

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

**Public Service Commission  
Aux Sable Midstream LLC  
Pipeline Safety Enforcement**

**Case No. GS-23-242**

**ORDER ON NOTICE OF PROBABLE VIOLATION**

**November 29, 2023**

**Preliminary Statement**

On May 5, 2023 – June 23, 2023, Public Service Commission (Commission) Gas Pipeline Safety Staff Inspectors (Staff) conducted a Biennial Transmission Operations & Maintenance (O&M) Records Inspection of Aux Sable Midstream LLC (Aux Sable). The inspection was conducted in-person at the Aux Sable offices located at Palermo, North Dakota. Follow-up items were requested and reviewed remotely. The inspection was completed June 23, 2023.

On September 7, 2023, the Gas Pipeline Safety Program Manager issued a Notice of Probable Violation (NOPV) to Aux Sable alleging one violation of Pipeline Safety Regulations and proposed a civil penalty in the amount of \$500.

On October 5, 2023, the Commission received a response from Aux Sable indicating that Aux Sable is not contesting the NOPV, and that Aux Sable would remit the total proposed civil penalty amount of \$500.

On October 9, 2023, the Commission received a notification from Aux Sable indicating that the payment of the civil penalty may be delayed. Commission staff informed Aux Sable that the delay was permissible.

On October 25, 2023, the Commission received the \$500 civil penalty payment in addition to documentation amending Aux Sable's O&M Manual to address the NOPV.

**Discussion**

Aux Sable O&M records indicate that the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations was not determined at the frequency required by 49 CFR Part 192.743(a) which states capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year. Records indicate that capacity was determined on May 31, 2023, which exceeded the code required interval by one month and four days (the preceding determination was conducted on January 27, 2022). Aux Sable stated that this oversight was corrected

upon discovery and was due to the reassignment of responsibilities after an internal personnel/role change.

Failing to determine the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations at the frequency required is a violation of Pipeline Safety Regulation 49 CFR Part 192.743(a) which states:

Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in § 192.739(b), the capacity must be consistent with the pressure limits of § 192.201(a). This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations.

Pursuant to 49 CFR Part 190 § 190.208, by Aux Sable not contesting the NOPV, paying the proposed penalty, and advising the Commission of the payment, Aux Sable has admitted violation and authorized the Commission to make a finding of violation and issue an Order.

### Order

The Commission orders:

1. Aux Sable violated 49 CFR Part 192 § 192.743(a) by failing to determine the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations at the frequency required.
2. The Commission accepts Aux Sable's payment of \$500 in full satisfaction of the civil penalty.
3. For identification of Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), the performance is restitution, remediation, or an amount paid to come into compliance with the law. Aux Sable shall provide the Commission with a U.S. Department of the Treasury Internal Revenue Service Form W-9 for the purpose of the identification requirement of 26 U.S.C. § 162(f)(2)(A)(ii) within 14 days of service of the Order.

### PUBLIC SERVICE COMMISSION



**Sheri Haugen-Hoffart**  
Commissioner



**Randy Christmann**  
Chair



**Julie Fedorchak**  
Commissioner