

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 BRIAN WALSH
ON BEHALF OF THE COMMISSION STAFF
APRIL 2, 2015

1 **Q. State your name.**

2 A. Brian Walsh.

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 – Ground Water Quality
7 Program

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

9 A. I am an Environmental Scientist III with the Ground Water Quality Program. My
10 role is to provide technical expertise and departmental oversight while enforcing
11 the applicable state laws and rules on projects impacting or having the potential
12 to impact groundwater resources in South Dakota.

13 My duties include serving as the department's coordinator for hazardous material
14 pipeline projects and staffing the South Dakota Underground Pipeline Task
15 Force, administering the department's Underground Injection Control Class II
16 program, preparing source water assessment reports, and overseeing the
17 cleanup of regulated substance releases cases.

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

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

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

22 A. Yes.

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

1 A. Yes. (Exhibit___BW-1)

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

3 A. Yes.

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

5 A. Yes. I have reviewed the information in the docket relevant to my previous
6 testimony.

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

9 A. Yes.

10 **Q. On March 12, 2009 the DENR submitted comments on the scope of the
11 Draft EIS to the U.S. Department of State. In addition, on May 20, 2011 the DENR
12 submitted comments on the Supplemental Draft Environmental Impact Statement.
13 Do you believe the DENR's comments were adequately addressed by the
14 Department of State now that the FSEIS is available for review?**

15 A. Yes. DENR's comments were adequately addressed in the FSEIS.

16 **Q. In your opinion, do the FSEIS and conditions set forth in the PUC's
17 Amended Final Decision and Order adequately address the protection of South
18 Dakota's natural resources?**

19 A. Yes. If the pipeline is constructed and operated as designed and in compliance
20 with all applicable laws and regulations, permit conditions, and the
21 recommendations of the FSEIS, risks to South Dakota's natural resources is
22 minimized.

1 **Q. Did any of TransCanada's amended conditions set forth in Exhibit C of this**
2 **docket result in a change to your professional opinion on the project?**

3 A. No.

4 **Q. Has any information provided to the DENR or acquired by the DENR since**
5 **the PUC's Amended Final Decision and Order issued on June 29, 2010 changed**
6 **your opinion on the Keystone XL project?**

7 A. No.

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

11 A. No.

12 **Q. In your pre-filed testimony filed in docket HP09-001 you attested that the**
13 **pipeline crosses geological and/or hydrological sensitive areas. Has the pipeline**
14 **route changed to avoid those sensitive areas since the Amended Final Decision**
15 **and Order was issued on June 29, 2010?**

16 A. Yes. TransCanada has developed the Colome reroute which moved the
17 proposed route so it no longer will intersect Colome's zone A source water
18 protection area. With this change, the proposed pipeline route does not cross any
19 zone A source water protection areas in South Dakota. However, the proposed
20 pipeline route does cross other unconfined aquifers in South Dakota.

21 **Q. If not, in your opinion, can the Applicant still mitigate the risks associated**
22 **with crossing those sensitive areas?**

23 A. Yes.

1 **Q. If so, please explain.**

2 A. If the pipeline is constructed and operated as designed and in compliance with all
3 applicable laws and regulations, permit conditions, and the recommendations of
4 the FSEIS the risk to these sensitive areas is minimized.

5 **Q. Any other information of use to the commission or public with regards to**
6 **the certification of the Applicant's permit?**

7 A. No