

September 29, 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. Minutes – Meeting of September 16, 2020; and
2. 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/slf  
Enclosures

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126 PU-19-204 Filed 09/29/2020 Pages: 6  
Meeting Minutes of September 16, 2020  
Dakota Access, LLC  
Lawrence Bender-Fredrikson & Byron P. A.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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

**Case No. PU-19-204**

**Minutes**  
**Meeting of September 16, 2020**

**Start Time:** Approx. 1:40 pm

**Concluded:** Approx. 2:40 pm

**Location:** Via Zoom

**Re:** Pre-Construction Meeting

**Attendees:**

- For Dakota Access Pipeline (“DAPL”)
  1. Lawrence Bender – Fredrikson & Byron, P.A. – Lead Counsel
  2. Chris Srubar – Project Manager Facilities (Chris built the original pump stations on DAPL)
  3. Glenn Emery – VP Commercial
  4. Chuck Frey – VP Terminals
  5. Jonathan Minton – Environmental Manager
  6. Dennis Woods – Perennial Environmental
  7. Keegan Pieper – Associate General Counsel
  8. Carlos Vidal – Sr. Counsel
  
- For the North Dakota Public Service Commission (PSC)
  1. Patrick (Pat) Fahn

**Meeting Minutes:**

Chris Srubar introduced himself and gave a very brief summary of his position with DAPL and this project.

Pat Fahn introduced himself and noted that the order approving the application requires a pre-construction conference to be held before construction begins. Mr. Fahn also noted that what the order from the PSC provides is the authority for DAPL to construct pumps and tanks at the site identified in the application.

Mr. Fahn directed everyone's attention to the Findings of Fact, Conclusions of Law and Order, dated February 19, 2020 (the "February 2020 Order"). The February 2020 Order at page 10, paragraph 46, sets forth the control documents that are applicable to this matter. Those documents are: the Stormwater Pollution Prevention Plan; the Spill Prevention Plan, Containment Plan, and Countermeasure Plan; the Unanticipated Discoveries Plan; the Noxious Weed Plan; and the Dust Control Plan.

Mr. Fahn then directed everyone's attention to page 12, paragraph 5, of the November 13, 2019, Certification Relating to Order Provision – Transmission Facility Siting the ("November 2019 Certification"). Mr. Fahn noted that to the extent work is done on the pump station, the November 2019 Certification applies. To the extent any work is conducted on the pipeline, the 2015 Certification Relating to Order Provisions – Transmission Facility Siting applies.

Mr. Fahn pointed out in detail the provisions paragraphs 1 – 27 of the November 2019 Certification.

Mr. Fahn requested the filing of additional reports as soon as possible. These reports are:

1. Letter to S. Kahl Forwarding CUP Letter, Stormwater Letter and Certificate of Service for Filing;
2. Conditional Use Permit Approval Letter, dated August 23, 2019;
3. Stormwater Discharge Coverage Letter, dated August 4, 2020; and
4. Certificate of Service.

Mr. Fahn asked who would be the primary contact. Mr. Srubar indicated that he was the primary contact. Keegan Pieper added if the inquiries were legally related, Lawrence Bender should be contacted but other issues should be directed to Mr. Srubar. Mr. Pieper also indicated that he could be contacted by the PSC for any issue.

Mr. Fahn asked when work would commence. Mr. Srubar indicated work would start at the end of September or early October. Mr. Fahn requested that an email be sent to him a day or two before the September start date.

Mr. Fahn indicated Keitu Engineers & Consultants, Inc. ("Keitu") will likely be hired by the PSC as a third-party contractor to perform an "as-built" inspection – that is, an engineering inspection of the pump station after it is built in conjunction with the relevant drawings.

Mr. Pieper indicated DAPL's desire to receive notice of any alleged non-compliances resulting from any inspection by the PSC third-party contractor and provide an opportunity for DAPL to comment, dispute, or otherwise respond any related findings. Mr. Fahn explained the inspection process, which included a notice to DAPL and chance for DAPL to respond prior to any alleged findings becoming a violation.

Mr. Fahn listed the four (4) types of route adjustments allowed by the Commission as set forth in the November 2019 Certification and briefly described each type of reroute.

In conjunction with the provision of the November 2019 Certification relating to restoration of the surface, Mr. Pieper briefly explained that there would be no restoration because the approximate 20-acre site on which the pump station will be located is owned by DAPL, and that upon completion of the project the entire approximate 20-acre site will be occupied by the facility. When completed the pump station site will be converted from agricultural land to commercial land and those areas of the 120-acre site which are not occupied by buildings, tanks, pumps or other equipment will have a gravel surface. Mr. Fahn indicated his understanding and pointed out that to the extent there was any restoration necessary for areas outside the approximate 20 acre site such as temporary workspace, then such provision would apply.

M. Fahn indicated that reports must be filed monthly setting forth progress of construction of the facility. The report should be emailed to Pat Fahn at [pfhan@nd.gov](mailto:pfhan@nd.gov) and the PSC's general mailbox at [ndpsc@nd.gov](mailto:ndpsc@nd.gov) as well as Keitu, if they are selected as the 3<sup>rd</sup> party contractor.

Representatives of DAPL indicated the contractor to be hired by DAPL for this project will be Michels Corporation.

Prepared By: Lawrence Bender  
Date: September 21, 2020  
Phone: (701) 221-8700

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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**

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**CERTIFICATE OF SERVICE**

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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. Minutes – Meeting of September 16, 2020;

for filing was, on September 29th, 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 29th day of September, 2020.

FREDRIKSON & BYRON P.A.

By:



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*Counsel for Dakota Access, LLC*

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