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February 8, 2023

Geri Schmaltz
Administrative Officer
ND Public Service Commission
600 E Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

FEB 21 2023

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Re: Project Code: PU-22-391, SCS Carbon Transport Midwest Carbon Express CO2 Pipeline Siting App in Burleigh, Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver, Richland, Sargent Counties

Dear Ms. Schmaltz:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on February 2, 2023 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a construction stormwater permit to discharge runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Projects disturbing less than one acre also are required to have a construction stormwater permit if the project is part of a larger common plan of development or sale, and the larger common plan ultimately disturbs one or more acres. A temporary discharge permit is required to discharge water from sources other than stormwater runoff including hydrostatic testing.

Cities, counties, or the North Dakota Department of Transportation may require additional sediment and erosion control measures for construction activity affecting their storm drainage system. Check with the local officials to be sure local stormwater and dewatering management considerations are addressed.

Projects that discharge to a water body that has a total maximum daily load (TMDL) allocation or is listed as impaired under section 303(d) of the Federal CWA (303(d) list) must ensure construction activity does not affect the water body. The following waterbodies have TMDL allocations for E. coli or fecal coliform bacteria: Beaver Creek and Tributaries (Emmons County), Maple River (Dickey County), Wild Rice River (Sargent and Richland Counties). The following water bodies are listed as impaired for E. coli in the 2018 North Dakota section 303(d) list: Long

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Director's Office
701-328-5150

Division of
Air Quality
701-328-5188

Division of
Municipal Facilities
701-328-5211

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Agency Correspondence

North Dakota Department of Environmental Quality (DEQ)
L. David Glatt, P.E., Director

Lake Creek and West Branch Long Lake Creek (Emmons County), Tributaries to Crooked Creek (Sargent County). The following water bodies are listed as impaired for sediment in the 2018 North Dakota section 303(d) list: Square Butte Creek (Morton County), Elm and Maple Rivers (Dickey County), Wild Rice River (Sargent and Richland Counties), Bois de Sioux River (Richland County).

Further information on the stormwater, temporary dewatering and hydrostatic testing permits, and the location and description of TMDL allocations and 303(d) list water bodies may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210).

3. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.
4. Projects that involve construction of pipelines should select locations that minimize the potential for impacts to human health and the environment during and after construction by avoiding, when possible, source water protection areas and sensitive surface and groundwater environments. Additionally, when possible, pipeline routes should select areas with natural barriers to both surface and ground waters. Human health and the environment should be further protected by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup. Proper surveillance and monitoring for early detection of leaks should be required.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.