BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE HP14-002

PRE-FILED TESTIMONY OF PEGGY HOOGESTRAAT

Almost a year ago, SD PUC Chairman Gary Hanson stated officials there first learned about the Dakota Access Pipeline project from landowners three to four weeks before being contacted by company officials. Hanson said "We didn't hear about it originally from the company itself, which is unusual."

For Energy Transfer, this was not unusual but it was a normal tactic to reach landowners before they could even knew what was about to be presented. The only information available at that time came from the land agents who appeared at the landowners' doors. Landowners were told their property was chosen to be crossed by a pipeline to be installed through the Midwest. They were told they had no choice but to allow a survey on their property and later an easement agreement would be presented.

This situation was not unusual-it was planned. That is how Energy Transfer gets their foot in the door before the state knows what is coming. Personally, I have received phone calls and letters from landowners across the state who are opposed to the installation of the pipeline. Many of them believed they had no choice but to sign an agreement. One landowner never gave permission for a survey but it was done anyway. The fear of repercussions from Energy Transfer if they speak up has kept landowners from voicing their opinion to the PUC. They feel they have been let down by the system within our state. They feel their land has been handed over to an out- of- state private business for the benefit of the business and its stockholders.

Energy Transfer has done its homework. It has formed yet another limited liability company to go forward with its intentions. It has hired South Dakotans who are familiar with the political and economic leverage in the state. Energy Transfer has focused on issues of concern within the state. Some of those issues include teacher salaries, lack of rail cars, and road repairs. Energy Transfers solutions to each of these issues have been overrated. Tax monies received from the taxation of the pipelines for schools and counties and townships will be actually be received and allocated by the state. No state official has claimed that the tax numbers provided by Energy Transfer are accurate. In regards to railroads, the lack of rail cars in the past is not due to the transportation of oil as much as Energy Transfer claims.

Energy Transfer's claim of providing jobs in South Dakota has not been so convincing because of South Dakota's low employment rate. Over and over, job opportunities already filled for the proposed pipeline have been enjoyed by out- of -state employees. One of the examples involves the unloading of pipes from a railcar west of Aberdeen. This has been done by employees of T.G. Mercer, a pipe unloading company from Aledo, Texas. The pipes are marked "Made in Canada".

When Dakota Access has been asked a question in the interrogatories about how the share of Bakken oil production that Dakota Access plans to transport by pipeline is currently being transported, the answer is "the request is irrelevant". The question is very relevant because the pipeline is not a necessity to transport the oil. The pipeline will merely provide a cheaper and more flexible opportunity for its shippers to reach multiple markets. All interested parties interested in receiving copies of the open season agreement, including deficiency agreements and proposed tariffs, have to sign a confidentiality agreement. If the proposed pipeline is supposed to be for the benefit of South Dakota and the public, why are there so many secrets? Why are landowners told they cannot disclose easement agreement information after the easements are signed? To add to South Dakota landowners' concern, the crude oil shipped through the proposed pipeline is not guaranteed to stay within the United States.

As a South Dakota landowner myself, I am concerned about the significant lack of protecting rural South Dakota compared to water areas and high populated areas. South Dakota's prime farmland is just as important to the state, nation and the world. Also, requirements set by the regulatory agencies allow opportunities for spills or leaks to not be reported. (See exhibit 1) Property owners are very concerned about the liability issues.

Property owners have questioned the need for surveys prior to the granting of the permit. Surveys already completed are lacking a large amount of information needed to determine the safe crossing or avoidance of sensitive areas, historic areas, or special archaeological areas.

It is a fact that the Bakken oil has been there for many years. It was not until the EPA rules were changed and then the oil began flowing. The rush was on. It appears that Energy Transfer is attempting to make some quick profits. The South Dakota government and leaders across the state have fallen <u>short</u> to: (1) inform landowners and citizens of their rights, (2) explain the process of application by Dakota Access Pipeline, and (3) share the facts and truth of what is to come if this (or any) pipeline is installed.

Large oil companies and agricultural businesses are at war. I ask that sacrificing landowners not be the target of this whole process.

Another concern in regards to the crude oil is the exposure to the carcinogen contained in the oil. The carcinogens are agents directly involved in causing cancer. It makes no sense to ship this dangerous product in a 30 inch pipeline through a highly populated area of South Dakota. (see exhibit 2)

Andrea Thronton of Natural Resource Group has included in her testimony issues including highly erodible soils. Counties, townships and landowners across South Dakota have worked together to prevent erosion. Consideration of this matter by the contractors hastily installing the proposed pipeline is a very serious concern. Reclamation of cropland and pastures is a great concern in regards to each and every farmer. Many farmers fear the land will be damaged and never as productive as it is today. The lack of controlling the spread of noxious weeds after the installation of the pipeline will become a hardship for landowners.

Another hardship for landowners across South Dakota has been the need to hire attorneys to protect their property and their interests. Landowners directly or indirectly affected by the proposed pipeline should be reimbursed for all attorney fees accumulated through the entire process.

Many South Dakotans believe that succession is about honoring the past, profiting today and securing tomorrow. If the pipeline permit is granted, the pipeline will interfere with the orderly development of the region, thus, dishonoring the past. The pipeline will impair the wealth of the inhabitants and the profits of today. Tomorrow will not be secure as the pipeline will pose a threat of serious injury to the environment and the future inhabitants. Please do not stop the succession that South Dakotans are experiencing. Please deny the pipeline permit.

Attached hereto and incorporated herewith are the following documents to support my testimony;

Exhibit 1: Pages 1, 2, and 3 from the DAPL North Facility Response Plan dated June 2015

Exhibit 2: Minnehaha County Residential Distribution map dated June 15, 2015

This concludes my testimony.

toogentraat

Peggy Hoogestraat

Subscribed and sworn before me this $I2^{+h}$ day of August, 2015.



Notary Public – South Dakota My Commission Expires:

Charlena Ritter My Commission Expires 8-25-2020

RECORDER A	Vermitery (corran Ven	URIROURNALUU (OIN
Agency	Phone Number	Reporting Requirements
Federal Agencies		
National Response Center (NRC)	(800)424-8802 or (202) 267-2675	Any spill on water.
NRC will contact all other federal agencies including USDOT/PHMSA and EPA		Telephonic notification is required within 1 hour following the discovery of a release that resulted in any discharge to water
U.S. Department of Transportation/Pipeline Hazardous Materials Safety Administration (PHMSA)	(800)424-8802 or (202) 267-2675	 any discharge to water Telephonic Notification At the earliest practicable moment following discovery of a release of the hazardous liquid resulting in an event described above, the operator shall give notice of any failure that: Caused a death or a personal injury requiring hospitalization Resulted in either a fire or explosion not intentionally set by the operator Caused estimated property damage, including cost of clean- up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000 Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines or In the judgment of the operator was significant even though it did not meet the criteria of any of the above.
		regulated by DOT 195 in which there is a release of the hazardous liquid transported resulting in any of the following:

TABLE 2-3 - REGULATORY AGENCY CONTACT INFORMATION

June 2015

DAPL North Facility Response Plan

9

_



DAPL North Facility Response Plan

South Dakota			
South Dakota Department of	Main Line 1-605-773-3296	A release or spill of a regulated substance must be reported to DENR	
Environment and Natural Resources (DENR)	After Hours 1- 605-773-3231	immediately if the release or spill threatens the waters of the state, causes an immediate danger to	
And T	Main Line	human health or safety, exceeds 25	
State Emergency Response Committee	800-433-2288	gallons, causes a sheen on surface waters, contains any substance that	
	After Hours 605-773-3231	exceeds the ground water quality standards of ARSD chapter 74: 54:	

Counties: Campbell, McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, Lincoln immediately if the release or spill threatens the waters of the state, causes an immediate danger to human health or safety, exceeds 25 gallons, causes a sheen on surface waters, contains any substance that exceeds the ground water quality standards of ARSD chapter 74: 54: 01, contains any substance that exceeds the surface water quality standards of ARSD chapter 74: 54: 01, harms or threatens to harm wildlife or aquatic life, or contains crude oil in field activities under SDCL chapter 45-9 is greater than 1 barrel.

11



BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE HP14-002

PRE-FILED TESTIMONY OF SUE SIBSON

STATE OF SOUTH DAKOTA)

COUNTY OF MINER

1

2

3

4

Sue Sibson, being first duly sworn on his/her oath, deposes and states as follows:

My name is Sue Sibson. My address is 23782 426th Ave, Howard SD

: SS

)

5 My husband, Mike Sibson and I live in Roswell Township, Miner County and we are 6 lifelong South Dakota residents. We currently raise grain, corn and beans. We raise feeder 7 cattle on native grass. The native grass plays an important part in our cattle business.

8 We opposed TransCanada's Keystone One pipeline, which ultimately crossed our 9 land, including crossing native grassland, farm ground, wetlands and a waterway. We were 10 concerned about the effects that the pipeline would have on our land. Those fears have been 11 born out, as TransCanada has not lived up to its promises and the conditions it's required to 12 uphold with respect to the reclamation of our land.

13 The South Dakota Public Utilities Commission gave TransCanada many conditions to 14 follow. We as landowners witnessed perhaps as few others can the devastation of pipeline 15 construction. The burden of the conditions have been placed on the landowners to make the 16 company responsible. Condition # 34 that TransCanada was to follow was that "Construction 17 must be suspended when weather conditions are such that construction will cause irreparable 18 damage, unless adequate protection measures approved by the commission are taken." As of 19 2015, our land has been irreparably damaged by TransCanada's failure to follow the 20 Commission's conditions.

21 TransCanada failed to comply with applicable construction mitigation and 22 reclamation plan as to reclamation and revegetation. The objectives of the plan were to return 23 the disturbed areas to approximately preconstruction use and capability. TransCanada failed 24 to live up to this commitment and requirement. Reclamation on our land has been a 25 nightmare. The easement area has very little if any native grass growing. TransCanada's 26 experts planted thickspike wheatgrass which is not native to eastern South Dakota. When we 27 asked TransCanada about this grass they said it was sterile and would die out in 1-2 years. 28 We now are on almost six years and that grass has not died out. Our cattle will not eat this 29 grass -we consider it a weed. We now have an easement area that cannot be used for grazing. 30 Condition # 41 sets forth TransCanada obligation for reclamation and maintenance of 31 the right-of-way, which continue throughout the life of the pipeline. As landowners, we have 32 continually had to get after TransCanada to do the reclamation work they are obligated to do. 33 When TransCanada's reclamation work was not effective and failing on our land, 34 TransCanada actually then wanted us to take over the reclamation of our land. At this time 35 we have no intention to ever sign off on our land. 36 As South Dakota landowners we should not have to carry the burden for the South 37 Dakota Public Utilities conditions set forth on pipeline companies.

38 Our land reclamation aerial video is found at https://vimeo.com/133581096.

39

-2-

40 41 42 43 44 45 46 47 48 49 50 51	Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this <u>/3</u> th day of August, 2015. Subscribed and sworn before me this

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE

HP14-002

PRE-FILED TESTIMONY OF JANICE ELAINE PETTERSON

STATE OF SOUTH DAKOTA) :SS

COUNTY	OF LINCOLN	
0001111	OI DITTOODIT	

Janice Elaine Petterson, b	peing first duly sworn o	on his/her oath, deposes	and states as
----------------------------	--------------------------	--------------------------	---------------

2 follows:

1

3

6

7

8

9

10

11

12

15

My name is Janice Petterso	n and my address is 6401	S. Lyncrest Ave.,	, Apt. 307, Sioux
----------------------------	--------------------------	-------------------	-------------------

4 Falls, South Dakota 57108. This document is intended to be my rebuttal testimony in this matter.

5 Attached hereto and incorporated herewith are the following documents:
--

)

- The Wall Street Journal article Bakken Shale Oil Carries High Combustion Risk dated February 23, 2014;
 - The Wall Street Journal article North Dakota Fracking: Behind the Oil-Train Explosions dated July 7, 2014;
- The Wall Street Journal article Oil Deaths Rise as Bakken Boom Fades dated March 12, 2015;
 - State Of New Jersey Assembly Resolution No. 191; and
- Town Of Red Hook Resolution No. 2 Dated January 28, 2015 Opposing Building
 Of The Pilgrim Pipeline.

The above documents are being submitted to the PUC so as to provide additional information concerning the volatility and dangerous characteristics of the Bakken Shale Oil in North Dakota. In fact, pipeline shipping the Bakken Shale Oil has been prohibited in the State Of New Jersey on the basis that it is "a very volatile fuel" and due to the "significant safety concerns/risks posed to the citizens/communities of the State of New Jersey." The Town Of Red Hook, New York in its Resolution No. 2 Dated January 28, 2015 Opposing Building Of The Pilgrim Pipeline has reached the same conclusion.

Janice Elaine Petterson

Subscribed and sworn before me this $\underline{/4'}$ day of August, 2015.

<u>Janu</u> Notary Public – South Dakota My Commission Expires: <u>3-10-118</u>

THE WALL STREET JOURNAL.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit http://www.djreprints.com.

http://www.wsj.com/articles/SB10001424052702304834704579401353579548592

BUSINESS

Bakken Shale Oil Carries High Combustion Risk

Analysis of Crude From North Dakota Raises Further Questions About Rail Transportation

Under Pressu	re	
Investigators are look emits gases and how	ing into how fast	
Select types of crude U.S. refineries, by ave		
туре	ORIGIN	VOLANUITY, CARACTER MILE
North Dakota/Sweet	Nosih Dakota	8.56 psi
Brenter	Noith Sea	
·Basrah)Ught · · · · · ·	l lag c	
Thunder Horse	GulfrefrMexicolo	772
ArabianExtrallight	Saudi:Arabian a	Reid Vapor-
-Urais	Russia	Common 21G1
Louisiana Light Sweet	Louisiana	they get a second se
Forcados	Nigeria 🐨 🕂	3.16 Hit Lawy Colleges a
Orientes, A. and A.	Ecuador U	Source Wall Street
Cabinda 🔔 💦	s. Angola The Saude Rea	2.66 The Wall Street Journal.

By RUSSELL GOLD Feb. 23, 2014 7:10 p.m. ET

Crude oil from North Dakota's Bakken Shale formation contains several times the combustible gases as oil from elsewhere, a Wall Street Journal analysis found, raising new questions about the safety of shipping such crude by rail across the U.S.

Federal investigators are trying to determine whether such vapors are responsible for recent extraordinary explosions of oil-filled railcars, including one that killed several dozen people in Canada last summer.

The rapid growth of North Dakota crude-oil production—most of it carried by rail—has been at the heart of the U.S. energy boom. The volatility of the crude, however, raises concerns that more dangerous cargo is moving through the U.S. than previously believed.

Neither regulators nor the industry fully has come to terms with what needs to be done to improve safety. There have been some steps, for example, slowing trains and promising to redirect around high-risk areas. But debate still rages over whether railcars need to be strengthened, something the energy industry has resisted.

"Given the recent derailments and subsequent reaction of the Bakken crude in those incidents, not enough is known about this crude," said Sarah Feinberg, chief of staff at the U.S. Transportation Department. "That is why it is imperative that the petroleum industry and other stakeholders work with DOT to share data so we can quickly and accurately assess the risks."

Potential fixes could create their own problems: Clamping down on rail transport could thwart the growth of oil output and slowing oil trains could affect the rail industry's ability to move freight around the country.

The Journal analyzed data that had been collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations world-wide for what is known as vapor pressure. Light, sweet oil from the Bakken Shale had a far higher vapor pressure—making it much more likely to throw off combustible gases—than crude from dozens of other locations.

Neither federal law nor industry guidelines require that crude be tested for vapor pressure. Marathon Petroleum Corp., which operates Capline, declined to elaborate on its operations except to say that crude quality is tested to make sure customers receive what they pay for.

According to the data, oil from North Dakota and the Eagle Ford Shale in Texas had vapor-pressure readings of over 8 pounds per square inch, although Bakken readings reached as high as 9.7 PSI. U.S. refiner Tesoro Corp., a major transporter of Bakken crude to the West Coast, said it regularly has received oil from North Dakota with even more volatile pressure readings—up to 12 PSI. By comparison, Louisiana Light Sweet from the Gulf of Mexico, had vapor pressure of 3.33 PSI, according to the Capline data.

Federal regulators, who have sought information about vapor pressure and other measures of the flammability and stability of Bakken crude, have said the energy industry hasn't provided the data despite pledges to do so.

The industry's chief lobbying group said it was committed to working with the government but that historically it hadn't collected the information. The energy industry has resisted the idea that Bakken Shale oil's high gas level is contributing to oil train explosions, but the American Petroleum Institute is revisiting the question, said President Jack Gerard. "Are we testing everything we should be testing?"

David Miller, head of the institute's standards program, said a panel of experts would develop guidelines for testing crude to ensure it is loaded into railcars with appropriate safety features. New tests could include measures of viscosity, corrosion and vapor pressure, he said.

The rapid growth in transporting oil by rail was rocked by several accidents last year. Last summer a train loaded with 72 cars of crude exploded, leveling downtown Lac-Mégantic, Quebec, and killing 47 people. Later in the year, derailed trains exploded in Alabama and North Dakota, sending giant fireballs into the sky. Derailments, typically caused by track problems or equipment failure, triggered the accidents. While crude oil is considered hazardous, it isn't usually explosive.

Most oil moving by rail comes from the Bakken Shale, where crude production has soared to nearly a million barrels daily at the end of last year from about 300,000 barrels a day in 2010.

The rapid growth in Bakken production has far outpaced the installation of pipelines, which traditionally had been relied on to move oil from wells to refineries. Most shale oil from Texas moves through pipelines, but about 70% of Bakken crude travels by train.

Bakken crude actually is a mixture of oil, ethane, propane and other gaseous liquids, which are commingled far more than in conventional crude. Unlike conventional oil, which sometimes looks like black syrup, Bakken crude tends to be very light.

"You can put it in your gas tank and run it," said Jason Nick, a product manager at testing-instruments company Ametek Inc. "It smells like gasoline."

Equipment to remove gases from crude before shipping it can be hard to find in the Bakken. Some Bakken wells are flowing so quickly that companies might not be able to separate the gas from the oil, said Lynn Helms, director of North Dakota's Department of Mineral Resources. "At a really high flow rate, it is just much more difficult to get complete gas separation," he said.

There also is a financial benefit to leaving gaseous liquids in the oil, because it gives companies more petroleum to sell, according to Harry Giles, the retired head of quality for the U.S. Energy Department's Strategic Petroleum Reserve and a former head of the Crude Oil Quality Association.

The federal government doesn't spell out who should test crude or how often. Federal regulations simply say that oil must be placed in appropriate railcars.

There are three "packaging groups" for oil, based on the temperatures at which it boils and ignites. But these tests don't look at how many volatile gases are in the oil, and that is the industry's challenge, according to Don Ross, senior investigator with the Transportation Safety Board of Canada. "There is no accepted industry method for testing for gassy crude," he said.

Without clear guidance, some oil producers simply test their crude once and generate a "material safety data sheet" that includes some broad parameters and characteristics.

After last summer's deadly Canadian incident, investigators said several data sheets that were supposed to describe oil quality were either incomplete or incorrect.

Much of the oil industry remains resistant to upgrading the 50,000 railcars that are used to carry crude oil, saying it would be too time consuming and expensive. The problem, they argue, isn't the cargo but a lack of railroad safety.

Some observers of the energy industry are starting to call for oil companies to ensure the crude being poured into railcars isn't too volatile.

"We need some standards," said Bill Lywood, an oil-industry consultant in Edmonton, Alberta, who measures crude characteristics for producers in Western Canada. "The industry should not be filling railcars with unstabilized crude."

-Laura Stevens and Tom McGinty contributed to this article.

Write to Russell Gold at russell.gold@wsj.com

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

i sa Nga

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.

THE WALL STREET JOURNAL.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit http://www.djreprints.com.

http://www.wsj.com/articles/north-dakota-fracking-behind-the-oil-train-explosions-1404761720

BUSINESS

North Dakota Fracking: Behind the Oil-Train Explosions

Volatile Gases Aren't Removed From Bakken Shale Crude; 'The Regulations Are Silent'

A Volatile Mix

Of the typical products that come from Bakken Shale crude oil, fuel gases are the most explosive. Breakdown of products from Bakken crude:

3%

Petroleum coke A solid generally burned in power plants

Sources: Bentek (numeric breakdown); Colorado School of Mines (descriptions) The Wall Street Journal



By RUSSELL GOLD and CHESTER DAWSON Updated July 7, 2014 4:01 p.m. ET

Page 2 of 5

When energy companies started extracting oil from shale formations in South Texas a few years ago, they invested hundreds of millions of dollars to make the volatile crude safer to handle.

In North Dakota's Bakken Shale oil field, nobody installed the necessary equipment. The result is that the second-fastest growing source of crude in the U.S. is producing oil that pipelines often would reject as too dangerous to transport.

Now the decision not to build the equipment is coming back to haunt the oil industry as the federal government seeks to prevent fiery accidents of trains laden with North Dakota oil. Investigators probing crude-by-rail accidents, including one a year ago that killed 47 people in Quebec, are trying to determine why shale oil has proved so combustible—a question that has taken on growing urgency as rail shipments rise.

Only one stabilizer, which can remove the most volatile gases before transport, has been built in North Dakota and it hasn't begun operation, according to a review by The Wall Street Journal.



A fireball erupted from an exploding train car after a crash outside Casselton, N.D., in December. Oil from the state's Bakken Shale isn't stabilized to make it less volatile. *ZUMA PRESS*

Stabilizers use heat and pressure to force light hydrocarbon molecules—including ethane, butane and propane—to form into vapor and boil out of the liquid crude. The operation can lower the vapor pressure of crude oil, making it less volatile and therefore safer to transport by pipeline or rail tank car. As the Journal previously reported, oil tapped from shale is generally more volatile and more similar to jet fuel than traditional crude oil, which has seldom been linked to explosive accidents. The production of this volatile oil through hydraulic fracturing has soared, accounting for most of the additional 3 million barrels a day of oil that the U.S. produces today compared with 2009.

The federal government is weighing whether to require stabilization, holding high-level meetings with oil executives.

"We are open to any recommendations with a demonstrated ability to improve safety, including the stabilizing or further processing Bakken crude," says Sarah Feinberg, the chief of staff to Transportation Secretary Anthony Foxx.

If the government mandates the use of stabilizers, companies would have to make big investments in equipment and might have to slow development of the Bakken oil field.

	Energy executives point out that neither
MORE FRACKING COVERAGE	federal nor state regulations require crude
Additonal reading on oil-train safety	to be stabilized before it is transported.
riduitonal reading on on train barely	Some say stabilization is unnecessary,
Secrecy of Oil-by-Train Shipments Causes	noting that South Texas produces more of
Concern (http://online.wsj.com/news/articles/SB10001424052 5/22/14	7the highly yolatile oil known as condensate.
U.S. Issues Emergency Order to Crude-Oil Rail	
Shippers (http://online.wsj.com/news/articles/SB10001424052 2/26/2014	"There is nothing wrong with the crude 702303880604579405412862500426) oil in the Bakken, says Jeff Hume, vice
Bakken Shale Oil Carries High Combustion Risk	chairman of Continental Resources Inc.,
(http://online.wsj.com/news/articles/SB10001424052	701194filthe4fargest5351dfaptsoducers in
2/23/2014	North Dakota. "It does not need
 Cities Grapple With Oil-Train Safety (http://online.wsj.com/news/articles/SB10001424052 1/14/2014 	stabilization." 702303819704579320971969135440)
	Robert Hall, a National Transportation
	Safety Board director, says the decision on
hether to stabilize is driven by commercial of	onsiderations. "The regulations are silent."

whether to stabilize is driven by commercial considerations. "The regulations are silent," he says.

About a million barrels a day are pumped from the Bakken, an oil field that has grown so fast that few pipelines exist to transport the crude. Instead, about 630,000 barrels a day travel by train to refineries on the East, West and Gulf coasts, a trend that is growing because the energy industry has found rail shipments to be more flexible than fixed pipelines.

Federal officials have expressed concern that unstabilized Bakken oil has been loaded onto trains and shipped without proper labeling or handling. Local safety officials have warned that their communities aren't prepared to handle a derailment.

The American Petroleum Institute, a Washington-based lobbying group for the oil industry, doesn't offer standards for how crude should be treated before being shipped. "We have not seen any data to suggest processing crude in the field reduces risk," a spokesman says. The North Dakota Petroleum Council expresses a similar view.

But pipelines, which carry most of the crude oil moved in the U.S., at times require stabilization of oil for safety purposes, according to a spokesman for Enbridge Inc., one of the biggest pipeline companies in North America.

Many industry experts and energy executives say privately that using stabilizing units would improve safety but are reluctant to make that point publicly for fear of antagonizing the companies that do business in North Dakota.

One exception is a company that has built the first stabilizer there, which is scheduled to open in the next few weeks.

"It is safer to stabilize that product before it goes into rail cars," says David Scobel, chief operating officer of Caliber Midstream Partners LP of Denver. "It is not accurate to say, 'If we stabilize the crude, that's the magic solution so there will be no more fires.' But it is more stable."

Starting in 2008, energy companies that had been using new techniques to tap shale for natural gas began turning those methods, including fracking and horizontal drilling, on formations rich in oil. While much of this activity took place in Texas, which has a century-old oil industry, one of the most promising discoveries was in shale under North Dakota plains better known for producing wheat and canola.

Over the past six years, the industry has drilled 7,000 wells in North Dakota, almost all of them spread across about 15,000 square miles of the Bakken. Rather than installing pipelines to collect oil from these far-flung locations, companies used trucks to collect the oil and started building rail terminals to ship it by train. Crude-by-rail shipments from North Dakota have quadrupled since 2012 The most combustible components of Bakken crude—known as light ends—constitute between 2% and 11.9% of its volume, according to an analysis by the American Fuel & Petrochemical Manufacturers, an industry trade group. Other sources have a lower figure for Bakken light ends. These vaporous liquids can be valuable, but only if pipelines or special railcars are available to transport them.

Lacking that infrastructure, stripping out volatile liquids could hurt profits by reducing the volume of crude for sale. Stabilizing the crude could cut potential revenue by perhaps 2%, an industry executive estimates.

Hess Corp., a large Bakken-crude producer, considered building a stabilizer in 2011 for North Dakota oil. Instead, the company opted for a less expensive, more rudimentary process that heats oil to between 80 and 120 degrees Fahrenheit in so-called heater treaters to strip out light ends. A stabilizer wasn't needed, Hess Vice President Gerbert Schoonman says.

But heater treaters aren't as precise as stabilizers and can't remove as much volatile material, according to an executive at a company that produces both kinds of equipment.

The situation in the Bakken contrasts with the Eagle Ford Shale in South Texas. In 2012, there was basically no equipment to stabilize the crude. But companies have spent hundreds of millions of dollars to build centralized facilities and pipelines to move the resulting propane and butane to a Gulf Coast petrochemical complex.

The crude was stabilized enough to be shipped without incident through pipelines, trucks and rail tank cars, says Rusty Braziel, an industry consultant. "Over a two-year period of time, the vast majority of the problem went away."

-Alison Sider contributed to this article.

Write to Russell Gold at russell.gold@wsj.com and Chester Dawson at chester.dawson@wsj.com

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.

THE WALL STREET JOURNAL

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit http://www.djreprints.com.

http://www.wsj.com/articles/oil-deaths-rise-as-bakken-boom-fades-1426187062

Oil Deaths Rise as Bakken Boom Fades

At least 38 oil-field fatalities occurred nationally in five months; the 'most dangerous' job in America



As crude prices retreat, oil companies have cut the rates they pay contractors who work at sites on North Dakota's oil-rich Bakken formation by 20% or more. A drilling site outside Williston, N.D. PHOTO: REUTERS

By ALEXANDRA BERZON

Updated March 12, 2015 8:46 p.m. ET

BISMARCK, N.D.—At least eight workers have died since October in North Dakota's oil fields, more than in the preceding 12 months combined.

The uptick in fatalities comes as many oil companies are responding to plummeting crude-oil prices by dialing back their drilling activity in the state, one of the hubs of the U.S. energy boom. Some federal safety officials say they suspect oil's plunge might be a factor in the accidents because it puts cost-cutting pressure on oil-field services companies, whose employees do much of the work at drilling sites. The rash of accidents in North Dakota, which has the highest workplace death rate in the country, began around the time the number of drilling rigs in the state began to decline but, the officials said, it's too early to draw conclusions.

In one two-week period in January, two workers and the owner of a small oil-field services company died in three separate accidents that included a fire and the probable inhalation of deadly chemicals.

In addition, safety officials said there have been an unusual number of basic safety errors, including cases in which workers brought space heaters, generators or other gear that could spark fires into enclosed spaces containing flammable vapors.

MORE OIL STORIES

- Crude-Oil Price Collapse Takes Toll on Williston, N.D. (http://www.wsj.com/articles/crude-oil-pricecollapse-takes-toll-on-willston-1426184505)
- North Dakota Crude Production Falls (http://www.wsj.com/articles/north-dakota-crude-production-fallsfrom-record-highs-as-oil-prices-slide-1426188823)
- How Falling Oil Prices Are Hindering Iraq's Ability to Fight ISIS (http://www.wsj.com/articles/how-falling-oilprices-are-hindering-iraqs-ability-to-fight-islamic-state-1426033756?KEYWORDS=oil)
- Train Wrecks Hit Tougher Oil Railcars (http://www.wsj.com/articles/train-wrecks-hit-tougher-oil-railcars-1425861371)

"These are the kinds of incidents that we haven't seen in a while," said Eric Brooks, who directs the U.S. Occupational Safety and Health Administration's Bismarck office. "With the drop in oil prices, companies may be looking to protect the profit margin by hiring contractors that are not experienced," he said.

"It's simple math," said Dennis Schmitz, a safety consultant to oil companies operating in the state. "There's absolutely potential that some of what we're seeing is driven by the price of oil."

But Mr. Schmitz said he has noticed oil companies have become more proactive about worker safety since last fall. And oil executives said that declining oil prices and production might ultimately make the state's oil fields safer by weeding out lessexperienced operators. In the meantime, according to industry executives, oil companies have cut the rates they pay contractors who work at sites on North Dakota's oil-rich Bakken formation by 20% or more. That has forced them and their subcontractors to find ways to trim costs.

One safety worker in oil services said his company had cut the number of people who do certain jobs to three from four, which makes the work more difficult. Other workers said the cost cuts had trickled down to their jobs in subtler ways that shouldn't affect safety.

Oil-field worker Zachary Sherwood, who came to North Dakota three years ago from Minnesota, where he delivered pizzas, said he hadn't experienced any recent change in safety practices. "Safety culture up here is very prominent," he said.

North Dakota isn't the only place where oil-field fatalities are on the rise, according to a Wall Street Journal analysis of federal data. In Colorado, three workers died in separate accidents over a one-month period last fall, the same number as in the preceding 12 months.

Nationally, the Journal analysis of OSHA and local records found 38 oil-field deaths from October through February, the first five months of the federal government's current fiscal year. That compares with 68 deaths during all of the previous year. The numbers don't include car accidents, which account for about half of the industry's workplace deaths. They also don't include the three workers who died in a major rig explosion in Texas earlier this week.

In 2012, the most recent year for which data are available, North Dakota's overall rate of workplace deaths shot up to 17.7 fatalities per 100,000 workers—five times the national average.

"The statistics for workplace safety don't look so good," North Dakota Gov. Jack Dalrymple said in a recent speech. "I try to explain to people that it so happens that our industries are among the most dangerous in America."

Safety experts, workers and a review of documents indicate that the factors behind the state's oil-field accidents are many, including grueling 12-hour work shifts for as many as 20 days in a row and rampant turnover. They also say job sites can be chaotic as multiple contractors struggle to coordinate their work.

The experts say that the oil companies that own drilling sites generally set safety guidelines for their oil-service contractors and largely depend on them to ensure workers' safety. But companies don't always properly supervise or enforce their safety policies and haven't always given workers proper protective gear.

http://www.wsj.com/articles/oil-deaths-rise-as-bakken-boom-fades-1426187062



Kari Cutting, vice president of the North Dakota Petroleum Council, a trade group for oil interests in the state, said her group's members generally have robust safety programs. "The goal of the industry is zero safety incidences," she said. "Because you never reach zero incidences, you are always striving to be better all the time."

OSHA's ability to police the industry is limited. It has eight inspectors in North Dakota, the same number as before the oil boom, and a nearly 150,000-square-mile territory to cover.

Among the recent fatalities was 37-year-old Wesley Herrmann, who was a handyman in Georgia before he came to North Dakota three years ago. After two years working for an oilfield services company he bought a truck and opened his own

company. Before long, friends and former colleagues say, he was overseeing four trucks and 12 employees who were doing work for at least five different oil companies.





Daniel Peabody, shown in 2010, died at a North Dakota drilling site after he was pinned between a semi-truck and a water tank as he directed traffic. *PHOTO: JESSICA PEABODY*

On Jan. 6, investigators say, a fire broke out when Mr. Herrmann or one of his employees was working in an enclosed shed near a heater tank that separates oil into various components. The fire, said people with knowledge of the situation, might have been sparked by a battery-operated drilling tool, which wasn't supposed to be in the vicinity. Mr. Hermann died and two of his workers suffered burns.

Former colleagues said Mr. Herrmann had plenty of training, and were at a loss about the incident. "He had three years of intense experience," said Mark Lenti, who hired Mr. Herrmann for his first oil patch job.

Daniel Peabody, 29, died in a separate accident after he was pinned between a semi-truck and a water tank as he directed traffic at a drilling site. Though OSHA's investigation is continuing, regulators said the accident appeared to stem from poor organization at the site.

His wife, Jessica Peabody, and the couple's four young children raised money through a website to buy a headstone for Mr. Peabody. "I don't think either of us knew how dangerous it really was," Ms. Peabody said.

- Russell Gold contributed to this article.

Write to Alexandra Berzon at alexandra.berzon@wsj.com

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

http://www.wsj.com/articles/oil-deaths-rise-as-bakken-boom-fades-1426187062

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.



ASSEMBLY RESOLUTION No. 191

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 11, 2014

Sponsored by:

Assemblywoman LINDA STENDER District 22 (Middlesex, Somerset and Union) Assemblyman JOHN F. MCKEON District 27 (Essex and Morris) Assemblywoman MILA M. JASEY District 27 (Essex and Morris) Assemblyman JON M. BRAMNICK District 21 (Morris, Somerset and Union) Assemblywoman HOLLY SCHEPISI District 39 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Diegnan, Assemblywoman N.Munoz, Assemblyman Benson, Assemblywomen Watson Coleman and Spencer



(Sponsorship Updated As Of: 12/19/2014)

1 AN ASSEMBLY RESOLUTION opposing the Pilgrim Pipeline project 2 in New Jersey.

3

11

31

32

33

4 WHEREAS, Pilgrim Pipeline Holdings is proposing to build two new 5 parallel oil pipelines through the States of New Jersey and New 6 York that would transport crude oil and refined petroleum 7 products between Albany, New York and Linden, New Jersey; 8 and 9

WHEREAS, The pipeline will carry oil extracted from North Dakota's 10 Bakken shale formation, produced through the process of hydraulic fracturing, or fracking; and

12 WHEREAS, The transport of crude oil has increased more than 4,000 13 percent in North America over the past six years as a result of the 14 increased production of crude oil from the Bakken shale formation;

15 and

16 WHEREAS. In February the Wall Street Journal compared oil from 86 locations around the world and found Bakken crude oil to be the 17 18 most explosive; and

19 WHEREAS, The Pilgrim Pipeline project would expand capacity to 20 bring more of this very volatile fuel into the State on a route that 21 passes densely populated and environmentally sensitive areas, and 22 preserved lands; and

23 WHEREAS, The Pilgrim Pipeline project raises significant safety 24 concerns for the State of New Jersey including potential harm to 25 municipal and county infrastructure, and would likely have a 26 negative impact upon future development in the community; and

27 WHEREAS, The federal Pipeline and Hazardous Materials Safety 28 Administration (PHMSA) only has 135 inspectors and 375 state 29 partners to oversee 2.6 million miles of pipeline, and only a fifth of 30 that pipeline system has been inspected since 2006; and

WHEREAS, A pipeline spill or rupture could harm communities, the environment, and drinking water supplies and would negatively affect the health, safety, and welfare of the State's residents; and

34 WHEREAS, The New Jersey Legislature recognized the significance of the New Jersey Highlands Region and afforded special protection to 35 36 the region and its resources in 2004 with the passage of the New Jersey Highlands Water Protection and Planning Act, which created 37 38 the Highlands Water Protection and Planning Council and the 39 Highlands Regional Master Plan to ensure resource-based planning 40 would be used in the Highlands Region to combat sprawl and the 41 depletion of water quality and quantity, as the region provides drinking water to 5.4 million State residents; and 42

WHEREAS, The federal government acknowledged the exceptional 43 44 value of Highlands resources and the urgent need for their 45 preservation in 2004 when Congress passed the Highlands 46 Conservation Act which recognizes the importance of the water, 47 forest, agricultural, wildlife, recreational, and cultural resources of the Highlands Region, and the national significance of the region to
 the United States; and

3 WHEREAS, The current proposed route of the Pilgrim Pipeline crosses through 10 municipalities and critical drinking water supply 4 5 watersheds in the Highlands Region, and many State residents in 6 municipalities along the proposed route depend on ground water 7 and public community water systems for their water supply and 8 septic systems for waste disposal, and this project will impact 9 groundwater quality and quantity and residents' septic fields along 10 and adjacent to the right of way; and

WHEREAS, Many State residents depend on surface water originating
from communities through which the oil pipelines will pass,
including the Ramapo River Basin Aquifer System, which provides
100 percent of the water for Mahwah, Ramsey, Oakland, Franklin
Lakes, Allendale, Pompton Lakes and Wayne, and, during drought
can supply 190 million gallons of water a day to the Wanaque
Reservoir, which supplies 3.5 million people; and

WHEREAS, The PHMSA reports 280 significant incidents annually
 with oil pipelines, and if an incident were to occur along this
 proposed route, it could potentially impact the drinking water of
 millions of residents in New Jersey and New York; and

WHEREAS, The wise stewardship of the natural resources of the State
 of New Jersey requires protection of water supplies and other
 natural resources for generations to come; and

WHEREAS, Protection of the State's water supplies and resources is
better accomplished by prevention of contamination and
environmental degradation, rather than attempting to clean up
contamination and restoring degraded environments after the fact;
now, therefore,

31 BE IT RESOLVED by the General Assembly of the State of New
32 Jersey:

30

33

1. This House opposes the construction and operation of the proposed Pilgrim Pipeline and urges the United States Army Corps of Engineers, the New Jersey Department of Environmental Protection, the New Jersey Highlands Water Protection and Planning Council, and any other federal, state, or local entity engaged in review of the Pilgrim Pipeline project to reject the project, and thereby prohibit its construction through New Jersey.

42 2. In addition, this House calls for a moratorium on any and all
43 planning, surveying, and construction of the Pilgrim Pipeline
44 through the State of New Jersey, because this project will traverse
45 and negatively impact numerous significant natural resource areas
46 of the Highlands Region.

AR191 STENDER, MCKEON

This House also calls for a full environmental review of the
 project and calls on the United States Army Corps of Engineers to
 prepare an Environmental Impact Statement for the entire route of
 the project under the National Environmental Policy Act.
 Additionally, this House calls on the New Jersey Department of
 Environmental Protection to conduct a thorough environmental
 review of the project, including a Highlands Act review.

9 4. This House further urges the New York State Legislature to 10 adopt a similar resolution so both states can stand united in 11 opposition to this project.

13 5. Copies of this resolution, as filed with the Secretary of State, 14 shall be transmitted by the Clerk of the General Assembly to the 15 President of the United States, the Commanding General and Chief 16 of Engineers of the United States Army Corps of Engineers, each 17 member of the New Jersey Congressional Delegation, the Governor 18 of New Jersey, the Commissioner of the New Jersey Department of 19 Environmental Protection, the New Jersey Highlands Water 20 Protection and Planning Council, the Governor of New York, and 21 the Senate President and Assembly Speaker for the State of New 22 York.

- 23
- 24 25

26

8

12

STATEMENT

27 This resolution expresses the Assembly's opposition to the 28 Pilgrim Pipeline project and urges the United States Army Corps of 29 Engineers, the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Highlands Water Protection and Planning 30 31 Council, and any other federal, state, or local entity engaged in 32 review of the Pilgrim Pipeline project to reject the project. The 33 resolution also urges the Army Corps of Engineers to prepare an environmental assessment for the project under the National 34 35 Environmental Policy Act and calls on the NJDEP to thoroughly review the project's impacts. 36

37 The Pilgrim Pipeline project would construct two new parallel 38 oil pipelines in the State, linking Albany, New York, and Linden, 39 New Jersey. The pipeline would transport Bakken shale oil produced by fracking in North Dakota. This oil is highly explosive 40 and pipeline transportation would threaten local communities with 41 42 the risk of spills and other accidents. The pipeline would cut 43 through communities that are already overburdened by pollution, 44 and environmentally sensitive areas that supply drinking water to the State's residents. 45

TOWN OF RED HOOK RESOLUTION NO. 2 DATED JANUARY 28, 2015 OPPOSING BUILDING OF THE PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Company is proposing to build a bi-directional pipeline in close proximity to the NY State Thruway, through Rockland, Orange, Ulster, Greene, and Albany counties that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil from the Bakken Shale region of North Dakota extracted through a process of hydraulic fracturing, or "fracking," which has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to throw off combustible gases; and

WHEREAS, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, the Pipeline will carry a large volume of Bakken crude oil through residential areas in adjacent communities, which will place residents in harm's way should an explosion or spill occur; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills nationwide between 2003 and 2013, or nearly one spill every other day, resulting in over 44 million gallons of oil being spilled; and WHEREAS, 80 percent of these spills were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the Pipeline, even without an explosion or fire, will require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, most residents living near the proposed pipeline depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by the Pipeline; and

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook on January 28, 2015 at 7:30 p.m., local time.

The meeting was called to order by <u>Supervisor Cran</u> and, upon roll being called, the following members were:

PRESENT:

Supervisor Sue Crane Councilwoman Brenda Cagle Councilman Harry Colgan Councilman William O'Neill Councilman Villiam O'Neill

ABSENT: Councilman James Ross

The following persons were ALSO PRESENT:

Christing My Chally ESOL XATIONS AN THEY ROWN

The following resolution was offered by Cagle , seconded by Colgan , to wit;

RESOLUTION NO. <u>2</u> DATED JANUARY 28, 2015 OPPOSING BUILDING OF THE PILGRIM PIPELINE

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Sue T. Crane	VOTING Aye
Councilwoman Brenda Cagle	VOTING Aye
Councilman Harry Colgan	VOTING Aye
Councilman William O'Neill	VOTING Aye
Councilman James M. Ross	VOTING Absent

The foregoing resolution was thereupon declared duly adopted.

WHEREAS, the Pilgrim Pipeline is proposed to be laid in areas containing sensitive aquifers upon which residents depend for drinking water; and,

WHEREAS, the Pilgrim pipeline also threatens important surface water resources along its path; and,

WHEREAS, the Town of Red Hook finds that the proposed Pilgrim Pipeline potentially threatens the health, safety, and welfare of residents and businesses living or working in the Mid-Hudson region; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact future development in this region; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, construction of the Pilgrim Pipeline to support and expand markets for fossil fuels is directly contrary to these clean energy goals; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Red Hook:

1. Calls upon the New York State Thruway Authority to reject use of its right-of-way for the purpose of transporting oil or gas by pipeline; and further calls upon the New York State Department of Transportation (DOT) to deny an exception to its Accommodation Plan for said purpose; and

2. Urges Governor Cuomo and the State Legislature to oppose construction of the Pilgrim Pipeline in New York State; and

3. Directs the Town Clerk to forward copies of this resolution to the NYS Thruway Authority Chair Howard P. Milstein, NYS DOT Commissioner Joan McDonald, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Chris Gibson, Governor Andrew Cuomo, NY, Public Service Commission Chairwoman Audrey Zibelman, N.Y. Assembly Member Didi Barrett, N.Y. Senator Sue Serino, and NYS DEC Commission Joseph Martens.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Red Hook, Dutchess County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 13th day of January, 2015 and entitled:

RESOLUTION NO. 2 DATED JANUARY 28, 2015 OPPOSING BUILDING OF THE PILGRIM PIPELINE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 29 day of January 2015.

-SEAL-

mean

Súe McCann Town Clerk



BEFORE THE PUBLIC UTILITIES COMMISION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE

CERTIFICATE OF SERVICE

HP14-002

Glenn J. Boomsma of Breit Law Office, P.C. hereby certifies that on the 14th day

of August, 2015, the following were served upon those listed on the attached PUC

Service List via Electronic Filing on August 14, 2015.

- Pre-Filed Testimony Of Peggy Hoogestraat;
- Pre-Filed Testimony Of Sue Sibson; and
- Pre-Filed Testimony Of Janice Petterson.

The documents listed above were mailed on August 14, 2015 by United States

mail, first class postage thereon prepaid, a true and correct copy to the following:

Mr. John Stratmeyer 46534 272nd Street Tea, SD 57064

BREIT LAW OFFICE, PC

By /s/ Glenn J. Boomsma

Attorney for Peggy Hoogestraat, Matthew Anderson, Kristi Anderson, Nancy Stofferahn, Tom Stofferahn, Ron Stofferahn, Kevin Schoffelman, Mavis Parry, Shirley Oltmanns, Janice Petterson, Corlis Wiebers, Linda Goulet, Marily Murray, Lori Kunzelman, Joy Hohn, Rodney Hohn, Orrin Geide, Doug Bacon,

Margaret Hilt, Devona Smith, Al Arends, Sherrie Fines-Tracy, Delores Assid, and Ruth E. Arends 606 E. Tan Tara Circle Sioux Falls, SD 57108 (605) 336-8234

Commission Dockets | previous page

Service List HP14-002

Ms. Patricia Van Gerpen Executive Director South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 patty.vangerpen@state.sd.us (605) 773-3201 - voice

Ms. Kristen Edwards Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 Kristen.edwards@state.sd.us (605) 773-3201 - voice

Mr. Brian Rounds Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 brian.rounds@state.sd.us (605) 773-3201- voice

Mr. Darren Kearney Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 darren.kearney@state.sd.us (605) 773-3201 - voice

Mr. Brett Koenecke - representing Dakota Access, LLC May, Adam, Gerdes and Thompson, LLP PO Box 160 Pierre, SD 57501 Brett@mayadam.net (605) 224-8803 - voice (605) 224-6289 - fax

Ms. Kara Semmler - representing Dakota Access, LLC May, Adam, Gerdes and Thompson, LLP PO Box 160 Pierre, SD 57501 kcs@magt.com (605) 224-8803 - voice (605) 224-6289 - fax

Mr. Tom Siguaw Senior Project Director - Engineering Dakota Access, LLC 1300 Main Street Houston, TX 77002 tom.siguaw@energytransfer.com (713) 989-2841 - voice (713) 989-1207 - fax

http://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002servicelist.aspx

Page 1 of 9

004140 8/14/2015

Mr. Keegan Pieper Associate General Counsel Dakota Access, LLC 1300 Main Street Houston, TX 77002 keegan.pieper@energytransfer.com (713) 989-7003 - voice (713) 989-1212 - fax

Mr. Stephen Veatch Senior Director - Certificates Dakota Access, LLC 1300 Main Street Houston, TX 77002 Stephen.veatch@energytransfer.com (713) 989-2024 - voice (713) 989-1205 - fax

Mr. Joey Mahmoud Senior Vice President - Engineering Dakota Access, LLC 1300 Main Street Houston, TX 77002 Joey.mahmoud@energytransfer.com (713) 989-2710 - voice (713) 989-1207 - fax

Mr. Jack Edwards Project Manager Dakota Access, LLC 4401 S. Technology Dr. South Suite Sioux Falls, SD 57106 Jack.edwards@energytransfer.com (844) 708-2639 - voice

Ms. Jennifer Guthmiller McPherson County Auditor PO Box 390 Leola, SD 57456 mcphersonaud@valleytel.net (605) 439-3314 - voice

Mr. Keith Schurr Edmunds County Auditor PO Box 97 Ipswich, SD 57451 Keith.schurr@state.sd.us (605) 426-6762 - voice

Ms. Kelly Toennies Faulk County Auditor PO Box 309 Faulkton, SD 57438 Kelly.toennies@state.sd.us (605) 598-6224 - voice

Ms. Theresa Hodges Spink County Auditor 210 E. Seventh Ave. Redfield, SD 57469

4-002servicelist.aspx 004141 8/14/2015

spinkcoauditor@nrctv.com (605) 472-4580 - voice

Ms. Jill Hanson Beadle County Auditor Suite #201 450 Third St. SW Huron, SD 57350 auditor@beadlesd.org (605) 353-8400 - voice

Ms. Jennifer Albrecht Kingsbury County Auditor PO Box 196 DeSmet, SD 57231 Jennifer.albrecht@state.sd.us (605) 854-3832 - voice

Ms. Susan Connor Miner County Auditor PO Box 86 Howard, SD 57349 minerauditor@minercountysd.org (605) 772-4671 - voice

Ms. Roberta Janke Lake County Auditor 200 E. Center St. Madison, SD 57042 lakeauditor@lakecountysd.com (605) 256-7600 - voice

Ms. Geralyn Sherman McCook County Auditor PO Box 190 Salem, SD 57058 Geralyn.sherman@state.sd.us (605) 425-2791 - voice

Mr. Bob Litz Minnehaha County Auditor 415 N. Dakota Ave. Sioux Falls, SD 57104 blitz@minnehahacounty.org (605) 367-4220 - voice

Ms. Sheila Hagemann Turner County Auditor PO Box 370 Parker, SD 57053 turcoaud@iw.net (605) 297-3153 - voice

Ms. Marlene Sweeter Lincoln County Auditor 104 N. Main St. Canton, SD 57013 auditor@lincolncountysd.org (605) 764-2581 - voice

Ms. Lisa Schaefbauer Campbell County Auditor

http://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002servicelist.aspx

004142 8/14/2015

PO Box 37 Mound City, SD 57646 campbellcommission@yahoo.com (605) 955-3366 - voice

Ms. Karla Engle Special Assistant Attorney General South Dakota Department of Transportation 700 E. Broadway Ave. Pierre, SD 57501-2586 karla.engle@state.sd.us (605) 773-3262 - voice

Mr. Scott Pedersen Chairman Lake County 200 E. Center St. Madison, SD 57042 lakegovt@lakecountysd.com (605) 256-7600 - voice

Mr. Chris S. Giles Attorney Lake County States Attorney 200 E. Center St. Madison, SD 57042 Chris.Giles@lakecountysd.com (605) 256-7630 - voice

Mr. Steve Harper General Manager WEB Water Development Association, Inc. PO Box 51 Aberdeen, SD 57402 sharper@webwater.org (605) 229-4749 - voice

Mr. Randy Kuehn 17940 389th Ave. Redfield, SD 57469 rlkfarms@gmail.com (605) 472-1492 - voice

Mr. Jim Schmidt Chairman Lincoln County Board of Commissioners 104 N. Main, Ste. 110 Canton, SD 57013-1703 Auditor@lincolncountysd.org (605) 764-2581

Mr. Michael F. Nadolski - Representing Lincoln County Board of Commissioners Attorney Lincoln County Ste. 200 104 N. Main Canton, SD 57077 mnadolski@lincolncountysd.org (605) 764-5732 - voice (605) 764-2931 - fax

Mr. Bret Merkle - Representing Pente Farms, LLC; KKKP Property, LLLP; Pederson Ag, LLC; Calvin

004143 8/14/2015

Page 4 of 9

Schreiver; DLK&M, LLC; Jean Osthus; and Daniel & Marcia Hoiland Merkle Law Firm PO Box 90708 Sioux Falls, SD 57109-0708 bret@merklelaw.com (605) 339-1420 - voice

Ms. Cindy Heiberger Commission Chairman Minnehaha County 415 N. Dakota Ave. Sioux Falls, SD 57104 cjepsen@minnehahacounty.org (605) 367-4220 - voice

Mr. Kersten Kappmeyer Attorney Minnehaha County 415 N. Dakota Ave. Sioux Falls, SD 57104 kkappmeyer@minnehahacounty.org (605) 367-4226 - voice (605) 367-4306 - fax

Mr. Glenn J. Boomsma - Representing: Peggy A. Hoogestraat, Kevin J. Schoffelman, Linda Goulet, Corlis Wiebers, Mavis Parry, Shirley Oltmanns, Janice E. Petterson, Marilyn Murray, Delores Andreessen Assid, Joy Hohn, and Orrin E. Geide

Attorney Breit Law Office, P.C. 606 E. Tan Tara Circle Sioux Falls, SD 57108 glenn@breitlawpc.com (605) 336-8234 - voice (605) 336-1123 - fax

Ms. Peggy A. Hoogestraat 27575 462nd Ave. Chancellor, SD 57015 gardengalpeggy@gmail.com (605) 647-5516 - voice

Ms. Joy A. Hohn 46178 263rd St. Hartford, SD 57033 rjnchohn@gmail.com (605) 212-9256 - voice

Ms. Marilyn J. Murray 1416 S. Larkspur Trl. Sioux Falls, SD 57106 murrayma1@sio.midco.net (605) 321-3633 - voice

Mr. Larry A. Nelson - Representing: City of Hartford Frieberg, Nelson and Ask, L.L.P. PO Box 38 Canton, SD 57013 Inelson@frieberglaw.com (605) 987-2686 - voice

Ms. Teresa Sidel City Administrator

004144

8/14/2015

City of Hartford 125 N. Main Ave. Hartford, SD 57033 cityhall@hartfordsd.us (605) 528-6187 - voice

Ms. Linda Glaeser Manager Rocky Acres Land Investment, LLC 27324 91st Ave. E. Graham, WA 98338 Iglaeser@seattlecca.org Imglaeser@wwdb.org (253) 670-1642 - voice

Ms. Linda Goulet 27332 Atkins Pl. Tea, SD 57064 45Lgoulet@gmail.com (605) 359-3822 - voice

Mr. Dale E. Sorenson Dale E. Sorenson Life Estate 45064 241st St. Madison, SD 57042 a77man@msn.com (605) 480-1386 - voice

Ms. Kimberly Craven - Representing Dakota Rural Action and Indigenous Environmental Network (IEN) 3560 Catalpa Way Boulder, CO 80304 kimecraven@gmail.com (303) 494-1974 - voice

Ms. Sabrina King Community Organizer Dakota Rural Action 518 Sixth Street, #6 Rapid City, SD 57701 sabrina@dakotarural.org (605) 716-2200 - voice

Mr. Frank James Staff Director Dakota Rural Action PO Box 549 Brookings, SD 57006 fejames@dakotarural.org (605) 697-5204 - voice (605) 697-6230 - fax

Ms. Debra K., Mr. Duane H. & Mr. Dennis S. Sorenson 24095 451st Ave. Madison, SD 57042 stubbyfarmer@yahoo.com (605) 480-1370 - Debra Sorenson - voice (605) 480-1162 - Duane Sorenson - voice (605) 480-1055 - Dennis Sorenson - voice

Mr. Douglas Sorenson 24095 451st Ave.

004145 8/14/2015

Madison, SD 57042 plowboy@svtv.com (605) 480-1385 - voice

Mr. William Haugen Haugen Investments LP PO Box 545 Hartford, SD 57033 wh401889@hotmail.com (605) 359-9081 - voice

Mr. Phillip Fett PO Box 572 Lennox, SD 57039 vonfett529@gmail.com (605) 366-7155 - voice

Mr. Orrin E. Geide 46134 263rd St. Hartford, SD 57033 (605) 261-4815 - voice

Ms. Shirley M. Oltmanns 26576 466th Ave. Sioux Falls, SD 57106 ssoltm@gmail.com (605) 941-0005 - voice

Mr. Bradley F. Williams 1044 Overlook Rd. Mendota Heights, MN 55118 bwilliams@bestlaw.com (612) 414-4950 - voice

Mr. Craig L. & Ms. Dotta-Jo A. Walker 733 NE 15th St. Madison, SD 57042 court_walker@hotmail.com (605) 256-0263 - voice

Mr. Kevin J. Schoffelman 712 W. Fourth Ave. Lennox, SD 57039 klschoff@outlook.com (605) 310-7062 - voice

Ms. Diane Best Attorney City of Sioux Falls 224 W. Ninth St. Sioux Falls, SD 57117-7402 dbest@siouxfalls.org (605) 367-8600 - voice

Mr. Charles J. Johnson 45169 243rd St. Madison, SD 57042 c-bjohnson@svtv.com (605) 270-2665 - voice

Ms. Janice E. Petterson 6401 S. Lyncrest Ave., Apt. 307 Sioux Falls, SD 57108

004146 8/14/2015

grmjanp@sio.midco.net (605) 201-6897 - voice

Ms. Corliss F. Wiebers 607 S. Elm St. PO Box 256 Lennox, SD 57039 wiebersco@gmail.com (605) 647-2634 - voice

Mr. Paul A Nelsen 46248 W. Shore Pl. Hartford, SD 57033 paul@paulnelsenconstruction.com (605) 366-1116 - voice

Mr. Paul F. Seamans 27893 244th St. Draper, SD 57531 jacknife@goldenwest.net (605) 669-2777 - voice

Delores Andreessen Assid c/o Laurie Kunzelman 3604 E. Woodsedge St. Sioux Falls, SD 57108 (605) 321-5539 - voice

Mr. John Wellnitz 305 A St. Osceola, SD 57353 johnwellnitz@gmail.com (605) 350-5431 - voice

Mr. John Stratmeyer 46534 272nd St. Tea, SD 57064 (605) 261-5572 - voice

Mr. Lorin L. Brass 46652 278th St. Lennox, SD 57039 brass@iw.net (605) 759-5547 - voice

Mr. Tom Goldtooth Executive Director Indigenous Environmental Network ien@igc.org

Mr. Dallas Goldtooth Community Organizer Indigenous Environmental Network goldtoothdallas@gmail.com

Mr. Matthew L. Rappold - Representing: RST-Sicangu Oyate Land Office and RST- Sicangu Lakota Treaty Office Rappold Law Office 816 Sixth St. PO Box 873 Rapid City, SD 57709

Matt.rappold01@gmail.com (605) 828-1680 - voice

Ms. Paula Antoine RST-Sicangu Oyate Land Office PÓ Box 658 Rosebud, SD 57570 wopila@gwtc.net (605) 747-4225 - voice

Mr. Royal Yellow Hawk RST- Sicangu Lakota Treaty Office PO Box 430 Rosebud, SD 57570 yellowhawkroyal@yahoo.com (605) 856-2998 - voice

Ms. Thomasina Real Bird - Representing - Yankton Sioux Tribe Attorney Fredericks Peebles & Morgan LLP 1900 Plaza Dr. Louisville, CO 80027 trealbird@ndnlaw.com (303) 673-9600 - voice

Ms. Mavis A. Parry 3 Mission Mtn. Rd. Clancy, MT 59634 mavisparry@hotmail.com (406) 461-2163 - voice

Ms. Margo D. Northrup - Representing: South Dakota Association of Rural Water Systems, Inc. Attorney Riter, Rogers, Wattier & Northrup LLP PO Box 280 Pierre, SD 57501-0280 m.northrup@riterlaw.com (605) 224-5825 - voice