

South Dakota PUC - HP14-001, TransCanada Keystone Pipeline.
Opening statement of Intervenor Art Tanderup, 52343 857th RD, Neligh, NE 68756;
atanderu@gmail.com; 402-887-1396

I would have preferred to make my opening statement in person; however, several Nebraska intervenors are involved in District Court with TransCanada in O'Neill.

My undergraduate and graduate degrees are not in law, and I have had insignificant experience in that arena. Therefore, I ask your indulgence if I don't follow all the proper rules and procedures.

I will begin with TransCanada's contention that KXL will be the "safest pipeline every built." The Titanic was the safest ship every built. In theory, the newest pipeline built will be the "safest". Poor workmanship resulted in tearing up and rebuilding sections of the southern KXL leg in Texas. Corrosion seriously damaged Keystone 1 in Missouri. The recent Nexen spill in Alberta was on a double walled new pipeline that used the same detection system that KXL will use. The detection system failed - a real person had to find the leak.

TransCanada claims in their emergency response plan that they will take full responsibility for all spill events. However, their landowner easements leave liability on the landowners. An example would be the farmer whose loaded combine breaks the pipe. TransCanada says the farmer is thus responsible. They have repeatedly refused to take full responsibility for any potential spill. TransCanada also refuses to remove the pipeline when it outlives its usefulness. The consequence of that is a continuous spill along the route as the pipe deteriorates.

The State Department required Keystone to outline its response to two spill scenarios. The full impact of the Kalamazoo tar sands spill was not available at that time. It is now appropriate for Keystone to update their response with the new knowledge learned from Kalamazoo and other tar sands spills. Cleanup is significantly different for tar sands in comparison to regular crude.

TransCanada also claims that they will include an additional plan to clean up a potential spill in the Ogallala Aquifer. A plan to clean up a spill in the aquifer is an absolute necessity before any permit is granted. The route in southern South Dakota runs through porous and fragile soils that lie just above or in the Ogallala Aquifer. If and when there is a leak, the chemicals and tar sands will be polluting the aquifer almost immediately. Their procedures includes the following:

Procedures:

- ' Evaluate the topography and evidence of surface contamination.
- ' Establish containment, accounting for public safety, spill volume, terrain, and presence of surface water.

' Notify landowner and appropriate public agencies of potential groundwater contamination.

' Immediately retain an independent consultant with expertise in this area to evaluate impacts and remediation options.

Consult with appropriate agencies regarding remediation, including water and soil cleanup levels, and need for groundwater monitoring.

' Notify and procure additional response equipment and personnel as necessary to address site-specific conditions.

Let me get this straight; they admit potential groundwater contamination and then they are going to hire a consultant to figure it all out. That is not a plan to clean up the aquifer. There is no valid plan that can clean up a spill in the aquifer. Millions of people depend on this aquifer for clean drinking water. Stewards of the land irrigate their crops and provide clean water for their livestock and wildlife. The solution is very simple. Do not allow the route to go through porous and fragile soils or over the Ogallala Aquifer.

As you consider the fate of this construction permit, I ask you to think of the people, the land and the water that KXL threatens. Think of our indigenous relatives and the treaties that will be violated. Do not enable corporate greed at the expense of the state. Be good stewards and reject this permit.