

**South Dakota Public Utilities Commission  
SCS Carbon Transport LLC  
Docket HP22-001  
Response to Staff's Seventh Data Request**

**July 26, 2023  
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**7-1)**

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**Data Request:**

7-1) Referring to Summit's response to data request 4-6, Applicant's "Draft Emergency Leak Response Procedure" was not attached to the response. Is the "Draft Emergency Leak Response Procedure" the same document as the "Emergency Response Plan – South Dakota" that was provided in response to data request 5-5? If no, please provide the "Draft Emergency Leak Response Procedure."

**Response:** Yes.



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**Data Request:**

7-2) Referring to Summit's response to data request 6-2, the shapefiles contained in the geodatabase didn't have any attribute data and, therefore, are not useable. Please resubmit the shapefiles through a response to this data request.

**Response:**

The shapefiles with attribute data are being submitted as a separate file with this response.

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**Data Request:**

7-3) Referring to Section 1.3 of the Supplement of the Application and Summit's response to data request 3-17, please provide an updated Project cost estimate for South Dakota and a breakdown of the costs. If project costs have not changed, please provide an explanation as to why the recent inflation in the U.S. economy has not impacted the cost estimate of \$795 million in South Dakota.

**Response:**

Cost Type	Oct-22	Jul-23	Variance
Env., Health and Safety	\$15.05MM	\$19.16MM	\$4.11MM
Construction Labor	\$332.22MM	\$398.78MM	\$66.56MM
Construction and Management & Inspection	\$36.02MM	\$38.23MM	\$2.21MM
Contingency / Reserve	\$50.51MM	\$56.34MM	\$5.83MM
Engineering	\$6.13MM	\$13.49MM	\$7.36MM
Freight / Transportation	\$11.02MM	\$29.09MM	\$18.07MM
Materials / Equipment	\$167.97MM	\$228.85MM	\$60.88MM
Power & Automation	\$3.96MM	\$12.67MM	\$8.71MM
Right-of-Way / Survey	\$149.06MM	\$197.60MM	\$48.55MM
Tax	\$23.05MM	\$25.04MM	\$1.99MM
<b>Grand Total</b>	<b>\$795.00MM</b>	<b>\$1,019.25MM</b>	<b>\$224.25MM</b>

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**Data Request:**

7-4) Please refer to Mr. David Daum's rebuttal testimony on page 2, lines 36-42.

- a) Please identify the date that Summit first informed each county of the proposed project and who at the county was contacted.
- b) Please identify the date each county enacted a moratorium, if the county put a moratorium in place.
- c) Please identify the date any final ordinances impacting Summit's pipeline were passed by each county.
- d) Did Summit provide the counties with a quantitative risk assessment, dispersion model, input data and assumptions to the risk assessment, input data and assumptions to the dispersion model, and any additional information the counties requested to inform the final ordinances? Please explain.

**Response:**

a) By statute, once the application was received by the PUC, public input meetings must occur along the proposed route. All counties were notified in February of 2022 of the filing of the application and of the public input meetings occurring in March of 2022.

b) Hand County Commission passed a moratorium in April of 2022. It was later rescinded by the County Commission in June of 2022.

Brown County Commission passed a moratorium in July of 2022. It has continued to be discussed at subsequent meetings on whether to extend the moratorium or not.

McPherson County Commission passed a moratorium in May of 2022.

Spink County Commission passed a moratorium in July of 2022.

c) Brown County Commission passed a 1,500-foot setback, on May 2nd, 2023, from property parcel boundaries of properties with residences, not from the physical residence itself. (7-4c Appendix 1).

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Minnehaha County Commission passed a 330-foot setback, on June 6th, 2023, from property parcel boundaries of properties with residences, not from the physical residence itself. (7-4c Appendix 2).

Spink County Commission is considering a 2,640-foot setback, from property parcel boundaries of properties with residences, not from the physical residence itself. (7-4c Appendix 3).

Lincoln County Commission is considering a 750-foot setback from property parcel boundaries of properties with residences, not from the physical residence itself. (7-4c Appendix 4).

McPherson County Commission is considering a setback, of which the distance has not been publicly stated.

d) Summit Carbon Solutions did not provide counties with a quantitative risk assessment, dispersion model, or input data and assumptions to the risk assessment and dispersion model.

The South Dakota Legislature gave the PUC authority to issue route permits for certain pipelines including that proposed here. The PUC's primary duty is to ensure the location, construction, and operation of the pipeline will produce minimal adverse effects on the environment and the citizens. The PUC determines these factors based on language found in South Dakota Codified Laws and Administrative Rules. This is not the role of the Counties or their Commissioners. The applicant has provided the PUC Staff with a quantitative risk assessment, dispersion model, and input data and assumptions to the risk assessment and dispersion model.

Dispersion modeling, as required under DOT PHMSA safety regulations, is used to inform Integrity Management Program, risk assessment, emergency response plans and preparedness, and public awareness efforts. Under law, the Applicant is required to keep this confidential.

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**Data Request:**

7-5) Please refer to Dr. Jon Schmidt's rebuttal testimony, lines 235 to 245

- a) In the response to Mr. Sterner's testimony request for additional maps and drawing related to water resources, Dr. Schmidt states that pre and post construction maps depicting drainage features is not needed since they will be restoring all hydrological features to pre-construction grade. Although the Application may state that hydrologic resources would be restored to pre-construction conditions, please provide a map of features such as springs, seeps, ephemeral channels in order to better define the current hydrological setting of the Project area.
- b) Further, in response to Mr. Sterner's request for maps of wellhead protection areas, aquifers, springs, seeps, and groundwater flows, the rebuttal testimony incorrectly assumes the request infers the use of groundwater sources for the Summit project. The request was made to have any such features mapped so that compliance with any related permit conditions could be verified should the Commission grant a permit with conditions. Please provide the requested map with the features noted above.

**Response:**

- a) Summit was able to obtain information on springs from the U.S. Geological Survey (USGS), but the information is only a reflection of what is reported as opposed to a concerted effort to survey for the feature. A digital map of the surficial aquifer was also obtained from the South Dakota geological survey. The map book (7-5a Appendix 1) is provided with this response that includes the location of water wells, and surface hydrology features (perennial, intermittent, and ephemeral drainages) as mapped in the field by Summit or via a desktop review for those parcels which survey access was denied. Note that the background imagery will not represent hydrology features present during surveys. The U.S. Army Corps of Engineers is reviewing all drainage features as part of their review of the Nationwide Permit 58 permit application package.
- b) Research and discussions with the USGS, State of South Dakota, and South Dakota Department of Agriculture and Natural Resources did not yield any georeferenced information on groundwater flows, wellhead protection areas, or springs or seeps.

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Wellhead protection areas are not digitized and paper maps are not georeferenced (see attached email correspondence (7-5b Appendix 2). Map book (7-5b Appendix 1) is provided with surficial aquifers, and surface drainages as mapped in the field and noted above.

It is reemphasized that the as stated in AR 20:10:22:15: “(4) If aquifers are to be used as a source of potable water supply or process water, specifications of the aquifers to be used and definition of their characteristics, including the capacity of the aquifer to yield water, the estimated recharge rate, and the quality of ground water;” That Summit will not be using aquifers as a source of water and therefore has not been required to provide details on the groundwater or aquifers crossed by the Project.

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Response:

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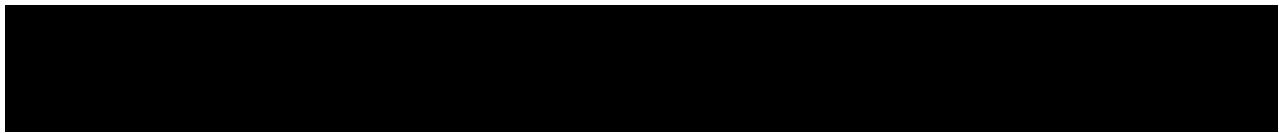
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