

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 HÖGEGSTRAAT

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 know 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 Transfer's 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".

EXHIBIT

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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 short 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.

Peggy Hoogestraat

Peggy Hoogestraat

Subscribed and sworn before me this 12th day of August, 2015.



Charlene Ritter

Notary Public – South Dakota

My Commission Expires: _____

Charlene Ritter
My Commission Expires 8-25-2020

TABLE 2-3 – REGULATORY AGENCY CONTACT INFORMATION

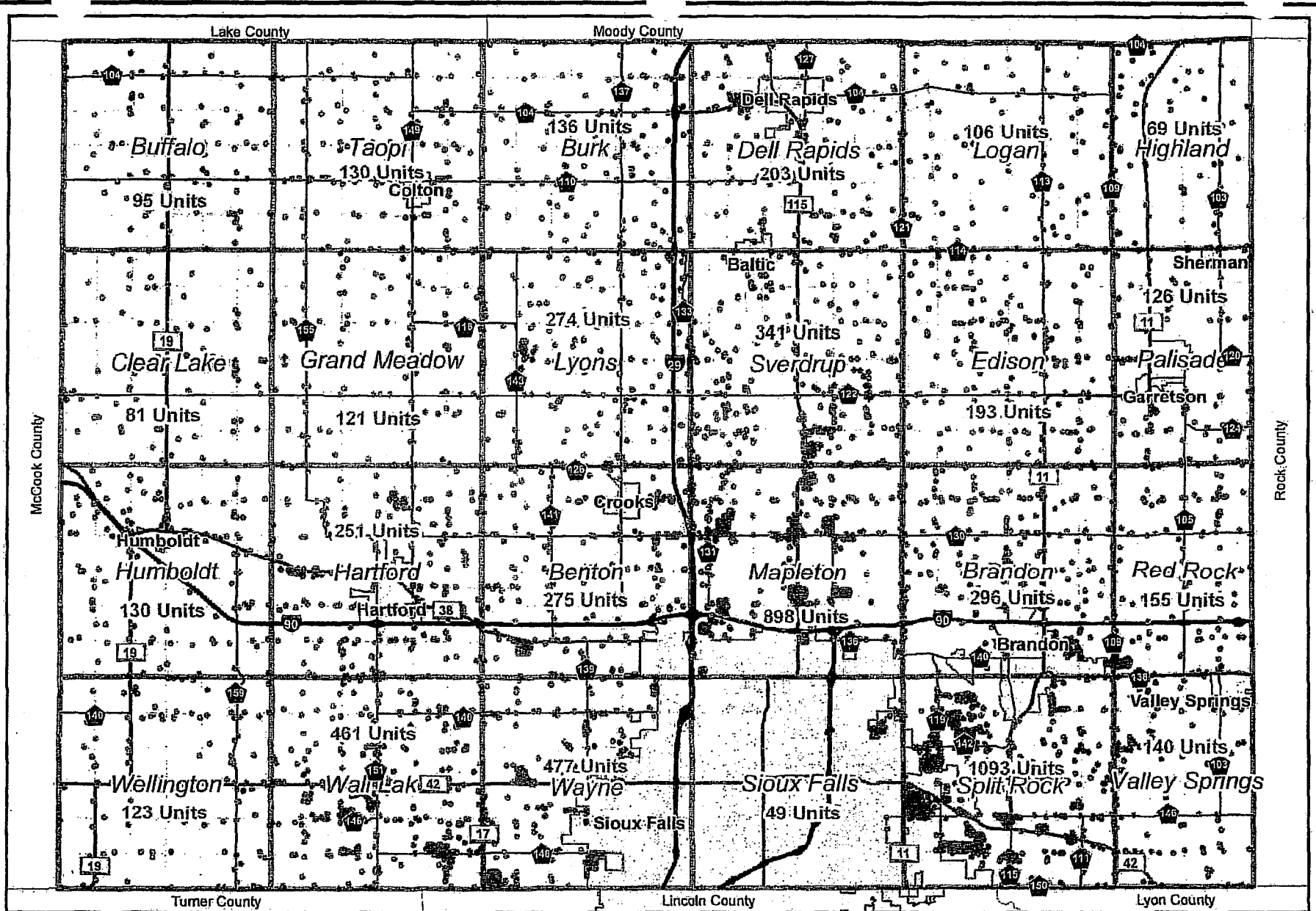
REGULATORY AGENCY CONTACT INFORMATION		
Agency	Phone Number	Reporting Requirements
Federal Agencies		
National Response Center (NRC) <i>NRC will contact all other federal agencies including USDOT/PHMSA and EPA</i>	(800)424-8802 or (202) 267-2675	Any spill on water. Telephonic notification is required 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	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>Written Reporting A 7000-1 report is required within 30 days after discovery of the accident for each failure in a pipeline system regulated by DOT 195 in which there is a release of the hazardous liquid transported resulting in any of the following:</p>

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<p>U.S. Department of Transportation/Pipeline Hazardous Materials Safety Administration (PHMSA) Continued...</p>		<ul style="list-style-type: none"> • Explosion or fire not intentionally set by the operator • Release of 5 gallons or more of hazardous liquid except that no report is required for a release of less than 5 barrels resulting from a pipeline maintenance activity if the release is: <ul style="list-style-type: none"> • Not otherwise reportable under this section • Not on water • Confined to company property or pipeline right-of-way and • Cleaned up promptly • Death of any person • Personal injury necessitating hospitalization • 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. • A supplemental report shall be filed within 30 days of receiving any changes in the information reported or additions to the original DOT 7000-1 report.
<p>State Agencies</p>		
<p>North Dakota</p>		
<p>North Dakota Department of Environment Health</p> <p>State Emergency Response Committee</p> <p>Counties: Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, Emmons</p>	<p>(701) 328-5210 1-800-472-2121 (24 hour hotline)</p> <p>(701)-328-8100</p>	<p>Any spill or discharge of liquid or solid waste which may cause pollution of waters of the state must be reported immediately. The owner, operator, or person responsible for a spill or discharge must notify the department or the North Dakota hazardous materials emergency assistance and spill reporting number as soon as possible and provide all relevant information about the spill.</p>

State Agencies Continued		
South Dakota		
<p>South Dakota Department of Environment and Natural Resources (DENR)</p> <p>State Emergency Response Committee</p> <p>Counties: Campbell, McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, Lincoln</p>	<p>Main Line 1-605-773-3296</p> <p>After Hours 1- 605-773-3231</p> <p>Main Line 800-433-2288</p> <p>After Hours 605-773-3231</p>	<p>A release or spill of a regulated substance must be reported to DENR 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.</p>

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Disclaimer:
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 accuracy, completeness, timeliness or consistency.
 The user assumes all responsibility for the use of the
 information and the user agrees to hold the provider
 harmless for any loss or damage resulting from the use of
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 errors or omissions in the data, including the fact that the data is dynamic and is
 subject to change at any time without notice.



MINNEHAHA COUNTY RESIDENTIAL DISTRIBUTION

Legend
 ● Residence



1 inch = 2.5 miles

Date: 6/15/2015