

Post Construction Inspection Report

Sandpiper Pipeline – Williams, Mountrail, and Ward Counties

Enbridge Pipeline, LLC

ND PSC Case No. PU-13-848

Prepared for:

North Dakota Public Service Commission
Public Utilities Division
State Capitol
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Executive Summary

The State of North Dakota, acting through its North Dakota Public Service Commission (Commission), Division of Public Utilities, has contracted Keitu Engineers & Consultants, Inc. (Keitu) to perform consulting services for Post Construction Inspections. This report addresses the Orders established by the Commission and issues established in Case No. PU-13-848.

The Sandpiper Pipeline (Project) is located in Williams, Mountrail, and Ward Counties, North Dakota. The Project is owned by Enbridge Pipelines (North Dakota), LLC. Construction for the Project began in September 2014 and was abandoned on October 14, 2017. The purpose of the Post Construction Inspection was to ensure the Project was constructed in compliance with the siting laws, rules, and the applicable Commission Order for the Project. Prior to the Construction Inspection, Keitu reviewed all Project documents to identify any and all aspects requiring site verification.

The site was visually inspected on October 17, 2018 by Keitu staff. Due to the abandonment of the Project, Keitu Staff inspected the previously constructed portions of the Beaver Lodge, Stanley and Berthold Terminals. The project was very well-maintained, secured, and in good condition. Overall, the Project appeared to be constructed with numerous efforts to minimize impacts and in compliance with the siting laws, siting rules, and Commission Orders.

Introduction

The Sandpiper Pipeline (Project) was approved and partially constructed from September 2014 through October 2017. The Project is operated by Enbridge Pipelines (North Dakota), LLC (NDPL). The Project was planned as a 24-inch Crude Oil Pipeline with Terminals. The Project has been abandoned and all work has stopped. Partial construction of three terminals is the Project's current status. These terminals are located in Williams (Beaver Lodge Terminal), Mountrail (Stanley Terminal), and Ward (Berthold Terminal) Counties, North Dakota. The Project is under the jurisdiction of the North Dakota Public Service Commission (Commission), which issued its Findings of Fact, Conclusions of Law and Order on June 25, 2014 and First Amended Findings of Fact, Conclusions of Law and Order for Case No. PU-13-848 on February 10, 2016.

Purpose and Scope of Inspection

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Public Service 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 welfare of the citizens of North Dakota. Construction Inspections ensure the Project is constructed in compliance with siting laws, rules, and the applicable Commission Order Amending Certificate and Permit (Order).

The Commission retained Keitu Engineers & Consultants, Inc. (Keitu) to complete a Post Construction Inspection of the Project. The inspection process included a review of the Application for Amended Corridor Certificate and Route Permit (Application), Order, Certification Relating to Order Provisions (Certification), and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings.

Methods

Keitu reviewed North Dakota siting laws and rules, the Application, Certification, and the Order for the Project to identify what Project-specific documentation was required for compliance. Keitu addresses the Orders and Certifications that are most significant to the Project. Keitu then reviewed Project documents in the Commission Online Case Search to identify those siting laws, rules, and Application and Order assertions that already had written verification, those that still required documentation, and those that required physical site verification.

Keitu Staff visited the Project area on October 17, 2018, to visually inspect the site. Digital photographs were taken showing typical Project infrastructure. The Project has been abandoned and was not in operation at the time of visit.

Orders

The following section includes discussion of a list of components of the Project that were asserted in the Order which could be documented during the Post Construction Inspection to verify compliance with siting laws, rules and the Order for the Project, via either written documentation or physical site verification. Included are detailed findings and observations from Keitu personnel involved in the Post Construction Inspection for the Project.

1. NDPL’s application for a waiver of procedures and time schedule is granted.

On June 25, 2014, in the Commission’s Findings of Fact, Conclusions of Law and Order, NDPL’s application for a waiver or procedures and time schedule was granted.

Order #1 is complete.

2. First Amended Certificate of Corridor Compatibility No. 153 is issued to NDPL, designating a corridor for the construction, operation and maintenance of approximately 300 miles of 24-inch crude oil pipeline and associated facilities in Williams, Mountrail, Ward, McHenry, Pierce, Towner, Ramsey, Nelson, and Grand Forks Counties, a new pump station near Lakota in Nelson County, and additional storage and upgrades at the Beaver Lodge Station near Tioga in Williams County, the Stanley Station near Stanley in Mountrail County, and the Berthold Station near Berthold in Ward County, North Dakota. For purposes of the Certificate, the corridor is depicted as the “Environmental Survey Area” on Exhibit D of Hearing Exhibits 1A and 1B, and as revised in NDPL’s Supplement to Late-Filed Exhibits No. 2 and 4, and in Exhibits A.1 and A.2 of NDPL’s November 10, 2015 filing.

On February 10, 2016, Order #2 from the First Amended Findings of Fact, Conclusions or Law and Order was issued.

Order #2 is complete.

3. First Amended Route Permit No. 165 is issued to NDPL, designating a route for the construction, operation, and maintenance of approximately 300 miles of 24-inch crude oil pipeline and associated facilities in Williams, Mountrail, Ward, McHenry, Pierce, Towner, Ramsey, Nelson, and Grand Forks Counties, North Dakota. The designated route for this purpose is depicted on the set of maps provided in NDPL’s Hearing Exhibit No. 1, as revised in NDPL’s Supplement to Late-Filed Exhibits No. 2 and 4 and in Exhibits A.1 and A.2 of NDPL’s November 10, 2015 filing.

On February 10, 2016, Order #3 from the First Amended Findings of Fact, Conclusions or Law and Order was issued.

Order #3 is complete.

4. **NDPL shall completed Class III cultural resource surveys on all remaining unsurveyed portions of the Survey Area, and shall file with the Commission documentation showing SHPO concurrence that no historic properties or sites will be affected prior to beginning construction in areas associated with each report.**

The SHPO letter (Docket #135) was filed with the Commission by NDPL on November 10, 2016. The SHPO found the **“Proposed Expansion of Existing Enbridge Facilities: ([1] Beaver Lodge, [2] Stanley, and [3] Berthold,”** proposal acceptable provided that sites of interest are avoided. If consulted by a federal agency the SHPO would concur with a “No Historic Properties Affected” determination. Keitu was unable to find filed federal agency consultation, which would imply SHPO concurrence.

Keitu via Commissions Online Case Search was unable to confirm federal agency consultation regarding the **“Proposed Expansion of Existing Enbridge Facilities: ([1] Beaver Lodge, [2] Stanley, and [3] Berthold”**. Keitu concludes Order #4 is not complete because SHPO found the proposal “acceptable” but did not provide formal concurrence without federal agency consultation.

5. **NDPL is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the application within the corridor granted in this proceeding.**

NDPL filed several addendums which requested Project route changes and expansions after the initial filing of the Consolidated Application for Corridor Certificate and Route Permit on October, 30, 2013. Terminals were found to be constructed according to applicable laws, rules, and/or regulations.

Order #5 was followed.

Certification

The following section includes discussion of relevant items included in the Certification attached by reference to original Order (Docket #85 in Case No. PU-13-848). This Certification was also reviewed with NDPL and a Commission representative during the preconstruction conference. Not all original 42 certification points are relevant to the Project especially since it was not completed and the mainline was not constructed.

1. **Certification Point 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.**

A preconstruction meeting was held to ensure all contractors fully understand the conditions set forth in the Order. The preconstruction conference (Docket #85) was held on June 25, 2014. In attendance was Julie Prescott, representing the PSC, as well as representatives from NDPL and Keitu.

Certification Point #2 was followed.

- 2. Certification Point 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.**

During the Pre-Construction Meeting, Sally Joyce of Enbridge confirmed all permits for the Project have already been submitted. NDPL filed on July 29, 2014, Docket #94, all permits required for the Project.

Certification Point #4 was followed.

- 3. Certification Point 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.**

NDPL submitted a notice of intent to commence construction on September 2, 2014 (Docket #97). During construction, NDPL submitted progress reports each week for the duration of the Project.

Certification Point #5 was followed.

- 4. Certification Point 20 – Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.**

Keitu noted during the Post Construction Inspection, NDPL followed the Tree and Shrub Mitigation specifications.

Certification Point #20 was followed.

- 5. Certification Point 23 – 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.**

Keitu did not see any NDPL equipment outside of the terminal footprint during the field inspection.

Certification Point #23 was followed.

- 6. Certification Point 24 – Company understands and agrees that it shall remove all waste that is a product of construction and operation, and maintenance of the site, and properly dispose of it on a regular basis.**

Keitu staff observed good site housekeeping at the three terminal locations.

Certification Point #24 was followed.

- 6. Certification Point 28 – Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company.**

NDPL filed on July 29, 2014, Docket #94, the complaint procedure to be implemented.

Certification Point #28 was followed.

- 7. Certification Points 31 – Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility 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 agree to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built 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 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. All Submissions must specific the datum in which the data was developed.**

NDPL submitted as-built drawings to the Commission on January 25, 2018 (Docket #119).

Certification Point #31 was followed.

Conclusions

Overall, the Project appeared to be constructed as with minimal impacts to the surrounding environment. The Project site was in good condition, well maintained, and appeared to be in compliance with the siting laws, siting rules, and applicable Commission Orders.

Keitu concludes Order #4 is not complete because SHPO found the proposal “acceptable” but did not provide formal concurrence without federal agency consultation. It may be possible that federal agency consultation did occur but appropriate dockets were not filed on the Commissions Online Case Search.

Management Review

The services performed by Keitu and its staff for this project have been conducted in a manner consistent with the degree of care and technical skill appropriately exercised by professionals currently practicing in this area under similar time and budget constraints.

Recommendations and findings contained in this report represent our professional judgment and are based upon available information and technically accepted practices at the present time and location. Other than this, no warranty is implied or expressed.



Jaimee Antognazzi, Operations Manager

11/9/18

Date

Overview of Abandoned Infrastructure. Beaver Lodge Terminal Photo #1



Overview of Abandoned Infrastructure. Beaver Lodge Terminal Photo #5



Overview of Abandoned Tanks. Beaver Lodge Terminal Photo #6



Overview of Fire Water Pond. Beaver Lodge Terminal Photo #8



Site Location – Beaver Lodge Terminal – Williams County



Beaver Lodge Terminal		
Photo Point		
Road		
	0 330 660	
	Feet	
	0 100 200	
	Meters	

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Enbridge
Sandpiper Pipeline
T. 156N, R. 95W, Section 32 and
T. 155N, R. 95W, Section 5
Williams County, North Dakota

Overview of Abandoned West Tank. Stanley Terminal Photo #1



Overview of Abandoned Infrastructure. Stanley Terminal Photo #3



Overview of Abandoned East Tank. Stanley Terminal Photo #4



Overview of Abandoned Fire Water Pond. Stanley Terminal Photo #7



Site Location – Stanley Terminal – Mountrail County



Stanley Terminal		
Photo Point		
US Highway		

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Sandpiper Pipeline
T. 156N, R. 91W, Section 27
Mountrail County, North Dakota

Overview of Abandoned Pipeline Segment. Berthold Terminal Photo #2



Overview of Abandoned Infrastructure. Berthold Terminal Photo #4



Overview of Abandoned Infrastructure and Tank. Berthold Terminal Photo #5



Overview of Abandoned Infrastructure. Berthold Terminal Photo #6



Site Location – Berthold Terminal – Ward County



Berthold Terminal		
Photo Point		
US Highway		
0 500 1,000 Feet		
0 150 300 Meters		
ND PSC Case No. PU-13-848 Enbridge Sandpiper Pipeline T. 156N, R. 86W, Section 20 & 21 Ward County, North Dakota		

Overview map of the Enbridge Sandpiper Terminal Locations



Enbridge Sandpiper Pipeline Terminals	
Terminal Location	N
US Highway	
County Boundary	
0 10 20 Kilometers	
0 10 20 Miles	
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