

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. GS-25-260

ORDER ON NOTICE OF PROBABLE VIOLATION

April 29, 2026

Preliminary Statement

On September 23, 2025 – September 30, 2025, Public Service Commission (Commission) Gas Pipeline Safety Staff Inspectors (Staff) conducted a Biennial 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 September 30, 2025.

On October 1, 2025, Staff received a response from Aux Sable providing additional information and records regarding the inspection findings.

On December 12, 2025, Staff received a response from Aux Sable providing additional information and records regarding the inspection findings.

On January 27, 2026, 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 \$2,000.

On February 26, 2026, 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 \$2,000.

On March 4, 2026, the Commission received the \$2,000 civil penalty.

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.

At the time of inspection, Aux Sable O&M records indicated that capacity determination was last completed on May 31, 2023. This exceeded the code required interval by one year and one month. Aux Sable stated that this oversight will be corrected and was due to the reassignment of responsibilities after multiple internal

personnel/role changes. This is a repeat violation. At the time of inspection, capacity had not been determined since the previous inspection and enforcement action (GS-23-242). The operator stated the system has not changed. Aux Sable provided records demonstrating that the capacity determination was completed on December 2, 2025.

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 \$2,000 in full satisfaction of the civil penalty.
3. Aux Sable agrees to provide the Commission, within ten (10) business days of service of this Order, a U.S. Department of the Treasury Internal Revenue Service Form W-9 for purposes of the identification requirement 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.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Jill Kringstad
Commissioner