

**Cindy Myers  
P.O. Box 104  
87925 468<sup>th</sup> Avenue  
Stuart, Nebraska 68780  
Cell: 402-709-2920  
csmyers77@hotmail.com**

**December 1, 2014**

**Executive Director  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, S.D. 57501-5070**

**Regarding: HP 14-001**

**Public Utilities Commission of the State of South Dakota,**

**Regarding the matter of application by TransCanada Keystone Pipeline, LP for a permit to construct the Keystone XL Project, and in response to TransCanada's request to define scope of discovery, I request the Public Service Commission allow discovery which will support my concerns related to public health. As a registered nurse, I believe the health, safety and welfare of people should be given highest priority when considering this permit. I feel this matter was not adequately addressed when the permit was granted in 2010.**

**Tar sands oil spills into Michigan's Kalamazoo River and into the community of Mayflower, Arkansas have demonstrated medical communities are not prepared to respond to this type of toxic disaster. Emergency response is mentioned in the 2010 permit, implying a response plan for cleaning up spills, but this does not describe an emergency medical response plan in which the health care community is educated and prepared.**

**This is not conventional crude oil. This is a most toxic type of petroleum product. The 2010 permit clearly indicates TransCanada's concern about the chemicals in the KXL product: BTEX (benzene, toluene, ethyl benzene, xylene). Keystone has offered to replace polyethylene water piping, because it is permeable to these poisons. The 2010 permit directs: "At least forty- five (45) days prior to commencing construction, Keystone shall publish a notice in each newspaper of general circulation in each county through which the Project will be constructed advising landowners and public water supply systems of this condition."**

**Water bodies supplying public utility plants in South Dakota are directly or indirectly threatened. Current water treatment plants do not remove benzene. We know benzene is carcinogenic and the maximum contamination goal of benzene is "zero". Even minute amounts make water undrinkable: maximum contamination limit is 5 parts per billion and this can only be detected by water analysis. Because a person can't taste, see or smell such a minute concentration, it is possible to drink benzene tainted water unknowingly.**

**(Continued to page 2)**

**The tar sands oil spill into Michigan's Kalamazoo River is a tragic lesson which proves this gooey, heavy substance is unable to effectively be cleaned from waterways. The clean-up in Michigan is ongoing after four years. TransCanada plans to route KXL through major river valleys in South Dakota: Little Missouri, Cheyenne and White River. These waterways feed into the life blood of South Dakota, the Missouri River. We know the tar sands spill into the Kalamazoo River spread several miles downstream. Intakes from the Missouri provide drinking water to many cities and reservations across the state, stretching from the Pine Ridge Reservation in western South Dakota to Sioux Falls near the state's eastern border.**

**The shallow aquifer in southern Tripp County is very concerning. The aquifer is either at the surface or very near the ground surface, meaning this massive, extremely high-pressure pipeline, laden with poisons, will be immersed in ground water, the same body of water which supplies several domestic wells and a public water supply system. I believe even the deeper aquifers are threatened. In the wheat field near Tioga, N.D., soil was removed 50 feet down because of an oil spill migrating that deep. Keep in mind, the EIS (Environmental Impact Assessment) prepared by the U.S. Department of State admits there will be undetected leaks, which can potentially ooze significant amounts over long periods of time through pinhole size leaks.**

**Currently, scientists and medical professionals in Utah are pushing to make a connection between oil extraction pollution, particularly benzene, and a host of severe medical diagnoses. The thought is benzene, toluene, and xylenes cross the placental barrier, resulting in dead babies and birth defects. Please read article from the Denver Post:**

[http://www.denverpost.com/news/ci\\_26800380/dead-babies-near-oil-drilling-sites-raise-questions](http://www.denverpost.com/news/ci_26800380/dead-babies-near-oil-drilling-sites-raise-questions)

**These same toxins could find their way into the drinking water of South Dakotans from obvious KXL spills, and more insidiously, from the expected, undetected leaks described in the Department of State's final EIS. Benzene is toxic to people either by ingestion, inhalation or absorption through the skin.**

The Commission's 2010 permit relies on the federal EIS, prepared by the Department of State:

"49-41B-21. Environmental impact statement. Prior to the issuance of a permit, the commission may prepare or require the preparation of an environmental impact statement that complies with the provisions of chapter 34A-9."

Source: SL 1977, ch 390, § 16; SL 2007, ch 274, § 2.

**(Continued to page 3)**

**The federal study, written to fulfill the Department of State's requirement for a cross-border Presidential permit, is not sufficient to adequately address concerns pertinent to South Dakota, particularly health concerns. A health impact assessment is glaringly missing from the federal environmental study.**

**My testimony will reference SDCL 49-41 B-22 which states the applicant for a facility construction permit has the burden of proof to establish that:**

(3) "The facility will not substantially impair the health, safety or welfare of the inhabitants."

**I believe my testimony will cast doubt on the 2010 permit "Conclusions of Law", item no. 6, based on SDCL 49-41B-22, which asserts:**

"The Project, if constructed and operated in accordance with the terms and conditions of this decision, will not substantially impair the health, safety or welfare of the inhabitants in the siting area."

**There must be no doubt regarding the risk to people. Keystone XL is a toxic reality potentially casting a toxic legacy.**

**TransCanada has not met the burden of proof establishing this infrastructure will not impair the health, safety or welfare of the good people of South Dakota and the many US citizens living downstream. On behalf of South Dakotans and the general public, please allow the scope of discovery be broad enough in order that I can demonstrate the risk to public health.**

**I would like to inform about spill frequency and volumes using an independent study by Dr. John Stansbury (UNL professor), contamination scenarios of waterways and aquifers, public water intakes from the Missouri River, undetected leaks as described in the federal EIS, the lack of emergency medical response planning, the toxic properties of diluted bitumen, adverse health affects from tar sands leaks/spills and the lack of a health impact assessment.**

**Respectfully,  
Cindy Myers, R.N.**

**Please refer to my previous document submitted to the South Dakota PUC if further details desired.**

**On December 1, 2014, I filed this document on the Public Utilities Commission of the State of South Dakota e-filing website. I also have served this document by e-mail to the following:**

Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

Kristen Edwards  
Staff Attorney  
South Dakota Public Utilities Commission 500 E. Capitol Ave.  
Pierre, SD 57501  
[Kristen.edwards@state.sd.us](mailto:Kristen.edwards@state.sd.us)

Brian Rounds  
Staff Analyst  
South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501  
[brian.rounds@state.sd.us](mailto:brian.rounds@state.sd.us)

Darren Kearney  
Staff Analyst  
South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501  
[darren.kearney@state.sd.us](mailto:darren.kearney@state.sd.us)

James E. Moore  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027 Sioux Falls, SD 57117 [james.moore@woodsfuller.com](mailto:james.moore@woodsfuller.com)  
Attorney for TransCanada Keystone Pipeline, LP

Bill G. Taylor  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027 Sioux Falls, SD 57117 [bill.taylor@woodsfuller.com](mailto:bill.taylor@woodsfuller.com)  
Attorney for TransCanada Keystone Pipeline, LP

Paul F. Seamans 27893 249th St. Draper, SD 57531 [jackknife@goldenwest.net](mailto:jackknife@goldenwest.net)

John H. Harter 28125 307th Ave. Winner, SD 57580 [johnharter11@yahoo.com](mailto:johnharter11@yahoo.com)

Elizabeth Lone Eagle  
PO Box 160 Howes, SD 57748 [bethcbest@gmail.com](mailto:bethcbest@gmail.com)

Tony Rogers  
Rosebud Sioux Tribe - Tribal Utility  
Commission  
153 S. Main St. Mission, SD 57555 [tuc@rosebudsiouxtribe-nsn.gov](mailto:tuc@rosebudsiouxtribe-nsn.gov)

Viola Waln PO Box 937 Rosebud, SD 57570 [walnbranch@goldenwest.net](mailto:walnbranch@goldenwest.net)

Jane Kleeb  
Bold Nebraska 1010 N. Denver Ave. Hastings, NE 68901 [jane@boldnebraska.org](mailto:jane@boldnebraska.org)

Benjamin D. Gotschall Bold Nebraska 6505 W. Davey Rd. Raymond, NE 68428  
[ben@boldnebraska.org](mailto:ben@boldnebraska.org)

Byron T. Steskal & Diana L. Steskal 707 E. 2nd St. Stuart NE 68780  
[prairierose@nntc.net](mailto:prairierose@nntc.net)

Cindy Myers, R.N.  
PO Box 104  
Stuart, NE 68780 [csmyers77@hotmail.com](mailto:csmyers77@hotmail.com)

Arthur R. Tanderup 52343 857th Rd. Neligh, NE 68756 [atanderu@gmail.com](mailto:atanderu@gmail.com)

Lewis GrassRope  
PO Box 61 Lower Brule, SD 57548 [wisestar8@msn.com](mailto:wisestar8@msn.com)

Carolyn P. Smith 305 N. 3rd St. Plainview, NE 68769 [peachie\\_1234@yahoo.com](mailto:peachie_1234@yahoo.com)

Robert G. Allpress 46165 Badger Rd. Naper, NE 68755  
[bobandnan2008@hotmail.com](mailto:bobandnan2008@hotmail.com)

Jeff Jensen 14376 Laflin Rd. Newell, SD 57760 [jensen@sdplains.com](mailto:jensen@sdplains.com)

Louis T. Genung 902 E. 7th St. Hastings, NE 68901 [tg64152@windstream.net](mailto:tg64152@windstream.net)

Peter Capossela, P.C.  
Attorney at Law  
PO Box 10643 Eugene, OR 97440 [pcapossela@nu-world.com](mailto:pcapossela@nu-world.com)

Attorney for Standing Rock Sioux Tribe  
Nancy Hilding  
6300 W. Elm Black Hawk, SD 57718 [nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)

Gary F. Dorr 27853 292nd Winner, SD 57580 [gfdorr@gmail.com](mailto:gfdorr@gmail.com)

Bruce & RoxAnn Boettcher Boettcher Organics 86061 Edgewater Ave. Bassett,  
NE 68714 [boettcherann@abbnebraska.com](mailto:boettcherann@abbnebraska.com)

Wrexie Lainson Bardaglio 9748 Arden Rd. Trumansburg, NY 14886  
[wrexie.bardaglio@gmail.com](mailto:wrexie.bardaglio@gmail.com)

Cyril Scott

President  
Rosebud Sioux Tribe  
PO Box 430 Rosebud, SD 57570 [cscott@gwtc.net](mailto:cscott@gwtc.net)

Eric Antoine  
Attorney  
Rosebud Sioux Tribe  
PO Box 430 Rosebud, SD 57570 [ejantoine@hotmail.com](mailto:ejantoine@hotmail.com)

Paula Antoine  
Sicangu Oyate Land Office Coordinator  
Rosebud Sioux Tribe  
PO Box 658 Rosebud, SD 57570 [wopila@gwtc.net](mailto:wopila@gwtc.net)  
[paula.antoine@rosebudsiouxtribe-nsn.gov](mailto:paula.antoine@rosebudsiouxtribe-nsn.gov)

Chris Hesla  
South Dakota Wildlife Federation  
PO Box 7075  
Pierre, SD 57501  
[sdwf@mncomm.com](mailto:sdwf@mncomm.com)

Kevin C. Keckler  
Chairman  
Cheyenne River Sioux Tribe  
PO Box 590 Eagle Butte, SD 57625 [kevinckeckler@yahoo.com](mailto:kevinckeckler@yahoo.com)

Amy Schaffer  
PO Box 114  
Louisville, NE 68037 [amyannschafter@gmail.com](mailto:amyannschafter@gmail.com)

Debbie J. Trapp  
24952 US HWY 14 Midland, SD 57552 [mtdt@goldenwest.net](mailto:mtdt@goldenwest.net)

Gena M. Parkhurst  
2825 Minnewasta Place Rapid City, SD 57702 [gmp66@hotmail.com](mailto:gmp66@hotmail.com)

Joye Braun  
PO Box 484  
Eagle Butte, SD 57625 [jmbraun57625@gmail.com](mailto:jmbraun57625@gmail.com)

Robert Flying Hawk, Chairman  
Yankton Sioux Tribe  
PO Box 1153  
Wagner, SD 57380  
[Robertflyinghawk@gmail.com](mailto:Robertflyinghawk@gmail.com)

Thomasina Real Bird Fredericks Peebles & Morgan LLP 1900 Plaza Dr.  
Louisville, CO 80027 [trealbird@ndnlaw.com](mailto:trealbird@ndnlaw.com)  
Attorney for Yankton Sioux Tribe

Chastity Jewett 1321 Woodridge Dr. Rapid City, SD 57701  
[chasjewett@gmail.com](mailto:chasjewett@gmail.com)

Douglas Hayes  
Sierra Club Ste. 102W 1650 38th St. Boulder, CO 80301  
[doug.hayes@sierraclub.org](mailto:doug.hayes@sierraclub.org)

Duncan Meisel  
350.org  
20 Jay St. #1010 Brooklyn, NY 11201 [duncan@350.org](mailto:duncan@350.org)

Tom BK Goldtooth  
Indigenous Environmental Network (IEN)  
PO Box 485 Bemidji, MN 56619 [ien@igc.org](mailto:ien@igc.org)

Dallas Goldtooth  
38371 Res. HWY 1 Morton, MN 56270 [goldtoothdallas@gmail.com](mailto:goldtoothdallas@gmail.com)

Robert P. Gough, Secretary  
Intertribal Council on Utility Policy  
PO Box 25  
Terry & Cheryl Frisch 47591 875th Rd.  
Rosebud, SD 57570 [bobgough@intertribalCOUP.org](mailto:bobgough@intertribalCOUP.org)

Atkinson, NE 68713 [tcfrisch@q.com](mailto:tcfrisch@q.com)

Tracey Zephier  
Fredericks Peebles & Morgan LLP  
910 5th Street, Suite 104 Rapid City, SD 57701 [tzephier@ndnlaw.com](mailto:tzephier@ndnlaw.com)

Attorney for Cheyenne River Sioux Tribe  
Matthew L. Rappold  
Rappold Law Office  
816 Sixth Street  
PO Box 873  
Rapid City, SD 57709  
[Matt.rappold01@gmail.com](mailto:Matt.rappold01@gmail.com)

Attorney for Rosebud Sioux Tribe, Intervenor  
Ms. Mary Turgeon Wynne, Esq.  
Rosebud Sioux Tribe - Tribal Utility  
Commission

153 S. Main St Mission, SD 57555 [tuc@rosebudsiouxtribe-nsn.gov](mailto:tuc@rosebudsiouxtribe-nsn.gov)

And on December 1, 2014, a true and accurate copy of the foregoing was mailed to the following:

Jerry Jones  
22584 US HWY 14  
Midland SD 57552

Ronald Fees  
17401 Fox Ridge Rd.  
Opal, SD 57758

Bonny Kilmurry  
47798 888 Rd.  
Atkinson, NE 68713

Elizabeth Lone Eagle  
PO Box 160  
Howes, SD 57748

Respectfully,  
Cindy Myers R.N.  
December 1, 2014