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Filing Accepted

Envelope Number: 3293202

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and
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| Case Number | 08-2018-CV-02937 |
| Case Style | Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al. |
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December 11, 2017

To: Public Service Commissioners of North Dakota

DECEMBER 19, PSC MEETING WITH MERIDIAN ENERGY GROUP - **URGENT** - PLEASE READ

Like a coin, there are two sides, and the following attached articles have issues that local residents next to the proposed Davis Refinery site are concerned about. With appreciation please read.

After following the discussion meetings for two years, there have been many changes in the Davis refinery design and numbers of this facility. So far, the plan is still incomplete with more questions than answers dealing with Meridian Energy Group – Bill Prentice.

Zoning meetings have the acreage listed as 715 industrial acres with some articles saying the site will consume 620 up to 1900 acres. The water permit started at 100 Gal per minute and grew to 400 Gal per minute. The barrels per day started out with two phases with the first at 27,00 BBLs per day and to grow to 55,000 BBLs per day. The final production is still unclear with many articles saying 49,500 or no expansion at all. In a recent news audio with Rob Port on Dec 9, 2017 found on Meridian Energy Group's website, Bill Prentice is quoted that the facility will be 50,000 or less. The rail service at one time was incorporated into the design and eliminated in the April 2017 PTC. An increase of trucks has been tallied to 170 of product moving from the facility with more trucks delivering crude feedstock and natural gas. Again, in the news audio with Rob Port on Dec 9, 2017, Bill Prentice is quoted that there WILL be shipment by rail, truck and pipeline.

There has been no public knowledge of any pipeline projects with Meridian Energy Group or sales of pipeline contracts. Pipelines surrounding the Fryburg area are under Tesoro management along with the Fryburg Railroad Spur. Tesoro recently purchased the struggling refinery in Dickinson and has ownership of the Mandan refinery also.

This design is clearly a computer model and a theory with no error or malfunction of how a refinery should operate. Texas EPA information is referenced and not Region 8 EPA data.

Area residents are confused about the actual construction of this facility and if there is any concrete proven data to back up the design.

Many projects concerning Hwy 85 and the Fryburg/Belfield area are planned, and if all projects occur at one time, this area will be full of traffic hazards. Fryburg overpass reconstruction, 4-lane proposal of Hwy 85, OIT Bakken kiln on 125th St and assumed 170 trucks transporting refined crude products from refinery site, natural gas trucks from the Gas Plant located on 38th street, and other oil field truck traffic.

With the national unemployment rate of 4 % and the state average in Billings County unemployment rate of 2% - more jobs is not a critical issue. Billings County has one of the lowest tax rates in North Dakota with a sparse population and a National Park.

PLEASE – take the time to read the attached articles and gain a full picture of this project and it does **NOT** fit into our rural area.

Meridian Energy Group is **NOT** the neighbor we want in the area do to the rapid changes of design to fit under regulations and insufficient data.

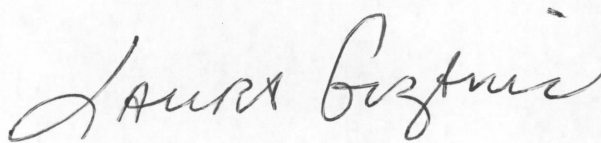
Regulation is only as good as it officials enforcing.

Thank you for your time.

Laura Grzanic 701 290 4483

PO Box 161

Belfield, ND 58622

A handwritten signature in cursive script that reads "Laura Grzanic". The signature is written in dark ink and is positioned to the right of the typed name and address.

13392 38th St SW Sec 14 139N 100 W

The

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 LAURA GRZANIC
 PO BOX 161
 BELFIELD ND 58622-0161

Refinery water permit sent to judge

By Richard Volesky
Editor/Reporter

BISMARCK - A decision that a proposed Billings County refinery should receive a groundwater use permit will be heard by a state administrative law judge.

The North Dakota State Water Commission (SWC) in June recommended that Meridian Energy Group should receive a permit for a well that would be drilled for the Davis Refinery. The refinery would be located between Fryburg and Belfield.

Meridian asked for a permit with an annual usage of 645-acre feet of water to be pumped at 400 gallons per minute from the Dakota aquifer, which is about 4,000 feet below the land surface. Objections to the SWC's decision filed in August were subsequently reviewed by the North Dakota Attorney General's Office, and that resulted in the matter being sent to an administrative

law judge. As of press time, it wasn't clear if the judge would decide the matter based on the documents submitted, or if a hearing will be held.

In deciding to issue the water appropriation permit, the SWC determined that no prior permit holders would be adversely affected by the new permit, and that the proposed means of construction of the well were adequate. The SWC also said the use of the water would be beneficial - that water used for the refining of oil is a beneficial use consistent with the best interest of the people of North Dakota. The oil refinery would be in the public interest because it would positively affect the economy, the SWC decision said.

As for whether the refinery would have a negative effect on visitors' experiences in Theodore Roosevelt National Park, which is a few miles away, that may be the case,

but visual effects are outside of the SWC's scope of authority, the SWC decision said.

The SWC also noted Meridian had applied for a water permit to be used in a refinery that handles up to 55,000 barrels of oil per day. However, a N.D. Public Service Commission representative has since said Meridian does not intend to apply for a PSC siting permit, which would ensure the refinery would produce minimal adverse impacts on the environment and people. A PSC permit isn't needed if the refinery is at a capacity that is below 50,000 barrels per day. The SWC water permit decision therefore involves reducing the water volume to 90 percent, or 586-acre feet annually.

The objections to the SWC's decision, which have resulted in the matter going before the administrative law judge, came from area landowners Linda Weiss, Laura

Grzanic and Pat Hedstrupp, who are represented by Bismarck attorney J.J. England.

In a letter to the SWC, England said one of the issues is that the SWC doesn't have legal authority to provide a permit for an amount of water less than what Meridian originally requested.

England also argued that the permit would harm the interests of his clients because even a small drawdown of water could still affect water that might one day be appropriated to the use of Grzanic, Hedstrupp and Weiss.

England also said a concern is that after the Dakota aquifer water is treated, the result will still be wastewater, and how this "concentrated waste" would be discharged into the environment. The water permit and the waste are not just related but are "directly causally connected," said England.
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Historic tree's fate in Medora left hanging

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Meridian CEO responds to refinery's critics

By Richard Volesky
Editor/Reporter

MEDORA - William Prentice, CEO of Meridian Energy Group of Irvine, Calif., is offering a number of responses following a meeting earlier this month when residents questioned changes in Meridian's proposed Davis Refinery plans.

The Davis Refinery would be located between Fryburg and Belfield. The company submitted a refinery-related application to the county in March 2016, and later received county approval. The company is now awaiting air quality and other state permits.

Meridian's 2016 application with the county said that truck traffic for supplying crude oil and shipping refined products will be minimized in favor of rail and pipeline transportation.

Laura Grzanic, who lives along a road that would lead to the refinery, told the County Commission on Sept. 7 that she has studied documents related to Meridian's requests for permits. A few other residents who indicated they shared Grzanic's concerns attended the meeting, but no one from Meridian attended.

Refinery paperwork sent to the state regarding emissions and road dust in September 2016 labeled as being from Meridian and Vepica USA, an engineering firm, states what are referred to as "assumptions" that crude oil would be brought into the refinery by rail, not trucking. Twenty-five percent of the liquid products, except fuel oil, would be sent out by trucks. The estimated number of trucks per

day was listed at 81.

The same type of paperwork in March 2017 stated it was assumed that crude oil would arrive by pipeline, not trucking or rail. However, with refinery products considered, the number of trucks was revised to 170.

Grzanic told commissioners that her concern was that Belfield and the surrounding area would become bumper to bumper with trucks. Grzanic also said her concern was that Meridian presented its plans one way to the county, but differently to the state.

In a written reply to the Billings County Pioneer, Prentice said the zoning and conditional use permit that the County Commission approved last summer didn't indicate a preferred method of crude oil supply or for finished product shipment.

"The combination of rail, truck and pipeline for receipt of crude and distribution of refined product is an ongoing operational consideration, but the emphasis will be on moving crude oil and products by pipeline whenever possible," Prentice wrote. "The shipment of crude oil to the Davis Refinery will be predominantly by pipeline through the extensive crude gathering systems already in place in the Bakken. Pipelines are the safest and most economical method of shipping Bakken crude. However, Meridian has made a commitment to serve small, local, crude producers, and some of them are only able to get to us by truck, so we will accept those deliveries."

As for shipping refined products, by pipeline is also the safest

and most economical method, so the refinery will maximize the pipeline shipment of products, said Prentice.

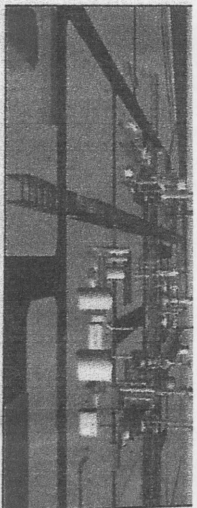
"But we have also made a commitment to serve the local distributors and retailers of gasoline and diesel fuel, and some of them can only obtain deliveries from the Davis Refinery by truck, so that is what we will do. It should also be noted that it takes time to install pipelines, so the proportion of refined products that are shipped by pipeline from the Davis Refinery will change over time as that capacity is increased," said Prentice.

"As pointed out by (Commission Chairman) Mr. (Jim) Arthaud in the meeting referred to in the Billings County Pioneer story on

Sept. 14, the county has turned down projects in the past that have had significant negative impacts on the local community, including TR National Park," said Prentice. "The county undertook an exhaustive review of the Davis Refinery before granting the conditional

use permit for the refinery, and Meridian will fulfill the conditions that were placed on that permit by the county when it was granted. As stated in the original application documents, Meridian will seek to minimize the amount of both crude oil and refined products that are moved by truck. Not only is that the right thing to do as a member of the community that cares about its neighbors, but it is also true that of all possible modes of transportation, truck is the least cost effective."

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Submitted photo
A rendering of the proposed Davis Refinery to be built near Belfield, N.D., and Theodore Roosevelt National Park.

ND regulators to discuss oil refinery project

12-5-17
By John Hageman
Forum News Service

BISMARCK — State regulators want to sit down with company officials behind a proposed oil refinery in western North Dakota to understand why they're not going through the Public Service Commission's siting process.

The commission has scheduled a meeting for Dec. 19 regarding Meridian Energy Group's plans for a refinery in Billings County near Theodore Roosevelt National Park. Company CEO Bill Prentice plans to attend.

"We ... really just an opportunity to sit down face-to-face with the company and talk through what their plans are," Public Service Commissioner Julie Fedorchak said.

Fedorchak said she understands the project will be built below the 50,000 barrels-per-day threshold that prompts requirements for a siting permit, but a potential expansion would bring its capacity above that later. A website for the Davis Refinery states that in order "to ensure that Meridian is in compliance with North Dakota laws and regulations, Meridian has restricted the design capacity of the Davis Refinery to 49,500" barrels per day.

"Decisions on any potential future expansion of the Davis Refinery will be made after Davis is in operation, and would not proceed unless and until Meridian has received a siting certificate" from the PSC,

REFINERY

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the website states.

Fedorchak hesitated to say whether she felt Meridian was purposefully avoiding additional regulatory scrutiny because she hasn't talked to company officials directly.

"I just continue to feel that the appropriate course would be to go for the whole siting on the front end," she said. "There isn't a whole lot of downside to doing that in terms of being a good corporate citizen."

Prentice said they're "just trying to stay within the law" and "show an abundance of caution." Although Meridian has previously described the refinery as a 55,000 barrel-per-day facility, he said there was "absolutely no design or present intent associated with that statement."

"If we decide to expand beyond the 50,000 barrel-per-day limit, that'll probably be in about four or five years," he said. "We're

going to stop at 49,500, take a big deep breath and look at all our options at that point."

The project is slated for a 715-acre site west of Belfield. The refinery has already drawn criticism for its location just a few miles away from the national park, but project planners have said they want to build the "cleanest refinery in the world."

Meanwhile, the North Dakota Department of Health plans to solicit public comments on an air quality permit for the project soon. State Water Commission staff is also recommending approval on a water permit for the project, but that's being contested and a hearing will be held, said State Engineer Garland Erbele.

Call Hageman at (701) 255-5607 or send email to jhageman@forum-comm.com

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