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September 14, 2018



Via Hand Delivery and E-mail

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

E-mail: ndpsc@nd.gov

In re: Cenex Pipeline, LLC
Case No. PU-17-097
Our File No. 020836-000001

Dear Mr. Nitschke:

Enclosed for filing is an original and seven copies of a Memorandum in Response to Agency Comments.

Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in blue ink, appearing to read "Casey A. Furey", written over the printed name.

Casey A. Furey

CAF:drh

Enc.

cc: Patrick Fahn (w/enc.; via e-mail)

133 PU-17-97 Filed: 9/14/2018 Pages: 2
Memorandum in Response to Agency Comments



4585 Coleman Street
Bismarck, ND 58503-0431
701 355 8400
KLJENG.COM

Memorandum

Date: 9/14/2018
To: Darrell Nitschke – ND PSC
Copy to: Mike Stahly, Cenex Pipeline, LLC
From: Grady Wolf - KLJ
RE: Cenex Pipeline, LLC. Liquid Petroleum Pipeline
Addendum to Certificate of Corridor Compatibility and Route Permit
Case No. PU-17-97

Remarks

The following memorandum is submitted in response to the comments filed by the North Dakota Department of Health (NDDOH) (Docket No. 131) and the North Dakota State Water Commission (NDSWC) (Docket No. 132) filed with the Commission in regard to Cenex Pipeline, LLC's (Cenex) Application for an Amended Order, Amended Corridor Certificate and Amended Route Permit in PU-17-097. Cenex has adequately addressed both agencies' comments in either Cenex's Addendum to the Consolidated Application for a Certificate of Corridor Compatibility & Route Permit (Reroute Addendum) (Docket No. 110) or in previous filings. For these reasons, the NDDOH and NDSWC's comments are not applicable to the reroutes described within the Reroute Addendum.

In regard to the NDSWC's comments, pursuant to NDSWC data, no industrial or private wells are located within the reroute Study Area. Reroute Addendum Section III, Subsection P, Pg. 9. The reroute was not mapped by the Federal Emergency Management Agency for floodplains (Zone D) therefore, a floodplain development permit is not required. Reroute Addendum Section III, Subsection Q, Pg. 9. No impacts from the reroutes to surface water and floodplain resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

Comments raised by the NDDOH have been addressed either by Cenex's previous filings or by the Reroute Addendum. There are no Wellhead Protection Areas within the proposed reroute environmental study areas. Reroute Addendum Section III, Subsection G, Pg. 5. No impacts to water supplies, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated. Cenex has developed and filed with the Commission a storm water pollution prevention plan (SWPPP) (Docket No. 64) which, will be submitted to the NDDOH. See Docket No. 1, Application Pg. 12. Best management practices are included in the SWPPP and will be implemented during construction to avoid, minimize, or mitigate impacts.