

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C.
Big Gulch Pump Station - Dunn County**

Case No. PU-20-018

TOPSOIL SEGREGATION CALL MINUTES

Attendees:

- North Dakota Public Service Commission (“ND PSC”)
 - Pat Fahn, Director of Public Utilities, pfahn@nd.gov
 - Victor Shock, Public Utility Analyst, vschock@nd.gov
- ND PSC Construction Inspector, Short Elliott Hendrickson (“SEH”)
 - Brandon Myran, SEH PSC Onsite Inspector, bmyran@sehinc.com
 - Matt Schaible, SEH, mschaible@sehinc.com
- For ONEOK Bakken Pipeline, L.L.C (“ONEOK”)
 - Susan Bergman, Land Agent, susan.bergman@oneok.com
 - Andrew Hackler, Environmental Project Manager, andrew.hackler@oneok.com
 - Timothy Minihan, Supervisor, timothy.minihan@oneok.com
 - Jeremy Morgan, Construction Coordinator/Supervisor, jeremy.morgan@oneok.com
 - Deborah Perry, Environmental Supervisor, deborah.perry@oneok.com
 - David Rayon, On-site Construction Coordinator, david.rayon@oneok.com
 - Joel Robidoux, Project Manager, joel.robidoux@oneok.com
 - Tate Kick (Martin Construction), Project Manager/Contractor, tkick@martinnd.com
 - John Waters, (Martin Construction), jwaters@martinnd.com
 - Lucas Bicknell (Merjent, Inc.), Environmental Consultant, lucas.bicknell@merjent.com
 - Paul Hartzheim (Merjent, Inc.), Environmental Consultant, paul.hartzheim@merjent.com

Meeting Notes/Summary:

Meeting commenced at 1:00 CST on February 19, 2021, via Microsoft Teams.

ONEOK Project Manager Joel Robidoux asked Paul Hartzheim (Merjent) if he would be taking minutes. Hartzheim stated that he and Lucas Bicknell (Merjent) would be taking meeting minutes and send them out after the call. Roll call was taken at the beginning at the meeting. Robidoux introduced the ONEOK representatives on the call.

Robidoux handed off to Andrew Hackler (ONEOK) to discuss potential workaround options for topsoil removal during frozen conditions. Hackler stated ONEOK and Martin Construction had discussed ground warming blankets to thaw topsoil for segregation. Tate Kick (Martin Construction) stated they have an Iron Wolf™ asphalt reclaimer, which is meant to crush down asphalt for reuse but can also be used to effectively segregate topsoil in frozen conditions. To use the Iron Wolf™ in this capacity, a general soil survey would be conducted so the equipment could be set to the exact topsoil depth to remove the topsoil. Kick stated it the Iron Wolf™ is in essence a big tiller. The machine can be set to till to an exact desired depth; and the scraping depth can be adjusted according to topography to address issues where topsoil may not extend to uniform depths. Once the depth is determined, topsoil can then be scraped off and stored.

Robidoux shared a photo of the Iron Wolf™ contained within the 2013 Interstate Natural Gas Association of America (INGAA) report *Planning Guidelines for Pipeline Construction During Frozen Conditions*. Kick stated the photo shown is not a photo of Martin's exact reclaimer. The IGAA report stated this type of machinery should be used only for special situations and in accordance with landowner and regulatory agencies, as native soil structure could be affected by this removal process.

Pat Fahn (ND PSC) asked what considerations have been taken in this regard and asked how native soil structure could be affected. Hackler responded that topsoil will be stockpiled for several months and would be able to be reclaimed for revegetation. Fahn stated the Commission would need to check with their reclamation division in regard to potential impacts to native soil structure. Hartzheim stated the main goal is to keep the topsoil separate from the subsoil to prevent integration of layers and that frozen ground should not affect native soil characteristics if appropriate the appropriate topsoil depth can be determined to effectively strip that top layer.

Robidoux stated ONEOK is presenting this material to ND PSC in preparation to begin construction on Monday, February 22 and that ONEOK understands ND PSC approval is necessary, so ONEOK is in compliance with the Order. Robidoux asked if there is a possibility to get approval for use of this method through this meeting.

Fahn stated the Order issued by the Commission and the attached Certification of Order Provision speaks to this situation, stating that unless otherwise approved by the Commission, topsoil must be removed before it freezes. As topsoil is currently frozen, Commission approval is necessary. Fahn stated the Commissioners may need to call a special meeting to approve, but he will check with legal counsel to see if the Commission can designate staff to approve it, as long as ONEOK can prove that the proposed method that would work.

Fahn stated several things would need to be done, and done quickly, to meet that deadline but that he was open to trying for it. Fahn asked if ONEOK has a filing prepared, they could send to the Commission for request for approval. Robidoux stated nothing was ready at this time, but ONEOK would put something together and file it with the Commission. Fahn stated as he has not previously looked into the proposed method/machinery and he would need to prior to being able to approve. Fahn asked Martin for a picture of their exact machine. Kick stated he would email a photo to ONEOK for inclusion in the filing.

Fahn requested a copy of the INGAA report be included with filing. Hackler stated the document is publicly available so there would be no issue with including it. Hartzheim stated INGAA is very well respected and knowledgeable industry group. Deborah Perry stated she could include additional background on INGAA, if needed, but that INGAA is subject to FERC, so is meant to be best practice for the industry.

Hackler asked for confirmation if the act of filing would allow ONEOK to start construction on Monday or would the filing need to be reviewed and approved by ND PSC staff prior to commencing construction activities.

Schock stated ONEOK would need ND PSC approval and a special meeting may be needed. As such he suggested ONEOK submit its request as soon as possible if it wishes to start construction on February 22, 2021. Since the ground is frozen, whatever method chosen will require Commission approval. If ONEOK were to use ground-thawing blankets, the process would be the same and ONEOK would still need to file a request for approval from the Commission. Schock requests being CCed on the filing so he has the info to see if staff can approve this without Commissioner input.

Robidoux stated he will put together a filing as soon as possible. Schock stated he will find out what their procedure and potential timeframe could be and send out to attendees. Robidoux ask if the filing has to go to special Commission meeting, how long could that be expected to take. Shock stated it would depend upon Commission availability, but the following Monday or Tuesday would not be out of the realm of possibility. Robidoux followed with if it were determined it could be a decision made by Commission staff, when could ONEOK expect an answer. Shock stated it was dependent on when the Commission received the filing, but theoretically could have approval by close of business today or by Monday morning. Fahn stated he does not have a concern or comment with the potential schedule as stated by Schock, but he does think they need to confer with their reclamation division to confirm what would happen to soil structure with the proposed method. If confirmed no impacts to soil, the timing of close of business today/early Monday is reasonable.

Robidoux restated ONEOK will file a request to the Commission and that no construction will commence without Commission approval. Robidoux asked if any meeting attendees had any other comments; no additional comments were noted.

ONEOK thanked the Commission for their time and consideration and that they are looking forward to the Commission's answer, regardless of answer.

The meeting adjourned at 1:27 pm CST.