

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Fedorchak, Christmann, and Kroshus
Steve Kahl, Executive Secretary
John Schuh, General Counsel
Konrad Crockford, Director, Compliance Division

FROM: Caleb Simburger, Program Manager
Gas Pipeline Safety

DATE: June 8, 2021

RE: Case No. GS-20-461
Liberty Midstream Solutions, LLC
Pipeline Safety Enforcement

On July 1, 2020, Public Service Commission (Commission) Gas Pipeline Safety Staff (Staff) completed a Biennial Operations & Maintenance (O&M) Records Inspection of Liberty Midstream Solutions, LLC (Liberty). The inspection was conducted remotely due to COVID-19 travel restrictions, with Liberty providing follow-up information through October 27, 2020.

On January 27, 2021, the Gas Pipeline Safety Program Manager (Program Manager) issued a Notice of Probable Violation (NOPV) to Liberty.

On February 19, 2021, Liberty provided a response indicating they are not contesting the allegation of the probable violations and subsequently issued payment to the Commission for the civil penalty in the amount of \$5,500.

By Liberty not contesting the NOPV, paying the proposed penalty and advising the Commission of the payment, Liberty has admitted to the Probable Violations and authorized the Commission to make a finding of violations and issue an order.

Staff cited Liberty with the following five violations. These violations are explained in greater detail within the NOPV.

- Liberty failed to conduct patrolling on their regulated transmission pipeline at the frequency required by 49 CFR 192.705(b) (once each calendar year, not to exceed 15 months).
- Liberty failed to conduct leakage surveys on their regulated transmission pipeline at the frequency required by 49 CFR 192.706 (once each calendar year, not to exceed 15 months).
- Liberty failed to submit an NPMS Notification or an NPMS No Change Notification regarding their regulated transmission pipeline at the frequency required by 49 CFR 191.29 (NPMS notifications must be submitted each year, on or before March 15, representing assets as of December 31 of the previous year).

- Liberty failed to conduct atmospheric corrosion inspections on their regulated transmission pipeline at the frequency required by CFR 49 192.481 (once every 3 calendar years, but with intervals not exceeding 39 months).
- Liberty failed to inspect each cathodic protection rectifier or other impressed current power source on their regulated transmission pipeline at the frequency required by 49 CFR 192.465 (six times each calendar year, but with intervals not exceeding 2½ months).

Payment of the civil penalty was received and accepted. The order was reviewed by both the Director of the Compliance Division and Commission Counsel. The order will complete the NOPV process and allow us to close the case.

It is my intention to place this order on the agenda for the Commission's June 23, 2021 meeting.