

1 STATE OF IOWA
2 DEPARTMENT OF COMMERCE
3 BEFORE THE IOWA UTILITIES BOARD

4 IN RE: : Docket No.
5 : HLP-2021-0001
6 SUMMIT CARBON SOLUTIONS, :
7 LLC :
8 :
9 : X

10 DEPOSITION OF ROD DILLON,
11 taken by the Sierra Club before Darcy Kriens,
12 Certified Shorthand Reporter of the State of Iowa, at
13 111 East Grand Avenue, Suite 301, Des Moines, Iowa,
14 commencing at 1:31 p.m., Wednesday, June 21, 2023.

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24
25 DARCY KRIENS - CERTIFIED SHORTHAND REPORTER



SUSAN FRYE COURT REPORTING | 515-284-1972
300 Walnut Street, #36, Des Moines, IA 50309-2224



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13	EXHIBITS:	MARKED
14	2 - Draft Public Awareness Program.....	60
15		
16		
17	REPORTER'S NOTE: EXHIBIT 2 WAS NEWLY MARKED AND	
18	RETURNED TO WALLACE TAYLOR. ELECTRONIC COPIES OF THE	
19	EXHIBIT WERE ATTACHED TO THE ELECTRONIC TRANSCRIPTS.	
20	(phonetic) indicates a phonetic spelling.	
21	{sic} indicates the text is as stated.	
22	Quoted text is as stated by the speaker.	
23		
24		
25		

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1 P R O C E E D I N G S

2 ROD DILLON,

3 called as a witness by the Sierra Club, being first
4 duly sworn by the Certified Shorthand Reporter, was
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. TAYLOR:

8 Q. State your name, please, for the record.

9 A. Rod Dillon.

10 Q. Mr. Dillon, I'm Wally Taylor, an attorney
11 for the Sierra Club. We're going to take your
12 deposition.

13 I assume Mr. Dublinske has explained to you
14 what a deposition is and how it's conducted?

15 A. Yes.

16 Q. Have you had your deposition taken before?

17 A. No.

18 Q. Just a couple of things before we start.
19 First of all, if any of us ask a question that you
20 don't understand, ask us to repeat it or rephrase it.
21 We want to make sure you understand it.

22 A. Okay.

23 Q. Secondly, if we ask you a question that you
24 feel is beyond your area of responsibility or
25 expertise, let us know, and let us know who might be

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1 the better person to ask that question of.

2 A. Okay.

3 Q. I understand you're the director of
4 regulatory compliance for Summit?

5 A. Correct.

6 Q. Your testimony that you filed seems to
7 cover basically emergency response and emergency
8 planning, but as director of regulatory compliance, do
9 you have other areas that you cover as well?

10 A. No.

11 Q. Lots of regulations. That's why I asked.

12 A. Sure.

13 Q. Have you ever worked for a carbon dioxide
14 pipeline company before?

15 A. Yes.

16 Q. Which one?

17 A. Kinder Morgan.

18 Q. Where was their CO2 pipeline, and describe
19 what it was like, the pipeline, I mean?

20 A. It's underground pipeline in western Texas
21 and Colorado.

22 That was not part of my duties, of the
23 carbon dioxide side. That's all I know about it.

24 Q. Okay. Fair enough.

25 So is it fair to say you don't have any

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1 knowledge of what happens if a carbon pipeline
2 ruptures or any of the emergency procedures that would
3 be necessary if a pipeline carrying CO2 ruptures?
4 A. No, that is not true.
5 Q. Okay. How did you acquire any information
6 or expertise on that?
7 A. Learning from a previous event that was
8 done, understanding chemicals, understanding responses
9 just generally.
10 Q. Okay. Have you got a degree in chemistry?
11 A. No, sir.
12 Q. Have you studied chemistry at all?
13 A. Yes, sir.
14 Q. How so?
15 A. In school. I mean, just typical school.
16 Q. I did, too. I don't call myself a chemist.
17 A. Me either.
18 Q. The emergency management requirements are
19 pretty much dictated by PHMSA, are they not?
20 A. Yes, for pipeline.
21 Q. Yes. Thank you for clarifying that.
22 A. Okay.
23 Q. In your testimony you mentioned PHMSA
24 Regulation 195.402, and that's titled "Procedural
25 Manual for Operations, Maintenance and Emergencies."

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1 What do you understand that that regulation
2 requires of a pipeline company like Summit?

3 MR. DUBLINSKE: Objection to the extent it
4 calls for a legal conclusion.

5 You can answer.

6 A. My background isn't legal.

7 BY MR. TAYLOR:

8 Q. Well, but you referenced that particular
9 regulation. I'm just asking how you, as director of
10 regulatory compliance for Summit, carry out that
11 particular regulation.

12 MR. DUBLINSKE: Same objection.

13 You can answer.

14 A. PHMSA's regulation, that regulation you
15 just quoted, details what the Emergency Response Plan
16 would cover, and we follow that.

17 BY MR. TAYLOR:

18 Q. Okay. Does Summit have an Emergency
19 Response Plan?

20 A. We do not yet.

21 Q. Would you be the primary person involved in
22 preparing that plan?

23 A. Yes.

24 Q. When do you propose to prepare that?

25 A. Before operations.

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1 Q. You also referenced 195.440, which is a
2 Public Awareness Program, and attached to your
3 testimony was a three-page sheet that purported to be
4 the Public Awareness Program.

5 Is that three-page sheet the extent of
6 Summit's Public Awareness Program?

7 A. It is.

8 Q. How does Summit propose to carry out that
9 Public Awareness Program?

10 A. Following the regulation of 440.

11 Q. So it's your testimony that that three-page
12 exhibit that was attached to your testimony complies
13 with 195.440?

14 MR. DUBLINSKE: Calls for a legal
15 conclusion.

16 You can answer, if you know.

17 A. To my knowledge.

18 BY MR. TAYLOR:

19 Q. Okay. I think you also referred to
20 Section 195.403, Emergency Response Training.

21 Are you responsible for training local
22 emergency responders?

23 A. Correct.

24 Q. What kind of training have you undertaken
25 with respect to the local responders along the Summit

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1 pipeline?

2 A. None.

3 Q. Do you plan to?

4 A. Yes.

5 Q. And when will that be done?

6 A. During construction.

7 Q. What will local responders be able to do if
8 there is a pipeline rupture?

9 A. I can't answer that question today.

10 Q. Let me phrase it a different way. Will
11 local responders be able to do more than just keep the
12 public away from the area?

13 MR. DUBLINSKE: Objection. Calls for
14 speculation.

15 You can answer, if you know.

16 A. I don't know the answer to that today.

17 BY MR. TAYLOR:

18 Q. Have you talked to local responders?

19 A. No.

20 Q. Do you understand or know what response
21 will need to be done in the event of a pipeline
22 rupture from the Summit pipeline?

23 MR. DUBLINSKE: Same objection.

24 You can answer.

25 A. Generally, yes.

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1 BY MR. TAYLOR:

2 Q. What's that?

3 A. What they're going to do?

4 Q. I guess what I'm asking is: If there's a
5 pipeline rupture, what needs to be done to respond to
6 that rupture in terms of safety and protection of
7 property and whatever?

8 A. So we will have air-monitoring equipment
9 and determine the levels of CO2 in the atmosphere to
10 protect the public.

11 Q. And how will monitoring levels of CO2 in
12 the air specifically protect the public?

13 A. It will determine the hot zone of the
14 release to ensure the public is safe from it.

15 Q. Will people be evacuated?

16 A. Maybe.

17 Q. Do you have any idea how far away from the
18 rupture people would have to be to be safe?

19 MR. DUBLINSKE: Objection. Speculation.

20 You can answer, if you know.

21 A. I do not know.

22 BY MR. TAYLOR:

23 Q. In your testimony you say that you've met
24 with first responders to make sure they have the
25 proper equipment. Is that a fair statement?

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1 A. No.

2 Q. Is that something you plan to do?

3 A. Oh, yes.

4 Q. You just haven't done it yet?

5 A. Correct.

6 Q. Well, what would the proper equipment be?

7 A. That would go on a case-by-case basis
8 depending on the department that we would be meeting
9 with.

10 Q. Well, in general, what type of equipment
11 would be needed to respond to a rupture of a CO2
12 pipeline?

13 A. CO2 monitoring would be needed, and again,
14 that depends on the agency that would be responding.
15 Self-contained breathing apparatuses for fire
16 departments.

17 Q. When you say it depends on the type of
18 agency responding, can you be more specific about what
19 you mean?

20 A. So the sheriff's department would be there
21 to ensure that no citizens, public gets into the hot
22 zone, so they wouldn't do anything but block the
23 roads. So that would be all their equipment.

24 Q. What about EMTs?

25 A. The EMTs don't wear air packs, so they

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1 would have their air monitoring and rely on the fire
2 departments to enter the area.

3 Q. And describe to me in more detail the
4 air-monitoring equipment. What is it exactly, and how
5 does it work?

6 A. So it's an electronic instrument that you
7 turn on, and it has set levels. And it's got oxygen
8 sensors, CO2 sensors, and that will take in the air
9 and give them a warning alarm when it reaches STEL
10 levels.

11 Q. And who would have that equipment?

12 A. Any responding agency.

13 Q. Would the responding agencies need special
14 vehicles that wouldn't need oxygen to operate?

15 A. I guess that depends on the circumstances.

16 Q. Would the EMTs be trained in the physical
17 reaction to a carbon dioxide exposure?

18 A. Yes.

19 Q. Who would train them?

20 A. Summit.

21 Q. Do you have people on staff to do that, or
22 would you have to hire that done or what?

23 A. Contractors.

24 Q. Have you made arrangements for that, for
25 that contracting?

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1 A. It's in the works, yes.

2 Q. In your testimony you also mentioned an
3 alarm system. Can you explain how that works and how
4 that would connect with local responders?

5 MR. DUBLINSKE: Mr. Taylor, can you show me
6 just where in his testimony you're referring to?

7 MR. TAYLOR: Page 5, lines 18 and 19.

8 MR. DUBLINSKE: Thank you.

9 Do you have a copy of that?

10 THE WITNESS: No.

11 MR. DUBLINSKE: Do you have a copy for the
12 witness?

13 MR. TAYLOR: I don't have an extra copy,
14 but you can use that one.

15 MS. GRUENHAGEN: I brought extras, if you
16 need one.

17 A. So are you talking about the control
18 center's alarm, is what you're asking?

19 BY MR. TAYLOR:

20 Q. Well, you tell me. Is that what you're
21 referring to there?

22 A. Correct.

23 Q. So tell me how that works.

24 A. Summit has a control center in Ames, Iowa,
25 it will be, and the pipeline, like any pipeline, based

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1 on regulations, will have sensors to determine levels
2 of pressure decreasing rapidly, and that will send an
3 alarm to the control center.

4 Q. And then what happens?

5 A. The control center's procedure would be to
6 do a shutdown procedure and make calls to the local
7 first responders and Summit Carbon Solutions.

8 Q. Aside from local responders, would Summit
9 have emergency personnel to come to the site of a
10 rupture?

11 A. Besides Summit? Is that what you said?
12 First responders?

13 Q. No. Aside from the first responders, would
14 Summit have its own personnel that would go to the
15 site of a rupture?

16 A. Yes.

17 Q. What would their purpose be?

18 A. Ensure the first responders are capable to
19 do what they need to do to protect the public.

20 Q. Where would those Summit personnel come
21 from?

22 A. Along the route.

23 Q. I'm sorry?

24 A. Along the route, the pipeline route. They
25 work the route.

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1 Q. Okay. So are there several places along
2 the route where you're stationing your own first
3 responders?

4 A. I assume so. I don't -- If you're asking
5 me for specific locations, I can't answer that yet.

6 Q. I wasn't asking for specific locations. I
7 was just trying to get a sense of how many there might
8 be and how far they would have to come before they
9 could get to the site of the rupture.

10 A. That's not been determined yet.

11 Q. You also said in your testimony Summit has
12 a model of failure modes. What did you mean by that?

13 A. I'm not sure where -- range of failure
14 modes on -- So it says here it's the guillotine
15 rupture and small penetration is the modes of failure.

16 Q. And I'm assuming a guillotine rupture is a
17 long slit in the pipe?

18 A. Cut in half. Cut through it. Guillotine,
19 like (indicating).

20 Q. I know what a guillotine is. So it's a
21 cross-cut, I would say?

22 A. All right.

23 Q. Okay. Do you have any knowledge of how CO2
24 pipelines rupture generally?

25 A. No.

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1 Q. Okay. It also said in your testimony,
2 "Summit has evaluated the reach of a CO2 plume and the
3 associated volumetric concentration."

4 Is that from plume modeling, or how do you
5 know that?

6 A. Correct.

7 Q. And so what is the reach and concentration
8 that you've evaluated?

9 MR. DUBLINSKE: I'm going to object. We
10 have, obviously, a dispute over this, and this is
11 information that we will only provide subject to a
12 protective agreement.

13 MR. TAYLOR: Well, he's the one testifying
14 about it. I want to know what --

15 MR. DUBLINSKE: He testified generally
16 about the existence of modeling. I'm taking the
17 position -- and the Board has agreed with us to
18 date -- that that is information not relevant because
19 of preemption, and that is information -- The fact
20 you're in a deposition doesn't change the rule on
21 protective orders.

22 Just like in written where we would only
23 provide that subject to a protective agreement, I'm
24 going to have him answer that subject to the
25 protective agreement.

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1 MR. TAYLOR: I don't think the Board has
2 ever ruled on that, frankly, the deferred ruling on
3 the preemption issue, and they haven't ruled at all on
4 the confidentiality.

5 BY MR. TAYLOR:

6 Q. What equipment, training and resources will
7 local responders have in order to respond to a
8 rupture?

9 A. Well, they'll be trained on the use of the
10 monitoring equipment. They'll be trained on the
11 details of the pipeline system. They'll be trained on
12 the dispersion modeling.

13 Q. What have you done so far to reach out to
14 local responders and consult with them about what they
15 will need to do in the case of a pipeline rupture?

16 A. I have not yet.

17 Q. So Summit has not consulted at all or have
18 reached out to local responders along the proposed
19 route?

20 A. Correct.

21 MR. TAYLOR: I think that's all the
22 questions I have.

23 FURTHER EXAMINATION

24 BY MR. WHIPPLE:

25 Q. Mr. Dillon, my name is Tim Whipple, and I

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1 represent counties in this proceeding. I'm handing
2 you a copy of the written testimony that you provided.
3 I think you may have already had it, but that was
4 Wally's copy.

5 So I want to really drill into what you've
6 prepared in advance, so I'll try to refer to the page
7 numbers and the line numbers.

8 So at page 4, line 17, you say, "Planning
9 with local responders, however, begins long before the
10 ERP is required under PHMSA regulations." How long?

11 A. You said page 4, line 17?

12 Q. Yes.

13 (Brief pause.)

14 A. Ask the question again.

15 Q. How long?

16 A. How long did the --

17 Q. Your statement says, "long before PHMSA
18 regulations." Do you see that on line 18? "Planning
19 with local responders, however, begins long before."
20 How long?

21 A. During construction we'll commence that.

22 Q. How many months?

23 A. I can't answer that.

24 Q. But this is your statement. You have no
25 idea how long before, specifically how long before?

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1 A. I don't.

2 Q. And it's your testimony it has not yet
3 begun?

4 A. Okay.

5 Q. I'm asking. That's a question.
6 Is it your testimony that it has not yet
7 begun?

8 A. Correct.

9 Q. Okay. But you say on the same page,
10 page 4, line 22, "Since early 2022, I have met" --
11 past tense -- "county emergency managers."

12 A. Correct.

13 Q. So you have met with them?

14 A. County emergency managers, correct.

15 Q. Have you met with the emergency manager for
16 Shelby County?

17 A. Yes.

18 Q. Have you met with the emergency manager for
19 Kossuth County?

20 A. Yes.

21 Q. Have you met with the emergency manager for
22 Emmet County?

23 A. I can't recall.

24 Q. What do you discuss in these meetings?

25 A. The details of the plan to educate first

1 responders.

2 Q. Have you shared the plan with the counties?

3 A. No.

4 Q. So you discuss a plan with them that you
5 have not shared with them?

6 A. Correct.

7 Q. How do you do that?

8 A. What my plan is going to be?

9 Q. How do you discuss it with them, if you
10 haven't shared it with them?

11 A. You're talking about two different things.
12 I'm not talking about the Emergency Response Plan.

13 Q. What plan are you talking about?

14 A. What Summit's plan is to educate first
15 responders.

16 Q. So you're not actually talking about the
17 plan for emergency response with emergency managers?

18 A. Correct.

19 Q. Have they asked you for those plans?

20 A. No.

21 Q. No county has asked you for the Emergency
22 Response Plan?

23 A. Correct.

24 Q. Shelby County did not ask you for the
25 Emergency Response Plan?

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1 A. Correct.

2 Q. Did they ask anyone from Summit for the
3 Emergency Response Plan?

4 MR. DUBLINSKE: Objection. Calls for
5 speculation.

6 A. I don't know.

7 BY MR. WHIPPLE:

8 Q. What did the Shelby County Emergency
9 Management Coordinator ask for?

10 A. I can't recall. I met with all of them.
11 It was a brief meeting. I can't recall the general --

12 Q. Generally what do they ask for?

13 A. What did they ask for?

14 Q. When you meet with them generally, what do
15 they ask you for?

16 A. Nothing.

17 Q. No information? They don't request any
18 information from you?

19 A. That was the answer to your question.
20 Correct.

21 Q. On page 4 starting at line 23, you say,
22 "The county EMS are aggregating first responder
23 equipment needs that will be reviewed with Summit as
24 soon as practical to confirm readiness."

25 What equipment needs does that refer to?

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1 A. To respond to a relief.
2 Q. What equipment?
3 A. The CO2 monitoring equipment.
4 Q. Any other equipment?
5 A. It's going to be on a case-by-case basis
6 per county, but they haven't gotten back with me yet,
7 so there could be. I can't answer that question
8 directly.
9 Q. But you're the emergency management
10 coordinator; correct?
11 A. Correct.
12 Q. So you wouldn't be able to anticipate the
13 needs of the county responders?
14 A. Yes.
15 Q. What do you anticipate they might need?
16 A. CO2 monitoring equipment.
17 Q. Can you anticipate that they would need
18 vehicles that don't burn oxygen?
19 A. No.
20 Q. You can't anticipate that?
21 A. No.
22 Q. None of them have asked about that?
23 A. No.
24 Q. You say, "These needs will be reviewed as
25 soon as practical"?

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1 A. Correct.

2 Q. What do you mean by "as soon as practical"?

3 A. To give us enough time to purchase needed
4 equipment. That's it.

5 Q. If a county says today, "We need the
6 equipment today," will you provide it today?

7 A. We will not.

8 Q. Why not?

9 A. The equipment is not needed today.

10 Q. The county says they need it.

11 A. Okay.

12 Q. Okay. So you just disagree?

13 A. Correct.

14 Q. Okay. On page 5, line 1, "Once
15 construction starts, Summit will schedule preparedness
16 training."

17 The county requests preparedness training
18 now. Will you provide it?

19 A. No.

20 Q. Why not?

21 A. Because we're not in the construction.

22 Q. Why do you have to be in construction? The
23 county needs it now.

24 A. I can't answer that.

25 Q. Why not?

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1 A. Because I already answered it.

2 Q. You didn't answer it. You said you can't
3 answer it. I'm asking why can't you say.

4 A. Because we're not in construction.

5 Q. Why must it be in construction?

6 A. Well, the only thing I can go to is first
7 responders would rather be trained closer to
8 operation.

9 Q. Are you saying counties don't want to be
10 trained until operations?

11 A. Construction.

12 Q. You're saying counties don't want to be
13 trained until construction?

14 A. Correct.

15 Q. So that means none of them want to be
16 trained now?

17 A. They have not requested that.

18 Q. No county has requested training now?

19 A. Correct.

20 Q. Yet, you say on line 2, same page, "I am
21 actively participating in conferences and events, such
22 as the Emergency Management Agency Conference, to
23 interface with first responders and provide
24 information specific to the design, construction and
25 operation of the project."

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1 Other than the Emergency Management Agency
2 Conference, what conferences?

3 A. There was a -- there was one -- I don't
4 think it was in Iowa, but I've been to Sheriff's
5 Departments Conference. I've been to Emergency
6 Medical conferences.

7 Q. In Iowa?

8 A. No, sir.

9 Q. Were Iowa counties in attendance at these
10 events?

11 A. No, sir.

12 Q. So what events or conferences at which Iowa
13 counties were in attendance?

14 A. That one, the emergency managers.

15 Q. That's the only one?

16 A. Correct.

17 Q. "Actively participating" means kind of
18 regularly and on an ongoing basis, doesn't it?

19 A. Sure.

20 Q. Okay. So what's next? What's the next
21 conference?

22 A. I haven't been invited to another
23 conference.

24 Q. Next event?

25 A. Correct.

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1 Q. Not scheduled?
2 A. Correct.
3 Q. Will you proactively call counties? If
4 there's no events scheduled, will you be calling
5 counties proactively?
6 A. At emergency manager conversations,
7 correct.
8 Q. Which counties will you call next?
9 A. I don't know.
10 Q. When will you call them?
11 A. I don't know.
12 Q. What does it mean to "interface with first
13 responders"?
14 A. In my opinion?
15 Q. In your statement.
16 A. Training, LEPC meetings.
17 Q. How will you do that, if you're not calling
18 or meeting them at conferences?
19 A. I didn't say I wasn't.
20 Q. You say you have no upcoming conferences.
21 A. Correct.
22 Q. And you don't know when you're going to
23 call them. You don't know when you're going to meet
24 with them.
25 Do you have a plan for interfacing with

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1 first responders?

2 A. No.

3 Q. Line 4. You're going to provide
4 information specific to the design, construction and
5 operation of the project.

6 What information?

7 A. The details of the pipeline system.

8 Q. Specifically what?

9 A. The valves placement of the design, depth
10 of pipe. Just general overall pipe construction, how
11 we're going to operate it.

12 Q. Why does an emergency responder need to
13 know the depth of the pipe?

14 A. Well, if they respond, they need to know
15 everything about this pipe, about anything they
16 respond to before they get there.

17 Q. Everything?

18 A. Everything, in my opinion.

19 Q. Such as the blast zone?

20 A. I don't know anything about a "blast zone."

21 Q. Such as the hot zone?

22 A. Yes.

23 Q. What is a "hot zone"?

24 A. The levels of concentrated product.

25 Q. I'm waiting for the rest of the response

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1 there.

2 A. Just any level of concentrated product.

3 Q. Tell me how that relates to a zone.

4 A. So any product that has concentration

5 levels, and depending on the STEL.

6 Q. What is STEL?

7 A. Short-term exposure limit determines that

8 hot zone.

9 Q. Is a hot zone a distance?

10 A. Typically.

11 Q. How big of a distance?

12 A. That depends on a lot of atmospheric

13 conditions for any product.

14 Q. So the kind of things that emergency

15 responders would need to know?

16 A. Correct, like I said.

17 Q. Yeah. So why aren't you meeting with them

18 to provide them that?

19 A. I've already answered that.

20 Q. Okay.

21 A. Okay.

22 Q. Line 12. "Drills and exercises will be

23 conducted with external stakeholders."

24 What drills?

25 A. Tabletop drills.

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1 Q. What's a "tabletop drill"?

2 A. It's an exercise of presenting a scenario

3 to the first responders and Summit operations in a

4 tabletop-type environment and addressing the response

5 efforts.

6 Q. So around a table?

7 A. Correct.

8 Q. Not out in the field?

9 A. Correct.

10 Q. Have you conducted those drills so far?

11 A. No.

12 Q. When will they be conducted?

13 A. During construction.

14 Q. Why during construction?

15 A. The training has to be accomplished first,

16 which will help develop the plan for the tabletop

17 exercise.

18 Q. A county calls you tomorrow and requests a

19 tabletop exercise. Will you conduct it?

20 A. No.

21 Q. Why?

22 A. It's a waste of time.

23 Q. Why?

24 A. We won't have the plan.

25 Q. You won't have the plan?

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1 A. All the training.

2 Q. You're operating a pipeline. You don't

3 have a plan for it?

4 A. I'm not operating a pipeline.

5 Q. Your company is operating a pipeline. You

6 don't have a plan for the training?

7 A. We're not operating a pipeline today.

8 Q. But you're planning to. You're proposing

9 to. Asking for a permit to.

10 A. Proposing to.

11 Q. But you're actively meeting with county

12 responders and apparently discussing nothing?

13 A. Okay.

14 Q. Am I wrong?

15 A. Yes.

16 Q. What are you discussing, if not hot zone or

17 tabletop drills? Why aren't those the topics of

18 conversation?

19 MR. DUBLINSKE: Objection to form.

20 You can go ahead and answer.

21 A. It has not been requested to discuss that

22 yet.

23 BY MR. WHIPPLE:

24 Q. Yet, it's in your testimony that that's the

25 kind of thing they need to know?

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1 A. Correct.

2 Q. But they need to know when you want them to
3 know; correct?

4 A. No.

5 Q. So if they want to know and they ask, the
6 answer is yes?

7 A. No.

8 Q. Page 6, line 6. "Summit has evaluated the
9 extent or reach of the CO2 plume and the associated
10 volumetric concentration," yet, you will not share
11 that; correct?

12 A. Correct.

13 Q. Yet, you also say you don't have a
14 completed plan, an Emergency Response Plan; correct?

15 A. Correct.

16 Q. Do you have a draft plan?

17 A. There is.

18 Q. Will you share the draft plan with the
19 counties; not with the public, but with the emergency
20 responders?

21 A. I'm not in a situation to answer that
22 question. That's not my call.

23 Q. Who is?

24 A. Legal, I guess.

25 Q. Why legal?

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1 A. I can't answer that.

2 Q. The lawyers don't keep the public safe;
3 right?

4 MR. DUBLINSKE: Objection, Your Honor.

5 BY MR. WHIPPLE:

6 Q. I mean, that's your job and the county
7 responders; right?

8 A. Correct.

9 Q. I'm not going to look at the plan, and if I
10 did, I wouldn't understand it. So a county responder
11 asks for the draft plan.

12 Will you provide it?

13 A. No.

14 Q. Why not?

15 A. We're not under construction.

16 Q. Why must it be under construction?

17 A. Because that's when the emergency managers
18 want to start the training.

19 Q. Would you be surprised to learn that there
20 are emergency responders who want that information
21 now?

22 A. No.

23 Q. You wouldn't be surprised? Why wouldn't
24 you be surprised?

25 A. I don't have an answer for that. I don't

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1 have an answer for that.

2 Q. Well, you must know.

3 A. I just say no, I don't have an opinion.

4 Q. Page 6, line 17. "First responders should
5 have basic training to respond to all chemical
6 emergencies, and responses should be differentiated as
7 necessary to accommodate specific safety data sheet
8 details."

9 Why should first responders have that
10 information?

11 A. To answer the question, the local
12 responders typically have the equipment and training
13 necessary to respond to a carbon dioxide pipeline
14 rupture. The safety data sheet details exactly what
15 CO2 does.

16 Q. What it does to people?

17 A. What it does to anything. What it does
18 when it leaves a contained container, like any
19 product.

20 So that was the answer to the question.

21 Q. The question really was why. Why do
22 emergency responders need the data sheet? To what use
23 do they put it?

24 A. To educate them on the response effort
25 needed for a CO2 release.

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1 Q. Well, I would characterize that as why you
2 provide it to them. What purpose do they put it to,
3 once they have it?

4 MR. DUBLINSKE: Objection. Calls for
5 speculation.

6 You can answer, if you know.

7 A. Education.

8 BY MR. WHIPPLE:

9 Q. First responders use it for education; they
10 don't use it to plan a response?

11 A. Well, the safety data sheet will educate
12 them on how to do the response.

13 Q. Do you help them plan the response?

14 A. Yes.

15 Q. Have any counties asked for the data
16 sheets?

17 A. No.

18 Q. Not a single county has asked for a data
19 sheet?

20 A. Correct.

21 Q. Can they plan a response without a data
22 sheet?

23 A. No.

24 Q. The county calls tomorrow and asks for a
25 data sheet. Will you give it to them?

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1 A. The safety data sheets?
2 Q. Yes.
3 A. Anybody can look at that online.
4 Q. So you'll give it to them?
5 A. Uh-huh.
6 Q. You'll give them the data sheet, you will,
7 because you have copies; right?
8 A. I have a copy of a safety data sheet for
9 CO2.
10 Q. And you're the resource; right?
11 A. Well --
12 Q. You're their first call; right? You're the
13 guy for the company. You're helping them; right?
14 Who else would they call?
15 A. I --
16 Q. So you're the guy, right, so they're going
17 to call you; right? You're interfacing with them;
18 right? That's the word you used, you're "interfacing
19 with them."
20 A. Okay.
21 Q. That's your testimony; not mine. You're
22 interfacing.
23 Does that mean they call you sometimes?
24 A. They have not.
25 Q. They don't call you?

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1 A. Correct.

2 Q. And you don't call them?

3 A. First responders, no.

4 Q. You don't call first responders?

5 A. Correct.

6 Q. How are you interfacing with them, if

7 you're not calling them?

8 A. The emergency managers we're interfacing

9 with.

10 Q. Okay. Do you provide the emergency

11 managers the data sheets?

12 A. Yes.

13 Q. What use do they put them to?

14 A. I can't answer that, what they would do

15 with them.

16 Q. Aren't you training them on the uses to put

17 them to?

18 A. Will be.

19 Q. But not yet?

20 A. Correct.

21 Q. County calls tomorrow and asks for exactly

22 that. Do you help them?

23 A. For the safety data sheet?

24 Q. Yes.

25 A. Yes.

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1 Q. Do you train them to put it to a certain
2 use?
3 A. No.
4 Q. Even if they ask?
5 A. Correct.
6 Q. Why?
7 A. We're not under construction.
8 Q. Why must it be under construction?
9 You've answered that or not answered it
10 many times so far. I'm trying to drive home a point,
11 obviously.
12 We're talking about preparing for emergency
13 response; correct?
14 A. Correct.
15 Q. Wouldn't you agree the sooner people can be
16 prepared, the better?
17 A. No.
18 MR. WHIPPLE: Okay. I'm done.
19 MR. OSTERGREN: I have no questions.
20 MS. GRUENHAGEN: I just have a few
21 questions for you.
22 FURTHER EXAMINATION
23 BY MS. GRUENHAGEN:
24 Q. My name is Chris Gruenhagen, and I'm
25 representing the Iowa Farm Bureau, so I just have not

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1 as many questions as Mr. Whipple here, but I do have a
2 few questions.

3 When you talk about "public awareness," are
4 you talking about to the One Call program?

5 A. 811, yes.

6 Q. Are there any other programs that you're
7 referencing when you talk about "public awareness"?

8 A. No.

9 Q. Okay. Other than direct participation with
10 the 811 program in locating and One Call, is Summit
11 planning on doing any independent outreach to make the
12 public aware of the 811 program?

13 A. Yes.

14 Q. What are you planning? What is Summit
15 planning?

16 A. The flyers situation. Like, we have a
17 couple companies called Paradigm and PAPA in different
18 states that will manage our program to reach out to
19 the public for that specific Public Awareness Program.

20 Q. Will those flyers be provided to the
21 neighbors and the landowners that the pipeline is
22 routed through?

23 A. It should.

24 Q. And who is responsible for mailing those
25 out? Is that Summit, or is that --

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1 A. The contractors.

2 Q. And Paradigm is the name of one?

3 A. Paradigm in Iowa.

4 Q. And they're an Iowa company?

5 A. I can't answer where they're from. It's a
6 national company.

7 Q. You mentioned that you do not have an
8 Emergency Response Plan yet but you have a draft in
9 earlier testimony here today.

10 Who is responsible for preparing that
11 Emergency Response Plan?

12 A. I am.

13 Q. You are. Are there any other people that
14 you work with on your team, or is it just you?

15 A. Today it's just me.

16 Q. Are there plans to have other people on
17 your team to work with you?

18 A. Correct, yes.

19 Q. And approximately when will you be
20 on-boarding the additional people?

21 A. Construction phase of the project.

22 Q. I think you still have a copy of your
23 testimony there.

24 Actually, I want to back up for just a
25 moment. I apologize.

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1 When did you start working for Summit?

2 A. November '21.

3 Q. Okay. I don't think we talked about that
4 yet.

5 And do you have any formal education in
6 this area, other than your -- I know you have
7 extensive experience, but --

8 A. That's it.

9 Q. Okay. Just wanted to make sure.

10 We'll go back to the testimony now. So on
11 page 6, lines 10 through 13, there's a sentence there
12 where it says, "The primary activity of first
13 responders in such a hypothetical situation," which I
14 believe is referencing the release of it, "will
15 include isolating roads around the breach site to
16 protect the public from entry and notifying residents
17 downwind of breach that they may be effected. They
18 may also conduct air monitoring for public safety."

19 Is that the extent of the responsibilities
20 that Summit expects of first responders, or are there
21 some other things that Summit may expect of first
22 responders?

23 A. First responders are to protect the public,
24 period.

25 Q. So would first responders be responsible

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1 for evacuating people?

2 A. They are.

3 Q. Would Summit's Damage Prevention Team be
4 responsible for evacuating people?

5 A. No.

6 Q. So Summit's Damage Prevention Team, what is
7 their responsibility, other than to identify there's a
8 problem?

9 A. Damage prevention to identify the problem?

10 Q. Other than to identify a problem.

11 On page 5, that previous question, it just
12 talked about situations that are identified by
13 Summit's Damage Prevention Team.

14 I assume that's when there may be a
15 problem, a potential problem?

16 A. No. That's --

17 Q. Do they do anything else?

18 MR. DUBLINSKE: Just to be clear, you're
19 referring to page 5, line 20?

20 MS. GRUENHAGEN: Yes.

21 A. That was in reference to answering the
22 question for in-service. The Damage Prevention has
23 nothing to do with actually responding to an
24 emergency.

25

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1 BY MS. GRUENHAGEN:
2 Q. Does Summit have a team that will be
3 responding to emergencies?
4 A. Yes.
5 Q. Are those people hired at this point in
6 time?
7 A. No.
8 Q. And so what will their responsibilities be?
9 A. Operating the pipeline system.
10 Q. So just to be clear, will Summit have an
11 Emergency Response Team that is separate from the
12 people operating the pipeline, or are they the same
13 people?
14 A. Same people.
15 Q. And so with regard to emergency response,
16 those people, what are the responsibilities with
17 regard to emergency response?
18 A. Responding to the incident, coordinating
19 with the first responders to protect the public.
20 Q. Anything else?
21 A. No.
22 Q. Okay. So they will not be evacuating
23 people, for example?
24 A. No.
25 Q. Okay. Will they be looking to manually

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1 shut down a valve, if it didn't shut down
2 automatically?
3 A. Correct.
4 Q. They would do those kinds of things as
5 well?
6 A. Correct.
7 Q. You may not be able to answer this
8 question, given earlier, but the training and
9 education of the first responders -- so the local
10 folks -- will it include how to manage and deal with
11 livestock?
12 A. Say that again.
13 Q. Sure. Will the training and education of
14 first responders also include information on how to
15 handle livestock, if they're affected by the release?
16 A. I can't answer that today.
17 Q. Okay.
18 A. I can't. I don't know.
19 Q. Okay. A lot of livestock along the
20 pipeline. That's why I'm asking.
21 A. Correct.
22 Q. Let's go back. I know there's been some
23 questions about this today, but let's go back to
24 page 6, the question that's at the top of the page. I
25 want to understand primarily what you're stating here.

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1 So the first sentence, it says, "Summit has
2 developed a model," okay? What do you mean by "a
3 model"?

4 A. To address these two rupture types, the
5 guillotine and a small puncture.

6 Q. Could you describe what the model does?

7 A. So if it's a guillotine rupture of the
8 pipe, it models what's going to happen 4 feet
9 underground or more with the pipe, the product, and
10 the outcome of such events as in where it's going and
11 all that.

12 Q. So Summit has developed the model
13 themselves?

14 A. A contractor.

15 Q. Okay. So Summit retained a contractor to
16 develop a model specifically for this pipeline?

17 A. Yes.

18 Q. Okay. Were any off-the-shelf models used,
19 or was --

20 A. I wasn't privy to that, so I don't know the
21 answer.

22 Q. Will that model be available to first
23 responders?

24 A. No.

25 Q. Okay. Starting on line 6, your direct

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1 testimony says that, "Summit has evaluated the extent
2 or reach of a CO2 plume and the associated volumetric
3 concentration."

4 What form did that evaluation take?

5 A. It's on paper.

6 Q. Okay. So was a report prepared?

7 A. Yes.

8 Q. Okay. Who prepared that report?

9 A. I don't -- A contractor. I don't know who
10 it is.

11 Q. What is the name of the contractor?

12 A. I don't know. Audubon.

13 Q. Okay. Is that the same contractor that
14 developed the model?

15 A. The failure modes?

16 Q. Yes.

17 A. I assume. I don't know.

18 Q. To your knowledge, do you know if that
19 evaluation was conducted for high-consequence areas?

20 A. Yes.

21 Q. Was it performed for any other area along
22 the pipeline, to your knowledge?

23 A. I'm not aware. I'm not aware.

24 MS. GRUENHAGEN: I think that's all the
25 questions I had. Thank you.

1 FURTHER EXAMINATION

2 BY MR. ZIEMAN:

3 Q. Good afternoon, Mr. Dillon. I'm Lanny
4 Zieman from the Consumer Advocate's Office.

5 I have one area of questions for you. It
6 was something you said in response to Mr. Whipple's
7 questions.

8 You said that local responders will be
9 trained on dispersion modeling. What does that mean,
10 or what will that training consist of?

11 A. The dispersion modeling is -- Do you know
12 what dispersion modeling is? It shows the product
13 released and what it's going to do, so it's a model.

14 I will utilize that to educate first
15 responders on what CO2 does, based on that model.

16 Q. And will that be specific to each county,
17 or just a general description of what it is?

18 A. Generally.

19 Q. And then with that, you'll use that to try
20 to learn what they may need to do to respond to it?

21 A. Correct.

22 Q. That would include equipment or whatever
23 else?

24 A. It will.

25 MR. ZIEMAN: I don't think I have any

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1 further questions. Thank you.

2 MS. GRUENHAGEN: I apologize. I have one
3 additional question to follow up on.

4 FURTHER EXAMINATION

5 BY MS. GRUENHAGEN:

6 Q. There was a lot of discussion earlier, I
7 think, when Wally was asking questions that you were
8 going to be providing air-monitoring equipment, I
9 believe, to the counties?

10 A. Correct.

11 Q. Is that a portable device?

12 A. Correct.

13 Q. And so if the local responder suspects a
14 release, they would physically carry that monitor to
15 that location to see what the air monitoring was?

16 A. Correct.

17 Q. And what concentration of CO2 will set that
18 alarm off?

19 A. For CO2, the OSHA STEL is 30,000 parts per
20 million.

21 Q. Would there be any other gas that that
22 monitor will measure that will set off the alarm?

23 A. Low oxygen.

24 Q. And what concentration would set it off?

25 A. I can't remember. I think it's under

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1 18 percent.

2 MS. GRUENHAGEN: Okay. Thank you. I
3 appreciate it.

4 THE WITNESS: Okay.

5 MR. DUBLINSKE: Mr. Jorde, I believe we're
6 to you.

7 MR. JORDE: Thank you.

8 FURTHER EXAMINATION

9 BY MR. JORDE:

10 Q. Sir, would you agree that the PHMSA
11 requirement for an Emergency Response Plan is only
12 that the company itself, the operator of the pipeline,
13 has an Emergency Response Plan drafted?

14 MR. DUBLINSKE: Objection. Calls for legal
15 conclusion.

16 You can answer, if you know.

17 A. I can't answer that, sir.

18 BY MR. JORDE:

19 Q. Are you aware if PHMSA has any restrictions
20 on a county, for instance, adopting or creating from
21 scratch its own Emergency Response Plan to a potential
22 rupture or leak of CO2?

23 MR. DUBLINSKE: Same objection.

24 A. I can't answer that. I don't know.

25

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1 BY MR. JORDE:

2 Q. Would you think it would be wise, in your
3 role as someone -- director of regulatory compliance
4 and who works on emergency response and planning --
5 trying to be ahead of the curve for a county to have
6 its own Emergency Response Plan in addition to
7 whatever Summit would come up with?

8 MR. DUBLINSKE: Objection to form.

9 You can answer.

10 A. No.

11 BY MR. JORDE:

12 Q. And who will draft the Emergency Response
13 Plan? Is that you personally?

14 Is that someone that's a Summit employee?
15 Is that a third-party contractor you're going to rely
16 on?

17 Who will have their hands and fingers
18 involved on that?

19 A. Third-party contractor.

20 Q. And was that Paradigm or someone else?

21 A. Someone else.

22 Q. Who?

23 A. Audubon.

24 Q. Audubon. Okay. And I think you said they
25 were maybe located in Iowa, but you're not sure.

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1 Do you know where they're headquartered out
2 of?

3 A. Paradigm is the one located in Iowa, but
4 Audubon's office, I don't -- I think it's Oklahoma or
5 something. I don't know. I've never been there.

6 Q. Okay. So then this Audubon, as the author
7 of this Emergency Response Plan, did they send in
8 employees and team members to go county to county and
9 emergency responders to gather all the important data
10 needed to put into that plan, or how did they go about
11 their job duties?

12 A. No, they do not. They'll take the
13 information that I give them and develop the plan
14 based on my training with the first responders.

15 Q. Okay. So you personally will go out to the
16 first responders at some point. You gather data, and
17 then you send your data back to Audubon, and then they
18 put the ERP together?

19 A. I guess I misspoke. Not me personally. My
20 contractor for training will do that.

21 Q. Which contractor is that?

22 A. In Iowa it is PRS. I can't remember what
23 they stand for, but they're a contractor in
24 Des Moines.

25 Q. Okay. And their job is specifically what?

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1 A. Training.

2 Q. Emergency responders?

3 A. Yes, sir.

4 Q. Okay. Then once those two contractors

5 share information, then Audubon prepares something.

6 Do you personally sign off on it, or who kind of has

7 the final say-so at Summit on whether or not the

8 Emergency Response Plan is appropriate?

9 A. Me.

10 Q. You personally?

11 A. Correct.

12 Q. Does anyone above you have to sign off on

13 it? Jimmy Powell or James Pirolli or anybody else?

14 A. I could assume Jimmy Powell would have to

15 as the COO, yeah.

16 Q. You talk about these monitors. Are these

17 mobile monitors that emergency responders in each

18 county and volunteer fire departments and anyone

19 potentially involved will have, and then they're

20 supposed to carry them with them, if they think it's a

21 CO2 explosion, and then utilize the monitors to tell

22 them if it's safe or dangerous?

23 A. Correct.

24 MR. DUBLINSKE: Objection.

25 THE WITNESS: Sorry.

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1 MR. DUBLINSKE: Withdrawn.

2 BY MR. JORDE:

3 Q. I'm sorry. I didn't get an answer there.

4 A. It is.

5 Q. It is? They're mobile monitors. Okay.

6 How often do you have to update those
7 monitors? Do they have any software? Are they
8 battery-powered?

9 Tell me about those.

10 A. They are battery-powered. They'll have a
11 charging station. Those charging stations will be
12 with the first responders.

13 There's calibrations that we do after use
14 and periodically. The contractor that -- That's
15 another contractor that will be supplying those air
16 monitors.

17 Q. And for the contract you have with that
18 contractor, do they have a maintenance agreement for a
19 certain period of years where they'll agree to
20 maintain those and keep them in good working order?

21 A. I can't answer the details of the contract.
22 That's our safety division that's developing that.

23 Q. So 15 years from now, do you send in new
24 monitors, or what's kind of replenishment and updating
25 the program so that these monitors are always in good

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1 working order?

2 A. I don't have the answer to that. I could
3 assume, yes, it will be true, always maintained in
4 good working order.

5 Q. But is that a responsibility of the first
6 responders, or do you believe that's a responsibility
7 or an ongoing responsibility of Summit or whoever
8 takes over after you?

9 A. Summit.

10 Q. And then who makes the decision of how many
11 of these monitors are appropriate per first responder
12 entity?

13 A. Me.

14 Q. So Des Moines. How many will Des Moines
15 have?

16 A. Zero.

17 Q. Okay. And that's because you don't go
18 through there; right?

19 A. Correct.

20 Q. All right. So the largest populated county
21 that you do traverse through or that your pipeline is
22 proposed to go through, how do you make a decision of
23 how many that county would have?

24 Do you do it by population? Do you do it
25 by the number of first responder employees? How do

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1 you calculate it?

2 A. The calculation would be determined based
3 on the quantity of first responders in that county.

4 Q. Okay. So let's just say there's 20. Does
5 every first responder get a personal monitor?

6 A. Yes.

7 Q. All right. And then if they hire five
8 more, they can call you up, and at your expense,
9 Summit's expense you'll send them up new monitoring
10 for the new five hires?

11 A. Yes.

12 Q. And then the training that would be given
13 on the monitors and how to read them, is that ongoing?
14 Do you have continuing education?

15 If there's new hires, are you relying upon
16 the prior first responders to teach their fellow first
17 responders how to use it?

18 A. We will conduct ongoing training and do new
19 personnel training when needed.

20 Q. And is the "when needed" determined by
21 Summit or determined by the county or the municipality
22 or the first responder group?

23 A. The emergency manager will -- I'm hoping
24 the emergency manager will reach out and tell me they
25 hired new firemen or sheriffs or whatever the case may

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1 be and schedule with me to do the training.

2 Q. So the monitors are for the first responder
3 to kind of have an idea of what they might be getting
4 into or approaching in terms of a potential plume or
5 CO2 release; is that right?

6 A. I wouldn't say it might be. I would say it
7 will be.

8 Q. Okay. So how many monitors per household
9 will you be giving out to the folks within a couple
10 thousand feet of the pipeline who don't have time to
11 wait for the emergency responders to figure out what's
12 going on?

13 A. We have not discussed that.

14 Q. And the self-contained breathing apparatus
15 for the firefighters, how many will you hand out to
16 the families along this route who won't have time to
17 wait for the firefighters who will have their own
18 self-breathing apparatus?

19 A. None.

20 Q. And then the plume modeling, is that
21 modeling that Summit did in-house or something you
22 contracted out?

23 A. Contracted.

24 Q. And who did you use for that?

25 A. Audubon.

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1 Q. And did they perform the PHAST modeling
2 analysis, P-H-A-S-T?
3 A. I can't answer that question, sir.
4 Q. Do you know if they did dynamic modeling
5 analysis?
6 A. I cannot answer that either.
7 Q. Would you agree that the setbacks that are
8 informed by plume modeling are designed to reduce
9 risks of an adverse event or release?
10 A. Yes.
11 Q. Well, let me ask you this. When you do the
12 training for emergency response, is there a certain
13 number of feet or a certain zone that you train first
14 responders that they need to be worried about?
15 For instance, "When you get within 2,000
16 feet of a particular leak or rupture, you're going to
17 want to have your breathing apparatus already on"?
18 A. No.
19 Q. So is the sole piece of information that
20 the first responders, all who are paid by the
21 government, funded by the taxpayer, to know whether or
22 not they're in the hot zone or a danger area are these
23 monitoring devices you're going to give them?
24 A. Correct.
25 Q. I don't know. I missed your answer at the

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1 end of that.

2 A. Correct, sir.

3 Q. Okay. And you were asked a question if you
4 will have your own Response Team, and I take it that
5 your, meaning Summit's Response Team, is primarily
6 there to protect the asset, which is the pipeline, and
7 make sure the shutoffs are working, but that the
8 Summit team doesn't then go in and investigate or warn
9 any potential victims; is that correct?

10 MR. DUBLINSKE: Objection to form.

11 You can answer.

12 A. I can't -- No, sir.

13 BY MR. JORDE:

14 Q. Okay. So Summit has an on-site Response
15 Team all along the pipeline route who will actually be
16 the first first responders in terms of warning victims
17 and saving people in a case of an event?

18 A. No.

19 MR. DUBLINSKE: Objection to form.

20 BY MR. JORDE:

21 Q. So what role, in terms of the safety of the
22 public, livestock or non-Summit assets, does the
23 Summit Response Team have?

24 A. To ensure the safety of the public with the
25 first responders.

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1 Q. Can you explain that a bit more? What does
2 that mean?

3 A. The first responders and Summit Carbon
4 operations teams that will be Emergency Response Teams
5 will go through the training and exercises together to
6 understand each role upon arrival on the incident.

7 Q. Okay. I may have asked a poor question,
8 but what you're differentiating is that the Summit
9 Response Team will, during the training process, go
10 through different types of scenarios and be part of
11 the training, but I'm wondering if, you know, you get
12 this permit, you're in operation. The next day
13 there's an event, a release, a rupture.

14 Does Summit effectively parachute in their
15 own personnel to deal with the potential victims and
16 that type of thing, or do you rely exclusively on the
17 local first responders for that role?

18 A. The first responders' role is to protect
19 the public with support from Summit.

20 Q. Okay. And the support from Summit after an
21 event is what? Do you drive people up from Texas? I
22 mean, where do they come from?

23 A. Iowa.

24 Q. Okay. So how many permanent employees on
25 the Summit payroll that have the sole responsibility

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1 to supplement the first response and emergency
2 response will there be located in the state of Iowa
3 for this pipeline?

4 A. I don't have a number for you yet.

5 Q. Well, is it more than five?

6 A. I don't have a number for you.

7 Q. Okay. And who at Summit is going to make
8 that determination?

9 A. I can't answer that.

10 Q. And who will hire and interview and
11 on-board these people?

12 A. I can't answer that.

13 MR. JORDE: All right. I don't have
14 anything further. Thank you.

15 MR. DUBLINSKE: We don't have anything.

16 MR. TAYLOR: I've got a few more questions.

17 (Deposition Exhibit 2 was marked for
18 identification.)

19 FURTHER EXAMINATION

20 BY MR. TAYLOR:

21 Q. You've been handed Exhibit 2. Is that the
22 three-page Public Awareness Program that we talked
23 about earlier?

24 A. Correct, yes.

25 Q. And it says "Draft" at the top?

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1 A. Yes.

2 Q. Do you know when that was drafted

3 approximately?

4 A. 2023.

5 Q. So earlier this year sometime?

6 A. Yes, sir.

7 Q. Okay. And it says "Draft." Is there going

8 to be a final copy, or is there a final copy?

9 A. There is not. There will be.

10 Q. Again, as you've said to Mr. Whipple, when

11 construction starts? Is that it?

12 A. Yes.

13 Q. And it's your testimony that this

14 three-page document satisfies the requirements of

15 PHMSA Regulation 195.440; correct?

16 MR. DUBLINSKE: Legal conclusion, but you

17 can answer.

18 A. If it's a legal conclusion, I can't answer

19 that. I don't know.

20 BY MR. TAYLOR:

21 Q. Well, did you prepare Exhibit 2?

22 A. Yes, yes.

23 Q. So what guidance did you have to tell you

24 that that was what was required?

25 A. 440.

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1 Q. I'm sorry?
2 A. 440.
3 Q. So you are familiar with Section 440?
4 A. Correct.
5 Q. Okay. And it's your assertion that, as you
6 prepared that, you were complying with Section 440; is
7 that correct?
8 A. Yes.
9 Q. In responding to Mr. Whipple, I got the
10 impression that you were distinguishing between local
11 emergency managers and local first responders.
12 Am I correct in that impression?
13 A. You are.
14 Q. So what's the difference between emergency
15 managers and first responders?
16 A. Emergency managers manage the county.
17 First responders respond to incidents.
18 Q. But don't the emergency managers also
19 respond, especially in the smaller counties where
20 they're all volunteers?
21 A. I'm not aware of that. I don't know.
22 Q. You mentioned the Paradigm Company. What
23 was it that they're doing?
24 A. They do the meetings that we are required
25 to for public awareness. They coordinate the meeting.

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1 What am I trying to say? They manage the
2 meetings.

3 Q. And it's your testimony that there's a
4 Material Safety Data Sheet for carbon dioxide?

5 A. There are a lot, yes.

6 Q. Just for carbon dioxide?

7 A. Of carbon dioxide?

8 Q. Yes.

9 A. Any company that produces carbon dioxide
10 has a Safety Data Sheet.

11 MR. TAYLOR: Okay. Thank you. That's all
12 the questions I have.

13 MR. WHIPPLE: Nothing further.

14 MR. OSTERGREN: Nothing further.

15 MS. GRUENHAGEN: I've got nothing further.

16 MR. DUBLINSKE: Mr. Jorde?

17 MR. JORDE: You know, just a couple to
18 clarify.

19 FURTHER EXAMINATION

20 BY MR. JORDE:

21 Q. Where are you based out of, sir?

22 A. Our office is in Ames, Iowa.

23 Q. Okay. Where are you from originally?

24 A. Originally I'm from Louisiana.

25 Q. Louisiana. And then you've been with

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1 Summit for, what, two years now?
2 A. Correct.
3 Q. All right. Who were you working with
4 before that?
5 A. I was working for a response company.
6 Q. Do they have a name?
7 A. Oil Mop.
8 Q. Oil Mont, M-o-n-t [sic]?
9 A. Oil Mop, O-i-l, M-o-p.
10 Q. Oil Mop. Okay. All right. Very good.
11 MR. JORDE: Thank you.
12 MR. DUBLINSKE: We have nothing.
13 (Deposition concluded at 2:56 p.m.)
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1 C E R T I F I C A T E

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of Iowa, do hereby certify that
4 there came before me, at the time, date, and place
5 hereinbefore indicated, the witness named on the
6 caption sheet hereof who was by me duly sworn to
7 testify to the truth of said witness's knowledge, that
8 the witness was thereupon examined under oath, the
9 examination taken down by me in shorthand and later
10 reduced to a transcript through the use of a
11 computer-aided transcript device under my supervision
12 and direction, and that the deposition is a true
13 record of the testimony given and of all objections
14 interposed.

15 I further certify that I am neither
16 attorney or counsel for, nor related to or employed by
17 any of the parties to the action in which this
18 deposition is taken, and further that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto, or financially
21 interested in the action.

22 Dated this 25th day of June, 2023.

23 
24 CERTIFIED SHORTHAND REPORTER
25 Darcy Kriens, Iowa CSR #988

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 300 Walnut Street, #36, Des Moines, IA 50309-2224

DRAFT



**SUMMIT CARBON
SOLUTIONS**

PUBLIC AWARENESS PROGRAM

PIPELINES & PIPELINE FACILITIES IN YOUR COMMUNITY

Every day, more than two million miles of pipelines across the United States safely transport natural gas, gasoline and other products that fuel our modern lives. Understanding where these pipelines and pipeline facilities are located, the potential hazards and how to identify and respond to a potential release will help keep your family, your employees and your community safe.

Summit Carbon Solutions pipeline transports CO2. We take pipeline safety measures to ensure public safety and safe pipeline operations.

CALL 811 BEFORE YOU DIG

If you're planning a project involving digging or any type of ground disturbance including, building a fence, planting a tree or installing a swimming pool, it's important to call 811 or your local One-Call Center before you dig to have underground utilities located and marked.

811 is the national call-before-you-dig phone number. Having utilities located and marked is a free service and protects you, your family and your property during digging and excavation projects. Anyone who plans to dig should call 811 or go to their state 811 center's website before digging to request that the approximate location of buried utilities be marked with paint or flags so that you don't unintentionally dig into an underground

Remember, you should always call 811 at least two working days before digging, wait to have the lines marked, dig with care and immediately report any dents, scratches or damage to a pipeline or underground utility to the utility owner.

LOCATING PIPELINES AND PIPELINE FACILITIES

While you should always call 811 or your local One- Call Center before you dig to identify the exact location of a pipeline or pipeline facility, there are additional resources to help you identify the approximate location of pipelines.



DRAFT

Pipeline markers, like the ones pictured, are located along pipeline routes, at road and railroad crossings, and at all above-ground pipeline facilities. These markers identify the general area where a pipeline is located and specify the type of product transported, the operator's name and an emergency contact number. The markers do not identify the exact location or depth of the pipeline and should never be used to identify a pipeline's location before excavating.

It is a federal crime to damage, remove or destroy a pipeline marker.

Another way you can locate pipelines is through the National Pipeline Mapping System. This system is maintained by the federal government and provides maps that show the approximate location of the transmission pipelines in your community. Government and safety officials can access additional information and download electronic files to import into emergency preparedness GIS mapping systems.

RECOGNIZING AND RESPOND TO A PIPELINE RELEASE OR PIPELINE FACILITY RELEASE

Although rare, pipeline releases can be dangerous and require caution and immediate action. It's important to be able to recognize the signs of a potential pipeline release and know how to respond to protect people, property, and the environment.

Signs of a potential pipeline release can include*:

- Dead vegetation, stains, dirt being blown into the air, dense white cloud or fog, or frozen ground near the pipeline
- Bubbles coming from bodies of water
- Hissing or roaring sound

*Not all signs need to be present to indicate a release.

If you suspect a release or a release occurs, you should:

- Leave the area immediately in a cross-wind direction and warn others to stay away
- Once you are a safe distance away from the potential release use a telephone or cell phone to call 911 and Summit Carbon Solutions
- Do not drive into an area where you suspect a release, and do not touch or operate pipeline valves
- Avoid contacting escaping vapors as potential hazards may include eye, skin and respiratory irritation.

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PROTECTING PIPELINES, PIPELINE FACILITIES & RIGHT-OF-WAY

While we have 24-hour safety and security procedures in place to keep our assets safe, we also depend on government and safety officials and the people who live and work near our pipelines to notify us about potential damage, right-of-way issues or suspicious activity.

The right-of-way is the land over and around a pipeline, typically 25 feet on either side, in which both Summit Carbon Solutions and the landowner have a legal interest. To ensure the safety of the pipeline, there are some restrictions regarding how a right-of-way can be used. For example, placing buildings or structures, or planting trees and shrubs, are considered unauthorized usages (also known as encroachments) as it might interfere with the safe operation of the pipeline.

We conduct regular maintenance to trim trees and remove shrubs or structures that are on the right-of-way or prohibit us from clearly viewing the pipeline route during aerial or foot patrols.

You can help us protect our pipelines by always calling 811 before you dig and reporting suspected damage, including scrapes or dents that occur during excavation. It is important that any damage is inspected, and repairs are made if needed. If pipelines are not promptly repaired, the damage could result in future leaks or a serious accident.

We also ask that you contact us if you notice right-of-way encroachment by utilizing the contact information found on the pipeline sign.

Summit Carbon Solutions Public Awareness Program, developed under the guidance of federal public awareness, damage prevention and integrity management regulation is a single administered program for all applicable business units or entities.