

January 4, 2021

Via Electronic Mail

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

**In re: Cenex Pipeline, LLC
Corridor and Route Amendment
T155N, R89W, Sec. 29, Mountrail County
Case No. PU-20-399
Our File No. 020836-000001**

Dear Mr. Kahl:

Enclosed for filing on behalf of Cenex Pipeline, LLC, please find a Memorandum regarding the responses of the North Dakota Department of Environmental Quality and the North Dakota Parks and Recreation Department in the above-referenced matter.

Please feel free to contact me with any questions. Thank you.

Sincerely,

/s/ Casey A. Furey

Casey A. Furey

CAF/lh
Enc.

cc: Patrick Fahn (via email)
Kari Carter (via email)
Robb Schwend (via email)



4585 Coleman Street
Bismarck, ND 58503-0431
701 355 8400
KLJENG.COM

Memorandum

Date: 1/4/2021
To: North Dakota Public Service Commission
Copy to: Mike Stahly, Cenex Pipeline, LLC
From: Grady Wolf - KLJ
RE: Cenex Pipeline, LLC. Liquid Petroleum Pipeline
Addendum to Amend Certificate of Corridor Compatibility and Route Permit
Case No. PU-20-399

Remarks

INTRODUCTION:

Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit to the ND Public Service Commission (PSC) in March 2017 for the 149.7 miles of pipeline that would occur in ND. The ND PSC issued a Findings of Fact, Conclusions of Law and Order (Order) for the Project (Case No. PU-17-97) on March 14, 2018, and as subsequently amended on September 26, 2018. Review of the Project's As-Built data identified a segment of the bore profile along the Shell Creek crossing that occurs outside of the previously surveyed and approved 200-foot wide corridor. As a result, a consolidated application to amend the designated corridor and route location (Case No. PU-20-399) was filed with the PSC on September 15, 2020 (PU-20-399, Docket No. 1). The PSC issued a Notice of Opportunity for Hearing (Docket No. 4) regarding Cenex's amendment request and two state agencies, North Dakota Department of Environmental Quality (NDDEQ formerly the North Dakota Department of Health [NDDOH]) and North Dakota Parks and Recreation Department (NDPRD), submitted responses, as outlined below.

Responses:

North Dakota Department of Environmental Quality – A response dated November 10, 2020 (Case No. PU-20-399, Docket No. 11) was received from the NDDEQ. In the response the NDDEQ outlines; that care should be taken to minimize adverse effects on waterbodies; disturbances greater than one acre required a permit to discharge stormwater runoff; care should be taken to avoid spills that may have an adverse effect on ground water; manage solid waste according to the states solid and hazardous waste rules; and to select locations that minimize impacts to human health and the environment through avoidance, buffers, and a developed spill response plan.

All of NDDEQ's comments are consistent with the NDDOH's April 28, 2016 comments previously filed for the Project in Case No. PU-17-97, Docket No. 24 with the exception of the solid and hazardous waste comment. All of the comments identified are addressed in Cenex's Construction and Environmental Program (CEP (PU-17-97, Docket No. 60)) specifically Chapter 10 – Waste Management and Chapter 11 – Spill Prevention, Control, & Countermeasures. Cenex's Storm Water Pollution Prevention Plan (SWPPP (PU-17-97, Docket No. 64)) was included in the order. A Notice of Intent to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges associated with construction activity was filed with the NDDOH April 11, 2019 and the SWPPP was maintained throughout construction. See PU-17-97, Docket No. 140.



North Dakota Parks and Recreation Department – A response dated November 6, 2020 (Case No. PU-20-399, Docket No. 10) was received from the NDPRD. In the response the NDPRD stated that; the Project did not appear to affect properties that NDPRD owns, leases, or manages; the Project would not affect any properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); and the North Dakota Natural Heritage biological conservation database did not identify any current or historical plant or animal species of concern or other significant ecological communities that would be impacted. These comments are consistent with the NDPRD's letter dated December 15, 2020 previously filed in for the Project in Case No. PU-17-97, Docket No. 1, Application pg. B-6, and are addressed in Cenex's CEP.

CONCLUSION:

Comments received did not identify any impacts to resources or concerns that were not previously addressed in the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Route Permit applications (Case No. PU-17-97). Additionally, although the route occurs outside of the previously surveyed and approved 200-foot wide corridor, the entry and exit points for the bore were within the certificated corridor and no surface disturbances occurred outside of the certificated corridor.