



**ONEOK
PARTNERS**

ONEOK Rockies Midstream, L.L.C.

Bear Creek Gas Plant Expansion

North Dakota Public Service Commission

***Application for a Certificate
of Site Compatibility***

January 2018

TABLE OF CONTENTS

REGULATORY CROSS-REFERENCE GUIDE	v
ACRONYMS AND ABBREVIATIONS	ix
LIST OF EXHIBITS	xi
INTRODUCTION	1
1.0 DESCRIPTION OF THE FACILITY	3
1.1 SIZE	3
1.2 TYPE AND DESIGN OF PROPOSED FACILITY	3
1.3 PURPOSE AND NEED OF THE FACILITY	4
1.4 GENERAL AREA TO BE SERVED	4
1.5 GROSS AND NET DESIGN CAPACITY	4
1.5.1 Gross Design Capacity	4
1.5.2 Net Design Capacity	4
1.5.3 Plant Capacity	4
1.6 TECHNOLOGY TO BE DEPLOYED/EMPLOYED	7
1.7 TYPE OF PRODUCT TO BE TRANSMITTED	7
1.8 SOURCE OF PRODUCT TO BE TRANSMITTED	7
1.9 FINAL DESTINATION OF PRODUCT	7
1.10 THERMAL EFFICIENCY OF THE PROCESS	7
1.11 PLANS FOR FUTURE EXPANSION/DEVELOPMENT	7
1.12 REQUIREMENT FOR AND GENERAL LOCATION OF ANY NEW ASSOCIATED FACILITIES	7
1.13 ESTIMATED TOTAL COST OF CONSTRUCTION	8
1.14 PREFERRED LOCATION OF FACILITY	8
1.15 MERITS AND DETRIMENTS OF PREFERRED LOCATION	8
1.16 DESCRIPTION OF CONSTRUCTION AND RECLAMATION PROCEDURES	8
1.17 LANDOWNER NOTIFICATION, EASEMENT ACQUISITION, AND COMPENSATION	8
2.0 NEED AND ALTERNATIVE ANALYSIS	9
2.1 NEED FOR THE FACILITY	9
2.2 ALTERNATIVES	9
2.2.1 No Action Alternative	9
2.2.2 Alternative Location of Facility	10
3.0 SCHEDULE	11
3.1 OBTAINING CERTIFICATE OF SITE COMPATIBILITY	11
3.2 COMPLETING LAND ACQUISITION	11
3.3 STARTING AND COMPLETING CONSTRUCTION	11
3.4 TESTING OPERATIONS	11
3.5 COMMENCING OPERATIONS	11
3.6 FUTURE EXPANSIONS OR ADDITIONS	11
4.0 STUDY AREA AND SITE BOUNDARY	12
5.0 ENVIRONMENTAL STUDIES	13
5.1 CULTURAL RESOURCE INVENTORY AND SUMMARY	13
5.2 WETLAND AND WATERBODY INVENTORY	14
5.3 WILDLIFE INVENTORY	14

5.3.1	Federally Protected Species Review	14
5.3.2	Migratory Bird Treaty Act	18
5.3.3	Bald and Golden Eagle Protection Act	19
5.4	TREE/SHRUB INVENTORY	19
5.5	NOXIOUS WEEDS INVENTORY	19
6.0	AGENCY NOTIFICATIONS AND PERMITTING	21
6.1	U.S. FISH AND WILDLIFE SERVICE	21
6.2	DEPARTMENT OF DEFENSE – AIR FORCE CABLE AFFAIRS.....	22
6.3	U.S. ARMY CORPS OF ENGINEERS.....	22
6.4	NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE	22
6.5	NORTH DAKOTA GAME AND FISH DEPARTMENT	22
6.6	NORTH DAKOTA PARKS AND RECREATION DEPARTMENT	23
6.7	NORTH DAKOTA DEPARTMENT OF TRUST LANDS – SCHOOL AND MINERAL TRUST LANDS	23
6.8	NORTH DAKOTA DEPARTMENT OF HEALTH – DIVISION OF AIR QUALITY	23
6.9	NORTH DAKOTA DEPARTMENT OF HEALTH – DIVISION OF WATER QUALITY	24
7.0	CRITERIA.....	25
7.1	EXCLUSION AREAS	25
7.1.1	Federal Resource Review	26
7.1.2	State Resource Review	27
7.1.3	County and Municipal Resource Review	27
7.1.4	Prime and Irrigated Farmland.....	27
7.1.5	Areas of Critical Habitat	27
7.1.6	Areas where Unique or Rare Species Would Be Irreversibly Damaged	28
7.1.7	Areas within 1,200 Feet of Intercontinental Ballistic Missile Facility or 30 Feet of Direct Line of Intercontinental Ballistic Missile Launch Facility.....	28
7.2	AVOIDANCE AREAS	28
7.2.1	Historical Resources Not Designated as Exclusion Areas	29
7.2.2	Areas within Limits of City or Military Institutions	29
7.2.3	Areas with Floodplains.....	29
7.2.4	Geologically Unstable Areas	30
7.2.5	Woodlands and Wetlands.....	30
7.2.6	Areas of Recreational Significance but Not Designated Exclusion Areas	30
7.3	SELECTION CRITERIA	30
7.3.1	Agricultural Impacts.....	31
7.3.2	Municipal and Local Governmental Services and Networks	32
7.3.3	Other Selection Criteria	33
7.4	POLICY CRITERIA	35
7.4.1	Recycling of conversion byproducts and effluents.....	35
7.4.2	Energy conversion through location, process and design	35
7.4.3	Training and Utilization of North Dakota Labor.....	36
7.4.4	Use of a primary energy source located within North Dakota	36
7.4.5	Not relocating residents	36
7.4.6	Dedication of an area adjacent to Facility for recreation, agriculture, or wildlife	36
7.4.7	Economies of Construction and Operation	36

7.4.8	Secondary uses of appropriate facilities for recreation and enhancement of wildlife	36
7.4.9	Use of Citizen Coordination Committees	37
7.4.10	Commitment of a Portion of the Transmitted Project for Use in North Dakota .	37
7.4.11	Labor Relations	37
7.4.12	Coordination of Facilities	37
7.4.13	Monitoring of Impacts	37
8.0	SUMMARY OF EVALUATION FACTORS.....	39
8.1	PUBLIC HEALTH, WELFARE, NATURAL RESOURCES, AND THE ENVIRONMENT.....	39
8.2	NEW ENERGY CONVERSION TECHNOLOGIES AND SYSTEMS DESIGNED TO MINIMIZE ADVERSE ENVIRONMENTAL EFFECTS	39
8.3	BENEFICIAL USES OF WASTE ENERGY FROM A PROPOSED ENERGY CONVERSION FACILITY.....	39
8.4	UNAVOIDABLE ADVERSE DIRECT AND INDIRECT ENVIRONMENTAL EFFECTS	39
8.5	ALTERNATIVES TO THE PROPOSED SITE WHICH MINIMIZE ADVERSE EFFECTS.....	39
8.6	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF NATURAL RESOURCES	40
8.7	DIRECT AND INDIRECT ECONOMIC IMPACTS OF THE FACILITY	40
8.8	EXISTING PLANS FOR OTHER PUBLIC OR PRIVATE DEVELOPMENTS IN THE VICINITY OF THE SITE	40
8.9	EFFECT OF THE PROPOSED ROUTE ON EXISTING SCENIC AREAS, HISTORIC SITES AND STRUCTURES, AND PALEONTOLOGICAL OR ARCHAEOLOGICAL SITES	41
8.10	EFFECT OF THE PROPOSED ROUTE ON AREAS THAT ARE UNIQUE BECAUSE OF BIOLOGICAL WEALTH OR BECAUSE THEY ARE HABITATS FOR RARE AND ENDANGERED SPECIES.....	41
8.11	PROBLEMS RAISED BY FEDERAL, STATE, AND LOCAL AGENCIES	41
8.12	POLICIES AND COMMITMENTS TO LIMIT ENVIRONMENTAL IMPACT.....	41
9.0	MITIGATION MEASURES	42
10.0	QUALIFICATIONS OF PREPARERS	43
11.0	REFERENCES.....	45

TABLES

Table 1.5.3-1	Inlet Gas Conditions at the Facility Fence.....	5
Table 1.5.3-2	Inlet Gas Composition.....	5
Table 5.3-1	Federally Listed Species in Dunn County, ND	15
Table 6.0-1	Summary of Agency Notifications.....	21
Table 7.1-1	Exclusion Areas.....	25
Table 7.2-1	Avoidance Areas.....	28

FIGURES

Figure 1	Project Overview Map	2
Figure 2	Block Diagram for the Bear Creek Gas Plant.....	6

REGULATORY CROSS-REFERENCE GUIDE

AUTHORITY	DESCRIPTION	SECTION(S)
<i>Chapter 49-22.1</i>	<i>CENTURY CODE – Title 49 ENERGY CONVERSION AND TRANSMISSION FACILITY</i>	--
49-22.1-03	Exclusion and avoidance areas – Criteria	7.1, 7.2
49-22.1-05	Waiver of procedures and time schedules	--
49-22.1-06	Application for a Certificate of Site Compatibility	--
1.a	Description of size and type of Facility	1.1, 1.2
1.b	Summary of any studies of environmental impacts	5.0
1.c	Need for the Facility	2.1
1.d	Identify site for energy conversion Facility	1.14
1.e	Preferred transmission corridor	N/A
1.f	Analysis of merits and detriments of Facility location	1.15
1.g	Mitigating measures	1.17, 9.0
1.h	Site evaluation pursuant to 49-22-09 and 49-22-05.1	7.1, 7.2, 8.0 Appendix D
1.i	Other relevant information	8.0
49-22.1-09	Factors to be considered in evaluating applications and designation of sites.	8.0
1	Research and investigation into effects of the project on public health, welfare, natural resources, and the environment	8.1
2	Effects of new energy conversion technology and design to minimize adverse effects	8.2
3	Potential beneficial uses of waste energy from energy conversion Facility	8.3
4	Unavoidable adverse direct and indirect environmental effects	8.4
5	Site alternatives developed during the hearing which minimize adverse effects	8.5
6	Irreversible and irretrievable commitments of natural resources if proposed site is designated	8.6
7	Direct and indirect economic impacts of the Facility	8.7
8	Existing plans for other developments at or in the vicinity	8.8
9	Effect of project on scenic areas, historic sites and structures, paleontological and archaeological sites	8.9
10	Effect of project on unique biological areas	8.10
11	Problems raised by federal, state, or local entities	8.11
	<i>ADMINISTRATIVE CODE - ARTICLE 69-06 ENERGY CONVERSION AND TRANSMISSION FACILITY SITING</i>	--
69-06-04-01	Application for a Certificate of Site Compatibility	--
2.a.(1)	Type of Facility proposed	1.2
2.a.(2)	Gross design capacity	1.5.1
2.a.(3)	Net design capacity	1.5.2
2.a.(4)	Estimated thermal efficiency	1.10

ONEOK Rockies Midstream, L.L.C.
 Bear Creek Gas Plant Expansion
 North Dakota Public Service Commission Application

AUTHORITY	DESCRIPTION	SECTION(S)
2.a.(5)	Number of acres the Facility will occupy	4.0
2.a.(6)(a)	Time schedule for obtaining Certificate of Site Compatibility	3.1
2.a.(6)(b)	Time schedule for completing land acquisition	3.2
2.a.(6)(c)	Time schedule for starting construction	3.3
2.a.(6)(d)	Time schedule for completing construction	3.3
2.a.(6)(e)	Time schedule for testing operations	3.4
2.a.(6)(f)	Time schedule for commencing commercial production	3.5
2.a.(6)(g)	Time schedule for beginning any expansions or additions	3.6
2.b.	Copies of evaluative studies or assessment of environmental impacts	Appendix B
2.c.	Analysis of the need for the proposed Facility based on present and projected demand, including the most recent system studies supporting the analysis of the need	1.3, 2.1
2.d.	Discussion of any feasible alternative methods serving the need.	2.2
2.e.	Size of study area (NDCC 49-22.1-09)	4.0
2.f.	Discussion of utility policies and commitments to limit environmental impacts	8.12
2.g.	Map identifying criteria that provides the basis for the specific location of the proposed site within the study area	Figure 1, Appendix D
2.h.	Discussion of criteria evaluated, including exclusion areas, avoidance areas, selection criteria, policy criteria, and construction limitations and economic considerations.	7.1, 7.2, 7.3, 7.4
2.i.	Mitigative measures to minimize adverse impacts from the location, construction and operation of the proposed Facility	1.17, 9.0
2.j.	Qualifications of each person involved in site location study	10.0
2.k.	Map of study area showing the location of proposed Facility and the selection criteria evaluated	Appendix D
2.l.	8.5 x 11-inch black and white map suitable for newspaper publication depicting the study area	Submitted electronically
2.m.	Discussion of present and future natural resource development in the area	3.6, 8.8
2.n.	Mapping and GIS data	Appendix D, GIS data submitted electronically
69-06-08-01	Energy Conversion Facility Siting Criteria	--
1	Exclusion areas	7.1, Appendix D
1.a.	Designated or registered national: parks, sites, landmarks, monuments, wilderness areas, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, and grasslands.	7.1.1
1.b.	Designated or registered state: parks, forests, forest management lands, historic sites, grasslands, wild, scenic, or recreational rivers, game refuges, game management areas, and nature preserves.	7.1.2
1.c.	County parks and recreational areas, municipal parks, parks owned or administered by other governmental subdivisions, hardwood draws, and enrolled woodlands.	7.1.3
1.d.	Prime farmland and unique farmland	7.1.4

AUTHORITY	DESCRIPTION	SECTION(S)
1.e.	Irrigated land	7.1.4
1.f.	Areas critical to the life stages of threatened or endangered animal or plant species	7.1.5
1.g.	Areas where animal or plant species that are unique or rare to the state would be irreversibly damaged	7.1.6
1.h.	Areas within 1200 feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control Facility	7.1.7
3	Avoidance Areas	7.2, Appendix D
3.a.	Historical resources which are not designated as exclusion areas	7.2.1
3.b.	Areas within the city limits of a city of the boundaries	7.2.2
3.c.	Areas within known 100-year floodplains	7.2.3
3.d.	Areas that are geologically unstable	7.2.4
3.e.	Woodlands and wetlands	7.2.5
3.f.	Areas of recreational significance not designated as exclusion areas	7.2.6
5	Selection criteria	7.3
<i>5.a</i>	<i>Impact upon agriculture:</i>	7.3.1
5.a.(1)	Agricultural production	7.3.1
5.a.(2)	Family farms and ranches	7.3.1
5.a.(3)	Land economically suitable for irrigation	7.3.1
5.a.(4)	Surface drainage patterns and groundwater flow patterns	7.3.1
5.a.(5)	The agricultural quality of the cropland	7.3.1
<i>5.b.</i>	<i>Impact upon availability and adequacy of:</i>	7.3.2
5.b.(1)	Law enforcement	7.3.2
5.b.(2)	School systems and education programs	7.3.2
5.b.(3)	Governmental services and facilities	7.3.2
5.b.(4)	General and mental health care facilities	7.3.2
5.b.(5)	Recreational programs and facilities	7.3.2
5.b.(6)	Transportation facilities and networks	7.3.2
5.b.(7)	Retail services facilities	7.3.2
5.b.(8)	Utility services	7.3.2
<i>5.c</i>	<i>Impact upon:</i>	7.3.3
5.c.(1)	Local institutions	7.3.3
5.c.(2)	Noise-sensitive land uses	7.3.3
5.c.(3)	Light-sensitive land uses	7.3.3
5.c.(4)	Rural residences and businesses	7.3.3
5.c.(5)	Aquifers	7.3.3
5.c.(6)	Human health and safety	7.3.3
5.c.(7)	Animal health and safety	7.3.3
5.c.(8)	Plant life	7.3.3

ONEOK Rockies Midstream, L.L.C.
 Bear Creek Gas Plant Expansion
 North Dakota Public Service Commission Application

AUTHORITY	DESCRIPTION	SECTION(S)
5.c.(9)	Temporary and permanent housing	7.3.3
5.c.(10)	Temporary and permanent skilled and unskilled labor	7.3.3
5.d	Cumulative effects on the location of the Facility in relation to existing and planned facilities and other industrial development.	8.8
6	Policy Criteria	7.4
6.a.	Recycling of the conversion byproducts and effluents	7.4.1
6.b.	Energy conservation through location, process, and design	7.4.2
6.c.	Training and utilization of available labor in this state for the general and specialized skills required	7.4.3
6.d.	Use of a primary energy source or raw material located within the state	7.4.4
6.e.	Not relocating residents	7.4.5
6.f.	The dedication of an area adjacent to the Facility to land uses such as recreation, agriculture, or wildlife management	7.4.6
6.g.	Economies of construction and operation	7.4.7
6.h.	Secondary uses of appropriate associated facilities for recreation and enhancement of wildlife	7.4.8
6.i.	Use of citizen coordinating committees	7.4.9
6.j.	A commitment of a portion of the energy produced for use in the state	7.4.10
6.k.	Labor relations	7.4.11
6.l	Coordination of facilities	7.4.12
6.m.	Monitoring of impacts	7.4.13

ACRONYMS AND ABBREVIATIONS

BGEPA	Bald and Golden Eagle Protection Act
BMP	Best Management Practice
CFR	Code of Federal Regulations
Class III	Class III Cultural Resources Inventory
CO ₂	carbon dioxide
E3	E3 Environmental, L.L.C.
ERP	Emergency Response Plan
ESA	Endangered Species Act
F	degrees Fahrenheit
FEMA	Federal Emergency Management Agency
H ₂ S	Hydrogen Sulfide
ICBM	intercontinental ballistic missile
MBTA	Migratory Bird Treaty Act
MMscfd	million standard cubic feet per day
NDAC	North Dakota Administrative Code
NDCC	North Dakota Century Code
NDDA	North Dakota Department of Agriculture
NDDH	North Dakota Department of Health
NDDTL	North Dakota Department of Trust Lands
NDGF	North Dakota Game and Fish Department
NDGS	North Dakota Geological Survey
NDIC	North Dakota Industrial Commission
NDPDES	North Dakota Pollution Discharge Elimination System
NDPR	North Dakota Parks and Recreation Department
NDPSC or Commission	North Dakota Public Service Commission
ND SHPO	North Dakota State Historic Preservation Office
NDSWC	North Dakota State Water Commission
NGL	natural gas liquid
NHD	National Hydrography Data
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
ONEOK	ONEOK Rockies Midstream, L.L.C.
ONEOK BP	ONEOK Bakken Pipeline, L.L.C.
Plant or Facility	Bear Creek Gas Plant
ppm	parts per million
Project	Bear Creek Gas Plant Expansion

psig	pounds per square inch gauge
PTC	Permit to Construct
Siting Act	Energy Conversion and Transmission Facility Siting Act
SRP	Spill Response Plan
SWPPP	Stormwater Pollution Prevention Plan
UDP	Unanticipated Discoveries Plan
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USDOD	U.S. Department of Defense
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
USNPS	U.S. National Park Service
WNS	White Nose Syndrome

LIST OF EXHIBITS

- Exhibit A: Engineering Documents
- Exhibit B: Natural Resource Survey and Wetland Delineation Report
- Exhibit C: Agency Consultations¹
- U.S. Fish and Wildlife Service
 - U.S. Department of Defense
 - U.S. Army Corps of Engineers
 - North Dakota State Historic Preservation Office
 - North Dakota Game and Fish Department
 - North Dakota Parks and Recreation Department
 - North Dakota Department of Trust Lands
- Exhibit D: Exclusion, Avoidance, and Selection Criteria Maps
- Exhibit E: Guidance and Mitigation Plans
- Stormwater Pollution Prevention Plan
 - Unanticipated Discoveries Plan
 - Emergency Response Plan

¹ Contains submittal letter/email to agency and response, if received. Each consultation included aerial and topographic based maps at an attachment. To eliminate redundancy, one representative mapset is included in Exhibit C.

INTRODUCTION

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates natural gas gathering and natural gas liquids (NGL), processing, and fractionation facilities in the Williston Basin area of North Dakota. ONEOK's facilities interconnect directly to the interstate natural gas pipeline grid, which serves markets in the Rocky Mountains, Midwest and California.

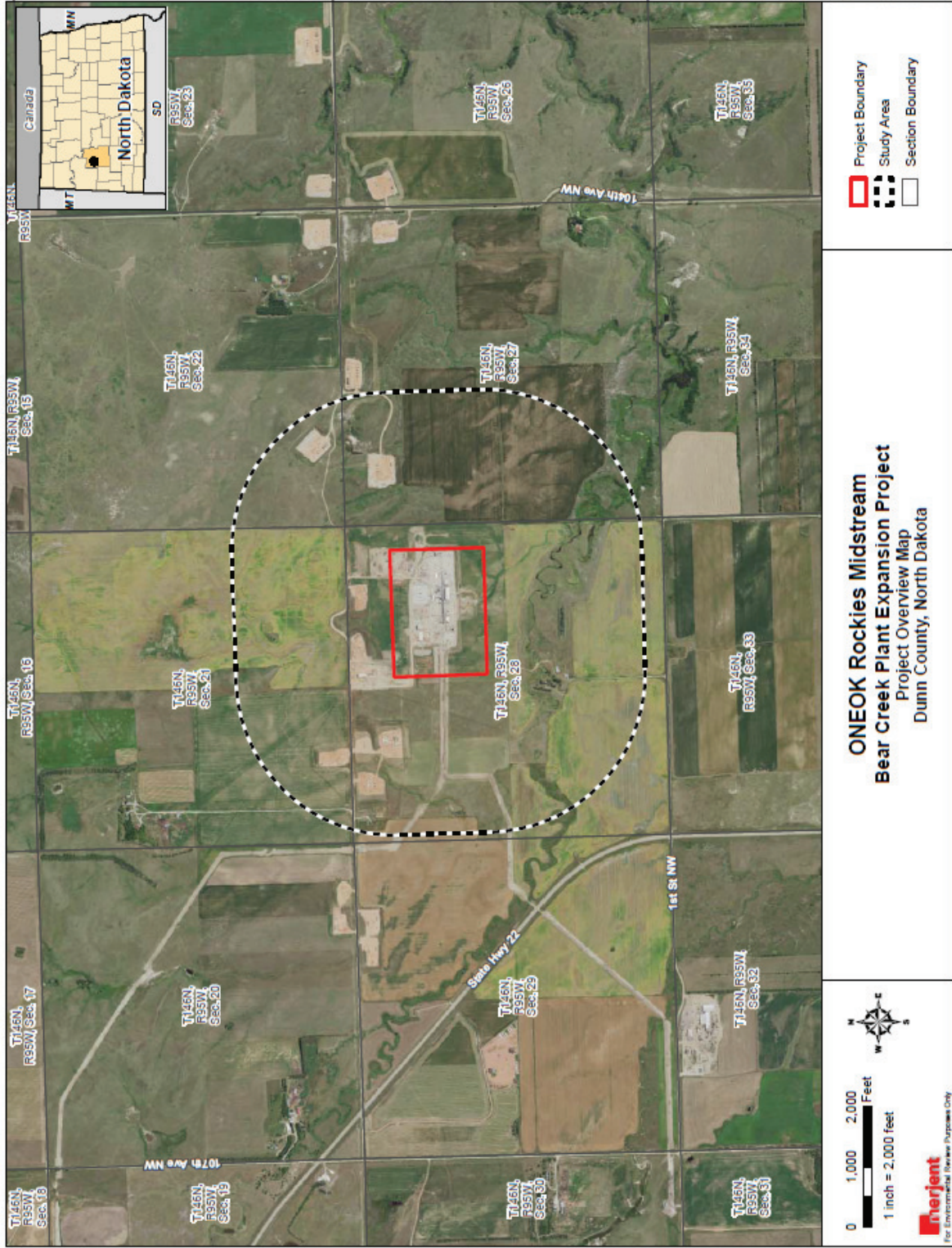
In the Williston Basin, ONEOK operates extensive gas gathering pipeline networks and multiple gas processing plants. Most of the wells connected to the facilities produce casinghead gas in association with crude oil. This casinghead gas is generally high in NGL content, which is separated from the natural gas at the processing plants and then transported via pipeline and rail for fractionation into individual components, and sold.

In response to the increased demand for the processing of natural gas in the Killdeer area, ONEOK constructed the Bear Creek Gas Plant (Plant or Facility) to address this regional need. Construction activities were initiated in May 2015, and the Plant became operational in August 2016. The Facility is located approximately 5 miles north of the city of Killdeer in Dunn County.

The Facility has a nominal design capacity of 80 million standard cubic feet per day (MMscfd). As part of its Bear Creek Gas Plant Expansion (Project), ONEOK plans to increase the capacity to 175 MMscfd. All work associated with the expansion will occur within the previously developed Facility footprint. Construction associated with the expansion is expected to begin in early 2018, pending receipt of all regulatory approvals.

This application provides the necessary information as stipulated by the North Dakota Century Code (NDCC), Energy Conversion and Transmission Facility Siting Act (Siting Act), Chapter 49-22.1; and the North Dakota Administrative Code (NDAC), Section 69-06-08-01 Energy Conversion Facility Siting Criteria. To assist the North Dakota Public Service Commission (NDPSC or Commission) in its review of ONEOK's application, ONEOK has included a Regulatory Cross-Reference Guide which provides a description of required information from state statutes and the corresponding section in the application where the information can be located.

Figure 1 Project Overview Map



1.0 DESCRIPTION OF THE FACILITY

1.1 SIZE

ONEOK owns and operates its Bear Creek Gas Plant (Plant or Facility), located approximately 5 miles north of Killdeer, Dunn County, North Dakota. The Facility originally began construction in May 2015 and began operating in August 2016. The Facility has a nominal name-plate processing capacity of 80 MMscfd of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd. The increase in processing capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the NDPSC pursuant to the Siting Act. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. All activities will occur within the previously developed footprint of the Facility.

1.2 TYPE AND DESIGN OF PROPOSED FACILITY

The Plant will consist of a cryogenic turboexpander processing unit. The train expansion will have a final design capacity of 175 MMscfd. The Plant will process wellhead natural gas gathered from local crude oil production wells. ONEOK's gathering system will deliver wellhead gas to the Plant for processing. Once processed, the NGL product will be sold and transported via NGL pipelines owned and operated by ONEOK Bakken Pipeline, L.L.C. (ONEOK BP), or other pipelines. Residue gas, largely methane and ethane, will be transferred to the Northern Border Pipeline for transit on that system.

Construction of the Plant will include the installation of underground piping, above ground piping, and above ground gas processing equipment. The major processing systems will be located within the battery limits of the Plant. Starting from the inlet gas and following the process, these systems include the following:

- Inlet gas slug catchers
- Inlet gas condensate pumping, filtration, and stabilization
- Amine gas treating for hydrogen sulfide (H₂S) and carbon dioxide (CO₂) removal, with thermal oxidation
- Mole sieve dehydration
- NGL extraction (including refrigeration)
- High pressure residue gas compression
- NGL pipeline pumps
- Flare system
- Drain system
- Truck loading

- Plant control systems
- Utility systems (electrical, instrument air, and heat medium)

A simplified engineering flow chart depicting the Plant's process flow and an overview plot plan drawing showing the layout of the proposed processing equipment are included in Exhibit A.

1.3 PURPOSE AND NEED OF THE FACILITY

The purpose of the proposed Facility is to convert more than 175 MMscfd of wellhead gas to 150 MMscfd of saleable gas (residue gas) and NGLs. Residue gas and NGLs will be transported to market via the Northern Border Pipeline and ONEOK BP respectively.

1.4 GENERAL AREA TO BE SERVED

Wellhead gas will be gathered from Dunn County and surrounding areas, and will be transported to the Facility via a system of gathering pipelines. Residue gas will leave the Facility via pipeline and will serve customers in the Upper Midwest. NGLs will leave the Facility via ONEOK BP or other pipelines for further processing.

1.5 GROSS AND NET DESIGN CAPACITY

1.5.1 Gross Design Capacity

The existing Plant is comprised of a process train designed with a nominal nameplate capacity of 80 MMscfd. The expansion will include additional sales gas compression, modifications to existing processing equipment, and the addition of an amine gas treating for the removal of H₂S and CO₂ to bring the total capacity of the Facility to 175 MMscfd.

1.5.2 Net Design Capacity

The net design capacity of the proposed Plant using a feed stream benchmark is 175 MMscfd less 1.5 MMscfd for utility natural gas.

1.5.3 Plant Capacity

The Facility will be expanded and designed with a nameplate capacity of 175 MMscfd to accommodate the forecasted gas conditions and composition shown below.

Raw associated gas from oil production wells is designed to enter the Plant fence at a pressure between 600 and 1100 pounds per square inch gauge (psig) at a temperature between 35 and 90 degrees Fahrenheit (F). The inlet slug catcher is rated to handle a maximum of 175 MMscfd of inlet gas flow at

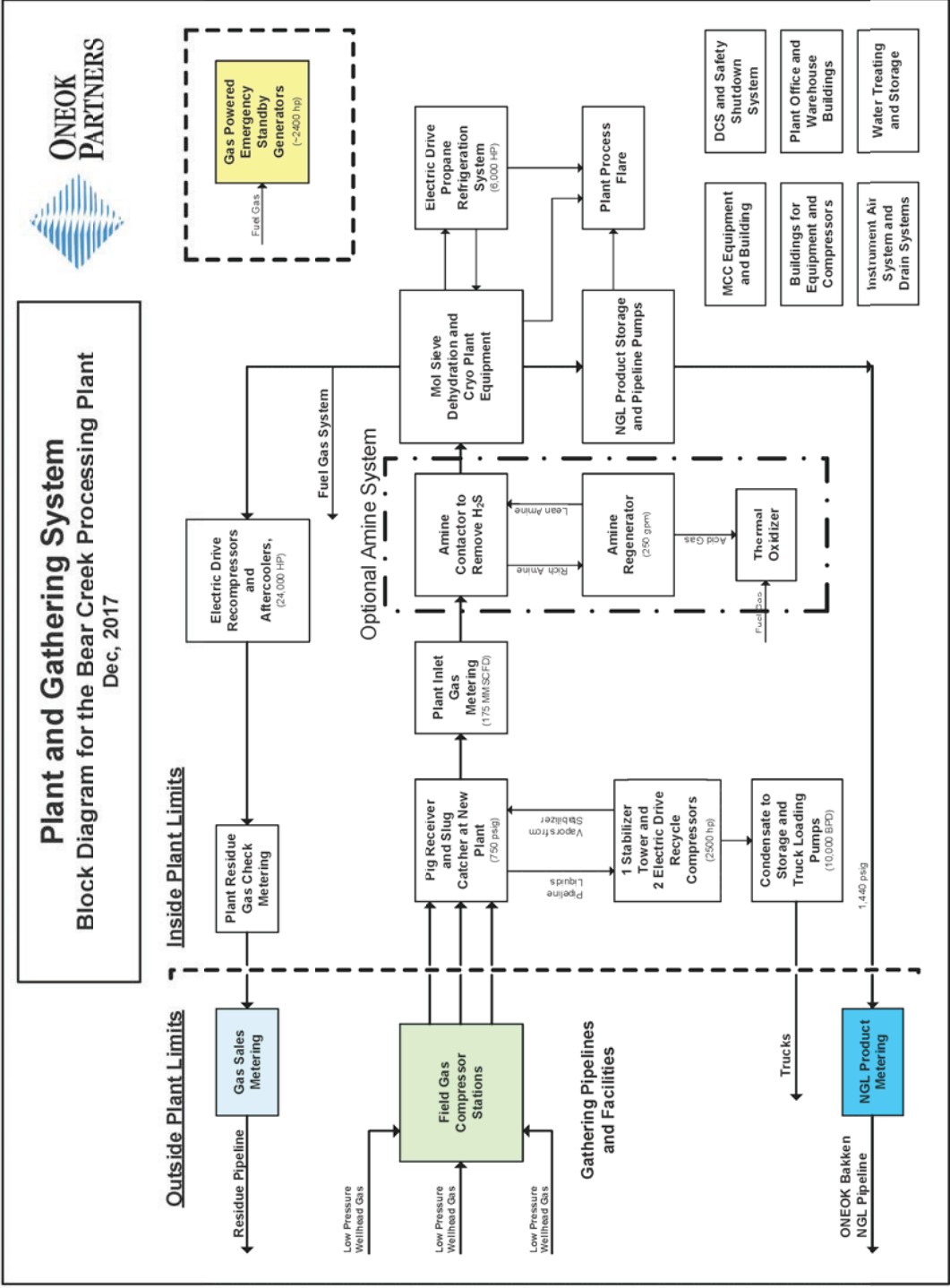
1,100 psig (maximum allowable working pressure). Raw inlet gas will be limited to 50 parts per million (ppm) H₂S. See Tables 1.5.3-1 and 1.5.3-2 for more information.

Table 1.5.3-1 Inlet Gas Conditions at the Facility Fence			
	Design	Maximum	Minimum
Gas Volume (MMscfd)	175	200	50
Gas Pressure (psig)	750	1100	600
Temperature (F)	80	90	35
Hydrogen Sulfide (ppm)	40.0	50.0	0.0
Water Content (pounds/MMscfd)	Saturated	Saturated	N/A

Table 1.5.3-2 Inlet Gas Composition		
Component	Mol% Inlet Gas	Inlet Gallons per Thousand Cubic Feet
Nitrogen	2.5109	
Carbon Dioxide	0.7833	
Hydrogen Sulfide	40 ppm	
Methane	60.1489	
Ethane	20.7322	5.528
Propane	10.5937	2.910
Iso-Butane	1.0772	0.352
Normal Butane	3.1297	0.984
Iso-Pentane	0.3525	0.129
Normal Pentane	0.4460	0.161
N-Hexane+	0.2256	0.093
TOTALS	100.0000	10.156

A block flow diagram for the Facility, including all expansions, is shown on Figure 2.

Figure 2 Block Diagram for the Bear Creek Gas Plant



1.6 TECHNOLOGY TO BE DEPLOYED/EMPLOYED

The Plant is designed to utilize a cryogenic process to separate the heavier hydrocarbon components from the residue gas. Specifically, the Plant design is a Gas Subcooled Process, originally developed by Orloff Engineers, Ltd. in the late 1970s. High pressure inlet gas after being cooled by heat exchange and mechanical refrigeration is sent through a turbo-expander to lower the pressure and cool the gas to cryogenic temperatures that allows the NGLs to liquefy and be separated from the residue gas. The residue gas is compressed for transport via pipeline while the NGL stream is pumped into a transportation pipeline.

1.7 TYPE OF PRODUCT TO BE TRANSMITTED

The Plant will produce an NGL mix stream containing products such as propane, butane, and natural gasoline, as well as pipeline grade natural gas, a mixture of methane, ethane, and carbon dioxide.

1.8 SOURCE OF PRODUCT TO BE TRANSMITTED

The source of the natural gas is from the Williston Basin.

1.9 FINAL DESTINATION OF PRODUCT

Residue gas will be placed in the Northern Border Pipeline and transported to serve industrial and residential consumers in the Upper Midwest. NGLs would be shipped out of North Dakota via NGL pipelines owned and operated by ONEOK BP, or other pipelines to facilities in the Mid-Continent and Gulf Coast for additional processing prior to distribution to various markets.

1.10 THERMAL EFFICIENCY OF THE PROCESS

Not applicable to this Facility.

1.11 PLANS FOR FUTURE EXPANSION/DEVELOPMENT

ONEOK has no specific plans for future expansion or development of the Facility beyond that provided in this application. Additional pipeline infrastructure (ONEOK, its affiliates or a third-party) leading to and/or exiting the Facility may be needed in the future.

1.12 REQUIREMENT FOR AND GENERAL LOCATION OF ANY NEW ASSOCIATED FACILITIES

All new infrastructure associated with the Project will be located within the previously disturbed Facility footprint (see Exhibit A). ONEOK is not aware of any new planned facilities or industrial developments at the Site. The introduction of additional gas processing capacity may expose existing demand that may

result in additional gathering capacity. In addition, there may be development of additional take-away capacity to bring the product to market as a result of new processing capacity. Additional infrastructure, including, but not limited to, water and electric utilities may also be required.

1.13 ESTIMATED TOTAL COST OF CONSTRUCTION

The full expansion, taking into consideration the costs to build the existing Plant, will result in a total investment cost of approximately \$250 million.

1.14 PREFERRED LOCATION OF FACILITY

The Project is located on an approximately 76-acre site in the northeast ¼ of Section 28, Township 146 North, Range 95 West, approximately 5 miles north of Killdeer, Dunn County. All construction activities associated with the Project will take place within the previously developed Facility footprint.

1.15 MERITS AND DETRIMENTS OF PREFERRED LOCATION

The major merit of the Facility location is its proximity to ONEOK and third-party pipeline infrastructure which supply the Plant with raw material and also provide an outlet for final product. All expansion activities will occur within the existing footprint of the Facility, limiting the need for new land to be acquired and developed.

1.16 DESCRIPTION OF CONSTRUCTION AND RECLAMATION PROCEDURES

Construction of the original Facility was conducted in accordance with applicable laws and permits. Construction activities included the development of a site-specific Stormwater Pollution Prevention Plan (SWPPP), which was developed to ensure adequate protections were in place to minimize erosion and to protect water resources. Areas that were not developed were returned to their pre-construction land use (agriculture).

In addition, ONEOK implemented several other internal control documents and plans during the original construction of the Facility, and will implement these or similar plans during expansion. Please refer to Section 9.0 for more information.

1.17 LANDOWNER NOTIFICATION, EASEMENT ACQUISITION, AND COMPENSATION

ONEOK owns all land within the site boundary. No new land will be required to be developed in support of this Project. Adjacent landowners were notified of the proposed construction of the original Facility as part of the Conditional Use Zoning approval process with Dunn County. The current adjacent landowners have been provided notice of the planned expansion.

2.0 NEED AND ALTERNATIVE ANALYSIS

2.1 NEED FOR THE FACILITY

Hydrocarbon production in the Bakken Shale and Three Forks formations of the Williston Basin has witnessed a steady increase in recent years. The increase in gas production from Bakken and Three Forks wells has exceeded the existing processing capacity available in the region, and construction of additional processing capacity is required to meet the demand of area producers. Absent the construction of additional processing capacity, gas produced in association with oil production must be flared or otherwise captured, which is a loss of revenue to the producers, royalty owners, and a concern of the North Dakota Industrial Commission (NDIC).

In 2014, the NDIC strengthened its position on flaring by adopting an additional policy designed to reduce flaring by promoting gas capture at the wellhead throughout the state. The policy has a stated goal to reduce incrementally the number of wells flaring from the long-term average of approximately 30 percent down to less than 10 percent by November 2020. To comply with the policy, producers are required to develop a gas capture plan identifying the anticipated volume of gas to be produced and infrastructure to be utilized for processing. Producers who fail to comply may be required to curtail production.

Gas gathering and processing is a non-discretionary service that is required for the marketing and sale of natural gas produced in association with oil. ONEOK is an established provider of these services throughout the state. This Project is a key component in supporting the NDIC gas capture policy objectives and infrastructure needs. Following completion of the expansion Project, the Facility will have a nominal design capacity of 175 MMscfd and will serve a geographic region encompassing approximately 250,000 acres, providing gas processing services for an estimated 700 wells.

2.2 ALTERNATIVES

A thorough analysis of all reasonable alternatives was conducted to determine if other processing capacity was available at other locations. Various factors were considered by ONEOK, including engineering, economic, and environmental factors in multidisciplinary and iterative fashion. ONEOK's proposed Project was found to be preferred to other alternatives considered because the other alternatives did not reasonably meet Project objectives, provide adequate capacity or had greater potential environmental, financial, logistical or social impacts. A brief discussion of other possible alternatives is provided below.

2.2.1 No Action Alternative

Under the no action alternative, the Facility would continue to operate with a gas processing capacity far below the capacity allowed by the expansion. Overall regional production would continue to be constrained by gas processing capacity, resulting in increased flaring at well head and loss of natural resources. This alternative does not meet the purpose and need for the Project outlined above.

2.2.2 Alternative Location of Facility

Alternative locations would result in new, undefined impacts to area resources and require installation of additional infrastructure (e.g., access roads, utilities, and delivery pipelines) due, in part, to an increased distance from ONEOK's existing gas gathering system delivering gas to the Plant. This alternative is not desirable.

3.0 SCHEDULE

3.1 OBTAINING CERTIFICATE OF SITE COMPATIBILITY

ONEOK seeks a Certificate of Site Compatibility by or before March 1, 2018.

3.2 COMPLETING LAND ACQUISITION

The Project will occur entirely within land owned by ONEOK. As such, no additional land acquisition is required for this Project.

3.3 STARTING AND COMPLETING CONSTRUCTION

ONEOK plans to begin construction of the Plant expansion in Spring 2018 upon receipt of all necessary authorizations, and will continue for approximately 18 months.

3.4 TESTING OPERATIONS

ONEOK anticipates construction to take approximately 18 months to complete. Upon mechanical completion, ONEOK will begin a detailed process of pre-commissioning activities designed to test all systems to ensure proper working order, proper design, safe and compliant operation and trouble shoot for any operational issues.

3.5 COMMENCING OPERATIONS

ONEOK anticipates initial operation of the Plant with the full expansion capacity approximately 18 months after field construction begins and after all commissioning activity has been completed.

3.6 FUTURE EXPANSIONS OR ADDITIONS

At this time, ONEOK has no additional expansion plans at this Facility beyond that provided for in this application.

4.0 STUDY AREA AND SITE BOUNDARY

The site boundary for the Project consists of an approximately 76-acre rectangular parcel, located in the northeast $\frac{1}{4}$ of Section 28, Township 146 North, Range 95 West, in Dunn County, North Dakota (see Figure 1). Approximately 40 acres within the site boundary have been previously developed in association with construction of the Plant. This previously developed area is referred to as the “Facility footprint” in the following sections. ONEOK is requesting the NDPSA provide certification for all land within the 76-acre site boundary.

For purposes of this application, ONEOK defined its study area for the Project to include a 1-mile buffer centered on the site. In its consultation requests with various federal and state agencies, ONEOK submitted information about the Project and figures displaying the site boundary and study area (see Section 6.0). In support of this application, ONEOK also performed an analysis for the presence of exclusion and avoidance areas, and selection criteria (see Section 7.0) within the site boundary and the study area.

5.0 ENVIRONMENTAL STUDIES

Prior to construction of the original Plant, ONEOK commissioned E3 Environmental, L.L.C. (E3) to conduct cultural and natural resource surveys. The surveys were conducted in April 2015 and covered the entire workspace utilized during the original project construction. Given that the expansion of the Facility will occur entirely within the previously disturbed Facility footprint, additional field surveys were not deemed necessary. A summary of each field survey is provided below.

5.1 CULTURAL RESOURCE INVENTORY AND SUMMARY

Although any new ground disturbing activities associated with the Project will occur entirely within previously disturbed areas, the following review of archaeological resource investigations and management activities illustrates that adequate considerations have been made for the Project footprint. ONEOK believes that no additional archaeological resource investigations are necessary for the Project.

Between April 9 – 13, 2015, E3 conducted an archaeological resource inventory (Class III) of 145 acres in the northeast corner of Section 28, Township 146 North, Range 95 West, which includes the entire Project boundary. The Class III inventory identified three pre-contact archaeological sites. One of the sites was determined to be an isolated find and recommended as not eligible for inclusion on the National Register of Historic Places (NRHP). The other two sites were avoided during construction of the Facility and not evaluated further at the time. Construction of the original Facility did not require a federal action or NDPSC approval; as such, formal consultation with the North Dakota State Historic Preservation Office (ND SHPO) was not required. Site forms for the three newly identified sites were filed; however, the corresponding Class III Cultural Resources Inventory report was not submitted to ND SHPO. Due to confidentiality concerns, this report is not being submitted to the NDPSC with this filing; however, an abstract of the report is available upon request.

In November 2015, approximately 6 months after ONEOK initiated construction of the Plant, one of the cultural sites was subsequently the focus of additional archaeological work due to two new pipelines (including ONEOK's Bear Creek NGL pipeline²²) entering the Facility from the west. Through these projects, formal consultation was initiated with the ND SHPO and one of the sites was found to be significant and eligible for inclusion on the NRHP, and the boundaries of the site were expanded.

Construction of the pipelines (in Summer 2016) entering the Facility required impacts to the site to be mitigated in coordination with the ND SHPO, and an archaeological monitor was present during construction. The mitigation work was sponsored by ONEOK and was completed to the ND SHPO's satisfaction. A final report will be submitted to ND SHPO in early 2018.

ONEOK staff met with ND SHPO in Bismarck on November 28, 2017 to provide an update on the mitigation work associated with the pipeline projects and to provide an introduction of the Project. In support of this

²² NDPSC Docket PU-15-801

application, ONEOK submitted a formal consultation request to ND SHPO, which included a copy of the 2015 Class III Cultural Resources Inventory. Please refer to Section 6.4 for further discussion.

5.2 WETLAND AND WATERBODY INVENTORY

On April 14, 2015, on behalf of ONEOK, biologists from E3 conducted a natural resource survey of an approximately 76-acre parcel (corresponding to the site boundary, see Section 4.0), which included a wetland and waterbody delineation. Wetland determinations and delineations were conducted in a two-step process; first a desktop review of the 76-acre Project site, which included a review of U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle maps; U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps; USGS National Hydrography Data (NHD); U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) soils data, and current and historical aerial photographs of the Project site. Following the desktop review, the presence or absence of wetlands was confirmed in the field using routine onsite delineation methods in accordance with the U.S. Army Corps of Engineers (USACE) *Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region* (Version 2.0) (USACE 2012).

No NWI wetlands were identified during the desktop review; however, one NHD flowline was identified in the central portion of the Project area. Subsequent field surveys determined the feature did not exhibit wetland characteristics, and it was determined to be an upland swale, and therefore not subject to USACE permitting. A copy of the report is included as Exhibit B.

5.3 WILDLIFE INVENTORY

In conjunction with the wetland delineation described in Section 5.2, on behalf of ONEOK, biologists from E3 conducted a wildlife inventory and habitat assessment of the Project area. The report concluded that the entire Project area was comprised of an agricultural (wheat) field, with small patches of barley and grasses. Due to the homogenous agricultural habitat, it was determined that nesting habitat for raptors was unlikely to occur within the Project boundaries. No federally protected species or their preferred habitats were identified during the field survey. A copy of the report is included as Exhibit B.

5.3.1 Federally Protected Species Review

The Endangered Species Act of 1973, as amended, (ESA) directs the USFWS to identify and protect endangered and threatened species and their critical habitat. Section 9 of the ESA prohibits take of federally-listed species. Take is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct” (16 U.S. Code [U.S.C.] § 1532). The term “harm” includes significant habitat alteration which kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 Code of Federal Regulations [CFR] § 17.3).

Projects involving federal lands, funding or authorizations require consultation between the federal agency and the USFWS, pursuant to Section 7 of the ESA. As this Project does not have a federal nexus, formal consultation with USFWS is not required; however, ONEOK submitted a Project notification to the USFWS to allow the agency to provide any comments related to this Project.

Table 5.3-1 provides a summary of protected species in Dunn County. A brief description of each species and their preferred habitat and the expected impacts to each species is provided below. A summary of ONEOK’s consultation with USFWS with respect to federally listed threatened and endangered species is included in Section 6.1.

Table 5.3-1 Federally Listed Species in Dunn County, North Dakota		
Common Name	Scientific Name	Status
Northern long-eared bat	<i>Myotis septentrionalis</i>	Threatened
Gray wolf	<i>Canis lupus</i>	Endangered
Whooping crane	<i>Grus americana</i>	Endangered
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
Piping plover (Northern Great Plains population)	<i>Charadrius melodus</i>	Threatened
Interior least tern	<i>Sterna antillarum</i>	Endangered
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Dakota skipper	<i>Hesperia dacotae</i>	Threatened

Field surveys for listed species and a general habitat assessment were conducted in April 2015 prior to construction of the original Facility. No threatened or endangered species or critical habitats were observed at the time of the on-site assessments.

Northern long-eared bat

The range of the northern long-eared bat stretches across much of the eastern and Midwestern United States. During summer, the bats roost singly or in colonies under bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places such as caves and mines. This species is thought to be opportunistic in selecting roosts, utilizing tree species based on the tree’s ability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures such as barns and sheds. In winter, northern long-eared bats utilize caves and mines as hibernacula.

On April 1, 2015, the USFWS listed the northern long-eared bat as threatened under the ESA and simultaneously published an interim in accordance with Section 4(d) of the ESA; the final listing and interim 4(d) rule took effect as of May 4, 2015. On January 14, 2016, the USFWS published the final 4(d) rule identifying prohibitions that focus on protecting the bat’s sensitive life stages in areas affected by White Nose Syndrome (WNS). The USFWS has developed a WNS zone map identifying counties containing hibernacula where bats have been found to exhibit WNS and/or have tested positive for the fungus that causes WNS. This map is updated periodically and was reviewed for this Project on November 22, 2017

(map dated June 30, 2017). Dunn County, North Dakota, currently fall outside of the USFWS-designated WNS buffer zone; as such, incidental take of northern long-eared bats is not prohibited.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Tree-clearing activities will not be required for this Project. Therefore, impacts to this species are not expected.

Gray Wolf

The gray wolf is the largest of the wild dog species and is found in a variety of habitats throughout North America. They are typically distinguishable from coyotes by their larger size, shorter, more rounded ears, and broader muzzle. Gray wolves prey primarily on large ungulates, including white-tailed deer (*Odocoileus virginianus*), elk (*Cervus elaphus*), moose (*Alces alces*), bison (*Bison bison*), and caribou (*Rangifer tarandus*), depending on location. They will occasionally take smaller prey, including beaver (*Castor canadensis*), insects, various small mammals, and domestic animals. Additionally, wolves will usurp carcasses and scavenge carrion opportunistically from kills made by other carnivores.

A habitat generalist, the gray wolf originally occupied most habitat types in North America. They show no preference for one cover type over another and successfully use alpine, forest, grassland, shrubland, and woodland habitats across their range. Once thought to require wilderness areas with little to no human disturbance, recent range expansions have demonstrated the species' ability to tolerate higher rates of anthropogenic development than previously thought. Given abundant prey and low rates of human-caused mortality, wolves can survive in proximity to human-dominated environments.

As dispersers, individual wolves will be transient and highly mobile. Naturally curious, they may stray close to the Project area, but would likely retreat upon seeing or hearing construction activities. Therefore, impacts to this species are not expected.

Whooping crane

The whooping crane is the tallest bird in North America; adults stand nearly 5 feet tall with a wing span that averages 7.5 feet. Adult plumage is primarily white with black primary feathers on the wings, with a red crown and red facial skin often apparent.

Whooping cranes embark on a bi-annual migration from summer nesting and breeding grounds in Wood Buffalo National Park in northern Alberta to the barrier islands and coastal marshes of the Aransas National Wildlife Refuge on the Gulf Coast of Texas. The migratory corridor is approximately 2,400 miles in length, 220 miles wide, and includes eastern Montana and portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and eastern Texas. During migration, birds stop to feed daily and primarily forage for waste grains in agricultural fields but will also eat frogs, fish, crayfish, insects, and plant tubers. They also utilize upland freshwater sites and forage for acorns, crayfish, insects, and snails. Migrating cranes also use riverine habitats and more open roosting sites in wetlands, sandbars, and shallow river channels.

The Project area falls within the 95% migration corridor (i.e., the 220-mile band where 95% of all whooping crane sightings have occurred), and suitable stopover habitat (i.e., open landscape wetlands and croplands) is present in the vicinity of the Project area. Should construction activities take place within the species' migration period (i.e., May 15 - June 15 and July 15 - Sept 15), ONEOK will provide training and an identification guide to contractors prior to construction. If the species is spotted within 1 mile of the Project, ONEOK will suspend all heavy equipment operations and notify the USFWS. Heavy equipment activities would resume upon the departure of the individual(s). By employing these procedures, impacts to this species are not expected.

Rufa red knot

The red knot is a large sandpiper known for its long-distance migration between breeding grounds in the Canadian Arctic and several wintering areas in the Southern Hemisphere. Large numbers of rufa red knots migrate along the Atlantic Coast of North America and winter in South America. Red knots may also winter in the Southeastern U.S. in Florida, South Carolina, Georgia, and Texas; some red knots wintering in the northwestern Gulf of Mexico migrate through the interior of North America during both spring and fall migration and utilize stopover sites in the Northern Great Plains.

The occurrence of rufa red knots in North Dakota is unpredictable, and the number of migrating shorebirds documented in the interior can vary dramatically due to high inter-annual availability in water levels and habitat quality at mid-continental wetlands. Suitable stopover habitat (i.e., open landscape wetlands and croplands) is present in the vicinity of the Project area. However, while the red knot may stop opportunistically to forage and roost, it is not possible to predict their presence in an area.

Should construction activities take place within the species' migration period (i.e., May 15 - June 15 and July 15 - Sept 15), ONEOK will provide training and an identification guide to contractors prior to construction. If the species is spotted within 1 mile of the Project, ONEOK will suspend all heavy equipment operations and notify the USFWS. Heavy equipment activities would resume upon the departure of the individual(s). By employing these procedures, impacts to this species are not expected.

Piping plover

The piping plover is a small, stocky migratory shorebird which nests in three locations in North America: the shorelines of the Great Lakes, the shores of rivers and lakes in the Northern Great Plains, and along the Atlantic Coast. Plovers are found on wide, flat, open, sandy beaches with very little grass or other vegetation. In the Great Plains, piping plovers inhabit barren sand and gravel shores of rivers and lakes, and avoid dense vegetation. Nearly all natural lakes used by plovers in North Dakota are alkaline in nature and have salt-encrusted, white beaches. Such alkali lakes probably are selected due to their sparse vegetation. Piping plovers will also utilize wide beaches and barren river sandbars. In North Dakota, this habitat type is most often found on the Missouri and Yellowstone rivers.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

Interior least tern

The interior least tern is the smallest of the terns found in North America. The species is characterized by a black “crown” on their head, a snowy white underside and forehead, grayish back and wings, orange legs, and a yellow bill with a black tip. The least tern can be found in sandy, sparsely vegetated areas along large, slow-moving rivers. The species is a colony nester, and pairs nest and raise young on barren river sandbars. In North Dakota, nesting activity is primarily along the Missouri River.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

Pallid sturgeon

The pallid sturgeon is a large, slow-growing fish found in the Missouri and Mississippi rivers from Montana to Louisiana. The pallid sturgeon’s preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity. The species is usually found in main-channel habitat with a sand or gravel bottom. Wild pallid sturgeon have been noted in the Missouri River downstream from the Fort Peck Dam in Montana to the headwaters of Lake Sakakawea, North Dakota, and downstream from Garrison Dam, North Dakota to the headwaters of Lake Oahe, South Dakota.

No in-water work will be performed for the Project. Therefore, impacts to this species are not expected.

Dakota skipper

The Dakota skipper is a small-to-medium sized butterfly characterized by a short, sturdy body and a quick, skipping flight. The species is an obligate of untilled, high-quality native prairie containing a variety of wildflowers and grasses. Dakota skippers can be found in both wetlands and uplands, but do not thrive in heavily grazed or cultivated areas. The preferred wetland habitat is associated with plant species consisting of bluestem grasses, wood lily, and harebell. The preferred upland habitat contains bluestem grasses, needlegrass, purple coneflower, and blanketflower.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

5.3.2 Migratory Bird Treaty Act

Migratory birds are federally protected by the Migratory Bird Treaty Act (MBTA), which prohibits the taking, killing, possession, and transportation of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. In North Dakota, both native prairie and non-native grasslands provide breeding, nesting, foraging, brood-rearing, and dispersal habitat for many species of migratory birds. The migratory bird nesting season in North Dakota is February 1 to July 15.

While ground nests may appear in a variety of landscapes, given the agricultural and industrial setting of the Project, as well as the fact that all activities will be limited to the previously disturbed Facility footprint, there is a very low potential for impacts to migratory birds or their nests. Should construction activities related to the expansion be conducted during the nesting season for migratory birds, ONEOK will implement its Migratory Bird Plan, which details procedures to be followed in the event nests are discovered in the area.

5.3.3 Bald and Golden Eagle Protection Act

Bald and golden eagles are protected by both the MBTA and the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits the take of a bald or golden eagle adults, juveniles, or chicks including their parts, nests, or eggs without a permit. The BGEPA also addresses impacts resulting from human-induced alterations occurring around previously used nesting sites.

Bald eagles breed throughout North Dakota and commonly nest in trees near large bodies of water, but may also nest in other tall structures, such as rocky outcrops, cliffs, utility poles, and communication towers. Golden eagles are uncommon in North Dakota but may breed in the far western portions of the state, nesting between early April and late July. They typically nest in incised landscapes, including the badlands and buttes overlooking grassland and prairie habitat, but may also nest in large trees. The eagle nesting season in North Dakota is February 1 to July 31.

Construction activities related to the Project may overlap with the eagle nesting season. Based upon desktop review and field surveys (see Exhibit B), suitable nesting habitat is not present within 660 feet (0.125 mile) of ground-disturbing activities associated with the proposed control valve installations. As such, impacts to nesting bald and golden eagles are not anticipated.

5.4 TREE/SHRUB INVENTORY

Because construction of the original Plant was completed prior to the Facility being under the jurisdiction of the NDPSC, ONEOK did not conduct a formal inventory of trees and shrubs, and impacts to trees and shrubs during construction were not recorded. However, field surveys conducted for wetlands and biological resources prior to construction in 2015 (see Exhibit B) confirmed that there were no trees or shrubs located at the site. A review of historic aerial photography supports these findings as no trees are visible, and it appears the parcel of land has been in cultivated row crops for at least 20 years.

5.5 NOXIOUS WEEDS INVENTORY

North Dakota law (NDCC 4.1-47-02) requires every person to do all things necessary and proper to control the spread of noxious weeds and makes it illegal for any person to distribute, sell, or offer for sale within this state a noxious weed. The North Dakota Department of Agriculture (NDDA) lists 11 species of noxious weed and invasive species:

- Absinth Wormwood (*Artemisia absinthium*)
- Canada Thistle (*Cirsium arvense*)
- Dalmatian Toadflax (*Linaria genistifolia*)
- Diffuse Knapweed (*Centaurea diffusa*)
- Leafy Spurge (*Euphorbia esula*)
- Musk Thistle (*Carduus nutans*)
- Purple Loosestrife (*Lythrum salicaria*)
- Russian Knapweed (*Acroptilon repens*)
- Saltcedar (*Tamarix chinensis*, *T. parviflora*, *T. ramosissima*)
- Spotted Knapweed (*Centaurea maculosa*)
- Yellow Toadflax (*Linaria vulgaris*)

In addition to the NDDA noxious weed and invasive species list, localized weed boards within each county manage noxious weeds and invasive species and may develop a list of additional weeds for enforcement within their jurisdiction. Dunn County has not designated any additional noxious weeds.

A formal noxious weed inventory was not conducted prior to the original construction of the Facility; however, a natural resources survey completed prior to construction noted that the Project area consisted of an agricultural field containing wheat with small patches of barley. Western wheatgrass and smooth brome were also noted as sparsely occurring within the survey area. No noxious weeds were identified during the survey. Construction activities related to the Facility expansion will occur within the Facility's previously disturbed footprint. As such, we do not anticipate the Project has the potential to spread noxious weeds.

6.0 AGENCY NOTIFICATIONS AND PERMITTING

ONEOK provided Project notification to various federal and state agencies, and requested review of the 1-mile study area that may be affected by the Project. Letters and/or emails were submitted with an accompanying mapset of the Project. A summary of these notifications is provided in Table 6.0-1 below, and further details on each consultation are included in the following sections.

Table 6.0-1 Summary of Agency Notifications¹			
Agency	Applicable Resource/Program	Date Submitted	Response Received
USFWS – Ecological Services Office	Federally listed threatened and endangered species, USFWS managed lands, MBTA and BGEPA consultation	November 30, 2017	Pending
U.S. Department of Defense (USDOD)	USDOD intercontinental ballistic missile and launch facility assets	November 30, 2017 (via email)	December 4, 2017 (via email)
USACE – Omaha District	Waters of the United States	December 8, 2017	Pending
ND SHPO	NRHP, Cultural Resources Consultation	December 8, 2017	December 14, 2017
North Dakota Game and Fish Department (NDGF)	State Conservation Priority Species, Game Refuges, Game Management Areas and Private Land Open to Sportsmen	November 30, 2017	December 22, 2017
North Dakota Parks and Recreation Department (NDPR)	North Dakota Natural Heritage Inventory system, State Parks Recreation areas, Natural areas, and Land and Water Conservation Fund projects	December 6, 2017	Pending
North Dakota Department of Trust Lands (NDDTL) – School and Mineral Trust Lands	Identification of impacts to NDDTL-administered School Mineral Trust lands	November 30, 2017	December 19, 2017
North Dakota Department of Health (NDDH) – Division of Air Quality	Air Quality	Permit application for expansion is in development	Pending
¹ Copies of agency consultations (submittals and responses, if received) are included in Exhibit C.			

6.1 U.S. FISH AND WILDLIFE SERVICE

The USFWS administers several programs designed to identify and protect special status plant and animal species, critical habitats, and lands managed by the agency including the MBTA and the BGEPA. Additionally, the USFWS administers National Wildlife Refuges and Waterfowl Production Areas throughout North Dakota.

ONEOK provided the USFWS with Project notification on November 30, 2017, which included a description of the Project, and an assessment of its impacts relative to the interests of the USFWS. A formal written response has not yet been received.

6.2 DEPARTMENT OF DEFENSE – AIR FORCE CABLE AFFAIRS

The USDOD possesses assets associated with intercontinental ballistic missiles (ICBM) and launch facilities in North Dakota. U.S. ONEOK provided the USDOD with Project notification on November 30, 2017 and in a December 4, 2017 response, the USDOD stated that its nearest assets were 43 miles away and that the agency does not have any issues with the Project (see Exhibit C).

6.3 U.S. ARMY CORPS OF ENGINEERS

The USACE has jurisdiction of impacts to waters of the U.S., which include waters which have historically or currently being used for navigation, tributaries which flow to them, as well as wetlands that are adjacent to these features. As noted in Section 5.2 above (also see Exhibit B), although a stream feature was identified during a desktop review of the Project area prior to construction, a formal wetland and waterbody delineation completed in April 2015 concluded that no jurisdictional wetlands or waterbodies were present.

ONEOK submitted a Project notification and request for review to the USACE - Omaha District (North Dakota Regulatory Office) on December 8, 2017. A response is pending.

6.4 NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

According to the Siting Act, among the “*factors to be considered [by the Commission] in evaluating applications and designation of sites, corridors, and routes,*” is the effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites. The repository in North Dakota for this information is the ND SHPO, which acts as a technical resource during identification and evaluation of areas, sites, and structures and during reviews of Project effects. The NDPSO tasks the applicant to coordinate identification and effects discussions with the ND SHPO.

ONEOK staff met with ND SHPO staff in Bismarck on November 28, 2017 to provide an overview of the Project. In a December 6, 2017 consultation letter, ONEOK provided further information and requested concurrence that the Project will result in *No Adverse Effect to Historic Properties*. ND SHPO concurred with this determination by letter dated December 14, 2017 (see Exhibit C).

6.5 NORTH DAKOTA GAME AND FISH DEPARTMENT

The NDGF has oversight of the State’s game species. In a November 30, 2017 consultation letter, ONEOK provided Project notification to the NDGF requesting information regarding the presence or absence of State Conservation Priority Species, game refuge and game management lands, and Private Land Open to

Sportsmen lands within the Project Corridor. In a December 22, 2017 response, NDGF indicated that they do not believe the Project will result in adverse impacts to wildlife or wildlife habitat.

6.6 NORTH DAKOTA PARKS AND RECREATION DEPARTMENT

The NDPR Natural Resource Division's scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities). The NDPR also maintains a database identifying the location and recorded occurrences of plant and animal species of special concern. The NDPR's authority includes management of state park lands and Land and Water Conservation funded recreation projects.

On December 6, 2017, Project notification was initiated with the NDPR seeking confirmation regarding the presence or absence of managed lands, ecological resources, and rare species or their critical habitats within the Project Corridor. A response from the NDPR is pending.

6.7 NORTH DAKOTA DEPARTMENT OF TRUST LANDS – SCHOOL AND MINERAL TRUST LANDS

On November 30, 2017, ONEOK provided Project notification to the NDDTL requesting comments regarding the presence of Mineral and School Trust Lands in the Project area. Prior to sending the letter, ONEOK had identified one parcel of land approximately 1 mile north of the Project was identified as being both a school and mineral trust land. In a December 19, 2017 response, NDDTL confirmed the presence of School Trust land located one mile north of the Project, and identified an additional trust land approximately 1 and ½ miles east of the Project. The response concluded that the Project will have minimal adverse effects on these NDDTL-managed parcels.

6.8 NORTH DAKOTA DEPARTMENT OF HEALTH – DIVISION OF AIR QUALITY

The NDDH - Division of Air Quality issued North Dakota Air Pollution Control Permit to Construct (PTC) 15067 on November 13, 2015 authorizing construction of original equipment at the Facility, based on the 80 MMscfd nominal design basis. This permit establishes emission limits and other compliance requirements to ensure compliance with ambient air quality standards and applicable state and federal regulations. The Facility was designated a minor source of air emissions.

Permit to Operate No. 017008 was issued for the existing Plant on October 17, 2017 by the NDDH after conducting a site inspection to verify equipment was built and operated as permitted. Verification of initial performance testing requirements was also confirmed.

ONEOK will apply to NDDH for a PTC to authorize construction of the planned expansion once the design specifications have been confirmed. The full expansion to 175 MMscfd is expected to include amine treating and result in the Facility becoming a major Title V source, but not subject to Prevention of

Significant Deterioration preconstruction permitting requirements. Construction of the Facility expansion will comply with all permitting and applicable regulatory requirements.

6.9 NORTH DAKOTA DEPARTMENT OF HEALTH – DIVISION OF WATER QUALITY

The NDDH, through their North Dakota Pollution Discharge Elimination System (NDPDES) construction stormwater program, authorizes the discharge of stormwater associated with construction activities under their general permit NDR10-0000. Part I.A.2.c of NDR10-0000 provides an exemption for *“discharges of stormwater from oil and gas exploration, production, processing or treatment operations, or transmission facilities.”* The Facility is considered as a gas processing plant, per 33 U.S.C. § 1342(l)(2), and 40 CFR § 122.26, as incorporated by reference at NDAC 33-16-01-01.1(4).

Although stormwater discharges from construction activities are exempt from NDPDES permitting, as part of the original construction of the Facility, ONEOK developed and implemented a SWPPP modeled on the conditions in NDR10-0000, and instituted best management practices (BMPs) to minimize erosion and off-site transport of sediment. Expansion activities described in this application will also be exempt from construction activities; however, ONEOK plans to develop and implement a new Project-specific SWPPP.

ONEOK is currently evaluating the need to conduct hydrostatic testing on newly installed equipment and whether testing will result in the discharge of hydrostatic test water. If required, ONEOK will apply for coverage under NDDH’s General Permit for Temporary Discharge Activities (NDPDES General Permit NDG07-0000).

7.0 CRITERIA

The information presented in this section was developed to demonstrate conformance with the NDPSC’s siting criteria for facilities. ONEOK has conducted a thorough inventory of the Project study area and evaluated the resources within it to assess the compatibility of the Project with the NDPSC’s siting criteria. The following sections identify and discuss the presence or absence of siting criteria within the Project’s study area and Facility footprint. Where siting criteria are identified, the location of each is shown on the maps in Exhibit D.

7.1 EXCLUSION AREAS

Table 7.1-1 Exclusion Areas NDPSC Certificate of Site Compatibility				
Exclusion Area	Located within Study Area ¹	Located within the Site Boundary ¹	Located within Facility Footprint ¹	Administering Agency
Federal Resources				
National Parks	No	No	No	U.S. National Park Service (USNPS)
National Memorial Parks	No	No	No	USNPS
National Historic Sites and Landmarks	No	No	No	USNPS
National Natural Landmarks	No	No	No	USNPS
National Historic Districts	No	No	No	USNPS
National Monuments	No	No	No	USNPS
National Wilderness Areas	No	No	No	USNPS; U.S. Forest Service (USFS), USFWS
National Wildlife Areas	No	No	No	USFS, USFWS
National Wild, Scenic or Recreation Rivers	No	No	No	USFWS
National Wildlife Refuges	No	No	No	USFWS
National Grasslands	No	No	No	USFWS
State Resources				
State Parks	No	No	No	NDPR
State Forests or Forest Management Lands	No	No	No	NDGF, North Dakota Forest Service
State Historic Sites	No	No	No	ND SHPO
State Monuments	No	No	No	ND SHPO
State Historical Markers	No	No	No	ND SHPO

Table 7.1-1 Exclusion Areas NDPSC Certificate of Site Compatibility				
Exclusion Area	Located within Study Area¹	Located within the Site Boundary¹	Located within Facility Footprint¹	Administering Agency
State Archaeological Sites	No	No	No	ND SHPO
State Grasslands	No	No	No	NDGF
State Wild, Scenic, or Recreational Rivers	No	No	No	NDGF, NDPR
State Game Refuges	No	No	No	NDGF
State Game Management Areas	No	No	No	NDGF
State Management Areas	No	No	No	NDGF, NDPR
State Nature Preserves	No	No	No	NDGF, NDPR
County and Municipal Resources				
County Parks and Recreation Areas, Municipal Parks, and Parks under other Governmental Jurisdiction; hardwood draws, and enrolled woodlands	No	No	No	Various
Other Resources				
Prime farmland and unique farmland	Yes	Yes	Yes	USDA-NRCS
Irrigated land	No	No	No	USDA-NRCS
Areas Critical to the Life Stages of Threatened or Endangered Animal or Plant Species	No	No	No	USFWS
Areas Where Animal or Plant Species Unique or Rare to the State Would be Irreversibly Damaged	No	No	No	Various
Areas within 1,200 feet of an ICBM Facility	No	No	No	USDOD

¹ Study area, site boundary, and Facility footprint are defined in Section 4.0.

7.1.1 Federal Resource Review

Review of digital data³ available from the USNPS, USFS, and USFWS shows that there are no national parks, national memorial parks, national historic sites and landmarks, national wilderness areas, or national monuments located within the study area or site boundary. Therefore, there will be no direct impacts to

³ <http://www.nps.gov/state/nd/index.htm>, <http://www.nps.gov/lecl/planyourvisit/loader.cfm?csModule=security/getfile&PageID=76427>, and <http://www.wilderness.net/NWPS/stateView?state=ND>

national parks, sites, monuments, or wilderness. The nearest federally managed land is the Lake Ilo National Wildlife Refuge (Audobon Complex) located approximately 8 miles southeast of the Project.

7.1.2 State Resource Review

Review of publicly available data⁴ indicates that there are no designated or registered state parks, sites, monuments, or nature preserves within the Facility footprint, site boundary, or study area. One NDPR-designated scenic byway (State Highway 22) is located approximately 1 mile west of the Project. The nearest state-managed land is Little Missouri Bay State Park, located approximately 5.5 miles northeast of the Project. Therefore, there will be no direct impacts to state parks, sites, monuments, or nature preserves.

7.1.3 County and Municipal Resource Review

Based on a review of publicly available data, there are no known county or municipal parks or other locally-administered management areas within the study area of the Project. The nearest known facilities are city parks, located approximately 5 miles south of the Project in Killdeer, ND. No impacts to county or municipal-managed lands are anticipated.

7.1.4 Prime and Irrigated Farmland

Based on a desktop review of current and historic aerial photography, there is no evidence that the site has been irrigated in at least 20 years. Construction of the original Plant permanently converted 3.22 acres of land designated as prime farmland, as identified by a review of USDA-NRCS soils data. As the Project will not involve the development of additional land, no additional prime farmland will be impacted by the expansion of the Facility.

While the Siting Act identifies prime farmland as an exclusion area, Section 1(d) of NDAC 69-06-08-01 also states that if the Commission finds that if prime farmland that will be removed is of such small acreage as to be negligible on agricultural production, this exclusion does not apply. According to the USDA 2012 Census of Agriculture, Dunn County has over 1.03 million acres of land in agricultural production. As such, ONEOK believes the loss of prime farmland should be considered negligible, and this exclusion should not apply.

7.1.5 Areas of Critical Habitat

As described in Section 5.3, prior to development of the site, ONEOK commissioned natural resource surveys of the site boundary (see Exhibit B). The scope of the surveys included documentation of the presence or absence of federally listed and state-listed species of concern or evidence of suitable habitats for these species. The results of these field studies concluded that the entire survey area was an

⁴ North Dakota GIS HUB, <https://www.nd.gov/itd/statewide-alliances/gis>

agricultural field containing wheat and small patches of barley, wheatgrass, and smooth brome. No federally listed species or associated habitats were identified at the time of the surveys.

The nearest USFWS-designated critical habitat for federal or threatened endangered species (piping plover) is associated with the Missouri River/Lake Sakakawea, and is located approximately 17 miles northeast of the Project. Construction activities associated with the Project will be confined to the previously disturbed Facility footprint. Impacts to critical and sensitive habitat are not anticipated.

7.1.6 Areas where Unique or Rare Species Would Be Irreversibly Damaged

Based upon desktop review of publicly available information, agency correspondence (See Exhibit C) and field surveys (see Exhibit B), the proposed Project will not result in irreversible impacts that are detrimental to sensitive plant and animal species or their habitats.

7.1.7 Areas within 1,200 Feet of Intercontinental Ballistic Missile Facility or 30 Feet of Direct Line of Intercontinental Ballistic Missile Launch Facility

As confirmed with the USDOD (see Section 6.2 and Exhibit C), the Air Force has no assets located in the vicinity of the Project area.

7.2 AVOIDANCE AREAS

Avoidance Areas, as set forth in Section 69-06-08-01(3) of the NDAC, are areas that may not be approved as a site for an energy conversion Facility unless it is shown by the applicant that under the circumstances there is no reasonable alternative. The following table and text identify and discuss avoidance areas within the Study Area.

Table 7.2-1 Avoidance Areas NDPSC Certificate of Site Compatibility				
Avoidance Area	Located within Study Area¹	Located within the Site Boundary¹	Located within Facility Footprint¹	Administering Agency
Historical Resources not specifically designated as Exclusion Areas	Yes	Yes	No	ND SHPO
Areas within the city limits of a city or the boundaries of a military installation	No	No	No	USDOD, Municipalities
Areas within known floodplains as defined by the geographical boundaries of the hundred-year flood	No	No	No	Federal Emergency Management Agency (FEMA)

Table 7.2-1 Avoidance Areas NDPSC Certificate of Site Compatibility				
Avoidance Area	Located within Study Area¹	Located within the Site Boundary¹	Located within Facility Footprint¹	Administering Agency
Areas that are geologically unstable	No	No	No	State Geological Survey
Woodlands and wetlands	No	No	No	State Forest Service, USACE
Areas of Recreational Significance not designated as exclusion areas	No	No	No	Various
¹ Defined in Section 4.0.				

7.2.1 Historical Resources Not Designated as Exclusion Areas

As referenced in Section 5.1, after construction of the Plant was initiated, the boundaries of a previously identified archaeological site were expanded into the 76-acre site boundary. In association with the Bear Creek NGL pipeline project, and in close coordination with the ND SHPO, ONEOK sponsored cultural mitigation work for impacts to the archaeological site due to pipeline construction. Due to confidentiality concerns, the location and boundary of the cultural resource site are not displayed on the exclusion/avoidance maps in Exhibit D.

In association with this Project, ONEOK has been in contact with the ND SHPO and submitted a letter requesting that the Project will result in *No Adverse Effect to Historic Properties*. In these discussions, ONEOK emphasized that all expansion would be confined to the previously disturbed Facility footprint and no new land would be developed. ND SHPO concurred with the *No Adverse Effect* determination (see Section 6.4 and Exhibit C).

7.2.2 Areas within Limits of City or Military Institutions

The Project is not located within the limits of a city or any military institution. The nearest city is Killdeer (approximately 5 miles to the south) and the nearest known active military base is the Minot Air Force base, located approximately 95 miles to the northeast.

7.2.3 Areas with Floodplains

The Project is located in an area that is unmapped with respect to 100-year floodplains. The nearest named waterbody (Jim Creek) is located approximately 0.5 mile south and east of the Facility. Based on a review of historic aerial imagery, there is no evidence of flooding at the site and the area has traditionally been used for row crop agriculture.

7.2.4 Geologically Unstable Areas

A desktop review of the North Dakota Geological Survey (NDGS) landslide mapping data was completed. Review of landslide deposit data from the NDGS confirmed that there are no known landslides deposits or geologically unstable areas in the study area or in the general vicinity of the Project. The nearest landslide deposits are in the Killdeer Mountains, approximately 5 miles west of the Project.

North Dakota has not experienced an earthquake of sufficient magnitude to damage steel welded pipe or structural steel structures in recorded history. Sinkholes are known to occur in the region, but these are related to subsurface mining activities as opposed to limestone dissolution. According to review of NDPSC abandoned mine data, the nearest abandoned mine (Jensen, unknown mine type) is located approximately 3 miles northwest of the Facility.

7.2.5 Woodlands and Wetlands

As referenced in Sections 5.2 and 5.3, ONEOK commissioned a field survey of the site in April 2015 prior to construction of the original Facility. The survey concluded that the entire survey area was an agricultural field containing wheat and small patches of barley, wheatgrass, and smooth brome. No wetlands or wooded areas were identified. This is supported by a review of current and historic aerial imagery of the site.

7.2.6 Areas of Recreational Significance but Not Designated Exclusion Areas

There are no known areas of recreational significance located within the study area of the Project. As noted previously, one NDPR-designated Scenic Byway (State Highway 22) is located approximately 1 mile west of the Facility. The presence of the Facility has not jeopardized the agency's designation of the highway as a scenic byway.

7.3 SELECTION CRITERIA

The State of North Dakota Rules specify selection criteria to be considered in evaluating a site.⁵ These criteria are used to determine whether adverse effects from the location, construction, and maintenance of the Facility will be at an acceptable minimum or whether these effects will be managed and maintained at an acceptable minimum.

⁵ NDR Section 69-06-08-01.6.

The selection criteria that were considered for the Project include impacts upon:

- Agriculture
 - Agricultural production
 - Family farms and ranches
 - Land suitable for irrigation
 - Surface drainage and groundwater flow patterns
 - Agricultural quality of the cropland
- Municipal and local governmental services and networks
 - Law enforcement
 - School systems and education programs
 - Governmental services and facilities
 - General and mental health care facilities
 - Recreational programs and facilities
 - Transportation facilities and networks
 - Retail service facilities
 - Utility services
- Other land uses and resources
 - Local institutions
 - Noise-sensitive land uses
 - Light-sensitive land uses
 - Rural residences and businesses
 - Aquifers
 - Human health and safety
 - Animal health and safety
 - Plant life
 - Temporary and permanent housing
 - Temporary and permanent skilled and unskilled labor
 - Visual Effects

Potential impacts and measures to avoid and minimize these impacts, as they relate to each of the selection criteria, are discussed in the following subsections.

7.3.1 Agricultural Impacts

Agricultural Production: Construction of the Facility temporarily impacted approximately 76 acres, of which 40 acres has been permanently converted from an agricultural to industrial land use. This conversion of agricultural land is considered negligible compared to the 1,031,359 acres of agricultural land in Dunn County⁶.

⁶ https://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/North_Dakota/cp38025.pdf

Construction activities related to the Facility upgrade will occur within the previously disturbed Facility footprint and no additional conversion of agricultural land will occur. ONEOK currently leases unused portions of its property to local farmers.

Family Farms and Ranches: As noted above, approximately 40 acres of cropland were permanently converted to an industrial land use. No additional loss of farm or ranch land is anticipated due to the Facility upgrade Project.

Lands Suitable for Irrigation: Based on a review of USDA-NRCS soils data, the area has not been rated for irrigation suitability. Based on a review of historic aerial photography, it appears the site has been in row crops for at least 20 years, and there are no signs it has been irrigated during that time.

Surface Drainage: As noted in Section 6.9, construction of the original Facility was determined to be exempt from construction stormwater permitting per Part I.A.2.c of NDDH's NDPDES General Permit NDR10-0000. ONEOK did develop a SWPPP to control and manage stormwater and sediment deposits. As noted on the Facility plot plan (see Exhibit A), a permanent stormwater detention pond was designed and built in the southern portion of the site. Stormwater collected within the site boundaries is routed to this pond via a series of above ground conveyances. The pond is equipped with a manual valve which can be opened/closed when necessary. From the pond, water flows approximately 0.5 mile to the south and east, eventually reaching Jim Creek.

Groundwater: Well data from the North Dakota State Water Commission (NDSWC) and USGS indicates that groundwater throughout the Project area is typically between 60 to 80 feet below the ground surface. Due to the relatively shallow depth of Facility infrastructure (5 to 8 feet), impacts to groundwater flow patterns as a result of any previous or new construction are not anticipated.

Agricultural Quality: As noted previously, approximately 40 acres of land were permanently converted from agricultural to industrial land use as part of the original construction of the Facility. The Project will not result in the loss of any additional farmland. Operation of the Facility is not anticipated to have an impact on the agricultural quality of neighboring or nearby farms.

7.3.2 Municipal and Local Governmental Services and Networks

Public services and facilities for the Plant are currently provided by Dunn County and the city of Killdeer, located approximately 5 miles to the south. Due to the nature of the Project as an expansion of an existing Facility, a temporary increased demand on transportation networks and retail services is expected during the Facility upgrade. The construction period is anticipated to occur over 18 months, and will require up to 100 individuals including laborers, tradesmen, technicians, engineers, inspectors, and environmental professionals.

ONEOK has established relationships with law enforcement and emergency response providers, and will continue to coordinate with these entities during the upgrade and continued operation of the Facility.

7.3.3 Other Selection Criteria

Local Institutions

Due to its proximity to the Facility, the city of Killdeer is likely to see the greatest impact from the Project. Impacts related to the Facility expansion will be temporary. ONEOK may need to hire additional staff to operate the Facility following the upgrade.

Plant operations currently engage and will continue to engage local businesses and contractors to support the Facility. Generally, the impacts will be beneficial to the local economy due to the addition of revenues from outside of the community being spent on goods and services locally. The beneficial impacts of the additional permanent workforce required to operate the Facility will have long term benefits on the economy that are anticipated to be greater than the demands placed upon the institutions.

Noise-sensitive Land Uses

Temporary increases in ambient sound will occur in the areas immediately surrounding active construction. The Project is located in a rural setting away from major population centers. The nearest known occupied residence is approximately 1,800 feet to the southwest. Local residents may experience temporary increases in noise due to increased traffic and/or construction equipment. Construction activities are projected to be short-term and will generally be restricted to daylight hours.

Light-sensitive Land Uses

In general, all construction activities related to the Facility upgrade will occur during daylight hours, limiting the impacts of lighting. Operation of the Facility does not generate significant light. In addition to these factors, the rural setting of the Facility will further minimize impacts to light-sensitive land uses.

Rural Residences and Businesses

The Facility is located in a rural setting, surrounded by a landscape of oil wells, crop and rangeland and isolated rural farmsteads. The Facility is located approximately 5 miles north of the city of Killdeer, which has an estimated population of 1,173.⁷ Rural and city residents may experience a temporary increase in traffic congestion and an increase in commerce during construction activities. An increased demand for local services will likely continue once the expansion is completed as ONEOK performs maintenance of new infrastructure. The Project will likely benefit the local economy in both the short and long term.

Aquifers

ONEOK does not have any current water wells on site and does not anticipate a need at this time.

⁷ U.S. Census Bureau (2016)

Human Health and Safety

During construction, residences and businesses in proximity to construction activities may be exposed to short-term increases in construction-related noise and dust. Construction workspaces, access roads, and spoil piles will be watered down as needed to control fugitive dust during construction. Following construction, measures to stabilize disturbed areas will be taken promptly to minimize further dust emissions.

Heavy construction equipment will generate unavoidable short term increases in sound levels. Increases in noise levels due to equipment operation will be limited to the period of active construction and will primarily be avoided during night-time hours (10pm to 7am). Twenty-four-hour construction activities are not anticipated.

Animal Health and Safety

As noted previously, field surveys and agency consultations did not identify significant or unique wildlife in the Project area. The Facility was constructed on land that has been in cultivated crops for at least 20 years and is expected to have provided limited habitat to animals. Any wildlife currently inhabiting the area is common and is generally mobile. The local wildlife inhabitants would not be permanently displaced by the Project and as such there would be no measurable impact to the viability of these populations. No state-listed species of special concern or federally listed threatened or endangered species are anticipated to experience direct impacts due to construction or operation of the Project.

Plant Life

Field surveys conducted for the Project did not identify any sensitive plant species or critical habitat affected by the Project (see Exhibit B). All areas previously disturbed by construction of the Facility occurred on land that has been farmed for at least 20 years. Construction activities related to the upgrade will occur entirely within the previously developed Facility footprint. As such, no additional impacts to plant life are anticipated.

Temporary and Permanent Housing

Western North Dakota has experienced an increased demand for housing resultant of the continued expansion of oil and gas development. The area has witnessed increased resource production since the early 2000s and as such has gradually increased housing resources. As evidence of this, the population of the nearest city (Killdeer) has experienced an estimated 56% increase in population from 2010 to 2016 (751 to 1173).⁸ Housing stock has improved greatly in the last few years; however, the temporary work

⁸ U.S. Census Bureau (2016)

force is expected to be willing to accept non-traditional housing opportunities such as work or man camps if necessary.

Temporary and Permanent Skilled and Unskilled Labor

Temporary skilled and unskilled labor is required for the construction of the Project. The upgrade is anticipated to utilize up to 100 temporary employees during construction. Examples of skilled employees that will be required include carpenters, operating engineers, iron workers, welders, and electricians. The unskilled work force will be comprised of common laborers, who will work closely with and under the direction of senior staff.

The Facility currently employs 20 full-time employees. Additional permanent operations staff may be required after the upgrade is complete. The Facility staff is responsible for the operation and maintenance of the Facility.

Visual Effect

The Facility is located in a rural landscape away from major population centers, and is over 1,800 feet from the nearest residence. State Highway 22, a NDPR-designated scenic byway, is located approximately 2 miles west of the Facility. Visual impacts are considered to be negligible.

7.4 POLICY CRITERIA

The Commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in some cases may require the adoption of such policies and practices. The Commission may also give preference to an applicant that will maximize interstate benefits.

7.4.1 Recycling of conversion byproducts and effluents

Not applicable to this type of Project.

7.4.2 Energy conversion through location, process and design

The siting of the Plant in close proximity to wellhead and gathering systems reduces emissions associated with shipping raw feed gas over greater distances. Adequate infrastructure is necessary to move associated gas into processing facilities to eliminate the need for excessive gas flaring at production sites. The Plant was originally sited to address this infrastructure need. Since inception, the need has further increased, resulting in the current need for a Plant expansion. Please refer to Section 1.6 for more information on technologies to be utilized.

7.4.3 Training and Utilization of North Dakota Labor

ONEOK employs 20 full-time employees at the Facility and anticipates additional staff may be needed following the expansion. All new employment positions will be located in North Dakota. ONEOK will draw upon the local labor force to supply general laborers, when possible. Operation of the Facility is also supported by various regional businesses.

7.4.4 Use of a primary energy source located within North Dakota

The raw feed gas supplying the Plant will be produced primarily in North Dakota. The Plant products will be shipped to delivery points within the state and also transported out of state.

7.4.5 Not relocating residents

The Project will not result in the relocation of any residents.

7.4.6 Dedication of an area adjacent to Facility for recreation, agriculture, or wildlife

ONEOK does not own nor control lands adjacent to the Facility that may be suitable for recreation, agricultural, or wildlife management. The current land use of properties adjacent to the Project is agricultural and rangeland. A compressor station and several wellpads are also located in general vicinity of the Project.

7.4.7 Economies of Construction and Operation

At conclusion of the expansion, ONEOK will have invested approximately \$250 million to develop this Project. ONEOK has sited the Plant to be near current and projected future development. The location will also take advantage of close proximity to existing infrastructure including electrical power, gathering and discharge pipelines. The Plant's location and design are clear examples of creating an economy of scale project concept, achieving additional production capacity in the most minimally intrusive and most efficient way possible, in terms of new infrastructure development.

7.4.8 Secondary uses of appropriate facilities for recreation and enhancement of wildlife

Construction of the Plant resulted in the development of an industrial facility in a setting not typically suitable for recreational or wildlife application. The Project will not result in the development of any additional land.

7.4.9 Use of Citizen Coordination Committees

ONEOK has established and maintains a good relationship with the local residents through its long-term regional presence operating various assets in the area. Through these relationships, ONEOK has maintained several grassroots communication channels to inform local residents regarding the developments associated with the Project. ONEOK will continue to maintain contact with local government officials. Through this contact, Project-related information will be exchanged and should concerns arise, ONEOK will work with officials to resolve those issues.

7.4.10 Commitment of a Portion of the Transmitted Project for Use in North Dakota

The raw feed gas supplying the proposed Plant will be produced from within North Dakota. Products from the Plant will be distributed for further processing, transmission or consumption by various inter and intra state parties. Future contractual agreements may direct a portion of the transmitted product for use in North Dakota.

7.4.11 Labor Relations

ONEOK maintains positive labor relations with its staff and contract work force and did not encounter any adverse labor relations on this Project. ONEOK is an equal opportunity employer committed to diversity and inclusion. Additionally, the labor market in the region is generally supportive of the oil and gas industry.

7.4.12 Coordination of Facilities

ONEOK is actively engaged in the operation of a regional natural gas gathering infrastructure which is integrated into its gas processing facilities. The integrated approach allows for the most efficient utilization of existing infrastructure while fully capitalizing on the available processing capacity.

7.4.13 Monitoring of Impacts

ONEOK has established and maintained positive landowner and community relationships throughout the region through its open communication and commitment to corporate citizenship standards that are based on integrity. ONEOK monitors landowner concerns through its Right-of-Way department and responds to all reasonable requests. In a similar manner, ONEOK monitors community concerns and responds to all reasonable concerns brought to its attention by local community leaders. ONEOK monitored its contractor during construction of the Facility to uphold its corporate commitments to environmental respect and protection.

ONEOK designs, constructs, operates, and maintains its Facility and pipeline systems to ensure safety and reliability. ONEOK continues to establish and maintain contact with appropriate fire, police, and other

ONEOK Rockies Midstream, L.L.C.
Bear Creek Gas Plant Expansion
North Dakota Public Service Commission Application

public officials. This communication establishes the responsibility and resources of each government organization that may respond to a pipeline emergency. ONEOK also acquaints officials with the abilities of the pipeline operator when responding to an emergency. In all cases, emergency responders are directed to protect people first, then the environment next, and then property.

8.0 SUMMARY OF EVALUATION FACTORS

8.1 PUBLIC HEALTH, WELFARE, NATURAL RESOURCES, AND THE ENVIRONMENT

Refer to Sections 5.0, 6.0, and 7.0.

8.2 NEW ENERGY CONVERSION TECHNOLOGIES AND SYSTEMS DESIGNED TO MINIMIZE ADVERSE ENVIRONMENTAL EFFECTS

Not applicable to this type of project

8.3 BENEFICIAL USES OF WASTE ENERGY FROM A PROPOSED ENERGY CONVERSION FACILITY

Not applicable to this type of project.

8.4 UNAVOIDABLE ADVERSE DIRECT AND INDIRECT ENVIRONMENTAL EFFECTS

As described in Section 7.0, unavoidable adverse direct and indirect environmental effects associated with construction of the Facility included temporary construction related effects on vegetation, wildlife, agricultural operations, transportation, and noise levels. Prior to development, the site consisted of an agricultural (wheat) field. While some agricultural land was converted to industrial land use, the impacts on sensitive environmental resources and unique habitats was minimal. As construction associated with the Facility expansion will occur entirely within the previously developed Facility footprint, additional environmental impacts are anticipated to be minimal.

8.5 ALTERNATIVES TO THE PROPOSED SITE WHICH MINIMIZE ADVERSE EFFECTS

ONEOK located the existing Facility in a rural area on a parcel of land that has historically been used for agricultural purposes. While some agricultural land has been permanently converted to an industrial land use, ONEOK continues to lease unused portions of the site to local farmers. All activities related to the expansion of the Facility will occur within the previously developed Facility footprint, which will minimize additional adverse effects to the environment.

8.6 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF NATURAL RESOURCES

Irreversible and irretrievable commitments of natural resources to the Facility include natural gas supplied to the Plant. However, because the Williston Basin is primarily a “liquids play,” a significant volume of the associated gas is being flared, rather than sold for beneficial use. The construction and operation of the Facility will result in the sale and beneficial use of gas that is presently being flared for no specific purpose.

8.7 DIRECT AND INDIRECT ECONOMIC IMPACTS OF THE FACILITY

The Facility will provide long-term employment opportunities in Dunn County for gas plant operators, instrumentation technicians, and maintenance technicians. A limited number of professional positions will also be required to support Plant operations. It is anticipated that the operation lifetime of the Plant will be 40 years.

Economic impact to the city of Killdeer, Dunn County, and North Dakota will be positive. Long-term direct and indirect economic impacts will provide for sustainable communities in western North Dakota. This will include growth of small communities, expansion of school districts, expansion of existing recreational facilities, and creation of new ones. Existing retail business will grow, and new businesses will be added to the region.

North Dakota imposes taxes on sales, use, gross receipts and lodging, and individual income. Local governments may impose taxes on the same tax bases; however, most unincorporated areas do not impose local option sales taxes. The Project will contribute directly and indirectly to tax bases at the state and local levels.

8.8 EXISTING PLANS FOR OTHER PUBLIC OR PRIVATE DEVELOPMENTS IN THE VICINITY OF THE SITE

Other than the Project addressed in this application, ONEOK is not planning any additional projects in close proximity to the site, and is not aware of any public or private plans in the area. The introduction of additional gas processing capacity may expose existing demand that may result in additional gathering capacity. As a result of the increase in processing capacity, there may be development of additional take-away capacity to bring the product to market. Additional infrastructure, including upgrades to site access roads, and water and electric utilities may also be required.

8.9 EFFECT OF THE PROPOSED ROUTE ON EXISTING SCENIC AREAS, HISTORIC SITES AND STRUCTURES, AND PALEONTOLOGICAL OR ARCHAEOLOGICAL SITES

As described in Sections 5.1 and 6.4, ONEOK sponsored a Class III Cultural Resource Inventory in April 2015 prior to construction of the Facility, and a consultation letter was submitted to the ND SHPO on December 6, 2017 requesting concurrence with a determination of “No Adverse Effect.” In a December 14, 2017 response, ND SHPO concurred with this determination (see Section 6.4 and Exhibit C for more information).

8.10 EFFECT OF THE PROPOSED ROUTE ON AREAS THAT ARE UNIQUE BECAUSE OF BIOLOGICAL WEALTH OR BECAUSE THEY ARE HABITATS FOR RARE AND ENDANGERED SPECIES

The proposed site is comprised of a 76-acre parcel, which has been previously developed. Areas which have not been developed remain in an agricultural land use and are leased to local farmers. Based on a desktop review of the area, pre-construction natural resource surveys (Exhibit B), and consultation with federal and state agencies (Section 6.0), the area does not contain habitat for rare or endangered species found in North Dakota.

8.11 PROBLEMS RAISED BY FEDERAL, STATE, AND LOCAL AGENCIES

ONEOK provided Project-specific notification to various federal and state agencies (see Section 6.0). To date, no problems or concerns have been raised by federal, state, or local entities.

8.12 POLICIES AND COMMITMENTS TO LIMIT ENVIRONMENTAL IMPACT

ONEOK is committed to conducting its business in compliance with all applicable environmental laws and regulations, and is committed to protecting the environment during all phases of construction of the Project. ONEOK conducts its activities with the objectives of providing a healthful and safe workplace for its employees and preventing accidents and environmental incidents. All persons and firms providing service to ONEOK are required to conduct their work in compliance with environmental conditions, permit authorizations, and applicable laws and regulations and will be held accountable for their actions in that regard.

9.0 MITIGATION MEASURES

ONEOK utilized BMPs and implemented plans during construction of the Facility in accordance with applicable permits or regulations. These plans included a construction SWPPP (modeled after conditions in the NDDH's General Permit NDR10-0000), which includes a Spill Response Plan (SRP) as an attachment. An Unanticipated Discoveries Plan (UDP) was also developed and implemented during construction to provide procedures to be followed in the event of a discovery of cultural resources or human remains. In addition, ONEOK has developed an Emergency Response Plan (ERP) for operation of the facility. Copies of the SWPPP and UDP used during the original construction of the facility are included in Exhibit E. A current version of the ERP is also included in Exhibit E.

In association with the expansion Project, ONEOK will develop and implement the following plans to minimize and mitigate impacts to environmental resources during the expansion of the Facility. These plans will be incorporated into contract documents and enforced by ONEOK:

- Updated construction SWPPP, which will include an updated SRP
- Updated UDP
- MBTA Plan (if construction occurs during MBTA window)
 - Protection of federally protected migratory birds and eagles/raptors.
- Weed Control Plan
 - Procedures to control the spread of noxious and invasive weeds.

ONEOK's commitment to minimize environmental impacts is a key mitigation element. The full utilization of an existing facility through the redesign of existing equipment and the addition of key pieces of equipment all within an existing developed Facility will maximize efficiencies while minimizing impacts to the environment.

10.0 QUALIFICATIONS OF PREPARERS

Deborah Perry

Project Manager, Environmental
ONEOK Partners

Degree: B. S. Civil Engineering, University of Oklahoma

Ms. Perry has over 26 years of experience in environmental engineering, permitting and compliance for multiple industries. Her work experience includes roles with a state regulatory agency, consulting, and the last seven years at ONEOK supporting multiple projects. Her nearly 20 years of consulting experience has focused primarily on air quality permitting and compliance for many different types of industry, including oil and gas facilities. Since joining ONEOK in 2011, Ms. Perry has provided environmental guidance, permitting strategy and development and compliance support for multiple projects, including all of ONEOK's natural gas processing plants located in North Dakota.

Glenn Craft

Senior Engineer, Project Lead
ONEOK Partners

Degree: B.S. Chemical Engineering, Texas Tech University

Mr. Craft has worked as an engineer in the petroleum and natural gas industries for 10 years. As a process engineer at ONEOK, he has designed and overseen the implementation of multiple natural gas projects in the past five years, as well as worked on equipment specification, utilization and optimization studies, and process improvement. Mr. Craft is the project lead for the expansion of the Plant.

Paul Hartzheim, M.S.

Senior Environmental Analyst/Project Manager
Merjent, Inc.

Degrees: M.S. Water Resources Science, University of Minnesota – Twin Cities
B.S. Environmental Science, University of Minnesota – Twin Cities

Mr. Hartzheim is a Senior Analyst and Project Manager with 11 years of environmental consulting experience serving the pipeline and renewables industries. Paul has served as project manager, deputy project manager, and resource specialist on numerous projects in over 20 states. Mr. Hartzheim's responsibilities have included preparation of federal, state, and local permit applications, State Public Utility Commission filings, construction and Industrial SWPPPs, National Pollutant Discharge Elimination System (NPDES) applications, Soil Erosion and Sediment Control Plans, Environmental Mitigation Plans; and coordination of state and federal agency consultations. Mr. Hartzheim has also assisted in data collection, interpretation and analysis, developing and conducting environmental training modules, and coordinating and managing field survey efforts and environmental inspectors.

Chad Anderson, M.S.

Senior Environmental Analyst
Merjent, Inc.

Degrees: M.S. Water Resources Science, University of Minnesota – Twin Cities
B.A. Spanish, University of Minnesota - Duluth

Mr. Anderson is a Senior Analyst at Merjent, Inc. with more than 15 years of project management experience in the environmental arena. Specializing in water resources, he is an established technical lead for sediment and erosion control, stormwater, and surface water issues. A Certified Inspector of Sediment and Erosion Control and Designer of SWPPPs, he has managed NPDES permitting and active construction and restoration inspection services for several projects in multiple states. His wide-ranging experience has allowed for the procurement of federal, state, and local environmental permits on behalf of clients across multiple sectors in a timely, efficient, and cost-effective manner. Mr. Anderson's project management experience in the natural and water resources fields includes the management of and coordination with local units of government, the development and administration of environmental permitting programs, procurement of and compliance with local, state and federal grants and contracts, and considerable efforts in public engagement and outreach.

Michael Madson, M.S., R.P.A.

Senior Cultural Resource Specialist
Merjent, Inc.

Degrees: M.S. Industrial Archaeology, Michigan Technological University
B.S. Classical Languages, Carleton College

Mr. Madson is an Industrial Archaeologist and Cultural Resource Specialist with 20 years of nationwide experience in environmental consulting, with emphasis on cultural resources management. Mr. Madson manages and provides technical oversight for NHPA compliance based cultural resource investigations for projects throughout the Central and Western United States, including more than 20 states as an archaeologist and regulatory specialist. Mr. Madson provides regulatory support and technical oversight of projects under the purview of the National Environmental Policy Act, Section 4f, and other state and local regulations, particularly for projects related oil and petroleum development and road and rail transportation. Mr. Madson also has experience monitoring construction activities with an archaeological focus, including the coordination of monitoring teams and as-needed integration within construction programs.

11.0 REFERENCES

- Federal Emergency Management Agency. Flood Map Service Center. 2017 – Dunn County Unincorporated Areas. Available online at: <https://msc.fema.gov/portal>
- Google Earth. Current and historic aerial photography. Available online at: <https://www.google.com/earth/>
- Minnesota Department of Natural Resources (MDNR). 2017. Species Profile: *Hesperia dacotae* – Dakota skipper. Available online at: <http://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=IILEP65140>
- MDNR. 2017. Species Profile: *Myotis septentrionalis* - Northern long-eared bat. Available online at: <http://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AMACCO1150>
- North Dakota Department of Agriculture. 2015. North Dakota’s Noxious Weed Law and Regulations. 22 pp. Available online at: https://www.nd.gov/ndda/sites/default/files/legacy/resource/2015NoxiousWeeds_web.pdf
- North Dakota Game and Fish Department. 2016. Golden Eagle species page. Available online at: <https://gf.nd.gov/wildlife/id/raptors/golden-eagle>.
- North Dakota Geological Survey (NDGS). 1976. Ground-Water Basic Data for Dunn County, North Dakota. Prepared by Robert L. Klausung. Bulletin 68-Part II (NDGF), County Groundwater Studies 25 – Part II (NDSWC). 430 pp.
- NDGS. 1979. Ground-Water Resources of Dunn County, North Dakota. Prepared by Robert L. Klausung. Bulletin 68 – Part III (NDGS), County Groundwater Studies 25 – Part III (NDSWC), 48 pp.
- NDGS. 2001. Geology of Dunn County. Prepared by Edward C. Murphy. Bulletin 68-Part I (NDGS), County Groundwater Studies 26-Part I (NDSWC). 36 pp.
- NDGS. 2003, 2004. Areas of Landslide 100k and 24k Series maps. Prepared by Edward C. Murphy. Available online at: <https://www.dmr.nd.gov/ndgs/landslides/>
- North Dakota Industrial Commission. 2015. North Dakota Industrial Commission Order 24665 Policy/Guidance Version 102215. Available online at: <https://www.dmr.nd.gov/oilgas/GuidancePolicyNorthDakotaIndustrialCommissionorder24665.pdf>
- North Dakota State Government – Geographic Information Systems. 2017. GIS Hub Data Portal and Hub Explorer. Various datasets/sources. Available online at: <https://www.nd.gov/itd/statewide-alliances/gis>
- North Dakota State Water Commission. 2010. Water Appropriation Requirements, Current Water Use, & Water Availability for Energy Industries in North Dakota: A 2010 Summary. Response to House

Bill 1322, Section 2 of the 61st Legislative Assembly of North Dakota. Prepared by W.M. Schuh.
Water Resources Investigation No. 49.

- U.S. Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetland Delineation Manual. Wetlands Research Program Technical Report Y-87-1. Vicksburg, Mississippi
- USACE. 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Regions (Version 2.0). Vicksburg, Mississippi
- U.S. Census Bureau. 2016. City and Town Population Totals 2010-2016. Available online at:
<https://www.census.gov/data/datasets/2016/demo/popest/total-cities-and-towns.html>
- U.S. Department of Agriculture (USDA) - National Agricultural Statistics Service. 2012. 2012 Census of Agriculture – Dunn County Profile. Available online at:
https://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/North_Dakota/cp38025.pdf
- USDA-Natural Resources Conservation Service. 2017. Online Web Soil Survey. Available online at:
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- U.S. Fish and Wildlife Service (USFWS). 2007. National Bald Eagle Management Guidelines. Available online at:
<https://www.fws.gov/southdakotafieldoffice/NationalBaldEagleManagementGuidelines.pdf>
- USFWS. 2014. Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Rufa Red Knot; Final Rule. 79 Federal Register 76706 (December 11, 2014)
- USFWS. 2015a. Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Northern Long-Eared Bat With 4(d) Rule; Final Rule and Interim Rule. 80 Federal Register 17974 (April 2, 2015).
- USFWS. 2015b. Endangered and Threatened Wildlife and Plants; Reinstatement of Final Rules for the Gray Wolf in Wyoming and the Western Great Lakes in Compliance With Court Orders. 80 Federal Register 9218 (February 20, 2015). Available online at:
<https://www.gpo.gov/fdsys/pkg/FR-2015-02-20/pdf/2015-03503.pdf>
- USFWS. 2015c. Northern Long-eared Bat Fact Sheet. Available online at:
<https://www.fws.gov/midwest/endangered/mammals/nleb/nlebFactSheet.html>
- USFWS. 2016a. Endangered and Threatened Wildlife and Plants; 4(d) Rule for the Northern Long-Eared Bat. Final Rule. 81 Federal Register 1900 (January 14, 2016).
- USFWS. 2016b. Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions. Available online at:
<https://www.fws.gov/midwest/endangered/mammals/nleb/pdf/BOnlebFinal4d.pdf>
- USFWS. 2016c. Piping plover (*Charadrius melodus*). Region 3 Species profile. Available online at:
<https://www.fws.gov/midwest/endangered/pipingplover/index.html>.

- USFWS. 2016d. Piping plover (*Charadrius melodus*). Region 6 Species profile. Available online at: <https://www.fws.gov/mountain-prairie/es/pipingPlover.php>.
- USFWS. 2016e. Least tern (*Sterna antillarum*). Region 3 Species profile. Available online at: <https://www.fws.gov/midwest/endangered/birds/leasttern/index.html>
- USFWS. 2016f. Least Tern (Interior Population) *Sterna antillarum*. Fact sheet. Available online at: <https://www.fws.gov/midwest/endangered/birds/leasttern/IntLeastTernFactSheet.html>
- USFWS. 2016g. Pallid sturgeon (*Scaphirhynchus albus*). Region 3 Species profile. Available online at: <https://www.fws.gov/midwest/endangered/fishes/PallidSturgeon/index.html>.
- USFWS. 2016h. Pallid sturgeon (*Scaphirhynchus albus*) Fact Sheet. Available online at: https://www.fws.gov/midwest/endangered/fishes/PallidSturgeon/pallid_fc.html
- USFWS. 2017a. National Wetlands Inventory – Wetlands Mapper. Available online at: <https://www.fws.gov/wetlands/data/mapper.html>
- USFWS. 2017b. USFWS Endangered Species Information, Planning, and Conservation System (IPaC) website. Available online at: <https://ecos.fws.gov/ipac/>
- USFWS. 2017c. White-Nose Syndrome Zone Around WNS/Pd Positive Counties/Districts. Available online at: <https://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>
- USFWS. 2017d. Gray Wolf (*Canis lupus*): Questions and Answers about Gray Wolf Biology. Available online at: <https://www.fws.gov/midwest/wolf/aboutwolves/wolfbiology.htm>
- USFWS. 2017e. Species profile: Whooping Crane (*Grus americana*). Available online at: <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=B003>
- USFWS. 2017f. Species profile: Pallid Sturgeon (*Scaphirhynchus albus*). Available online at: <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=E06X>

Exhibit A

Engineering Documents

Exhibit B

Natural Resource Survey and Wetland Delineation Report



May 7, 2015

**Re: ONEOK Rockies Midstream, L.L.C.
Natural Resources Investigation of Bear Creek Gas Plant
Dunn County, North Dakota**

PROJECT OVERVIEW

E3 Environmental, LLC (E3), at the request of ONEOK Rockies Midstream, L.L.C. (ONEOK) performed a natural resource survey to identify potential issues associated with the current placement of the Bear Creek Gas Plant (Project). The Project area, totaling approximately 76 acres, is located within Dunn County, North Dakota in Section 28, T146N:R95W (Appendix A). E3 completed a field investigation including wetland and waterbody identification, threatened and endangered species surveillance, and raptor nest searches within the Project boundaries on April 14, 2015. The results of this survey are detailed below.

METHODS

One E3 biologist conducted pedestrian surveys across the entire Project area with the purpose of identifying issues pertaining to natural resources. Wetlands, in particular, were investigated within the Project site for the purpose of avoiding disturbance, if possible. Surveys for raptor nests and species protected under the Endangered Species Act (ESA) were conducted currently with the wetlands surveys.

Wetland determinations and delineations were conducted as part of a two-step process; E3 biologists first conducted a desktop review of the 76-acre Project site, then confirmed the presence of wetland and delineated their boundaries during the site visit. The desktop review included reviewing USGS 7.5 minute topographic quadrangle maps; US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps; United States Geologic Survey (USGS) National Hydrography Data (NHD); United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) soils data, and current and historical aerial photographs of the Project site using Google Earth and Bing Imagery.

The presence/absence of wetlands was confirmed in the field using routine on-site delineation methods in accordance with the USACE *Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0)* (USACE 2012). These criteria include characterization of vegetation, hydrology, and soils at the site. Wetlands are defined by the USACE as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in



saturated soil conditions.” For an area to be delineated as a regulated wetland, the vegetative, hydrologic, and soil characteristics must all be present and consistent with federal classification criteria. All field data was collected using a hand-held Trimble® Juno T41/5 facilitated with Terrasync® GIS software.

RESULTS

The entire Project is located in an agricultural field containing wheat (*Triticum aestivum*) and small patches of foxtail barley (*Hordeum jubatum*) (Photo 1). Few native or exotic grass species were identified within the agricultural landscape, but western wheatgrass (*Pascopyrum smithii*) and smooth brome (*Bromus inermis*) were observed sparsely throughout the Project area. Due to the homogenous agricultural habitat, suitable raptor nesting substrate and critical habitats are unlikely to occur within the Project boundaries. No federally protected species, associated habitats, or raptor nests were identified during the field survey on April 14, 2015.

No NWI wetlands occur within the Project area (USFWS, 2014), but one NHD flowline is identified within the central portion of the Project area, which flows south into Jim Creek (Photo 2, Appendix A). A subsequent wetland delineation form was completed to detail the hydrologic, soil, and vegetation data for this drainage (Appendix B). After review, it was determined that the drainage did not exhibit the appropriate characteristics to be defined a wetland. Instead, it appears to be an upland swale that likely transports runoff only during heavy rain or snowmelt. Soils data supports this conclusion, as no hydric soils are identified within the Project area (Appendix A). Overall, no natural resource issues were identified during the field survey that would impact ONEOK construction activities.

REFERENCES

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Wetlands Research Program. Technical Report Y-87-1. Department of the Army, Waterways Experiment Station, US Army *Corp of Engineers*. Vicksburg, Mississippi, USA.

Environmental Laboratory. 2012. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0)*. U.S. Army Corps of Engineers, U.S. Army Engineer Research and Development Center, Vicksburg, Mississippi, USA.

United States Fish and Wildlife Services (USFWS). 2014. United States Fish and Wildlife Service. National Wetlands Inventory. <http://wetlandsfws.er.usgs.gov/NWI/>. Accessed April 13, 2015.



United States Geological Survey (USGS). 2015. National Map Viewer.
<http://nationalmap.gov/viewer.html> Accessed April 13, 2015.

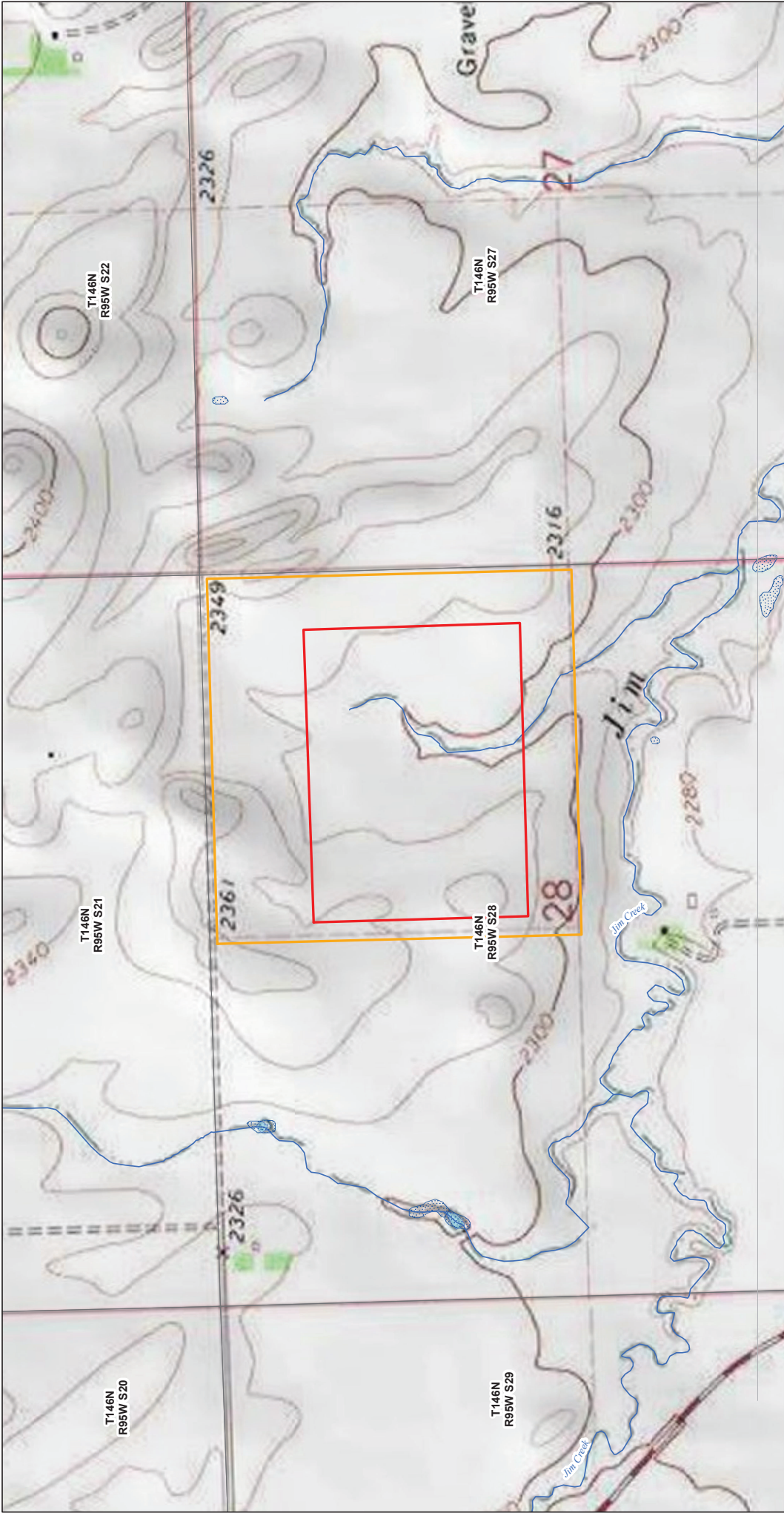


Photo 1. Vegetative community within the Project boundaries.



Photo 2. Drainage occurring within the Project boundaries.

Appendix A
Natural Resource Maps



ONEOK Rockies Midstream L.L.C.
 Bear Creek Gas Plant
 Natural Resource Survey
 Dunn County, ND

ONEOK ROCKIES MIDSTREAM
 A SUBSIDIARY OF ONEOK PARTNERS, L.P.

0 175 350 700 Meters
 1:8,000
 Map not to scale, for environmental review purposes only.

Survey Area **PLSS Township**

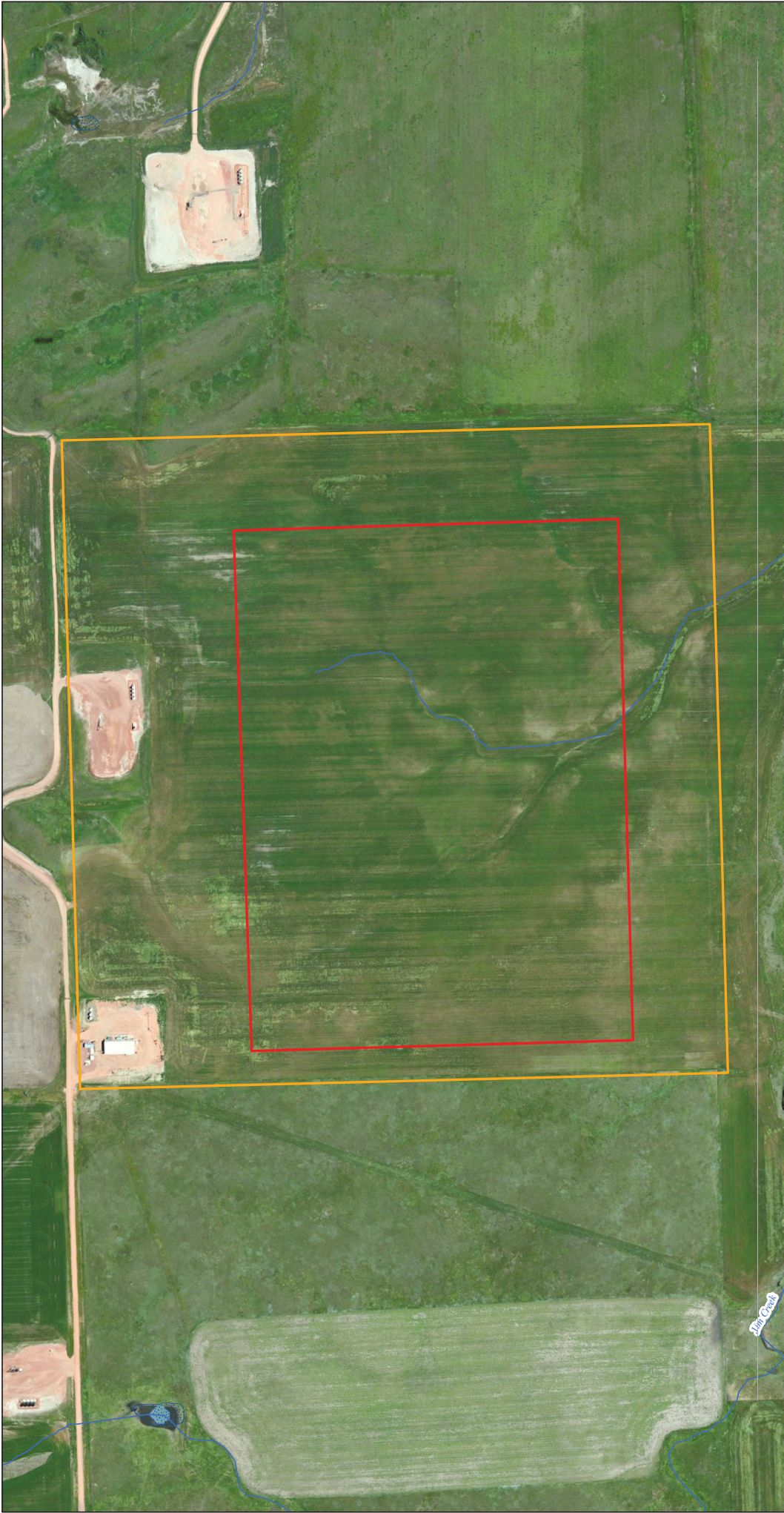
Project Boundary **PLSS Section**

NHD Flowline

NWI Wetland

NHD Waterbody

McKenzie County
 Dunn County
 Billings County



ONEOK Rockies Midstream L.L.C.
 Bear Creek Gas Plant
 Natural Resource Survey
 Dunn County, ND

ONEOK ROCKIES MIDSTREAM
 A SUBSIDIARY OF ONEOK PARTNERS, L.P.

E3 ENVIRONMENTAL
 Enhancing Execution with Experience

0 100 200 400 Meters
 1:4,500

Map not to scale, for environmental review purposes only.

Survey Area (Yellow outline)
Project Boundary (Red outline)
NHD Flowline (Blue line)
NWI Wetland (Blue hatched area)
NHD Waterbody (Light blue area)



Appendix B
Wetland Delineation
Form

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Bear Creek Gas Plant City/County: Dunn Sampling Date: 4/14/2015
 Applicant/Owner: ONEOK Rockies Midstream State: ND Sampling Point: Eph-1
 Investigator(s): Jonathan Knudsen Section, Township, Range: Section 28 T146N:R95W
 Landform (hillslope, terrace, etc.): Agricultural - Wheat Local relief (concave, convex, none): Convex Slope (%): 2
 Subregion (LRR): F Lat: _____ Long: _____ Datum: NAD83
 Soil Map Unit Name: E2803B - Amor-Shambo Loams 3 to 6% NWI classification: NONE - upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: _____ _____ _____	

VEGETATION – Use scientific names of plants.

Stratum	Absolute % Cover	Dominant Species?	Indicator Status															
<u>Tree Stratum</u> (Plot size: <u>30</u>)				Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B) Prevalence Index worksheet: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Total % Cover of:</td> <td style="text-align: right;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>0</u></td> <td>x 4 = <u>0</u></td> </tr> <tr> <td>UPL species <u>1</u></td> <td>x 5 = <u>5</u></td> </tr> <tr> <td>Column Totals: <u>1</u> (A)</td> <td><u>5</u> (B)</td> </tr> </table> Prevalence Index = B/A = <u>5</u>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>0</u>	x 4 = <u>0</u>	UPL species <u>1</u>	x 5 = <u>5</u>	Column Totals: <u>1</u> (A)	<u>5</u> (B)
Total % Cover of:	Multiply by:																	
OBL species <u>0</u>	x 1 = <u>0</u>																	
FACW species <u>0</u>	x 2 = <u>0</u>																	
FAC species <u>0</u>	x 3 = <u>0</u>																	
FACU species <u>0</u>	x 4 = <u>0</u>																	
UPL species <u>1</u>	x 5 = <u>5</u>																	
Column Totals: <u>1</u> (A)	<u>5</u> (B)																	
1. _____																		
2. _____																		
3. _____																		
4. _____																		
			= Total Cover															
<u>Sapling/Shrub Stratum</u> (Plot size: <u>15</u>)																		
1. _____																		
2. _____																		
3. _____																		
4. _____																		
5. _____																		
			= Total Cover															
<u>Herb Stratum</u> (Plot size: <u>70 ps/2 transects</u>)																		
1. <u>Triticum aestivum</u>	<u>81</u>	<u>Y</u>	<u>UPL</u>															
2. <u>Bouteloua dactyloides</u>	<u>19</u>	<u>N</u>	<u>UPL</u>															
3. _____																		
4. _____																		
5. _____																		
6. _____																		
7. _____																		
8. _____																		
9. _____																		
10. _____																		
			= Total Cover															
<u>Woody Vine Stratum</u> (Plot size: _____)																		
1. _____																		
2. _____																		
			= Total Cover															
% Bare Ground in Herb Stratum _____																		
Remarks: _____ _____ _____																		
Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																		
Hydrophytic Vegetation Present? Yes _____ No <u>X</u>																		

Exhibit C

Agency Consultations

U.S Fish and Wildlife Service



CERTIFIED MAIL 7014 1200 0000 2237 8832
RETURN RECEIPT REQUESTED

November 30, 2017

Mr. Kevin Shelley, Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

**ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Mr. Shelley,

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. In support of our application to the NDPSC, ONEOK respectfully submits this request for the U.S. Fish and Wildlife (USFWS) to review the Project for concerns related to federally listed species and other interests. Based on a desktop review, ONEOK is not aware of any USFWS-designated critical habitat, managed land, or other interests in the vicinity of the Project. A copy of your response letter will be included in ONEOK's application to the NDPSC.

Federally Listed Species

On behalf of ONEOK, Merjent, Inc. (Merjent) reviewed the USFWS' Information for Planning and Conservation (IPaC) website¹ to identify federally listed species and critical habitat that may be present in the Project area.

Federally Listed Species Potentially Present in the Project Area		
Common Name	Scientific Name	Status
Least tern	<i>Sterna antillarum</i>	Endangered
Piping plover	<i>Charadrius melodus</i>	Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
Whooping crane	<i>Grus americana</i>	Endangered
Pallid sturgeon	<i>Scaphihynchus albus</i>	Endangered
Dakota skipper	<i>Planthera praeclara</i>	Threatened
Gray wolf	<i>Canis lupus</i>	Endangered
Northern long-eared bat	<i>Myotis septentrionalis</i>	Threatened

Least Tern

The interior least tern is the smallest of the terns found in North America. The species is characterized by a black "crown" on their head, a snowy white underside and forehead, grayish back and wings, orange legs, and a yellow bill with a black tip. The least tern can be found in sandy, sparsely vegetated areas along large, slow-moving rivers. The species is a colony nester, and pairs nest and raise young on barren river sandbars. In North Dakota, nesting activity is primarily along the Missouri River.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

Piping Plover

The piping plover is a small, stocky migratory shorebird which nests in three locations in North America: the shorelines of the Great Lakes, the shores of rivers and lakes in the Northern Great Plains, and along the Atlantic Coast. Plovers are found on wide, flat, open, sandy beaches with very little grass or other vegetation. In the Great Plains, piping plovers inhabit barren sand and gravel shores of rivers and lakes, and avoid dense vegetation. Nearly all natural lakes used by plovers in North Dakota are alkaline in nature and have salt-encrusted, white beaches. Such alkali lakes probably are selected due to their sparse vegetation. Piping plovers will also utilize wide beaches and barren river sandbars. In North Dakota, this habitat type is most often found on the Missouri and Yellowstone rivers.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

¹ <https://ecos.fws.gov/ipac/location/index>

Rufa Red Knot

The red knot is a large sandpiper known for its long-distance migration between breeding grounds in the Canadian Arctic and several wintering areas in the Southern Hemisphere. Large numbers of rufa red knots migrate along the Atlantic Coast of North America and winter in South America. Red knots may also winter in the Southeastern U.S. in Florida, South Carolina, Georgia, and Texas; some red knots wintering in the northwestern Gulf of Mexico migrate through the interior of North America during both spring and fall migration and utilize stopover sites in the Northern Great Plains.

The occurrence of rufa red knots in North Dakota is unpredictable, and the number of migrating shorebirds documented in the interior can vary dramatically due to high inter-annual availability in water levels and habitat quality at mid-continental wetlands. Suitable stopover habitat (i.e., open landscape wetlands and croplands) is present in the vicinity of the Project area. However, while the red knot may stop opportunistically to forage and roost, it is not possible to predict their presence in an area.

Should construction activities take place within the species' migration period (i.e., May 15 - June 15 and July 15 - Sept 15), ONEOK will provide training and an identification guide to contractors prior to construction. If the species is spotted within 0.5 mile of the Project, ONEOK will voluntarily suspend all heavy equipment operations and notify the USFWS. Heavy equipment activities would resume upon the departure of the individual(s). By employing these procedures, impacts to this species are not expected.

Whooping Crane

The whooping crane is the tallest bird in North America; adults stand nearly 5 feet tall with a wing span that averages 7.5 feet. Adult plumage is primarily white with black primary feathers on the wings, with a red crown and red facial skin often apparent.

Whooping cranes embark on a bi-annual migration from summer nesting and breeding grounds in Wood Buffalo National Park in northern Alberta to the barrier islands and coastal marshes of the Aransas National Wildlife Refuge on the Gulf Coast of Texas. The migratory corridor is approximately 2,400 miles in length, 220 miles wide, and includes eastern Montana and portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and eastern Texas. During migration, birds stop to feed daily and primarily forage for waste grains in agricultural fields but will also eat frogs, fish, crayfish, insects, and plant tubers. They also utilize upland freshwater sites and forage for acorns, crayfish, insects, and snails. Migrating cranes also use riverine habitats and more open roosting sites in wetlands, sandbars, and shallow river channels.

The Project area falls within the 95% migration corridor (i.e., the 220-mile band where 95% of all whooping crane sightings have occurred), and suitable stopover habitat (i.e., open landscape wetlands and croplands) is present in the vicinity of the Project area. Should construction activities take place within the species' migration period (i.e., May 15 - June 15 and July 15 - Sept 15), ONEOK will provide training and an identification guide to contractors prior to construction. If the species is spotted within 0.5 mile of the Project, ONEOK will voluntarily suspend all heavy equipment operations and notify the USFWS. Heavy equipment activities would resume upon the departure of the individual(s). By employing these procedures, impacts to this species are not expected.

Pallid Sturgeon

The pallid sturgeon is a large, slow-growing fish found in the Missouri and Mississippi rivers from Montana to Louisiana. The pallid sturgeon's preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity. The species is usually found in main-channel habitat with a sand or gravel bottom. Wild pallid sturgeon have been noted in the Missouri River downstream from the Fort Peck Dam in Montana to the headwaters of Lake Sakakawea, North Dakota, and downstream from Garrison Dam, North Dakota to the headwaters of Lake Oahe, South Dakota.

No in-water work will be performed for the Project. Therefore, impacts to this species are not expected.

Dakota Skipper

The Dakota skipper is a small-to-medium sized butterfly characterized by a short, sturdy body and a quick, skipping flight. The species is an obligate of untilled, high-quality native prairie containing a variety of wildflowers and grasses. Dakota skippers can be found in both wetlands and uplands, but do not thrive in heavily grazed or cultivated areas. The preferred wetland habitat is associated with plant species consisting of bluestem grasses, wood lily, and harebell. The preferred upland habitat contains bluestem grasses, needlegrass, purple coneflower, and blanketflower.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Therefore, impacts to this species are not expected.

Gray Wolf

The gray wolf is the largest of the wild dog species and is found in a variety of habitats throughout North America. They are typically distinguishable from coyotes by their larger size, shorter, more rounded ears, and broader muzzle. Gray wolves prey primarily on large ungulates, including white-tailed deer (*Odocoileus virginianus*), elk (*Cervus elaphus*), moose (*Alces alces*), bison (*Bison bison*), and caribou (*Rangifer tarandus*), depending on location. They will occasionally take smaller prey, including beaver (*Castor canadensis*), insects, various small mammals, and domestic animals. Additionally, wolves will usurp carcasses and scavenge carrion opportunistically from kills made by other carnivores.

A habitat generalist, the gray wolf originally occupied most habitat types in North America. They show no preference for one cover type over another and successfully use alpine, forest, grassland, shrubland, and woodland habitats across their range. Once thought to require wilderness areas with little to no human disturbance, recent range expansions have demonstrated the species' ability to tolerate higher rates of anthropogenic development than previously thought. Given abundant prey and low rates of human-caused mortality, wolves can survive in proximity to human-dominated environments.

As dispersers, individual wolves will be transient and highly mobile. Naturally curious, they may stray close to the Project area, but would likely retreat upon seeing or hearing construction activities. Therefore, impacts to this species are not expected.

November 30, 2017
Mr. Kevin Shelley, USFWS

Northern Long-eared Bat

The range of the northern long-eared bat stretches across much of the eastern and Midwestern United States. During summer, the bats roost singly or in colonies under bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places such as caves and mines. This species is thought to be opportunistic in selecting roosts, utilizing tree species based on the tree's ability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures such as barns and sheds. In winter, northern long-eared bats utilize caves and mines as hibernacula.

On April 1, 2015, the USFWS listed the northern long-eared bat as threatened under the Endangered Species Act (ESA) and simultaneously published an interim 4(d) rule; the final listing and interim 4(d) rule took effect as of May 4, 2015. On January 14, 2016, the USFWS published the final 4(d) rule identifying prohibitions that focus on protecting the bat's sensitive life stages in areas affected by White Nose Syndrome (WNS). The USFWS has developed a WNS zone map identifying counties containing hibernacula where bats have been found to exhibit WNS and/or have tested positive for the fungus that causes WNS. This map is updated periodically and was reviewed for this Project on November 22, 2017 (map dated June 30, 2017). Dunn County, North Dakota, currently fall outside of the USFWS-designated WNS buffer zone; as such, incidental take of northern long-eared bats is not prohibited.

Suitable habitat is not present in the Project area and all development related to the Project will occur within the previously disturbed Facility footprint. Tree-clearing activities will not be required for this Project. Therefore, impacts to this species are not expected.

Other USFWS Interests

Based on a desktop review, ONEOK has not identified any USFWS-managed lands within the study area of the Project. We are requesting confirmation of this assessment. In addition, we are also requesting your review and comments regarding migratory birds and golden and bald eagles. As noted previously, all construction activities for this Project will occur within the previously disturbed Facility footprint.

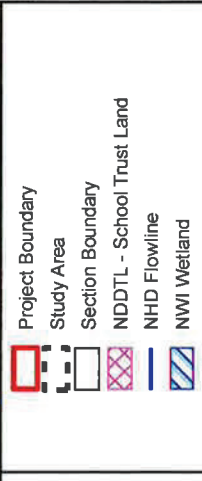
We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent as its environmental consultant for this Project. Should you have any questions or require additional information, please contact Paul Hartzheim of Merjent at 612-746-1618 or phartzheim@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

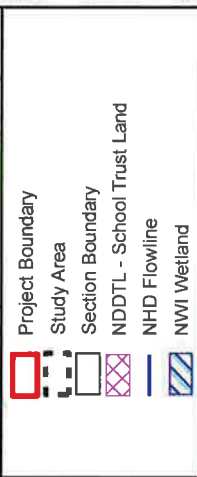
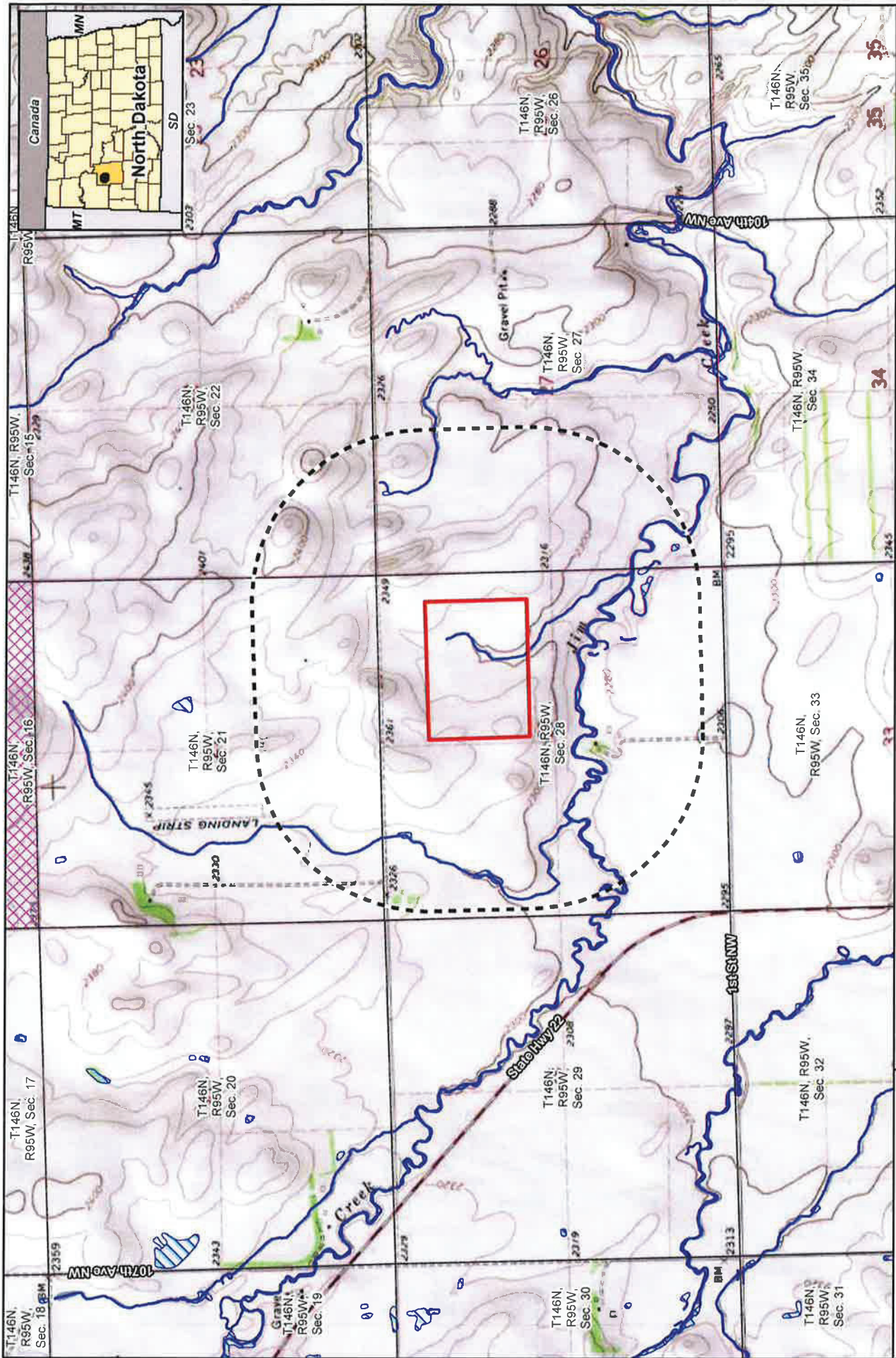
Enclosures: Project Overview Maps
xc: Paul Hartzheim/Maddy Krumwiede, Merjent / Jeff Hammond, ONEOK (pdf)
Tulsa Environmental File – Bear Creek GP Expansion



ONEOK Rockies Midstream
Bear Creek Plant Expansion Project
 Project Overview Map
 Dunn County, North Dakota

0 1,000 2,000 Feet
 1 inch = 2,000 feet

For Environmental Review Purposes Only



ONEOK Rockies Midstream
Bear Creek Plant Expansion Project
 Project Overview Map
 Dunn County, North Dakota



U.S. Department of Defense – Air Force Cable Affairs

Paul Hartzheim

From: MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <cy.munos@us.af.mil>
Sent: Monday, December 04, 2017 7:08 AM
To: Sober, Joy E.
Cc: Maddy Krumwiede; Paul Hartzheim; Perry, Deborah A.
Subject: RE: ORM - Bear Creek NGP Expansion - Project Notification and Request for Review

Joy,

After reviewing the proposed project, the nearest USAF assets are approximately 43 miles northeast. We have no issues with the proposed project. Thank you for the notification.

V/R

Cy Munos
Chief, Cable Affairs
Minot AFB, ND
W. 701-723-6053
C. 701-720-8274

-----Original Message-----

From: Sober, Joy E. [mailto:Joy.Sober@oneok.com]
Sent: Friday, December 01, 2017 1:07 PM
To: MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <cy.munos@us.af.mil>
Cc: mkrumwiede@merjent.com; Paul Hartzheim <phartzheim@merjent.com>; Perry, Deborah A. <Deborah.Perry@oneok.com>
Subject: [Non-DoD Source] ORM - Bear Creek NGP Expansion - Project Notification and Request for Review

Please find attached cover letter and maps for project notification and request for review.

If you have any questions contacts are outlined in cover letter.

Thank you,

Joy Sober

For Deborah Perry-Chambers



Delivered via email: (cy.munos@us.af.mil) Cy Munos, U.S. Dept of Defense - Air Force Cable Affairs

November 30, 2017

**ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Mr. Munos,

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. In support of our application to the NDPSC, ONEOK respectfully submits this request for the U.S. Department of Defense-Air Force Cable Affairs department to review the Project regarding the location of intercontinental ballistic missiles and launch facilities. A copy of your response letter will be included in ONEOK's application to the NDPSC.

We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent, Inc. (Merjent) as its environmental consultant for this Project. Should you have any questions or require additional information, please contact Paul Hartzheim of Merjent at 612-746-1618 or phartzheim@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deborah Perry-Chambers", written over the word "Sincerely,".

Deborah Perry-Chambers
Environmental Manager

Enclosures: Project Overview Maps

xc: Paul Hartzheim/Maddy Krumwiede, Merjent / Jeff Hammond, ONEOK (pdf)
Tulsa Environmental File – Bear Creek GP Expansion (PSC)

U.S. Army Corps of Engineers



CERTIFIED MAIL 7011 0470 0000 4031 7877
RETURN RECEIPT REQUESTED

December 08, 2017.

Ms. Patricia McQueary
North Dakota State Program Manager
U.S. Army Corps of Engineers – Omaha District
North Dakota Regional Office
1513 South 12th Street
Bismarck, ND 58504-6640

**ONEOK Rockies Midstream, L.L.C. – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Ms. McQueary,

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. Prior to the original development of the facility, ONEOK completed a desktop assessment and commissioned a wetland and waterbody survey of the Project boundary in May 2015. The survey was conducted in accordance with the U.S. Army Corps of Engineers' (USACE) *Wetland Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0)* (2012).

No National Wetlands Inventory wetlands were noted during the desktop review; however, one National Hydrography Dataset flowline was identified within the central portion of the Project area, which flows south into Jim Creek. A subsequent wetland delineation form was completed to detail the

December 8, 2017
Ms. Patricia McQueary

hydrologic, soil, and vegetation data for this drainage. Upon field review, it was determined that the drainage did not exhibit the appropriate characteristics to be defined as a wetland. Instead, the report concluded the feature was an upland swale. Soils data supported this conclusion, as no hydric soils are identified within the Project area. As such, the wetland delineation report concluded that there were no wetlands or waterbodies on site and ONEOK did not pursue a permit from USACE for impacts to this feature. A copy of the Wetland Delineation Report is available upon request.

As noted above, all work associated with the Facility upgrade will occur within the previously developed footprint and no impacts to waters of the U.S. will occur. A copy of your response letter will be included in ONEOK's application to the NDPSC.

We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent, Inc. (Merjent) as its environmental consultant for this Project. Should you have any questions or require additional information, please contact me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

Enclosures: Project Overview Maps

xc: Paul Hartzheim and Maddy Krumwiede, Merjent (pdf)
Jeff Hammond, ONEOK (pdf)
Tulsa Environmental Files – Large Construction (Bear Creek GP Expansion)

North Dakota State Historic Preservation Office



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Doug Burgum
Governor of North Dakota

December 14, 2017

**North Dakota
State Historical Board**

Terrance Rockstad
Bismarck - President

Gereld Gerntholz
Valley City - Vice President

H. Patrick Weir
Medora - Secretary

Albert I. Berger
Grand Forks

Calvin Grinnell
New Town

Steve C. Martens
Fargo

Daniel Stenberg
Watford City

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Melissa Baker
*Director
Parks and Recreation
Department*

Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

*Accredited by the
American Alliance
of Museums since 1986*

Ms. Deborah Perry-Chambers
Environmental Project Manager
ONEOK, Inc.
100 West Fifth Street
Tulsa, OK 74103

ND SHPO Ref: 16-0421i PSC ONEOK Rockies Midstream LLC, Bear Creek Natural Gas Plant Expansion
[T146N R95W Section 28, Dunn County, North Dakota]

Dear Deborah:

We have received and reviewed: 16-0421i PSC "ONEOK Rockies Midstream LLC, Bear Creek Natural Gas Plant Expansion," and find it acceptable.

We concur with a "No Adverse Effects to or No Significant Sites Affected" determination provided the proposed project is of the nature stated and it is restricted to the mapped footprint location as stipulated and depicted in the accompanying documentation.

Thank you for the opportunity to review this project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota

c: Paul Hartzheim, Michael Madson, Maddy Krumwiede, Merjent, email pdf copy



CERTIFIED MAIL 7011 0470 0001 4031 7884
RETURN RECEIPT REQUESTED

December 8, 2017

Mr. Paul Picha
Ms. Susan Quinnell
North Dakota State Historic Preservation Office
612 East Boulevard Ave
Bismarck, ND 58505

**ONEOK Rockies Midstream, L.L.C. – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Mr. Picha and Ms. Quinnell:

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility. The enclosed Project maps display the ONEOK Project boundary. On behalf of ONEOK, Merjent, Inc. (Merjent) has been involved in the archaeological review of nearby projects that are relevant to the Project and reviewed previous archaeological investigations relevant to this Project. Their review is summarized below, and was detailed during a November 28, 2017 meeting in your office attended by representatives of Merjent and ONEOK. Recognizing the confidential nature of this information, we include with this letter a map that shows archaeological site locations for reference and will not include that map in any documents provided to the NDPSC.

Background and Site History:

In April 2015, on behalf of ONEOK, archaeologists from E3 Environmental, LLC conducted a Class III inventory of 145 acres of the _____, which

ONEOK, Inc.
100 West Fifth Street
Tulsa, OK 74103
www.oneok.com

December 8, 2017

Mr. Paul Picha and Ms. Susan Quinnell

includes the entire Project boundary (Woodward 2015). Woodward identified three pre-contact archaeological sites within the 145-acre survey area, namely:

-
-
-

Redacted

Sites were recommended for additional field investigations and, in the absence of any eligibility determination from a responsible agency, Woodward (2015) recommended avoidance of those two sites. Site , as an isolated find, was recommended not eligible. All site boundaries offered by Woodward (2015) were avoided during construction of the facility. After ONEOK initiated construction of the plant, Site was subsequently the focus of archaeological work due to additional pipeline infrastructure entering the facility from the west. This work lead to the expansion of the Site boundary west and determination of significance (Metcalf Archaeological Consultants 2015 and 2018, pending).

The facility was under construction in late 2015 within an area of Site that did not contribute to the site's significance and was not itself likely an adverse effect to the site (Metcalf Archaeological Consultants 2015). Based on our review of existing documentation, Merjent suspects that Woodward (2015) was not provided to the North Dakota State Historic Preservation Office (SHPO) since no regulated action was in effect. We now include it with this report to inform the Merjent summary and support our recommendation that the Project will not impact significant archaeological resources. Recognizing the confidential nature of this information, we will not include the report in any documents provided to the NDPSC.

In support of our application to the NDPSC, ONEOK respectfully submits this information to the SHPO for review and concurrence that the Project represents *No Adverse Effect to Historic Properties*. A copy of your response letter will be included in ONEOK's application to the NDPSC. We appreciate your assistance and look forward to your timely review and comments on this Project. Should you have any questions or require additional information, please contact Michael Madson of Merjent at 612-834-3074 or mjmadson@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

Enclosures: Project overview maps (aerial and topographic)
Confidential map showing archaeological site locations
Woodward, Daniel. 2015. *Class I and Class III Cultural Resource Inventory of the ONEOK Rockies Midstream Bear Creek Gas Plant*.
E3 Environmental, LLC, St. Paul, Minnesota.

xc: Paul Hartzheim, Mike Madson, and Maddy Krumwiede, Merjent (pdf)
Jeff Hammond, ONEOK (pdf)
Tulsa Environmental Files – Large Construction (Bear Creek Expansion)

December 8, 2017
Mr. Paul Picha and Ms. Susan Quinnell

References Cited:

Metcalf Archaeological Consultants. 2015. *Killdeer Lateral NGL Transmission Line: A Class III Cultural Resource Inventory in Dunn County, North Dakota*. Metcalf Archaeological Consultants, Bismarck, North Dakota.

Metcalf Archaeological Consultants. 2018 (pending). *The Jim Creek Quarry Site: Phased Testing and Mitigation at* *in Dunn County, North Dakota*. Metcalf Archaeological Consultants, Bismarck, North Dakota.

North Dakota Game Fish Department

RECEIVED

JAN - 2 2018

ONEOK
CORP ENVIRONMENTAL

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand
DEPUTY, Scott A. Peterson



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

December 22, 2017

Deborah Perry-Chambers
Environmental Manager
ONEOK
100 West Fifth Street
Tulsa, OK 74103

Dear Ms. Perry-Chambers:

RE: ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28
Dunn County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have any significant adverse effects on wildlife or wildlife habitat based on the information provided.

Sincerely,

A handwritten signature in blue ink that reads "Greg Link".

Greg Link
Chief

Conservation & Communication Division

js



CERTIFIED MAIL 7014 1200 0000 2237 8849
RETURN RECEIPT REQUESTED

November 30, 2017

Mr. Greg Link, Division Chief
Conservation and Communication Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

**ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Mr. Link,

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. In support of our application to the NDPSC, ONEOK respectfully submits this request for the North Dakota Game and Fish Department (NDGF) to review the one-mile wide study area for concerns related to Species of Conservation Priority. Based on a desktop review of the study area, we have not identified any NDGF-managed land or other interests in the vicinity of the Project. A copy of your response letter will be included in ONEOK's application to the NDPSC.

November 30, 2017
Mr. Greg Link, ND Game and Fish Dept

We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent, Inc. (Merjent) as its environmental consultant for this Project. Should you have any questions or require additional information, please contact Paul Hartzheim of Merjent at 612-746-1618 or phartzheim@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

Enclosures: Project Overview Maps

xc: Paul Hartzheim/Maddy Krumwiede, Merjent / Jeff Hammond, ONEOK (pdf)
Tulsa Environmental File – Bear Creek GP Expansion (PSC)

North Dakota Parks and Recreation Department



CERTIFIED MAIL 7014 1200 0000 2237 8856
RETURN RECEIPT REQUESTED

December 6, 2017

Ms. Kathy Duttonhefner
Planning and Resource Division
Natural Resource Management Coordinator
North Dakota Parks and Recreation Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58506

**ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Ms. Duttonhefner,

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. In support of our application to the NDPSC, ONEOK respectfully submits this request for the North Dakota Parks and Recreation Department (NDPR) to conduct a review of its Natural Heritage Inventory (NHI) of the one-mile wide study area associated with the Project. Based on a desktop review of the study area, we have not identified any NDPR-managed land or other interests in the vicinity of the Project. We understand the current fee for NHI review is \$60 and a check is enclosed. A copy of your response letter will be included in ONEOK's application to the NDPSC.

December 6, 2017
Ms. Kathy Duttonhefner

We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent, Inc. (Merjent) as its environmental consultant for this Project. Should you have any questions or require additional information, please contact Paul Hartzheim of Merjent at 612-746-1618 or phartzheim@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

Enclosures: Project Overview Maps
NHI review fee (\$60)

xc: Paul Hartzheim/Maddy Krumwiede, Merjent / Jeff Hammond, ONEOK (pdf)
Tulsa Environmental File – Bear Creek GP Expansion (PSC)

North Dakota Department of Trust Lands

December 19, 2017

RECEIVED

DEC 28 2017

ONEOK
CORP ENVIRONMENTAL

DEBORAH PERRY-CHAMBERS
ENVIRONMENTAL MANAGER
ONEOK ROCKIES MIDSTREAM
100 WEST FIFTH STREET
TULSA OK 74103

RE: ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Dunn County
Township 146 North, Range 95 West
Section 28
Project Review Response

Dear Ms. Perry-Chambers:

We have reviewed the ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion project located approximately 5 miles north of Killdeer, North Dakota. This review was completed after receiving a project notification and request for review letter from ONEOK, which states ONEOK intends to submit an application to the North Dakota Public Service Commission for a Site Compatibility.

The North Dakota Department of Trust Lands (NDDTL) manages School Trust Land Surface and Mineral estates for the Board of University and School Lands. The school trust owns the surface and mineral estate described as Section 16, Township 146 North, Range 95 West, which is located approximately 1 mile north of the Bear Creek Natural Gas Plant Facility. The surface and mineral estates of this tracts are leased and mineral estates developed to provide income to the School Trust. The North Dakota Department of Trust Land manages a portion of the mineral estate for the SIIF (Strategic Investment Infrastructure Fund) described as SE4NE4, NE4SE4, SESE4, Section 26, Township 146 North, Range 95 West, located approximately 1 ½ miles east of the expansion project.

A review is completed to determine whether the proposed project will have adverse effects on the agricultural leasing of the surface estate and development of the mineral estates. A review of this project has determined there would be minimal adverse effects to the agricultural leasing and development of minerals of Section 16 and 26, Township 146 North, Range 95 West, Dunn County, North Dakota, from the expansion of the Bear Creek Natural Gas Plant.

Please contact me (mhumann@nd.gov) or Allisen Bement (abement@nd.gov), at (701)328-2800 should you have any questions. Thank you.

Sincerely,



Michael Humann
Surface Division Manager



CERTIFIED MAIL 7014 1200 0000 2237 8863
RETURN RECEIPT REQUESTED

November 30, 2017

Mr. Michael Haupt
Surface Management Division
Land Management Professional
North Dakota Department of Trust Lands
1707 North 9th Street
P.O. Box 5523
Bismarck, ND 58506

**ONEOK Rockies Midstream – Bear Creek Natural Gas Plant Expansion
Township 146 North, Range 95 West, Section 28 (Dunn County, North Dakota)
Project Notification and Request for Review**

Dear Mr. Haupt:

ONEOK Rockies Midstream, L.L.C. (ONEOK) owns and operates its Bear Creek Natural Gas Plant (Facility) approximately 5 miles north of Killdeer, Dunn County, North Dakota (see enclosed Figures). The Facility originally began construction in 2015 and began operating in late 2016. The Facility has a name-plate processing capacity of 80 million standard cubic feet per day (MMscfd) of natural gas.

In response to increasing demand for natural gas processing capacity in the area, ONEOK is currently planning an expansion of the Facility to increase the gas processing capacity to 175 MMscfd (Bear Creek Natural Gas Plant Expansion or Project). ONEOK's increase in capacity of the Facility beyond 100 MMscfd will invoke the jurisdiction of the North Dakota Public Service Commission (NDPSC) pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act (Act). In accordance with the Act, ONEOK intends to submit an application for the Project to the NDPSC for a Certificate of Site Compatibility in December 2017. Pending approval, ONEOK plans to commence the necessary construction and operational modifications, in phases, to systematically increase the processing capacity up to 175 MMscfd. ONEOK anticipates commencing the necessary construction and operational modifications upon NDPSC approval. All activities will occur within the previously developed footprint of the Facility.

The enclosed Project maps display the ONEOK Project boundary, Facility footprint, and a one-mile-wide study area. In support of our application to the NDPSC, ONEOK respectfully submits this request for the North Dakota Department of Trust Lands (NDTL) for concerns related to School and Mineral Trust lands. Based on a desktop review of the study area, one School Trust and Mineral Trust parcel is located approximately one mile north of the Facility (Township 146N, Range 95W, Section 16). We are not aware of any other NDTL-managed land or other interests in the vicinity of the Project. A copy of your response letter will be included in ONEOK's application to the NDPSC.

100 West Fifth Street
Tulsa, OK 74103

November 30, 2017
Mr. Michael Haupt, ND Dept of Land Trusts

We appreciate your assistance and look forward to your timely review and comments on this Project. ONEOK has retained Merjent, Inc. (Merjent) as its environmental consultant for this Project. Should you have any questions or require additional information, please contact Paul Hartzheim of Merjent at 612-746-1618 or phartzheim@merjent.com or me at 918-588-7530 or Deborah.Perry@oneok.com.

Sincerely,



Deborah Perry-Chambers
Environmental Manager

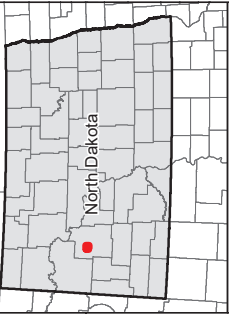
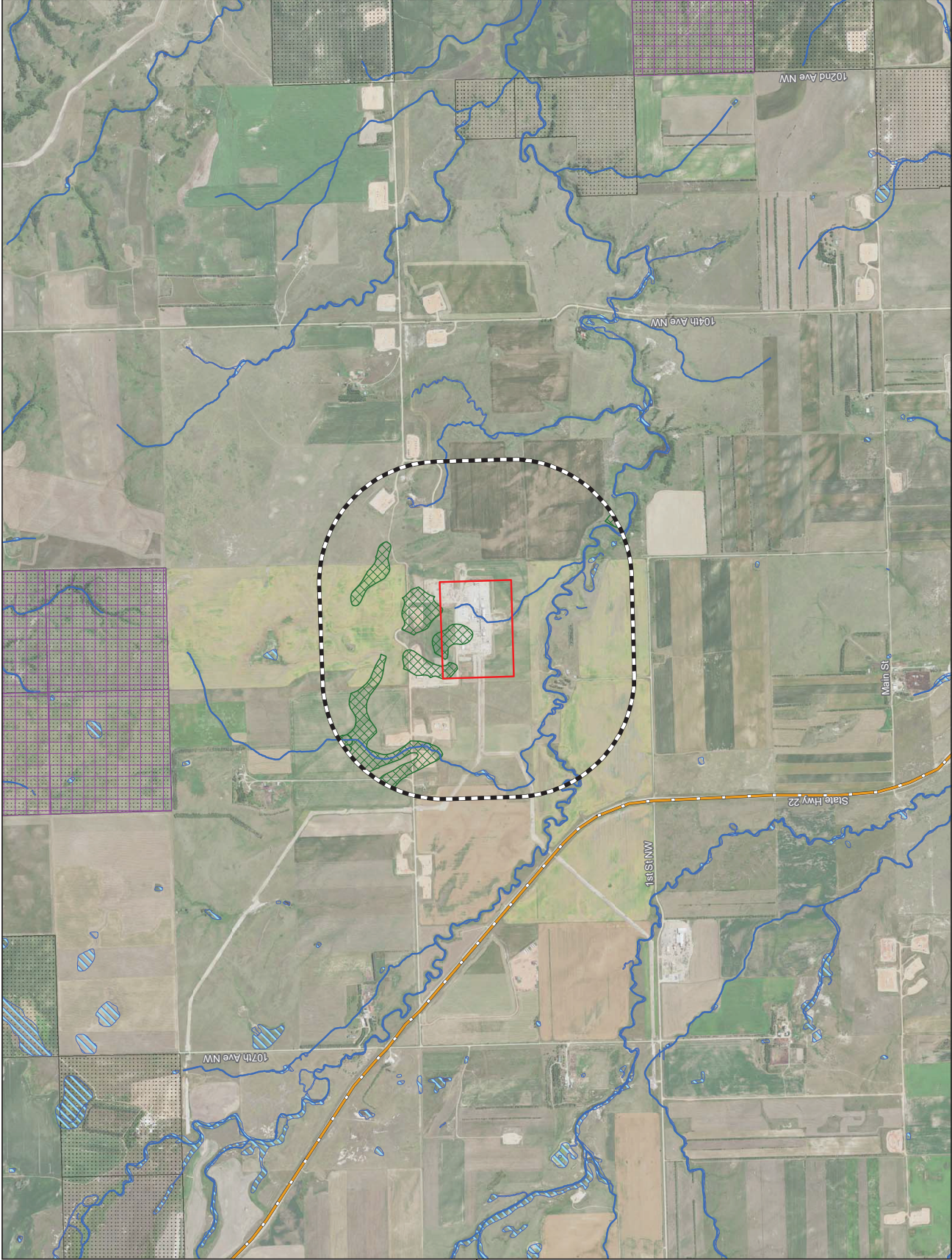
Enclosures: Project Overview Maps

xc: CERTIFIED MAIL 7014 1200 0000 2237 8870 – RETURN RECEIPT REQUESTED
Ms. Allisen Bement - Minerals Management Division, Land Professional
North Dakota Department of Trust Lands
1707 North 9th Street - P.O. Box 5523 - Bismarck, ND 58506

Paul Hartzheim/Maddy Krumwiede, Merjent / Jeff Hammond, ONEOK (pdf)
Tulsa Environmental File – Bear Creek GP Expansion (PSC)

Exhibit D

Exclusion, Avoidance and Selection Criteria Maps



- Plant Boundary
 - 1-mile Study Area
- Avoidance Areas**
- State Scenic Byway
 - Prime Farmland
- Selection Criteria**
- NHD Flowline
 - NWI Wetland
 - NDDTL - School Trust Land
 - NDDTL - Mineral Trust Land

Exhibit B.1
ONEOK Rockies Midstream
Bear Creek Plant
Expansion Project

Avoidance, Exclusion, and Selection Criteria Maps

Dunn County, ND



Exhibit E

Guidance and Mitigation Plans

Stormwater Pollution Prevention Plan

TABLE OF CONTENTS

SECTION 1: Introduction..... 1

 1.1 Background..... 1

SECTION 2: Site Description 2

 2.1 Project Type and Construction Activities 2

 2.2 Project Area and Disturbance Estimate 2

 2.3 Sequence of Construction Activities..... 2

 2.4 Project Soils 3

 2.5 Receiving Waters 4

 2.6 Site Map..... 4

SECTION 3: Operational Controls..... 6

 3.1 Personnel 6

 3.2 Good Housekeeping..... 6

 3.3 Spill Prevention and Response Procedures 7

 3.4 Employee Training..... 7

SECTION 4: Erosion and Sediment Controls..... 8

 4.1 Structural Practices 8

 4.2 Stabilization Practices 10

 4.3 Storm Water Management 10

 4.4 Dewatering Activities 11

 4.5 Record Keeping 11

SECTION 5: Inspection 13

 5.1 Identification of Potential Water Contaminants..... 13

 5.2 Inspection Frequency 13

 5.3 Inspection Reports and Corrective Actions Records 14

SECTION 6: Maintenance 16

SECTION 7: Keeping Plans Current 17

SECTION 8: Final Stabilization 18

SECTION 9: Certification 19

Appendices

- Appendix A Site Location and Soil Maps
- Appendix B Grading Plan
- Appendix C Typical Erosion Control Details
- Appendix D Spill Response Plan
- Appendix E General Permit for Storm Water Discharges Associated with Construction Activity
- Appendix F Inspection Report Form
- Appendix G Employee Training Log
- Appendix H Additional Owners/Operators
- Appendix I SWPPP Modification Log
- Appendix J Dewatering Inspection Form

SECTION 1: INTRODUCTION

1.1 BACKGROUND

This document has been prepared in consideration with the North Dakota Department of Health (NDDoH) North Dakota Pollutant Discharge Elimination System General Permit NDR10-0000 (Permit) for construction storm water discharges resulting from ONEOK Rockies Midstream, L.L.C. (ORM) Bear Creek Gas Plant Project (Project) construction activities. This document is ORM's Storm Water Pollution Prevention Plan (SWPPP or Plan) for construction activities and has been developed to address ground disturbance associated with this Project.

The SWPPP identifies measures to be implemented by the contractor during construction with the goal of minimizing erosion on disturbed areas, and minimizing the discharge of sediment and other pollutants in storm water runoff.

This SWPPP also identifies a schedule for inspection and maintenance of the proposed measures to ensure they are functioning properly.

Additionally, the SWPPP outlines the final stabilization and termination design to minimize storm water impacts after construction is complete.

SECTION 2: SITE DESCRIPTION

2.1 PROJECT TYPE AND CONSTRUCTION ACTIVITIES

The Project is a gas processing plant, which will process natural gas gathered from oil production wells. Construction will commence in May 2015; restoration activities will begin immediately following Project completion. The Project will occupy approximately 76 acres of a 160 acre parcel.

Construction of the Plant will include the installation of underground piping, above ground piping and above ground gas processing facilities. The major processing systems will be located within the Plant site; starting from the inlet gas and condensate piping as they enter each Plant. These systems include:

- Inlet gas slug catchers
- Inlet gas condensate pumping, filtration, and stabilization
- Mole sieve dehydration and cryogenic plant equipment
- NGL extraction (including refrigeration)
- HP residue gas compression
- NGL product storage and pipeline pumps
- Flare system
- Air and drain system
- Plant control systems
- Utility systems (electrical, instrument air, and heat medium)

Refer to Appendix A for site location maps and Appendix B for the Project grading plan.

2.2 PROJECT AREA AND DISTURBANCE ESTIMATE

The Project is located in Dunn County, North Dakota, in the NE ¼ of Section 28, Township 146 North, Range 95 West.

The Project will result in approximately 76 acres of ground disturbance. Permanent ground disturbance will result with the construction of permanent facilities such as buildings, and parking areas.

2.3 SEQUENCE OF CONSTRUCTION ACTIVITIES

The typical plant construction sequence is listed below. It is common for more than one of these activities to be occurring simultaneously.

- Stake the workspace boundaries.
- Install stabilized construction entrances, if necessary.
- Clear and grub the construction area, if necessary.

- Install erosion and sediment control measures, as necessary.
- If required, separate topsoil.
- Establish pad grade per engineering design.
- Construct stormwater detention pond.
- Stake excavation areas for footing and interconnections.
- Excavate footings and trenches.
- Erect buildings and install piping.
- Complete final grade of construction area.
- Perform clean-up, restoration, seeding and mulching of disturbed soils.
- Upon final stabilization, remove temporary erosion and sediment controls, as necessary.
- Erect safety fencing.

The contouring of disturbed areas will occur to various degrees at various times throughout construction of the facility; the purpose being to direct the flow of storm water to detention features and/or controlled outfall locations. No significant change to storm water discharge volumes is anticipated.

2.4 PROJECT SOILS

The table below outlines the soil types and soil properties for the Project site.

Map Unit	Map Unit Name	Drainage Class	Hydric Rating	Acres	Percent Area
E2107 A	Arnegard loam, 0 to 2 percent slopes	Well drained	Not Hydric	8.5	11.2%
E0651 A	Regent-Janesburg complex, 0 to 3 percent slopes	Well drained	Not Hydric	1.7	2.2%
E1635 C	Vebar-Tally fine sandy loams, 6 to 9 percent slopes	Well drained	Not Hydric	20.0	26.3%
E2803 B	Amor-Shambo loams, 3 to 6 percent slopes	Well drained	Not Hydric	40.7	53.6%
E4503 F	Baahish fine sandy loam, 9 to 50 percent slopes	Somewhat excessively drained	Not Hydric	0.4	0.5%

Map Unit	Map Unit Name	Drainage Class	Hydric Rating	Acres	Percent Area
E2145 A	Shambo loam, 0 to 2 percent slopes	Well drained	Not Hydric	4.0	5.3%
E1333 D	Vebar-Cohagen fine sandy loams, 9 to 15 percent slopes	Well drained	Not Hydric	0.4	0.6%
E1823 B	Parshall fine sandy loam, 2 to 6 percent slopes	Well drained	Not Hydric	0.02	0.0%
E1625 B	Vebar-Parshall fine sandy loams, 3 to 6 percent slopes	Well drained	Not Hydric	0.3	0.4%
Project Summary				76	100%

2.5 RECEIVING WATERS

Construction and configuration of the facility will generally follow the natural occurring topography to direct storm water runoff to the south/southeast of the site. Sediment and erosion control measures will be implemented to minimize impacts to the watershed during construction. Runoff from the site flows south/southeast into an unnamed drainage which is a tributary to Jim Creek.

2.6 SITE MAP

Maps of the Project area and the site grading plan can be found in Appendix A and B, respectively. These maps depict the following features if present:

1. Project/Site Boundary.
2. Areas where disturbance during each phase of the Project.
3. Areas where disturbance will not occur, such as avoidance or environmentally sensitive areas.
4. Drainage patterns (i.e., flow lines.)
5. Dividing lines, discharge points and storm sewer system inlets which the site drains to or may be affected by the activity.
6. Pre-existing and final grades.

7. Location of all temporary and permanent sediment and erosion controls throughout the Projects lifespan. (contractor to indicate location(s) on SWPPP maps once location(s) are determined in the field.)
8. Location of any stormwater conveyances such as retention/detention ponds, ditches, pipes, swales, stormwater diversions, culverts and ditch blocks.
9. Location of potential sources of pollution (e.g. portable toilets, trash receptacles, etc. Contractor to indicate location(s) on SWPPP maps once location(s) are determined in the field.)
10. Location of spoil piles.
11. Identify steep slopes (i.e. slopes with 15% or greater grade.)
12. Surface waters including an aerial extent of wetland acreage.
13. Location of surface waters.
14. Locations where stormwater is discharged to surface waters.
15. Dewatering discharge points. Contractor to update on-site SWPPP if dewatering activities are conducted.
16. Locations of chemical treatment of stormwater will be performed.
17. Fueling locations, vehicle/equipment staging areas, lubricant and chemical storage areas, etc.: Contractor to indicate location(s) on SWPPP maps once location(s) are determined in the field.)
18. Location of any impervious surfaces upon completion of construction.
19. Land ownership.
20. Soils.
21. Location of approved concrete washout areas (contractor to indicate location on SWPPP maps in Appendix A.)

SECTION 3: OPERATIONAL CONTROLS

3.1 PERSONNEL

The SWPPP Coordinator responsible for overseeing SWPPP implementation, inspection and maintenance of erosion control Best Management Practices (BMPs) during construction and restoration of the Project. The SWPPP Coordinator for the Bear Creek Gas Plant Project is:

Redacted

3.2 GOOD HOUSEKEEPING

The following measures will be implemented to maintain a clean and orderly site.

Waste Disposal: Non-hazardous construction wastes generated will be containerized and properly disposed of off-site. Stormwater contact with wastes will be minimized. Wastes not native to the construction site will be disposed of off-site. No hazardous wastes are anticipated to be generated during this Project. ORM and its contractor will comply with applicable federal, state and local waste disposal, sanitary sewer or septic system regulations.

Dust Control: Project personnel will monitor dust generation at the Project site and will apply water, or other approved materials, to reduce dust generation associated with equipment operations and vehicle movement as necessary.

Site Dewatering: When site dewatering is required to remove storm water runoff or ground water infiltration from excavations, ORM will typically direct discharges to well-vegetated upland areas, filter the discharges through standard geotextile filter bags (or equivalent) and suspend intake hose off the bottom of excavations to reduce sediment withdrawal. Additional BMPs will be implemented as necessary to prevent erosion.

Construction Entrances: Construction entrances will be constructed in a manner that will minimize vehicle tracking of sediments onto paved roads. When necessary, a combination of crushed stone access pads, and/or construction matting, may be installed at ingress/egress points to minimize the tracking of soil onto roads. Sediment

tracked onto paved road surfaces will be monitored and removed daily. Crushed stone shall not be placed in wetlands.

Concrete Washout Areas: Concrete wash water must be collected in a leak-proof container or leak-proof pits (lined with impermeable liner). Containers or pits must be designed and maintained so that no overflow can occur. Design must take into account precipitation events and/or snowmelt. The contractor shall identify and gain ONEOK approval for the location of all concrete washout areas. The approved location of these areas must be noted on the maps in Appendix A. If washout areas are not utilized ONEOK approval for vac-truck and disposal methods must be obtained.

3.3 SPILL PREVENTION AND RESPONSE PROCEDURES

The contractor will implement the Spill Response Plan (Spill Plan) found in Appendix D. Project personnel shall be oriented to the Spill Plan. ORM will provide training on the fundamentals spill prevention and initial spill response procedures. This training will cover standard Spill Plan principals proven to minimize the risk of a release, such as fuel handling and transfers, fuel storage, and regular vehicle/equipment inspections and maintenance.

Heavy equipment operations pose a risk for the potential accidental release of lubricant, coolant, or fuel. To address this risk, the Spill Plan directs equipment operators to provide and maintain spill kits with each piece of equipment. The Spill Plan specifies the contents of a spill kit must be suitable to initiate initial response measures for the Project site. The contractor will maintain additional equipment and materials on-site as necessary, to adequately prevent and/or contain an accidental spill. Construction equipment will be inspected daily. Leaking equipment shall be repaired or removed from the Project site.

3.4 EMPLOYEE TRAINING

Project personnel/contractors reporting to the site will receive environmental training. A log of trained personnel will be maintained to record these efforts (Appendix G).

SECTION 4: EROSION AND SEDIMENT CONTROLS

Prior to the initiation of ground disturbing activities, soil erosion and sediment control devices will be installed as necessary. Controls will meet the guidelines stipulated by the Permit (Appendix E). Erosion and sediment controls will be installed and maintained, as required by site conditions, to minimize erosion and to limit off-site deposition of sediment.

4.1 STRUCTURAL PRACTICES

Erosion and sediment control measures (sediment basins, silt fences, curlex logs, vegetative buffer strips, berms, etc.) will be installed as required by site conditions. The selection of erosion and sediment controls as well as site stabilization measures shall consider the following:

- The expected amount, frequency, intensity, and duration of precipitation events; (Dunn County receives 15-17 inches of annual rainfall.)
- The nature of stormwater run-on and runoff from the site as well as changes during, and as a result of, construction activity. This includes changes to impervious surfaces, slopes, seasonal changes, and drainage features on-site;
- Channelized flow, must be handled in order to minimize erosion at outlets and to minimize impacts to downstream receiving waters;
- Soil types (wind and water erodibility, and settling time); and
- Seasonal conditions.

Typical locations of these control measures include:

- The base of slopes adjacent to wetlands, waterbodies, ditches, drainage channels and other storm water conveyance systems;
- Along the edge of the approved work area where wetlands, waterbodies, ditches, drainage channels, or other storm water conveyance systems that are directly adjacent to the approved work area;
- Where necessary to contain spoil and sediment within the approved work area (e.g., on steep side slopes or in saturated areas that straddle the border of the work site); and
- Other locations as directed by ORM's designated environmental representative, as applicable.

Sediment barriers located in active portions of the work area may be removed during the day when work is being conducted, but must be replaced each night or at the onset of inclement weather (e.g., rainstorm). Sediment barriers will be inspected daily in areas of active construction and repaired as needed throughout construction to maintain

functionality. Sediment barriers shall be cleaned, repaired and/or replaced when sediment reaches one-half the height of the barrier and within 24 hours of discovery or prior to the next anticipated rainfall event (whichever comes first) during active construction. Any erosion control devices utilized within a surface water will be cleaned immediately to prevent the potential spreading of aquatic nuisance species.

Temporary sediment barriers will remain in place and functional until final stabilization is achieved, which may include installation of gravel, paved surfaces, sod or other vegetation. If non-degradable devices such as silt fences are used, the barriers will be removed and disposed of properly.

Temporary slope breakers will be installed as necessary, typically on slopes that are 5 percent or greater. Slope breakers will be configured to divert water off the project site to reduce the volume and velocity of storm water runoff on slopes. Spacing of the breakers will be determined on site but will generally conform to the following guidelines:

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 – 15	300
>15 – 30	200
>30	100

The contractor will control the tracking of debris onto public roads by installing a combination of crushed stone access pads, matting, and/or culverts at project access points that abut paved public roads. If sediment is tracked onto paved roads, the Contractor will remove the debris in a timely manner, typically by the close of business or shift.

Project design calls for the installation of permanent drainage ways to control storm water flow and direct it to controlled discharge locations; these may be installed as temporary control measures during construction and later converted to permanent control features. A permanent detention pond shall be built and may serve as a temporary control structure during construction and operation.

Temporary or permanent drainage ditches that drain water from the site or divert water around the site must be stabilized within 200 feet from the Projects property edge, or from the point of discharge into a surface water. If the ditch connects to a surface water the last 200 feet must be stabilized within 24 hours after it is connected to the surface water. Any remaining portion of the drainage ditch must be stabilized within 14 calendar days.

4.2 STABILIZATION PRACTICES

Upon completion of construction, or in areas that have temporarily ceased (activities will not resume for a period exceeding 14 calendar days), the contractor shall make every effort to initiate stabilization measures on disturbed areas immediately. Stabilization must be completed as soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization. of final grading activities. Sod or other perennial herbaceous vegetation will be used to permanently stabilize the project site.

On slopes with a grade of 3:1 or greater stabilization must be initiated immediately once activities have been completed or temporarily ceased. Once initiated stabilization must be completed as soon as practicable, but no later than 7 calendar days after the initiation of stabilization.

Permanent seeding of the area will be completed with a seed mix compatible with the soil and climate of the area and will be seeded within the recommended seeding dates as recommended by a local authority. A proper seedbed will be prepared for those areas to be reseeded for final stabilization. When weather conditions preclude the timely reseeding of disturbed areas, these areas shall be stabilized and maintained until the earliest practicable reseeding date can be scheduled.

Temporary stabilization of disturbed areas may be accomplished through soil roughening, installation of mulch that is properly anchored, temporary vegetative cover crops or other means. When temporary stabilization is required, the on-site environmental representative shall be responsible for coordinating the appropriate measures for the location, time of year and activities to be encountered.

Final stabilization is complete when permanent surfaces have been installed which include impervious, semi-pervious and/or vegetation. The standard for final stabilization for vegetation is the establishment of a 70 percent new permanent growth as compared to the natural adjacent landscape. Because the Project area receives an average of less than 20 inches of annual rainfall, final stabilization may be achieved by installing temporary, degradable erosion control measures along with an appropriate seed base to provide erosion control for at least 3 years and achieve 70 percent vegetative coverage within 3 years without active maintenance.

Temporary synthetic, structural, and non-biodegradable erosion and sediment control measures must be removed once final stabilization has been achieved.

4.3 STORM WATER MANAGEMENT

The Project permanent structural control measures have been designed to be fully integrated into the final facility grading plan. Storm water originating from off-site and

entering the facility shall be directed around and through the property to controlled discharge location or outfall. Storm water originating on facility grounds shall be directed to a detention basin where it can be held as necessary and discharged in a controlled manner. The permanent outfalls shall be armored with riprap or the equivalent to disperse energy and prevent scouring associated with discharge.

If sediment reaches surface waters it must be removed immediately, but no more than 7 calendar days. All eroded areas shall be repaired and stabilized within 24 hours of discovery, or as soon as site conditions allow. Any delay in maintenance should be documented.

4.4 DEWATERING ACTIVITIES

When site dewatering is required to remove storm water runoff or ground water infiltration from excavations, the contractor should direct discharges to well-vegetated upland areas, filter the discharges through standard geotextile filter bags (or equivalent) and suspend intake hose off the bottom of excavations to reduce sediment withdrawal. the contractor will coordinate with the on-site Environmental representative to document the location of these discharge locations on the maps in Appendix A or B and to conduct inspections for all dewatering activities that occur. The following must be documented:

1. Date and time of the inspection;
2. Location of discharge;
3. Inspector name;
4. Volume of water discharged;
5. Findings of the inspection, including recommendations and schedule for corrective actions;
6. Corrective actions taken (including dates, times, and party completing maintenance activities); and
7. Documentation that the SWPPP has been amended when substantial changes are made to the dewatering activity in response to inspections.

Dewatering inspection forms are located in Appendix J.

4.5 RECORD KEEPING

Construction stormwater management will be closely associated with major construction milestones. Examples of these milestones may include:

- Site preparation and grading activities ;
- Phases of development when construction activities temporarily or permanently cease on a portion of the site; and

- Locations and dates when permanent impervious or semi-pervious surfaces are installed.

SWPPP records will be maintained at the following locations as detailed below:

- During Active Construction: On-site or in the control of the responsible party or SWPPP Coordinator;
- During Restoration: Regional office, 2700 Lincoln Avenue, Sidney, MT 59270; and
- After Termination: Corporate records, 100 West Fifth Street, Tulsa, OK 74103.

SECTION 5: INSPECTION

Visual inspections of all erosion and sediment control measures will be performed. Inspections will verify the structural BMPs are in good condition and are minimizing erosion and sediment migration. Construction entrances and exits will be inspected for evidence of sediment being tracked offsite. The inspection will also verify the procedures used to prevent storm water contamination from the construction activities are effective. Inspections will continue until the Project has reached final stabilization. A record of inspection will be maintained. Inspection forms are located in Appendix F.

5.1 IDENTIFICATION OF POTENTIAL WATER CONTAMINANTS

The primary pollutant sources are disturbed soils. Other potential pollutant sources include debris from clearing operations and petroleum products utilized by equipment. In the event of a spill, the contractor will follow procedures outlined in its Spill Plan Plan (see Appendix D). The following fuel and hazardous material handling will be implemented.

Fuels and Hazardous Materials Handling

- Refueling of equipment or hazardous material transfer will occur in designated areas only;
- No refueling or hazardous material transfer will occur within 100 feet of a wetland, waterbody, or water supply well;
- Secondary containment shall be utilized when setback distances cannot be observed; and
- Spill kits shall be maintained onsite during equipment operations. Spill kits shall be equipped with sufficient oil and fuel containment booms and absorbent materials to respond to a release.

5.2 INSPECTION FREQUENCY

The project area will be inspected for erosion and sediment control issues with the frequency outlined in Sections 5.2.1-5.2.3. Note inspections are to occur during normal operating hours for the Project. If inspections are not feasible due to adverse weather conditions or site constraints, document these reasons in lieu of conducting an inspection.

5.2.1 ACTIVE CONSTRUCTION

- At least once every 14 calendar days, and
- Within 24 hours of a 0.5 inch or greater rainfall event. If rain events last longer than a 24-hour period and produce greater than 0.5 inches of rainfall during that 24-hour period, an inspection must be conducted and documented.

5.2.2 RESTORATION

Areas that have been stabilized but do not meet the 70 percent perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization, the SWPPP must be updated to identify these areas.

5.2.3 FROZEN OR DANGEROUS CONDITIONS

Inspections may be temporarily suspended when frozen conditions or conditions that pose significant risk to personnel are present.

5.3 INSPECTION REPORTS AND CORRECTIVE ACTIONS RECORDS

5.3.1 INSPECTION REPORTS

An inspection report (see Appendix F) will be prepared after each inspection and will be maintained on-site during the entire construction project. Records of each inspection and of maintenance activities will include:

- Date and time of inspection;
- Name, title, and qualifications of person(s) conducting inspections;
- Scope and findings of inspections, including recommendations for corrective actions;
- Date and amount of rainfall events greater than ½ inch in 24-hours
- Location(s) of discharges of sediment or other pollutants from the site;
- Location(s) of BMPs that need to be maintained;
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- Location(s) where additional BMPs are needed that did not exist at the time of inspection;
- Corrective actions taken (including dates, times and party completing maintenance activities);
- Documentation of changes made to the SWPPP;
- Identify any incidents of non-compliance;
- Records will be maintained as part of the SWPPP for at least 3 years from the date an area has undergone final stabilization.

Based on the results of the inspection, the Plan may be revised as necessary. Typical items requiring inspection are detailed below. Refer to the typical drawings in Appendix C for additional information

5.3.2 CORRECTIVE ACTIONS RECORDS

Corrective actions performed during construction must be recorded in writing. Maintenance or corrective actions records shall include:

- Best management practice corrected;
- Date and time of corrective action;
- Name of person(s) performing corrective action;
- Corrective actions taken; and
- Corrective action/maintenance records shall be signed in accordance with the Permit (i.e. written authorization delegating signatory authority from a responsible corporate officer, a general partner or a principal executive or ranking elected official.)

SECTION 6: MAINTENANCE

Inspections will be performed until the site is permanently stabilized. Installation of necessary erosion control measures or repairs to existing erosion control measures must be completed before the next storm event or within 24 hours of discovery (whichever comes first), or as soon as field conditions allow. If implementation before the next storm event or within 24 hours of discovery is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.

The Permit requires all Erosion Control Devices (ECDs), such as silt fence or curlex logs/fiber rolls to be repaired or replaced when deemed nonfunctional or sediment levels reach one-half of the ECDs' height. Additionally, the removal of sediment from surface waters must be initiated immediately upon discovery.

SECTION 7: KEEPING PLANS CURRENT

The SWPPP Coordinator will amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state. The Plan will also be amended to improve observed deficiencies associated with treatment of storm water discharges. Changes will be tracked in the SWPPP Modification Log (Appendix I).

SECTION 8: FINAL STABILIZATION

The contractor will be responsible for ensuring that final stabilization is accomplished on non-impervious surfaces. Final Stabilization is achieved when:

- Soil disturbing construction activity has been completed;
- Final stabilization is achieved by utilizing one of the following:
 - Installation of permanent impervious surfaces (e.g.; pavement);
 - Installation of permanent semi-pervious surfaces (e.g.; gravel or riprap);
 - Installation of permanent vegetative cover such as sod or other landscaping;
 - A uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures; or
 - Temporary erosion control measures have been installed with an appropriate seed base to provide erosion control for at least 3 years and achieve 70 percent vegetative coverage within 3 years without active maintenance in areas that receive an average annual rainfall of less than 20 inches;
- All non-degradable temporary erosion protection and sediment control BMPs have been removed without compromising the permanent erosion protection and sediment control BMPs;
- All sediment build-up has been removed from conveyances and basins that are to be used as permanent water quality management BMPs. The cleanout of permanent basins used as temporary BMPs during construction shall be sufficient to return the basin to design capacity; and
- Responsibility for long-term maintenance of permanent BMPs must be assigned.



SECTION 9: CERTIFICATION

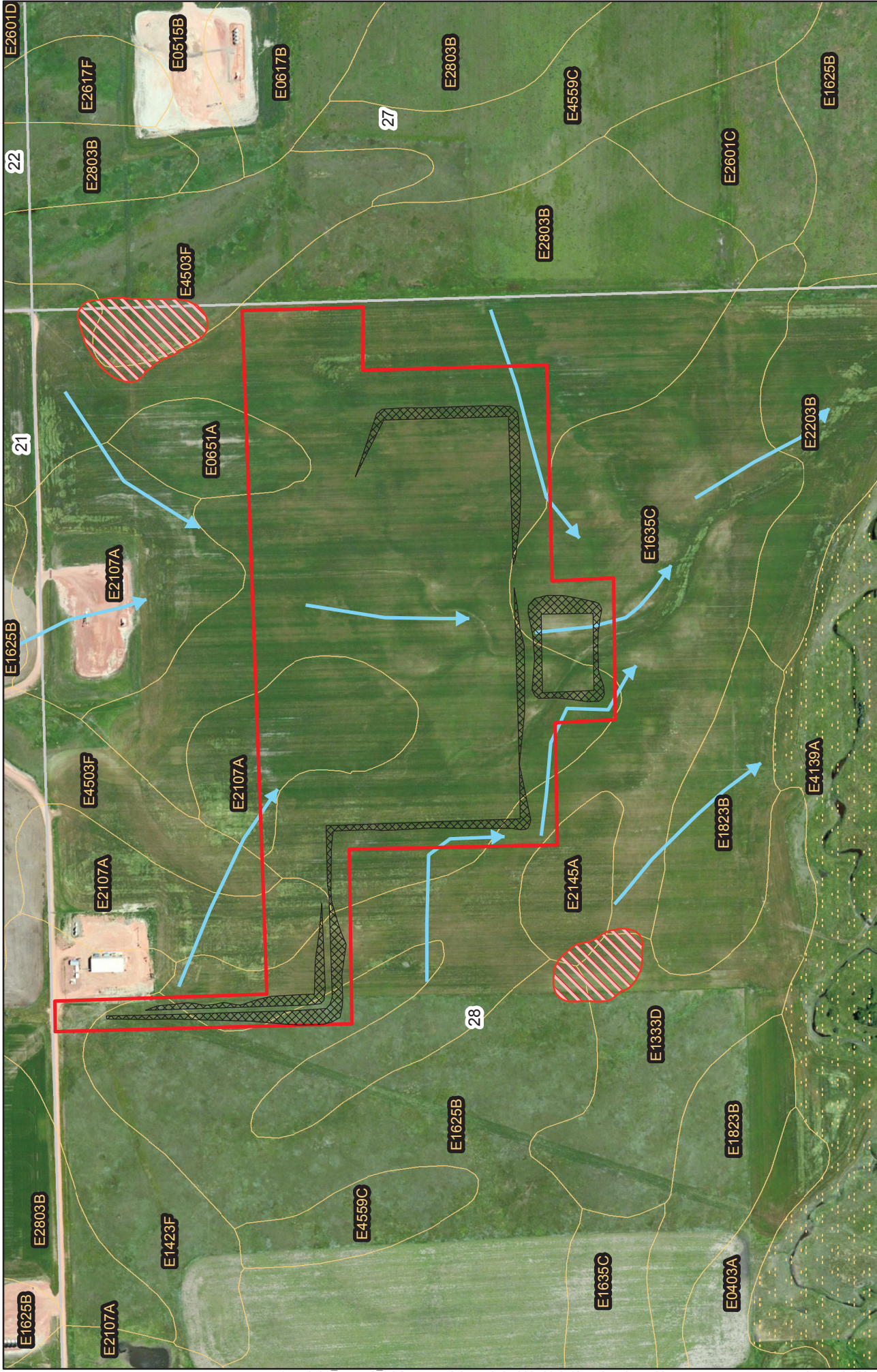
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Name: David J Cassel **Title:** Project Manager

Signature: Da J al **Date:** 5/11/15

Appendix A

Site Location and Soil Maps



Date: 5/4/2015 Path: P:\ONEOK\BearCreekGasPlant\MXD\S\WPP\BCGP_SWPP Aerial.mxd

ONEOK Rockies
Midstream, L.L.C.
 Bear Creek Gas Plant
 Soils Map
 Dunn County, North Dakota

Hydric Classification - Presence

	Not Hydric (0%)
	Some Hydric (1-50%)
	Mostly Hydric (51-99%)
	All Hydric (100%)

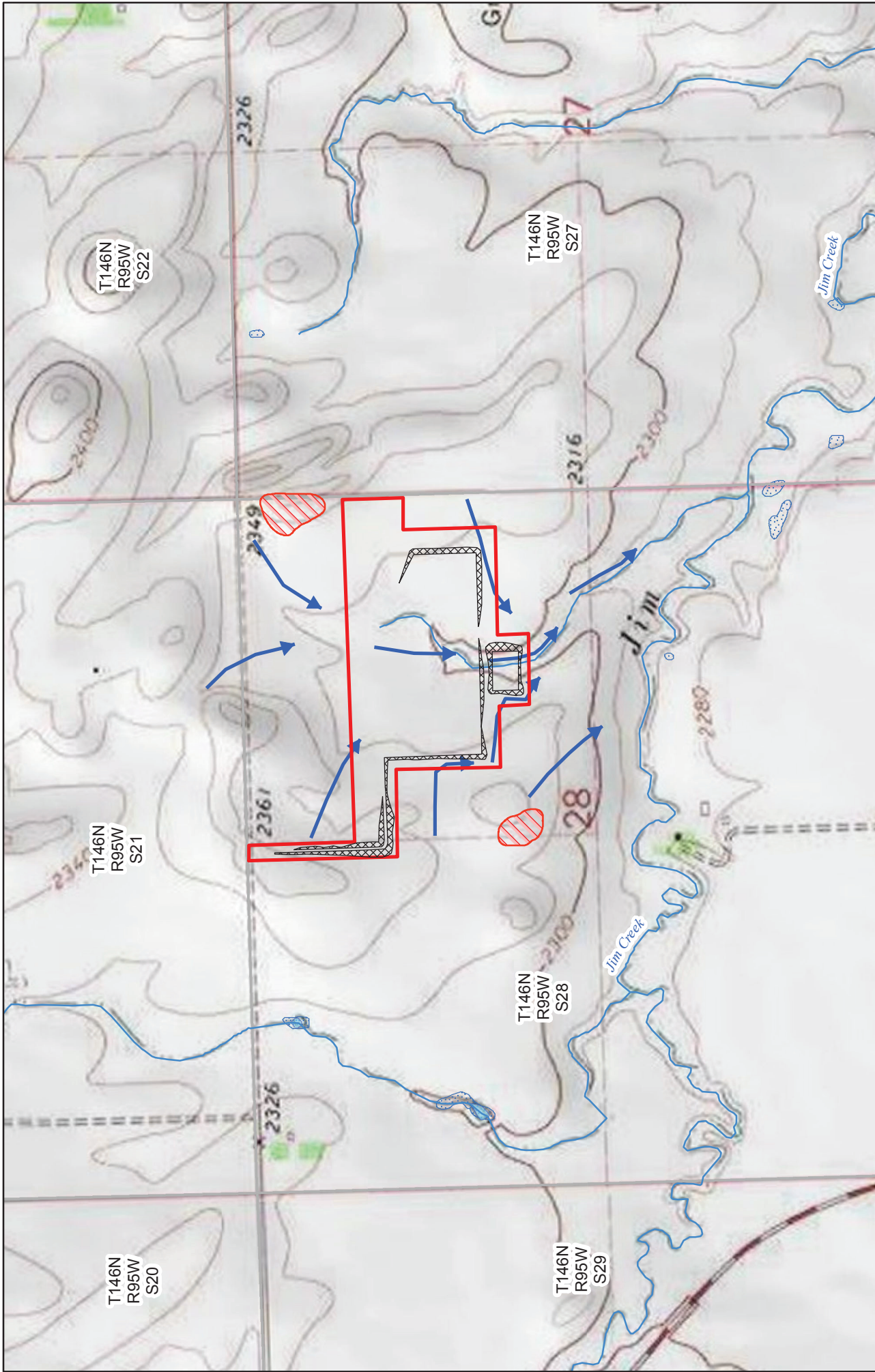
Disturbance Area

	Disturbance Area
	Environmentally Sensitive Area - No Ground Disturbance Allowed
	Steep Slopes (>15%)
	Surface Water Flow

Scale: 0 150 300 600 Feet
 1:6,000



Author: Mentinger



Path: P:\ONEOK\BearCreekGasPlant\MXD\SWS\WPP\BCGP_SWPPP_Topo.mxd Date: 5/4/2015

**ONEOK Rockies
Midstream, L.L.C.**
Bear Creek Gas Plant
Dunn County, North Dakota

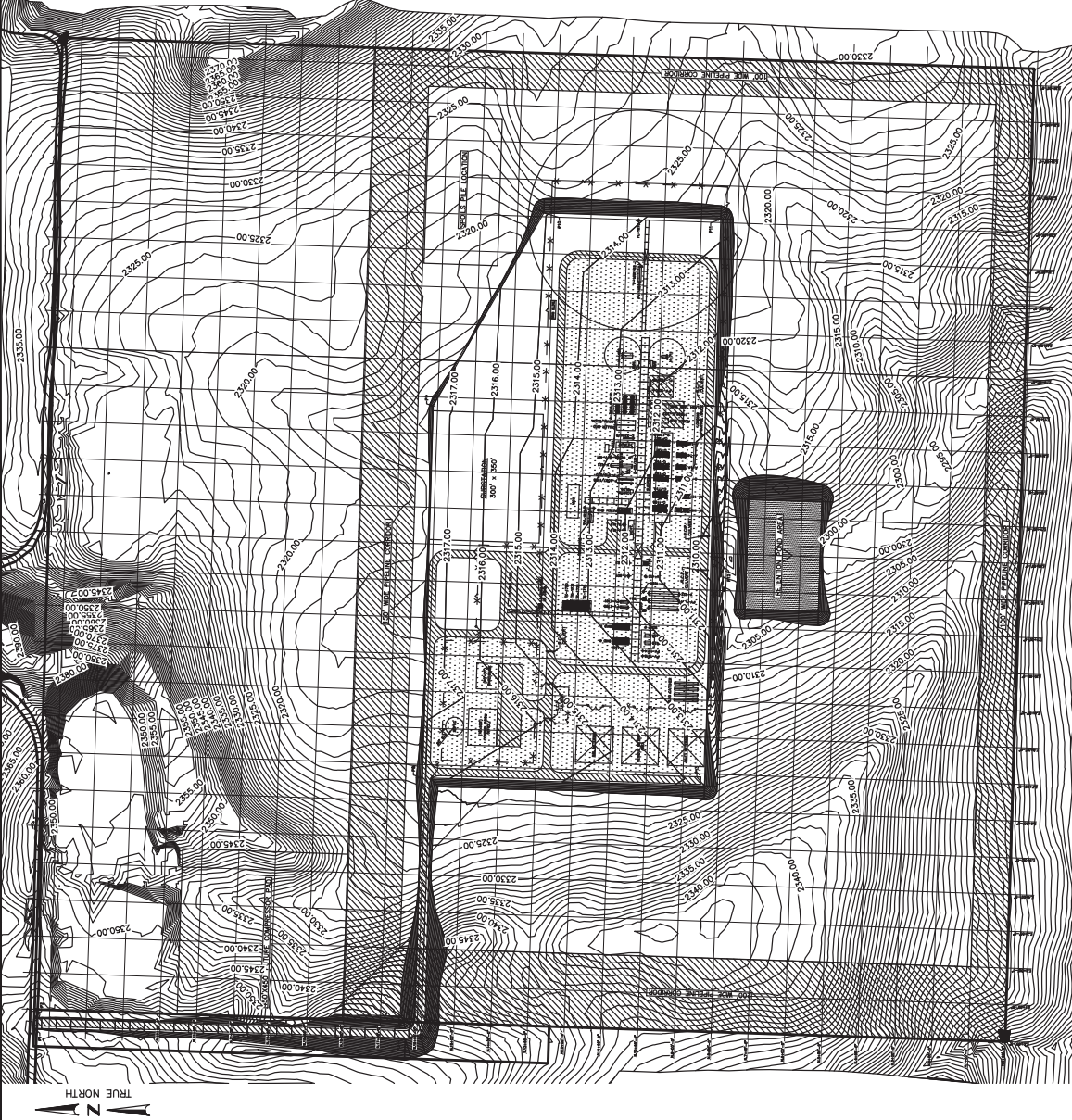
- Disturbance Area
- Environmentally Sensitive Area - No Ground Disturbance Allowed
- Steep Slopes (>15%)
- Surface Water Flow
- 303d Waterway
- NHD Waterway
- NHD Waterbody
- NWI Wetland
- Federal Land
- State Land



Author: Mentinger

Appendix B

Grading Plan



EARTHWORK SPECIFICATION

1. Site Preparation
 a. All areas to be graded should be stripped of vegetation, rocks and other organic material to a depth of 6 inches.
 b. It is permitted that the depth of stripping will be on the order of 6 inches. The stripped areas should be observed to determine if additional excavation is required to remove weak or otherwise objectionable material that would adversely affect the fill placement or other construction activities. The subgrade should be firm and able to support the construction equipment without displacement.
2. Imported Fill Materials
 a. Imported cohesive fill materials should consist of silty or sandy clay with a plasticity index of 10 to 22 and a liquid limit of 30 to 42.
3. Fill Placement and Compaction
 a. All fill material shall be placed in loose lifts not to exceed 8" in thickness, and compacted to a minimum of 90% of Standard Proctor Density at a moisture content within 3% above and 2% below optimum moisture content.
4. Quality Control
 a. Field density tests should be taken as each lift of fill material is placed. One field density test should be taken for every 1000 sq. ft. of compacted area. The contractor shall be responsible for density testing. Testing shall be done by an independent testing company.

CONTRACTOR SCOPE OF WORK

1. CUT & FILL
2. SOIL CEMENTED AREA
3. PERMITS
4. EROSION CONTROL PLANS
5. REPAIR AS NEEDED OF SLOPES
6. REPAIR AS NEEDED OF SURFACING OR ROADS WITH 3" OF WEARING SURFACE GRAVEL AFTER COMPLETION OF PLANT CONSTRUCTION
7. NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION, NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-795-0555
8. SURVEY OF PAD
9. PROPERTY PINS
10. ALL CULVERTS TO BE R.C.P.

ELEVATION NOTES:

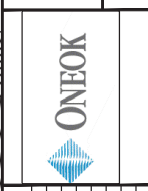
- GRADE EL. 2312.0 = PLANT EL. 100'-0"
- BASE BID:
 6" COMPACTED SCORIA ROCK W/ TYPE R1 GEOTEXTILE
 (197000 SQ. FT. AREA)
- SOIL CEMENT (652000 SQ. FT. AREA) DIRT CONTRACTOR TO PLACE 4" +/- OF SCORIA GRAVEL IN SOIL CEMENT AREAS (OR APPROVED EQUAL)

CUT AND FILL QTYS

- PLANT PAD
 - CUT: 89600 cu. yds.
 - FILL: 72000 cu. yds.
 - GR: 25200 cu. yds.
- POND
 - CUT: TO COME LATER
- CONTRACTOR TO VERIFY ALL CUT & FILL QTYS

PAD COORDINATES		PAD	
"N"	NORTHING	EASTING	MARK
P1	650052823	140182118	MAIN PLANT ROAD
P2	650052823	140182022	MAIN PLANT ROAD
P3	650052806	140182022	MAIN PLANT ROAD
P4	650052808	140182011	MAIN PLANT ROAD
P5	650052808	140182011	MAIN PLANT ROAD
P6	650052838	140182011	MAIN PLANT ROAD
P7	650052808	140201388	MAIN PLANT ROAD / PAD
P8	650052807	140201388	MAIN PLANT ROAD / PAD
P9	650052807	140201388	MAIN PLANT ROAD / PAD
P10	650052832	140201388	MAIN PLANT ROAD
P11	650052832	140201388	MAIN PLANT ROAD
P12	650052832	140201388	MAIN PLANT ROAD
P13	650052832	140201388	MAIN PLANT ROAD

REV	DATE	REVISIONS	BY	CHK	APP	NUMBER
A	10/27/16	ISSUED FOR BIDD	TT	TT	ME	
B	10/27/16	ISSUED FOR CULVERTS	TT	TT	EL	



OPTIMIZED PROCESS DESIGNS
 ENGINEERS AND CONSTRUCTORS
 KATY, TEXAS

ONEOK PARTNERS
 OKLAHOMA

SITE GRADING PLAN
BEAR CREEK CRYO PLANT

DUNN COUNTY, NORTH DAKOTA

DATE: 4/7/17
 SCALE: 1"=40'
 SHEET NO: 14051-C-102
 OF SHEETS: 14051-C-102

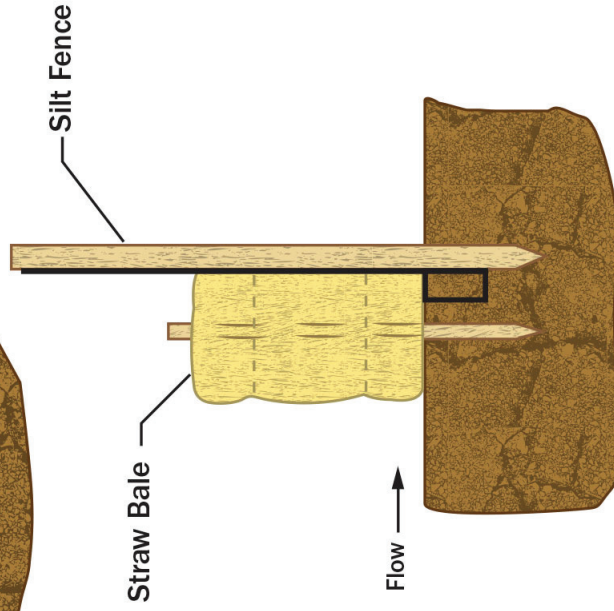
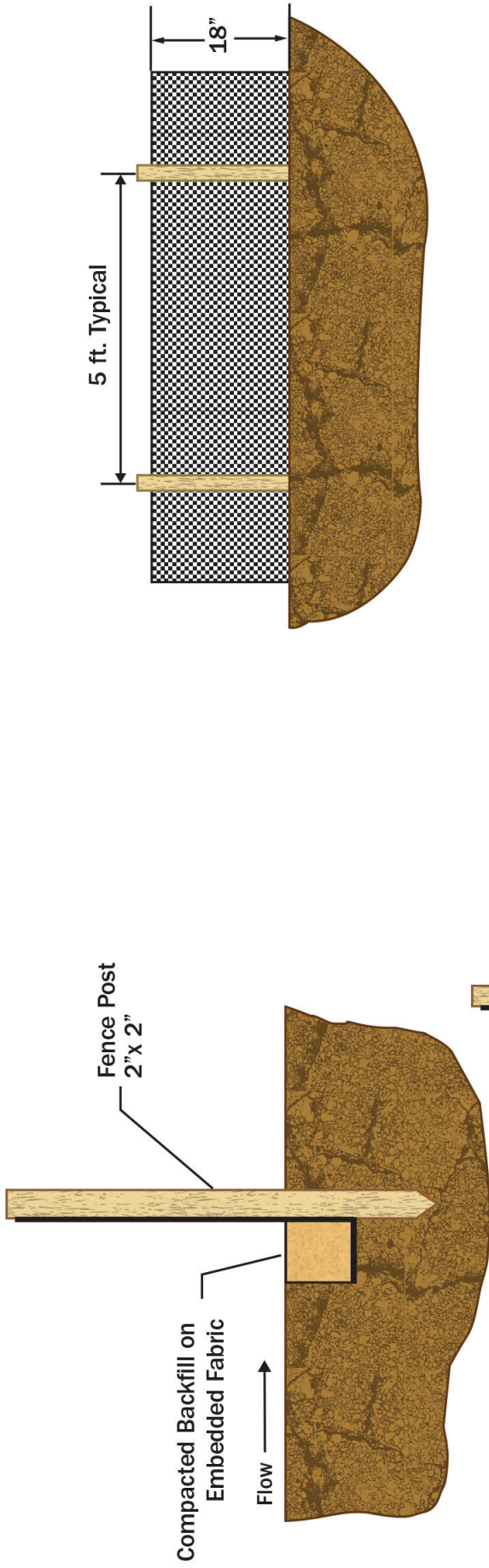
DES: TT
 TIT: TT
 ME: ME
 EL: EL

APP: MG

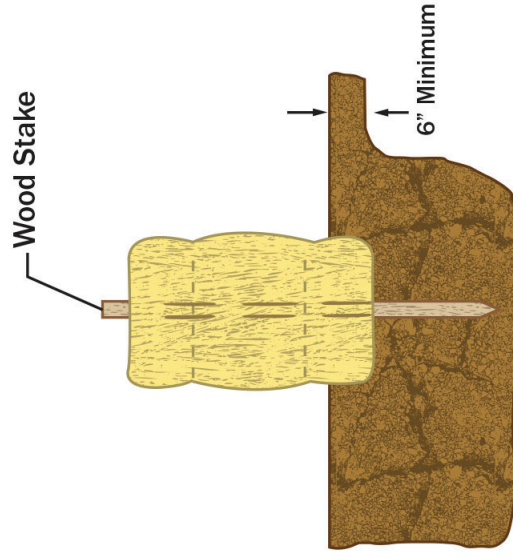
REV: B

Appendix C

Typical Erosion Control Details



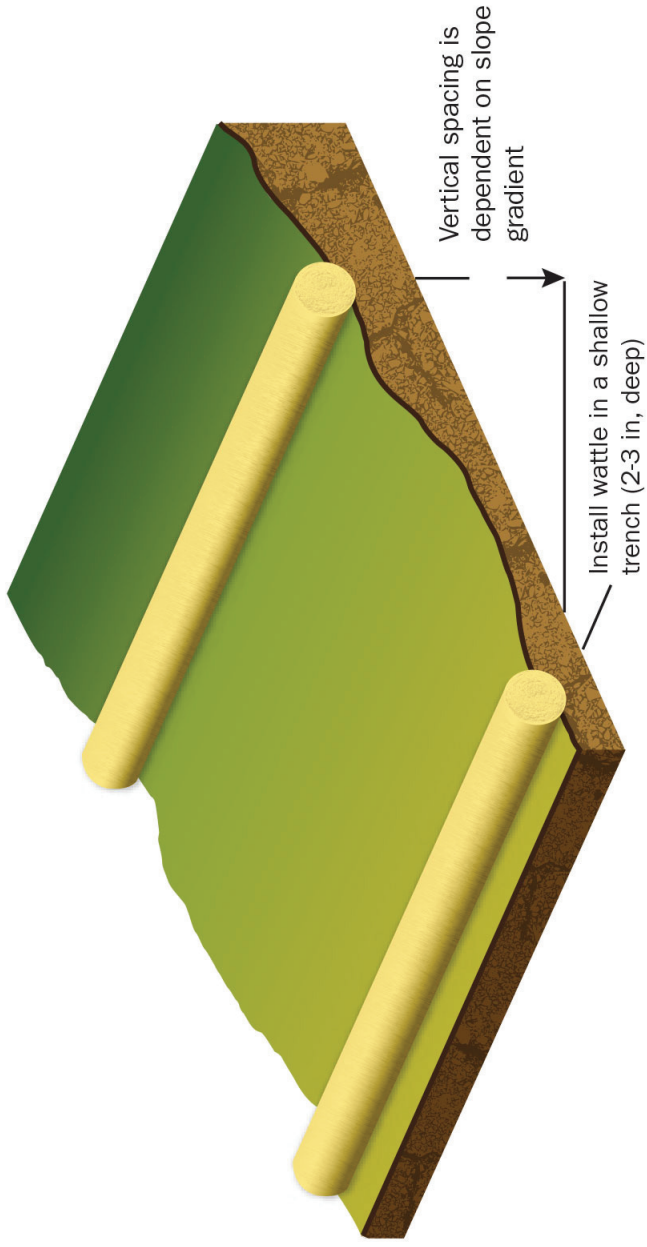
Straw/Hay Bales & Silt Fence



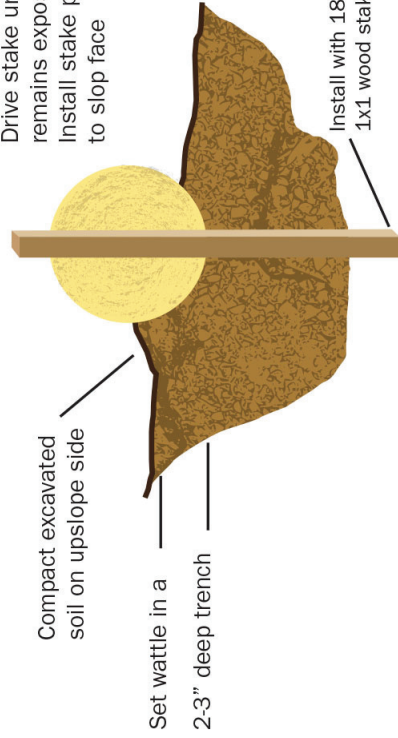
Straw/Hay Bales Only

For environmental review purposes only.

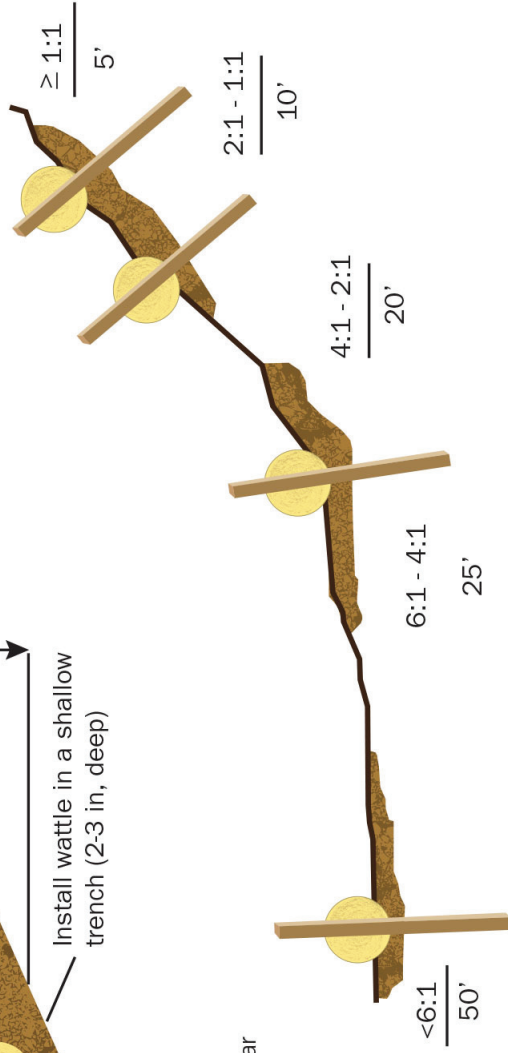
Standard Best Management Practices Typical Silt Fence Installation and Hay Bale Figure



Drive stake until 2-3" remains exposed
Install stake perpendicular to slope face



Entrenchment Detail



Typical Wattle Spacing based on Slope Gradient

For environmental review purposes only.

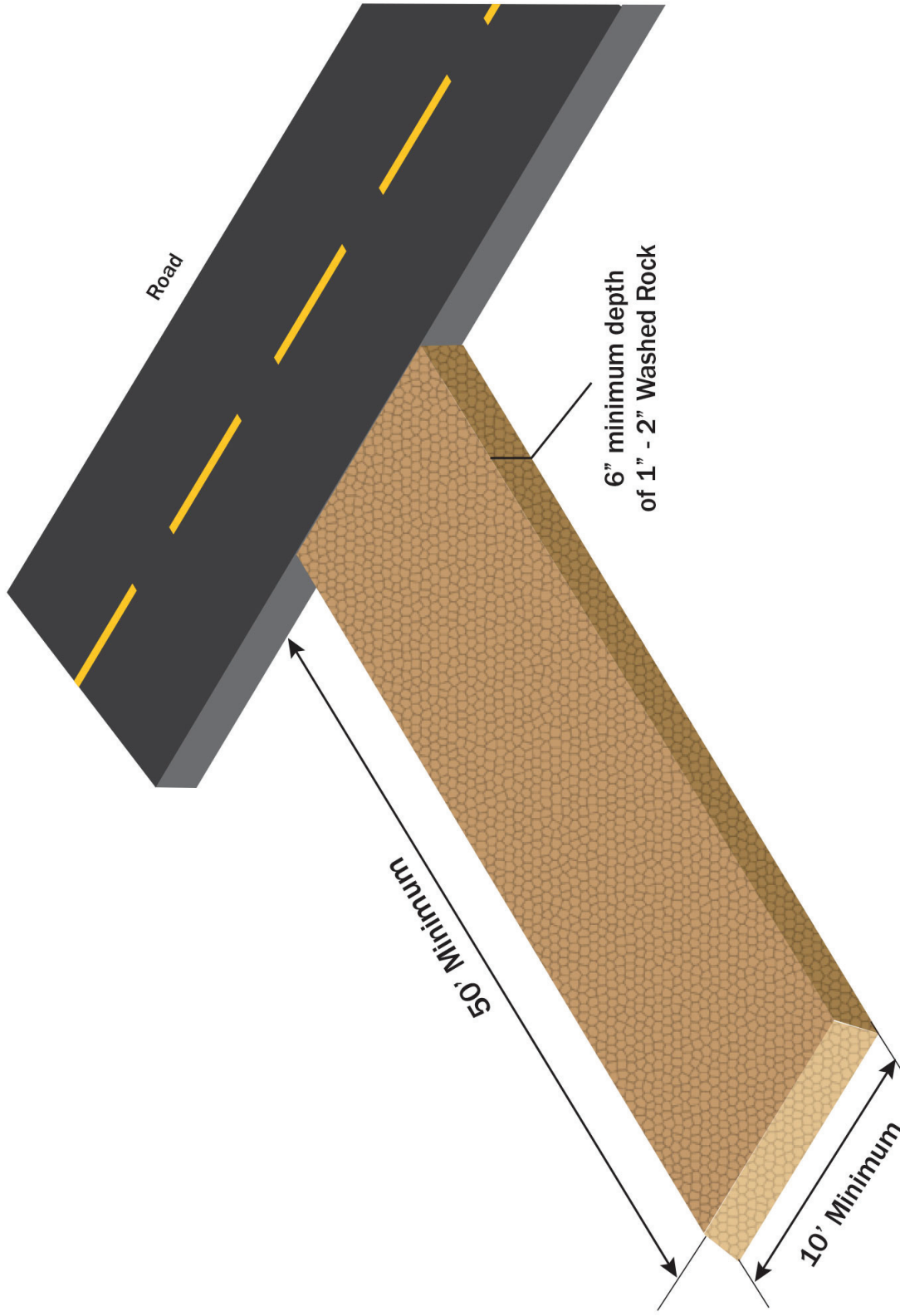


Standard Best Management Practices

Typical Wattle Installation

Figure

Date: 12/27/2011
Revised: 12/27/2011



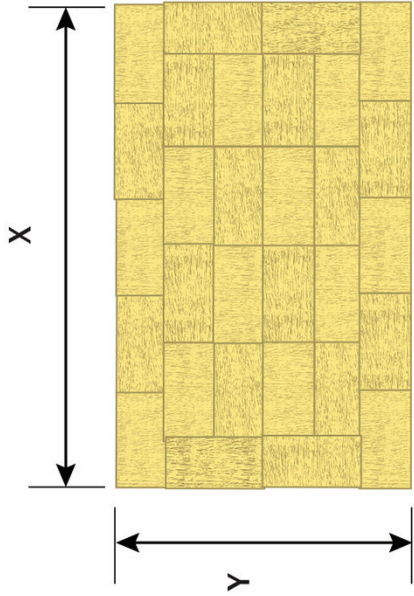
For environmental review purposes only.

Standard Best Management Practices
 Access/Egress Erosion Control
 Figure

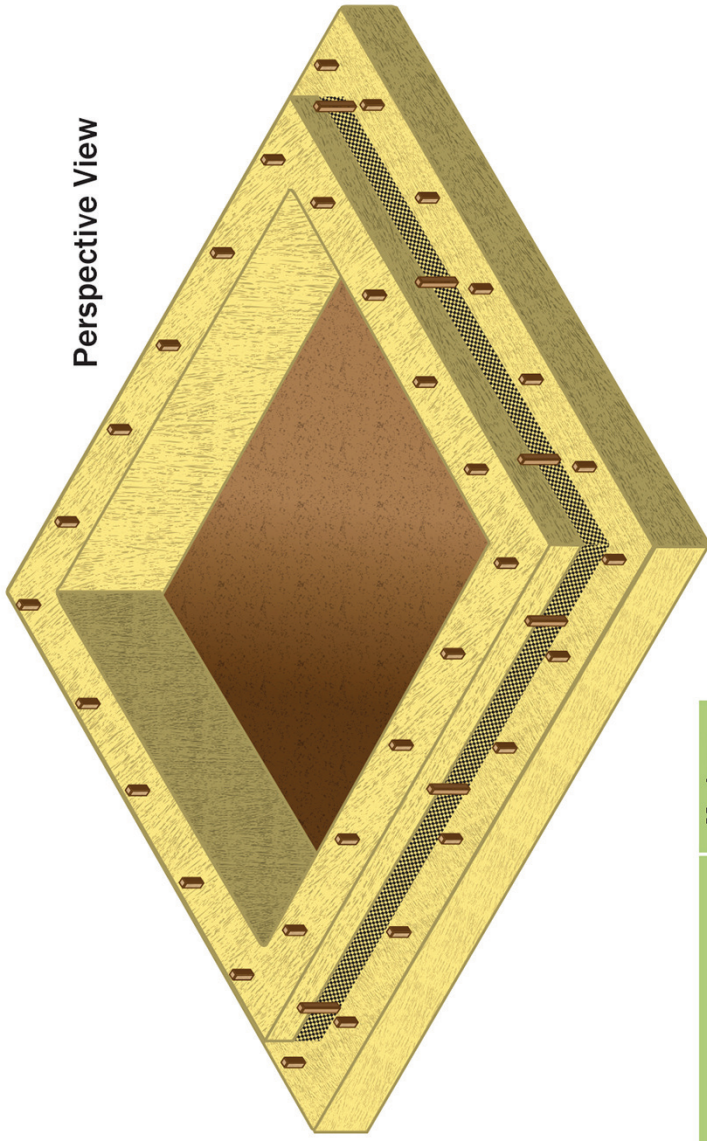
Enhancing Execution
 with Experience



Date: 12/27/2011
 Revised: 12/27/2011

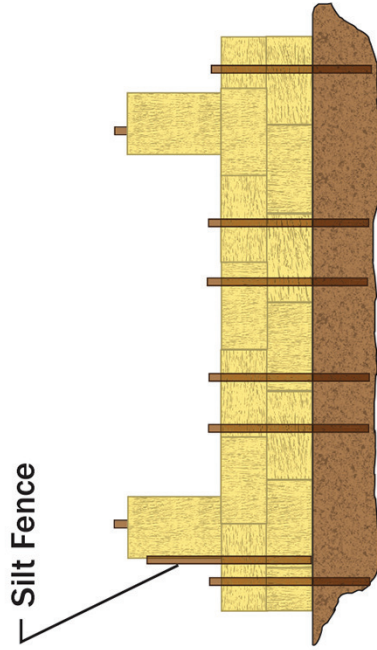


1. Arrange the straw bales to the X and Y dimensions specified below.
2. If bottom of structure is not lined with straw bales (Option 1), line entire structure with geotextile filter fabric.



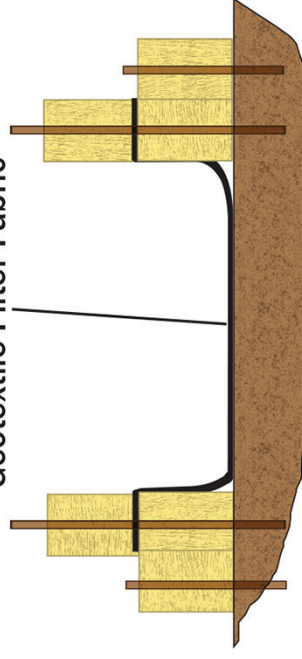
Perspective View

Minimum Sump Dimensions (ft.)		Maximum Pumping Rate (gal./min.)
X	Y	
10	20	300
15	20	350
20	20	400
20	25	450
25	25	500
25	30	550
30	30	660



Silt Fence

Geotextile Filter Fabric



For environmental review purposes only.



Standard Best Management Practices

Straw Bale Dewatering Structure

Figure

Date: 12/27/2011
Revised: 7/16/2012

Appendix D

Spill Response Plan



Spill Response Plan

Bear Creek Gas Plant Project



ONEOK Rockies Midstream, L.L.C.

May 2015

Table of Contents

1.0	INTRODUCTION	1
2.0	SPILL PLANNING AND PREVENTION	1
2.1	Training.....	1
2.2	Equipment.....	1
2.3	Inspection.....	1
3.0	STORAGE AND HANDLING OF FUELS/HAZARDOUS LIQUIDS	2
3.1	Storage - General.....	2
3.2	Storage Specifications.....	2
4.0	SPILL CONTAINMENT AND CLEANUP	3
4.1	General Spill Control.....	3
4.2	Wetland and Waterbody Spill Control.....	5
4.3	Storage and Disposal of Contaminated Materials.....	5
5.0	SPILL NOTIFICATION	5
5.1	Notification Responsibilities.....	6
5.2	State and Federal Agencies.....	6
5.3	Notification Information.....	7
6.0	CONTAMINATED SOIL REMOVAL PROCEDURES	8
6.1	Identification of Contamination.....	8
6.2	Notification.....	8
6.3	Containment Procedures.....	8
6.4	Reporting.....	9
6.5	Backfilling and Disposal of Contaminated Soils.....	9

Appendix A: Spill Reporting Form

1.0 INTRODUCTION

ONEOK Rockies Midstream, L.L.C. (ORM or Company) has developed this Spill Response Plan (Spill Plan) to describe processes to reduce the likelihood of a release or spill of fuel or chemicals and instructs project personnel how to respond to these events. This is implemented through planning, training, inspection of equipment and storage facilities, containment and cleanup, and notification procedures. This plan also describes various procedures to follow if unanticipated contaminated soils are discovered during project activities.

2.0 SPILL PLANNING AND PREVENTION

Potential sources of spills include tank leaks, machinery and equipment failure, and fuel handling and transfer operations. To prevent spills from occurring, the Contractor shall adopt, at a minimum, the following procedures:

2.1 Training

The Contractor shall train all employees handling fuels and other regulated substances to follow spill prevention procedures and to quickly and effectively contain and cleanup spills if they occur.

2.2 Equipment

- The Contractor must supply each construction crew with spill response kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits shall include, but are not limited to, drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, and spill containment barriers.
- Tools and materials to stop the flow of leaking tanks and pipes shall be kept on-site. Such equipment includes, but is not limited to, plugs of various sizes, a hammer, assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape.
- Plastic lining materials shall also be available for placing below and on top of temporarily stored contaminated soils and materials. The Contractor must make known the locations of spill control equipment and materials, and have them readily accessible during construction activity.

2.3 Inspection

- The ORM Inspection Team will monitor the Contractor's compliance with the provisions of this Spill Plan and assist the Contractor in complying with the conditions outlined herein.
- The Contractor shall regularly inspect hoses, pipes, valves, and tanks for leaks and deterioration. Leaks or deterioration that is identified shall be fully repaired prior to

resuming use of the equipment on the project. ORM reserves the right to require the removal of leaking equipment from work sites.

3.0 STORAGE AND HANDLING OF FUELS/HAZARDOUS LIQUIDS

3.1 Storage - General

- The Contractor shall provide to the Company a list of all hazardous materials and chemicals brought on-site and a copy of the Material Safety Data Sheets (MSDS)/Safety Data Sheets (SDS) for each. No hazardous chemical/material will be brought on-site without prior consent by the Company. The Contractor shall not use asbestos-containing materials as part of this project without prior approval from the Company.
- The logistics of construction may at times require temporary storage of fuels and other petroleum products at a work site. Prior to project activities, the Contractor will identify to the Environmental Inspector areas in which aboveground petroleum storage tanks will be established.

3.2 Storage Specifications

The Contractor shall follow proper fuel and fluid storage practices, including, but not limited to the following:

- The total amount of each hazardous substance stored on-site shall not exceed 10,000 pounds without prior written approval from ORM.
- Fuels, lubricants, liquid wastes, potentially hazardous chemicals/material, and any other regulated substances must be stored in securely closed, properly labeled, aboveground storage containers that conform to all applicable industry codes (e.g., NFPA, UFC, etc.).
- Each label shall indicate the contents of the container and whether the contents are hazardous. A waste code and any other content description (i.e., waste paint, used solvent, etc.) shall be included on all waste container labels.
- The containers shall be protected from inclement weather and shall be located at least 100 feet from wetlands, waterbodies, ditches, and drainage channels; at least 200 feet from private water supply wells and 400 feet from community water supply wells; and entirely outside municipal watershed areas.
- The Contractor will locate all storage tanks and containers within a Company-approved secondary containment structure. A secondary containment structure in the form of sand bags, straw bales, or earthen dikes will be constructed and utilized at each storage site. These structures will provide a containment volume equal to 110 percent of the volume of the largest storage vessel and provide sufficient freeboard to contain precipitation.
- Earthen containment dikes will be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability. Secondary containment areas will

be lined with seamless plastic sheeting a minimum of 10 mil thickness, and will be compatible with the material stored. Secondary containment areas will not have drains. If the secondary containment area is visibly free of contaminants and sheen, precipitation may be drawn off as necessary and sprayed on the surrounding area.

- Vehicle maintenance wastes must be stored and disposed of in accordance with applicable environmental regulations.
- Materials (i.e., rags, filters) containing oils, fuels and other regulated substances must be stored and disposed of in accordance with applicable environmental regulations.
- Fuels shall be dispensed by authorized personnel during daylight hours only. Fuel dispensing operations shall not be left unattended.
- Tanker trucks transporting fuel to on-site construction equipment shall travel only on approved access roads.

4.0 SPILL CONTAINMENT AND CLEANUP

To prevent spills from occurring, the Contractor shall train all workers handling fuels and other regulated substances to follow spill prevention procedures. The Contractor shall also train all workers who handle fuels and other regulated substances to quickly and effectively contain and cleanup spills. In the event of a spill, the Contractor will abide by all applicable federal, state and local regulations with respect to cleaning up the spill. All cleanup and other spill-related activities must be completed by, and costs assumed by, the Contractor. Specific cleanup measures for both upland and wetland/waterbody spills are described below.

4.1 General Spill Control

- Where heavy equipment and/or hazardous materials are used on the project, the Contractor will supply each work crew with spill response kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits may include, but are not limited to: drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, shovels, and spill containment barriers.
- Refueling and lubricating operations; concrete coating and concrete weight manufacturing; placement of stationary motorized equipment (e.g., water pumps); and overnight parking of wheeled and tracked construction equipment will take place at least 100 feet from wetlands, waterbodies, ditches, and drainage channels; at least 200 feet from private water supply wells and 400 feet from community water supply wells; and entirely outside municipal watershed areas.
- In some cases, the placement of stationary motorized equipment (e.g., water pumps, portable lighting plants) may be necessary within 100 feet of wetlands, waterbodies, ditches, and drainage channels. Placement of stationary motorized equipment will be permitted in these areas only if the equipment is located in a secondary containment structure as outlined

in Section 3.2.

- In certain instances, refueling may be unavoidable within 100 feet of wetlands, waterbodies, ditches, and drainage channels. Refueling will be permitted in these areas only if Contractor is using equipment outfitted with auxiliary fuel tanks in these areas. Only the amount of fuel needed to refuel heavy equipment, up to a maximum of 300 gallons, will be allowed to enter these areas. Portable and stationary motorized equipment will be refueled in these areas using sealed containers with a capacity of no more than 5 gallons. A schedule of refueling times and locations will be prepared and distributed to the Environmental Inspector and Company on-site project management. Two trained maintenance personnel will be available for refueling. Refueling will not occur in areas of standing or flowing water. Absorbent materials will be placed directly below the refueling operation to contain any drips or small releases that may occur. Floating booms, skimmer pumps, and holding tanks will be on-hand for containment of fluids in the event that a release reaches standing or flowing water.
- Tools and materials to stop the flow of leaking tanks and pipes will be kept on site. Such equipment includes, but is not limited to: plugs of various sizes, a hammer, and assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape.
- Plastic sheeting shall be available for placing below and on top of temporarily stored contaminated soils and materials. All on-site personnel will be informed of the locations of spill control equipment and materials, and will have them readily accessible during project activities.
- The Contractor shall regularly inspect hoses, pipes, valves, and tanks for leaks and deterioration. Identified leaks or deterioration shall be fully repaired prior to resuming use of the equipment on the project. The Company reserves the right to require the removal of leaking equipment from the work site.
- If a spill occurs, the source of the spill must be identified and contained immediately.
- For large spills on land, pooled material must be pumped immediately into tank trucks. The Contractor or, if necessary, an emergency response Contractor shall excavate all contaminated soil. The spilled material and the contaminated soil must be treated and/or disposed of in accordance with all applicable federal, state, and local agency requirements.
- Smaller spills on land shall be cleaned up with absorbent materials. Contaminated soil or other materials associated with these releases shall also be collected and disposed of in accordance with applicable regulations.
- Flowing spills must be contained and/or absorbed before reaching surface waters or wetlands.
- Absorbent material(s) shall be placed over spills to minimize spreading and to reduce its penetration into the soil.

- Spill sites shall be evacuated as necessary to safeguard human health. Evacuation parameters shall include consideration for the potential of fire, explosion, and hazardous gases.

4.2 Wetland and Waterbody Spill Control

In addition to the measures described above, the following conditions shall apply to areas where refueling within 100 feet of wetlands and waterbodies is unavoidable:

- For spills that occur on surface waters and/or in inundated wetlands, floating booms and skimmer pumps shall be used to contain and recover released materials in these waterbodies. Noticeably contaminated soils on stream banks and in wetlands will be excavated and placed on, and covered by, plastic sheeting in bermed areas away from the waterbody.
- For spills in waterbodies that result in a sheen, the Contractor must promptly notify the ORM Project Manager, and ORM Environmental Manager. ORM will coordinate all agency notifications as necessary. Emergency Response Contractor(s) will be secured as necessary to further contain and clean up the spill at the Contractor's expense.

4.3 Storage and Disposal of Contaminated Materials

- All contaminated soils, absorbent materials, and other wastes shall be disposed of by the Contractor in accordance with all applicable federal and state regulations.
- If it is necessary to temporarily store excavated soils on-site, these materials shall be placed on, and covered by plastic sheeting, and the storage area bermed to contain runoff.

5.0 SPILL NOTIFICATION

- In the event of a spill, the Contractor shall notify ORM immediately. ORM will shall abide by all applicable federal, state and local regulations with respect to notifying the regulatory agencies of the spill. Notification responsibilities, agency contacts and spill information requirements are described below.

Estimated Spill Volume	Response	Notify
Less than one gallon gasoline, diesel, hydraulic fluid, etc. onsite to soil surface	Contain and Clean up	Notify on-site ORM Env. Representative and ORM Environmental and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than one and less than 25 gallons	Contain and Clean up	Notify on-site ORM Env. Representative and ORM Environmental and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than 25 gallons	Contain and Clean up	Notify on-site ORM Env. Representative and ORM Environmental and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Any amount to surface water	Contain and Clean up	Notify on-site ORM Env. Representative and ORM Environmental and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than Reportable Quantities (more than 50 gallons)	Contain and Clean up	Notify on-site ORM Env. Representative and ORM Environmental and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.

5.1 Notification Responsibilities

- The Contractor must notify the Chief Inspector and Environmental immediately of any spill of a petroleum product or hazardous liquid, regardless of volume or location.
- Only ORM will report spills to appropriate federal, state, and local agencies.

5.2 State and Federal Agencies

- ORM will notify the appropriate agencies in the event of an accidental release as necessary. These may include, but are not limited to, the following:

National Response Center (Washington, D.C.)
Phone: (800) 424-8802 (24 hours)

North Dakota Department of Emergency Response - Hazardous Materials Emergency Assistance and Spill Reporting
Phone: (800) 472-2121 (Out-of-state), (701) 328-2121 (In-state)
Online Incident Report Form: <http://www.nd.gov/des/planning/haz-chem/report/>

North Dakota Department of Health
Phone: 701-328-5210
Online Incident Report Form: <http://www.ndhealth.gov/ehs/eir/eirform.htm>

State Industrial Commission - Oil & Gas Division
Phone: 701-328-2969

5.3 Notification Information

In the event of a spill, the following information shall be obtained by the Contractor to support spill reporting and planning of subsequent activities:

- A legal description of the spill location, and directions from the nearest community.
- The time and date of the spill, and the time and date the spill was discovered.
- The type and estimated volume of spilled material.
- The media in which the spill occurred (e.g., soil, water, etc.).
- Proximity to surface waters.
- Name, company, address, and telephone number of responsible party (Contractor).
- The cause of the spill.
- Immediate containment and/or cleanup actions taken.
- Name, company, address, and telephone number of person who reported the spill.
- Follow-up written reports, associated laboratory analyses for reportable spills, and other documentation shall also be compiled, if applicable, and all information forwarded to ORM Environmental Manager.
- ORM has developed a Spill Reporting Form to facilitate the collection and recording of spill notification information. A copy of this form is enclosed in Appendix A. Contractor will assist ORM in completing follow-up written reports, associated laboratory analyses if required, and other documentation as necessary.

6.0 CONTAMINATED SOIL REMOVAL PROCEDURES

Company has established the following procedures to be used if unreported or unanticipated contaminated soils are discovered during project activities. These procedures only apply to contaminated soils that existed prior to construction.

Upon discovery, immediately:

- Notify Company personnel of the discovery, regardless of size or volume;
- Company personnel will determine if work can proceed safely and has stop work authority if contaminated areas pose a risk to project personnel;
- Limit or prohibit disturbance to the contaminated area; and
- Limit physical exposure to contaminated soils.

6.1 Identification of Contamination

All personnel should observe disturbed soils for signs of possible contamination. Contaminated soils are generally identified by the following characteristics:

- A distinct pungent odor, usually smelling of petroleum, but an odor may be present without visible signs of contamination;
- Stained or discolored soils typically ranging from green or dark brown to black. The appearance of soils contaminated by petroleum may vary depending on the petroleum type, the age of contamination, and the soil type;
- A visible sheen on standing water; and
- Vegetation in the vicinity of the contaminated soil appears to be stressed or dying.

6.2 Notification

Immediately notify Company personnel of possible contamination, regardless of the size. At that time Company personnel shall:

- Evaluate whether possible contamination exists and if work can continue safely. If necessary, halt work and further site disturbance and immediately complete and provide the Spill Reporting Form (Appendix A) to Company personnel; and
- If necessary, notify the National Response Center and the emergency response agencies using the information listed in Section 5.2.

Notifications are required as soon as possible, but never later than 24 hours after the contamination is discovered. If necessary, Company personnel will arrange for a testing company to sample the soil and determine the extent of contamination. Appropriate state agencies shall be notified by Company personnel to determine the appropriate handling of contamination.

6.3 Containment Procedures

The following steps shall be followed upon confirmation of contamination;

- Disturbed contaminated soil shall be contained so that contaminants are not spread by runoff or infiltrated into the ground;

- Disturbed contaminated soil shall be stockpiled in a bermed area and lined with an impermeable material. Stock piles shall only be created in approved workspaces. Areas that are not necessary for pipe installation shall not be excavated and stockpiled by the pipeline construction contractor;
- Contaminated soil stockpiles shall be covered with a tarp or similar impermeable material which extends over the berms to prevent precipitation from spreading contaminants;
- Contaminated soil piles shall be placed so as not to interfere with pipeline construction, yet be easily accessible for sampling and disposal, if needed. In general, contaminated soils should be placed on the working side of the trench;
- The area containing contaminated soils should be marked with flagging and/or signs to prevent unnecessary contact. Traffic through contaminated areas should be minimized; and
- If trench water is present in the contaminated area, trench breakers or soft plugs should be installed to prevent migration of contaminated water down the trench. Trench water in contaminated areas shall be collected and disposed at an approved facility.

The Company personnel or the Environmental representative shall direct the contractor to further isolate, contain, or prevent the spread of contaminants.

The Contractor shall not excavate contaminated soils outside the trench-line unless specifically directed by the Company personnel or the Environmental representative.

6.4 Reporting

ORM personnel will collect information regarding the contamination and complete a Spill Reporting Form (Appendix A). Information to be recorded on this form includes:

- Photos of the site;
- Site sketch;
- Location (reference milepost, stationing and other pertinent information);
- Extent of contamination (horizontal and vertical extent);
- Medium in which contamination exists (soil, water, etc.);
- Degree of contamination (*i.e.*, free product to slight staining or odor);
- Apparent type of contamination (crude oil, gasoline, etc.)
- Statement on possible source of contamination (adjacent pipeline, off-ROW facility), if readily apparent (should not encourage speculation); and
- Volume of soil excavated/location of temporary storage, and actions taken to contain contaminants.

6.5 Backfilling and Disposal of Contaminated Soils

Backfilling the pipe trench with clean, imported soils from an approved source is permissible if approval from the Company has been obtained and if all available information discussed in the reporting section has been collected.

Stockpiled contaminated soils shall be disposed of in accordance with applicable local, state, and federal regulations. Disposal options may include treatment at an off-site facility or

disposal at an approved solid waste disposal facility.

Appendix A

Spill Reporting Form

This form is provided to assist in reporting any spilled materials to the North Dakota Department of Health using their online General Incident Report form. <http://www.ndhealth.gov/ehs/eir/NonOilField/>

Location Information

County:		Location Description: (911 address or location to nearest town)	
Township:	Section:	Range:	Quarters:
Latitude:	Longitude:	How was this location determined?	
Distance to nearest residence or occupied building:		<input type="checkbox"/> Navigation Quality GPS <input type="checkbox"/> Address Matching <input type="checkbox"/> Calculated <input type="checkbox"/> Derived from TRS <input type="checkbox"/> Derived from TRSQ <input type="checkbox"/> Derived from TwN Rng <input type="checkbox"/> Interpolation from Map	
Number of units:			

Incident Information

Date:		Time:	
Type: <input type="checkbox"/> Fire <input type="checkbox"/> Tank Overflow <input type="checkbox"/> Pump Leak <input type="checkbox"/> Tank Leak <input type="checkbox"/> Pipeline Leak <input type="checkbox"/> Vehicle Accident <input type="checkbox"/> Sewage Accident <input type="checkbox"/> Other: Equipment Failure			
Estimated Duration:		Estimated Volume:	
Substance released or of concern (include trade and/or chemical name if applicable):			
Is the substance on the EPA's Extremely Hazardous Substance List? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
Action Taken and Recommended/Planned Future Action: (how spill was contained, soil excavated, emergency approval to burn contaminant, evacuation of nearby personnel, etc.)			
Where will recovered wastes be disposed?			

Impact Information

Fatalities:	Injuries:
Medium affected: <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Soil <input type="checkbox"/> Water & Soil <input type="checkbox"/> Air & Soil <input type="checkbox"/> Water & Air <input type="checkbox"/> Air, Water & Soil <input type="checkbox"/> Other: _____	
Immediate Risk Evaluation: (explosive atmosphere, immediate health hazards, etc.)	
Potential Environmental Impacts: (describe impacts to, or likelihood of impacts, to surface water, ground water, soils, etc.)	

OVER →

Responsible Party Information

Responsible Party Name: ONEOK Rockies Midstream, L.L.C.		
Responsible Party Address: 2700 Lincoln Avenue SE		
City: Sidney	State: MT	Zip: 59270
Contact First Name:	Last Name:	
Contact Telephone Number:	Contact Email Address:	
Is the property owner the responsible party? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If not, who is the property owner?	Has or will the incident be reported to the property owner? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Contractor Information

Contractor Name:		
Contractor Address:		
City:	State:	Zip:
Contact First Name:	Last Name:	
Contact Telephone Number:	Contact Email Address:	

Reporting Information

First Name:	Last Name:
Affiliation:	
Reporter Address:	
City:	State: Zip:
Phone Number:	Fax:
Email Address:	
Date Reported:	Time Reported:
Other Agencies that have or will be notified: <input type="checkbox"/> NDDDES <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> State Highway Patrol <input type="checkbox"/> Local Fire Department <input type="checkbox"/> Local Law Enforcement <input type="checkbox"/> Local Emergency Manager <input type="checkbox"/> Other: _____	
Has or will this incident be reported to the National Response Center? (1-800-424-8801) <input type="checkbox"/> Yes <input type="checkbox"/> No	

Email addresses for additional recipients to send reports to:

Appendix E

General Permit for Storm Water Discharges Associated with Construction Activity

Permit No: NDR10-0000
Effective Date: April 01, 2015
Expiration Date: March 31, 2020

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Facilities both qualifying for and satisfying the requirements identified in Part I of the permit are authorized to discharge stormwater associated with **construction activity**

to waters of the state

in accordance with conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight,
March 31, 2020.

Signed this 31 day of March, 2015.



Karl H. Rockeman, P.E.
Director
Division of Water Quality

Table of Contents

I.	PERMIT COVERAGE AND LIMITATIONS	3
A.	Discharges Covered.....	3
B.	Discharges Not Covered	4
C.	Obtaining Coverage and Authorization Effective Date	4
D.	Application (Notice of Intent) Process	5
E.	Notice of Termination (NOT)	6
F.	Transfer of Ownership or Control	6
II.	STORMWATER DISCHARGE REQUIREMENTS.....	7
A.	Prohibition of Non-Stormwater Discharges.....	7
B.	Releases in Excess of Reportable Quantities	7
C.	Stormwater Pollution Prevention Plans	7
D.	Local Requirements	13
E.	Final Stabilization	13
III.	SELF MONITORING AND REPORTING	14
A.	Inspection and Maintenance Requirements	14
B.	Records Location	16
IV.	STANDARD CONDITIONS	17
A.	COMPLIANCE RESPONSIBILITIES.....	17
B.	GENERAL REQUIREMENTS	20
V.	DEFINITIONS	22
	Appendix 1 – Erosion and Sediment Control Requirements.....	25

I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

1. This permit applies to all areas within the state of North Dakota, except for those areas defined as Indian Country. Construction activity located within Indian Country within the state of North Dakota must obtain a permit through the United States Environmental Protection Agency. If the construction activity is located with the jurisdiction of the state of North Dakota, and the United States Environmental Protection Agency, a permit must be obtained from both regulatory entities.
2. This permit applies to stormwater discharges associated with construction activity and small construction activity as defined in Title 40 of the Code of Federal Regulations (CFR), Parts 122.26(b)(14)(x) and (b)(15), respectively. The reference to construction activity in this permit includes both large construction activity and small construction activity as described below.
 - a. Large construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five (5) acres and includes the disturbance of less than five (5) acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.
 - b. Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater that one (1) and less than five (5) acres.
 - c. Discharges of stormwater from oil and gas exploration, production, processing or treatment operations, or transmission facilities composed of contaminated runoff by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.
3. Stormwater discharges from support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) may be covered by this permit as part of a related construction site. The support activities may only be in association with one project. If the support activity is associated with more than one project, a separate stormwater permit (Industrial or mining, extraction or paving material preparation) is required.
4. Certain non-stormwater discharges from facilities covered by this permit and meeting the requirements specified in Part II(A).
5. Stormwater discharges from construction activity covered by the previous permit, issued October 12, 2009, where a notice has been submitted to obtain coverage under this permit.
6. Projects which have obtained coverage under this permit shall amend and implement a Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of this permit within ninety (90) days of the effective date of this permit.
7. Discharges from dewatering activities related to construction activities (discharges of uncontaminated stormwater).
8. Local Authority. This permit does not preempt or supersede the authority of local agencies or operators of municipal separate storm sewer systems to prohibit, restrict, or control discharges of stormwater to storm sewer systems or other water courses within their jurisdiction.

B. Discharges Not Covered

1. Stormwater discharges associated with industrial activity from any source other than construction activities described in Part I(A).
2. Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Industrial and post-construction stormwater discharges may need to be covered by a separate stormwater permit.
3. The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).
4. This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA), it is your responsibility to ensure the project and resulting discharges comply with the respective requirements.
5. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and/or parameters associated with sediment transport are not covered unless you develop a Stormwater Pollution Prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. If a specific numeric wasteload allocation has been established that would apply to discharges from construction activity, the permittee must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.
6. Stormwater discharges that the department determines will cause, or have the reasonable potential to cause or contribute to a violation of the standards for quality for waters of the state (North Dakota Administrative Code (N.D.A.C.) 33-16-02.1).
7. Discharges from hydrostatic testing, well points, water line disinfection and treatment of gasoline or diesel contaminated groundwater.
8. Discharges of wash water using detergents, wastewater, or sanitary waste.

C. Obtaining Coverage and Authorization Effective Date

1. To obtain authorization under this general permit for stormwater discharges you must submit a complete application and develop a SWPPP in accordance with Part II(C) of this permit. A SWPPP must be in place as a condition of the permit and a copy of the SWPPP must be retained by the permittee.
2. Permit coverage will become effective seven (7) days after you submit a complete application unless otherwise notified by the department (based on the department receipt date).
3. Upon the effective date of permit coverage you, as the permit applicant, are authorized to discharge stormwater from eligible activities under the terms and conditions of this permit.

D. Application (Notice of Intent) Process

1. You must use a Notice of Intent (NOI) to complete your application. An NOI form (or a replacement application form) is available at the following website:
www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm.
2. Application Content and Conditions.
 - a. The owner, or owner jointly with the operator (usually the general contractor), shall submit a completed application for this permit. The owner is responsible for compliance with all terms and conditions of this permit. The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit conditions as they pertain to the construction activities delegated to the operator.
 - b. The application (Notice of Intent) shall contain, at a minimum, the following information:
 - (1) Owner name, mailing address and phone number;
 - (2) Project contact name and phone number;
 - (3) Project/site name;
 - (4) Project/site location (street address; section, township, range; or latitude and longitude) and county;
 - (5) A brief description of the construction activity;
 - (6) The anticipated start date and the anticipated completion date for the project (if known);
 - (7) The estimated total area of the site and the total area of disturbance in acres;
 - (8) The name of receiving water(s), or the name of the municipal storm sewer system and receiving water(s);
 - (9) The signature of the applicant(s), owner (and operator if co-applicants) signed in accordance with the signatory requirements in Part IV(A)(6) of this permit.
 - c. A SWPPP (Part II(C)) for the project must be prepared and available for review, upon request, by the department at the time of application. A partially complete plan is acceptable when it clearly identifies the item(s) to be completed, the person(s) responsible for completing the item(s) and the deadline for completing the item(s). The SWPPP must be completed prior to the start of construction (or the applicable construction phase). You are not required to submit the SWPPP with the application unless otherwise notified by the department.
3. For residential construction activity occurring within a common plan of development (such as a subdivision) subject to the permit requirements, coverage may be obtained by the following:
 - a. The owner of the lot(s) shall submit one (1) NOI for all of the owner's construction activity within the common plan of development, or
 - b. The operator, such as a homebuilder who may represent one (1) or more lot owners, shall submit one (1) NOI for all of the operator's construction activity within each addition of the common plan of development.

In addition, a SWPPP must be developed and implemented for the permittee's activities within the common plan of development. Additional phases of the common plan of development may be included under the initial application and permit coverage provided the SWPPP is amended to include the additional area or phases.

4. For oil and gas exploration, production, processing, treatment operations, or transmission facilities, which discharge contaminated stormwater, permit applications may be submitted for individual project sites or for an area of operations such as well field or by county.
5. Completed applications and any reports required by this permit shall be submitted to:

North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue
Bismarck, ND 58501-1947

E. Notice of Termination (NOT)

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility, reason why the permit is no longer needed and signed in accordance with Part IV(A)(6) of this permit. Compliance with the conditions of this permit is required until a NOT is submitted to the department.
2. Permittees may only submit a NOT after one of the following conditions have been met:
 - a. Final stabilization (Part II(E)) has been achieved on all portions of the site for which the permittee is responsible.
 - b. Another owner/operator/permittee has assumed control, in accordance with the transfer provisions (Part I(F)), over all areas of the site that have not achieved final stabilization.
 - c. For residential construction only, a NOT is not required for each lot that is sold, transferred, or has achieved final stabilization. The permittee must modify their SWPPP to indicate that permit coverage is no longer required for that lot. The SWPPP shall indicate the reason why coverage is no longer needed and the date the lot was sold, transferred, or achieved final stabilization. In order to terminate coverage, all lots under the control of the owner or operator must be sold, transferred, or achieved final stabilization (Part II(E)).

F. Transfer of Ownership or Control

1. When the owner or operator of a construction project changes, the new owner or operator must submit a written request for permit transfer/modification within fourteen (14) days of assuming control of the site or commencing work on-site, or of the legal transfer, sale or closing on the property; except as provided in Part I(F)(2). Late submittals will not be rejected; however the department reserves the right to take enforcement for any unpermitted discharges or permit noncompliance. For stormwater discharges from construction activities where the owner or operator changes, the new owner or operator can implement the original SWPPP created for the project or develop and implement their own SWPPP. Permittee(s) shall ensure either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and that their activities do not interfere with another party's erosion and sediment control practices.
2. A permit transfer/modification request is not required for the legal transfer, sale or closing on a property between permittees covered by this permit. Examples include the sale of a property parcel from a developer to a builder, or the transfer of an easement from a developer to a local government authority. If the new party is not covered by this permit at the time of transfer or sale, then the new owner/operator must submit a completed application/NOI within 14 days of assuming control of the site.

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

The discharge of wastewater is not authorized by this permit. The following sources of non-stormwater discharges are allowed if they are not a significant source of pollution and are identified in the SWPPP: fire-fighting, fire hydrant flushing, potable water line flushing, equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, surface water, lawn watering, chemical treatment of stormwater and air conditioning condensate. Impervious surface wash water may not be directed into any surface water or storm drain inlet unless appropriate pollution prevention measures have been implemented. Discharges may not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The SWPPP must include a description of the pollution prevention measures to be implemented while non-stormwater discharges are occurring.

If chemical treatment for sediment removal is intended to be used on-site, the permittee shall provide the department with the information outlined in Appendix 1(A)(14) of this permit for approval prior to use. This information shall be provided to the department no later than sixty (60) days prior to use.

B. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302, nor the reporting requirements found in Chapter 33-16-02.1 of the North Dakota Administrative Code. Any releases which meet any reporting requirement, must be reported to the agencies identified in Part IV(A)(7).

C. Stormwater Pollution Prevention Plans

All permittees shall implement a SWPPP for any construction activity requiring this permit until final stabilization is achieved. The SWPPP and revisions are subject to review by the department. The objectives of the SWPPP is to identify potential sources of sediment and other sources of pollution associated with construction activity, and to ensure practices are implemented and maintained to reduce the contribution of pollutants in stormwater discharges from the construction site to waters of the state and storm sewer systems. Stormwater management documents developed under other regulatory programs may be included or incorporated by reference in the SWPPP, or used in whole as a SWPPP if it meets the requirements of this part.

The SWPPP 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 SWPPP to accomplish this. However, in the event there is a requirement under the SWPPP for which responsibility is ambiguous or is not included in the SWPPP, each permittee shall be responsible for implementation of that requirement. Each permittee is responsible for assuring that their activities do not render another permittee's controls ineffective.

The SWPPP must incorporate the requirements provided in Appendix 1 and shall include the following information.

1. **Site Description.** Each plan shall provide a description of the construction activity and potential sources of pollution as indicated below:
 - a. A description of the overall project and the type of construction activity;

- b. Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, grubbing, or other activities during the life of the project;
- c. A proposed timetable/schedule, or chart, of activities that includes major phases/stages, BMP implementation, BMP removal, disturbances, and stabilization for major portions of the site;
- d. A description of the soil within the disturbed area(s);
- e. The name of the surface water(s) and municipal storm sewer system at or near the disturbed area that will receive stormwater runoff from the project site; and
- f. A site map which indicates the following items as applicable (more than one (1) map may be needed). If an item is not applicable, provide rationale describing why the item is not applicable to the construction activity:
 - 1) Project boundaries;
 - 2) Areas of ground disturbance during each phase/stage of the project;
 - 3) Areas where disturbance will not occur, such as avoidance areas (e.g. wetlands, critical habitat, Threatened and Endangered Species, etc);
 - 4) Drainage patterns including: flow direction (run-on and runoff);
 - 5) Dividing lines, discharge points, and storm sewer system inlets which the site drains to or may be affected by the activity;
 - 6) Pre-existing and final grades;
 - 7) Location of all temporary and permanent sediment and erosion controls during each particular phase;
 - 8) Location of any stormwater conveyances such as: retention ponds, detention ponds, ditches, pipes, swales, stormwater diversions, culverts, and ditch blocks;
 - 9) Location of potential sources of pollution (e.g. portable toilets, trash receptacles, etc.);
 - 10) Location of soil stockpiles;
 - 11) Identify steep slopes;
 - 12) Surface waters, including an aerial extent of wetland acreage;
 - 13) Location of surface water crossings;
 - 14) Locations where stormwater is discharged to surface waters;
 - 15) Location of dewatering discharge points;
 - 16) Locations of where chemical treatment of stormwater will be performed, including discharge points;
 - 17) Fueling locations, vehicle and equipment maintenance areas, designated wash water collection site, lubricant and chemical storage, paint storage, material storage, staging areas, and debris collection area;
 - 18) Location of any impervious surfaces upon completion of construction; and
 - 19) Where included as part of the project, the site maps for off-site concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites. Site maps must show items 1 through 18 of this section.
- g. Projects that discharge stormwater which flows to a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity must identify the water body and impairment in the SWPPP. The Department's 303(d) list may be found at the following website under Integrated Reports:
[www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated Reports/B Integrated Reports.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm).
- h. For water bodies which have a TMDL, the SWPPP must describe and conform to the Waste Load Allocations (WLA) of the water body as per Part II(C)(4)(g) of this permit. Information about TMDL allocations may be found at the following website:
www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

2. **Narrative.** The SWPPP must include a narrative description of the selected operational controls and sediment and erosion controls as outlined in Part II(C)(3), Part II(C)(4), and Appendix 1 of this permit. When applicable, a description of the requirements for any additional environmental regulations (federal) and local requirements related to the project, as it relates to waters of the state, must also be included or incorporated by reference (e.g. The Wild and Scenic Rivers Act, The National Historic Preservation Act, The Endangered Species Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Section 404 of the Clean Water Act, etc.).

The narrative shall describe at a minimum:

- a. The installation, removal (if applicable), and maintenance requirements of selected Best Management Practices (BMPs) for each phase/stage of construction activity;
 - b. The rationale for the selection of all BMPs (calculations should be included if appropriate);
 - c. Whether selected BMPs are temporary or permanent;
 - d. Any descriptions of infeasibility or explanations as required in Part II, Part III(A), and Appendix 1 of this permit.
3. **Operational Controls.** The SWPPP shall describe the BMPs used in day to day operations on the project site that reduce the contribution of pollutants in stormwater runoff.

- a. The SWPPP must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction, until a NOT is filed or the permit is transferred. A knowledgeable and experienced person is someone who meets the requirements of Part II(C)(3)(e) of this permit.

The owner shall develop a chain of responsibility with all operators on the site to ensure that the SWPPP will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization, and a NOT has been submitted to the department.

- b. The SWPPP must include a description of good housekeeping practices used to maintain a clean and orderly site. The SWPPP shall describe how litter, debris, chemicals and parts will be handled to minimize exposure to stormwater. The SWPPP also shall describe what measures will be used to reduce and remove sediment tracked off-site by vehicles or equipment. In addition, the SWPPP shall describe methods which will be used to reduce the generation of dust.
- c. The SWPPP shall describe preventative maintenance practices used to ensure the proper operation of erosion and sediment control devices (e.g., fiber rolls, erosion control blankets and silt fences) and equipment used or stored on site. The SWPPP shall describe proper inspection procedures for ensuring proper operation of erosion and sediment control devices.
- d. The SWPPP shall describe spill prevention and response procedures where potential spills can occur. Specific handling procedures, storage requirements, spill containment, cleanup procedures, and disposal must be identified. Storage structures for petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state or storm sewer systems.

The potential discharge of hazardous substances in stormwater discharges shall be minimized by including measures onsite, detailed in the SWPPP to prevent and respond to releases of hazardous substances. If a reportable quantity release occurs, the SWPPP shall be revised to prevent the reoccurrence of such a release.

- e. The SWPP shall outline how employees and responsible parties shall be trained on the implementation of the SWPPP. Training must be provided at least annually, as new employees or responsible parties are hired or as necessary to ensure compliance with the SWPPP and the general permit. Employees and responsible parties include individuals who are responsible for design, installation, maintenance and repair of stormwater controls and conducting inspections.
 - 1) On-site personnel must understand the requirements of this permit as it pertains to their role in implementing the SWPPP. On-site personnel must know:
 - a. The purpose of the SWPPP, requirements of the SWPPP, and how the SWPPP will be implemented;
 - b. The location of all BMPs identified in the SWPPP; and
 - c. Correct installation, function, maintenance and removal (if applicable) of BMPs identified in the SWPPP.
 - 2) Personnel responsible for performing site inspections must understand when inspections must be conducted (Part III(A)), what must be inspected (Part II(C)(7)), how to record findings, when to initiate corrective actions, and properly document corrective actions.
 - 3) Maintenance personnel must understand when maintenance must be performed on BMPs in order to maintain properly functioning BMPs and what needs to be recorded for corrective actions/maintenance records in accordance with Part III(A)(5) of this permit.
- f. The SWPPP must describe how concrete grindings and slurry will be managed. Wastewater from concrete washout, cleanout or washout from: stucco, paint, joint compound, and other building materials shall not be discharged to waters of the state, storm sewer systems or curb and gutter systems.
 - 1) Wash water must be collected in leak-proof containers or leak-proof pits. Containers or pits must be designed and maintained so that overflows cannot occur due to inadequate sizing, precipitation events, or snowmelt.
- g. The SWPPP shall describe any dewatering activities planned at the site. Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with appropriate BMPs, such that the discharge does not adversely affect the receiving water. The following conditions apply to dewatering activities:
 - 1) Dewatering is limited to un-contaminated stormwater, surface water, and groundwater that may collect on-site and those sources identified in Part II(A), if they are not a significant source of pollution. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing of pipes, tanks, or other similar vessels; disinfection of potable water lines; pump testing of water wells; and the treatment of gasoline or diesel contaminated groundwater or surface water.
 - 2) The permittee(s) must operate the discharge to minimize the release of sediment and provide adequate BMPs where necessary to minimize erosion due to the discharge. Discharges must not lead to the deposition of sediment within stormwater conveyance systems or surface waters. Discharges must not cause or potentially cause a visible plume within a surface water body.

- 3) When dewatering, utilize structures or BMPs which allow for draw down to occur from the surface of the water, unless infeasible. If infeasible, documentation must be provided in the SWPPP. In addition, you must describe what BMP(s) will be used in its place.
- 4) In addition to the inspection requirements in Part III, dewatering activities shall be inspected daily. The inspection must include the dewatering site, areas where BMPs are being implemented and the discharge location. A record shall be maintained to document the inspections of the dewatering operation and actions taken to correct any problems that may be identified.
 - a. Records shall contain at a minimum:
 - i. Date and time of the inspection,
 - ii. Inspector name,
 - iii. Approximate volume of water discharged,
 - iv. Findings of the inspection, including recommendations and schedule for corrective actions;
 - v. Corrective actions taken (including dates, times, and party completing maintenance activities); and
 - vi. Documentation that the SWPPP has been amended when changes are made to the dewatering activity in response to inspections.
 - 5) Local authorities may require specific BMPs for discharges affecting their storm sewer system.
4. **Erosion and Sediment Controls.** Erosion and sediment controls and stabilization requirements must be implemented for each major phase of site activity (e.g., clearing, grading, building, and landscaping phases). A description of the erosion and sediment controls and site stabilization methods must be provided in accordance with Part II(C)(2) of this permit. Erosion and sediment controls, and site stabilization must conform to the requirements provided in Appendix 1. The description and implementation of controls shall address the following minimum components:
 - a. The selection of erosion and sediment controls, and site stabilization shall consider the following:
 1. The expected amount, frequency, intensity, and duration of precipitation events;
 2. The nature of stormwater run-on and runoff from the site as well as changes during, and as a result of, construction activity. This includes changes to impervious surfaces, slopes, seasonal changes, and drainage features on-site;
 3. Channelized flow, must be handled in order to minimize erosion at outlets and to minimize impacts to downstream receiving waters;
 4. Soil types (wind and water erodibility, and settling time); and
 5. Seasonal conditions.
 - b. 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.

- c. Temporary or permanent erosion protection and stabilization (such as cover crop planting or mulching) must be initiated immediately, as described in Appendix 1(A), for all exposed soil areas where activities have been completed or temporarily ceased.
- d. All control measures must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations. Corrective actions must be made prior to the next anticipated rainfall event of within 24 hours of discovery (whichever comes first) or as soon as field conditions allow. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

The permittee may deviate from the manufacturer's specifications and erosion and sediment control requirements in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPPP. Any deviation must provide equivalent erosion and sediment control.

- e. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and frequency sufficient to minimize off-site impacts as outlined in Appendix 1(B). The SWPPP must be modified to prevent further sediment deposition off-site.
 - f. Stormwater controls are expected to withstand and function properly during precipitation events of up to the 2-year, 24-hour storm event. Visible erosion and/or off-site sediment deposition from such storm events should be minimal. The 2-year, 24-hour rainfall event in North Dakota ranges from about 1.9 inches in the west to 2.3 inches in the east.
 - g. For projects that discharge stormwater which flows to a water body for which there is a TMDL allocation for sediment and/or parameters associated with sediment transport, the SWPPP must be consistent with the assumptions, allocations, and requirements in the approved TMDL. If a TMDL specifies certain BMPs or controls to meet a WLA applicable to the project's discharges, the BMPs or controls must be incorporated into the SWPPP. Information about TMDL allocations may be found at the following website:
www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.
5. **Stormwater Management.** The SWPPP must identify permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed.
- a. Identify stormwater ponds; flow reduction methods; infiltration of runoff on-site; sequential systems which combine several practices or other post-construction stormwater management features.
 - b. Identify velocity / energy dissipation devices placed at discharge locations and appropriate erosion protection for outfall channels and ditches.
 - c. Maintenance for on-site stormwater management features is the responsibility of the permittee until the NOT is submitted or the feature is accepted by the party responsible for long term maintenance.
 - d. The design, installation and use of stormwater management features must comply with applicable local, state or federal requirements.

6. **Maintenance.** All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. The SWPPP must indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished in accordance to Appendix 1 or as soon as practicable.
7. **Inspections.** The SWPPP must provide for site inspections as outlined in Part III. The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures. Inspectors must be knowledgeable in their role of the SWPPP, as outlined in Part II(C)(3)(e) of this permit. The erosion and sediment control measures and stabilized areas identified in the SWPPP shall be observed to ensure they are operating correctly and in serviceable condition. Inspections shall include areas used for storage of materials, permanent stormwater control measures and vehicle maintenance areas. These areas shall be inspected for evidence of, or the potential for, pollutants entering a drainage system. If necessary, the plan shall be revised based on the observations and deficiencies noted during the inspection.
8. **SWPPP Review and Revisions.**
 - a. The SWPPP shall be signed in accordance with the Signatory Requirements, Part IV(A)(6), and retained on-site for the duration of activity as outlined in Part III(B).
 - b. The permittee shall make the SWPPP available upon request to the department, EPA, or, in the case of discharges to a municipal storm sewer system, the operator of the municipal system.
 - c. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, maintenance, or BMPs. The SWPPP shall be amended if the plan is found to be ineffective in controlling pollutants present in stormwater. The SWPPP shall be amended as soon as practicable.

D. Local Requirements

All stormwater discharges must comply with the requirements, policies, or guidelines of municipalities and other local agencies as applicable to the construction site. Any discharges to a storm sewer, ditch or other water course under the jurisdiction of a municipality must comply with any specific conditions or BMPs required by the municipality or agency.

E. Final Stabilization

The permittee(s) must ensure final stabilization of the site. The permittee(s) should submit a NOT within 30 days after final stabilization has been achieved, or another owner/operator (permittee) has assumed control according to Part I(F) for all areas of the site that have not undergone final stabilization. Final stabilization can be achieved in one of the following ways.

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent of the pre-existing cover over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;
 - a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion;

- b. All temporary erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and
 - c. The permittee(s) must remove all sediment from conveyances and temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed into basins, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
2. For areas of the state where the average annual rainfall is less than 20 inches, all soil disturbing activities at the site have been completed and erosion control measures (e.g., degradable rolled erosion control product) and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years without active maintenance. Sites must meet the criteria outlined in items 1(a), (b), and (c) above.
 3. Disturbed areas on land used for agricultural purposes that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. If the construction activity removed standing crop, the area must be restored in accordance with the landowner.

Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance use must meet the final stabilization criteria in (1) or (2) above.

4. For residential construction only, final stabilization may be achieved when soil is stabilized (see Appendix 1(A)(3)) and down gradient perimeter control for individual lots has been implemented and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

III. SELF MONITORING AND REPORTING

A. Inspection and Maintenance Requirements

1. Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.25 inches of rain per 24-hour period. Inspections are only required during normal working hours. The permittee shall use a rain gauge on-site or utilize the nearest National Weather Service precipitation gauge station. Rain gauge locations or stations must be representative of the site.
 - a. "Within 24 hours after any storm event greater than 0.25 inches rain per 24-hour period" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. If there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

2. There may be times when a site inspection may not be practical at the specified time. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, site access constraints, etc., may prohibit inspections. The permittee must include a description of why the inspection(s) could not be performed at the designated time in the next inspection record. If an inspection is delayed due to adverse weather conditions or rain events outside normal working hours, an inspection must be conducted during the next working day, or as conditions allow.
3. Some erosion and sediment control measures may require more frequent inspection based on location (e.g., sensitive areas or waters of the state) or as a result of recurring maintenance issues. Erosion or sediment control measures found in need of maintenance between inspections must be repaired or supplemented with appropriate measures as soon as practicable. Erosion and sediment control measures which require more frequent inspection based on location or as a result of recurring maintenance issues must be identified in the SWPPP.
4. All inspections conducted during construction must be recorded in writing and these records must be retained in accordance with Part III(B). Records of each inspection activity shall include:
 - a. Date and time of inspections;
 - b. Name of person(s) conducting inspections;
 - c. Findings of inspections, including recommendations and schedule for corrective actions;
 - d. Date and amount of all rainfall events greater than 1/4 inch (0.25 inches) in 24 hours; and
 - e. Documentation that the SWPPP has been amended when changes are made to BMPs in response to inspections.
 - f. All inspection reports shall be signed in accordance with Part IV(A)(6) of this permit.
5. Corrective actions (maintenance activities) performed during construction must be recorded in writing and these records must be retained in accordance with Part III(B). Records for maintenance activity shall include:
 - a. Best Management Practice corrected;
 - b. Date and time of corrective action;
 - c. Name of person(s) performing corrective actions;
 - d. Corrective actions taken; and
 - e. Corrective actions/maintenance records shall be signed in accordance with Part IV(A)(6) of this permit.
6. Completed areas that have been stabilized but do not meet the 70 percent perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization requirements of Part II(E) of this permit. The SWPPP must update to identify any areas which meet this condition.

7. Inspections may be suspended where earthwork has been suspended due to frozen ground conditions. The required inspections and maintenance must resume as soon as runoff occurs or the ground begins to thaw at the site. The permittee must record freeze/thaw and runoff dates as part of the inspection records.

B. Records Location

A copy of the completed and signed NOI, coverage letter from the department, SWPPP, site inspection records, and this general permit shall be kept at the site of the construction activity in a field office, trailer, shed, or in a vehicle that is on-site during normal working hours. If the site does not have a reasonable on-site location, then the documents must be retained at a readily available alternative location; preferably with the individual responsible for overseeing the implementation of the SWPPP. Electronic copies of records are acceptable if the records can be accessed on-site. If the site is inactive, then the documents may be stored at a local office. Permittees should avoid using personal electronic devices for storing electronic records.

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES BP 2014.12.08

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

3. Planned Changes

The department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

4. Duty to Provide Information

The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

5. Records Retention

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the department or EPA.

6. Signatory Requirements

All applications, reports, or information submitted to the department shall be signed and certified.

All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

All reports required by the permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

If an authorization under 6. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
 - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under 8. Bypass of Treatment Facilities;
 - b. Any upset which exceeds any effluent limitation in the permit under 9. Upset Conditions; or
 - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in **Part I(D) Application (Notice of Intent) Process**. The department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

8. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

Bypass exceeding limitations-notification requirements.

- a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
 - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under 7. Twenty-four Hour Notice of Noncompliance Reporting.
2. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under the 8(a). Anticipated Bypass subsection of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed above.

9. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with erosion and sediment or site stabilization methods if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under 7. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under 10. Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

10. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

11. Removed Materials

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard.

12. Duty to Reapply

Any request to have this permit renewed should be made 15 days prior to its expiration date.

B. GENERAL REQUIREMENTS

1. Inspection and Entry

The permittee shall allow department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the construction activity and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

2. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

3. Transfers

This permit is not transferable except upon the filing of a Transfer/Modification request (Part I(F)) by the new party. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.

4. New Limitations or Prohibitions

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

V. DEFINITIONS Permit Specific BP 2009.02.05

“303(d) List” or “Section 303(d) List” means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303(d) of the Clean Water Act. A copy of the latest integrated report is available on the state’s web site at:

www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

“Act” means the Clean Water Act.

“Bankfull” means the channel is filled to the top of one or both of its banks.

“BMP” or “Best Management Practices” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

“Common Plan of Development or Sale” means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

“Construction Activity” means construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). This includes a disturbance to the land that results in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

“Department” means the North Dakota Department of Health, Division of Water Quality.

“Energy Dissipation” means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

“Indian Country” means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservations; (2) All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

“Infeasible” means not technologically possible or not economically practicable and achievable in light of best industry practices.

“Immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

“Large Construction Activity” means land disturbance of equal to or greater than five (5) acres. Large construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than five acres.

“Normal Wetted Perimeter” means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.

“Non-Stormwater Discharges” means discharges other than stormwater. The term includes both process and non-process sources. Process wastewater sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, surface water, lawn watering, chemical treatment of stormwater and air conditioning condensate.

“Operator” means the person (usually the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person must be knowledgeable in those areas of the permit for which the operator is responsible and must perform those responsibilities in a workmanlike manner.

“Owner” means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

“Permanently Ceased” means clearing and excavation within any area of your construction site that will not include permanent structures has been completed.

“Permanent Cover” means final stabilization. Examples include grass, gravel, asphalt, and concrete.

"Severe Property Damage" means substantial physical damage to property, damage to best management practices which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in construction.

"Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

"Significant Spills" includes, but is not limited to: 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).

“Small Construction Activity” means land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres

"Stabilized" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization. Snow cover and frozen ground conditions are not considered stabilized.

“Steep Slopes” means slopes which are fifteen (15) percent or greater in grade.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater Associated with Industrial Activity” means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 CFR 122.26(b)(14).

“Stormwater Associated with Small Construction Activity” means the discharge of stormwater from:

(i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(ii) Any other construction activity designated by EPA or the department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the state.

“Temporarily Ceased” means clearing, grading, and excavation within any area of the site that will not include permanent structures, will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.

"Temporary Erosion Protection" means methods employed to prevent erosion. Examples of temporary cover include; mulch, straw, erosion control blanket, wood chips, tackifiers, and erosion netting.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit requirements because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed erosion and sediment controls or site stabilization methods, inadequate erosion and sediment controls or site stabilization methods, lack of preventive maintenance, or careless or improper operation.

“Waters of the State” means any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

“You” means the owner, operator or permittee as appropriate.

Appendix 1 – Erosion and Sediment Control Requirements

Requirements for designing, implementing and maintaining erosion and sediment controls.

A. Erosion and Sediment Control Practices

1. Sites using temporary (or permanent) sediment basins must meet the following requirements:
 - a. Sediment basins shall be designed for a calculated volume of runoff from a 2-year, 24-hour storm per acre drained to the basin and provides not less than 1,800 cubic feet of sediment storage below the invert of the outlet pipe from each acre drained to the basin; or
 - b. Basins shall be sized to provide 3,600 cubic feet of sediment storage below the invert of the outlet pipe per acre drained to the basin if calculations are not performed.
 - c. Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris. Basins must be designed with the ability to allow complete basin drawdown for maintenance activities. Basins must release the storage volume in at least 24 hours. Outlet structures must be designed to withdraw water from the surface, unless not practicable. If not practicable, rationale must be provided in the SWPPP. The basin must have a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.
2. Erosion, sediment, and stabilization practices shall be provided. Erosion, sediment and stabilization practices include such things as: silt fences, fiber logs, vegetative buffer strips, erosion control blankets, mulch, hydro-seeding combined with mulch or tackifiers, etc.
3. All exposed soil areas must be stabilized (see definitions). Stabilization must be initiated immediately where activities have been permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Stabilization must be completed as soon as practicable, but no later than fourteen (14) calendar days after the initiation of soil stabilization. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement.
 - a. For slopes with a grade of 3:1 or greater, stabilization must be initiated immediately once activities have been completed or temporarily ceased. Stabilization must be completed as soon as practicable, but no later than seven (7) calendar days after the initiation of soil stabilization.
4. Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.
5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized at least 200 linear feet from the property edge, or from the point of discharge to any surface water. Stabilization shall be completed prior to connection with a surface water. Any remaining portion of the temporary or permanent drainage ditch must be stabilized within fourteen (14) calendar days for portions which construction activities have temporarily or permanently ceased.
6. If stabilization requirements cannot be met due to circumstances beyond the control of the permittee, the permittee may comply with following:
 - a. If vegetative stabilization is to be used, immediately initiate, and within 14 calendars days complete, the installation of temporary non-vegetated stabilization; or
 - b. Complete all methods of initiating stabilization as soon as conditions or circumstances allow.

If any conditions in parts a or b above are encountered, the permittee must document the circumstances which prevented you from meeting the stabilization requirements in the SWPPP of this paragraph and provide a schedule in the SWPPP which will be followed in order to meet the stabilization requirements.

Permittees are responsible for implementing winter stabilization methods during frozen ground conditions if the site was not stabilized prior to the ground freezing.

7. Stream diversions or any temporary or permanent drainage ditch or trench, which will have continuous flow, shall be stabilized with appropriate controls prior to connection with any surface water. The entire area (channel and bank) of the stream diversion or temporary or permanent drainage ditch, or trench, must be appropriately stabilized to bankfull height.
8. While working in or around surface waters, sediment and erosion controls must be used above the anticipated level of the surface water. Floating silt curtain does not satisfy the down slope and side slope boundary requirements in Part II(C)(4)(b) of this permit, unless the construction activity is on or below the elevation of the surface water. The floating silt curtain must be placed as close to shore as possible. Sediment control must be installed where exposed soils drain to the surface water immediately after construction activity along the waterline has been completed.
9. Pipe and culvert outlets must be provided with energy dissipation within 24 hours of connection to a surface water.
10. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.
11. All storm drain inlets in the immediate vicinity of the construction site must be protected by appropriate BMPs during construction until all disturbed areas and stockpiles with the potential to discharge to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment.
12. Inlet protection devices are a last line of control – erosion and sediment control practices must be used on-site. Inlet protection devices must conform to local ordinances or regulations. In general, inlet protection devices need to provide for adequate drainage to prevent excessive roadway flooding. Inlet protection may be removed for a particular inlet if a specific concern (i.e., street flooding/freezing, snow removal) has been identified and documented in the SWPPP. In this situation, additional erosion and sediment control practices, or stabilization methods must be used to supplement the loss of the inlet protection device to prevent sediment from entering the storm sewer system.
13. Vegetated buffers must have a minimum width of 1 foot for every 5 feet of disturbed area that drains to the buffer. The width of the buffer shall have a slope of 5 percent or less and the area draining to the buffer shall have a slope of 6 percent or less. Concentrated flows should be minimized throughout the buffer.

Buffers shall consist of dense grassy vegetation, 3 to 12 inches tall with uniform coverage over 90 percent of the buffer. Woody vegetation shall not be counted for the 90 percent coverage. No more than 10 percent of the overall buffer may be comprised of woody vegetation.

14. A 50 foot natural buffer or equivalent erosion and sediment controls must be provided when a project is within 50 feet of a surface water and stormwater flows to the surface water. If equivalent erosion and sediment controls are used, rationale for using equivalent controls must be provided in the SWPPP.

If working within 100 feet of a surface water listed as impaired for sediment, suspended solids or turbidity, a 100 foot natural buffer or equivalent sediment and erosion controls must be provided. If equivalent erosion and sediment controls are to be used, rationale for using equivalent controls must be provided in the SWPPP.

15. If the permittee(s) intend to use chemical treatment for sediment removal, they must be used in accordance with the manufacturer's specifications. Treatment chemicals must be selected appropriately for the anticipated soil particle size and characteristics of the stormwater (pH, turbidity, flow rate of stormwater flowing into the chemical treatment system, etc.). A description of the chemical treatment process must be included in the SWPPP.
 - a. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge, the permittee shall provide a written request to the department for review and approval. Additional monitoring and reporting may be required as a condition for the approval to discharge.

A request to discharge chemically treated water shall include all of the following information and be provided sixty (60) days prior to use:

- i. Material Safety Data Sheet/Safety Data Sheet (MSDS/SDS);
 - ii. Proposed water additive discharge concentration;
 - iii. Discharge frequency (i.e., number of hours per day and number of days per year);
 - iv. Monitoring point for product discharge;
 - v. Type of removal treatment, if any, that the water additive receives prior to discharge;
 - vi. Product function (e.g., coagulant, flocculant, etc.);
 - vii. A 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); and
 - viii. Results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).
- b. Discharges from the chemical treatment of stormwater must not cause a violation of the standards of quality for waters of the state (N.D.A.C. § 33-16-02.1). The discharge must meet the dewatering or basin draining requirements provided in Part II(C)(3)(g) of this permit.

16. Minimize the duration of exposed soils on steep slopes.

B. Maintenance Requirements for Erosion and Sediment Controls

1. All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, maintained or supplemented with functional BMPs. If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed. Corrective actions must be made prior to the next anticipated rainfall event or within 24 hours of discovery (whichever comes first), or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

Permittee(s) must investigate and comply with the following inspection and maintenance requirements:

- a. All control devices similar to, and including, silt fence or fiber rolls must be repaired, replaced, maintained or supplemented when they become nonfunctional (torn from posts, visible tears, etc.). Collected sediment must be removed as it approaches 1/2 of the above ground capacity of the control device.
- b. Fiber rolls must be replaced when 1/2 of the original above ground height of the device when it was installed has been lost as a result of flattening or other damage.

- c. Sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.
 - d. Maintenance and cleaning of inlet protection devices must be performed when sediment accumulates, the filter becomes clogged, and/or performance is compromised.
2. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment deposited by erosion. Permittees must remove all deltas and sediment deposits in surface waters, drainage ways, catch basins, and other drainage systems. Areas where sediment removal results in exposed soil must be stabilized. Removal and stabilization must take place immediately, but no more than, seven (7) calendar days after the discovery unless precluded by legal, regulatory or physical access constraints. Permittees shall use all reasonable efforts to obtain access. If precluded, removal and stabilization shall take place immediately, but no more than, seven (7) calendar days after obtaining access. Permittees are responsible for contacting all local, regional, state, and federal authorities, and receiving any applicable permits prior to conducting any work.
 3. Vehicle tracking of sediment from the site must be minimized by BMPs. This may include having a designated egress with aggregate surfacing from the site or by designating off-site parking. Permittees are responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site.

Construction site egress locations must be inspected for evidence of sediment being tracked offsite by vehicles or equipment onto paved surfaces. Accumulations of tracked and deposited sediment must be removed from all off-site paved surfaces by the end of the work day, shift or if applicable, within a shorter time specified by local authorities or the department.

4. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain event and/or pose a safety hazard to users of public streets).
5. Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes silt covered, contains rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized within 24 hours of discovery, or as soon as conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

C. Operational Controls

1. Properly handle construction debris and waste materials.
 - a. Debris and waste must be handled appropriately until disposal. Litter and debris shall be collected and stored to reduce the potential for wind and water to carry the materials off-site or leachate discharging from a site. Collected material shall be taken to the appropriate facility for disposal or recycling.
 - b. Liquid or soluble materials including oil, fuel, paint and any other hazardous substances must be properly stored, to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of liquid or soluble material must be in compliance with applicable regulations.

2. Wash water containments must be cleaned out (solids and liquid) before 80 percent of storage capacity is attained.
3. Best management practices used in surface waters must be cleaned immediately upon removal from surface waters to prevent the transfer of aquatic nuisance species.

Appendix F

Inspection Report Form



**Environmental/Construction Stormwater
Inspection Report**

Project Name, Location: Bear Creek Gas Plant, Dunn County, North Dakota	
Inspection Date:	Type of Inspection:
Inspector Name:	Phone:
Weather During Inspection:	
Has there been a storm-event since late inspection?	
Date of Storm:	Precipitation Amount:
Description of Present Phase of Construction	

Construction Work Area/Contractor Yards:

BMP/Activity	Implemented	Maintenance Required	Comments
Is the Certificate of Stormwater Coverage Properly posted on-site?			
Are all slopes/disturbed areas properly stabilized?			
Are all sensitive resources (streams, wetlands etc.) protected by BMPs?			
Have perimeter controls and sediment barriers been properly installed/maintained?			
Are all discharge points and receiving waters free of sediment deposits?			
Are all storm drain/culvert inlets properly protected?			
Are ECDs installed properly?			
Are ECD's in proper working order?			
Are additional ECD's required?			
Is the construction exit preventing sediment from being tracked onto roadways?			
Is trash/litter from work areas collected and disposed of properly (dumpsters covered etc.)?			
Are all potential stormwater contaminants stored inside or covered when not in use?			
Are non-stormwater discharges properly conducted (wash water, trench dewatering)?			
Were Signs Installed and Maintained?			
Were Only Approved Access Roads Used?			
Was Work Performed in Approved Areas Only?			
Was Topsoil Segregated?			
Was Spoil Retained on ROW?			
Was drilling mud disposed of properly including written landowner consent?			
Were vehicles inspected for leaks/spills?			
Were Spills Observed in ROW?			
Were Spills Promptly Cleaned Up?			
Was the Spill Report Form Completed?			
Was the Construction Manager Notified of Spill?			
Was the Spill Cleaned Up/Disposed of Properly?			
Was Trash/Debris Removed from the ROW and Work Areas?			
Was Sediment Removed from Roadways?			



Waterbody and Wetland Crossings

BMP/Activity	Implemented	Maintenance Required	Comments
Were the USACE/WQC followed? If no, include in inspection notes.			

Restoration Activities

BMP/Activity	Implemented	Maintenance Required	Comments
Was Topsoil Replaced Properly?			
Was Decompaction Required:			
Was Seeding Conducted? Date of Seeding: Type of Seed: Rate of Seeding: Soil amendments Used:			
Was Sod installed properly?			
Was Rock Removed from Soil Surface?			
Were Temporary Roads Restored?			

Overall Project Ground Cover:

Has an Inspection Log Entry been completed for all maintenance/repair, incidents of noncompliance issues identified during the inspection and attached to this form?

Additional Comments/Notes:

Prepare photo log documenting inspection findings.

Useful Phone Numbers:

Redacted



Photo 1:



Photo 2:

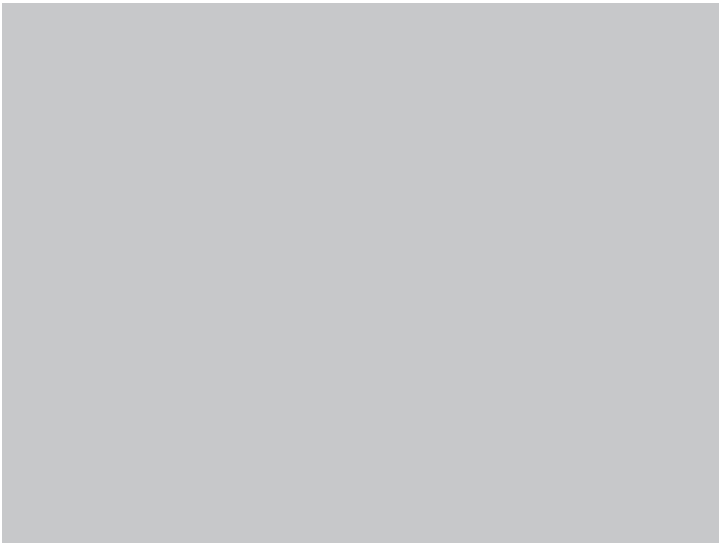


Photo 3:

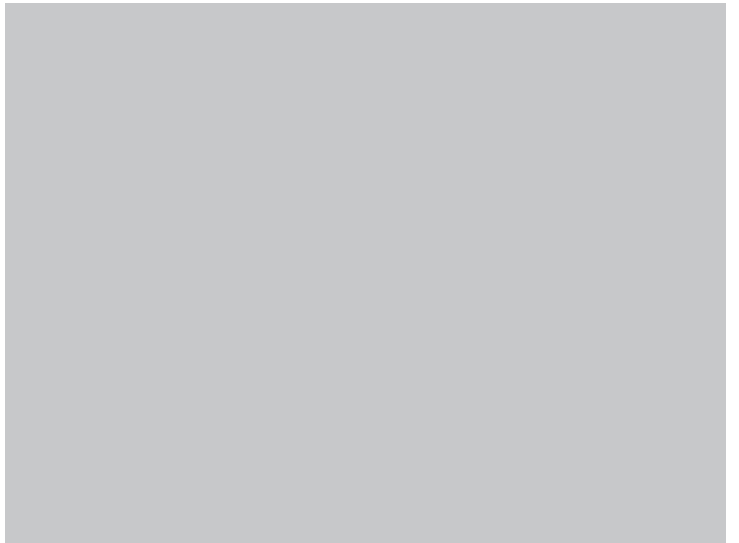


Photo 4:



Photo 5:

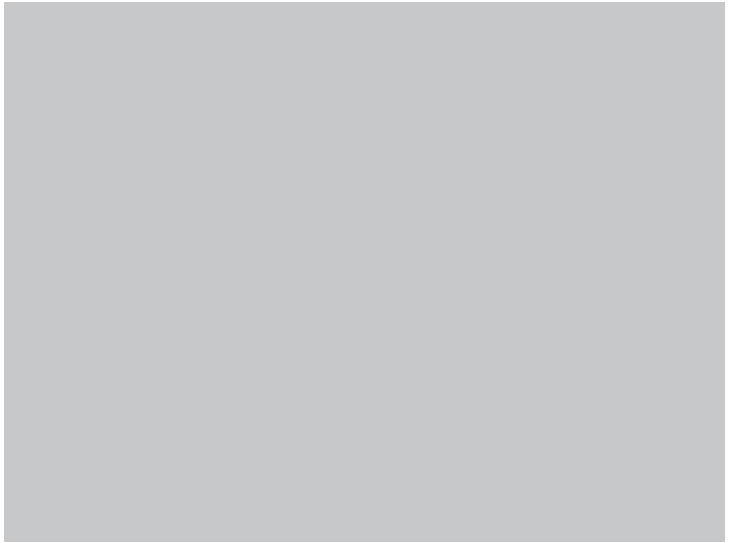


Photo 6:



Photo 7:

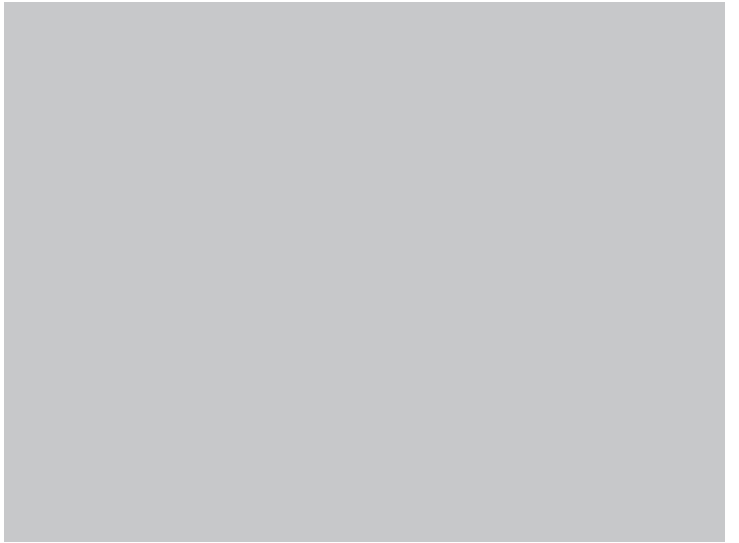


Photo 8:

Appendix G

Employee Training Log

SWPPP Training Log

Project Name: ONEOK Rockies Midstream, L.L.C. Bear Creek Gas Processing Plant

Project Location: Dunn County, North Dakota

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- Erosion Control BMPs
- Sediment Control BMPs
- Non-Stormwater BMPs
- Emergency Procedures
- Good Housekeeping BMPs

Specific Training Objective:

Attendee Roster: (attach additional pages as necessary)

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Appendix H

Additional Owners/Operators

Appendix I

SWPPP Modification Log

Appendix J

Dewatering Inspection Form

Unanticipated Discoveries Plan

Subject: UNANTICIPATED FINDS PLAN

Date Issued: 3/13/2015

Date Revised: 5/15/2015

ENVIRONMENTAL PLANS

Owner: Environment – Large Construction Projects Management

**ONEOK Bear Creek Gas Plant
UNANTICIPATED FINDS PLAN
REV. 1**

May 15, 2015

Owner: Environment – Large Construction Projects Management

1. INTRODUCTION

ONEOK Partners, L.P., its divisions, subsidiaries and affiliates (ONEOK) has established the following procedures to be followed by ONEOK personnel and their contractors in the event that previously unreported and unanticipated cultural resources or human remains are found during construction of the Bear Creek Gas Plant Project.

The identification of possibly significant cultural materials is addressed in Sections 2.0 and 3.0. The discovery of possible human remains is addressed in Section 4.0.

Prior to the commencement of construction, Environmental Inspectors and Contractor personnel will receive environmental training, which will include guidance on identifying potential cultural materials and human remains. The training will consist of two parts. The first part will provide training in the recognition of both prehistoric and historic cultural resources and human remains and is briefly described below. The second part will provide the chain of communication and protocols that must be followed if unanticipated cultural resources or human remains are discovered during construction.

A cultural resource discovery could consist of, but is not limited to:

- prehistoric features such as storage pit features, postmolds, hearths, occupational surfaces, middens, and anthropogenic soil horizons;
- prehistoric artifact concentrations such as projectile points and waste flakes/debitage;
- historic features such as trails, roads, canals, wells, cisterns, foundations, and trash pits at least 50 years in age; and
- historic artifact concentrations such as glass bottles, tin cans (e.g., hole-in-top cans) tableware, dishware, architectural debris (e.g., bricks, mortar, window glass), hardware (e.g., square nails), and farm implements at least 50 years in age.

Evidence of a burial site could consist of, but is not limited to:

- any human remains including articulated or disarticulated bones, teeth, hair, preserved soft tissue, etc.;
- burial pit or grave shaft outlines in the soil;
- headstones or footstones; and
- coffin wood fragments and coffin hardware.

Archaeological discoveries may be classified as simple or complex. Simple archaeological discoveries consist of isolated artifacts or isolated features with minimal artifacts or diagnostic characteristics. Complex discoveries are those that entail a significant amount of artifacts or features, or sensitive or unique finds such as house pits, bone beds, or human remains.

Owner: Environment – Large Construction Projects Management

2. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS

If a contractor believes that he or she has uncovered any cultural resources during construction on private, the following steps shall be taken.

Step 1: The Contractor will cease work immediately within the area of the find to avoid disturbing the find and will immediately notify the on-site Construction Supervisor. No cultural material will be transported from its original location.

Redacted

Step 2: The Construction Supervisor will immediately notify ONEOK's Environmental Manager of the find and ONEOK's Project Manager. The call will be followed up by an email notification summary to ONEOK's Environmental Manager.

Redacted

Step 3: If the find is located in the U.S. Army Corps of Engineers (USACE) area of jurisdiction, within a delineated wetland or water body, ONEOK's Environmental Manager will notify the USACE's Bismarck Regulatory Office:

Phone: (701) 255-0015

Address: 1513 12th St. SE, Bismarck, ND 58504

Step 4: If the find is located on Office of State Lands and Investments (OSLI) lands, ONEOK's Environmental Manager will notify the OSLI Director:

OSLI Contact: Mike Humann, Director Surface Management Division

Phone: (701) 328-1917

Email: mhumann@nd.gov

Address: 1707 N. 9th St., P.O. Box 5523, Bismarck, ND 58506-5523

Step 5: Cessation of ground-disturbing activity will encompass a sufficient area to protect the discovery itself and provide a buffer zone for adequate and safe investigation of the discovery and any other features or artifacts that may be associated with the discovery. The buffer zone will be fenced or delineated with signage by the on-site

Owner: Environment – Large Construction Projects Management

Construction Supervisor to prevent further disturbance by vehicle and foot traffic. A general guideline is to create a buffer of at least 100 feet (ft) around the discovery. The fenced or signed area can be larger or smaller depending on the width of the ROW in order to protect the discovery adequately without unnecessary hindrance to construction and allow for a passing lane, if appropriate. No fencing or signage will be installed outside of the construction workspace without prior approval from the landowner.

Step 6: The on-site Construction Supervisor will take photographs of the find, including photographs of artifacts, features, bones, and general landscape in the vicinity of the find. Additionally, the Construction Supervisor will provide a description of the discovery and note the location by tract, milepost, and/or stationing. This information will be provided by email to ONEOK's Environmental Manager and the Archaeological Consultant, E3 Environmental, LLC. The consulting archaeologist will meet the Secretary of Interior's Professional Qualification Standards as described in 36 CFR 61.

Redacted

Step 7: The archaeological consultant will determine whether the find was recorded during a previous survey or if additional studies and consultation with SHPO is required. If the find is determined to be within a previously identified site area that has been determined as not eligible for listing in the National Register of Historic Places (NRHP), the Environmental Manager will notify the Project Manager and construction contractor that construction activities may resume after the fencing or signage is removed.

Step 8: If the find is discovered in an area where sites were not previously recorded, the consulting archaeologist will review the location and type of discovered material. If the discovery is determined to be non-cultural, the Environmental Manager will notify the Contractor that construction may resume. The Archaeological Consultant will submit a letter report regarding the discovery and findings to the Environmental Manager within 5 business days. ONEOK's Environmental Manager will submit the letter report to the USACE if the find is located within a delineated wetland or water body, or to OSLI if the find is located on state lands.

Step 9: If on-site assessment of the find's significance is necessary, the Archaeological Consultant will travel from their home office to the discovery. Mobilization will occur within 1 day of notification or as soon as practicable.

Step 10: During the on-site assessment, if the Archaeological Consultant renders an opinion regarding the integrity of the site and the associated cultural resources such that continued construction would not result in additional impacts to the resources, then the Archaeological Consultant will document the find and inform the Environmental Manager as to the steps and measures to be implemented as necessary to facilitate the resumption of construction activities. The Archaeological Consultant will submit a letter report regarding the discovery and findings to Environmental Manager within 5 business days. ONEOK's Environmental Manager will provide the summary to agencies as necessary which may include the USACE if the find is located within a delineated wetland or water body, or to OSLI if the find is located on state lands.

Step 11: If the Archaeological Consultant determines that the discovery represents a potentially significant find, the Archaeological Consultant will notify the Environmental Manager the same day and the procedures in Section 3.0 of this plan will be followed. Following notification, construction may resume outside of the 100-ft (or greater as necessary) buffer surrounding the find.

Step 12: ONEOK or its representative will notify the landowner of the significant find as appropriate.

Owner: Environment – Large Construction Projects Management

Step 13: If the Archaeological Consultant determines that the discovery constitutes human remains, the procedures described in Section 4.0 of this plan will be followed.

3. DISCOVERY OF POTENTIALLY SIGNIFICANT CULTURAL MATERIALS

As discussed above in Section 2.0, the on-site Construction Supervisor will ensure that appropriate measures have been taken to protect the discovery from further disturbance.

3.1 If upon evaluation, the find is recommended to be significant and continuing construction may damage more of the site, ONEOK may authorize the Archaeological Consultant to develop a Treatment Plan for finds outside USACE jurisdiction to avoid, minimize, or mitigate the adverse effect within the construction right-of-way.

3.2 For all finds within USACE jurisdiction, ONEOK's Environmental Manager will consult with the USACE and will request approval to resume construction, subject to any mitigation or avoidance measures required by the USACE. These measures may include:

- Preparation of a treatment plan;
- Visits to the site by the USACE or other parties;
- Implementation of the treatment plan through data recovery; and
- Approval to resume construction following completion of the fieldwork component of the treatment plan.

The USACE will initiate federal, state, and tribal coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the NRHP.

3.3 For all finds located on state lands, ONEOK's Environmental Manager will consult with the Director of OSLI and will request approval to resume construction, subject to any mitigation or avoidance measures required by OSLI. These measures may include:

- Preparation of a treatment plan;
- Visits to the site by OSLI or other parties;
- Implementation of the treatment plan through data recovery; and
- Approval to resume construction following completion of the fieldwork component of the treatment plan.

The director of OSLI will initiate coordination with the SHPO to seek guidance of whether the site is eligible for listing in the NRHP and/or whether further archaeological investigation is warranted.

3.4 The Archaeological Consultant will carry out the fieldwork component of the Treatment Plan prior to construction activities resuming in the location of the discovery.

3.5 Construction will resume following the completion of the fieldwork component of the Treatment Plan. ONEOK will notify the Environmental Manager who will grant clearance for the Contractor to resume construction.

Owner: Environment – Large Construction Projects Management

- 3.6 The Archaeological Consultant will prepare a report within six (6) months of resuming construction describing the results of treatment. If appropriate, a copy of the report will be provided to the landowner and to the USACE if the site is located in a delineated wetland or water body.

4. DISCOVERY OF HUMAN REMAINS

ONEOK will treat all human remains in accordance with federal and state law as it applies to all lands crossed by the Bear Creek Gas Plant Project taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites* (2007). As discussed above in section 2.0, the on-site Construction Supervisor will ensure that appropriate measures have been taken to protect the discovery from further disturbance. All human remains regardless of ancestry will be treated with dignity and respect. The Construction Supervisor will make notifications of the discovery to the ONEOK Environmental Manager.

If it is immediately obvious that the skeletal remains found are non-human and are in association with cultural material, the procedures described in sections 2.0 and 3.0 will be followed.

If the remains might be human, the following steps shall be taken:

- 4.1 The assigned archaeologist will travel to the location of the find to make an in-field evaluation whether the remains are human. A forensic expert may be required to determine whether the remains are Native American or Euro-American. The archaeologist will provide the determination to ONEOK's Environmental Manager. ONEOK will coordinate with a forensic expert and SHPO as necessary.

Redacted

- 4.2 If the discovery is made on State land, ONEOK will notify the OSLI.

OSLI Contact: Mike Humann, Director Surface Management Division
Phone: (701) 328-1917
Email: mhumann@nd.gov
Address: 1707 N. 9th St., P.O. Box 5523, Bismarck, ND 58506-5523

- 4.3 If the unanticipated discovery of human remains is located within a wetland or waterbody, ONEOK will consult immediately with the USACE regarding the appropriate measures to handle such a discovery.

Phone: (701) 255-0015
Address: 1513 12th St. SE, Bismarck, ND 58504

- 4.4 If the find is made on private land, ONEOK will contact the landowner to keep them apprised of parties that will inspect the find in order to determine the disposition of the remains.

Owner: Environment – Large Construction Projects Management

- 4.5 The appropriate county sheriff's office will be contacted and requested to contact the county coroner. The county sheriff's office and the county coroner have jurisdiction with regard to any discovered human remains. If they determine that the remains are not modern or do not reflect a crime scene and/or if they otherwise relinquish their jurisdiction over the remains, the SHPO will consult the appropriate parties regarding additional steps to be followed.

County: Dunn

Sheriff Office Phone: (701) 573-4449

Address: 205 Owens St., Manning, ND 58642

- 4.6 If the remains are determined to be human and not part of a crime scene, ONEOK will notify the SHPO within 24 hours of the Sheriff and Coroner relinquishing their jurisdiction over the remains.

ND State SHPO

Phone: (701) 328-2666

Email: histsoc@nd.gov

Address: 612 East Boulevard Ave., Bismarck, ND 58505

- 4.7 If it can be determined adequately that the identified human remains have affinity to any federally recognized American Indian tribes, ONEOK will coordinate with SHPO to make a reasonable effort to identify, locate, and notify these tribes.
- 4.8 The measures to protect the remains and any associated artifacts will remain in effect until they have been fully evaluated and the appropriate treatment of the discovery (if applicable) has been completed.
- 4.9 The ONEOK Environmental Manager will contact and grant clearance for the Contractor to start work upon completion of the treatment of the discovery.

APPENDIX A

Project Description

Subject: UNANTICIPATED FINDS PLAN

Date Issued: 3/13/2015

Date Revised: 5/15/2015

ENVIRONMENTAL PLANS

Owner: Environment – Large Construction Projects Management

PROJECT DESCRIPTION

ONEOK Bear Creek Gas Plant
UNANTICIPATED FINDS PLAN
REV. 1

DATE: May 15, 2015

Construct gas compressor station.

APPENDIX B

Example Pictures



Emergency Response Plan



ONEOK

ROCKIES MIDSTREAM

A SUBSIDIARY OF ONEOK PARTNERS

2016

EMERGENCY RESPONSE PLAN

Bear CREEK GAS PLANT

10570 2ND Street NW

Killdeer, ND 58640

Lat 47.2630 Lon -102.4715

SECTION 28, TOWNSHIP 146N, RANGE 95W

Dunn CO.

SITE SPECIFIC EMERGENCY PREPAREDNESS AND

RESPONSE PLAN

Preface	3
Plan Policy	4
Plan Description.....	5
Plan Training	6
Types of Emergency and Response Action	7
Explosion/Fire.....	7
Fire - Outside of Plant Boundaries (ROW).....	7
Gas Leak (Hydrocarbon or H ₂ S).....	7&8
Person Down	8

Liquid Spill	8
Small Gas Release	8&9
Bomb Threat	9
Active Shooter	9&10
Response Duties	11
Personnel	11
Daytime Operations	11
Nighttime/Weekend/Holiday Operations	11&12
Site Security	12
Decontamination	12
Fire Prevention Plan	13
Prevention	13
Detection	13
Incipient Fire Fighting	13
Isolation and Cooling	13
Outside Support	14
Major Fire Hazards	14
Potential Ignition Sources	14
Maintenance of Equipment	14
Control of Fuel Sources	14
Emergency Shutdown (ESD)	15
Philosophy	15
Description	15
Emergency Alarm	16
Sour Gas Hazards	17
Emergency Response	18
Public Relations	19&20
Emergency Action Checklists	21
Fire/Explosion (Day)	22 - 24
Gas Leak (Day)(Hydrocarbon or H₂S)	25 - 27
Liquid Spill (Day)	28 - 30
Person Down (Day)	31 - 33
Bomb Threat Checklist	34
Search and Rescue	35
Emergency-Night/Weekend	36
Pipeline Emergency	37&38
Internal Notification Lists	39
Plant Call Out List	40
Support, Resources and Residents	41- 44
Emergency Equipment	45

Preface

ONEOK ROCKIES MIDSTREAM is committed to conducting its operations in a manner which provides a safe and healthful workplace for employees, adheres to high standards of environmental quality, and safeguards the health and safety of surrounding communities. Correct, effective, and safe response to emergency incidents is critical to these goals.

An effective and viable Emergency Response Plan is recognized as a necessary tool to guide proper emergency response. **ONEOK ROCKIES MIDSTREAM (ORM)** is resolute in insuring all company operations have, and maintain, such plans.

The ONEOK ROCKIES MIDSTREAM Bear Creek Creek Plant Emergency Response Plan is intended to provide prior planning and guidance in responding to emergency incidents. The primary considerations in the development of this plan are employee and public safety, protection of company and public property, and protection of the environment.

Although the plan addresses various emergency situations, which may occur, it recognizes that flexibility and the use of the organization's knowledge and experience is critical to safe resolution of emergency incidents. Response actions outlined in the plan provide a framework, which may be used without confusion while promoting quick and decisive actions and providing protection for personnel and the public.

It is further noted that the minimum safe approach distance to the Bear Creek Plant during a catastrophic event is 1/2 mile. No one responding to a call from the facility under circumstances that could be catastrophic should come any closer than this radius. Only if requested by an ONEOK Rockies Midstream Supervisor or Director should this radius be entered. To allow for a safe buffer for the public, it is strongly suggested that traffic be blocked at intersections farther away from the facility.

The ONEOK ROCKIES MIDSTREAM Bear Creek Plant supervisor is responsible/accountable for implementation, evaluation and maintenance of this Emergency Response Plan.

Plan Policy

This Emergency Response Plan (ERP) is a controlled document. The information in it may not be changed in any manner unless the proper management of change (MOC) procedure has been followed.

All ONEOK ROCKIES MIDSTREAM plant employees are accountable for understanding their responsibilities as outlined in the plan. If assistance with the training requirements of this plan is needed, please notify the plant Supervisor.

Plan Description

The ONEOK ROCKIES MIDSTREAM Bear Creek Plant Emergency Response Plan is constructed in modules, which address the steps necessary to mitigate various incidents.

The plan contains modules that provide training materials and further amplification of certain parts of the plan. Some modules supply information about resource availability to help address various contingencies.

The plan contains emergency action checklists, which outline the basic responsibilities of key positions for various types of incidents. These checklists refer to other parts of the plan where more specific information is available.

Plan Training

The Emergency Response Plan to the ONEOK ROCKIES MIDSTREAM Bear Creek Plant is to be maintained as an evergreen document. Changes to the ERP may be made as a result of the management of change procedure.

The plant supervisor is responsible for reviewing the ERP and training all employees at least annually, whenever the plan is changed, and whenever an employee's responsibilities under the plan are changed. Changes to the ERP as a result of management of change procedures shall be communicated to all affected employees.

All plant employees shall receive detailed training on the ERP through the plant supervisor. All contract employees and visitors shall receive specific instructions about their responsibilities in the ONEOK ROCKIES MIDSTREAM Bear Creek Plant Process Overview training and from their *ONEOK ROCKIES MIDSTREAM* contact.

In addition to formal training, drills will be conducted occasionally to assess the effectiveness of the ERP and to provide practice. Drills will be observed, post-appraised, and documented. If necessary, the ERP will be amended through the management of change procedure.

Types of Emergency and Response Action

Explosion/Fire

ONEOK ROCKIES MIDSTREAM employees may choose to perform incipient or first stage fire fighting. Incipient fire fighting is defined as:

- Extinguishment with portable fire extinguishers
- Use of water as personnel protection to isolate and block in or shut off fuel sources
- Use of water to cool adjacent equipment to minimize further damage
- Finally, extinguishment, if necessary, feasible, or determined to be the proper course of action

The local fire department shall be called whenever it is determined that their assistance is needed. The local fire department will not attempt to fight any fire on an **ONEOK ROCKIES MIDSTREAM** location unless an **ONEOK ROCKIES MIDSTREAM** representative is available to provide guidance. And furthermore any Fire Department or Law Enforcement vehicles must stop and control traffic at access roads to keep the public from approaching closer than 1 mile in any direction unless this guidance is given.

Fire - Outside of Plant Boundaries (Grass Fire in the ROW)

- Initiate Plant Emergency Response system.
- DO NOT attempt to fight any fires outside the boundaries of the plant facility
- Immediately notify (Call 911) outside emergency response resources including fire department(s), law enforcement agencies, and county emergency management resources.
- Muster and achieve accountability of all personnel within facility and administrative building.
- Monitor conditions of fire and determine if the fire is likely to impact ONEOK Rockies Midstream assets. If so, initiate proper response procedures to ensure safety of plant personnel up to, and including plant ESD.
- Notify proper ONEOK Rockies Midstream personnel, **including ROW** (Contacts are Listed on page 39)
- Continue to monitor situation until fire is controlled or no longer a threat to ONEOK Rockies Midstream assets.

Gas Leak (Hydrocarbon or H₂S)

The potential for a gas release exists throughout the ONEOK ROCKIES MIDSTREAM Plants and compressor stations. Hydrocarbons are processed in this plant. Fixed Lower Explosive Limit (LEL) monitors are in place at locations with the potential for gas exposure. In the event that one of these monitors detects a leak, an alarm will sound to alert the operator on duty. The alarm for low concentrations of Combustible Gas (20 to 40%) is a visual Amber Beacon, and the high level alarm (40% and above) will initiate an Audible Alarm and will initiate the Emergency Shutdowns (ESD's) for the affected area. If the alarm sounds, the operator will stop any hot work that is ongoing and notify personnel in the affected area to evacuate. There is the potential for hydrocarbons with concentrations of H₂S to enter the plant. H₂S is monitored on the inlet gas and outlet gas streams with analyzers. If the inlet H₂S exceeds 4 ppm the wells delivering the H₂S will be shut in until treated.

If the leak cannot be quickly isolated, it may be necessary to initiate an emergency shutdown of the plant.

Person Down

Whenever possible, employees at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant use the “buddy” system to conduct work. This helps insure that personnel are accounted for at all times. If it is not possible to “buddy up”, the lead operator or Plant Supervisor are responsible for designating appropriate personnel to be available for standby.

In the event a person is found incapacitated, the primary responsibility of the first responder is to insure his/her own (the rescuer’s) personal safety. The rescuer must not approach the downed victim until atmosphere has been monitored for hazards and help has been requested. **Do not attempt a rescue before summoning additional help! The injured person should be stabilized as best as the situation will allow, then removed to a non-hazardous atmosphere where First Aid or CPR can be initiated. Do NOT attempt to perform CPR within the area of the Hazardous Atmosphere.**

Liquid Spill

If a liquid spill is discovered, report the spill immediately to the operator on duty. Try to isolate the source of the spill if this can be accomplished safely.

Do not attempt containment or control without the proper personal protective equipment (PPE).

There are several kinds of spills that could occur at the ONEOK ROCKIES MIDSTREAM Plants. The following list is a sampling of those that could occur. These liquids have flammable and/or toxic vapors associated with them.

- Natural gasoline
- Lubricating oil
- Methanol
- Condensate (Untreated Wellhead Natural Gas)

Any type of spill must be evaluated on a case-by-case basis. Refer to the material safety data sheet (MSDS) for the specific product to determine safety precautions and clean up procedures. Based on the type and nature of the spill, the ONEOK ROCKIES MIDSTREAM **Internal Notification Procedure** should be implemented in a timely manner.

Small Gas Release

A small gas release can quickly evolve into a major incident if it is not stopped promptly. If a small gas release is witnessed, report the release to the operator on duty and request assistance. Isolate the source, if it is safe to do so. If the release cannot be easily stopped, an emergency shutdown may have to be initiated. Once the employee has taken necessary precautions for personal safety, then the safety and protection of contractor and the general public must be

completed in the most expeditious manner. Once personnel and public safety has been achieved then the ONEOK ROCKIES MIDSTREAM operator should secure the area and isolate the source to minimize the gas being released. On occasion it may be necessary to reroute the gas to the flare system or a portable flare header.

Bomb Threat

ALL BOMB THREATS ARE TO BE TAKEN SERIOUSLY!!!

The person taking the call should use the bomb threat checklist and try to get as much information as possible from the caller.

The person taking the call should immediately contact the plant supervisor or the on-duty-operator. Subsequent notification will be given to the ORM Area Manager as soon as time permits.

The Plant supervisor shall contact the Dunn County, North Dakota Sheriff's office and the Dunn County Sheriff's office. A decision to begin an emergency shutdown and evacuation of the plant must be made based on the information received in the threat.

A search will be conducted under the direction of the Sheriff's office.

Active Shooter

Although the best solution to a potential active shooter is to identify a perpetrator before they have the chance to inflict any damage, the chance for an active shooter situation still exists. If a situation arises and can't be resolved peacefully the following are the best steps to take to ensure safety of employees.

- **Evacuate**

1. Evacuating the area is the preferred method in an active shooter situation. Put space between the shooter and yourself without risking your immediate safety.
2. Call 911 when it is safe to do so.
3. Identify all potential escape routes and select the best route.
4. Leave all belongings behind.
5. Help others escape, but evacuate regardless if they follow or not.
6. Prevent people from entering areas where the assailant(s) is or may be.
7. Keep hands visible and obey instructions of police officers.
8. Do not attempt to move wounded people on the way out. Ensure your own safety.

- **Hide out**

1. Dial 911, if you are not able to speak, leave the line open and allow the dispatcher to listen.
2. Keep calm, quiet, and out of site by laying low to the ground
3. Take adequate coverage/protection (concrete walls, desks, tables, filing cabinets, etc.)
4. Silence cell phones and other noise sources (radio, TV, etc.) to prevent giving away location to assailant(s)
5. Lock and blockade door(s) to prevent assailant(s) from easily moving through the facility

- **Take Action against Assailant(s)**
 1. If it is not possible to evacuate or hide out, and your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter.
 2. Act aggressively, forcefully, and as quickly as possible towards the assailant(s).
 3. Throw items and improvise weapons from the things that are around you.
 4. Fire extinguishers are useful as defensive objects. They can be discharged at the assailant(s) to help incapacitate them. Extinguishers are also useful as blunt objects.
 5. Commit to your actions; get others to join in if possible, there are strength in numbers.
- **Reporting**
 1. Dial 911 from any telephone
 2. Report specific location, number of people at your specific location, number and types of injures,
 3. Report assailant(s) location (if known), number of assailants, the suspects race, gender, clothing description, physical features, type of weapons, and any other useful information.
- **Law Enforcement Arrival**
 1. Remain calm, keep hands visible, put down any items you are holding and follow officers' instructions
 2. Officers may shout commands and push individuals to the ground for the officers' and the individuals' safety.
 3. Do not make any quick movements toward officers or other individuals.
 4. Do not point, scream, or yell in front of the officers.
 5. Remain in the area officers put you in, and do not leave the scene until cleared to.

Response Duties

Personnel –

The ONEOK ROCKIES MIDSTREAM Bear Creek Plant Emergency Response Plan outlines the duties of all personnel on location during an incident. Good judgment and safety are not to be replaced by this plan. Your primary responsibility is always to **insure your own personal safety**. You are no help to anyone during an emergency situation if you don't take care of yourself. In fact, you become a liability to others!

Daytime Operations –

Daytime operations encompass the normal working hours 6:00 a.m. to 6:00 p.m. seven days a week. It is during this time period that the greatest number of people is available for assistance and the need for accounting is the highest.

The Emergency Response Plan is initiated through Continuous Audible alarms for Bear Creek Plant. Any person may initiate the ERP by notifying the control room. **The alarms must be continuous to insure that all personnel are aware that an emergency situation exists. The alarm must also be communicated via telephone to the main office to alert personnel.**

The **Plant Supervisor or his representative** on duty will report to the scene of the incident and evaluate the situation. It will then be decided if the situation requires emergency shutdown of the plant and/or evacuation of the plant. It will also be decided at this time if additional assistance is required from outside sources.

All **company non-essential personnel and office personnel** shall report to the Briefing Area #1, in front of the plant near the road, and stand by to assist with search and rescue, shutdown of the plant, and contacting outside sources for assistance. The plant supervisor or his designated employee will secure the sign-in roster and take a head count of all personnel at the safe briefing area.

Contractors and visitors shall report to Briefing Area #1 or safe Briefing Area #2 as dictated by wind direction.

ONEOK ROCKIES MIDSTREAM field personnel shall be notified to standby to shut-in gas to the plants when it is deemed necessary. Once all incoming gas has been isolated and properly locked out, the affected producer will be notified.

Weekend/Holiday Operations

Weekend operations commence at 4:00 p.m. Friday and continue until 7:00 a.m. Monday. **Holiday Operations** commence at 4:00 p.m. on the day before the holiday as specified by **ONEOK ROCKIES MIDSTREAM** company policy, and continues until 7:00 a.m. on the day after the specified holiday. During these times, the plant is staffed only by operators. While this reduced staff makes it easier to account for personnel, it also makes controlling an incident more difficult.

During **Weekend/Holiday** operations, the basic responsibilities of on-site personnel are the same for any incident. The primary responsibility of every employee is to insure personal safety and

summon help by calling personnel on the call-out roster. After help is summoned, on site personnel may initiate shutdown procedures and attempt to isolate fuel sources if it is safe to do so.

Site Security –

During normal operations, the only gate that is open around the plant perimeter is the main gate. Plant personnel are available to close gates and secure the area as directed by the plant supervisor. In the event it is necessary to isolate roads to protect the public, the local law enforcement agency will be contacted for support.

Decontamination –

Incident responders shall be evaluated for extent of contamination before leaving the affected area. Responders shall report to the safe briefing area for evaluation and/or decontamination. Procedures for decontamination will be identified based upon a review of Safety Data Sheets (SDS) for the specific contaminant.

Fire Prevention Plan

The fire fighting philosophy at the ONEOK ROCKIES MIDSTREAM Bear Creek Gas Plant is to isolate the fuel source, cool with water, and ultimately control the fire. Virtually all fires are small at origin and could easily be extinguished provided they are found quickly and the appropriate type and amount of extinguishing agent is available and properly applied.

Fire protection at the ONEOK ROCKIES MIDSTREAM plant is divided into four sections:

- Prevention
- Detection
- Incipient fire fighting
- Isolation and cooling

Prevention

Prevention is facilitated by good engineering practices during construction of equipment and systems. Good housekeeping practices contribute to prevention of fires. Proper job planning and a strict Hot Work Permit policy help insure that fires don't occur.

Detection

Frequent tours of the plant by operators constitute the major detection system at the ONEOK ROCKIES MIDSTREAM plant. In critical areas of the plant, there are fire-eyes that are designed to activate an Emergency Shutdown for related equipment. These fire-eyes need to be addressed during normal Hot Work Permitting Procedures.

Incipient Fire Fighting

Dry chemical portable fire extinguishers have been placed at strategic locations throughout the plant. The type of extinguishing agent has been matched to the type of fire that may occur in that area. The use of hand portable fire extinguishers for incipient stage fire fighting should be used with the **PASS** – Pull Aim Squeeze Sweep Technique.

Isolation

The ONEOK ROCKIES MIDSTREAM Bear Creek Plant is equipped with an emergency shutdown system, with shutdown devices at strategic locations around the plant. The systems are designed to isolate major sources of flammable liquids or gases to minimize the amount of fuel available.

Cooling

Cooling of affected equipment can only be done by requesting assistance from local Fire Departments and should be considered as a last measure. When cooling is necessary then knowledge for length of time the fire has been burning is critical for safety. If cooled adequately with copious amounts of water within 30 minutes of burn ignition time then a LPG Tank/Vessel should begin to de-pressure and cool. The obvious choice would be to open to Flare Line so that de-pressurization and source location can be identified. Very careful consideration should be given in the event that a pressurized fuel source of fire is encountered and extinguishment is desired. Due to the problems associated with re-ignition and potential Blast radius of pressurized gasses at their escape rate with relation to available oxygen in the surrounding atmosphere, re-ignition of a pressurized fuel source should be from a safe distance.

The request for water-cooling will be made by the local and corporate management and through the affected Fire Chief

Outside Support

Assistance for firefighting is available from the local fire department. The local fire department will fight fires with guidance and information provided by **ONEOK ROCKIES MIDSTREAM** representatives only as requested. The Fire Department may assist with injured personnel evacuation, traffic or isolation and evacuation control measures or other needs to limit the size or perimeter of the concerned area. In the event the Fire Department is called, notification must be given that they can enter the facility or we ask that they stop at 1/2 mile from the plant.

Major Fire Hazards

The major fire hazards at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant come from improper handling of hydrocarbons, equipment failures, and improper performance of procedures. These hazards are addressed with training, preventive maintenance, engineering and administrative controls.

Potential Ignition Sources

Engine drivers, vehicle traffic and hot work are the primary sources of ignition that may be found at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant. These are controlled with engineering and administrative controls, which include strict procedures on facility entrance and hot work.

Maintenance of Equipment

ONEOK ROCKIES MIDSTREAM Bear Creek Plant has a mechanical integrity program, which schedules inspections and tracks repairs of critical equipment, including fire-fighting equipment. The local employees or outside contractors perform maintenance and inspections of Fire and Safety related equipment.

Control of Fuel Source

The operators at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant are trained in the emergency shutdown and isolation procedures of the plants.

Emergency Shutdown (ESD)

Philosophy

The first responsibility of all employees is personal safety, followed by the safety of others. The risk of personal injury is the most important consideration in any situation. **AN EMERGENCY SHUTDOWN IS AN ACCEPTABLE RESPONSE**, and sometimes the **ONLY** appropriate response to some incidents.

If it is your feeling, based upon your knowledge and training, that an ESD is called for, do not hesitate. **ONEOK ROCKIES MIDSTREAM** management will fully support this position.

Description

The emergency shutdowns can be initiated from the following locations:

Location of ESD's

- 1-HS-8100 Plant Control Room
- 1-HS-8101 Walk Out Gate East of Warehouse
- 1-HS-8102 Condensate Truck Loading (Truck Loading ESD only)
- 1-HS-8103 Stabilizer Area
- 1-HS-8104 West Of MCC
- 1-HS-8105 Dehy Area
- 1-HS-8106 Walk Out Gate South of Residue Building
- 1-HS-8107 Refrigeration Area
- 1-HS-8108 Flare Scrubber
- 1-HS-8109 Main Gate Into Process Area

Emergency Alarm

Bear Creek Plant

The emergency alarm signal at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant is by a Continuous Audible Horn. This can be automatically activated at the control building by detection of a High Combustible Gas Release (LEL), Mechanical Shutdown to ESD, or Fire Eye Detection.

Emergency alarm signal at the ONEOK ROCKIES MIDSTREAM Bear Creek Plant is performed by the control room operator.

To activate the alarm signal, the person declaring an emergency shall notify the control room. The lead operator will initiate the plant alarms based on sound judgment and input from the other working operator on the shift. The working operator will respond to all alarms and the operators will make a joint decision whether to initiate an evacuation. The plant supervisor will be notified immediately. If necessary, the alarm shall be communicated via telephone and radio.

Alarms

Combustible Alarms –

20% to 40% LEL – Amber Beacon

40% LEL or greater – Amber Beacon with Intermittent Audible Siren and ESD

Fire Alarms –

Voice where applicable

Continuous Audible Siren

Evacuation/Medical Emergency

Continuous Audible Siren

Sour Gas Hazards

Bear Creek Plant does not expect to have H₂S in significant concentrations; it should not exceed 2 ppm in the inlet gas stream. Treating for H₂S is not installed at the plant. This section is for information only.

The term sour gas is used to describe a hydrocarbon gas mixture containing Hydrogen Sulfide (H₂S). H₂S is a toxic gas, which interferes with the central nervous system at concentrations of 100 ppm and becomes lethal at 300 ppm.

While pure H₂S is heavier than air, it may separate from the rest of the hydrocarbon gas mixture and settle into low places. In order for sour gas to be heavier than air, the mixture must contain approximately 60% or more H₂S by volume. The conditions that affect the ability of sour gas to remain close to ground level include wind speed, air temperature, and humidity.

Gas plumes will disperse effectively when wind speeds attain 15 km/hr (wind speed above 15 km/hr add little to dispersion) and are aided by surface features that contribute to mixing.

H₂S has a definite odor and can be detected by normal human senses only in very small quantities, which means that personnel will detect the presence of H₂S even though the source of the leak is some distance away. Close proximity (a meter or two) to a source of leaking sour gas may contain H₂S in sufficient quantities to destroy the sense of smell, render someone incapacitated, and may be fatal in lethal amounts. Never rely on smell alone to locate the source of a leak. When checking for a potential H₂S leak the employee should wear respiratory protection equipment and have an H₂S monitor/detector available to check concentrations. All employees or contractors are required to carry an H₂S monitor on their person while working on ONEOK ROCKIES MIDSTREAM facilities. On occasion, there may be an exception to this rule with prior approval, provided there is at least one employee in the group working that has a monitor and all others are within a close working proximity. All personnel performing work on/near H₂S service related equipment or product lines, etc., will be clean shaven, be trained in the hazards of H₂S/respiratory protection, will be trained in first aid, and will be familiar with both the task at hand and the equipment being used. For concentrations of 20 ppm H₂S or higher that is detected by a facility fixed point system, will initiate a visual (**RED**) beacon. In areas where H₂S is suspected or known to be in concentrations of 100 ppm (IDLH) in the encompassing environment, then a buddy system should always be used. The buddy system can be another trained employee or possibly a contractor that has current training in H₂S and respiratory protection, understands the work at hand, trained in first aid, and is familiar with the equipment being used.

All vessels, tanks, piping, sumps, trenches, and pits have the potential for containing H₂S and all necessary precautions will be taken until it is determined that the levels are below the PEL (10 ppm).

Emergency Response

The first priority in any emergency situation associated with any serious incident is self-preservation, to secure the scene, to protect the public and environment and to protect life and acquire immediate help for the injured. **ONEOK ROCKIES MIDSTREAM** will always support any decision made that places personal or public protection ahead of the protection of company equipment.

The most likely emergency situation that could arise is a major leak in a pipeline, which is releasing hydrocarbons into the atmosphere. When evaluating this type of situation, do not place yourself in jeopardy. If you believe that the best course of action to the emergency is ignition of the release, insure your own safety and ignite the plume. The decision to light the plume should be addressed with the consent of the immediate supervisor.

An emergency action checklist is available to guide personnel during an emergency associated with pipeline and other emergencies.

It is further expected that the **local emergency response team** will be notified of any major release or fire at the facility. The **Emergency Responders** will be notified that the minimum **safe approach distance** to the facility is **one-half (1/2) mile** under those circumstances. At no time should that distance be encroached by any emergency responders unless specifically requested by an ONEOK Rockies Midstream Supervisor or director. Their assistance will be needed to block the public access at all approaches to the facility and not allow the public to approach the facility.

Public Relations

All inquires/requests for information from the media and the public should be directed to the ONEOK Public Relations Officer.

DO

- Do be calm and show concern.
- Do direct all inquires to the designated spokesperson, which may be the senior manager/supervisor at the site, his/her alternate, or a person in the Tulsa office. All other employees should refer inquires to the designated spokesperson, and not discuss the situation with reporters or the public.
- Do give information only from approved statements and background materials. Approved material may allow you to confirm such information as that there is a problem and the general nature of the problem, a brief description of events, general location, number of persons injured or unaccounted for (only if the number has been verified), and that the company is working with local and/or state and/or regulatory emergency response officials to rectify the problem (assuming, of course, we are doing that). State that you have no further information at this time, but that additional information will be released as it becomes available.
- Do speak only on behalf of the company, and not for contractors, emergency or local officials, or regulatory agencies, etc.
- Do stick to the facts. Opinions, speculations and errors may be compounded. As an official representative of the company, whatever you say may be construed as an official company view.
- Do make note of the questions if you are asked for additional information, and advise reporters to contact the ONEOK Public Relations officer for additional information.
- Do end the conversation promptly and tactfully after giving brief facts. On no account should you deviate from the approved information. Even though your position at **ONEOK ROCKIES MIDSTREAM** may give you background knowledge that may be relevant to the situation, you must use only approved statements.

DON'T

- Don't respond to inquired from or make statements to media or public until contact has been made with the Tulsa headquarters. The Tulsa office will help determine the appropriate information to communicate. Until contact is made, record names and phone numbers of reporters and explain to them that their calls will be returned as soon as you have completed all your required safety and notification procedures.
- Don't say "no comment." A simple "I'm sorry, but I can't answer that," or an "I don't know," is perfectly acceptable.
- Don't speak to anyone assuming your conversation is "off the record." Most reporters believe that once they have identified themselves, everything is publishable.
- Don't play favorites with reporters.
- Don't discuss confidential information within earshot of reporters, the public, or persons you don't know. If in doubt, ask for identification.
- Don't speculate as to the cause or resulting effects.
- Don't discuss damages or estimated costs.
- Don't discuss identities or medical conditions of the injured or missing.
- Don't use colorful language or expletives.
- Don't joke or appear uncaring.
- Don't use industry jargon or abbreviated terminology.
- Don't attempt to control photographs taken off company property; you can control photos taken on company property.

Emergency Action Checklists

The following checklists are to be used as tools to assist personnel when dealing with an emergency situation. These checklists shall not take the place of experience and knowledge.

Fire/Explosion (Day)

First Responder

Emergency Action Checklist

Evaluate the situation.

Insure your own safety.

Call for assistance and/or sound the emergency alarm

Extinguish incipient fire, if safe to do so.

Follow Up

As soon after the accident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information.

Fire/Explosion (Day)

Plant Supervisor or Designated Employee

Emergency Action Checklist

Assign someone to account for personnel at the safe briefing area.

Report to the scene as soon as the location of the incident is known.

Evaluate the situation.

Determine what action is required. (ESD, evacuation, call for outside support when situation warrants assistance)

Isolate and/or control the fire.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information. Contact the next supervisory level in the Incident Chain of Command, and initiate the Internal Notification Procedures as applicable.

Fire/Explosion (Day)

Administrative Assistant/Designated Employee

Emergency Action Checklist

Account for all personnel in briefing area #1.

Determine if anyone is missing and where they were last seen.

Name

Last Seen

Inform the plant Supervisor of any missing persons and where they were last seen.

Report any stragglers to the plant Supervisor.

Document all developments of emergency response personnel.

Name

Purpose

Location

Gas Leak (Day)(Hydrocarbon or H₂S)

First Responder

Emergency Action Checklist

Evaluate the situation.

Insure your own safety.

Call for assistance and/or sound the emergency alarm.

Isolate or control leak, if safe to do so.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), action taken, and all other important information.

Gas Leak (Day)(Hydrocarbon or H₂S)

Plant Supervisor or Designated Employee

Emergency Action Checklist

Assign someone to account for personnel.

Report to the scene as soon as the location of the incident is known.

Evaluate the situation.

Determine what action is required. (ESD, evacuation, call for outside support when situation warrants assistance)

Isolate and/or control the leak.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information. Contact the next supervisory level in the Incident Chain of Command, and initiate the Internal Notification Procedures as applicable.

Gas Leak (Day)(Hydrocarbon or H₂S)

Administrative Assistant/Designated Employee

Emergency Action Checklist

Account for all personnel in briefing area #1.

Determine if anyone is missing and where they were last seen.

Name

Last Seen

Inform the plant Supervisor of any missing persons and where they were last seen.

Report any stragglers to the plant Supervisor.

Document all developments of emergency response personnel.

Name

Purpose

Location

Liquid Spill (Day)
First Responder
Emergency Action Checklist

Evaluate the situation.

Insure your own safety.

Call for assistance and/or sound the emergency alarm.

Isolate or control spill, if safe to do so.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), action taken, and all other important information.

Liquid Spill (Day)

Plant Supervisor or Designated Employee

Emergency Action Checklist

Assign someone to account for personnel.

Report to the scene as soon as the location of the incident is known.

Evaluate the situation.

Determine what action is required. (ESD, evacuation, call for outside support when situation warrants assistance)

Isolate and/or control the spill if safe to do so.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information. Contact the next supervisory level in the Incident Chain of Command, and initiate the Internal Notification Procedures as applicable.

Liquid Spill (Day)

Administrative Assistant/Designated Employee

Emergency Action Checklist

Account for all personnel in briefing area #1.

Determine if anyone is missing and where they were last seen.

Name

Last Seen

Inform the plant supervisor of any missing persons and where they were last seen.

Report any stragglers to the plant Supervisor.

Document all developments of emergency response personnel.

Name

Purpose

Location

Person down (Day)
First Responder
Emergency Action Checklist

Evaluate the situation.

Insure your own safety.

Call for assistance and/or sound the emergency alarm.

Perform or assist with rescue, if safe to do so.

Notify nearest Medical Support Services for assistance and administer first aid to the level of training.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information.

Person down (Day)
Plant Supervisor
Emergency Action Checklist

Assign someone to account for personnel.

Report to the scene as soon as the location of the incident is known.

Evaluate the situation and confine or secure any releases to a controlled access area

Determine what action is required (ESD, evacuation, call for outside support from nearest medical facility)

Assist with the rescue, if safe to do so and direct medical personnel to the location to intercept the injured person.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information. Based on the level of training as well as the situation at hand, do not delay contact to medical support services. Contact the next level of supervisor in the Incident Chain of Command and initiate the Internal Notification Procedure as applicable. Assign an employee to follow the ambulance and direct that designated employee to notify you constantly of status.

Person down (Day)

Administrative Assistant/Designated Employee

Emergency Action Checklist

Account for all personnel in briefing area #1.

Determine if anyone is missing and where they were last seen.

Name

Last Seen

Inform the plant supervisor of any missing persons and where they were last seen.

Report any stragglers to the plant supervisor.

Document all developments of emergency response personnel.

Name

Purpose

Location

Bomb Threat Checklist

Date of call _____ Time of call _____ Time caller hung up _____

Exact words of person who called:

QUESTIONS TO ASK:

1. WHERE IS THE BOMB RIGHT NOW?
2. WHEN IS BOMB GOING TO EXPLODE?
3. WHAT DOES IT LOOK LIKE?
4. WHAT KIND OF A BOMB IS IT?
5. WHY WAS THE BOMB PLACED?

Description of caller's voice:

MALE _____ FEMALE _____ YOUNG _____ MIDDLE AGE _____ OLD _____

DESCRIPTION OF VOICE

ACCENT

BACKGROUND NOISE

IS VOICE FAMILIAR?

IF SO, WHO DID IT SOUND LIKE?

PERSON WHO RECEIVED CALL _____

HOME ADDRESS _____

HOME PHONE _____

REMARKS:

Search and Rescue

Plant supervisor or the next level of Supervisor in the Incident Chain of Command will determine if a search and rescue is required.

The administrative assistant or designated employee will question personnel at briefing area (or safe area) to determine last known location of missing personnel.

Plant supervisor will delegate someone to act as rescue crew leader.

Rescue crew leader will ensure team has all necessary rescue equipment and means of all communication will be verified before departure.

Team assembles to don personal protective equipment (PPE), secure rescue equipment, discuss manner of communications, and receive instructions.

Administrative assistant or designated employee records movements and location of rescue crew.

Emergency – Night/Weekend

Any Incident, All Personnel

Insure your personal safety.

Call the appropriate resource for help.

Isolate plant processes to control the incident, if safe to do so.

Wait for help to arrive.

Handle incident as if during daytime after sufficient help arrives.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information.

Pipeline Emergency
First Responder
Emergency Action Checklist

Evaluate the situation.

Insure your own safety.

Contact the plant supervisor or his designated representative as soon as possible.

Secure the area and prevent access where necessary.

Ignite release **if determined necessary by the plant supervisor or the next level of supervisor in the Incident Chain of Command.**

Communicate the current situation to your supervisor.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information.

Pipeline Emergency

Plant Supervisor

Emergency Action Checklist

Provide the resources requested by the first responder. Make sure that efforts are underway to notify affected residents as appropriate.

Arrange for someone to close all block valves at both ends of the pipeline and secure with chain, locks, and tags as necessary.

Report to the scene as soon as the location of the incident is known.

Evaluate the situation.

Determine what action is required. (Ignition, evacuation, calls for outside support as deemed necessary for situation)

Contact the appropriate producer to notify them of situation and potential need to flare their discharge gas as appropriate.

Follow Up

As soon after the incident as possible, make a detailed description of the incident. Include as accurately as possible, the time of the incident, involved equipment and personnel, the nature of the incident (fire, explosion, etc.), actions taken, and all other important information. Contact the next supervisor in the Incident Chain of Command and initiate the Internal Notification Procedure as applicable.

Phone Lists

ONEOK ROCKIES MIDSTREAM

INTERNAL NOTIFICATION

EMERGENCY RESPONSE CONTACT

PROCEDURE

- 1.) Receive phone call and fill out Internal Notification Form
(NOTE: Do not delay response time, gather important information and make calls)
- 2.) Immediately call Plant supervisor (go down list until actual contact is made)
- 3.) Plant supervisor will make 2nd call notification, and dispatch any additional response required.
- 4.) Person receiving 2nd call notification will ensure Redacted
Redacted are notified.

Bear CREEK PLANT
1ST CALL NOTIFICATION LIST

NAME	CELL #	Phone #	Department
Redacted			

2ND CALL NOTIFICATION LIST

NAME	CELL #	Phone #	Department
Redacted			

Plant Call Out List

ONEOK ROCKIES MIDSTREAM Plant Employees

<i>Name</i>	<i>Position</i>	<i>Phone Number</i>
Redacted		

Daytime facility phone numbers

Bear Creek Complex

Redacted

Bear Creek Control Room

24 hour EMERGENCY ONLY 800-778-7834

Williston Basin

Emergency Notification

24 Hour Emergency #
1-800-778-7834

County Emergency Assistance
All North Dakota Counties
1-800-472-2121

Montana Counties:

Richland: 406-433-2919
Roosevelt: 406-653-3911
Sheridan: 406-765-1200
Fallon: 406-778-2879

NOTE: If the emergency is a gas leak or release, please notify:

Montana-Dakota Utilities

800-638-3278

OR

Williston Basin Pipeline

888-859-7291

they also have gas lines in this area

Emergency Equipment

This section provides a listing of the numbers, types and locations of firefighting equipment and air packs available at the ONEOK ROCKIES MIDSTREAM Plant.

See Attached Plot Plan



ONEOK
ROCKIES MIDSTREAM
A SUBSIDIARY OF ONEOK PARTNERS

2016

EMERGENCY RESPONSE PLAN

Bear CREEK GAS PLANT

**10570 2nd Street NW
Killdeer, ND 58640**

**Lat 47.2630 Lon -102.4715
SECTION 28, TOWNSHIP 146N, RANGE 95W**

Dunn CO.

**SITE SPECIFIC EMERGENCY PREPAREDNESS AND
RESPONSE PLAN**



ONEOK
ROCKIES MIDSTREAM

A SUBSIDIARY OF ONEOK PARTNERS

2016

EMERGENCY RESPONSE PLAN

Bear CREEK GAS PLANT

**10570 2ND Street NW
Killdeer, ND 58640**

**Lat 47.2630 Lon -102.4715
SECTION 28, TOWNSHIP 146N, RANGE 95W**

Dunn CO.

**SITE SPECIFIC EMERGENCY PREPAREDNESS AND
RESPONSE PLAN**