

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. GS-23-242

AFFIDAVIT OF SERVICE BY CERTIFIED AND ELECTRONIC MAIL

**STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH**

Shelly A. Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **4th day of December 2023**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- Order on Notice of Probable Violation

The envelope was addressed as follows:

Mr. Scott Seibert
Manager, Regulatory & Environment, US Ops
Aux Sable Midstream LLC
6155 E. US Route 6
Morris, IL 60450
Cert. No. 7022 3330 0000 7993 6293

Shelly A. Bauske further deposes and says that on the **4th day of December 2023**, she sent an electronic message to **one** address, each including an electronic copy in portable document format of the same document.

The electronic mail was addressed as follows:

Bob Bachmeier
Specialist, Regulatory Pembina U.S.
Pembina Pipeline Corporation
bbachmeier@pembina.com

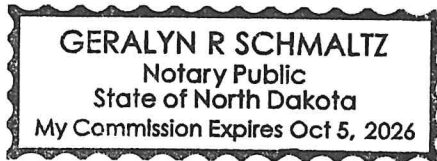
Each address shown is the respective addressee's last reasonably ascertainable post office and electronic address.

Subscribed and sworn to before me
this **4th day of December 2023**.

Shelly A Bausk

Gerald R Schmaltz
Notary Public

SEAL



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