



4-1) Refer to Page 3 of Stephen Lee's direct testimony. Mr. Lee commits to updating Navigator's exhibits during the course of this proceeding to show any changes to the proposed route. When does Navigator anticipate filing updated exhibits?

RESPONSE: To date route changes are minor, do not affect any new landowners, and reflect landowner preferences and/or constructability factors. We anticipate a few more revisions with the 2023 surveys and continued landowner negotiations and anticipate filing updates with supplemental testimony.

4-2) Refer to Page 4 of Stephen Lee's direct testimony. Mr. Lee stated that discussions with local officials may result in further micro-routing to be performed. Please provide all instances where discussions with local officials led to routing changes.

RESPONSE: As of the date of this response none of our discussions with local officials have led to routing changes.

- 4-3) Refer to Page 8 of Stephen Lee's direct testimony. Mr. Lee stated that Navigator used "CO<sub>2</sub> plume dispersion modeling and buffer concentration for initial route alignment and high consequence area determinations." Please identify the areas that Navigator determined to be high consequence areas along the pipeline route.

RESPONSE: Objection. This request seeks information that is confidential for safety and security reasons. Subject to the Protective Order entered by the Commission, attached is an overview that shows the High Consequence Areas in South Dakota.

- 4-4) Refer to Page 13 of Stephen Lee's direct testimony. Mr. Lee stated that Navigator would "strategically place carbon dioxide monitoring devices" along the pipeline route.
- a) Please further describe the carbon dioxide monitoring devices referenced.
  - b) Please identify where these devices will be located along the pipeline route.

RESPONSE: See below for responses:

- a) The referenced carbon dioxide monitoring devices would be located on the pipeline system and connected to the pipeline SCADA System and alert the OCC in the event CO<sub>2</sub> is detected in the atmosphere above ambient/ present threshold in the vicinity of the device location. Applicant implements redundant systems to offer increased reliability in leak detection. Applicant is currently evaluating static monitors for installation.

This sensor technology is similar to a 5-gas monitor for personal protection which Applicant will employ for mobile use. Original equipment manufacturers include Dräger, RKI Instruments and Honeywell, Industrial Scientific. An example of personal mobile devices can be found at the following website:

<https://us.msasafety.com/Portable-Gas-Detection/Multi-Gas/ALTAIR%C2%AE-5X-Multigas-Detector/p/000080001600001023?locale=en>

- b) CO<sub>2</sub> monitoring devices will be located at above ground facilities across the system. In South Dakota, this includes mainline valve sites, for which preliminary mapping was provided in response to 2-4(a).

- 4-5) Refer to Page 3 of Vidal Rosa's direct testimony. Mr. Rosa stated that Navigator will "be building out a full scale highly qualified operations team including a VP of Operations and regional directors, and managers in addition to the subject matter experts and technicians, to perform measurement, corrosion prevention and protection, electrical, and instrumentation duties, as well as a robust safety training program." Does Navigators have any concerns about its ability to hire the necessary expertise to form a highly qualified operations team? Please explain how Navigator intends to recruit and retain the necessary talent to build the organization from the ground up.

RESPONSE: Applicant does not have any concerns over the ability to hire necessary resources for the operations team. Applicant will recruit experienced individuals and will include onboarding training and on-the-job training. Applicant's leadership has extensive knowledge and experience with recruiting and building teams based on past work experience and organization connections.

- 4-6) Refer to Page 6 of Vidal Rosa's direct testimony. Mr. Rosa stated that "comprehensive public awareness and education efforts will also help optimize safe operation of the Pipeline and minimize the risk of a release." Please provide more information on Navigator's anticipated public awareness and education efforts.

RESPONSE: Applicant's public outreach and education program is in development, ongoing, and consistent with PHMSA regulations. Applicant has been working with Paradigm, a third-party liaison for public outreach and awareness, to develop its public education program. Applicant has already met with local emergency responders in South Dakota in January 2023 as part of this outreach and training. The next phase will occur in the summer of 2023 with additional meetings with county officials and public education.

- 4-7) Refer to Page 7 of Vidal Rosa's direct testimony. Mr. Rosa stated that "Navigator is committed to purchasing necessary equipment for emergency responders so that an emergency can be properly responded to." Does Navigator have a list of the necessary equipment that it plans to purchase for the applicable emergency response agencies? If yes, please provide.

RESPONSE: See Applicant's Response to Staff's DR 3-12(c).



4-8) Has Navigator determined where the operational control center and back-up operational control center will be located? If yes, please provide the locations.

RESPONSE: See Applicant's Response to Staff's DR 2-15.

- 4-9) Refer to Page 9 of Vidal Rosa's direct testimony. Mr. Rosa stated that Navigator "estimates that 80-100 full time employees will be stationed along the entire pipeline, with approximately 10 employees located in South Dakota." In response to Staff data request 1-34, Navigator stated that there would be 2-4 permanent employees during operations. Should Mr. Rosa's testimony be updated to say 2-4 employees will be stationed along the pipeline in South Dakota? Please explain.

RESPONSE: See Applicants Response to Staff's DR 3-10(b)

4-10) Explain why the pipeline is not routed through state and federal lands.

**RESPONSE:** As discussed in Section 2.2 of the Application many sensitive features were avoided including state and federal lands. State and federal lands are typically purchased or managed for conservation, recreation, or other public use and impacts to these resources are avoided by infrastructure when feasible.

4-11) Provide the distance in feet of the closest occupied residence from the pipeline.

RESPONSE: The route is not finalized due to outstanding surveys and landowner negotiations. Final placement of the pipeline would affect these distances. However, based on the current route, the nearest residence is located approximately 190 feet of the proposed pipeline.

4-12) Provide the distance in feet of the closest school from the pipeline.

RESPONSE: The route is not finalized due to outstanding surveys and landowner negotiations. Final placement of the pipeline would affect these distances. However, based on the current route, the nearest school is located approximately 6,540 feet from the pipeline.

4-13) Provide the distance in feet of the closest gathering place from the pipeline.

RESPONSE: The route is not finalized due to outstanding surveys and landowner negotiations. Final placement of the pipeline would affect these distances. However, based on the current route, the nearest gathering place is located approximately 1,530 feet from the pipeline.

4-14) Provide the distance in feet from the following cities to the proposed pipeline, as measured from the pipeline to the city border at its closest point:

- a) Egan
- b) Aurora
- c) Brandon
- d) Valley Springs
- e) Canton

RESPONSE: See below for responses:

- a) The pipeline is located approximately 1,130 feet from the closest city border of Egan.
- b) The pipeline is located approximately 1,050 feet from the closest city border of Aurora. Note that the Valero facility, which is the origin of the lateral, is located adjacent to the city of Aurora. The pipeline route deviates west upon exiting the Valero facility.
- c) The pipeline is located approximately 9,420 feet from the closest city border of Brandon.
- d) The pipeline is located approximately 4,310 feet from the closest city border of Valley Springs.
- e) The pipeline is located approximately 2,850 feet from the closest city border of Canton.

4-15) Explain how main line valves continue to operate during electric outages.

**RESPONSE:** All isolation valves will have an uninterrupted power supply and redundant power and communication systems to ensure constant connectivity in the event there is an interruption of the primary power or communications source.



4-16) How will the public be notified in the event of a release? Who will be notified of a release? How quickly will notification occur after the release?

RESPONSE: Objection. This request is vague, broad, and difficult to answer without more specific information about the release. Without waiving the objection, as explained in the Direct Testimony of Vidal Rosa (#22 on Page 9 and 10) and elsewhere in discovery responses, Applicant is in the process of developing its Emergency Response Plan and public awareness plan for the HGPS. Applicant will implement extensive public education and outreach programs in accordance with or exceedance of PHMSA requirements (including 49 CFR 195.440, Public Awareness) to establish and increase public awareness regarding the HGPS and related safety matters. The public would be notified of an event through the local Emergency Management System. Applicant will also employ a "Nav911" system which will provide an automatic, almost instantaneous, call alert to local government authorities and first responders via telephone; as Applicant develops this system it is evaluating ways it could include alerts to the public or area landowners.

4-17) Provide the liability terms included in the landowner easements associated with the pipeline. Is the provided terms standard in all easements, or has company negotiated unique liability terms with any South Dakota landowners along the pipeline route?

RESPONSE: The easement provides: "Grantee hereby agrees to indemnify and hold Grantor harmless from and against any claim or liability or loss from personal injury, property damage resulting from or arising out of the use of the Easements by Grantee, its servants, agents or invitees, excepting, however, (a) the Initial Damages and the Clearing Damages, and (b) such claims, liabilities or damages as may be due to or caused by the acts of Grantor, or its servants, agents or invitees."

If a landowner has comments to the form, Applicant will review and respond to the comments in the ordinary course of acquisition discussions; all landowners are initially presented the form easement language as provided.

4-18) Does the temperature of the pipeline buried at least 5 ft. below the surface have any impact on the soil quality above the pipe? Please explain.

RESPONSE: The pipeline at a depth of at least 5 feet below ground surface is not expected to have an impact on soil quality above the pipeline. The CO<sub>2</sub>, while injected into the system at 90-110 degrees F, will normalize to ground temperature as it flows along the system within a few miles of the injection points, which in SD are the capture facilities. Therefore, the temperature of the pipeline is not anticipated to affect the soil quality above or around the pipeline. Further, Applicant's soil management practices described in Exhibit E are implemented to avoid negative effects to soil quality along and above the pipeline during construction/installation.

Dated this 24th day of April, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

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### **OBJECTIONS**

The objections stated to Staff's Fourth Set of Data Requests were made by James E. Moore, one of the attorneys for Navigator Heartland Greenway, for the reasons and upon the grounds stated therein.

/s/ James E. Moore  
*One of the Attorneys for Navigator Heartland  
Greenway*

## CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2023, a true and correct copy of the foregoing Applicant's Responses to Staff's Fourth Set of Data Requests was served via e-mail transmission to the following:

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/s/ James E. Moore  
*One of the Attorneys for Navigator  
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