

Commissioner Nelson
Commissioner Hanson
Acting Commissioner Haeder

Re: HP22-001

Commissioners:

We feel that we can begin our letter to you with “Here We Go Again”. In July we received a letter from Summit Carbon Solutions that they plan to put a pipeline behind our Nortec seed business, behind our home and through our productive farmland.

About five years ago Dakota Access took our land by suing us for eminent domain. Their pipeline went behind our seed business so that we could never build, expand or grow our South Dakota business. The pipeline went behind our home and took productive farmland. After five years the productivity of our land has not returned. The ground was so compacted that when we first tried to till it the front end of our tractor went straight up in the air. It took us time and labor to clean up the rocks they left behind. Because of this past experience with Dakota Access, we learned a lot about pipelines, the money behind pipelines and the lack of protection South Dakota has for its landowners, farmers and citizens. What pipeline companies actually do and what they say, we found out are two different stories.

We are opposed to the Summit Carbon Solutions pipeline for the following reasons:

A private for profit entity should not be allowed to take a landowner’s land by eminent domain.

- Eminent domain should never be used for a private purpose for financial gain. Eminent domain should be used for the good of South Dakota citizens such as schools, highways and airports.
- A landowner should have the right to decide whether they want a pipeline running through their property, next to their home or business, carrying CO2, a pollutant, which subjects the landowner to substantial uninsurable exposure.
- Summit has said that one of its investors is John Deere but will not say who any of its other investors are. We feel that if our land is taken by eminent domain then we should know who is taking our land.

The landowner/farmer has liability for an accident and/or third party liability.

- Pipelines write easements that gives potential liability to the landowner or farmer.
- If a farmer accidentally damages the pipeline, he could be sued by the pipeline company for damages.

- If there is a leak that damages or injures a third party, the landowner could be sued and held responsible.
- We found out in the Dakota Access process that a landowner or farmer cannot obtain liability insurance for a pipeline running through their land carrying a hazardous pollutant. The landowner and farmer are exposed to substantial liability risks. If there was an accident, they could lose their land and everything they own.
- Summit is a Delaware Limited Liability Company. It can go bankrupt at any time.
- Summit can sell the pipeline to another company at any time.
- Summit can abandon the pipeline whenever they want. The future removal or upkeep of the pipeline will be the responsibility and cost to the landowner.
- To our knowledge, we do not know of any South Dakota State liability fund or County fund to handle, help or take care of South Dakota citizens or landowners in case of an accident.

Safety considerations of the Summit CO2 pipeline

- CO2 is colorless and odorless so it is difficult to detect. Carbon dioxide concentrations of 10% can produce unconsciousness or death. Lower concentrations may cause long-haul symptoms such as headache, sweating, rapid breathing, dizziness, mental depression, vision problems and more.
- CO2 pipelines can be very corrosive. Microscopic amounts of water mixed with CO2 can rapidly corrode pipes. Transporting CO2 is much different than transporting oil or natural gas. It seems that South Dakota will be a test experiment for these much larger CO2 pipelines.
- Emergency responders will need to have personal protective equipment such as masks and breathing apparatus so they will not be overtaken if coming upon a rupture.
- In our opinion, it would be irresponsible to put a CO2 pipeline next to a school, town or home.

Ethanol argument

- Summit says this is CO2 capture for ethanol plants. Poet, the largest ethanol producer in the United States, located in Sioux Falls, SD, is not on board with the Summit Carbon pipeline.
- Summit will not say whether the CO2 will be used for enhanced oil recovery in North Dakota. If it is, then there will be more carbon not less. The largest North Dakota oil driller just donated 250 million dollars to Summit so maybe we have finally received our answer to that question.

We are asking the SD PUC, SD Legislators, and SD leadership to work for and protect South Dakota landowners, farmers, and citizens. South Dakota does not have any laws to protect landowners against private for profit investors who want to take our land by eminent domain.

We are asking landowners and farmers to find out what your risks and liabilities are and decide whether you want to pass those on to your children and grandchildren. You can contact your attorney, your banker, and your insurance agent and show them the easement. They can inform you on the liability that you may have forever.

We are asking the citizens and residents to become informed and aware on whether this hazardous pipeline is next to your home, your children's school or in your community.

One of South Dakota's greatest natural resources is its land and it seems to us that we are destroying it in slow motion. This is not the last pipeline but the beginning of more to come. Again, we ask you to please vote NO to the Summit Carbon Solutions Pipeline.

Thank you for your time and consideration in this matter.

Sincerely,

Tom and Nancy Stofferahn
Humboldt, SD 57035