

September 16, 2020

HAND DELIVERED

Mr. Steve Kahl
Interim Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**Re: Dakota Access, LLC
Emmons County Pump Station
Case No. PU-19-204**

Dear Mr. Kahl:

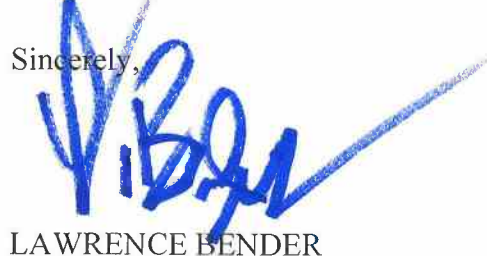
Please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and five (5) copies of the following documents for Dakota Access, LLC in the above referenced matter:

1. Conditional Use Permit Approval Letter Dated August 23, 2019;
2. Stormwater Discharge Coverage Letter Dated August 4, 2020; and
3. Certificate of Service.

Please also find enclosed a disk containing the above-referenced documents in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kl
Enclosures
70978740.1

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
fredlaw.com

Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, North Dakota
58501-1215

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Conditional Use Permit Approval and Stormwater Discharge Coverage Letters
Dakota Access, LLC

Lawrence Bender-Fredrikson & Byron P. A.

OFFICIALS:

Marlys A. Ohlhauser, Auditor/Treasurer
Risk Mgr.,
Gary R. Sanders, Sheriff, 9-1-1 Mgr.
Joseph Hanson, State's Attorney
Anita Ibach, Clerk of Court, Recorder
Sarah Ohlhauser, Tax Director
Jeffrey Ohlhauser, VA Officer
Mary Senger, DEM Manager
Michael Lawler, Road Foreman
Garlin Schmidt, Shop Foreman
Janelle Ferderer, Supt of Schools



COMMISSIONERS:

David Kalberer, 1st District
Erin Magrum, 2nd District
Alex Jahner, 3rd District
Leonard Weichel, 4th District
Donald Eberle, 5th District

August 23, 2019

COPY

Dakota Access, LLC
1300 Main Street
Houston, TX 77002

RE: Conditional Use Permit

The Emmons County Commissioners approved the conditional use permit application at their regular meeting on August 6, 2019 for Dakota Access, LLC to construct and operate a Crude Oil Pumping Station on a 20.00 acre tract of land being located in the SE ¼ of Section 5, Township 132 North, Range 77 West of the 5th PM in Emmons County, North Dakota. Enclosed is a receipt in the amount of \$250.00.

Sincerely,

Marlys Ohlhauser
Emmons County Auditor/Treasurer

**APPLICATION FOR A CONDITIONAL USE PERMIT
EMMONS COUNTY, NORTH DAKOTA**

TO THE EMMONS COUNTY PLANNING COMMISSION:

The undersigned owner or representative of the property herein described Requests a Conditional Use Permit to construct operate or maintain the following:

Crude Oil Pumping Station

The construction, operation or maintenance of the above will be located on the following

described property: (attach separate sheet if necessary) **See attached Exhibits A-1, A-2 & A-3.**

_____ The

above described property is located in an **Agricultural** zoned district and is owned by **See attached Exhibit "B"**.

The undersigned respectfully submits this application for consideration and certifies that the owner of the property (if different from the applicant) has been notified of this request and is in agreement and that they (the applicant) will abide by all the rules, regulations and conditions attached to this permit, if any.

DAKOTA ACCESS PIPELINE, LLC

Print Name

Chuck Frey

Signature of Applicant

By Chuck Frey

Vice President of Engineering

FEE: \$250.00 Payable to Emmons County
7975 6th AVE SE
LINTON, ND 58552

Dakota Access, LLC

Company or Corporation

**1300 Main St.
Houston, TX 77002
chuckfrey@energytransfer.com**
Address & e-mail

713-989-2768

Telephone

Date of Zoning Hearing: 8-6-19
Recommendation to County Commission of District: Approve Not Approve
Conditions Attached to this Permit, if any:

Action by County Commissioner
of District:

David Wood
Signature of Code Administrator, Chairman
of County Commission

Approve Not Approve

Date

Date Received _____
Receipt Number _____

August 4, 2020

North Dakota Pollutant Discharge Elimination System (NDPDES)
General Permit for Stormwater Discharges from Construction Activity
NOTICE OF COVERAGE

Permittee(s)

Owner Contact: Tom Siguaw
Dakota Access LLC
1300 Main Street
Houston, TX 77002

Operator Contact: Tom Siguaw
Dakota Access LLC
1300 Main Street
Houston, TX 77002

Coverage under the 2020 reissued construction general permit (NDR11-0000) is identified as follows:

Permit ID: **NDR110896** Site Name: **Dakota Access Optimization Linton Pump Station**

Please remember to update the Stormwater Pollution Prevention Plan (SWPPP) as appropriate for site conditions. The best management practices (BMPs) and temporary structures must be inspected, maintained and adjusted until the site is stabilized following construction activities. Once the site is stabilized as outlined in the general permit, you may end permit coverage by filing a termination notice. Cities or counties may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system. Please check with the local officials to be sure all local stormwater management considerations are addressed.

Additional Information

The permit will expire on March 31, 2025. The permit conditions, forms and related information may be found on our web site at:

https://deq.nd.gov/WQ/2_NDPDES_Permits/7_Stormwater/StW.aspx

Should you have any questions on the permit, please contact a stormwater staff person listed below.

Dallas Grossman 701.328.5242 dgrossma@nd.gov	Sam DeVries 701.328.5215 sgDeVries@nd.gov	Allison Lightfoot 701.328.5285 alightfoot@nd.gov	Emily Joynt 701.328.5239 ejoynt@nd.gov	Brian O’Gorman 701.328.4711 bogorman@nd.gov
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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC
Dakota Access Pipeline Pump Station – Emmons County
Siting Application**

Case No. PU-19-204

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Letter to Mr. Steve Kahl, at the North Dakota Public Service Commission forwarding the following documents:

1. Conditional Use Permit Approval Letter Dated August 23, 2019; and
2. Stormwater Discharge Coverage Letter Dated August 4, 2020;

for filing was, on September 16th, 2020, served by placing the same in the United States mail, postage prepaid, properly addressed to the following:

Timothy J. Dawson
ND Office of Administrative Hearings
2911 N 14th Street
Bismarck, ND 58503

Zachary E. Pelham
Pearce Durick PLLC
P.O. Box 400
Bismarck, ND 58502-0400

Timothy Q. Purdon
Robins Kaplan LLP
1207 West Divide Ave, Suite 200
Bismarck, ND 58503

DATED this 16th day of September, 2020.

FREDRIKSON & BYRON P.A.

By: 

Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
701.221.8700
lbender@fredlaw.com

Bret Dublinske (*Admitted Pro Hac Vice*)
Brant Leonard (*Admitted Pro Hac Vice*)
505 E. Grand Avenue, Suite 200
Des Moines, IA 50309
515.242.8900
bdublinske@fredlaw.com
bleonard@fredlaw.com

Counsel for Dakota Access, LLC

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