

As-Built Inspection Report

Demicks Lake Gas P Plant
ONEOK Rockies Midstream, LLC

ND PSC Case No. PU-14-764

Prepared for:

North Dakota Public Service Commission
Public Utilities Division
State Capitol
600 East Boulevard – Dept. 408
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Executive Summary

The State of North Dakota, acting through its North Dakota Public Service Commission (Commission), Division of Public Utilities, contracted Keitu Engineers & Consultants, Inc. (Keitu) to perform an As-Built Siting Inspection. The purpose of the As-Built Inspection was to ensure the Project was constructed in compliance with the siting laws, rules, and the applicable Commission Order for the Project. This report lists Keitu's findings from this inspection including the Orders required by the Commission and issues established in Case No. PU-14-764.

The Demicks Lake Gas Processing Plant Project (Project) is located in McKenzie County, North Dakota. The original Amended Order indicates the Project was to consist of two cryogenic turboexpander processing units (each a "train"); each train to have a design capacity of 200 million standard cubic feet per day (c) for a total plant capacity of 400 MMscfd. The Plant is to process well-head natural gas delivered by pipeline. The raw inlet gas would be separated and treated into natural gas liquids (NGL) and residue gas i.e., pipeline quality natural gas product (largely methane and ethane). Both products would be transferred out via pipeline for sale.

A subsequent certification docketed as PU-19-358 records the intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). The Commission subsequently acknowledged the notification.

In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines the intent to install additional liquids separation and handling processing equipment necessary to a process inlet gas with a higher NGL liquids content under the same exemption. The Commission subsequently acknowledged the notification.

The site was visually inspected on October 10, 2023 by Keitu staff. Three process trains and additional construction underway along the north central portion of the site was noted. Overall, the Project site was well-maintained, secured, and in good condition and at the location approved by the Commission. The area outside the fenced area appeared to have been properly restored. The Project appeared to be constructed as planned.

However, the two subsequent exemption certifications both include a commitment to comply with all applicable conditions and protections in commission orders issued previously for any part of the plant as Item 7. A review of docketed materials associated with both supplemental filings are without any copies of permits.

The original PU-14-764 Amended Order also requires securing all necessary permits prior to applicable construction and filing copies, such as county conditional use permits (CUP), with the Commission. For example, only the initial CUP approving the installation of the first train and civil site grading for a second train was found. Copies of construction stormwater permits, an operational industrial stormwater permit are among other permits expected, but not filed, with the Commission.

Introduction

The Project is located approximately 13.5 miles northeast of Watford City, North Dakota. As proposed, the Plant would be constructed on a plot of approximately 160 acres located in the NE ¼ of Section 20, Township 151 North, Range 96 West in McKenzie County. Construction at the site began in June 2018 and was largely completed March 2023. The construction of additional liquids processing and handling facilities on the third train was underway at the time of the on-site As-Built Siting Inspection on October 10, 2023.

The plant is operated by ONEOK Rockies Midstream, LLC. (ONEOK). The Plant consists of three cryogenic turboexpander processing units (each a Train); each Train will have a design capacity of 200 million standard cubic feet per day (MMscfd) for a total Plant capacity of 600 MMscfd.

The Plant processes well-head natural gas gathered from local crude oil production wells. ONEOK's gathering system pipeline delivers well-head gas for processing. Natural gas liquids (NGLs) are separated and treated and transferred to on-site storage tanks prior to being sold via a dedicated NGL pipeline. Residue gas i.e., pipeline quality natural gas (largely methane and ethane) is transferred to the Northern Border Pipeline for transit and sale on that system.

The Project is under the jurisdiction of the North Dakota Public Service Commission, which issued its Certificate of Site Compatibility First Amended Certificate #42 and Permit for Case No. PU-14-764 on May 15, 2018. ONEOK submitted a notification/certification docketed as PU-19-358 with in November 2019 of its intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines ONEOK's intent to install additional liquids separation and handling equipment necessary to a process inlet gas with a higher NGL liquids content under the same exemption. The Commission timely acknowledged both notifications.

Prior to the Construction Inspection, Keitu reviewed all Project documents to identify aspects requiring site verification including supplemental certifications for the site.

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 an As-Built Construction Inspection of the Project. The inspection process included a review of the Consolidated Application for Certificate of Corridor Compatibility 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. This report includes, but is not limited to, site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

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 then reviewed Project documents in the PSC 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 10, 2023 to visually inspect the site. Digital photographs were taken showing Project structures and observe operation. The Project was in operation at the time of visit although construction of the additional liquid handling equipment per the PU-23-164 notification was still in progress.

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 As-Built 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 As-Built Inspection for the Project. ONEOK filed on April 4, 2018 a request to modify paragraph 30 of the Certification Relating to Order Provisions, incorporated by reference into the Order, to provide the Commission flexibility to approve facility modifications without requiring that a notice and opportunity for hearing be issued in instances where notice is not otherwise required by rule or statute.

On March 26, 2018 (Docket #20) the Commission deemed complete the application for a certificate of corridor compatibility and a route permit complete and issue a Notice of Filings and Public Hearing in the request of ONEOK Rockies Midstream LLC, Demicks Lake Gas Processing Plant - McKenzie County, Siting Application, Case No. PU-14-764.

ONEOK submitted a notification/certification docketed as PU-19-358 with in November 2019 of its intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines ONEOK's intent to install additional liquids separation and handling equipment to a process inlet gas with a higher NGL liquids content under the same exemption.

1. ONEOK's March 26, 2018, Site Plan and Facility Modifications are approved.

Order #1 is complete.

2. First Amended Certificate of Site Compatibility Number 42 is issued to ONEOK Rockies Midstream, L.L.C., for the construction, operation, and maintenance of its Demicks Lake Gas Processing Plant. For the purposes of this Certificate, the designated site consists of the 160-acre Site.

Order #2 was followed.

3. The April 4, 2018, request to amend paragraph 30 of the Certification Relating to Order Provisions, incorporated by reference into the Order is modified as follows:

Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversion facility. Company will either comply with the requirements of Section 49-22.1-01(3) or, if the modification is not within the parameters established by Section 49-22.1- 02(3), obtain written approval form the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Upon review of the modification, the Commission may require a notice and opportunity for hearing.

The application states the gas plant will operate two cryogenic turboexpander processing units. Upon inspection it appears three units were constructed.

ONEOK submitted a notification/certification docketed as PU-19-358 with in November 2019 of its intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines ONEOK's intent to install additional liquids separation and handling equipment to a process inlet gas with a higher NGL liquids content under the same exemption. No modification request was found in the case file.

Order #3 appears to be followed.

4. The Certification Relating to Order Provisions - Energy Conversion Facility Siting with attached Tree and Shrub Mitigation Specifications executed by ONEOK on February 5, 2015, is incorporated by reference and attached to this Order.

The area identified along the east site boundary identified in document number 016-010 page 173/227 as the position of "Woody Veg 1" consisting of approximately 0.02 acres in size / eight (8) in number of silver buffaloberry (*Symphoricarpos occidentalis*). This area did not appear to be disturbed during any period of construction. It should be noted that the follow-up documentation by ONEOK on the Tree and Shrub Mitigation specifications is docketed under PU-19-358 item 003-010 rather than under PU-14-764.

Order #4 was followed.

5. To the extent there are any conflicts or inconsistencies between ONEOK's application and the Certification, the Certification provisions control.

No conflicts between the application and Order were noted. Order #5 was followed.

6. ONEOK will obtain a conditional use permit from McKenzie County prior to engaging in construction activity for which the permit is required.

On April 17, 2018 a Conditional Use Permit (CUP) 0009-18 to construct was approved by the McKenzie County Board of Commissioners. The Permit was to construct a 200 MMSCFD gas plant. The Permit approved constructions of a 200 MMSCFD gas plant, and perform civil site work to clear space on site to build a second gas plant train of the same size in Section 20, township 151-N, Range 96-W. The Plant, as observed, during the site visit and as confirmed by reviewing a recent aerial photograph indicates three processing trains were built.

Compliance with Order #6 is incomplete if additional CUP(s) were obtained but copies not filed with the Commission. Order #6 was violated if an additional or modified CUP was not issued by McKenzie County.

Certification

The following section includes discussion of relevant items included in the Certification attached by reference to original Order (Docket #50 in Case No. PU-14-764). All certification points relevant to the As-Built Inspection Report are included.

- 1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.**

On March 25, 2015 the Commission designated an energy conversion facility site for ONEOK Rockies Midstream, LLC. for the construction, operation and maintenance of the Project facility located in McKenzie County, ND. The order was amended on May 15, 2018. The certificate (Docket #50) was issued in accordance with the Order of the Commission dated May 15, 2018 in Case No. PU-14-764 and was subject to the conditions and limitations noted in the order.

Certification Point #1 was followed.

- 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.**

On May 17, 2018, a preconstruction conference occurred. ONEOK representatives, their construction company representatives, and Patrick Fahn were in attendance. (Docket #56)

Certification Point #2 was followed.

- 3. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.**

Not including “operational” permits/registrations such as federal Hazardous Material Shipper registrations, in addition to the missing county CUP(s), stormwater construction permits for multiple phases of the project and an industrial stormwater permit was not noted in the file. No documentation of a ND Fire Marshall’s review of Flammable/Combustible Liquid Storage and Handling. Other permits that may be required is county building permit and a county water drainage plan. Oversize / Overweight Highway Permits were likely required for the transport of pressure vessels. Hydrotest water discharge permit may also have been required. A documented FAA-required “Hazard to Air Navigation Determination” for both the final standing process vessels as well as the cranes used during construction was also likely required.

An ND DEQ permit to construct/operate i.e. air emission permit was noted in the PSC file although according to the ND DEQ CERIS three separate permits have been issued.

The list of examples should not be construed as complete as Keitu cannot be familiar with all the specifics of the construction activities. However missing items are enough to conclude compliance with Certification Point #3 is incomplete.

- 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 energy conversion facility that requires said license or permit.**

See discussion in the prior item.

Compliance with Certification Point #4 is incomplete.

- 5. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion 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 of construction activities on a weekly basis.**

No start of construction notice was received. The Company filed regular construction progress on a monthly basis, not weekly. Keitu was not included on notices of start of construction and restart of construction.

Certification Point #5 was inadequately followed.

- 6. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.**

The Commission apparently did not find cause to suspend or revoke its Order. Certification Point #6 was not applicable.

- 7. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

An assessment of compliance with Certification Point #7 is not within the scope the Commission's third-party "As-built" Inspector. An opinion on compliance with this provision therefore cannot be offered without performing a record audit at ONEOK's locations.

- 8. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.**

An assessment of compliance with Certification Point #8 is not within the scope the Commission's third-party "As-built" Inspector. An opinion on compliance with this provision therefore cannot be offered without performing an in-plant safety/record audit at ONEOK's location.

- 9. Company agrees to construct and operate the energy conversion facility in the manner described in Company's application, in any late filed exhibits, and supplemental materials, (Application). To the extent there are any conflicts or inconsistencies**

between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.

Certification Point #9 appears to have been followed, given the flexibility approved by the Commission to ONEOK to modify the plant's design.

10. Company agrees to report promptly to the Commission the presence in or near the approved site of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles that Company becomes aware of and which were not previously reported to the Commission.

No post-construction reports were filed. No evidence of previously unreported applicable plants, animals or related habitat were observed during the on-site visit. Certification Point #10 appears to have been followed.

Company understands and agrees that all cultural resource mitigation plans must Certification Point #11 appears to have been followed.

11. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.

A concurrence letter from the SHPO (14-1701) was issued. It states concurrence with the "no significant site affected" finding. No construction impacts were noted in the reported area of the finding. No cultural resource mitigation plan was necessary for this project.

Certification Point #11 does not apply in this instance.

12. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.

No "undiscovered" cultural resource sites were noted in the construction status reports and no sites were identified during the on-site inspection.

Certification Point #12 appears to have been followed.

13. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.

Certification Point #13 appears to have been followed.

- 14. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.**

Certification Point #14 appears to have been followed.

- 15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.**

Certification Point #15 appears to have been followed.

- 16. During construction, at least 12 inches of topsoil, where available {or topsoil to the depth of cultivation, whichever is greater), over and along areas where facilities will be placed must be stripped and segregated from subsoil. Any area on which excavated subsoil will be placed must first be stripped of topsoil. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must not be placed within the footprint of the facilities, and must be placed over areas containing topsoil.**

Keitu was not onsite for the topsoil inspection to confirm topsoil depth. Gas Plant construction activities appear to be limited to property owned by ONEOK.

Certification Point #16 appears to have been followed.

- 17. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.**

Certification Point #17 appears to have been followed. Areas surrounding the facility's fence line appear to be reseeded and vegetation appears to be re-establishing itself in a timely manner.

- 18. Company understands and agrees that its obligation for reclamation and maintenance of the approved site will continue throughout the life of the energy conversion facility.**

The Company appears to be engaged in maintaining compliance with Certification Point #18. No deficiencies noted.

19. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.

The area identified along the east site boundary identified in document number 016-010 page 173/227 as the position of "Woody Veg 1" consisting of approximately 0.02 acres in size / eight (8) in number of silver buffaloberry (*Symphoricarpos occidentalis*). This area did not appear to be disturbed during any period of construction. It should be noted that the follow-up documentation by ONEOK on the Tree and Shrub Mitigation specifications is docketed under PU-19-358 item 003-010 rather than under PU-14-764.

Certification Point #19 appears to have been followed.

20. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.

Certification Point #20 appears to have been followed.

21. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.

No drain tile were reported at the site. All construction was limited to Company owned land. Certification Point #21 does not apply for this Project.

22. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.

No evidence or reports of interference were noted. Certification Point #22 appears to have been followed.

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.

No evidence or reports of off-site material storage were noted. Certification Point #23 appears to have been followed.

24. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.

Certification Point #24 appears to be followed. Garbage skip boxes were noted at the site.

25. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.

Certification Point #25 appears to have been followed.

26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Certification Point #26 appears to have been followed. A perimeter fence was installed.

27. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the energy conversion facility, including Injuries to any person, the death of any threatened or endangered species, within five business days of such event.

No incidents reported. No contraindications observed. Certification Point #27 appears to have been followed.

28. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company.

Certification Point #28 appears to have been followed.

29. Upon request. Company agrees to provide the Commission with engineering design drawings showing surveyed structure prior to construction.

A drawing was provided to the Commission prior to the construction but it only showed two processing units and three were constructed. But additional information was provided in supplemental notifications docketed as PU-19-358 and PU-23-164.

Certification Point #29 appears to have been followed.

30. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversation facility. Company will either comply with the requirements of Section 49-22-03(3) or, if the modification is not within the parameters established by Section 49-22-03(3), obtain written approval from the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Except as otherwise provided in Section 49-22-03(3)(b), which does

not require notice and hearing for approval, approval may be granted after notice and opportunity for hearing.

The Project is under the jurisdiction of the North Dakota Public Service Commission, which issued its Certificate of Site Compatibility First Amended Certificate #42 and Permit for Case No. PU-14-764 on May 15, 2018. ONEOK submitted a notification/certification docketed as PU-19-358 with in November 2019 of its intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines ONEOK's intent to install additional liquids separation and handling equipment necessary to a process inlet gas with a higher NGL liquids content under the same exemption. The Commission timely acknowledged both notifications.

Certification Point #30 appears to have been followed.

31. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion 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 specify the datum in which the data was developed.

This information was not located within the Commission's case file. However, an adequate and legal description was provided, and the facility's location is consistent with the description.

Certification Point #31 may not be applicable as it is not a pipeline project.

32. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

The Company appears to be in compliance with the modified orders, with the exception of missing permits and/or permit documentation.

Compliance with Certification Point #32 appears to be incomplete.

- 33. Company understands and agrees that in the event Company desires to construct, within any site granted by a Certificate of Site Compatibility in this proceeding, an energy conversion facility that was not requested in Company's application in this proceeding, Company shall either comply with the requirements of Section 49-22- 03(3), if applicable, or apply for a Certificate of Site Compatibility for the facility.**

The Project is under the jurisdiction of the North Dakota Public Service Commission, which issued its Certificate of Site Compatibility First Amended Certificate #42 and Permit for Case No. PU-14-764 on May 15, 2018. ONEOK submitted a notification/certification docketed as PU-19-358 with in November 2019 of its intent to install a third process train to raise the raw gas processing capacity to a total plant capacity of 600 MMscfd under the exemption to the Commission's siting laws and rules outlined in NDCC 49-22.1-01(3). In April 2023, another Demick's Lake Gas Plant certification docketed as PU-23-164 outlines ONEOK's intent to install additional liquids separation and handling equipment necessary to a process inlet gas with a higher NGL liquids content under the same exemption. The Commission timely acknowledged both notifications.

Certification Point #33 appears to have been followed.

- 34. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.**

No reports of damage were reported. Certification Point #34 appears to have been followed.

- 35. The certificate of site compatibility is subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.**

To date, the Commission has not found a basis to suspend or revoke its orders. Since more than 6 months has passed since construction started, the ONE_CALL system will not retain records for assessment of this point.

No opinion as to compliance with Certification Point #35 can be offered.

Conclusions

Overall, the Project appeared to be constructed as designed with minimal impacts to the surrounding environment. The Project site was in good condition and well maintained. The installed equipment appears to follow the Commission’s issued Certificate of Site Compatibility First Amended Certificate #42 and Permit for Case No. PU-14-764 and subsequent notification/certifications docketed as PU-19-358 and PU-23-164.

At a minimum, the case file appears to be missing one or more permit copies. All required “construction” related permits may not have been obtained.

Not including “operational” permits/registrations such as federal Hazardous Material Shipper registrations, in addition to the missing county CUP(s), stormwater construction permits for multiple phases of the project and an industrial stormwater permit was not noted in the file. No documentation of a ND Fire Marshall’s review of Flammable/Combustible Liquid Storage and Handling. Oversize / Overweight Highway Permits were likely required for the transport of pressure vessels. Hydrotest water discharge permit may also have been required. A documented FAA-required “Hazard to Air Navigation Determination” for both the final standing process vessels as well as the cranes used during construction could have been required.

An ND DEQ permit to construct/operate i.e. air emission permit was noted in the PSC file although according to the ND DEQ CERIS three separate permits have been issued.

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.

12/28/23

Jaimee Antognazzi, Operations Manager

Date

Report Photo #1: Flare Stack



Report Photo #2: Facility Building



Report Photo #3: Facility Sign



Report Photo #4: Perimeter Fence and Vegetation



Report Photo #5: Area of Potential Onsite Stormwater Discharge – NW Corner



Report Photo #6: Area of Potential Onsite Stormwater Discharge – SE Corner



Report Photo #7: Three Processing Units (Trains)



Report Photo #8: Three Processing Units (Trains)



Report Photo #9: Rip Rap Between Plant and Substation



Project Map:

