BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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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,	:	**HP 22-002** **APPLICANT'S RESPONSES TO STAFF'S SIXTH SET OF DATA REQUESTS**

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Applicant Navigator Heartland Greenway LLC makes the following responses to Staff's Sixth Set of Data Requests pursuant to SDCL § 15-6-33, and SDCL § 15-6-34(a). These responses are made within the scope of SDCL 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule. Applicant objects to definitions and directions in answering the requests to the extent that such definitions and directions deviate from the South Dakota Rules of Civil Procedure.

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6-1) Refer to the Applicant's responses to Staff data requests 2-7 and 4-11. In response to Staff data request 2-7, the Applicant stated that "the setback distances for inhabited structures, gathering places, and population centers are the same based on the plume dispersion modeling: for a 6-inch pipe, 321 feet for initial routing and for an 8-inch pipe, 417 feet for initial routing." In response to Staff data request 4-11, the Applicant states "based on the current route, the nearest residence is located approximately 190 feet from the proposed pipeline."

a) Explain why the pipeline was placed 190 feet from an occupied residence when the Applicant stated the setback is either 321 ft. or 417 ft.
b) What additional safety measures is the Company implementing when the pipeline is placed within the Applicant's recommended setback?

RESPONSE: See responses below.

a) The routing buffers based on the plume dispersion modeling are one of the criteria used in routing the pipeline to avoid as many areas of inhabitable structures and places of gathering as practical. Initial routing distance tolerances are the goal, but not always practicable due to other routing criteria, physical limitations, as well as landowner-specific location requests. As discussed in Section 2.2 of the Application, features that were considered in the route development process include, but are not limited to, existing linear infrastructure (i.e. railroads, pipelines, and electric power lines, roads); infrastructure and structures (e.g. buildings, wells, levees,); environmental (i.e. wetlands, waterbodies, protected habitats, floodplains); land use (e.g. land cover, conservation easements, land cover, state and national parks, national forests, and wildlife management areas; other federal and state lands; other recreation lands and areas; easements); geological (e.g. slope, topography, depth bedrock, karst, fault lines/areas, landslide potential, peak ground acceleration; mines and mining activity); soils (series, soils categories, prime farmlands, hydric soils, and corrosivity); cultural (cemeteries, national register of historic places); and other (e.g. brownfield, superfund, and hazardous waste sites and landfills).
b) As discussed below in response to Staff DR 6-5, Applicant uses design and construction controls to maintain the same level of safety and risk when routing buffers cannot be maintained, for example, increased design factor, heavier wall pipe, or increased depth of cover.

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[CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER]

6-2)

Questions and Answers for 6-2 through 6-5 are redacted as confidential.

EXHIBIT
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[CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER]

6-3) **Questions and Answers for 6-2 through 6-5 are redacted as confidential.**

EXHIBIT
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[CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER]

6-4)

Questions and Answers for 6-2 through 6-5 are redacted as confidential.

EXHIBIT
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[CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER]

6-5)

Questions and Answers for 6-2 through 6-5 are redacted as confidential.

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6-6) Has Navigator committed to develop a Pipeline Safety Management System (described in API RP 1173)? Please explain.

RESPONSE: Yes, Navigator will be establishing a Pipeline Safety Management System that helps focus on pipeline safety, training, process effectiveness and continuous improvements. The management system will be reflective of the guidance as set in API RP 1173.

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Dated this 15th day of May, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/James E. Moore

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OBJECTIONS

The objections stated to Staff's Sixth 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

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