

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

<b>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</b>	<b>HP22-002</b>  <b>PAMELA J. RICHART</b> <b>SURREBUTTAL TESTIMONY IN SUPPORT OF LANDOWNER INTERVENORS</b>
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**Q: Please state your name and purpose for providing testimony in these proceedings.**

**A: My name is Pamela Richart.** I have not provided testimony before in this docket. I am responding to John Godfrey, Mark Hereth, Jeffery Pray, Steve Brendenburg, Stephen Lee, Monica Howard, and Michael Harrison. **The purpose of my testimony is to show all of the aforementioned persons testimony are irrelevant due to glaring facts no Navigator expert witness can address and that is the status of Navigator's CO2 Pipeline and Sequestration Project in Illinois, which remains uncertain, given the lack of clarity over 1) pore space currently under lease agreement with Navigator, 2) the ongoing opposition by farmers and residents in counties where sequestration is planned, and 3) the lack of legislation in Illinois that defines both owner and control of pore space.**

**Q: What experience, education, training, or background qualify you to provide opinions and your concerns as you have hearing?**

**A:** I am a land use planner and Co-Director of Eco-Justice Collaborative (EJC), a non-profit based in Champaign, Illinois. EJC advocates solutions to today's most

environmental challenges that incorporate social, economic, and environmental justice.

Over the past 17 months, I have led the Coalition to Stop CO2 Pipelines, a network of environmental organizations, landowners, and Illinois residents concerned about the threat of under-regulated CO2 pipelines planned in Illinois. This work has included educating landowners and elected officials about the hazards of CO2 pipelines and carbon sequestration. It has included organizing landowners to ask municipal and county Boards to: 1) adopt moratoriums on CO2 pipelines, tied to the completion of PHMSA's rule-making process, and 2) to intervene in the Illinois Commerce Commission proceedings. In Illinois, the only way to express concern over CO2 pipeline impacts is to intervene.

I also helped form the non-profit Citizens Against Heartland Greenway Pipeline (CAHGP) as a means for landowners, organizations, and local governments to intervene in the proceedings related to Navigator's application to the Illinois Commerce Commission for a Certificate of Authority. I served as an advisor to CAHGP, for Navigator's Case 22-0497 (withdrawn), and am serving in that same capacity for Case 23-061, which is pending before the ICC).

In January 2023, I worked with Earthjustice and Sierra Club to draft legislation to regulate carbon capture, transport, and sequestration in Illinois. HB3119 and SB242 were introduced in February 2023, and address regulatory gaps in Illinois legislation, while maximizing protections for CCS projects in Illinois. Since then, I have helped educate Illinois state senators and representatives about the importance of this bill, and explained how it differs from industry's bill, HB2202, which deals solely with carbon sequestration.

Most recently, I have been working with the Governor's Office as part of a negotiating team, with the goal of developing a bill that would address industry needs to define ownership and control of pore space while ensuring the protections proposed by HB3119/SB2421. This process is ongoing. However, the ability to create and pass a compromise bill in time for veto session (late fall, 2023) is uncertain, given the substantial divides between industry and the environmental community. Also, any bill submitted during veto session would require a supermajority vote, making the passage of any bill more difficult.

**Q: Does Attachment No. 1 to this testimony describe your opinions and concerns that you want the PUC to be aware of relative to the proposed CO2 pipeline in question?**

A: Yes, Attachment No. 1 is a true and accurate copy of my account of the viability of Navigator's CO2 pipeline project in Illinois and by extension the viability of the project in South Dakota. Navigator has no sufficient pore or sequestration space and it is my view that it follows that every state agency such as the South Dakota PUC should deny Navigator's application given they do not have a viable project and there is no reasonable indication they ever will. I stand by my positions and opinions discussed therein and am competent to testify about them as necessary. I urge the PUC to carefully consider this testimony during the Hearing in this matter and in your deliberations. I further reserve the right to amend or modify these opinions upon presentation of any additional information that may justify such a change.

/s/ Pamela J. Richart  
Pamela J. Richart