

BEFORE THE
PUBLIC UTILITIES COMMISSION
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP09-
001 TO CONSTRUCT THE KEYSTONE XL PIPELINE

DOCKET HP14-001

PREFILED TESTIMONY OF KIMBERLY MCINTOSH
ON BEHALF OF THE COMMISSION STAFF
APRIL 2, 2015

1 **Q. State your name.**

2 A. Kimberly McIntosh.

3 **Q. By who are you employed?**

4 A. State of South Dakota.

5 **Q. For what department do you work?**

6 A. Department of Environment and Natural Resources.

7 **Q. State the program for which you work?**

8 A. Ground Water Quality Program

9 **Q. Please explain your role and duties within your department.**

10 A. Senior Scientist Manager and team leader for the Spills Section of the Ground
11 Water Quality Program. Oversee the enforcement of South Dakota's laws and rules
12 related to spill and release reporting, assessment, and cleanup of regulated substance
13 releases throughout the state. I manage the Regulated Substance Response Fund and
14 oversee the state's response contractors that are under contract to respond to regulated
15 substance releases. I manage the State's Brownfields Program which provides
16 financial assistance for the assessment of abandoned contaminated sites. I act as the
17 team leader overseeing the state's Emergency Planning and Community Right to Know
18 Act (EPCRA) Program which collects chemical storage data from certain facilities in the
19 state and provides information that information to local responders and planning
20 committees. I am the department designated representative to the State's Homeland
21 Security Task Force, and act as the department's emergency planning contact to work
22 with the Office of Emergency Management and other state agencies in the event of a
23 disaster. I am the Governor designated Regional Response Team Representative for

1 Region VIII with responsibilities to coordinate with Federal agencies in the event of a
2 hazardous material incident or disaster that threatens human health or the environment.

3 **Q. On whose behalf was this testimony prepared?**

4 A. This testimony was prepared on behalf of the Staff of the South Dakota Public
5 Utilities Commission.

6 **Q. Were you involved in the Keystone XL permitting docket, HP09-001?**

7 A. Yes.

8 **Q. Did you file prefiled testimony in HP09-001?**

9 A. Yes. (Exhibit____KM-1)

10 **Q. Did you also provide testimony at the evidentiary hearing in HP09-001?**

11 A. Yes.

12 **Q. Have you reviewed the information filed in HP14-001?**

13 A. Yes.

14 **Q. Have you reviewed the Final Supplemental Environmental Impact
15 Statement (FSEIS) for the Keystone XL project?**

16 A. Yes.

17 **Q. Have you reviewed TransCanada's Spill Prevention Control and
18 Countermeasure (SPCC) Plan and Emergency Response Plan (ERP),
19 identified as Appendix I of the FSEIS?**

20 A. Yes.

21 **Q. In your opinion, do the SPCC Plan and ERP adequately identify that
22 TransCanada has the appropriate resources available to respond to a spill
23 should one occur?**

1 A. Yes.

2 **Q. Has your opinion on the Keystone XL project changed since the Amended**
3 **Decision and Order was issued on June 29, 2010?**

4 A. No.

5 **Q. Are there any conditions in the Amended Final Decision and Order, dated**
6 **June 29, 2010, that you believe, at this time, that Keystone XL cannot**
7 **continue to meet?**

8 A. No.