

To: PUC Board

Re: HP24-001 - Summit Carbon Solutions LLC Proposed Carbon Capture Pipeline

PUC Board Members, I respectfully request you DENY all permits to Summit Carbon Solutions for pipeline construction and any other carbon capture infrastructure on SD land.

Under PUC Guidelines, Summit must prove 4 points to be granted a permit by PUC. I will discuss 3 of those points here and show why Summit must be denied permits. I could fill many more pages discussing Summit's statements in their HP24-001 filings. I will start with a few.

1) The pipeline will comply with all applicable laws and rules. TRUTH: Summit will NOT comply.

In Docket filing dated Nov 19, 2024, a letter from counsel Brett Koeneke on behalf of Summit Carbon Solutions clearly states Summit has identified local laws and rules which the proposal is not complying with, and ask for the PUC to grant them an exemption because these laws are "unduly restrictive" to their project and would result in the project being cancelled. (See text box)

Summit acknowledges they will not pursue compliance with these laws, they cannot even start this project without breaking local rules and laws, and require an exemption from the PUC to proceed. SDCL §49-41B-28 gives you, the PUC, the legal authority to do this. I respectfully request you do not grant this exemption under SDCL §49-41B-28. Our rules and laws are in place to protect us, the citizens of SD, and the laws WILL protect us from Summit's pipeline and carbon capture project.

The Application and supporting testimony invoke SDCL § 49-41B-28, which allows the Commission to preempt, in part, county ordinances that are unduly restrictive. Despite Applicant's best efforts, the **proposed route is not fully compliant with existing ordinances** as presently enacted in several counties. Those ordinances would result, in some cases, in no project being built at all, or, in other cases, in needless additional length, involving more landowners, not fewer, and would have resulted in project participants being stranded by the project. **Instead of pursuing compliance with these ordinances** at all costs, Applicant has proposed a route that meets the ordinances where possible, but also addresses the concerns and needs of project participants and individual landowners, some of whom support the project and some of whom do not.

Excerpt from Brett Koeneke, filed document to PUC on 11/19/2024, available on PUC Docket webpage.

2) The pipeline will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the siting area, and

3) The pipeline will not substantially impair the health, safety, or welfare of the inhabitants.

TRUTH: Summit's pipeline is a serious and deadly threat, and Summit will hide accidents and hazards.

Summit's own (Draft) Emergency Response Plan, which is Appendix 9 on the Docket, states how they plan to withhold information from the public about actual pipeline leaks and hazardous accidents and incidents. Taken from Section 6.5 of the plan, describing "HIGH-RISK" incidents:

Fire or explosion occurring near or directly involving a pipeline facility.

Summit lists multiple actions, but these DO NOT INCLUDE notifying or considering notifying the public.

**Accidental/ Uncontrolled release of CO2 from the pipeline. AND
Operational failure causing a hazardous condition.**

Summit lists multiple actions for these 2 categories, including: *“Consideration should be given to notifying and evacuating the public downwind of the release and closing roads. Coordinate with nearby fire departments and law enforcement to aid in any evacuation efforts.”*

Summit does not plan to notify the public if any of the above serious accidents or incidents, which they determine to be HIGH RISK, occur. The ONLY time Summit will notify the public is if there is a “breach of pipeline integrity resulting in an uncontrolled release of CO2.” BUT this still depends on:

“Estimated volume of the release, topography, proximity of habitable structures, and weather conditions, work with the local emergency response agencies to effect orderly evacuation or shelter in place of the public.” (Section 6.7)

It is obvious, in their own statements in the Emergency Response Plan, Summit will not notify the public or first responders unless they have lost complete control of an emergency on the pipeline. This will be too late to save lives and the environment. People will die.

According to Appendix 8 in the Docket, which is titled Control Center Management and Leak Detection Overview, Summit hired a “leak detection” company which specializes in leak detection for a wide variety of pipelines (oil, gas, chemical, etc.), and, more recently, CO2 pipelines. This company, and similar companies, paint a disastrous picture of what will happen when a pipeline leaks and/or ruptures.

They confirm what we all know – the supercritical CO2 in the Summit pipeline is under extreme pressures. An explosive decompression will result in an explosion which is much faster and more powerful than an equivalent natural gas rupture. The results will be CATASTROPHIC to anyone or anything in the area. The asphyxiant nature of this CO2 is well known to these leak detection companies. They also document other risks of a leak in a carbon capture pipeline – danger to life and the environment, groundwater contamination, and other health issues to people and animals in the area.

These facts, combined with Summit’s own Emergency Plan stating they will “consider” notifying the public in the event of leaks, explosions, or failures, prove the lethal risk to people living near the pipeline. Even if Summit changes this draft Emergency Response Plan, we know their true intentions. Summit will NOT NOTIFY the public in a timely manner, and when they finally do, the emergency will be out of control. People will die, and Summit will hide behind their lawyers and their multiple LLCs.

The PUC stopped the previous pipeline project because Summit could not and would not meet your conditions. NOTHING has changed! Using Summit’s own words, I have easily proven Summit will not comply with the laws of South Dakota or the counties in the path of the pipeline, the pipeline is catastrophically dangerous, and Summit will not notify the public until an emergency is out of their control and people are dying.

Please DENY all permits to Summit Carbon Solutions. Thank you for your time.


Paul M. Vavra

2/1/25

██████████ (1.8 miles from the pipeline)
Brookings, SD 57006

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