

1 **Before the Public Utilities Commission**
2 **of the State of South Dakota**

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6 **IN THE MATTER OF THE APPLICATION) HP 07-001**
7 **BY TRANSCANADA KEYSTONE PIPELINE,)**
8 **LP FOR A PERMIT UNDER THE SOUTH) DIRECT TESTIMONY OF**
9 **DAKOTA ENERGY CONVERSION AND) Arden D. Davis**
10 **TRANSMISSION FACILITIES ACT TO) Ph.D, P.E.**
11 **CONSTRUCT THE KEYSTONE PIPELINE) November 13, 2007**
12 **PROJECT)**

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15
16 **Please state your name and address for the record.**

17
18 Arden D. Davis, Ph.D., P.E., 1014 Milwaukee Street, Rapid City, South Dakota 57701
19
20

21 **Please state your professional qualifications and background.**

22
23 I have been involved in the fields of ground water and environmental contamination since
24 1978. I hold a B.A. degree in Geology from the University of Minnesota, and M.S. and
25 Ph.D. degrees in Geological Engineering from South Dakota School of Mines and
26 Technology. I am a registered professional engineer in South Dakota (no. 4663). Since
27 1985 I have taught courses involving ground water, ground-water contamination,
28 geological engineering, and environmental pollution at South Dakota School of Mines
29 and Technology. I have also presented expert witness testimony in numerous cases, and
30 have assisted the State of South Dakota in ground-water contamination problems,
31 including the Williams Pipe Line / Hayward Elementary School site in Sioux Falls.
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33

34 **Have you provided a copy of your resume with your testimony?**

35
36 Yes
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38

39 **What potential impact could the TransCanada-Keystone Pipeline have on ground**
40 **water in South Dakota?**

41
42 The potential effects of a crude-oil leak on ground-water supplies are of paramount
43 concern. The proposed TransCanada-Keystone Pipeline would cross the recharge areas
44 of several large shallow aquifers in eastern South Dakota.
45

46 **What impact on water quality, public safety and the environment in general would**
47 **a crude oil leak from the TransCanada-Keystone Pipeline cause?**
48

49 Crude oil contains aromatic hydrocarbons, including benzene, toluene, ethylbenzene, and
50 xylene.

51
52 Benzene is of particular note because it is a carcinogen and its maximum contaminant
53 level (MCL) in drinking water is 5 parts per billion. Benzene is soluble in ground water
54 and can be transported downgradient toward receptors such as private wells and public
55 water-supply wells.

56
57 Because of benzene's solubility and its allowable limit of only 5 parts per billion in
58 drinking water, a crude oil pipeline leak could contaminate a large volume of ground
59 water in shallow glacial aquifers of eastern South Dakota.

60
61 **Have you had experience with other petroleum pipeline leaks and what was the**
62 **result in your opinion?**
63

64 Leaks from pipelines have occurred in the past in South Dakota and have threatened
65 ground-water supplies. These include a pipeline leak from Williams Pipe Line Company
66 near water-supply wells for the City of Sioux Falls. A large leak occurred north of the
67 City of Sioux Falls on glacial till near the Big Sioux aquifer. In addition, a gasoline leak
68 from an above-ground storage tank at the Williams Pipe Line facility in Sioux Falls
69 caused serious contamination to a shallow aquifer, took years to clean up, and resulted in
70 considerable cost. The Hayward Elementary School had to be abandoned and relocated.
71 Reports of these leaks are available in the files of the South Dakota Department of
72 Environment and Natural Resources.

73
74 **TransCanada has stated that leaks on the Keystone Pipeline would be unlikely and**
75 **that their state-of-the-art monitoring systems will detect leaks and shut the pipeline**
76 **down so they it can be fixed. Should South Dakota feel reassured by that**
77 **statement?**
78

79 The Frequency-Volume Study of Keystone Pipeline Report, (Appendix A), dated
80 May 1, 2006, filed by DNV Consulting as part of the TransCanada permit application
81 indicates on page 19, Table 5-2, that a leak rate of less than 1.5% of pipe volume could
82 go undetected for 90 days for below-ground pipe. At 591,000 barrels per day of pipe
83 volume, 1.5% could represent as much as 8,865 barrels per day or 372,330 gallons per
84 day ($591,000 \times 1.5\% = 8,865 \text{ barrels} \times 42 \text{ gallons/barrel} = 372,330 \text{ gallons}$).

85
86 Page 20, Figure 5-1, of the same report indicates a leak detection and verification time of
87 138 min (2.3 hours) for a leak rate of 1.5%. The leak rate for this detection time is
88 approximately 200 barrels per hour (BPH) or 8,400 gallons. This potentially could result
89 in a leak of about 19,320 gallons ($2.3 \text{ hr} \times 200 \text{ barrels/hr} \times 42 \text{ gallons/barrel}$).

90

91 It appears, therefore, that larger volumes of oil could leak over a longer time (e.g., 90
92 days), if the leak rate is less than 1.5%. A leak of 19,320 gallons or greater could
93 contaminate a large volume of ground-water supplies because of the solubility of crude
94 oil components such as benzene, toluene, ethylbenzene, and xylene. Even a small leak of
95 less than 1.5% located in a remote area, where it could go undetected for days, weeks, or
96 months, would cause serious damage to ground water and drinking water supplies.

97
98 **Federal rules that regulate the siting, construction, and operation of hazardous**
99 **liquid pipelines (which include crude oil pipelines) require that areas defined as**
100 **geologically sensitive High Consequence Areas (HCA's) and Unusually Sensitive**
101 **Areas (USA's) which include public water supplies, be given special consideration**
102 **and protection. In your opinion, are there aquifers and ground-water resources in**
103 **the area being crossed by this project that are geologically sensitive and need**
104 **protection under state and federal law?**

105
106 It is my opinion that the proposed pipeline will cross shallow aquifers with ground-water
107 resources that are geologically sensitive. These include ground water that is used for
108 public water supplies. It would be desirable for these areas to have protection under state
109 and federal law.

110
111 **Regarding down stream transport of an oil spill, TransCanada assumes that any**
112 **spill would be intercepted five miles downstream of the release location. Based on**
113 **your experience and knowledge of the area, are there locations or drainages along**
114 **the pipe route where a spill may be intercepted within 5 miles of the leak?**

115
116 Based on my experience and knowledge of the area, it appears that there are several
117 locations such as stream drainages, along the pipe route, where oil from a leak could be
118 transported more than five miles downstream from the release location before being
119 intercepted.

120
121 **What could be done by TransCanada and/or the State of South Dakota to protect**
122 **against contamination of ground water?**

123
124 I urge the South Dakota Public Utilities Commission to require TransCanada to explore
125 and consider an alternate route for the proposed TransCanada-Keystone Pipeline that
126 would not cross shallow aquifers. There would be less risk of contamination of ground-
127 water aquifers if the pipeline were routed based on geological information and soils that
128 are less permeable and that are not located over shallow aquifers.

129
130 Additional protection such as thicker pipe or a second, outer sheathing for the pipeline
131 also should be considered, along with improved leak-detection systems, and more
132 isolation valves to reduce the amount oil that leaves the pipe in the event of a pipe failure
133 and shut down.

134
135 **Please state whether you believe the project will pose a threat of serious injury to**
136 **the environment or the inhabitants within the siting area?**

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I believe the proposed project will pose a threat of serious injury to the environment and to the social and economic condition of the inhabitants in the siting area. As mentioned earlier, crude oil contains soluble components such as benzene, which can seriously impair ground-water quality in the event of a leak.

Please state whether you believe the project will substantially impair the health, safety and welfare of the inhabitants in the siting area?

I believe the proposed project has the potential to substantially impair the health, safety, and welfare of the inhabitants in the siting area.

Please state whether you believe the project will comply with applicable laws and rules?

I defer to legal and regulatory officials on this question.

Please state whether you believe the project will interfere with the orderly development of the region?

It is my opinion that the proposed project has the potential to interfere with the orderly development of the region, with regard to the possibility that valuable ground-water resources could be contaminated by a leak from the planned pipeline, potentially disrupting public water supplies.

Does this conclude your direct testimony?

Yes.

Would you be available to present testimony and respond to questions on a dated schedule during the formal hearing process set for December 3 to December 14, 2007?

Yes

Date this 13th day of November, 2007.

Arden D. Davis, Ph.D., P.E.

137

138 I believe the proposed project will pose a threat of serious injury to the environment and
139 to the social and economic condition of the inhabitants in the siting area. As mentioned
140 earlier, crude oil contains soluble components such as benzene, which can seriously
141 impair ground-water quality in the event of a leak.

142

143 **Please state whether you believe the project will substantially impair the health,
144 safety and welfare of the inhabitants in the siting area?**

145

146 I believe the proposed project has the potential to substantially impair the health, safety,
147 and welfare of the inhabitants in the siting area.

148

149 **Please state whether you believe the project will comply with applicable laws and
150 rules?**

151

152 I defer to legal and regulatory officials on this question.

153

154 **Please state whether you believe the project will interfere with the orderly
155 development of the region?**

156

157 It is my opinion that the proposed project has the potential to interfere with the orderly
158 development of the region, with regard to the possibility that valuable ground-water
159 resources could be contaminated by a leak from the planned pipeline, potentially
160 disrupting public water supplies.

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162 **Does this conclude your direct testimony?**

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164 Yes.

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166 **Would you be available to present testimony and respond to questions on a dated
167 schedule during the formal hearing process set for December 3 to December 14,
168 2007?**

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170 Yes

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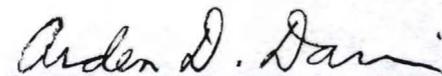
172 Date this 13th day of November, 2007.

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Arden D. Davis, Ph.D., P.E.

Arden D. Davis
Resume

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188 Dr. Davis is a native of Minnesota. He received a B.A. degree in geology from the
189 University of Minnesota and M.S. and Ph.D. degrees in geological engineering from South
190 Dakota School of Mines and Technology.

191
192 Dr. Davis currently is Professor in the Department of Geology and Geological
193 Engineering at South Dakota School of Mines and Technology. Since 1982 he has served
194 as Instructor, Assistant Professor, Associate Professor, Professor, and Chairman of the
195 Department of Geology and Geological Engineering. During that time he has worked on
196 digital modeling of ground-water flow as well as transport and dispersion of subsurface
197 contaminants. He teaches courses in ground water, digital modeling of ground-water flow
198 and contaminant transport, ground-water geochemistry, analytical methods in ground water,
199 and geological engineering design.

200
201 Dr. Davis is a Registered Professional Engineer in South Dakota. He also is a
202 member of the Society for Mining, Metallurgy, and Exploration (SME). He has served as
203 associate editor and reviewer for the journal of Ground Water, and as a book reviewer for
204 the Bulletin of the Association of Engineering Geologists. He is chairman of the Council of
205 Education and the Accreditation and Curricular Issues Committee of the Society for Mining,
206 Metallurgy, and Exploration. From 2002 to 2007, Dr. Davis served on the Engineering
207 Accreditation Commission of the Accreditation Board for Engineering and
208 Technology(ABET). In 2007, he was appointed to the ABET Board of Directors.

209
210 During his career at South Dakota School of Mines and Technology, Dr. Davis has
211 worked extensively on ground-water projects and geological engineering site evaluations.
212 He has been an investigator in more than forty funded research projects. As a consultant he
213 has provided expert witness testimony in cases involving environmental contamination and
214 disposal of waste. He also has given technical assistance to the South Dakota Department of
215 Environment and Natural Resources in the review of mining plans and ground-water
216 contamination problems, including Superfund sites.

217
218 In his service to South Dakota School of Mines and Technology, Dr. Davis has acted
219 as Geological Engineering Program Coordinator and ABET Coordinator for geological
220 engineering accreditation. This has included revision of the geological engineering
221 curriculum, origination and teaching of new engineering design courses, and preparation of
222 ABET reports. He also is active in ground-water protection efforts, and in 1998 received the
223 Virginia Simpson Award for community service in the Rapid City area. In 2007, he
224 received the Ennenga Award for Excellence in Teaching.

Arden D. Davis

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Academic rank: Professor, Dept. of Geology and Geological Engineering

Education: B.A. - 1971 University of Minnesota (Geology)
M.S. - 1979 South Dakota School of Mines and Technology
(Geological Engineering)
Ph.D.- 1983 South Dakota School of Mines and Technology
(Geological Engineering)

Registered Professional Engineer (South Dakota; No. 4663)

Experience: 2006 - present Professor
S.D. School of Mines and Technology
2002 - 2006 Chairman
Dept. of Geology and Geological Engineering
S.D. School of Mines and Technology
1995 - 2002 Professor
S.D. School of Mines and Technology
1989 - 1994 Associate Professor
S.D. School of Mines and Technology
1984 - 1989 Assistant Professor
S.D. School of Mines and Technology
1982 Instructor
1976-1982 Teaching and Research Assistant
1978 Shell Development (Shell Oil Company)

Teaching: Digital Modeling of Ground-Water Flow Systems, Ground Water,
Ground-Water Geochemistry, Geochemistry, Analytical Methods in
Ground Water, Advanced Ground Water, Engineering Field
Geology, Geological Engineering Design Project

Consulting: Ground-water hydrologist and geological engineering consultant for
numerous projects over past twenty-five years involving ground-
water contamination, aquifer evaluation, low-level radioactive waste
site evaluation, spring-flow measurements, and mine site
development.

Funded research: Projects involving ground-water contamination, ground-water
resource evaluation, aquifer vulnerability, water quality, and mine
waste.

Community service: Ground-water protection efforts (see following pages).

274 Theses: Thirty six M.S. theses and eleven Ph.D. dissertations supervised.
275
276 Consulting:
277
278 2007 Siting of new Madison wells for public water supplies in the Black Hills.
279 2006 Modeling of ground-water flow and biodegradation of benzene.
280 2005 Modeling of ground-water flow and gasoline contamination.
281 2004 Ethylene dibromide contamination; expert witness.
282 2003 Alliance of Architects and Engineers; expert witness.
283 2002 Alliance of Architects and Engineers; expert witness.
284 2001 Consolidated Engineers & Materials Testing; GeoTek; expert witness.
285 2000 Hillcrest Spring Water; Rapid City Landfill; expert witness.
286 1999 Boyd County LLW Monitoring Committee; Gill Landfill modeling.
287 1998 Boyd County LLW Monitoring Committee; Rapid City Landfill.
288 1997 Boyd County LLW Monitoring Committee; Terra, Inc., modeling.
289 1996 Terra, Inc., modeling; Boyd County LLW Monitoring Committee.
290 1995 Terra, Inc.; modeling for City of Ida Grove, Iowa; Vogel Paint and Wax.
291 1994 Keystone Gold Project, Keystone, South Dakota.
292 Dunbar Resort: proposed railroad grade, Deadwood, South Dakota.
293 Vogel Paint and Wax Superfund Site, Maurice, Iowa.
294 1993 Keystone Gold Project, Keystone, South Dakota.
295 Vogel Paint and Wax Superfund Site, Maurice, Iowa.
296 Low-level radioactive waste site evaluation and modeling.
297 1992 City of Rapid City: criteria for private wastewater disposal facilities.
298 Nitrate contamination from mine waste.
299 1991 Corrosion problems during geothermal heating.
300 1990 Low-level radioactive waste site evaluation.
301 South Dakota Department of Environment and Natural Resources:
302 cyanide contamination.
303 1989 Wastewater facility site evaluation.
304 South Dakota Department of Environment and Natural Resources: review
305 of mine plan, northern Black Hills.
306 1988 Expert witness: gasoline contamination of ground water.
307 1987 South Dakota Department of Environment and Natural Resources:
308 modeling of gasoline contamination.
309 Utility Engineering Company: aquifer test evaluation.
310 Gasoline contamination of ground water.
311 1986 South Dakota Department of Environment and Natural Resources.
312 1985 South Dakota Department of Environment and Natural Resources:
313 ground-water contamination.
314 1983 Rosebud Sioux Tribe: aquifer evaluation.
315 1981 Save Wyoming Water: drawdown calculations.
316 South Dakota Public Utilities Commission: aquifer evaluation.
317 1981 Evans Plunge, Hot Springs, South Dakota: spring discharges.
318 1979 U.S. Environmental Protection Agency; Engineering Science, Inc.
319

320 Community Service:
321
322 Assisted City of Rapid City and Pennington County in determining aquifer
323 vulnerability in the Rapid City area. Assisted U.S. Environmental Protection Agency and
324 South Dakota Department of Environment and Natural Resources as member of Technical
325 Advisory Team, Gilt Edge Superfund Site.
326
327
328 Selected Publications:
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359 South Dakota: *Environmental and Engineering Geoscience*, v. II, no. 2, p. 213-223.
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371 Webb, C.J., Davis, A.D., and Paterson, C.J., 1998, Comprehensive inventory of known
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373 p. 84-86.
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377 *Engineering*, v. 51, no. 9, p. 49-56.
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380 contamination in the Rapid City area of the Black Hills, *in* Strobel, M.L., and Davis, A.D.,
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407 Webb, C.J., and Davis, A.D., 2003, Arsenic remediation of drinking water using
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414 Lisenbee, A.L., Stetler, L.D., Paterson, C.J., Redden, J.A., Davis, A.D., Hargrave, R.,
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421 Rapid City, South Dakota (abstract): Geological Society of America, Annual Meeting,
422 Seattle, Washington.
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432 Miller, S.L., Kenner, S.J., Davis, A.D., and Silva, A.J., 2005, Characterization of
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453 Kuniansky, E.L., ed., U.S. Geological Survey Karst Interest Group Proceedings: U.S.
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458 Mining, Metallurgy, and Exploration, Littleton, Colorado, 3 p.
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470 Chemical Society, Division of Environmental Chemistry, ACS Symposia Paper 941321.
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473 Jewel Cave National Monument, Custer County, South Dakota (abstract): Geological
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492 model to atmospheric and surface-water models in complex terrain: GEWEX Continental-
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495 Davis, A.D., Webb, C.J., and Nelson, K.C., 2004, Acid rock drainage and the potential for
496 impacts at selected abandoned mine sites in the Black Hills National Forest. Presented at
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502 Fivecoate, R.I., Sorensen, J.L., Davis, A.D., Dixon, D.J., Webb, C.J., and Dawadi, S.,
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