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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.

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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

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.

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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:

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