

**From:** [efilingmail@tylerhost.net](mailto:efilingmail@tylerhost.net)  
**To:** [Hamre, John G.](#)  
**Subject:** Filing Accepted for Case: 08-2018-CV-02937; Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3293206  
**Date:** Friday, February 01, 2019 9:12:27 AM

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## Filing Accepted

Envelope Number: 3293206

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and  
Policy Center, et al. vs. North Dakota  
Public Service Commission, et al.



The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
<b>Court</b>	Burleigh County - South Central District
<b>Case Number</b>	08-2018-CV-02937
<b>Case Style</b>	Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	1/31/2019 7:16 PM CST
<b>Date/Time Accepted</b>	2/1/2019 9:11 AM CST
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<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 25 Record Addition 25 public input
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	John Hamre
<b>Filing Attorney</b>	Illona Jeffcoat-Sacco

Document Details	
<b>Lead Document</b>	CR Exhibit 25 Record Addition 25 public input.pdf
<b>Lead Document Page Count</b>	4
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North Dakota Court's Information Technology Department 701-328-4218  
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**-Info-Public Service Commission**

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**From:** jroswick2@bis.midco.net  
**Sent:** Thursday, January 25, 2018 9:20 PM  
**To:** DOH, Air Quality  
**Cc:** -Info-State Water Commission; -Info-Public Service Commission; wendy\_ross@nps.gov  
**Subject:** DeMores Riders Comments on Proposed Davis Refinery near Theodore Roosevelt National Park

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear North Dakota Department of Health, Division of Air Quality:

On behalf of the DeMores Riders Board of Directors, we would like to express our opposition to the current proposed site of the Davis Refinery near Theodore Roosevelt National Park (TRNP). The DeMores Riders is a fifty-member horse club which owns forty acres of land adjacent to the eastern border of TRNP. The club has been in existence for fifty years, and was established with the express purpose of providing an opportunity and venue for horse enthusiasts to enjoy trail riding in the beautiful North Dakota Badlands.

Our opposition to the proposed site is based on the following concerns:

**1. Lack of a comprehensive siting approval process by the ND-PSC.**

It seems clear that Meridian Energy is trying to avoid a comprehensive, coordinated siting process by the North Dakota Public Service Commission, as evidenced by their proposed capacity reduction in the second phase of the project from 55,000 barrels per day to 49,500, thus staying just under the 50,000 threshold which would trigger the more thorough process. Commissioner Fedorchak has spoken on the record in favor of this coordinated siting process. Meridian Energy may be following the letter of the law, but certainly not the spirit. If they want to be good corporate citizens in North Dakota, why not go through the complete, transparent process? It would likely avoid more conflicts in the future and could prevent costly mistakes which would be nearly impossible to undo.

**2. Adverse effect on air quality in TRNP.**

Our concerns are not only related to the hazardous chemicals released from the refinery during normal operation, flaring, and unforeseen malfunction, but also related to dust from increased truck traffic.

**3. Negative effect on views from TRNP.**

Meridian's claim that the refinery won't be seen from the Park is based on evaluating four locations: Buck Hill, Painted Canyon Overlook, the Main Visitor Center, and the Amphitheatre. While these are all popular visitor destinations, they are by no means the only ones! Many park visitors explore off-road areas, such as the eastern Rim Trail, both on foot and horseback. The DeMores Riders property is on the east side of the Park, and according to an evaluation by the National Park

Service, the refinery will be visible from about 630 acres on the eastern side of the Park. No amount of tree planting will hide a 150' stack! Additionally, the significant amount of lighting attached to the refinery will negatively impact the dark night skies, a precious resource valued by our members.

#### **4. Noise pollution from both construction and ongoing truck traffic.**

Without a comprehensive siting process through the PSC, this factor won't even be evaluated.

#### **5. Water usage.**

Meridian's application to the State Water Commission for a permit supporting 55,000 barrels per day processing capacity reflects a lack of transparency in what their actual, long-term intentions really are.

In 1910, Theodore Roosevelt stated "Of all the questions which can come before this nation, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us." TRNP is the crown jewel for North Dakota's outdoor recreation and tourism, and a major contributor to western North Dakota's economy. It is unique in its geography, geology, plant and wildlife diversity, and history. Theodore Roosevelt was the ultimate conservationist, and to tarnish the landscape next to a park bearing his name is a betrayal of his legacy and our heritage.

As long-time and consistent stakeholders in TRNP, and landowners in close proximity to the proposed site, we are opposed to construction of a refinery on the front porch of North Dakota's only national park. No doubt the state agencies involved are doing the best they can with the disjointed and incomplete process currently in place. We strongly urge you to use every possible means to utilize the Public Service Commission siting process to evaluate **all** aspects of the project in a thorough, comprehensive manner. In the long run, it's the best way to serve the citizens of North Dakota.

Respectfully submitted,

DeMores Riders Board of Directors

Gary Bach, President 701-799-9476 [garybach@rrt.net](mailto:garybach@rrt.net)

Walter Samuel, Vice President

Wendy Wollmuth, Treasurer

Julie Roswick, Secretary 701-220-6400 [jroswick2@bis.midco.net](mailto:jroswick2@bis.midco.net)

John Lamsters, Board Member

Dave Hoiby, Board Member

Charles Schaeftbauer, Board Member

Rod Wagner, Board Member

Henry Weber, Board Member

January 26, 2018

North Dakota Department of Health  
Division of Air Quality  
918 E. Divide Avenue  
Bismarck, ND 58501-1947

RE: DeMores Riders Comments on Proposed Davis Refinery near Theodore  
Roosevelt National Park

Dear North Dakota Department of Health, Division of Air Quality:

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Our opposition to the proposed site is based on the following concerns:

**1. Lack of a comprehensive siting approval process by the ND-PSC.**

It seems clear that Meridian Energy is trying to avoid a comprehensive, coordinated siting process by the North Dakota Public Service Commission, as evidenced by their proposed capacity reduction in the second phase of the project from 55,000 barrels per day to 49,500, thus staying just under the 50,000 threshold which would trigger the more thorough process. Commissioner Fedorchak has spoken on the record in favor of this coordinated siting process. Meridian Energy may be following the letter of the law but certainly not the spirit. If they want to be good corporate citizens in North Dakota, why not go through the complete, transparent process? It would likely avoid more conflicts in the future and could prevent costly mistakes which would be nearly impossible to undo.

**2. Adverse effect on air quality in TRNP.**

Our concerns are not only related to the hazardous chemicals released from the refinery during normal operation, flaring, and unforeseen malfunction, but also related to dust from increased truck traffic.

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**4. Noise pollution from both construction and ongoing truck traffic.**

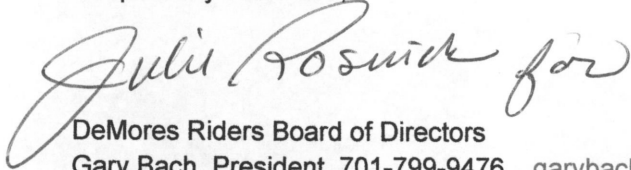
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Rod Wagner, Board Member

Henry Weber, Board Member

CC: State of North Dakota, Governor's Office

Garland Erbele, State Engineer, North Dakota State Water Commission

North Dakota Public Service Commissioners

Julie Fedorchak, Randy Christmann, Brian Kroshus

Wendy Ross, Superintendent, Theodore Roosevelt National Park