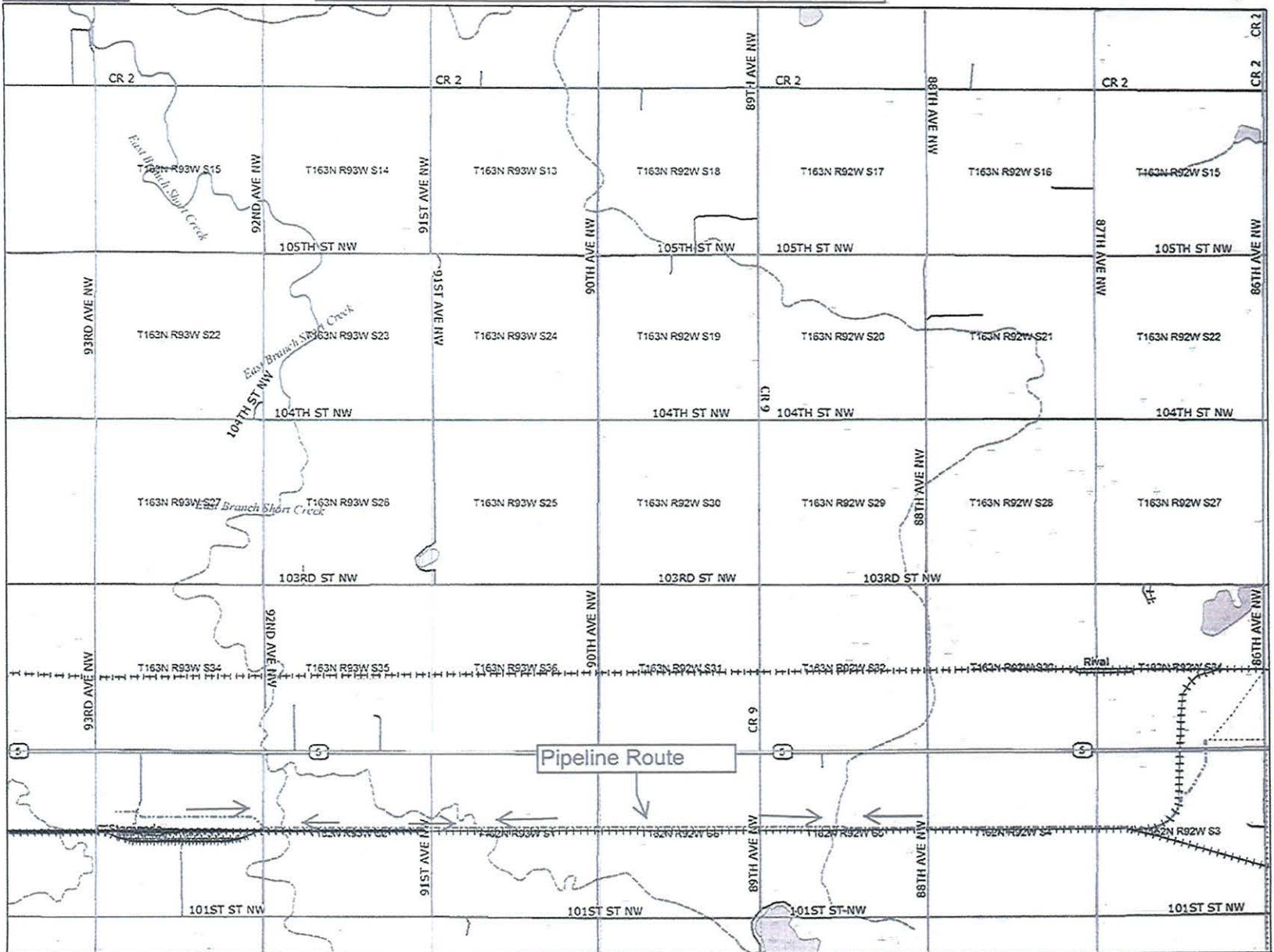
If the authorization is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department of Health prior to or together with any reports, information or applications signed by the authorized representative.

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name James R. Bennett Title Director

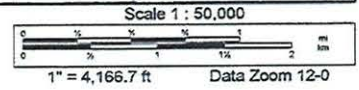
Signature  Date 7-12-13

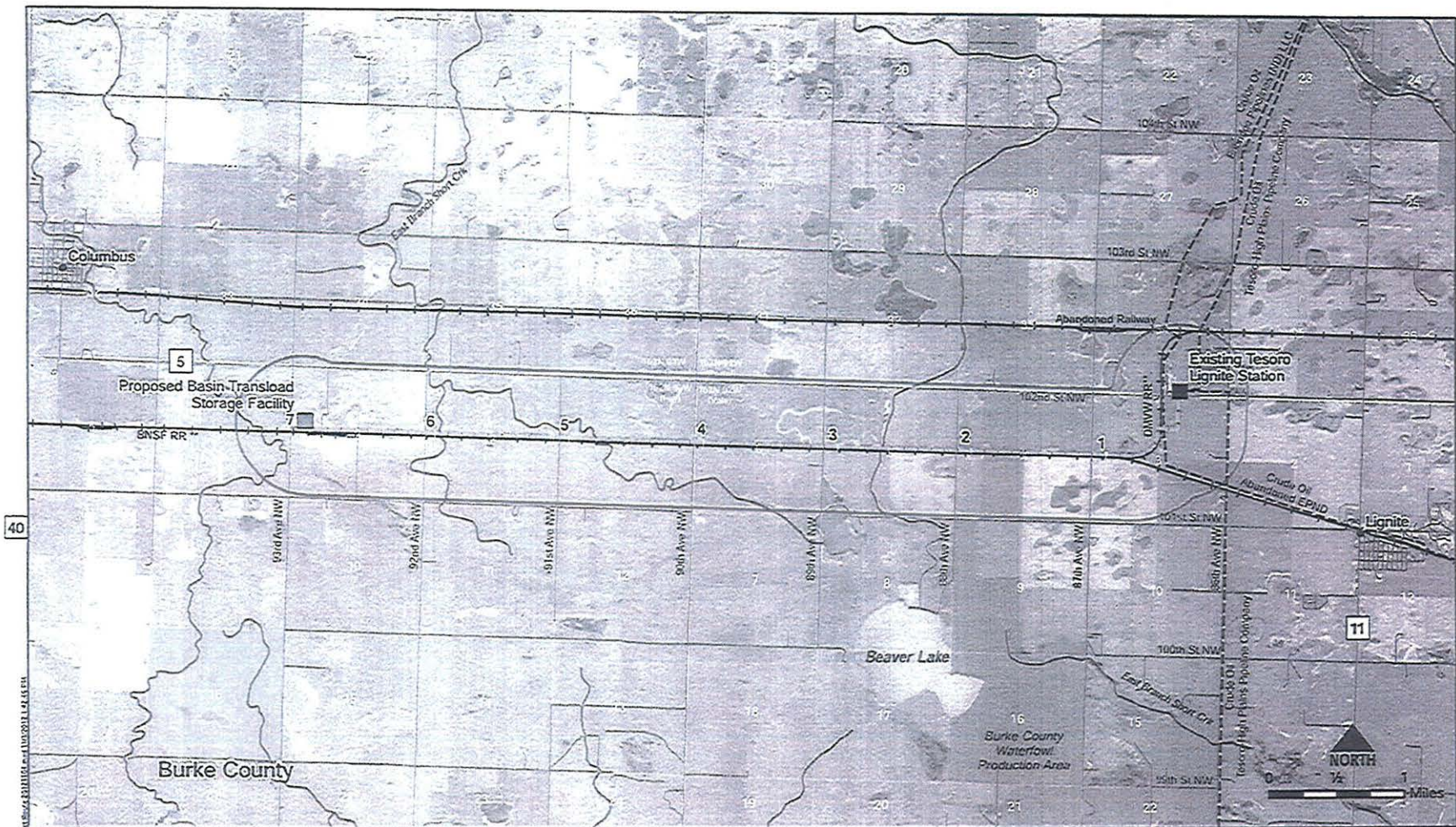


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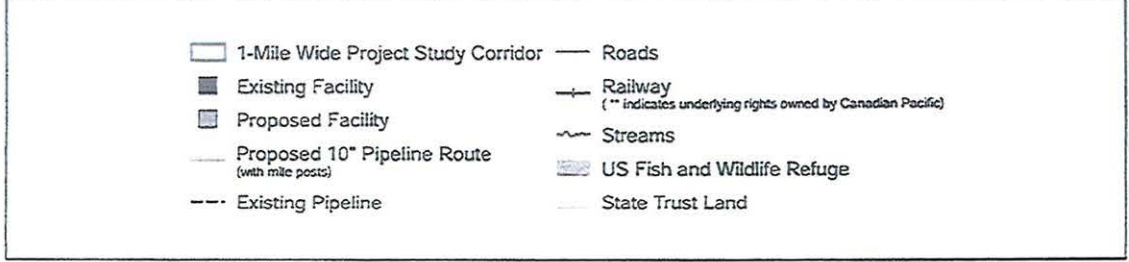
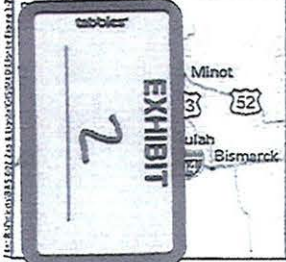


Figure 1-2
THPP Lignite Lateral Pipeline Project Route

UTILITY OCCUPANCY APPLICATION AND PERMIT

North Dakota Department of Transportation, Design Division
SFN 7995 (Rev. 04-2011)

Document Number <u>72177</u>	(FOR STATE USE ONLY)	Permit Number <u>7-5-67.532</u>
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APPLICANT INFORMATION

Owner of Facility Basin Transload LLC		City Billings	State MT	Zip Code 59108
Mailing Address P.O. Box 80284				Telephone Number (406) 652-8328
Owner's Agent Ray Sheldon	City Billings	State MT	Zip Code 59108	Telephone Number (406) 855-5008
Owner's Contractor TRE Constructors, Inc.	City Billings	State MT	Telephone Number (406) 652-8327	

LOCATION NO. 1 (FOR STATE USE ONLY) Begin Ref. Point 67.532 End Ref. Point _____

Highway No. <u>5</u>	<input type="checkbox"/> Along or <input checked="" type="checkbox"/> Across	Lanes of traffic <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin _____ feet from reference marker _____	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from city of _____ or <u>2.4</u> miles from junction highway <u>52</u>		

TYPE OF FACILITY (Complete appropriate spaces only.)

Description of Proposed Facility <u>crude oil pipeline crossing - underground - installation will be with a directional bore</u>		
Size of Facility 10" pipe	Number of Cables NA	Length of Down Guys NA
Pipeline Pressure 1440 psi	Size of Casing NA	Length of Casing NA
Location of Pole(s) NA	Location of Appurtenances markers at highway right of way	Location - Others

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right of way shall be subject to the North Dakota Department of Transportation's "A Policy for Accommodation of Utilities on State Highway Right of Way", current edition, and the following terms and conditions, attached hereto and made a part hereof.

- (A) Installation/maintenance of said facilities shall be done in a manner satisfactory to the NDDOT district engineer,
- (B) Owner shall notify the NDDOT district engineer forty-eight (48) hours prior to installing, maintaining, relocating, or removing said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the NDDOT district engineer.
- (C) The owner shall be required to wear an ANSI/ISEA 107-2004 Class II height visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.
- (D) Owner shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said facilities on highway right of way.
- (E) The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
- (F) Owner shall promptly remove said facilities from highway right of way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by NDDOT.
- (G) NDDOT specifically reserves the right to revoke, or change the terms and conditions of, this Permit with or without cause and upon notice to the Owner.

R 71915

(H) The Owner, for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the Owner shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the NDDOT shall have the right to terminate this Permit and to re-enter and repossess said land and the facilities thereon and hold the same as if said Permit had never been made or issued.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

(I) The installation shall be completed on or before April 1, 20 13

10/15/12
DATE

[Signature]
OWNER'S SIGNATURE

The Owner is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto and made a part hereof. Approved by NDDOT this 24 day of Oct, 20 12

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Walter A. Peterson
DISTRICT ENGINEER (TYPE OR PRINT)

[Signature]
SIGNATURE

UTILITY OCCUPANCY APPLICATION AND PERMIT

Permit # 1

Applicant Information:

Basin Transload LLC of **Billings**, **Montana**
 Owner of Facility City State
P.O. Box 80284, 59108 (406) 652-8328
 Mailing Address Telephone Number
Ray W. Sheldon **Development Director** (406)855-5008
 Applicant's Agent Title Telephone Number

Vale Township Direction N S E W **West 3** miles from city of **Lignite**
 Or **42 feet north** miles from Junction **88th Avenue NW & DMVW railroad tracks**
 Section(s) **4 & 5** Township **162 North** Range **92 West**

Type of Facility:

10" Crude Oil Pipeline from Tesoro Lignite Truck LACT to Stampede Rail Transloading Facility
 Description of proposed facility (including drawings/sketches/staking sheet)

Horizontal Directional Drilling (Boring) at least 6' under roadway and 4' under ditch bottoms
 Description of proposed method of installation

<u>10" nominal pipe size</u>		
Size of Facility	Number of Cables	Length of down guys
<u>1,480 psi</u>	<u>NONE</u>	
Pipeline pressure	Size of Casing	Length of Casing
	<u>LINE MARKER @ ROW</u>	
Location of pole(s)	Location of Appurtenances	Location-Others

Terms & Conditions: Installation and method of said facilities on highway right of way shall be subject to the following terms & conditions, and the installation & maintenance provisions, attached hereto and made a part hereof.

- A. Installation of said facility shall be done in a manner satisfactory to the Vale Township Board of Supervisors
- B. Applicant shall notify the Vale Township Chairman 48 hours prior to maintaining, relocating, or removal of said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the Vale Township Board of Supervisors.
- C. Vale Township shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold Vale Township and any of its employees harmless for injury to persons or damage to property resulting from the location of said facilities on highway right of way.
- D. Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation & maintenance of said facilities on highway right of way.
- E. Applicant shall remove said facilities from highway right of way or shall relocate or adjust said facilities at its sole cost & expense when they are requested to do so by Vale Township which shall be completed as soon thereafter as is practicable.
- F. Additional installation & maintenance requirements are as follows (if applicable):
- G. Installation shall be completed on or before June 30, 2013

1-18-2013 Date Ray W. Sheldon Applicant Signature

Applicant is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto & made a part hereof.

Approved by Vale Township this 24 day of January, 2013
Daniel Hyslop Township Chairman Donnie Nelson Melany Hill Township Board of Supervisors

UTILITY OCCUPANCY APPLICATION AND PERMIT

Permit # 1

Applicant Information:

Basin Transload LLC of Billings, Montana
 Owner of Facility City State
P.O. Box 80284, 59108 (406) 652-8328
 Mailing Address Telephone Number
Ray W. Sheldon Development Director (406) 855-5008
 Applicant's Agent Title Telephone Number

Vale Township _____ Direction N S E W West 4 miles from city of Lignite
 Or 100 feet north miles from Junction 89th Avenue NW & DMVW railroad tracks
 Section(s) 5 & 6 Township 162 North Range 92 West

Type of Facility:

10" Crude Oil Pipeline from Tesoro Lignite Truck LACT to Stampede Rail Transloading Facility
 Description of proposed facility (including drawings/sketches/staking sheet)

Horizontal Directional Drilling (Boring) at least 6' under roadway and 4' under ditch bottoms
 Description of proposed method of installation

<u>10" nominal pipe size</u>	_____	_____
Size of Facility	Number of Cables	Length of down guys
<u>1,480 psi</u>	<u>NONE</u>	_____
Pipeline pressure	Size of Casing	Length of Casing
_____	<u>LJNE MARKER @ ROW</u>	_____
Location of pole(s)	Location of Appurtenances	Location-Others

Terms & Conditions: Installation and method of said facilities on highway right of way shall be subject to the following terms & conditions, and the installation & maintenance provisions, attached hereto and made a part hereof.

- A. Installation of said facility shall be done in a manner satisfactory to the Vale Township Board of Supervisors
- B. Applicant shall notify the Vale Township Chairman 48 hours prior to maintaining, relocating, or removal of said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the Vale Township Board of Supervisors.
- C. Vale Township shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold Vale Township and any of its employees harmless for injury to persons or damage to property resulting from the location of said facilities on highway right of way.
- D. Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation & maintenance of said facilities on highway right of way.
- E. Applicant shall remove said facilities from highway right of way or shall relocate or adjust said facilities at its sole cost & expense when they are requested to do so by Vale Township which shall be completed as soon thereafter as is practicable.
- F. Additional installation & maintenance requirements are as follows (if applicable):
- G. Installation shall be completed on or before June 30, 2013

1-18-2013 Ray W. Sheldon
 Date Applicant Signature

Applicant is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto & made a part hereof.

Approved by Vale Township this 24 day of January 2013
Daniel Hysjuber Doug Hill Megany Hill
 Township Chairman Township Board of Supervisors

UTILITY OCCUPANCY APPLICATION AND PERMIT

Permit # _____

Applicant Information:

Basin Transload LLC of **Billings**, **Montana**
 Owner of Facility City State
P.O. Box 80284, 59108 (406) 652-8328
 Mailing Address Telephone Number
Ray W. Sheldon **Development Director** (406) 855-5008
 Applicant's Agent Title Telephone Number

Fay Township Direction N S E W **West** **7** miles from city of **Lignite**
 Or **100 feet north** miles from Junction **92nd Avenue NW & DMVW railroad tracks**
 Section(s) **2 & 3** Township **163 North** Range **92 West**

Type of Facility:

10" Crude Oil Pipeline from Tesoro Lignite Truck LACT to Stampede Rail Transloading Facility
 Description of proposed facility (including drawings/sketches/staking sheet)

Horizontal Directional Drilling (Boring) at least 6' under roadway and 4' under ditch bottoms
 Description of proposed method of installation

<u>10" nominal pipe size</u>	_____	_____
Size of Facility	Number of Cables	Length of down guys
<u>1,480 psi</u>	<u>NONE</u>	_____
Pipeline pressure	Size of Casing	Length of Casing
_____	<u>LINE MARKER @ ROW</u>	_____
Location of pole(s)	Location of Appurtenances	Location-Others

Terms & Conditions: Installation and method of said facilities on highway right of way shall be subject to the following terms & conditions, and the installation & maintenance provisions, attached hereto and made a part hereof.

- A. Installation of said facility shall be done in a manner satisfactory to the Fay Township Board of Supervisors
- B. Applicant shall notify the Fay Township Chairman 48 hours prior to maintaining, relocating, or removal of said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the Fay Township Board of Supervisors.
- C. Fay Township shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold Fay Township and any of its employees harmless for injury to persons or damage to property resulting from the location of said facilities on highway right of way.
- D. Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation & maintenance of said facilities on highway right of way.
- E. Applicant shall remove said facilities from highway right of way or shall relocate or adjust said facilities at its sole cost & expense when they are requested to do so by Fay Township which shall be completed as soon thereafter as is practicable.
- F. Additional installation & maintenance requirements are as follows (if applicable):
- G. Installation shall be completed on or before **June 30, 2013**

1-18-2013 Ray W. Sheldon
 Date Applicant Signature

Applicant is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto & made a part hereof.

Approved by Fay Township this 7th day of February, 2013
David Steele Fay
 Township Chairman Township Board of Supervisors

UTILITY OCCUPANCY APPLICATION AND PERMIT

Permit # _____

Applicant Information:

Basin Transload LLC of Billings, Montana
 Owner of Facility City State
P.O. Box 80284, 59108 (406) 652-8328
 Mailing Address Telephone Number
Ray W. Sheldon Development Director (406)855-5008
 Applicant's Agent Title Telephone Number

Fay Township Direction N S E W West 6 miles from city of Lignite
 Or 100 feet north miles from Junction 91st Avenue NW & DMVW railroad tracks
 Section(s) 1 & 2 Township 163 North Range 92 West

Type of Facility:

10" Crude Oil Pipeline from Tesoro Lignite Truck LACT to Stampede Rail Transloading Facility
 Description of proposed facility (including drawings/sketches/staking sheet)

Horizontal Directional Drilling (Boring) at least 6' under roadway and 4' under ditch bottoms
 Description of proposed method of installation

10" nominal pipe size
 Size of Facility Number of Cables Length of down guys
1,480 psi NONE
 Pipeline pressure Size of Casing Length of Casing
LINE MARKER @ ROW
 Location of pole(s) Location of Appurtenances Location-Others

Terms & Conditions: Installation and method of said facilities on highway right of way shall be subject to the following terms & conditions, and the installation & maintenance provisions, attached hereto and made a part hereof.

- A. Installation of said facility shall be done in a manner satisfactory to the Fay Township Board of Supervisors
- B. Applicant shall notify the Fay Township Chairman 48 hours prior to maintaining, relocating, or removal of said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the Fay Township Board of Supervisors.
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- D. Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation & maintenance of said facilities on highway right of way.
- E. Applicant shall remove said facilities from highway right of way or shall relocate or adjust said facilities at its sole cost & expense when they are requested to do so by Fay Township which shall be completed as soon thereafter as is practicable.
- F. Additional installation & maintenance requirements are as follows (if applicable):
- G. Installation shall be completed on or before June 30, 2013

1-18-2013 Ray W. Sheldon
 Date Applicant Signature

Applicant is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto & made a part hereof.

Approved by Fay Township this 17th day of February, 2013
Darrell Dille Fay
 Township Chairman Township Board of Supervisors

UTILITY OCCUPANCY APPLICATION AND PERMIT

Permit # _____

Applicant Information:

Basin Transload LLC of **Billings**, **Montana**
 Owner of Facility City State
P.O. Box 80284, 59108 **(406) 652-8328**
 Mailing Address Telephone Number
Ray W. Sheldon **Development Director** **(406)855-5008**
 Applicant's Agent Title Telephone Number

Fay Township Direction N S E W **West** **5** miles from city of **Lignite**
 Or **100 feet north** miles from Junction **90th Avenue NW & DMVW railroad tracks**
 Section(s) **1 & (6,T162NR92W)** Township **163 North** Range **92 West**

Type of Facility:

10" Crude Oil Pipeline from Tesoro Lignite Truck LACT to Stampede Rail Transloading Facility
 Description of proposed facility (including drawings/sketches/staking sheet)

Horizontal Directional Drilling (Boring) at least 6' under roadway and 4' under ditch bottoms
 Description of proposed method of installation

<u>10" nominal pipe size</u>		
Size of Facility	Number of Cables	Length of down guys
<u>1,480 psi</u>	<u>NONE</u>	
Pipeline pressure	Size of Casing	Length of Casing
	<u>LINE MARKER @ ROW</u>	
Location of pole(s)	Location of Appurtenances	Location-Others

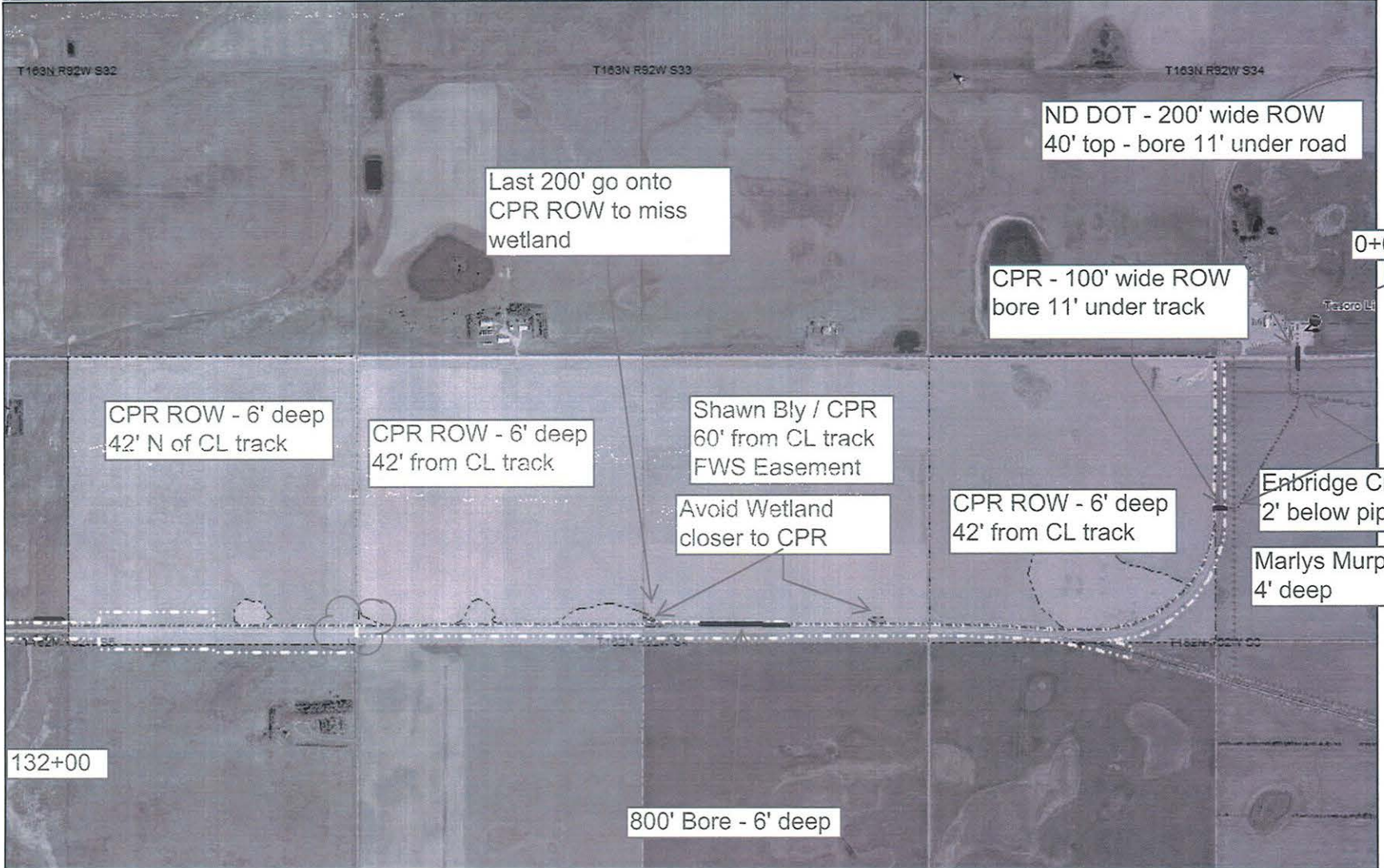
Terms & Conditions: Installation and method of said facilities on highway right of way shall be subject to the following terms & conditions, and the installation & maintenance provisions, attached hereto and made a part hereof.

- A. Installation of said facility shall be done in a manner satisfactory to the Fay Township Board of Supervisors
- B. Applicant shall notify the Fay Township Chairman 48 hours prior to maintaining, relocating, or removal of said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the Fay Township Board of Supervisors.
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- D. Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation & maintenance of said facilities on highway right of way.
- E. Applicant shall remove said facilities from highway right of way or shall relocate or adjust said facilities at its sole cost & expense when they are requested to do so by Fay Township which shall be completed as soon thereafter as is practicable.
- F. Additional installation & maintenance requirements are as follows (if applicable):
- G. Installation shall be completed on or before June 30, 2013

1-18-2013
 Date Ray W. Sheldon
 Applicant Signature

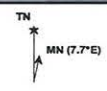
Applicant is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto & made a part hereof.

Approved by Fay Township this 7th day of February, 2013
David D. Ahle Fay
 Township Chairman Township Board of Supervisors

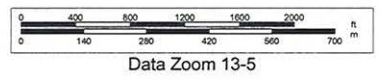


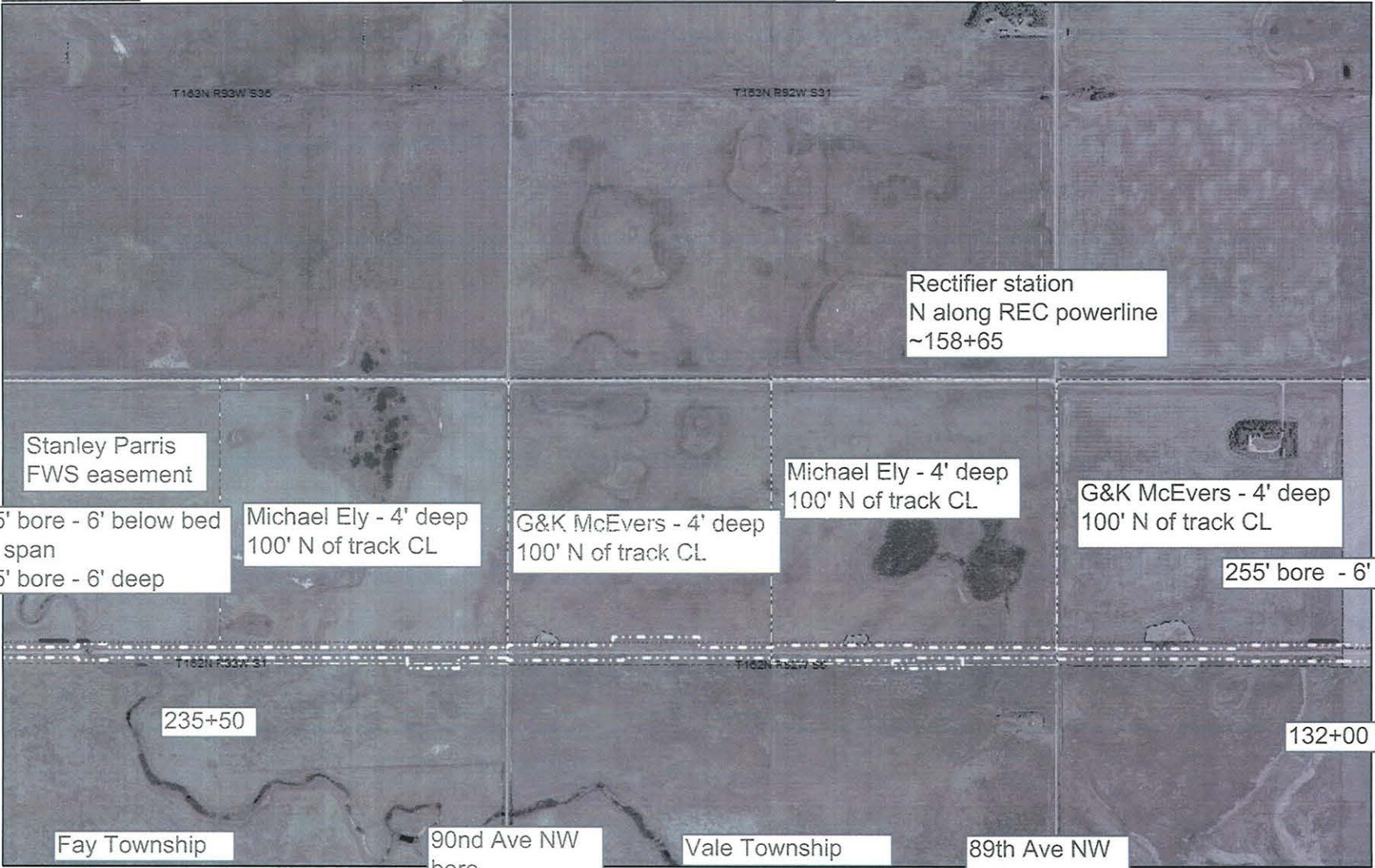
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 www.delorme.com

88th Ave NW
 bore

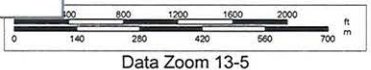


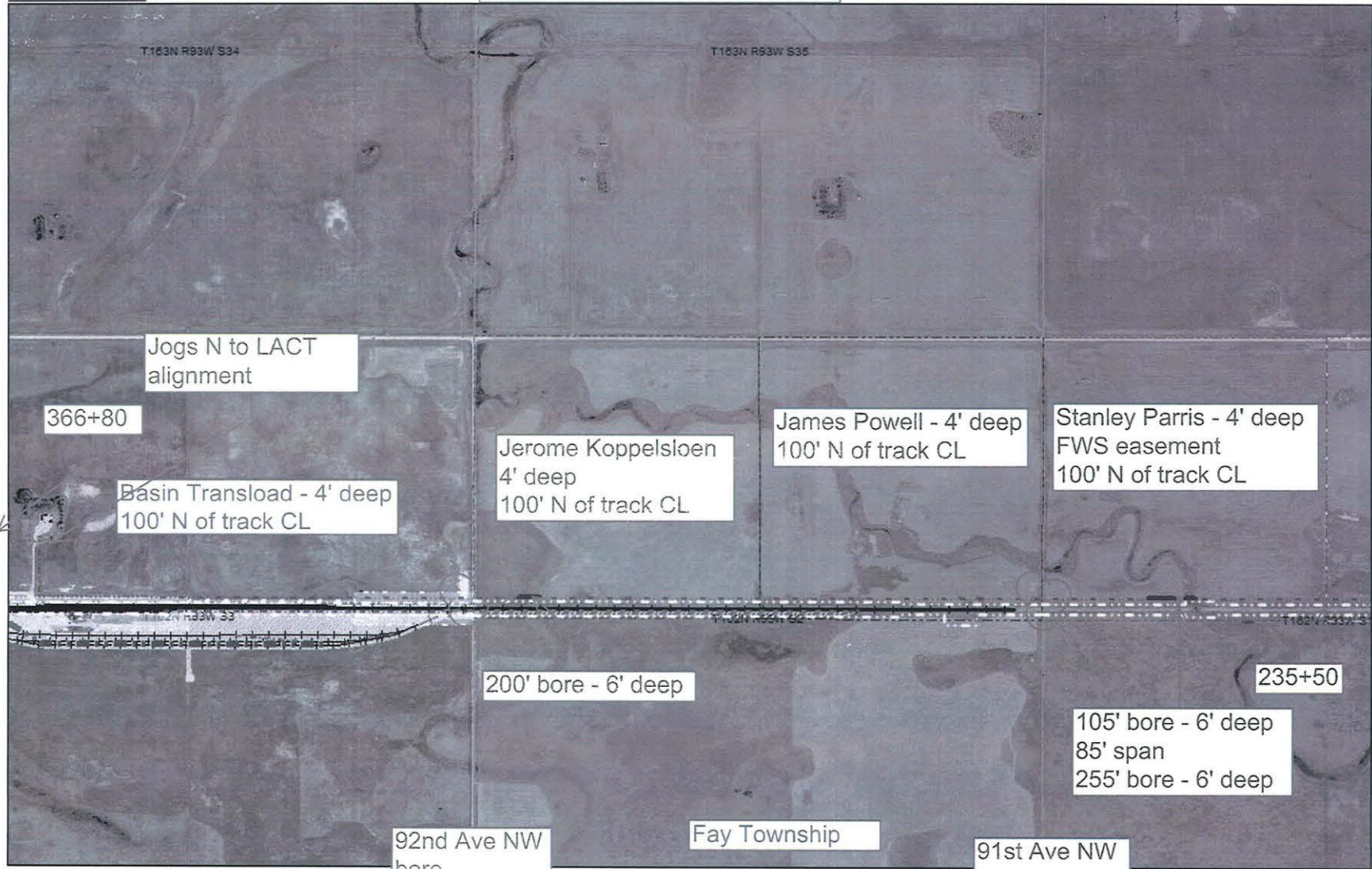
87th Ave NW
 Min maint road
 open cut @ request
 of landowner





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www.delorme.com

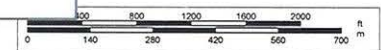




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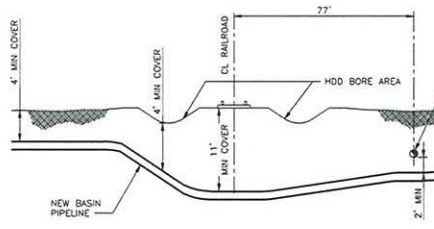
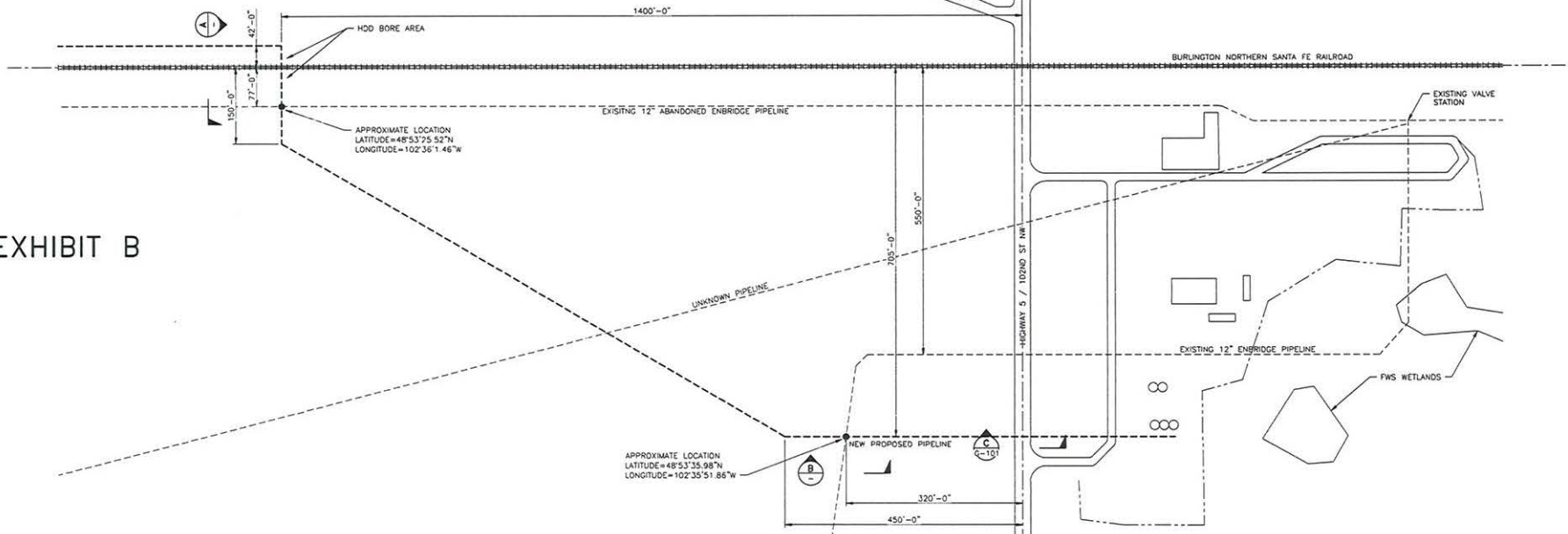
www.delorme.com



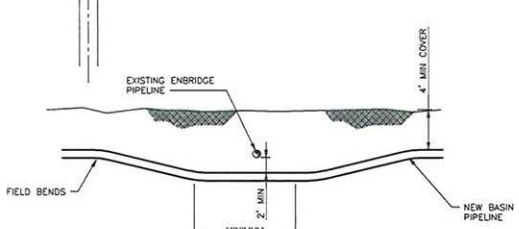
Data Zoom 13-5



EXHIBIT B



A FOREIGN PIPE CROSSING
NTS



B FOREIGN PIPE CROSSING
NTS

DWG. NO.	REFERENCE DRAWINGS	REV	DESCRIPTION	DATE	DESIGNER	CHECKED	ENGINEER	PROJ MGR
		F	FOR REFERENCE ONLY	2/24/2013	CTT		RS	
		E	FOR REFERENCE ONLY	2/24/2013	CTT		RS	
		D	FOR REFERENCE ONLY	1/18/2013	HW		RS	
		C	FOR REFERENCE ONLY	1/15/2013	HW		RS	
		B	FOR REFERENCE ONLY	1/11/2013	CTT		RS	

FOR REFERENCE ONLY



KESTREL ENGINEERING GROUP
 DWG CREATED: 1/8/2013 BY: CTT
 PROJECT NO: 13-225 SCALE: AS NOTED

PROJECT: BASIN	
DWG NAME: BASIN FOREIGN PIPE CROSSING	
NE1/4, SECTION 3, T162N, R92W	
VALE TWP, BURKE CO., NORTH DAKOTA	
DRAWING NUMBER: 13220-G-100	SHEET COUNT: -- OF --
	REVISION: F

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