

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Cerilon GTL ND Inc.  
Cerilon GTL North Dakota Project – Williams County  
Siting Application

Case No. PU-23-325

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Erica J. Getz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of September 2024**, 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:

- **Findings of Fact, Conclusions of Law and Order**

And Original Of:

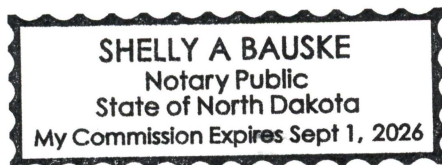
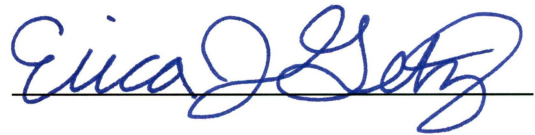
- **Certificate of Site Compatibility No. 68**

The envelope was addressed as follows:

Casey Furey  
Crowley Fleck Attorneys  
PO Box 2798  
Bismarck, ND 58502-2798  
**Cert. No. 9589 0710 5270 0129 6581 41**

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

Subscribed and sworn to before me  
this **30th day of September 2024**.



Notary Public

SEAL

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

**Cerilon GTL ND Inc.**  
**Cerilon GTL North Dakota Project – Williams County**  
**Siting Application**

**Case No. PU-23-325**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**September 27, 2024**

**Appearances**

Commissioners Randy Christmann, Julie Fedorchak, and Sheri Haugen-Hoffart.

Hope L. Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14<sup>th</sup> Street, Suite 303, Bismarck, ND 58503.

Wade C. Mann, Casey A. Furey, and Erik J. Edison, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, ND 58501, on behalf of Applicant, Cerilon GTL ND Inc.

John M. Schuh, Special Assistant Attorney General, Counsel for the North Dakota Public Service Commission, 600 East Boulevard Ave, Dept 408, Bismarck, ND 58505.

**Preliminary Statement**

On October 5, 2023, Cerilon GTL ND Inc. (Cerilon) filed an application for a certificate of site compatibility to construct two natural gas to liquid hydrocarbon energy conversion facilities (GTL Application), each with an associated 100 MW steam powered electric energy conversion facility (Electric Application) in Williams County, North Dakota (Project).

On February 7, 2024, the Commission deemed the Applications complete and issued a Notice of Filing and Notice of Public Hearing (Notice) scheduling a public hearing for June 17, 2024, at 9:00 a.m. Central Time, at the Grand Williston Hotel & Conference Center, 3601 Second Avenue West, Williston, North Dakota 58801.

The Notice identified the following issues to be considered in this proceeding:

1. Will the Location and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On June 17, 2024, the public hearing was held as scheduled.

On June 25, 2024, the Commission issued a letter to the North Dakota Department of Transportation (NDDOT) requesting responses to traffic related concerns raised during the public hearing.

On July 18, 2024, the NDDOT filed a response to the Commission's letter.

On August 15, 2024, Cerilon filed Estimated Traffic During Construction and Federal Regulations Pertaining to Process and Chemical Safety for Cerilon GTL ND Project.

On September 3, 2024, Cerilon filed Supplemental Information relating to the Buford-Trenton Irrigation District, Pipeline Rerouting, Construction Traffic Mitigation, and Site Access Restriction on 147<sup>th</sup> Avenue.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following findings of fact:

#### **Findings of Fact**

1. Cerilon GTL ND Inc. is a North Dakota Corporation.
2. Cerilon is authorized to transact business in the State of North Dakota, as evidenced by the Certificate of Good Standing issued by the North Dakota Secretary of State and filed with the Commission in Case No. PU-23-324.
3. The Project will be owned and operated by Cerilon GTL ND Inc.

#### **Size, Type and Preferred Location of Facility**

4. Cerilon proposed to construct the Project within approximately 370 acres in Sections 25 and 36, Township 153 North, Range 103 West, in Williams County, North Dakota (Project Site).
5. The Project consists of two Gas to Liquids (GTL) facilities that Cerilon proposes to construct in phases (Phase 1 and 2). Each GTL facility will convert approximately 240

million standard cubic feet per day of natural gas to approximately 24,000 barrels per day of synthetic energy products such as group III+ base oils, ultra-low sulfur diesel and naphtha. The Project will produce excess heat energy that will be used to operate the Project's steam turbines and generators. The power generated by the project will vary with the age of the catalysts used in the process from 65 to 81 megawatts (MW) per phase. The electricity generated by each phase is expected to exceed the Project's electrical demand during normal operations. Through a buy-all, sell-all agreement, Cerilon anticipates selling all electrical power generated at the Project to Basin Electric Power Cooperative. The Project will purchase electricity from the grid from Lower Yellowstone Rural Electric Cooperative for all electrical consumption.

6. Additional facilities associated with the Project include fuel gas-fired generating boilers, interim liquid and gas storage vessels, air separation units for producing nitrogen and oxygen, raw water treatment and wastewater treatment plants, an underground firewater reticulation system, operations and maintenance building, and associated equipment.

7. Cerilon has purchased and is under contract to purchase a total of 370 acres comprising the Project Site.

8. Construction of Phase 1 of the Project is anticipated to begin in 2026. Testing and Commercial operations of Phase 1 is anticipated to commence in 2029. Phase 2 of the Project is anticipated to be in commercial operation in 2033.

9. The estimated total cost to construct Phase 1 of the Project is approximately \$3 billion.

#### Study of Preferred Location

10. Cerilon sent coordination letters to the federal, state, and local departments, agencies, and entities designated in NDAC section 69-06-01-05. North Dakota Century Code (NDCC) section 49- 22-16(4) provides that compliance with an agency's rules shall be presumed if the agency fails to present its position with respect to the proposed facility at least thirty days before the public hearing. The federal, state, and local departments, agencies, and entities that provided comment in response are as follows:

- a. Federal – United States Department of Agriculture; United States Bureau of Reclamation; United States Fish and Wildlife Service; Office of the Assistant Secretary of Defense - Military Aviation and Installation Assurance Siting Clearinghouse; and the United States Minot Air Force Base.
- b. State – North Dakota Department of Commerce; North Dakota Department of Mineral Resources; North Dakota Parks and Recreation Department; North Dakota Department of Environmental Quality; North Dakota Department of Trust Lands; and, the State Historical Society of North Dakota.

- c. Local – McKenzie County Board of County Commissioners; Williams County Board of County Commissioners; and, the Buford Trenton Irrigation District.

11. Agency consultations and comments are noted in the Application, exhibits, and testimony presented at the public hearing.

12. NDCC section 49-22-16(2) provides that no energy conversion facility site shall be designated that violates any local land use, zoning, or building rules, regulations, or ordinances. Cerilon has obtained a conditional use permit from Williams County for the Project. Exhibit No. 8.

13. Cerilon evaluated the Project and its potential impacts on the area within one mile of the Project Site. Cerilon completed the following studies and surveys: Phase I and Phase II Environmental Site Assessment; Wetland Delineation Report; Threatened and Endangered Species Evaluation; Class I Cultural Desktop Evaluation; Class III Cultural Resource Inventory; Preliminary Noise Model; and a Preliminary Traffic Impact Study.

14. Cerilon conducted Class III Cultural Resource Inventories for archaeological resources for areas to be temporarily and permanently impacted by the Project and submitted the reports to the North Dakota State Historical Preservation Office (“SHPO”). On November 3, 2023, SHPO issued two letters for archaeological resources located within the Project Site. SHPO found Cerilon’s Class III Cultural Resource Report acceptable and determined there are no significant sites affected by the Project provided the Buford-Trenton Irrigation Canal is avoided. Exhibit Nos. 4 and 16.

15. Cerilon conducted natural resource field surveys within the Project Site. The field surveys gathered information on soils, land use and vegetation, wetlands and waterbodies, woodlands, trees and shrubs, and wildlife, including protected species and critical habitats.

16. Cerilon utilized the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation tool and onsite surveys to identify the potential for occurrence of threatened or endangered species or their designated critical habitat within the Project Site. This tool identified five threatened or endangered species that could potentially occur within the Project Site: piping plover (threatened), rufa red knot (threatened), whooping crane (endangered), Dakota skipper butterfly (threatened), and northern long-eared bat (NLEB) (endangered). No designated critical habitat for threatened or endangered species is located within the Project Site. Cerilon’s studies and surveys concluded the Project Site lacks suitable habitat for these species. Due to the absence of suitable habitat, it is anticipated that the Project will have no effect on the whooping crane and is not likely to adversely impact the Dakota skipper, piping plover, or red knot species.

17. Trees and shrubs are sparsely located within most of the Project Site. Cerilon has sited the Project to avoid impacts to trees and shrubs to the extent practicable. Due to the space needed for the Project’s facilities, the Project will require the removal of trees and

shrubs in areas larger than 50 feet to accommodate construction and safe operation of the Project. As a result, Cerilon has requested modification to remove the standard 50-foot clearance limitation in the Commission's Tree and Shrub Mitigation Specifications. Tree or shrub removal and replacement will be conducted in accordance with the Commission's Tree and Shrub Mitigation Specifications.

#### Siting Criteria

18. North Dakota Administrative Code (NDAC) section 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria, as set forth in NDAC section 69-06-08-01 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

19. Cerilon evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy Criteria of the Commission.

20. NDAC section 69-06-08-01(1) sets forth the Commission's Exclusion Area criteria applicable to the Project. An energy conversion facility shall not be sited within an Exclusion Area.

21. No known Exclusion Areas are located within the Project Site or impacted by the Project.

22. NDAC section 69-06-08-01(2) sets forth the Commission's Avoidance Area criteria applicable to the Project. An energy conversion facility must not be sited within an Avoidance Area unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative sites.

23. Historical resources not designated as Exclusion Areas are Avoidance Areas. Historical resources are located within the Project Site; however, Cerilon has sited the Project to avoid impacts to historical resources. The Buford-Trenton Irrigation Canal is an operating irrigation canal previously recommended as eligible for inclusion on the National Register of Historic Places and intersects a portion of the southeastern corner of the Project Site. The U.S. Bureau of Reclamation has an easement for the canal's route through the Project Site. The Project has been sited to avoid impacts to the canal.

24. Areas within known floodplains as defined by the geographical boundaries of the hundred-year floodplain are an Avoidance Area.

- a. The Project Site is not currently mapped in the Federal Emergency Management Administration's (FEMA) flood hazard mapping program and is

not identified as within the 100-year or 500-year floodplain with the exception of an area bounded by 42nd St NW, 147th Ave NW, and the irrigation canal. The United States Army Corps of Engineers (USACE) has been granted a flowage easement for this area, which restricts development and construction of the land without written approval from USACE. Cerilon has sited the Project to avoid impacts to the USACE easement.

- b. The North Dakota flood risk assessment map identifies multiple low-lying areas in the Project Site with a 1% annual risk of flooding. These areas are primarily located adjacent to the natural drainages. The Project Site's relatively small size and geometry, existing infrastructure in and around the Project Site, and safe and efficient design of the Project will require the development of most of the rest of the Project Site, including in areas with a 1% annual flood risk. Because of the site constraints, there is no reasonable alternative for utilizing these areas of the Project Site. However, Cerilon testified it will fill and grade the site to eliminate the risk of flooding in these low-lying areas and will develop a stormwater management system to collect and manage runoff. The Project is not anticipated to adversely cause or contribute to flooding at or near the site.

25. Wetlands are designated as an Avoidance Area. Wetland delineations were completed for the Project. The Project has been sited to avoid permanent impacts to wetlands to the greatest extent possible. The Project will have negligible impacts to wetlands and will result in permanent impacts to 0.13 acres of wetlands. Cerilon testified there is no reasonable alternative to impacting these wetland locations. Cerilon testified the Project Site was selected to accommodate two phases while minimizing the Project's footprint as much as possible; therefore, the size and geometry of the Project Site and the need for a safe and efficient design of the project will require development of most of the property including the 0.13 acres of wetlands identified. The Commission finds that with the proposed management of adverse impacts and the orderly siting of the planned facilities there is no reasonable alternative.

26. No additional known Avoidance Areas are located within the Project Site or impacted by the Project.

27. NDAC section 69-06-08-01(5) sets forth the Commission's Selection Criteria applicable to the Project. In accordance with the Commission's Selection Criteria, a site may be approved in an area when it is demonstrated to the Commission by the applicant that any significant adverse effects resulting from the location, construction, and operation of the facility in that area as they relate to the criteria designated in NDAC section 69-06-08-01(5) will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.

28. NDAC section 69-06-08-01(6) sets forth the Commission's Policy Criteria applicable to the Project. In accordance with the Commission's Policy Criteria, the Commission may give preference to an applicant that will maximize benefits that result

from the adoption of identified policies and practices in NDAC section 69-06-08-01(6). The Commission may also give preference to an applicant that will maximize interstate benefits. Given the planned development and unique nature of this facility, there is no reason to give Cerilon preference in this case.

29. Cerilon conducted a traffic impact study in accordance with NDDOT requirements to understand and assess the potential impacts of the Project on adjacent roads and Highway 1804. The traffic study has been submitted to the NDDOT and Williams County. Recommendations included improvements on 42nd Street NW and 147th Avenue NW to address capacity issues. Cerilon testified it is working with the adjacent townships, Williams County and the NDDOT to coordinate necessary upgrades to handle projected increases in traffic load resulting from the Project which include:

- a. 42nd Street NW and Proposed Main Driveway. Construct southbound approach with one ingress lane and one egress lane. Provide stop-control for the southbound approach.
- b. 42nd Street NW and Proposed Delivery Driveway. Construct southbound approach with one ingress lane and one egress lane. Provide stop-control for the southbound approach.
- c. 147th Avenue NW and Proposed East Driveway. Construct eastbound approach with one ingress lane and one egress lane. Provide stop-control for the eastbound approach.

30. The Commission received extensive public comment on the topic of traffic in relation to the project. The commenters asserted that traffic is currently overwhelming on Highway 1804 near the project particularly near its intersection with 147<sup>th</sup> Avenue NW and 42<sup>nd</sup> Street NW. The commenters asserted that turn lanes on Highway 1804 and railroad under or over passes would significantly improve traffic flow and safety.

31. Construction traffic to and from the Project Site will be managed as part of a Construction Management Plan that will be developed prior to the start of construction and will be reviewed with the townships, Williams County and the NDDOT. Cerilon's September 3, 2024, Supplemental Information provided the construction mitigation plan will consist of:

- a. Construction worker transportation to and from the site with bussing between remote camps and the site for transporting workers from a central location, near or in Williston, to the site and back for the day-night shift pattern during the peak of construction.
- b. Coordination with the NDDOT during early works and topsoil removal and investigation into temporary traffic control measures during this activity. Cerilon is also considering using quarries west of Trenton to limit impact through the town.

- c. Working with the NDDOT to plan routes for large modules and super heavy load deliveries to the site to ensure safe delivery on existing infrastructure.

32. Cerilon has committed to local residents that its primary entrance to the Project Site will be on 42nd Street NW and the secondary access on 147<sup>th</sup> Avenue NW will be used only during construction, plant turnarounds and for emergency egress. The restriction, along with enforcement provisions, will be included in contracts for all suppliers, service providers, and employees. Cerilon will include this requirement in the site induction program. Additional education and enforcement actions, such as the use of signage and site security cameras will be considered if compliance is not adequate.

33. NDDOT's July 16, 2024, response letter indicated that plans for a turn lane on Highway 1804 near the intersection of 147<sup>th</sup> Avenue NW are anticipated to be ready for 2025 construction and that the NDDOT and Burlington Northern and Santa Fe Railway are working together on a grant application for a potential over or under pass at Highway 1804's crossing of the railroad adjacent to 42<sup>nd</sup> Street NW.

34. Cerilon has agreed to certain mitigation efforts to reduce sound from the Project and will work to mitigate sound to the greatest extent possible. Mitigation approaches for sound include regular maintenance of equipment, scheduling noisier construction activities during daylight hours whenever possible, enclosing certain equipment within a structure, and placing physical barriers to block sound. Physical obstructions, both natural and man-made, can also attenuate sound impacts and Cerilon testified it will incorporate sound mitigation into the Project design to the greatest extent possible. This will include the installation of a sound buffer in accordance with Cerilon's Williams County Conditional Use Permit.

35. Cerilon will utilize best management practices to minimize impacts on ground and surface water, and to prevent soil erosion. Erosion control measures required under the National Pollution Discharge Elimination System permit and the associated Stormwater Pollution Prevention Plan will be implemented. Construction of the Project is not anticipated to have a significant adverse impact on surface or ground water resources or soils.

36. The site is within an area of industrial development.

37. The Project is expected to be of economic benefit to the affected area through the creation of construction, operation and maintenance jobs, state and local tax revenue, and local expenditures.

#### Measures to Minimize Impacts

38. Cerilon has agreed to take certain steps to mitigate the impact of the Project as indicated in the Certification Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications, filed with the Commission as Late-Filed Exhibit 21.

39. To avoid potential adverse impacts to the NLEB, Cerilon has committed to inventory all trees, mature trees will be preserved where possible and tree removal will only occur outside of the USFWS recommended timing restrictions.

40. The North Dakota Game and Fish Department (NDGF) has identified key habitats for bald and golden eagles in the badlands, Lake Sakakawea, and within the Missouri River system. The closest key habitat, the Missouri River system, is located over two and three quarter (2.75) miles southwest of the Project Site. Cerilon contacted NDGF in May 2023, who confirmed via email that there are no known bald or golden eagle nests within one (1) mile of the Project Site.

41. In a correspondence dated May 22, 2024, the United States Fish and Wildlife Service did not identify any concerns with the Project.

42. Air emissions and potential impacts are regulated by and subject to oversight from the North Dakota Department of Environmental Quality. Prior to Project construction, Cerilon must obtain a Permit to Construct and a Prevention of Significant Deterioration permit from the North Dakota Department of Environmental Quality. Cerilon must also submit an application for a Title V Permit to Operate from the Department within 12 months of commencing operation.

43. The Project will have an automated process control system that includes communications technology to allow control and monitoring of the Project 24 hours a day, 7 days a week via an onsite control room. The communications system permits remote supervision of Project operations. In the unlikely event of an emergency, the operators or automated control system can shut down the facility either manually or automatically.

44. Cerilon will implement an Emergency Response Plan (ERP) that governs reporting and response procedures in the event of an emergency. The ERP will be shared with local emergency response teams for review and comment, and training will be coordinated as necessary. Cerilon testified it has engaged with the Williston Fire Department, the Williston Rural Fire Department, and the Trenton Rural Fire Department regarding emergency preparedness and these discussions and engagement remain ongoing.

45. The Project will be constructed pursuant to National Electrical Safety Code requirements.

46. Cerilon will participate in North Dakota One-Call Excavation Notice System. From the foregoing Findings of Fact, the Commission makes the following:

### **Conclusions of Law**

1. The Commission has jurisdiction over Cerilon and the subject matter of the Application under NDCC Chapters 49-22 and 49-22.1.
2. Cerilon is a utility as defined in NDCC section 49-22-03(14) and 49-22.1-01(13).
3. The GTL processing facility proposed by Cerilon is a gas energy conversion facility as defined in NDCC section 49-22.1-01(6).
4. The energy conversion facility proposed by Cerilon is an electric energy conversion facility as defined in NDCC section 49-22-03(5).
5. The Application submitted by Cerilon meets the site evaluation criteria required by NDCC Chapters 49-22 and 49-22.1.
6. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
7. The Project will minimize adverse human and environmental impact, while ensuring continuing system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
8. The location, construction, and operation of the Project are compatible with environmental preservation and the efficient use of resources.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues the following:

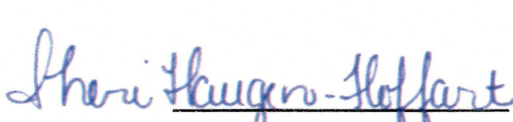
### **Order**

The Commission Orders:


1. Certificate of Site Compatibility for an Energy Conversion Facility No. 68 is issued to Cerilon GTL ND Inc. for the construction, operation and maintenance of a GTL energy conversion facility known as the Cerilon GTL Facility corresponding to the Project Site depicted in Exhibit 1, Figure A.1.
2. Cerilon's Certification Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications filed with the Commission as Late-Filed Exhibit 21, is incorporated by reference and attached to this Order. The Tree and Shrub Mitigation Specifications may be modified upon the mutual agreement of the Commission and Cerilon.

3. Prior to commencing construction of any portion of the Project, Cerilon shall obtain all other necessary licenses and permits for the construction of such portion and provide copies to the Commission.
4. Cerilon is permitted to remove trees and shrubs in excess of 50 feet in width.
5. Cerilon shall file a construction management plan to be developed in consultation with the North Dakota Department of Transportation and Williams County prior to commencement of construction of the Project.

**PUBLIC SERVICE COMMISSION**



**Sheri Haugen-Hoffart**  
Commissioner



**Randy Christmann**  
Chair



**Julie Fedorchak**  
Commissioner

# **PUBLIC SERVICE COMMISSION**

## **STATE OF NORTH DAKOTA**

### **Certificate of Site Compatibility Number 68**

*This is to certify that the Commission has designated an energy conversion facility site for Cerilon GTL ND Inc., for the construction and operation of a GTL energy conversion facility known as the Cerilon GTL Facility and associated facilities in Williams County, North Dakota.*

*The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-23-325 dated September 27, 2024, and is subject to the conditions and limitations noted in the order.*

*Bismarck, North Dakota, September 27, 2024.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**



**Executive Secretary**



**Commissioner**



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

**Cerilon GTL ND Inc.**  
**Cerilon GTL North Dakota Project – Williams County**  
**Siting Application**

**Case No. PU-23-325**

**CERTIFICATION RELATING TO ORDER PROVISIONS**  
**ENERGY CONVERSION FACILITY SITING**

I am Ron Opperman, a representative of Cerilon GTL ND Inc. ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapters 49-22 and 49-22.1 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.
4. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by

order of the Commission if deemed necessary to protect further the public or the environment.

**Construction:**

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be approved by the North Dakota State Historic Preservation Office prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference. The stripping, handling, use, and storage of topsoil shall be performed pursuant to the Company's Topsoil Management Plan submitted as Late-Filed Exhibit 20.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a monthly basis.
11. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.
12. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
13. Company understands and agrees that it shall bury all underground lines to a depth of at least 48 inches to the top of the lines.
14. Company will strip and segregate topsoil that is deemed by a qualified environmental consultant to be of sufficient quality for reclamation purposes and will either stockpile the material on site in accordance with best practices or will transport topsoil to another user for reclamation or storage in the local region. Subsoils will be stored, used on site or transferred to another site for reclamation purposes or storage.

15. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
16. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
17. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, and a report of such examination is filed with the Commission.
18. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
19. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

**Restoration and Maintenance:**

20. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
21. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
22. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

23. Company will fulfil its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.
24. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
25. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
26. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
27. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.
28. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
29. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

**Communication with Landowners and PSC:**

30. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.
31. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person.
32. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of and which were not previously reported to the Commission.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic

version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

34. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.
35. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.
36. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company

**Modification of Energy Conversion Facility or Energy Conversion Site Plan:**

37. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures:
  - A. Before conducting any construction activities for any modification within the designated site, and such **construction activities will not affect any known exclusion or avoidance areas** within the designated site, the Company will file certification and supporting documentation:
    1. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;
    2. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and
    3. Affirming that Company will comply with the Commission's order, law and rules designating the site.
  - B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known

exclusion but **may affect an avoidance area** within the designated site, the Company will file:

1. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
    - a. the designated site and the site modification;
    - b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.
  2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.
  3. All field studies performed on the portion of the designated site containing the site modification;
  4. Specific information about any mitigation measures Company will take within the modification area;
  5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;
  6. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
  7. Certification that Company will comply with the Commission's order, law and rules designating the site.
38. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 29 day of July, 2024.

Cerilon GTL ND Inc.



By: Ron Opperman

Its: CEO Cerilon GTL ND

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Cerilon GTL ND Inc.  
Cerilon GTL North Dakota Project – Williams County  
Siting Application**

**Case No. PU-23-325**

**Tree and Shrub Mitigation Specifications**

**Inventory**

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

**Replacement**

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.