

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 ERIK SCHOVANEC,
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 9:07 a.m., Wednesday, June 21, 2023.

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25 DARCY KRIENS - CERTIFIED SHORTHAND REPORTER



SUSAN FRYE COURT REPORTING | 515-284-1972
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14	REPORTER'S NOTE: EXHIBIT 1 WAS NEWLY MARKED AND	
15	RETURNED TO WALLACE TAYLOR. ELECTRONIC COPIES OF THE	
16	EXHIBIT WERE ATTACHED TO THE ELECTRONIC TRANSCRIPTS.	
17	(phonetic) indicates a phonetic spelling.	
18	{sic} indicates the text is as stated.	
19	Quoted text is as stated by the speaker.	
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1 P R O C E E D I N G S

2 ERIK SCHOVANEC,

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. I guess I drew the short straw, so I'll
9 start. My name is Wally Taylor. I represent the
10 Sierra Club.

11 Have you had your deposition taken before?

12 A. I have not.

13 Q. I assume Mr. Dublinske kind of filled you
14 in on what a deposition is and how it goes?

15 A. Yes.

16 Q. Just a couple of points I want to make. If
17 there's a question that any of us ask you that you
18 don't understand, ask us to rephrase it or repeat it.
19 We want to make sure you understand the question.

20 A. Yep.

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

25 A. I will.

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1 Q. It's my understanding generally you were
2 involved in choosing the route for the pipeline and
3 the general construction aspects of the pipeline?

4 A. That's correct.

5 Q. In your direct testimony, you said that the
6 Summit pipeline in Iowa is about 678.75 miles long.
7 Is that a fair statement?

8 A. Yes.

9 Q. And that it had various diameters. How
10 were those various diameters chosen?

11 A. So essentially the system is a large
12 gathering system where we're tying into the ethanol
13 plants and gathering the CO2. So really the volume
14 and the hydraulics dictate the pipe size.

15 There's some expandability inherent in the
16 system for future growth, but the volume of the CO2
17 from the ethanol plants into the pipeline is really
18 dictating the pipe sizes.

19 Q. So it's based on the number and types of
20 ethanol plants that you had signed up; is that
21 correct?

22 A. Yes. So it's based on the current plants
23 that are signed up plus some additional volume
24 capacity.

25 Q. And how is that additional volume

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1 calculated or determined?

2 A. So essentially we looked at, you know,
3 other plants in the vicinity of the pipeline and
4 looked at likelihood of, you know, those plants
5 potentially tying into it in the future and accounted
6 for some portion of those weighed against capital cost
7 to upsize the pipe generally resulting, you know, in
8 one nominal size larger. So 6 to 8 inch, 8 to 10, for
9 example, wasn't huge increases.

10 Q. And you're talking just ethanol plants; is
11 that correct?

12 A. Not entirely. There was other plants
13 considered.

14 Q. Such as?

15 A. Such as fertilizer plants, to name one.

16 Q. Any others that you can think of?

17 A. Not in Iowa at this time, no.

18 Q. Do the different diameters require or allow
19 different pressures of the fluid going through?

20 A. No.

21 Q. So the pressure is the same in a 6-inch
22 pipe as a 24-inch pipe?

23 A. The operating pressures of all the
24 different diameters are the same.

25 Q. In your written testimony and just now,

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1 you've talked about gathering lines and trunk lines
2 and main lines. Can you define what those are?
3 A. Yes.
4 Q. Go ahead.
5 A. So basically the way we defined it was that
6 laterals would be individual laterals that break out
7 into an individual plant. A trunk line was
8 essentially a line that ties into the main line, and
9 then the main line is where all of the laterals and
10 trunk lines tie in and carries the bulk of the volume
11 as it traverses towards our sequestration facilities.
12 Q. And what's a gathering line?
13 A. I'm just saying that the system itself is
14 more or less gathering the CO2.
15 We don't have gathering lines, you know.
16 The laterals and the trunk lines and the main line
17 make up the entire system.
18 MR. LEONARD: I'm going to object to the
19 question to the extent it calls for a legal conclusion
20 and ask that it precede the answer.
21 BY MR. TAYLOR:
22 Q. So, technically speaking, there's no such
23 thing as a gathering pipeline?
24 MR. LEONARD: Same objection.
25 Go ahead.

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1 A. Technically speaking, all these pipelines
2 are treated the same from a regulation standpoint, so
3 there's no difference. It's really semantics on what
4 we classify a lateral versus a trunk versus a main
5 line.

6 BY MR. TAYLOR:

7 Q. So there has to be a gathering line or a
8 lateral or whatever you want to call it from either
9 the main line or a trunk line to the individual
10 ethanol plant; is that correct?

11 A. Not necessarily. Some of the trunk lines
12 extend from the main line directly to an ethanol
13 plant.

14 It's really just how we classify them. So
15 anything that touches the main line or the trunk line,
16 anything that comes off a trunk line we call the
17 lateral.

18 Q. But for each individual ethanol plant,
19 there would have to be some sort of a pipeline, either
20 a lateral or a trunk line, going into the main line;
21 is that correct?

22 A. There's a pipeline going to every ethanol
23 plant, yes.

24 Q. And that pipeline to the ethanol plant
25 would have to be constructed specifically for that

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1 particular ethanol plant; correct?

2 A. Yes.

3 Q. So it's your understanding that the ethanol
4 plant would have to sign up to put their CO2 on the
5 Summit line in order to have a pipeline constructed to
6 the ethanol plant?

7 A. Can you rephrase that?

8 Q. Sure. In order for an ethanol plant to
9 have a pipeline constructed to it, it would have to
10 sign up with Summit to put its CO2 on the Summit
11 pipeline; is that correct?

12 A. I'm not our commercial person, but I would
13 assume that, yes, there has to be some sort of
14 agreement in place for us to do the project.

15 Q. In terms of your duties in determining the
16 route of the pipeline, just generally how did you go
17 about doing that?

18 A. So we enlisted, you know, a company that
19 has extensive routing experience, including in the
20 state of Iowa, and, you know, we started with the
21 ethanol plants as a starting point. Essentially we've
22 got numerous data sets that are both publicly
23 available and privately purchased, and those were
24 essentially used to design the system.

25 You know, you start with, you know, the

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1 shortest point from A to B, and then you consider all
2 of the different factors from construction,
3 environmental, cultural concerns, land uses, amongst
4 other things.

5 Q. You mentioned "data sets." What would be
6 in these data sets generally?

7 A. I mean, again, there's hundreds of data
8 sets that were considered, but, you know, conservation
9 easements, waterfowl protection areas, land uses
10 overlaid with the aerial imagery, which is, you know,
11 able to identify, you know, water bodies, rivers,
12 bridges, highways, et cetera.

13 Q. Am I correct that the pipeline will cross
14 water bodies?

15 A. Yes.

16 Q. So was there any effort to avoid any water
17 bodies?

18 A. I would say yes.

19 Q. Explain that to me.

20 A. Well, I mean, it's impossible for us not to
21 cross any water bodies. You know, certainly that was
22 a consideration to avoid water bodies where possible
23 amongst many other considerations that are all weighed
24 in and around the pipeline.

25 Q. In terms of crossing rivers and streams,

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1 it's my understanding that some of the streams will be
2 crossed by horizontal directional drilling under the
3 water and some by open trenching.

4 How do you decide which method to use?

5 A. Well, there's a couple different factors
6 there. One is constructability. We can't open-cut
7 every stream.

8 Then really it's consultation with the
9 regulatory agencies, whether that's U.S. Fish and
10 Wildlife or the Army Corps of Engineers, that really
11 is determining -- you know, those two factors are the
12 main factors to determine whether or not we open-cut
13 or drill a water body.

14 Q. If it's an open-cut, how deep under the bed
15 of the stream do you bury the pipeline?

16 A. I believe it's 5 feet minimum.

17 Q. What setback distances did you use from
18 residences, schools, businesses and livestock
19 buildings?

20 MR. LEONARD: Object to form.

21 Go ahead.

22 A. We didn't have a set setback distance that
23 was utilized. The minimum requirement, I think, is
24 50 feet, and we're exceeding that significantly.

25 Q. So you're saying that some of the segments

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1 of the pipeline would be as close as 50 feet from a
2 residence or not? I'm trying to figure out what
3 you're saying.

4 A. I'm saying the minimum federal requirement
5 is 50 feet, and we're exceeding that.

6 Q. So was there any data that you had to
7 indicate what a safe distance would be from a
8 residence or school or a business?

9 A. There's tens of thousands of houses,
10 schools, businesses within hundreds of feet of
11 pipelines even in the state of Iowa. So, you know, a
12 safe distance is what's required by PHMSA, which is
13 50 feet, which we exceeded significantly in most
14 scenarios.

15 Q. Did you consult with PHMSA about what they
16 thought was a safe distance?

17 A. No.

18 Q. You mentioned that you consulted with
19 stakeholders along the route. Can you explain what
20 you mean by "stakeholders" and what kind of
21 consultations you had?

22 A. So stakeholders, to me, can mean anything
23 from regulatory agencies, landowners, county
24 officials, just to name a few.

25 Q. Were there any landowners that you

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1 consulted with who objected to the 50-foot setback?

2 A. That wasn't a conversation that was ever
3 had with the landowner, discussing a 50-foot setback.

4 Q. Would that not be an appropriate
5 consultation to have with the landowners?

6 MR. LEONARD: Objection. Calls for
7 speculation.

8 Go ahead.

9 A. You know, we don't have the pipeline within
10 50 feet of any landowner, so that wasn't a
11 conversation that we were going to have.

12 BY MR. TAYLOR:

13 Q. So back to my previous question, I guess.
14 What criteria did you use to determine the
15 setbacks of the pipeline from residences, schools and
16 businesses?

17 MR. LEONARD: Object to form and compound.

18 Go ahead.

19 A. So our initial preliminary routes, you
20 know, used a 400-foot setback as kind of a baseline to
21 start our routing process, and then from there we did
22 a more detailed analysis.

23 BY MR. TAYLOR:

24 Q. How did you choose 400 feet?

25 A. It was a baseline distance that we used on

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1 previous projects and our routing specialists have
2 used on large infrastructure projects in Iowa.

3 Q. Were any of those carbon dioxide pipelines?

4 A. Not that I'm aware of.

5 Q. Did you consult with any local governments;
6 like, counties and cities?

7 A. Yes.

8 Q. Was there any change or any effort to route
9 the pipeline as a result of those consultations with
10 counties or cities?

11 MR. LEONARD: Object to form.

12 Go ahead.

13 A. Yes.

14 BY MR. TAYLOR:

15 Q. Can you explain?

16 A. One example would be that the road crossing
17 angles were determined based on consultations with
18 county officials. Whether or not we open-cut or bore
19 a road was determined based on consultations with
20 county officials.

21 Those are a few examples that resulted in,
22 you know, hundreds, if not thousands, of changes to
23 the route.

24 Q. Your testimony also discusses the pipeline
25 construction process, and most of the pipeline crosses

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1 agricultural land; is that correct?

2 A. That's correct.

3 Q. And it's my understanding that Summit has
4 prepared an Agricultural Impact Mitigation Plan --

5 A. Correct.

6 Q. -- is that correct? And did you prepare
7 that or have a hand in preparing it?

8 A. Yes.

9 Q. Are you an agronomist or soil scientist?

10 A. No.

11 Q. Was there any other input, besides you, in
12 preparing that Agricultural Impact Plan?

13 A. Yes.

14 Q. Who else?

15 A. You know, we used the Chapter 9 rules as a
16 basis. They are very clear in defining what is or
17 isn't required. You know, we've got past experience
18 working in agricultural lands from a construction
19 standpoint. I personally had AIMPs from other states
20 I used as a basis as well.

21 So construction managers, the environmental
22 team, really all experts had a say in reviewing the
23 AIMP as well as our legal team, which were able to
24 provide guidance, based on their experience in Iowa,
25 as well as making sure that we followed all of the

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1 actual rules in Chapter 9.

2 Q. But there was no input from any agronomist
3 or soil scientist; is that correct?

4 A. I'm sure the Chapter 9 rules had input from
5 those types of folks, yes.

6 Q. But Summit specifically did not in
7 preparing this Agricultural Impact Mitigation Plan?

8 A. We had soil scientists that are part of our
9 team working on activities. I can't remember if they
10 reviewed the IMP or not.

11 Q. Who would those folks have been?

12 A. I believe the company is called Soil & Eco,
13 Aaron De Joya.

14 Q. I recall that name. Anybody else?

15 A. Nope. That's it.

16 Q. During construction of the pipeline, if
17 it's permitted, how does Summit ensure that the land
18 is restored properly after construction?

19 A. So the AIMP is essentially the first step
20 in ensuring that we're following the steps, you know,
21 required to, you know, put the soil back as good as we
22 can. I would say that, you know, the fact that in
23 Iowa there's third-party ag inspectors that represent
24 the counties is another way to make sure that we're
25 doing it the right way and to be held accountable.

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1 So following the AIMP and having
2 third-party ag inspection oversee our work is, I
3 think, the way we ensure it's done right.

4 Q. Is there an Environmental Construction
5 Plan?

6 A. Yes.

7 Q. Has that been submitted to the Board?

8 A. Yes.

9 Q. And what does that entail?

10 A. Essentially it involves -- it entails a
11 description of all the different things that we need
12 to do during construction to account for
13 environmentally sensitive areas. You know, best
14 practices for, you know, water body crossings, for
15 example.

16 You know, there is some overlapping, I
17 guess, material between the ECP and the AIMP. So
18 where that occurs, we'll default to the more stringent
19 criteria, which is generally the AIMP in Iowa.
20 Anything else not covered in the AIMP would be covered
21 by the ECP.

22 Q. What contacts have you had so far with the
23 Iowa Department of Natural Resources?

24 A. I have had no contacts with them
25 personally. I know representatives at our company

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1 have been in consultation with the Iowa DNR for some
2 time now.

3 Q. Do you know who those folks would be that
4 consulted with DNR?

5 A. Yes. I would say Jason Zoller.

6 Q. How do you spell his last name?

7 A. Z-o-l-l-e-r.

8 Q. Anybody else?

9 A. I'm sure there's others at our company that
10 have been part of those conversations, but I would
11 defer to Jason on who those are.

12 Q. Okay. Have you consulted with Jason about
13 what he's determined from talking to DNR?

14 A. Yes.

15 Q. What has he told you?

16 A. Well, so similar to other regulatory
17 agencies, such as SHIP, Army Corps of Engineers, Iowa
18 DNR, et cetera, anything that they required or
19 requested of us we provided, and we've taken their
20 input into consideration. We adjusted the route or
21 modified designs according to input for specific
22 features, for example.

23 So it's -- The consultation with Iowa DNR,
24 you know, the specifics of it I can't speak to, other
25 than Jason is a part of our team that we consult with

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1 every single week.

2 Q. Your testimony refers to pump stations,
3 launch-and-receiver sites and capture facilities. Can
4 you explain those terms?

5 A. So capture facility would be the equipment
6 in the facility at the ethanol plant which are
7 capturing the CO₂, compressing it, processing,
8 dehydrating it and putting it into the pipeline at
9 pressure.

10 The launch-and-receiver facilities are
11 essentially a pig launcher or a pig receiver, which
12 are at the start or endpoint of a pipeline, which are
13 used to facilitate maintenance pigs and smart tools.

14 And then the pump stations are, you know,
15 essentially a station with a pump to, you know,
16 pressurize the CO₂ in the pipeline system.

17 Q. Describe to me how the CO₂ gets from the
18 ethanol plant to the capture facility to the
19 launcher/receiver.

20 MR. LEONARD: Object to form.

21 Go ahead.

22 A. So my understanding is we're taking it off
23 of a fermentation process at low pressure using a
24 blower to feed the inlet side of multi-stage
25 compression pressuring it up to 1250 to 1300 PSI

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1 feeding the inlet side of pumps, which then pressures
2 it to roughly 2,000 PSI or so and then injecting it
3 into the pipeline system.

4 Again, at the start of every pipeline,
5 there's a pig launcher.

6 BY MR. TAYLOR:

7 Q. So the launcher, for lack of a better term,
8 just gives us the fluid to shove to get it into the
9 pipe?

10 A. No. The launcher is essentially an
11 oversized piece of pipe that's used to facilitate
12 launching the tools.

13 Q. Sort of like a funnel?

14 A. It's essentially just an oversized piece of
15 pipe. So, you know, the product will not flow through
16 the launcher, generally speaking. It will only flow
17 through the launcher when needed to launch a pig.

18 So there will be a nominal piece of pipe,
19 and it would be oversized with a closure on the end.
20 They'll be valving around it.

21 You shut the valves. You're able to open
22 up the closure, stick a pig in and then use the
23 product to launch a tool, whether that's a maintenance
24 tool or a smart pig.

25 Q. I thought a pig was used just to check the

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1 pipe; not to actually get the fluid into the pipe. Am
2 I misunderstanding what you're saying?

3 MR. LEONARD: Object to form.

4 Go ahead.

5 A. The pig launchers are used to either run
6 maintenance pigs to periodically clean the line or end
7 line inspection tools, which are required to be ran
8 every five years, which are more intelligent tools
9 that look at wall thickness and all the different
10 things that are required there.

11 BY MR. TAYLOR:

12 Q. So the launcher/receiver has actually
13 nothing to do with getting the CO2 from the capture
14 facility into the pipe; is that correct?

15 A. I mean, the launcher is not required to
16 inject CO2 into the pipeline.

17 Q. Pardon my ignorance, but this is new to me.
18 I want to make sure I understand it.

19 A. Yeah.

20 Q. Do you know how the capture equipment
21 actually works?

22 A. I'm not an expert in that field. You know,
23 there's another gentleman that is responsible for that
24 scope, and I've got enough on my plate to not dive
25 into all of his details.

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1 Q. Who would that be?
2 A. J.C. Surber.
3 Q. How do you spell his last name?
4 A. S-u-r-b-e-r.
5 Q. Are there also valves on the pipeline?
6 A. Yes.
7 Q. Is there a set distance between valves, or
8 how do you determine that?
9 A. There are set requirements for valve
10 spacing.
11 Q. What are those requirements, and who sets
12 them?
13 A. PHMSA sets the valve spacing requirements.
14 PHMSA actually updated their regulations, I believe,
15 last year that made those requirements more
16 stringent.
17 If I'm recalling correctly, the spacing
18 requirements are 20 miles and 7 1/2 miles in areas
19 that could or would affect an HCA or OPA. There's
20 additional requirements as well.
21 Q. Okay. And just for the record, an HCA is a
22 high-consequence area?
23 A. Yes.
24 Q. And the other term you used?
25 A. OPA. I can't recall the exact --

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1 Q. Other population area?

2 A. Potentially. I can't recall what the
3 acronym is.

4 Q. And those are determined by the number of
5 concentration of people in the area; is that correct?

6 MR. LEONARD: Object to the extent it calls
7 for a legal conclusion.

8 Go ahead.

9 A. I'm not familiar with exactly how they're
10 determined. I believe that is part of the criteria,
11 yes.

12 BY MR. TAYLOR:

13 Q. You mentioned other agencies like the Corps
14 of Engineers, Fish and Wildlife Service, Iowa DNR.

15 Are you involved in getting permits or
16 other authorizations from those agencies?

17 A. I would say yes, I'm involved as ultimately
18 I'm responsible for getting this pipeline permitted
19 and built. The detailed conversations, again, I
20 haven't been part of those meetings.

21 Q. If you know, what's the status of the Corps
22 of Engineers's authorization at this point?

23 A. My understanding is it's in process. We've
24 submitted our application. We're working through the
25 steps to get our permit.

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1 Q. Who at Summit is most directly responsible
2 for working with the Corps?

3 A. Again, I would say primarily Jason Zoller,
4 our environmental program manager.

5 Q. And would Jason also be involved with
6 permissible land service?

7 A. Yes.

8 Q. In your written testimony, you indicate
9 that there would be some temporary reduction in crop
10 yield in the fields across which the pipeline would be
11 constructed.

12 By "temporary," what did you mean to
13 indicate?

14 A. I would say a number of years. There's a
15 lot of different factors that go into crop loss, so
16 it's not an exact science to determine exactly how
17 many years that is.

18 Q. So it could be many years for some of the
19 landowners? Is that what you're saying?

20 MR. LEONARD: Objection. Calls for
21 speculation.

22 Go ahead.

23 A. I've worked on projects within Ohio where
24 within a few years you couldn't tell the pipeline was
25 ever there, and there was no reduction in yields.

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1 BY MR. TAYLOR:

2 Q. What's "a few years"?

3 A. Two to three years. I mean, that's kind of
4 what, you know -- Again, there's a lot of different
5 factors that go into it. Each individual property is
6 different.

7 Q. What's your understanding of what the
8 county inspectors will be doing during construction?

9 A. So the way I understand it, the county
10 inspectors will be enforcing everything that's in the
11 AIMP.

12 Q. Will they be actually on-site --

13 A. Yes.

14 Q. -- fairly frequently during construction?

15 A. They will be on-site the entire time during
16 construction, from what I understand.

17 Q. And one final question, and I'll let others
18 ask some questions.

19 The permanent easement is, what, 50 feet
20 wide?

21 A. Correct.

22 Q. And on that permanent easement, nothing can
23 be constructed; is that correct?

24 A. No.

25 Q. Is that correct?

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1 A. No.

2 Q. What can be constructed on a permanent
3 easement?

4 A. A fence, for example, drain tile, a road,
5 just to name a few.

6 Q. So you can put a road across the permanent
7 easement?

8 A. Yes. We'd like to know about that so that
9 we could plan for that and presumably put the pipe
10 deeper in that location, but certainly a road can be
11 constructed across the permanent easement.

12 Q. If a landowner wanted to construct their
13 own ten years from now, they may not know that now, so
14 how would you plan for that?

15 MR. LEONARD: Objection. Calls for
16 speculation.

17 Go ahead.

18 A. Those types of activities happen all the
19 time with pipelines. As the operator of the pipeline,
20 you have to be aware of that and consult with the
21 landowner on what they're doing and the design of the
22 road, for example.

23 And then there's things that the pipeline
24 company can do to protect their asset, such as pouring
25 concrete over the pipeline.

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1 BY MR. TAYLOR:

2 Q. If the landowner, as I say, didn't know at
3 the present time when you're constructing the pipeline
4 that they might want to put a road in ten years from
5 now, you wouldn't know that in order to bury the
6 pipeline deeper, would you?

7 MR. LEONARD: Same objection.

8 Go ahead.

9 A. Our pipeline depth is 4 feet. In my
10 experience, that's a sufficient depth to allow a road
11 constructed over the top.

12 We, again, would have to do an engineering
13 analysis and potentially do some things to protect our
14 asset, but that is a case-by-case basis. That would
15 be determined at that time.

16 MR. TAYLOR: Okay. That's all I have for
17 now. I'll let others ask questions.

18 MR. WHIPPLE: I don't have a lot of
19 questions.

20 FURTHER EXAMINATION

21 BY MR. WHIPPLE:

22 Q. My name is Tim Whipple, and I represent
23 eight counties. I submitted some data requests last
24 week, which it appears you have helped prepare
25 responses.

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1 Do you recall that?

2 A. Yes.

3 Q. You probably don't recall it by number, but
4 do you remember Data Request 19 about the manual
5 review process and the 400-foot screening distance?

6 A. Yes.

7 Q. So I want to just talk a little bit more
8 about that, and Wally was asking you some of those
9 questions, too.

10 So you've said the 400-foot screening
11 distance is one that you've used or others have used
12 on other large infrastructure projects?

13 A. Correct.

14 Q. Do you know specifically which other large
15 infrastructure projects?

16 A. My understanding is that Dapple used that
17 same setback distance for their baseline preliminary
18 route.

19 Q. And was it used on any other projects like
20 in electric transmission lines, if you know?

21 A. I don't know off the top of my head every
22 project that they used that for.

23 Q. And do you happen to know why Dapple chose
24 that distance?

25 MR. LEONARD: Objection. Calls for

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1 speculation.

2 Go ahead.

3 A. I do not.

4 BY MR. WHIPPLE:

5 Q. So do you know why the origin of 400 feet
6 is the screening distance?

7 A. It was a baseline distance that we chose as
8 a starting point, and after that, you know, we did a
9 detailed analysis on the entire route. So essentially
10 it was just a baseline number that was chosen, which,
11 again, far exceeds the 50 foot required by PHMSA.

12 Q. So there's no regulatory requirement by any
13 regulatory agency establishing that 400 feet?

14 MR. LEONARD: Object to the extent it calls
15 for a legal conclusion.

16 Go ahead.

17 A. Not that I'm aware of.

18 BY MR. WHIPPLE:

19 Q. So you engaged in a manual review process
20 of 400 feet for various structures; is that right?

21 A. Yeah. The -- The manual review process was
22 done outside of 400 feet, but that's correct.

23 Q. It was done outside of 400 feet?

24 A. I think in my testimony it says that we had
25 a 1500-foot corridor that we used in our detailed

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1 analysis, and so that was kind of our starting point
2 for our detailed route review.

3 Q. So you did a manual review for everything
4 within the 1500 feet?

5 A. Yes.

6 Q. And I had asked in the data request for the
7 structures within 400 feet, and you provided a table.

8 Do you recall that?

9 A. Yes.

10 Q. There were 112 houses and so on; is that
11 correct?

12 A. I'd have to look at the exact numbers, but
13 yes, if that's what the table says, then that's
14 correct.

15 Q. So these structures that were part of the
16 manual review and that were in the 400 feet, were all
17 of them owned by the landowners you're negotiating
18 with on the easements?

19 A. I don't recall the exact quantity, but I
20 would say that probably the answer is no.

21 Q. So some structures would be owned by
22 others?

23 A. That's my understanding.

24 Q. And in the process of route selection, are
25 you only consulting with the landowners that you're

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1 seeking easements from?

2 A. We're consulting with a number of
3 stakeholders. You know, for one, our survey corridor
4 itself was wider than the actual easement corridor
5 width, so just that alone resulted in us consulting
6 with landowners outside of the -- that don't have the
7 actual easement corridor on their property, for
8 example.

9 Q. So did any landowner whose land wasn't
10 crossed by the pipeline request a change in the
11 pipeline route?

12 A. I'm sure I've seen objections that were
13 posted to the docket requesting that we move the
14 pipeline when the route does not cross their property.

15 Q. But during this process of local
16 consultations with landowners and easement
17 negotiations and informational meetings, did any
18 people locally -- not through the IUB docket -- engage
19 in discussions with you about the line location?

20 MR. LEONARD: Object to form.

21 Go ahead.

22 A. Personally, I don't recall any
23 conversations that I had with landowners outside of
24 the corridor with the pipeline -- outside of the
25 pipeline easement corridor.

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1 BY MR. WHIPPLE:

2 Q. So is it fair to say that the primary
3 determination of the line location across any given
4 parcel is made between you and the landowner?

5 MR. LEONARD: Object to form.

6 Go ahead.

7 A. I would say that's fair. We certainly are
8 not consulting with neighbors on the route for their
9 neighbor's property.

10 BY MR. WHIPPLE:

11 Q. Are they specifically notified? By "they"
12 I mean the neighbor across the road.

13 Is that neighbor specifically notified when
14 you're engaged in negotiations with the landowner?

15 A. You know, during the IUB process, there was
16 a notice corridor. They were sent letters. They were
17 invited to the informational meetings.

18 We certainly are not consulting with all
19 neighbors outside of the easement corridor on the
20 route going through the properties now.

21 Q. So if you contact one landowner and they
22 request a change in the line location of their
23 property, there's no notification process at that
24 point, correct, of the neighboring properties?

25 MR. LEONARD: Object to form.

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1 Go ahead.

2 A. If the easement corridor does not impact a
3 neighbor's property, we are not notifying them of any
4 changes on their neighbor's property.

5 BY MR. WHIPPLE:

6 Q. I mean outside of the IUB process. Did you
7 notify anyone of this manual review process?

8 A. No, that's not something that's typically
9 done.

10 Q. So that's a purely internal review?

11 A. "Internal" meaning that it was Summit and
12 its representatives. There was, obviously,
13 contractors involved in that.

14 Q. You say you discussed the project or the
15 route with county officials; is that correct?

16 A. We have representatives on our team that
17 have been engaging with county officials for almost
18 two years now.

19 Q. Did any county officials request a change
20 in the route?

21 A. I'm aware of a couple of requests, yes.

22 Q. What were those requests?

23 A. The data request that was published, I
24 believe, last night or whenever that was, there was a
25 couple examples.

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1 You know, the City of Merrill, for example.

2 A county official requested that we reroute the
3 pipeline.

4 We consulted with the landowner that was
5 impacted, and that was more preferable to him. And he
6 was willing to sign an easement, if we made that
7 change on his property, and we made the change and
8 were able to accommodate the request of the official
9 as well as to get a volunteer easement signed by the
10 landowner.

11 Q. Did any counties or cities request changes
12 that were denied?

13 A. I would say that there are county officials
14 that have requested changes in the route and just
15 arbitrary changes to move the pipeline further away
16 from X, Y or Z that we either, you know -- we could
17 not accommodate at that time basically. So, yes, I
18 would say there have been requests.

19 Q. And do you know which counties made those
20 requests?

21 A. Generally, no, I do not.

22 Q. Generally do you know why they were denied?

23 A. Again, the pipeline route has constraints
24 on it from a constructability standpoint, from an IUB
25 process standpoint with the notice corridor, lots of

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1 different considerations that go into the route, and
2 essentially the route becomes more and more mature as
3 the process moves forward.

4 Many of these requested changes were over a
5 year into the process when the route was extremely
6 mature.

7 Q. Was it your responsibility to make the
8 determination on those requests, or was it someone
9 else's?

10 A. There's a team of us that are, you know,
11 making determinations on adjusting the route.

12 Q. A determination such as that made by county
13 officials, what is the process for making that
14 determination?

15 MR. LEONARD: Object to form.

16 Go ahead.

17 A. We've got a weekly, what we call, route
18 variance meeting. So essentially any request to a
19 change to the route, whether that's from a landowner,
20 you know, through one of our representatives that met
21 with a county from, you know, U.S. Fish and Wildlife
22 and any number of examples, you know, field surveys,
23 findings in field surveys that require a change in the
24 route, all of those things are reviewed and considered
25 every week.

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1 And then for that to move forward,
2 essentially all stakeholders have to agree that that
3 is a viable option.

4 BY MR. WHIPPLE:

5 Q. So you responded in Data Request 19 that
6 there have been over 1200 route changes considered; is
7 that correct?

8 A. Correct.

9 Q. Approximately. And you've implemented more
10 than 950 --

11 A. Correct.

12 Q. -- through this process, the team?

13 A. Route variance, yes.

14 Q. Is there documentation of those
15 determinations?

16 A. Yes, I believe there are documentations of
17 those.

18 Q. Internal documentation or communications
19 made to people that requested the change?

20 A. There's a process that we have that is an
21 internal, you know, log of any changes to the route.
22 External communications of any route change being
23 notified to the public is not something that we have.

24 Q. I'm sorry. I wasn't referring to the
25 public generally but to the specific person or

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1 official that requested it. Do you send them a
2 letter?

3 A. No.

4 Q. How do they know the route has been
5 modified?

6 A. If a landowner requested a change, we would
7 then implement the route change, if it's viable, send
8 them an updated sketch, and that's when they're
9 notified that the route has moved on their property.

10 Q. But if a county official requested the
11 change, would they be notified?

12 A. Not that I'm aware of. I mean, it would be
13 done the same way through verbal communication with
14 the person that they worked with on the request on
15 whether that was accepted or denied or implemented.

16 Q. If a county official made a request and the
17 landowner disagreed, would the request be denied?

18 MR. LEONARD: Objection. Calls for
19 speculation.

20 Go ahead.

21 A. If a landowner -- If a county official
22 requested that we move a route on a landowner's
23 property, the landowner's input would take precedent.

24 MR. WHIPPLE: I think that's all I have for
25 now.

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1 MR. LEONARD: Can we take a short bathroom
2 break?

3 MR. TAYLOR: Sure.

4 (Recess taken.)

5 FURTHER EXAMINATION

6 BY MS. GRUENHAGEN:

7 Q. Hi, Erik. It's my turn here, and my name
8 is Chris Gruenhagen, and I'm representing Iowa Farm
9 Bureau.

10 I have a few questions for you as well. I
11 appreciate you taking the time.

12 A. Sounds good. No problem.

13 Q. So as part of your responsibilities, you've
14 already talked a little bit about your participation
15 in the route selection process. What was your
16 responsibility with regard to that route selection
17 process?

18 A. I mean, I would say I was one of the
19 primary stakeholders involved in that. Again, we had
20 a routing specialist and we had, you know, feedback
21 solicited or input from construction management,
22 engineering, environmental, right-of-way, et cetera.

23 So there was a lot of different
24 stakeholders, and I was one of those.

25 Q. So were you, like, the leader of the team?

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1 A. I mean, I'm responsible for the pipeline
2 scope, and ultimately, you know, I'm responsible for a
3 lot of the decisions that get made in the routing
4 process, but I wouldn't say that I'm the leader, I
5 mean, of that process.

6 I mean, we've got routing specialists. I'm
7 a key stakeholder. I'll put it that way.

8 Q. Thank you. So once you collected all of
9 the databases that we talked about earlier today, was
10 that put into a GIS computer program?

11 A. So we have a GIS system that we use. It's
12 called Pivot. The company -- the Pivot
13 representatives were the ones doing our routing
14 selection. They have all the data sets that are both
15 publicly and privately available.

16 Q. So Pivot was a contractor, then?

17 A. Yes.

18 Q. Okay. And your routing team directed the
19 Pivot contractor to make adjustments to the route and
20 directions as to which databases?

21 A. So Pivot, you know, proposed our
22 preliminary route. We did a, you know, detailed route
23 review, as discussed in the testimony, and then the
24 management of the route since then has been done by
25 Summit within the Pivot platform.

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1 Q. Thank you. That's helpful. We've already
2 talked about the Counties' Data Request No. 19 you
3 just recently filled out, and that includes a table of
4 how many structures or the types of structures that
5 were reviewed within the 400 feet.

6 Has the pipeline moved so that they're not
7 within 400 feet of any of those structures?

8 MR. LEONARD: Object to form.

9 Go ahead.

10 A. I believe the table represents the current
11 structures that are within 400 feet. There were, you
12 know, requests -- there were changes made on the route
13 to adjust the pipeline either further or closer to a
14 house in some situations.

15 Those were just part of the route variance
16 process that I described earlier that, you know, we've
17 implemented nearly 1,000 route changes.

18 BY MS. GRUENHAGEN:

19 Q. So with the preliminary route that was
20 given to you by Pivot, there were more structures than
21 this that were within that 400 feet?

22 A. I don't recall if it was more or less.

23 Q. Okay. But this is current?

24 A. Yes.

25 Q. Okay. Thank you. When Pivot put together

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1 the preliminary route, was the distance parameter from
2 animal feeding operations also 400 feet?

3 A. I believe it was all structures at that
4 point, so that would have been included, yes.

5 Q. Have any of the landowners requested the
6 pipeline route to be moved farther away from the
7 livestock facilities?

8 A. Yes.

9 Q. And did Summit consequently move the
10 pipeline route to accommodate them?

11 A. We've made hundreds of route changes at the
12 request of landowners, so certainly some of those, I
13 think, would fall into that category.

14 Q. Okay. Are you aware of any requests to
15 move it farther way from a livestock facility that
16 Summit did not approve?

17 A. I'm not aware of a specific location, no.

18 I mean, there's 3,000 tracts that we
19 crossed. I know a lot of what's going on, but I don't
20 remember every last detail.

21 Q. Okay. You mentioned earlier about
22 high-consequence areas. How are those areas
23 identified?

24 MR. LEONARD: Object to the extent it calls
25 for a legal conclusion.

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1 Go ahead.

2 A. Our engineering director is involved with
3 identifying where those are. I'm not as familiar with
4 that as -- you know, as he is, so I can't state how
5 those are defined, but there is a formal way of
6 defining those that he would be aware of.

7 BY MS. GRUENHAGEN:

8 Q. And what's his name?

9 A. Alex Lange.

10 Q. Lane [sic]?

11 A. Lange, L-a-n-g-e.

12 Q. And did Alex prepare the list of
13 high-consequence areas?

14 A. Again, there's a process to receive that
15 information. I'm not exactly sure how that process is
16 conducted, but he would be familiar with that.

17 Q. Would there have been a GIS data layer of
18 the high-consequence areas?

19 A. I believe that there is, but it -- I
20 believe it is continuously updated, you know, for
21 ecologically sensitive areas, AGAs, et cetera. So I
22 believe there was probably a snapshot of that that was
23 used, which was then subsequently updated based on our
24 route, our actual route.

25 Again, there's a formal request of that,

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1 and I don't know exactly how that works. So Alex
2 would have to communicate that.

3 Q. I appreciate that. And also in your
4 testimony you mentioned you had some responsibility
5 for preparing Exhibit Hs; is that correct?

6 A. Yes.

7 Q. Do you happen to know what the current
8 total number of parcels are in the route now?

9 A. I don't know the exact number, but I think
10 it's somewhere around 3300 in Iowa.

11 Q. And you also mentioned you're responsible
12 for the overall construction of the project; is that
13 correct?

14 A. Yes. Well, of the pipeline.

15 Q. Of the pipeline.

16 A. Yes.

17 Q. Is Summit going to be using staging areas?

18 A. If by "staging areas," you mean pipe yards,
19 construction yards, mat yards, then yes.

20 Q. Places to store materials and equipment?

21 A. Yes.

22 Q. Okay. Will there be staging areas in Iowa?

23 A. Yes.

24 Q. Approximately how many of these staging
25 areas do you anticipate?

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1 A. I believe it's five or six. I don't recall
2 the exact number.

3 Q. And what would be the approximate size of
4 those staging areas? How many acres would that cover?

5 A. I mean, it ranges depending on the quantity
6 of pipe and other factors, but generally I would say 7
7 to 25, 30 acres on the high end.

8 Q. And when are the staging areas going to
9 start to be used?

10 A. It really depends on when materials need to
11 be shipped, specifically pipe and mats, which that's
12 not defined. We haven't identified exactly what that
13 schedule looks like at this point.

14 We have not built out any staging areas to
15 date in Iowa.

16 Q. And so to make sure I understand you
17 correctly, you do not have an anticipated date to
18 begin staging?

19 A. Not at this time. That's correct.

20 Q. Okay. You mentioned earlier that the
21 pipeline is going to be installed at a 4-foot depth;
22 is that correct?

23 A. Minimum 4-foot depth from top of pipe to
24 top of soil for the majority of the main line, yes.

25 Q. Why was 4 foot chosen as the minimum depth

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1 rather than 5 foot?

2 A. We think 4 foot is a sufficient depth to
3 not interfere with agricultural practices. The
4 federal requirement is 3 feet, so we're exceeding that
5 by a foot.

6 Further, if a landowner and an individual
7 landowner has a concern with that depth, we've granted
8 additional depth to 5 feet, for example, every single
9 time it's been asked.

10 Q. So if someone wants or has drainage tile,
11 does the drainage tile typically go above the pipeline
12 or below the pipeline?

13 A. So if there is installed drainage tile on a
14 property, we'll generally go under it, unless it's
15 very deep.

16 Q. So in those instances the pipeline may be
17 buried deeper than the 4 feet --

18 A. Correct.

19 Q. -- to accommodate the drainage tile?

20 A. Yeah. I believe our minimum separation is
21 a foot between the drain tile and the pipe. If the
22 tile is at 4 foot depth, we would be going 5 foot
23 minimum.

24 Q. So if someone anticipates they're
25 installing a drain tile at a future date, would you

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1 still accommodate that with regard to the depth of the
2 pipeline?

3 A. Yes. So, for example, if the landowner
4 knew that they were going to install tile at a later
5 date and their tile is going to be 4 foot deep, then
6 we will agree to go 5 or 6 foot deep with our
7 construction to accommodate that so that they can lay
8 tile over the top of our pipeline.

9 I know of numerous scenarios where that's
10 happened.

11 Q. Thank you. In your testimony you talked
12 about that there will be some county roads that are
13 going to need to be upgraded.

14 Who is going to pay for those road
15 upgrades?

16 A. Summit.

17 Q. And is Summit going to be entering into
18 road agreements with those counties to do that?

19 A. Where required, yes.

20 Q. And so is that going to mean a negotiation
21 process with the county as to how that occurs?

22 MR. LEONARD: Objection to the extent it
23 calls for a legal conclusion.

24 Go ahead.

25 A. Essentially we're entering road use

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1 maintenance agreements with every county that that's
2 required.

3 BY MS. GRUENHAGEN:

4 Q. Okay. You also in your direct testimony
5 mention there's 38 temporary access roads that you're
6 looking at constructing.

7 Is there going to be gravel placed on those
8 temporary access roads?

9 A. Not always. A lot of these are existing
10 two-tracks and farm roads. So some will require
11 improvements, and some will not.

12 Q. If there is gravel placed on a temporary
13 access road, is that gravel going to be removed when
14 you're completed?

15 A. It would be removed and restored to its
16 original condition unless requested by the landowner
17 to leave it improved.

18 Q. Is gravel going to be placed anywhere else
19 on private land, other than the permanent and the
20 temporary roads?

21 A. I would say that, you know, the only other
22 locations I can think of are main line valve sites,
23 launcher/receiver sites and pump stations.

24 Q. So the above-ground infrastructure?

25 A. Yes.

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1 Q. Okay. And if the gravel is less than
2 3 inches of diameter, is that gravel still going to be
3 removed at the end of construction?

4 A. You know, we're not going to place gravel
5 that's larger than 3 inches in diameter, but any rocks
6 that are larger than 3 inches in diameter that are on
7 the right-of-way after work is finished with
8 construction will be removed, as required by the AIMP.

9 Q. So the AIMP only talks about 3-inch
10 diameter rocks. If the gravel that is placed is less
11 than 3 inches, is that also going to be removed?

12 A. If it's on an access road, we will restore
13 the access roads to original condition. We don't
14 intend to place gravel in any of the farm fields for
15 typical construction.

16 Q. And who is responsible for hiring the
17 contractors?

18 A. Me.

19 Q. Is it fair to say that some of those
20 contractors may be out-of-state contractors?

21 A. I would say that's fair. It's a fair
22 statement.

23 Q. So with Iowa's AIMP, the topsoil removal
24 and having to separate subsoil from topsoil, will you
25 be educating the contractors about the visual

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1 difference between the two?

2 A. Between the topsoil and the subsoil?

3 Q. Yes.

4 A. So, you know, as required by the Chapter 9
5 rules, we are doing topsoil testing across the entire
6 footprint in Iowa. That will determine the depth of
7 the topsoil that we're required to remove, and that
8 would be enforced.

9 That information will be provided to the
10 county inspectors, and then the county inspectors will
11 know the required topsoil stripping depth on every
12 property.

13 Q. When that soil is backfilled back into the
14 trench, will those contractors that are doing that
15 dirt work be instructed as to which pile is topsoil
16 and which pile is subsoil?

17 A. So the topsoil will be stripped and placed
18 on the edge of the travel lane. Whenever the crews
19 come through and cut the ditch, the ditch and the
20 subsoil from that ditch will be placed on the other
21 side of the right-of-way.

22 So once the pipe is installed, the ditch is
23 backfilled with the subsoil that was pulled out
24 originally, and then the topsoil is spread out after
25 that. So it will be very obvious which pile is

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1 subsoil versus topsoil.

2 Q. So what kind of communication is going to
3 take place to the contractors so that it does go back
4 in the correct order?

5 A. I mean, it's typical best practice to do it
6 that way.

7 The AIMP will be enforced, and the county
8 ag inspectors will be out there. So there's really no
9 opportunity that that won't happen.

10 The subsoil and the topsoil will be piled
11 up on complete opposite sides of the right-of-way.

12 Q. You mentioned topsoil surveys. I want to
13 visit about that a little bit.

14 What is the process that Summit is going to
15 use in sharing that topsoil survey information with
16 the landowners?

17 A. My understanding is that it's required to
18 submit the topsoil information to county officials, ag
19 inspectors and the landowners, I believe, six weeks
20 prior to construction starting.

21 Q. And so if the landowners disagree or want
22 to have a conversation about that topsoil survey, what
23 is the process for them to do that?

24 MR. LEONARD: Object to the extent it calls
25 for a legal conclusion.

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1 Go ahead.

2 A. I'm not aware of how disagreements of the
3 topsoil depth are settled. Certainly if the landowner
4 wants us to go strip off less topsoil, which is the
5 case for many landowners, we can accommodate that
6 without issue.

7 BY MS. GRUENHAGEN:

8 Q. Will Summit have a contact person for the
9 landowners?

10 A. Yes.

11 Q. And if they want to have a conversation
12 about the topsoil survey, they would be informed as to
13 who to contact?

14 A. Yes.

15 Q. Okay. Do you live in Iowa now?

16 A. No.

17 Q. Okay. But you're familiar with the weather
18 cycles?

19 Sometimes there's a lot of precipitation.
20 Sometimes we have more drought and less rainfall.

21 A. Yes.

22 Q. Okay. When we're looking at drainage tile,
23 sometimes it may not be obvious that the drain tile
24 wasn't fixed, especially in a drought year with less
25 precipitation.

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1 If a farmer discovers that the drain tile
2 wasn't repaired, say, three, four years down the road,
3 is Summit still going to go in and repair that drain
4 tile?

5 MR. LEONARD: Object to form.

6 Go ahead.

7 A. So Summit has an indefinite warranty for
8 drain tile repairs in their easement, which is unique.
9 I've never seen that done with any pipeline company.

10 So as part of that clause within the
11 easement, Summit would be obligated to make any
12 repairs to drain tile that were a result of the
13 pipeline construction.

14 BY MS. GRUENHAGEN:

15 Q. Have there been any independent agreements
16 for land restoration that are separate and different
17 from Chapter 9?

18 A. What do you mean by "independent agreements
19 for land restoration"?

20 Q. Chapter 9 allows for separate agreements on
21 land restoration that have different requirements than
22 Chapter 9. Do you have any of those agreements with
23 landowners?

24 MR. LEONARD: Object to form.

25 Go ahead.

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1 A. I would state that I'm aware of some
2 clauses within individual landowners' agreements that
3 are differing from what's in the AIMP.

4 BY MS. GRUENHAGEN:

5 Q. Do you know approximately how many of those
6 you may have ballpark?

7 A. I don't recall.

8 Q. As a part of the data requests, would you
9 be familiar with the road construction?

10 I want to hand you an exhibit here. I just
11 have a question on that.

12 A. Okay. Thank you.

13 Q. We'll mark that as Exhibit 1.

14 (Deposition Exhibit 1 was marked for
15 identification.)

16 BY MS. GRUENHAGEN:

17 Q. Are you familiar with generally what this
18 exhibit shows?

19 A. Yes.

20 Q. And what does it show?

21 A. This is essentially an example of the
22 easement corridor and workspace required for a typical
23 road bore/open-cut of a road.

24 Q. So from the data request response -- I just
25 want to confirm -- the rectangles that are labeled

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1 "48X100" in each of those four, those are going to be
2 separate trenches or separate holes?

3 A. I wouldn't say that they are holes. I
4 would say it's additional workspace that's needed to
5 construct the -- or conduct the road bore.

6 So typically in that area you're just going
7 to be stripping the topsoil, and that's it. There
8 won't be a hole, per se.

9 Q. So is the trench of the hole only
10 essentially going to be in the temporary easement
11 area?

12 A. Generally that's correct.

13 Q. Okay. So the extra space is more just to
14 put equipment, things of that nature?

15 A. Correct.

16 Q. So there's only one trench or hole that
17 will be in the permanent or temporary easement area?

18 A. Generally we'll strip the topsoil for the
19 whole area, and further, we're only going to use the
20 workspace that we actually need.

21 Whenever we're doing the road bore,
22 essentially they'll be -- which is described here, you
23 know, there's a lot of different factors that go into
24 it. Generally 8 foot by 12 foot general dimensions,
25 6 to 7 foot deep where we would do our tie-in where we

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1 would tie in the road bore to the main line pipe, and
2 that's the only excavation outside of the stripping of
3 the topsoil that's required at these locations.

4 MS. GRUENHAGEN: Thank you. That's all the
5 questions I have.

6 MR. OSTERGREN: I have no questions.

7 FURTHER EXAMINATION

8 BY MR. ZIEMAN:

9 Q. Good morning. I'm Lanny Ziemann.

10 In your prefiled testimony, I saw you have
11 an advanced degree from Oklahoma State?

12 A. I have a mechanical engineering degree from
13 Oklahoma State. If you consider that "advanced," I
14 guess so.

15 Q. I would. I'm just a lawyer. When it comes
16 to engineers, you do fairly advanced stuff, in my
17 opinion.

18 So a Cowboy, then; is that fair?

19 A. That's right.

20 Q. So it's an ag school there in Oklahoma? Is
21 that it generally?

22 A. That's correct.

23 Q. Do you have some ag background? Have you
24 gone there or not necessarily?

25 A. Not really. I grew up in suburban America.

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1 Q. Okay. You had referenced a project in Ohio
2 in the deposition. You said in two to three years you
3 can't tell the pipeline was there.

4 Can you elaborate a little bit on that
5 project and the restoration process there?

6 A. So when I worked for Kinder Morgan, we
7 installed -- I believe it was a 150-mile 12-inch
8 ethane line in Ohio, and they traversed primarily
9 farmland, ag land like we are in this project.

10 We had an AIMP very similar to what was --
11 that we produced here where we would strip the topsoil
12 and follow all the best practices. We installed the
13 pipeline, and then we completed all the restoration,
14 paid crop damages, and, again, you know, there's --
15 every property is unique, but in our estimation the
16 restoration went very well, and we had very little
17 complaints from landowners post-construction.

18 Q. Did it have a similar easement size?

19 A. I believe it was 50-foot permanent, 50-foot
20 temporary.

21 So, you know, the larger pipe in Iowa, we
22 have 60 foot of temporary. So for the smaller
23 diameter pipe, it was exactly the same, I believe.

24 Q. Was it placed at a similar depth in the
25 ground?

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1 A. Yes.

2 Q. You said it had similar AIMPs, but was the
3 process to take the topsoil and a process for the
4 subsoil the same or a substantially similar process?

5 A. Correct.

6 Q. And then in that one, did you have what you
7 anticipate to be a similar relationship to the local
8 inspectors, for lack of a better word? I'm sure they
9 might have different titles.

10 A. You know, there was no requirement for
11 county-level inspection. With that said, we had
12 third-party agricultural inspectors that we hired that
13 oversaw the construction activities.

14 So we had representatives that were
15 conducting the same activities. They were not
16 representing the county because that wasn't a
17 requirement in Ohio.

18 Q. Your testimony identifies you're in charge
19 of environmental best management practices in
20 reclaimed management. Can you broadly describe what
21 that is?

22 A. I think it's really describing just all of
23 the requirements that we have to adhere to the ECP,
24 the AIMP. You know, best management practices for
25 construction and the restoration activities that are,

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1 you know, defined in the AIMP as well.

2 Q. Where do those best management practices
3 for construction come from?

4 A. I would say that they come from experience.
5 They come from the regulations in Iowa. They come
6 from, you know, primarily those two items; engineering
7 companies that have built thousands of miles of
8 pipelines and typicals that they have.

9 Q. Okay. I have a couple questions just
10 specifically about the Iowa AIMP. So I don't have to
11 show it to you, I'll read a portion of it. I'm
12 specifically referencing page 14 on the one that was
13 filed with the Utility Board on July 1st.

14 Within that, there's a paragraph 6.15 that
15 references construction in wet conditions. I'm just
16 going to read it to you and ask you a few questions.
17 I'm reading the third paragraph of it.

18 It says, "To facilitate construction in wet
19 soils, SCS" -- which is Summit Carbon -- "may elect to
20 remove and stockpile the topsoil from the traveled
21 way, install mats or padding or use other methods
22 acceptable to the county inspector."

23 Are you generally familiar with that?

24 A. Yes.

25 Q. My question is: When you do that, do you

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1 plan on decompacting the subsoil after that?

2 A. Yes.

3 Q. I couldn't find it in the AIMP. Maybe I
4 just didn't see it, but you're saying that once you're
5 done with this, if you remove subsoil, you'll
6 decompact the subsoil and topsoil as well?

7 A. I don't recall if we're required to
8 decompact the topsoil. I certainly know we're
9 required to decompact the subsoil at the tail end of
10 our construction process.

11 Q. And what do you plan on doing to decompact
12 the subsoil?

13 A. I think, you know, equipment such as a
14 Paraplow would be used to conduct ripping of the
15 subsoil, I believe, to a depth of 18 inches or so.

16 Q. And what is a Paraplow?

17 A. I'm not an expert, you know, but I believe
18 that the specific equipment and the types of
19 activities that we need to conduct for the ripping of
20 the subsoil are defined very clearly.

21 Q. Essentially that would ensure that that
22 subsoil is decompacted to minimize the effects on the
23 land moving forward? Is that the intent?

24 A. Yeah. My understanding is that compaction,
25 obviously, has a negative effect on crop yields, so

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1 that's in an effort to, you know, ensure that yields
2 come back.

3 Q. And Summit plans on doing that not only in
4 this wet construction but kind of anywhere where they
5 have been on subsoil throughout the project?

6 A. My understanding is we're required to
7 decompact any right-of-way that we impact.

8 Q. And then I don't know if this is your area,
9 but are you involved in making insurance decisions
10 regarding the pipeline?

11 A. No.

12 Q. Do you know who would be the person to talk
13 to on that?

14 A. I would say it's probably our vice
15 president of tax.

16 Q. Who is that?

17 A. Joel Gustafson.

18 Q. Thank you. All right. Last question.

19 Do you have any concerns of environmental
20 damage to Iowa land caused by this pipeline
21 construction?

22 A. I don't have any concerns. I believe that
23 we're going to strictly follow the rules of the AIMP
24 and ECP and construct a pipeline in the best fashion
25 that we can.

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1 MR. ZIEMAN: I don't have any further
2 questions.

3 MR. LEONARD: Mr. Jorde, do you have
4 questions for the witness?

5 MR. JORDE: I do. I apologize if I missed
6 this. Was he sworn in and his name stated on the
7 record?

8 MR. LEONARD: He was sworn in. I don't
9 believe he was asked to state his name.

10 MR. JORDE: Okay.

11 FURTHER EXAMINATION

12 BY MR. JORDE:

13 Q. Can you please state your name?

14 A. Erik Schovanec.

15 Q. You work for Summit Carbon Solutions? Is
16 that your employer?

17 A. Correct.

18 Q. And you've been there about two years, or
19 how long?

20 A. Yeah. So I started in June of 2021, so
21 right at two years, yes.

22 Q. And you, in your prefiled testimony, say
23 you have about 11 years of experience, and you listed
24 four or so other companies.

25 Is that typical for you, to stay at about

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1 two years at a company before changing employers?

2 A. I wouldn't say that's "typical." I would
3 say there was different circumstances that led to
4 changes in my employment.

5 Q. And then you were asked if you have an
6 advanced degree, but you have a four-year bachelor's
7 in engineering; is that right?

8 A. Correct.

9 Q. How old are you?

10 A. Thirty-eight.

11 Q. What's your title again for Summit, the
12 senior what?

13 A. Senior director of pipeline and facilities.

14 Q. In the hierarchy at Summit, who do you
15 report to?

16 A. Jimmy Powell.

17 Q. Jimmy Powell. And Jimmy Powell is the
18 chief operating officer?

19 A. Correct.

20 Q. Now, when you were tasked with the job to
21 select the route, who told you what to do or what to
22 consider, or did they just say, "Erik, go figure out a
23 route in Iowa"?

24 MR. LEONARD: Object to form.

25 Go ahead.

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1 A. I would say that, you know, in the initial
2 development of the route that there was many
3 stakeholders involved in the decision process. So
4 nobody pointed to me and said, "Go, Erik, and find the
5 route and determine the routes."

6 BY MR. JORDE:

7 Q. In the conversations about we were looking
8 for a route, it's fair the number-one consideration
9 was the most direct and cheapest route?

10 A. I wouldn't say that was the primary
11 consideration. It certainly was a consideration to
12 reduce overall impacts by reducing overall mileage.

13 Q. Well, reducing the mileage doesn't
14 necessarily reduce the impacts, if we're talking about
15 differentiating between high-consequence areas and
16 then areas that you do not deem high-consequence.
17 Would you agree with that?

18 A. No.

19 Q. Okay. So you think an extra mile in the
20 middle of nowhere in Iowa is more of an impact than a
21 mile, say, 10 feet away from a residence with four
22 little kids?

23 MR. LEONARD: Object to form.

24 Go ahead.

25 A. I didn't state that, you know, a pipeline

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1 10 feet from a residence is less impactful than the
2 middle of nowhere, which I don't know what that means.

3 BY MR. JORDE:

4 Q. Okay. So what I'm trying to differentiate
5 is: You seem to suggest that the shortest route is
6 the least impactful. Can we agree that the impact is
7 determined by the structures and the features that the
8 route is close to?

9 A. I would say that the physical impact is
10 determined by the total quantity of miles that are
11 being installed.

12 Q. And the risk impact is determined by the
13 existing features, the existing structures that are
14 near the proposed route; right?

15 A. I would say that the risk is determined by
16 some of those factors, yes.

17 Q. And Summit doesn't build pipelines? You
18 hire contractors to build pipelines; right?

19 A. Summit is not physically building the
20 pipeline, yes.

21 Q. And who are your contractors that you've
22 contracted with to do construction in the state of
23 Iowa?

24 A. So we have three contractors that we're
25 currently under contract with to complete construction

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1 in Iowa. That would be Precision Pipeline,
2 Associated, and Rockford.

3 Q. You're not working with Pumpco in Iowa?

4 A. No.

5 Q. You talked about stakeholders and
6 consulting with various bodies. Why is it important
7 for a pipeline company, prior to determining an
8 ultimate route, to consult with regulatory bodies,
9 counties, et cetera?

10 A. It's important to consult with regulatory
11 agencies. You know, obviously, they have a say in the
12 permits that we receive ultimately, and we need to get
13 the input from them for different data sets that we
14 may not have available.

15 So it's an iterative process, and they're
16 certainly a key part of the process.

17 Q. And would you agree that it's important to
18 respect local municipalities, such as counties and
19 their rules and regulations such as on setbacks, when
20 selecting a pipeline route?

21 MR. LEONARD: Object to the extent it calls
22 for a legal conclusion.

23 Go ahead.

24 A. I would state that, you know, there's
25 certainly federal requirements that we're required to

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1 follow. County-level setbacks is something that's
2 being debated legally, and I'm not a lawyer.

3 You know, recent ordinance changes are not
4 driving the route at this point.

5 BY MR. JORDE:

6 Q. Okay. Then why are there lawsuits filed?

7 MR. LEONARD: Same objection.

8 Go ahead.

9 A. I'm not a lawyer, so that's something for
10 the lawyers to discuss.

11 BY MR. JORDE:

12 Q. Well, I'm not asking a legal opinion. I'm
13 asking a siting routing opinion, which you are the guy
14 designated to talk on that topic.

15 So doesn't it logically follow, if none of
16 the county ordinances or setbacks currently in
17 existence are affecting your route, there would be no
18 reason to be contesting that; right?

19 MR. LEONARD: Same objection.

20 Go ahead.

21 A. My understanding is that counties have
22 overstepped their responsibilities. That's why we're
23 legally challenging those ordinances that have been
24 implemented, you know, after the fact, and I would add
25 that as well.

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1 BY MR. JORDE:

2 Q. For the third-party contractor you hired
3 and you refer to as a routing specialist, is that this
4 Pivot Company?

5 A. Yes.

6 Q. And where are they located, and who is your
7 contact there?

8 A. I can't -- I can't recall exactly where
9 their offices are. Our contact there is a gentleman
10 named Kent Strasser.

11 Q. Well, I mean, are they in Iowa? In Texas?
12 Where are they?

13 A. I believe that they may have an office in
14 Houston, Texas, but I don't recall exactly where their
15 offices are. I think they have several different
16 offices spread across the U.S. with people in
17 different locations.

18 Q. And when they were hired and you gave them
19 a scope of work, was that in writing? What particular
20 directives were given so they knew what you wanted
21 done and how you wanted it done?

22 MR. LEONARD: Object to form.

23 Go ahead.

24 A. I don't recall the formal request for their
25 services but -- So yeah, I can't recall how we

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1 formally requested their services.

2 BY MR. JORDE:

3 Q. And the software they use, you talked about
4 utilizing JS Data, but is that a software model Pivot
5 has, or what are the outputs for when Pivot overlays
6 different layers, for instance, existing easements,
7 existing pipelines, high-consequence areas? What type
8 of computer program are they using to do that?

9 A. Again, my understanding is that there is
10 proprietary stuff that Pivot uses, but generally
11 there's publicly available data sets and available
12 data sets that can be purchased that are, you know,
13 layered into the program.

14 The technical specifics beyond that is
15 beyond my area of expertise.

16 Q. So in terms of reports and maps and images
17 they've provided to you -- "you" being Summit -- so
18 you could evaluate potential route and challenges, is
19 it true that they have the capability, on a per-parcel
20 basis, to generate an aerial map, for instance, that
21 shows all the different layers such as
22 high-consequence areas, existing easements, other
23 features, et cetera?

24 MR. LEONARD: Object to form.

25 Go ahead.

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1 A. Although that was never completed, my
2 understanding is that you could technically turn on
3 whatever layers you would like and take a screenshot
4 of the imagery, if that's what you're asking.

5 BY MR. JORDE:

6 Q. So Summit hasn't conducted any per-parcel
7 analysis where you have considered the
8 high-consequence areas or existing easements on a
9 per-parcel basis?

10 A. I would say that's not true. We've done
11 considerations.

12 We've done detailed route reviews with
13 different layers turned on and off not only with some
14 of the screening-level routing exercises but certainly
15 thereafter as witnessed by the, you know,
16 thousand-plus route changes considered.

17 Q. So when we're proceeding towards the
18 Exhibit H parcel analysis, which will be done on a
19 per-parcel basis, will you be utilizing and showing
20 the Board for the proceedings a particular parcel map
21 with all of the different layers and factors that you
22 reviewed to select the route?

23 MR. LEONARD: Object to the extent it calls
24 for a legal conclusion.

25 A. We'll follow whatever is required by the

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1 Board. My understanding is that there's been no
2 request to provide screenshots with an arbitrary
3 number of data layers turned on.

4 BY MR. JORDE:

5 Q. Okay. But if we send you a data request,
6 you can certainly produce those kind of maps with that
7 information, as we've established you have that
8 available; correct?

9 A. I'd have to check, but yes, I would think
10 that, you know, certain data layers could be turned on
11 on certain properties.

12 Q. Who would you check with?

13 A. Well, you know, it's something that we
14 currently do not have produced at this point. It
15 certainly would be an extensive amount of work that we
16 are not planning on conducting at this point.

17 Q. Do you think it might be helpful for the
18 Board to understand the various properties,
19 characteristics and features when they're considering
20 whether or not to grant the right of eminent domain
21 across a particular parcel?

22 MR. LEONARD: Objection. Calls for
23 speculation.

24 Go ahead.

25 A. Again, it was discussed that there's, you

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1 know, hundreds of data sets. If you overlaid
2 everything at the same time, there would be nothing to
3 look at there. So you're talking about potentially
4 putting hundreds of images for each individual
5 property.

6 We've got 3,000 tracts in the state of
7 Iowa, so, you know, potentially millions of individual
8 images with different layers turned on and off, you
9 know, if that would be useful for the Board.
10 Certainly it would be an extensive amount of work to
11 review it.

12 BY MR. JORDE:

13 Q. So the point is: You could do that, if
14 requested; correct?

15 A. Certainly have the capability of turning
16 layers on and off within our GIS program.

17 Q. Do you have a list of, you say, the
18 hundreds of data sets that you've produced to us?

19 A. I believe it was already produced. There's
20 a table.

21 I can't recall the name of the table that
22 was produced as part of one of the data requests that
23 shows all the different layers that were considered.

24 Q. Okay. I'm familiar with that.

25 I just wanted to be clear. When you used

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1 the descriptor "hundreds," what's in that document
2 that's been produced, those are the layers or data
3 sets we're talking about; is that fair?

4 A. Correct.

5 Q. All right. It's true that Summit, in its
6 sole discretion, can make any route adjustment it
7 wants at any time anywhere in the state of Iowa prior
8 to a final route of your construction?

9 MR. LEONARD: Object to the extent it calls
10 for a legal conclusion.

11 Go ahead.

12 A. I would say that that's not true.

13 BY MR. JORDE:

14 Q. And who tells you what you can and can't do
15 on the route modifications?

16 A. Certainly considerations from Army Corps of
17 Engineers, U.S. Fish and Wildlife, SHPO, Department of
18 Natural Resources, and other, you know, agencies are,
19 you know, driving the route further.

20 We've surveyed 97 percent of our existing
21 route. We are permitting our existing route.

22 As you go through the process with the
23 individual, when you go through the process with the
24 federal agencies as well as the state agencies, it
25 becomes more and more difficult to make route

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1 adjustments as you work through the process.
2 Specifically in Iowa with the Exhibit H process, it
3 becomes very difficult to make route adjustments once
4 those are filed.

5 Q. All right. So with the federal agencies
6 you listed, have any of them told Summit that Summit
7 cannot deviate from any particular route or location
8 of a route that you've been discussing with any of
9 those federal agencies?

10 A. My understanding of how it works is that
11 there are essentially permitable routes and routes
12 that are intentionally not permitable and/or will
13 require much lengthier reviews and/or locations that
14 we are not allowed to, you know, conduct surface
15 impacts, for example.

16 Based on the route and the topography and
17 constructability, it would be impossible to build the
18 route, if we were to abide by some of those. So we've
19 chosen to make route adjustments to accommodate those
20 type of things, but they have not specifically asked
21 us to move the route.

22 I think they are more trying to permit the
23 route that we give to them.

24 Q. Well, so these questions are just designed
25 to kind of flush out your initial answer, which was

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1 that you didn't agree that it was in your sole
2 discretion where it can be moved, but, in fact, it is
3 in your discretion where it can go.

4 Agencies may tell you where it's more
5 difficult to be, but you ultimately have the
6 discretion of where you go utilizing that information;
7 correct?

8 MR. LEONARD: Object to form. Asked and
9 answered.

10 Go ahead.

11 A. Again, based on the specific requirements
12 within the IUB process, it is extremely difficult to
13 move the route at certain points of time within the
14 process. So I would say that we have the right to do
15 certain things, but, you know, where we're at in the
16 process, there's very little room to move the route at
17 this point.

18 BY MR. JORDE:

19 Q. Is it your belief, is it your statement
20 that the location, the exact location on the specific
21 Exhibit H parcels is the exact location that is either
22 approved or denied, and you can't deviate one inch
23 once you get to the construction phase, if this is
24 approved?

25 MR. LEONARD: Object to the extent it calls

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1 for a legal conclusion.

2 Go ahead.

3 A. My understanding is a certified plat is
4 created for every Exhibit H parcel, and that certified
5 plat would be used in the -- in the process that would
6 define, you know, where the route is.

7 So the actual route that is constructed and
8 the workspace required is what is shown on the
9 certified plats that are filed.

10 BY MR. JORDE:

11 Q. Okay. The certified plats are taken
12 exactly and precisely from your Exhibit H parcel
13 request; true?

14 A. I'm not an expert on the accuracy of, you
15 know, those types of plats. I just know that we
16 intend to build the pipeline where it's shown on the
17 Exhibit H parcels.

18 Q. You had talked about 50-foot setbacks per
19 PHMSA. Is it important to rely on PHMSA rules and
20 regulations when constructing and operating and
21 maintaining a hazardous pipeline?

22 MR. LEONARD: Object to form.

23 Go ahead.

24 A. Yes.

25

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1 BY MR. JORDE:

2 Q. And this initial 400-foot setback, you were
3 asked some questions about that, but that was
4 essentially chosen by your contractor based on other
5 pipelines in other states; is that right?

6 A. I would say that, you know, it was
7 suggested by our contractor, and we agreed that that
8 was a good baseline starting point.

9 Q. And in looking at that baseline starting
10 point and any type of setbacks and distances, do you
11 consider different types or categories of buffers or
12 distances in that analysis?

13 A. What do you mean by "different categories
14 of buffers"?

15 Q. Well, like, for instance, sometimes some
16 projects have what are known as an initial routing
17 buffer or a design and operation buffer or an
18 emergency response or public awareness. So different
19 buffers depending upon the responsibilities of the
20 company to notify persons, for instance, of the
21 existence of a pipeline.

22 A. I'm not aware of any of those types of
23 buffers that exist today.

24 Q. So the 400-foot setback, you said that was
25 for all structures; is that right?

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1 A. The 400 -- The initial setback distance,
2 which led to a more detailed analysis, was 400 feet
3 for identified structures, yes.

4 Q. And the size of diameter of pipeline, does
5 it range from 6 to 24 inches in Iowa?

6 A. I believe that's correct, yes.

7 Q. Would you agree that, based on your plume
8 modeling and analysis, a more appropriate buffer for a
9 24-diameter pipeline is a minimum of 2,000 feet from a
10 structure, existing structure?

11 MR. LEONARD: Object to the extent it calls
12 for a legal conclusion.

13 Go ahead.

14 A. My responsibilities within Summit are to
15 construct the pipeline. Analysis of the plume is not
16 part of my responsibility.

17 BY MR. JORDE:

18 Q. So at Summit, when you are charged with the
19 responsibility of intelligently locating a pipeline, a
20 major, hazardous pipeline over hundreds of miles of
21 Iowa, you don't consider the scientific data and risk
22 analysis to people and livestock; correct?

23 A. I would say that's incorrect.

24 Q. Well, you just told me you didn't consider
25 the plume analysis. Is that because that data is not

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1 important to you in terms of risk factors in
2 mitigation?

3 A. I would say that plume analysis is not
4 something that's available day one when you're
5 conducting preliminary routing.

6 Again, that's not my area of expertise to
7 comment on the plume and dispersion. We would -- We
8 exceeded the PHMSA requirements for our routing for
9 our pipeline.

10 Q. And is that going to kind of be the common
11 refrain, that you've exceeded the minimum federal
12 standards so, therefore, this is suitable for Iowans?

13 A. I wouldn't say that's our standard
14 response, but I would say that there's thousands of
15 miles of pipe within hundreds of feet of residences,
16 businesses, churches, schools, et cetera that have
17 operated safely for decades.

18 Q. Well, would you agree that any pipeline
19 anywhere could rupture, leak, explode at any given
20 moment?

21 MR. LEONARD: Objection. Calls for
22 speculation.

23 Go ahead.

24 A. No.

25

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1 BY MR. JORDE:

2 Q. That's impossible? A pipeline can't leak
3 or erupt at any time?

4 A. You know, pipeline leaks can occur very
5 infrequently. There's a lot of things that we're
6 doing to make sure that that never does happen.

7 Q. Okay. So they can happen at any time, and
8 it's unpredictable; correct?

9 A. I would say that's incorrect.

10 Q. Okay. Predict the next pipeline rupture.
11 What time and date will it occur? What state?

12 MR. LEONARD: Objection. Calls for
13 speculation.

14 Go ahead.

15 A. I don't know that, but I do know that the
16 PHMSA-regulated pipelines in the state of Iowa have a
17 public safety record, which, if you review that, it
18 shows that these pipelines have operated extremely
19 safely for decades.

20 If you compare that to other
21 infrastructure, such as railroads, it's not even a
22 close comparison when you're talking safety.

23 Q. What do you think the relevance is of a
24 non-Summit, non-CO2 pipeline that someone else is
25 dealing with that they luckily haven't had a

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1 catastrophic accident? What's the relevance of that
2 to the pipeline you propose here?

3 A. I would say that the relevance of a
4 pipeline that was built to the same design
5 construction and operation standards that are actually
6 even less stringent than we are building ours to is
7 extremely relevant.

8 Q. So what you would be asking the Utility
9 Board is to assume that because other operators, other
10 contractors, other pipelines transporting other
11 materials haven't necessarily had a catastrophic
12 spill, leak or rupture event; therefore, your pipeline
13 is safe?

14 MR. LEONARD: Object to form.

15 Go ahead.

16 A. I would state that we are building our
17 pipeline to the very strict, stringent PHMSA-regulated
18 standards. CO2 pipelines and all other
19 PHMSA-regulated pipelines have a very good track
20 record for operation, very safe assets.

21 BY MR. JORDE:

22 Q. Given that PHMSA is in the rulemaking
23 process relating to carbon dioxide guidelines, you
24 would agree no construction should commence until the
25 rules and regulations are finalized; correct?

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1 MR. LEONARD: Object to the extent it calls
2 for a legal conclusion. Calls for speculation.

3 Go ahead.

4 A. I would not agree.

5 BY MR. JORDE:

6 Q. Earlier you said it was important to rely
7 on and respect PHMSA rules and regulations. How do
8 you address those two statements you've made?

9 MR. LEONARD: Object to form.

10 Go ahead.

11 A. PHMSA regulations are continuously updated
12 and have been since PHMSA was formed. We will adhere
13 to all PHMSA requirements in the design, construction
14 and operation of our pipeline.

15 BY MR. JORDE:

16 Q. Okay. So is it your plan to get this
17 quickly built and then argue that you're grandfathered
18 in when PHMSA comes out with responsible regulations,
19 particularly and specifically that they don't
20 currently have for CO2 pipes?

21 MR. LEONARD: Objection. Calls for a legal
22 conclusion. Objection. It calls for speculation.

23 Go ahead.

24 A. I would say that's incorrect.

25

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1 BY MR. JORDE:

2 Q. What do you base that on?

3 A. Again, PHMSA regulations are continuously
4 updated. There's over 5,000 miles of PHMSA-regulated
5 pipelines in existence in the U.S. right now that have
6 been safely operating for decades. Those pipelines
7 are not being shut down waiting for new regulations to
8 be adopted.

9 Q. Do you think that the Denbury Pipeline, the
10 Satartia, Mississippi, pipeline was regulated for
11 decades?

12 A. The Denbury Satartia incident resulted in
13 them, I believe, receiving, I believe, a \$4 million
14 fine for deficiencies in following PHMSA regulations.
15 So I would say PHMSA determined they were not
16 following the proper guidelines.

17 Q. Right. So the fact a guideline exists is
18 completely irrelevant whether or not an operator --
19 Summit or Denbury -- actually follows them; correct?

20 MR. LEONARD: Object to the extent it calls
21 for a legal conclusion.

22 A. I would say that's incorrect.

23 BY MR. JORDE:

24 Q. Okay. Why is that incorrect?

25 A. PHMSA regularly conducts audits during

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1 construction, post-construction, when you're in
2 operation. They ensure that you're following their
3 guidelines and adhering to their operation
4 requirements.

5 Q. And we can agree that, obviously, failed in
6 Mississippi; correct?

7 A. I don't know the specifics of what caused
8 them to, you know, not follow those particular things
9 that led to their fine.

10 Q. Well, what caused PHMSA to not know what
11 was going on? You just gave me a list of things that
12 PHMSA would do during construction, maintenance,
13 operation.

14 So what was the problem there?

15 MR. LEONARD: Objection. Calls for
16 speculation.

17 Go ahead.

18 A. I can't speak to the specifics of Denbury's
19 conversations with PHMSA.

20 BY MR. JORDE:

21 Q. How many right angles, approximately
22 90-degree angles do you have on your current proposed
23 hazardous pipeline route throughout Iowa?

24 MR. LEONARD: Object to form.

25 Go ahead.

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1 A. I don't know the answer to that.

2 BY MR. JORDE:

3 Q. How many between 90 and 75 degrees?

4 A. I don't know the answer to that either.

5 Q. How about between 60 degrees and 90
6 degrees?

7 A. I don't know the exact quantity of any of
8 the angles, the total quantity of angles on our
9 pipeline route.

10 Q. And you would agree that the pipeline does
11 and can make 90-degree angles; correct?

12 A. Ninety-degree fittings can be installed on
13 a pipeline, yes.

14 Q. There's no federal prohibition against a
15 90-degree fitting or a 75-degree fitting; correct?

16 MR. LEONARD: Objection to the extent it
17 calls for a legal conclusion.

18 Go ahead.

19 A. No, there's no federal requirement that you
20 not install a 90-degree fitting.

21 BY MR. JORDE:

22 Q. Why aren't you locating this across
23 property lines exclusively and making 90 or close to
24 90-degree turns to keep it out of impacting the middle
25 of landowners' properties?

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1 A. I would state that, for one, running
2 90-degree angles across every single property is an
3 impossibility, based on all of the other
4 considerations that go into the route.

5 Secondly, I would argue that if you do
6 90-degree angles on a property, you're actually
7 impacting that property more because you're on that
8 property for much longer.

9 Q. Well, that can't possibly be universally
10 true. If you're going from the southeast corner to
11 the northwest corner tier of a square corner section,
12 you're, obviously, impacting it at a greater distance
13 of a hypotenuse of a triangle as opposed to along the
14 edge?

15 MR. LEONARD: Object to form.

16 Go ahead.

17 A. No, that's actually not true. If you have
18 a triangle, the two lengths going perpendicular would
19 be longer than the hypotenuse. A-squared plus
20 B-squared equals C-squared.

21 BY MR. JORDE:

22 Q. But you assume you would stay on that
23 individual landowner's on both, but what you could do
24 is impact one landowner on one side and then just
25 cross over into the northern landowner, for instance,

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1 and then go the vertical distance or horizontal
2 distance on that property and only impact one side of
3 each property; right?

4 MR. LEONARD: Object to form.

5 Go ahead.

6 A. To get from Point A to Point B by running
7 90-degree angles, you're either going to have on
8 existing landowners for more mileage or impact more
9 landowners.

10 BY MR. JORDE:

11 Q. Do you think it's better to impact a higher
12 number of landowners but for a lesser impact or to
13 just significantly impact a smaller number of
14 landowners?

15 MR. LEONARD: Object to form.

16 Go ahead.

17 A. I would state that, you know, crossing at
18 an angle is not a significant impact.

19 BY MR. JORDE:

20 Q. And how many farms do you own?

21 A. Zero.

22 Q. I'm sorry. I didn't hear the answer.

23 A. Zero.

24 Q. Okay. In terms of drain tile, you said
25 drain tile could be constructed, and you qualified

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1 your answer with, "Generally Summit goes under drain
2 tile."

3 Isn't it true that the easement contracts
4 proposed by Summit leave it exclusively and solely
5 within Summit's rights whether or not to give
6 permission or not to install drain tile, fences or
7 anything else on or under the easement?

8 MR. LEONARD: Object to the extent it calls
9 for a legal conclusion.

10 Go ahead.

11 A. I think, you know, either our legal team or
12 right-of-way team would be best to answer specifics
13 and legalities of the pipeline easement.

14 BY MR. JORDE:

15 Q. Who would those people be by name?

16 A. I would say Mike or Rory (phonetic).

17 Q. Okay. Are you familiar with the easement
18 at all?

19 A. Yes.

20 Q. Okay. So in terms of what you're familiar
21 with, I mean, have you read it? Let's start there.

22 A. Yes.

23 Q. All right. Then if you've read it and
24 you're dealing with routing and the easement is a
25 routing document, you would agree that Summit retains

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1 the exclusive and sole right to give permission or not
2 give permission for a landowner to do something that a
3 landowner may request across the easement?

4 MR. LEONARD: Same objection.

5 Go ahead.

6 A. The same response previously. I don't -- I
7 don't know the sole decision-maker on that.

8 I know that our intention is to work with
9 all landowners on their future plans and developments.

10 BY MR. JORDE:

11 Q. So if a landowner on an Exhibit H parcel
12 hypothetically has tile buried at 7 foot, then you'll
13 go at least at a depth of 8 foot; correct?

14 MR. LEONARD: Objection. Calls for
15 speculation.

16 Go ahead.

17 A. I would state that, again, we intend to go
18 under drain tile unless it's very, very deep.

19 BY MR. JORDE:

20 Q. Okay.

21 A. So if the drain tile is 7 feet, then we are
22 requiring, you know, 1 foot of separation. We would
23 go under that drain tile, yes.

24 Q. Okay. So if it's 7 foot, you'd be at a
25 minimum level of 8 foot below the surface; correct?

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1 A. I'm sure, you know, there's case-by-case
2 analysis of that, but generally speaking, yes.

3 Q. Okay. What's the case-by-case analysis
4 where you would violate your own directive to have a
5 1-foot separation between a tile line and your
6 pipeline?

7 MR. LEONARD: Object to form.

8 Go ahead.

9 A. Again, if the pipeline is a 6-inch pipeline
10 that requires 4 foot depth of coverage to top of pipe
11 to top of soil and the drain tile is 8 or 9 foot deep,
12 then we could logically go over the top of that tile
13 and cause considerably less impact than going under
14 it.

15 BY MR. JORDE:

16 Q. So I want to make sure I'm understanding
17 it. If you think you can locate your pipeline at a
18 minimum of 4 foot below the surface and still maintain
19 1-foot separation from a tile line, whether it be
20 1 foot above or 1 foot below, there might be instances
21 where you're right at that 4-foot level? Is that what
22 you're saying?

23 MR. LEONARD: Object to form.

24 Go ahead.

25 A. I would say there's very few scenarios

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1 where we're not going under existing drain tile.

2 BY MR. JORDE:

3 Q. So if your pipeline is approved and
4 installed and then in the future a farmer wants to
5 install drain tile, who pays for the extra expense of
6 them having to lay the tile underneath your pipeline
7 at a greater depth?

8 MR. LEONARD: Object to the extent it calls
9 for a legal conclusion.

10 Go ahead.

11 A. So drain tile installed after our pipeline
12 is installed would be paid for by the landowner.

13 BY MR. JORDE:

14 Q. Even though your pipeline creates a greater
15 expense and added risk of installation to the
16 landowner; correct?

17 MR. LEONARD: Same objection.

18 Go ahead.

19 A. So if the landowner has concerns or plans
20 to install drain tile, we certainly would like to know
21 that and accommodate that now as to not cause them any
22 additional cost or expense when they install their
23 drain tile.

24 BY MR. JORDE:

25 Q. So if a landowner told you that, "We intend

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1 to install tile," what would you do now to alleviate
2 future expense and risks to them?

3 A. One example would be that if the drain
4 tile -- if the contractor -- landowner said that they
5 have plans to install a drain tile and their drain
6 tile is going to be at 4-foot depth, we could install
7 the pipeline at a 6-foot or 5-foot depth to achieve
8 the separation required and allow them to tile over
9 the pipeline when that time did come.

10 Q. You also stated that Summit is, in your
11 words, obligated to make repairs that were caused in
12 the drain tile due to the pipeline construction.

13 What is the process for a landowner to
14 prove up and convince you, Summit, that your
15 construction was the cause of any damage to drain
16 tile?

17 MR. LEONARD: Objection to the extent it
18 calls for a legal conclusion.

19 Go ahead.

20 A. I'm not sure that process is entirely
21 defined at this point, but presumably they would
22 document the deficiencies in their tile and submit
23 that to us, and we would review that and then contact
24 them to make a timely repair as required.

25

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1 BY MR. JORDE:

2 Q. Assuming if you agreed that your
3 construction was the cause; correct?

4 A. We would, you know, need to agree that, you
5 know, our pipeline construction caused the drain tile
6 issue, but in my experience the benefit of the doubt
7 for that always goes to the landowner.

8 Q. In your experience with other companies
9 than Summit; correct?

10 A. Yes.

11 Q. How many total parcels exactly does the
12 route cross? I think you estimated it at 3300, but
13 don't you know the exact number?

14 A. I really don't know that. I certainly
15 could find that out very quickly, but the exact
16 quantity of parcels, I don't have that number off the
17 top of my head.

18 Q. And then the number of existing Exhibit H
19 parcels, as we sit here today, where Summit does not
20 have executed agreements for, are we still over 1,000?

21 A. I don't know the exact number. I believe
22 it's somewhere close to that. I don't know if it's
23 below that or above that at this point.

24 Q. Who would be the best person that would
25 have that data?

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1 A. I certainly would be able to track that
2 down, if requested.

3 Q. Okay. I'm requesting that, so will you
4 tell Mr. Dublinske, and he can let us know?

5 A. Sure.

6 Q. All right. The staging areas you talked
7 about, do you have land under contract for each and
8 every one of those staging areas?

9 A. No.

10 Q. And for a staging area, would that be a
11 temporary easement during the construction process, or
12 do you actually purchase land and fee title for the
13 staging areas?

14 A. I think it's, you know, a case-by-case
15 basis, based on negotiations with the landowner.

16 Q. You were asked some questions about road
17 use and road maintenance agreements. How do you know
18 if your activities caused damage to the county roads
19 that you need to pay for?

20 How is that documented on the front end so
21 there's no confusion between you and the county of
22 what damage was your responsibility?

23 MR. LEONARD: Objection to the extent it
24 calls for a legal conclusion.

25 Go ahead.

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1 A. So Summit intends to conduct an analysis --
2 well, an exercise where we're going to videotape every
3 single road that we intend to use pre-construction.
4 We're also going to have pre-construction imagery of
5 our entire route and presumably the pipelines that we
6 cross.

7 So those will be utilized to document
8 pre-construction condition and presumably will be used
9 to document any deficiencies that occurred since then
10 that we would be obligated to repair.

11 BY MR. JORDE:

12 Q. And is that imagery, then, sent to the
13 counties or uploaded as some public database? What's
14 your intentions of holding that data? Who is the
15 keeper of that data?

16 MR. LEONARD: Same objection.

17 Go ahead.

18 A. In my experience, those videos are provided
19 to the counties for their records as well, and it
20 helps to kind of eliminate the arguments of, you know,
21 potholes and other things that may have existed
22 pre-construction.

23 BY MR. JORDE:

24 Q. When you determine it's necessary to drill
25 on a property or to take any samples from the land for

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1 construction-type purposes, where and how do you
2 dispose of the drilling materials or wastewater or
3 mud?

4 MR. LEONARD: Object to form.

5 Go ahead.

6 A. Typically the drilling mud is either
7 disposed of at proper waste disposal facilities, or
8 seeing that it's essentially just water and bentonite,
9 it can be used to land farm, which is finding
10 agreeable landowners that are willing to take it and
11 spread it out on their farms, because it is actually
12 shown to, you know, increase yields.

13 I'm not an expert in that. Essentially
14 with it being a non-hazardous substance, generally
15 what you'll do is find agreeable landowners that are
16 willing to take that and spread it out on their
17 property.

18 BY MR. JORDE:

19 Q. And if you can't find that type of a
20 landowner, I think you said there's something like
21 designated or specified areas. How are those areas
22 determined?

23 A. You know, if there can't -- if we can't
24 find an agreeable landowner, then the drilling load
25 would be hauled off and disposed of at proper waste

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1 disposal facilities.

2 Q. I get that. That's what you told me
3 before.

4 How do you determine what the proper
5 disposal facilities are? Do you have to have a
6 contract with someone, or how is that determined?

7 A. I don't know the answer to that. That's
8 something that our contractors would be working
9 through.

10 Q. Okay. Can you dispose of it in the general
11 right-of-way on, like, a county road, for instance, or
12 just kind of dump it out? Do you know if that's an
13 appropriate place?

14 A. You know, there's -- The best practice is
15 to, you know, find landowners that are agreeable to
16 take the drilling mud.

17 Q. Okay. Again, this is in the context of
18 your involvement in surveying and routing analysis via
19 survey.

20 Do you know why Summit has dismissed all of
21 its lawsuits against the Iowa landowners that filed
22 seeking temporary injunction for survey and
23 examination access?

24 A. I do not know.

25 Q. Well, were you a part of those decisions?

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1 MR. LEONARD: I'm going to object to the
2 extent it invades privilege.

3 If you know, you can answer.

4 A. The decisions that are being made for the
5 legal cases, you know, I have some involvement but
6 very little involvement on the day-to-day discussions
7 of the existing lawsuits in Iowa.

8 BY MR. JORDE:

9 Q. Have you made a determination or anyone on
10 your routing team that you no longer need survey and
11 examinations on those properties that you previously
12 told the Court you needed?

13 A. Generally we'd like to conduct surveys on
14 all properties. So I would say that we'd like to
15 survey every single property on the entire route.

16 Q. For the data obtained from your surveys or
17 examinations, how does a landowner get a copy of that
18 data, analysis, findings that were made?

19 A. It's my understanding that they do not get
20 copies of our survey findings.

21 Q. Okay. But how could they go about getting
22 that?

23 A. My understanding is some of that is
24 proprietary, culturally sensitive. You know,
25 materials that would not be able to be shared

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1 publicly.

2 Q. Even though they are taken from the
3 landowner's property that they own, they can't have
4 knowledge of that? Is that your testimony?

5 MR. LEONARD: Objection to the extent it
6 calls for a legal conclusion.

7 Go ahead.

8 A. You know, again, I'm not a legal -- I'm not
9 an attorney, but my understanding is that there's
10 certain sensitive materials that we cannot share with
11 landowners.

12 BY MR. JORDE:

13 Q. Okay. Do you have a list of that? Can you
14 give me a specific example that you know of?

15 MR. LEONARD: Same objection.

16 Go ahead.

17 A. I don't have a list. You know, we're
18 conducting cultural and tribal surveys of the route,
19 so those types of culturally and tribally sensitive
20 findings are not something that we can share publicly.

21 BY MR. JORDE:

22 Q. And what is that based on? Is that based
23 on some type of rule or regulation that you believe
24 you have to adhere to? Is that Summit company policy?

25 Where are you getting that?

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1 MR. LEONARD: Same objection.

2 A. My understanding is that it's based on
3 discussions with SHPOs and THPOs whether that's
4 actually, you know, the rule. I don't know the answer
5 to that.

6 I would have to defer to others.

7 BY MR. JORDE:

8 Q. For purposes of the record that's being
9 taken down today, please state for the record what
10 SHPO and THPO stand for.

11 A. SHPO is State Historical Preservation
12 Office, and THPO, I believe, is Tribal Historical
13 Preservation Office.

14 Q. You were asked the question by OCA counsel
15 if you have any concerns about environmental damages
16 to Iowa land, and you said no. What do you think he
17 meant by the phrase "environmental damages"?

18 MR. LEONARD: Objection. Calls for
19 speculation.

20 Go ahead.

21 A. I guess I don't know the exact definition
22 of "environmental damages."

23 BY MR. JORDE:

24 Q. Okay. In terms of Exhibit H analysis, what
25 type of information do you believe is important for

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1 the Board to know and consider on a particular parcel
2 when determining whether or not it's intelligent to
3 locate a CO2 hazardous pipeline across that parcel?

4 MR. LEONARD: Same objection.

5 Go ahead.

6 A. I think the Board has very clearly
7 requested what they would like to see in the
8 Exhibit Hs, and we've adhered to that.

9 BY MR. JORDE:

10 Q. So to be clear, you think that the data
11 shown on the Exhibit Hs that you filed and that your
12 filing, you think the data on those is inclusive of or
13 exhaustive of the data and information that is
14 important to make that determination?

15 MR. LEONARD: Same objection.

16 Go ahead.

17 A. I think that the determinations of what is
18 or isn't included in Exhibit Hs defined by the Board
19 and the IUB, so we would adhere to that and whatever
20 they requested there.

21 BY MR. JORDE:

22 Q. But on the Exhibit Hs -- I want to make
23 sure we're talking the same language here -- isn't it
24 true it's an aerial map that shows a property
25 boundary, and it shows the owner's name, and it shows

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1 your proposed route being the 50-foot permanent
2 right-of-way?

3 Obviously, it has dimensions and
4 directions, but other than that, there's not much
5 other information? Would you agree?

6 MR. LEONARD: Object to form, but go ahead.

7 A. Again, what's shown on the Exhibit H, you
8 know, you described it. That's what we've produced as
9 requested by the IUB.

10 So whatever is or isn't required is what
11 we've shown. We haven't shown, you know, more or less
12 than what was requested of us.

13 BY MR. JORDE:

14 Q. So is Summit, at the time this hearing goes
15 on or at any time during the hearing, planning to
16 present any more information or data on a per-parcel
17 basis, other than what is shown in Exhibit H, in order
18 to help justify why the Board should give you eminent
19 domain rights?

20 MR. LEONARD: Objection to the extent it
21 invades privilege.

22 You can answer, if you know.

23 A. You know, we're going to adhere to whatever
24 the Board requests of us. So if they ask for
25 additional information, we will provide that.

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1 MR. JORDE: All right, sir. I don't have
2 anything further right now. I appreciate it.

3 THE WITNESS: Thank you.

4 MR. LEONARD: I don't have any questions.

5 MR. TAYLOR: I've got a few additional
6 questions.

7 FURTHER EXAMINATION

8 BY MR. TAYLOR:

9 Q. The Pivot preliminary route that that firm
10 devised, was that dependent on where the ethanol
11 plants were that had signed up with Summit?

12 A. Ultimately the pipeline has to originate at
13 the ethanol plant, so that is one of the primary
14 factors of determination of where the pipeline is
15 located.

16 Q. You said that as far as pipe depth, there
17 was a federal standard of 3 feet. Do you know what
18 agency sets that and what that regulation is?

19 MR. LEONARD: Object to the extent it calls
20 for a legal conclusion.

21 Go ahead.

22 A. The depth of cover is a requirement by
23 PHMSA, and it's outlined in 49 CFR 195 for hazardous
24 liquid pipelines.

25

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1 BY MR. TAYLOR:

2 Q. And you think the standard is 3 feet of
3 depth?

4 MR. LEONARD: Objection. Asked and
5 answered.

6 A. Generally, yes. There's a table that
7 shows, you know, unique situations where you would
8 have either less or more, but generally for main line
9 pipe it's 3 feet deep, yes.

10 BY MR. TAYLOR:

11 Q. Is that from the top of the pipe or the
12 bottom of the pipe?

13 A. Top of the pipe.

14 Q. And you mentioned a 1-foot separation
15 standard between drain tiles and pipe. Is that a
16 regulation of some sort as well?

17 MR. LEONARD: Objection to the extent it
18 calls for a legal conclusion.

19 Go ahead.

20 A. So I believe 49 CFR 195 does define you're
21 supposed to keep a minimum separation of 1 foot from
22 structures. I believe there's actually an exception
23 in there for drain tile where you can be closer than
24 1 foot.

25

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1 BY MR. TAYLOR:

2 Q. You mentioned three contractors, I believe,
3 that Summit has hired to construct the pipeline. I
4 think it was Precision Pipeline, Associated Pipeline,
5 and Rockford Pipeline.

6 Have I got those correct?

7 A. Correct.

8 Q. Are they out-of-state companies, and by
9 "out of state," I mean out of Iowa?

10 A. Yes, I believe so.

11 Q. Do you know whether or not they will be
12 hiring workers from Iowa, or will they have to bring
13 in the workers from out of state?

14 A. So all three of those companies are union
15 contractors. I'm not an expert when it comes to the
16 rules there, but my understanding is they have to hire
17 50 percent local.

18 Q. Do you know whether or not there are a
19 sufficient number of local workers who are skilled in
20 building this kind of a pipeline?

21 MR. LEONARD: Objection. Calls for
22 speculation.

23 Go ahead.

24 A. It is our understanding, after having
25 conversations with our contractors, that they feel

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1 there's sufficient quantities of skilled labor to
2 build the pipeline, yes.

3 BY MR. TAYLOR:

4 Q. Is there anybody at Summit who would have
5 more knowledge about what we're talking about here
6 than perhaps you do?

7 A. More knowledge as it pertains to?

8 Q. The contractors, their employees that
9 they'll be hiring.

10 A. I would say that I'm probably as
11 knowledgeable as anybody at our company as it pertains
12 to our contractors.

13 Q. And finally, you were talking about
14 decompacting the soil, and you mentioned the subsoil.
15 What about the topsoil?

16 A. Again, I don't recall the specific language
17 around decompaction for topsoil. If it is a
18 requirement in Chapter 9 rules and in AIMP, we'll
19 certainly do that.

20 Q. Wouldn't it be more important to decompact
21 the topsoil than the subsoil?

22 A. I'm not a soil scientist, so I can't answer
23 that question.

24 MR. TAYLOR: Okay. That's all I have.
25 Thanks.

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1 MR. WHIPPLE: I just have a couple more
2 questions.

3 FURTHER EXAMINATION

4 BY MR. WHIPPLE:

5 Q. Do you recall when you were talking to
6 Mr. Jorde about the safety of the pipelines, and you
7 were comparing the safety to existing pipelines and
8 thousands of miles? Do you recall that
9 back-and-forth?

10 A. Yes, yes.

11 Q. Do you know what was the size and diameter
12 of the Dapple pipeline?

13 A. I believe it was a 30-inch crude oil line.

14 Q. Uniformly throughout the state?

15 A. Yes.

16 Q. Do you know generally what the pressure is
17 or was of that line?

18 A. I don't. I suspect that it's, you know, a
19 ANSI 600 system that, you know, has a max operating
20 pressure of 1480 PSI.

21 Q. 1480. What's the operating pressure of
22 your line?

23 A. The max operating pressure of our line is
24 2183. The general operating pressures will be
25 anywhere from 1250 to 1300 PSI on the low end, all the

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1 way to roughly 2100 on the high end.

2 Q. So why would you use the same screening
3 distance with higher pressures?

4 A. I mean, generally the pressure does not
5 dictate the design of a pipeline. Well, with the
6 design setback, we have the pipeline.

7 The PHMSA regulations don't differentiate
8 the setback requirement they have of 50 feet, whether
9 that's a pipeline that operates at 200 PSI or 4,000
10 PSI.

11 Q. Sure. I'm trying to do it with the
12 screening distance.

13 So the pressure did not dictate the
14 screening distance? Is that your testimony?

15 A. I would say that the pressure of the
16 pipeline was known when the screening distance was
17 determined.

18 Q. I'm sorry. I couldn't hear that.

19 A. The pressure of the pipeline -- The
20 operating pressures of the pipeline were known when
21 the screening distance was determined.

22 Q. But are they connected?

23 A. In that perspective that we knew the
24 pressure when the decision was made, then yes. Other
25 than that, no.

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1 Q. So they're not connected?

2 A. Again, they're connected in the fact that
3 we knew that operating pressures when that setback
4 distance was determined.

5 MR. WHIPPLE: That's all I have.

6 MR. OSTERGREN: No questions from me.

7 MS. GRUENHAGEN: No additional questions.
8 Nothing.

9 MR. LEONARD: Mr. Jorde, anything further?

10 MR. JORDE: No thank you.

11 MR. LEONARD: I have no questions.

12 (Deposition concluded at 11:53 a.m.)
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