

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION)
OF NAVIGATOR HEARTLAND)
GREENWAY, LLC FOR A PERMIT UNDER)
THE SOUTH DAKOTA ENERGY)
CONVERSION AND TRANSMISSION)
FACILITIES ACT TO CONSTRUCT THE)
HEARTLAND GREENWAY PIPELINE IN)
SOUTH DAKOTA)

**AMENDED NOTICE OF
APPLICATION; ORDER FOR AND
NOTICE OF PUBLIC
INPUT MEETINGS; NOTICE OF
OPPORTUNITY TO APPLY
FOR PARTY STATUS**

HP22-002

On September 28 27¹, 2022, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit under the South Dakota Energy Conversion and Transmission Facilities Act to Construct the Heartland Greenway Pipeline in South Dakota (Application) from Navigator Heartland Greenway, LLC, a limited liability company owned by Navigator CO2 Ventures LLC (Navigator or Applicant). Applicant proposes to construct and operate a carbon dioxide (CO₂) transmission pipeline (Project). The Project is approximately 1,300 miles of pipelines for the transportation of CO₂ from more than 21 ethanol and fertilizer plants across 5 states, including 3 ethanol plants in South Dakota, that will transport captured carbon dioxide for permanent and secure underground sequestration in Illinois and/or to off-take facilities for commercial/industrial use.

The Project consists of 111.9 miles of carbon dioxide pipeline in South Dakota that will cross the counties of Brookings, Moody, Minnehaha, Lincoln, and Turner. More specifically, the Project consists of three segments: 1) the Aurora to Hartley lateral that will be approximately 63.6 miles of 8- inch diameter pipeline; 2) the POET Chancellor lateral that will be approximately 22.6 miles of 6- inch diameter pipeline; and 3) the POET Hudson lateral that will be approximately 25.7 miles of 6- inch diameter pipeline. In addition, one inline inspection tool launcher/receiver site will be constructed in Lincoln County. No pump stations are proposed in South Dakota for the Project. Applicant estimates the total cost of the proposed Project in South Dakota to be \$142 million.

The proposed route of the Aurora to Hartley lateral enters South Dakota in southeast Minnehaha County at the Iowa/South Dakota border and extends in a north/northwesterly direction, through eastern Minnehaha County and central Moody County, before entering Brookings County and terminating at the Valero ethanol plant near Aurora, South Dakota.

The proposed route of the POET Chancellor lateral enters South Dakota in northeastern Lincoln County at the Iowa/South Dakota border, extending westward and terminating in Turner County at the POET ethanol plant near Chancellor, South Dakota.

The proposed route of the POET Hudson lateral would be entirely within Lincoln County, beginning at the POET ethanol plant southwest of Hudson, South Dakota and proceeding northwest to connect with the POET Chancellor lateral approximately 2.5 miles south of Harrisburg, South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22.

Pursuant to SDCL 49-41B-15 and 49-41B-16, **the Commission will hold public input meetings on the Application at the following times and places:**

¹ This is the only change.

Monday, November 21, 2022 – 5:30 p.m. CDT– Canton Performing Arts Center, 800 N. Main, Canton, South Dakota

Tuesday, November 22, 2022 – 11:30 a.m. CDT – William J. Janklow Community Center, 800 W. Community Dr., Flandreau, South Dakota

Tuesday, November 22, 2022 – 5:30 p.m. CDT – Washington Room, Ramkota Conference Center, 3200 W. Maple Street, Sioux Falls, South Dakota

The purpose of the public input meetings will be to hear public comments regarding the permit Application and the proposed Project. At the meetings, Applicant will present a brief description of the Project, after which interested persons may appear and present their views, comments, and questions regarding the Application and the Project. A copy of the Application is on file with the Brookings, Moody, Minnehaha, Lincoln, and Turner County auditors pursuant to SDCL 49-41B-15.2 and at the Commission's office in Pierre. The Application and all other documents in the docket, including detailed maps of the Project may be accessed on the Commission's website at www.puc.sd.gov under Commission Actions, Commission Dockets, Hydrocarbon and Carbon Dioxide Pipeline Dockets, 2022 Hydrocarbon and Carbon Dioxide Pipeline Dockets, HP22-002.

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the statutory parties to this proceeding are the Applicant and the Commission staff. Each municipality, county, and governmental agency in the area where the facility is proposed to be sited; or any person residing in the area where the facility is proposed to be sited, or any directly interested person, may be granted party status in this proceeding by making timely written application to the Commission. Applications for party status will be available at the public input meetings or may be obtained from the Commission's website or by contacting the Commission. **Applications for party status must be filed with the Commission on or before 5:00 p.m. on November 28, 2022.** The Commission will also be accepting comments in writing from anyone, either by mail, personal delivery, or e-mailing the Commission right up until the time of the decision. You only need to apply for party status if you want to participate formally in the docket by putting on actual testimony or other factual evidence, conducting discovery, cross-examining witnesses, making legal arguments, and to preserve your right to appeal to the courts if you do not believe the Commission's decision is legally correct.

Following the public input meetings, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider any issues raised by any intervening party, the Commission's staff, or the Commission itself. At such a formal hearing, all parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts.

For approval, Applicant must show that the proposed Project will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether the permit to construct should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate. It is therefore

ORDERED, that the Commission will hold public input meetings on the Application and Project on:

Monday, November 21, 2022 – 5:30 p.m. CDT– Canton Performing Arts Center, 800 N. Main, Canton, South Dakota

Tuesday, November 22, 2022 – 11:30 a.m. CDT – William J. Janklow
Community Center, 800 W. Community Dr., Flandreau, South Dakota

Tuesday, November 22, 2022 – 5:30 p.m. CDT – Washington Room, Ramkota
Conference Center, 3200 W. Maple Street, Sioux Falls, South Dakota

It is further

ORDERED, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, **applications for party status must be filed with the Commission on or before 5:00 p.m., CDT, on November 28, 2022.**

Pursuant to the Americans with Disabilities Act, these meetings will be held in physically accessible locations. Please contact the Public Utilities Commission at least 48 hours prior to the meeting if you have special needs so arrangements can be made to accommodate you.

The Commission's contact information is: Public Utilities Commission, 500 E. Capitol Ave., Pierre, SD, 57501, or by phone at (605) 773-3201 or (800) 332-1782.

Dated at Pierre, South Dakota, this 30th day of September 2022.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Adam DeHueck</u>
Date: <u>9/30/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner