



Written Testimony Provided To:
Senate Political Subdivisions
By Danette Welsh
February 18, 2021

Regarding: House Bill No. 1059

Mr. Chairman and members of the committee,

For the record, my name is Danette Welsh, and I serve as director of government relations for ONEOK, Inc. As one of the state's leading natural gas gathering and processing midstream companies, ONEOK currently has over 450 employees managing more than 7,000 miles of pipelines and over 1 billion cubic feet per day of natural gas processing facilities in the Williston Basin.

I stand before you in support of House Bill 1059, as it relates to the North Dakota Public Service Commission's request to require an excavator to immediately call 911 and notify the operator of an underground facility transporting flammable, toxic or corrosive gas or liquid materials if that underground facility – most likely a pipeline – has been struck and the damage results in a release. ONEOK feels this requirement which is found in many other states' damage prevention laws, is appropriate.

We do, however, request the committee consider removing the requirement for an excavator to report a release to the state's unified reporting system. This requirement was amended into the bill by the House at the request of the Department of Environmental Quality (DEQ).

Under existing law, both the DEQ and the state's Department of Mineral Resources (DMR) have jurisdiction over spill reporting and cleanup requirements. The spill reporting requirement currently included in HB 1059 unnecessarily adds a third regulatory agency into spill reporting jurisdiction. Additionally, it creates a scenario where multiple reports on the same event would be filed as HB 1059 would require a report from the excavator, and existing law for the DEQ and DMR require immediate reporting by the operator.

As the operator of thousands of miles of underground facilities in this state, we have concerns with a requirement for a third party to report information on a release related to one of our facilities, even when the third party is at fault for the release. The details provided in the initial report are important to the public's understanding of responsible operating and of prudent regulatory oversight, and we believe these conflicting reporting requirements will create confusion and distrust.

In closing, we ask you give careful consideration to whether it is necessary to add a third regulatory body into the mix of managing spill reporting requirements, and whether having conflicting reporting requirements is in the best interest of accurate public transparency.

Thank you for the opportunity to provide comment; we respectfully request removal of the spill reporting requirement from this bill and a subsequent 'yes' vote on HB 1059.