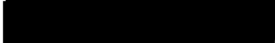


**RECEIVED**

DEC 12 2022

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

  
Harrisburg, SD 57032  
December 7, 2022

SD Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501

Honorable Commission Members & Others Involved:

Re: Summit Carbon Solutions [SCS] CO2 pipeline

As I understand it, your responsibility is to insure that South Dakota state laws are enforced. To begin my comments, I will start with the third point under "Applicant Responsibility" on your handout that states "will not substantially impair the health, safety, or welfare of the inhabitants;..." I am not a chemist, but am an avid reader and have read that carbon dioxide [CO2] is an extremely dangerous gas because it is heavier than oxygen and thus displaces oxygen, **asphyxiating** animals and humans without distinction as well as **incapacitating** engines relying on oxygen. Not only is it **lethal**, CO2 is also colorless, tasteless, and odorless.

Without expensive, sophisticated breathing equipment, First Responders would **NOT** be able to enter a contaminated area at all without jeopardizing their very lives, subjecting themselves to rapid death. Even **IF** they could arrive on an accident scene in time, where CO2 transmission pipelines had ruptured, spewing out thousands of tons of deadly gas in seconds (!), the chances of them supplying sufficient oxygen to a **large number** of endangered human beings in the affected area is unreasonable. Chances are entirely possible that those humans would have already suffered irreparable brain damage before help arrived. However, the chances that First Responders could respond in only the few minutes necessary to rescue victims, having breathed CO2 **without knowing it**, are slim to nil. Thus, because CO2 is colorless, tasteless, and odorless, it is most unlikely that First Responders would even be notified because observers would not know what was affecting the victims, unless they had heard the blast from several thousand pounds of pressure rapidly being released and witnessed the rupture from a safe distance upwind and had cell phones handy to call 911 immediately. Thus, CO2 does indeed "...substantially impair the health, safety, or [and] welfare of the inhabitants;..." It's not for eastern S. Dakota!

To continue, I will pull the 2 words "expected inhabitants" from ~~point~~ the second point of "Applicant Responsibility" and the 2 words "economic condition," combining them with the fourth point, "will not unduly interfere with the orderly development of the region ..." **SDCL 49-41B-4.2** Because SCS is proposing a CO2 pipeline within 5 miles of the Sioux Falls city limit on the south side, such a pipeline would most certainly **quench** development in north Lincoln County for a number of reasons. As I understand the VERY LENGTHY easement contract, which is despicable to say the least, SCS will **NOT** allow development of the land described within the easement contract.

1.. Farmers would **not** be allowed to build additional structures of any kind, whether for equipment storage, animal or poultry shelter, nor additional housing structures for children, nor even buildings for tool storage nor machinery repair. "Development" would also include not being allowed to plow in drainage tile, but they can build new fences .

2.. Landowners would not be able to purchase insurance to cover CO2! ☹

3. With a CO2 pipeline crossing the farmer's property, it would be undesirable and thus, become **unsalable** because nobody would want to purchase it, knowing of the possible rupture of the CO2 pipeline and also knowing that they could not develop the land in any way.

4. Aside from not wanting to purchase land having a CO2 pipeline buried in the property, nobody would even want to buy land within close proximity of the pipeline, knowing of the possibility of the CO2 pipeline rupturing.

Thus, a CO2 pipeline would most certainly "...**interfere** with the orderly development of the region..."

Furthermore, point number four states in addition "...with due consideration having been given to the views of the governing bodies of affected local units of government." Several counties in Iowa have been sued! ☹ I've heard that the Minnehaha County Commissioners reversed their opinion a day after their first opinion was expressed, because a certain CO2 pipeline company met with them. In view of several Iowa counties having been sued, it is entirely possible that the Minnehaha County Commissioners were threatened with a lawsuit and succumbed.

Considering that the city of Sioux Falls is the largest city in the state and also a very rapidly growing city, having a CO2 pipeline within 5 miles would potentially jeopardize the lives of thousands of people, possibly killing them within a few minutes of a CO2 pipeline rupture. The fact that I live within less than a mile of the proposed pipeline is of no consequence because my 82nd birthday is only about a week away and thus my demise would not be of any big consequence if the pipeline were to rupture and a 30 mph wind would carry the CO2 to my location within less than 2 minutes.


Furthermore, the towns of Harrisburg and Tea are also within less than 2 miles of the proposed CO2 pipeline and several schools are even closer. Any CO2 pipeline within such close proximity of Sioux Falls, Harrisburg, and Tea should very definitely **NOT** be approved because so many **thousands** of people's lives could be extinguished within a few minutes of a rupture! ☹

Considering all of the above, emphasizing the fact that a wind could carry deadly CO2 gas across those few miles in a matter of minutes, in closing I beg of you Commissioners **NOT** to approve construction and trenching in of a CO2 pipeline within 30 miles of Sioux Falls, Harrisburg, and Tea.

Considering that a few years ago, Lincoln County was the fastest growing county in the nation. I implore you Commissioners **NOT** to approve of such an extremely deadly gas pipeline to be laid underground anywhere in Lincoln County nor Minnehaha County. Our property taxes increased 233% in 2021.

For the sake of the State of South Dakota, I plead with you Commissioners **NOT** to allow such a hazardous gas to be transported via pipeline anywhere within a 30-mile radius of the 3 above-named cities.

Enclosure: See centerfold "CO2 pipeline ruptures" Respectfully,



Donald R. Klassen

PS. Because SCS is threatening to sue landowners if they do not sign the VERY LENGTHY despicable easement, I will address local legislators, requesting them to propose legislation to modify eminent domain law. DK

## ADDENDUM: SDCL 21-35-31 & 49-41B-2.1

### **21-35-31. Entry on private property for examination and survey of project requiring siting permit from Public Utilities Commission.**

The provisions of this section only apply to a project which requires a siting permit pursuant to chapter 49-41B. Each person vested with authority to take private property for public use may cause an examination and survey to be made as necessary for its proposed facilities. [bold & underline are mine]

### **SDCL 49-41B-2.1. Transmission facility defined.**

For the purposes of this chapter, a transmission facility is:

- (1) An electric transmission line and associated facilities with a design of more than one hundred fifteen kilovolts. However, if such a transmission line is less than two thousand six hundred forty feet, does not cross any public highway, and eminent domain is not used to obtain right of way, the transmission line is not a transmission facility for purposes of this chapter; or
- (2) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, excluding any gas or liquid transmission lines or associated facilities which meet any of the following criteria:
  - (a) Lines or facilities that are used exclusively for distribution or gathering;
  - (b) Steel pipe and associated facilities that cannot be operated at a hoop stress of twenty percent or more of specified minimum yield strength as defined by 49 CFR 192.3 as of January 1, 2013, or plastic pipe and associated facilities that cannot be operated at a design pressure of fifty percent or more as determined by the formula specified in 49 CFR 192.121 as of January 1, 2013; or
- (c) **Pipe which has nominal diameter of less than four inches and not more than one mile of the entire line is constructed outside of public right-of-way.**

Without further consideration and further discussion, according to South Dakota Codified Laws 21-35-31 & 49-41B-2.1, all applications for CO2 **high-pressure** pipelines from Summit Carbon Solutions and Navigator should simply be **THROWN OUT** because they are "not public" per 21-35-31 and proposing transmission lines **LARGER** than 4" as specified in (2) (c) and also proposing **MORE** than 1 mile constructed out of right-of-way! Without any further debate, Wolf would also fit the "thrown out" category if they propose anything larger than 4" and more than 1 mile constructed out of right-of-way. [bolding is mine in (2) (c)]

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# NO EMINENT DOMAIN FOR PRIVATE GAIN!

The 5th Amendment of the U.S. constitution permits the Government to only take land for "public use" so long as landowners are fairly compensated. However, this right of eminent domain (ED) is constantly under siege by greedy corporations. This abuse of ED always lines the pockets of wealthy corporations while tearing apart our rural communities and beautiful landscape.

**Private, for-profit CO2 pipelines** are shamelessly asserting a claim to ED for their own private enrichment! And under SD's existing laws, landowners are unprotected against these attacks on property rights. We do not believe these projects are "common carriers" but we must change the laws to be sure they can't destroy our constitutional property rights.



SEE INSIDE

# LANDOWNERS STAND TOGETHER

*Landowners and concerned citizens must band together to represent our interests against eminent domain. If you or someone you know is being impacted by a CO2 pipeline, visit our website and join us today!*



**SOUTH DAKOTA EASEMENT TEAM**

✉ [info@southdakotaeasement.org](mailto:info@southdakotaeasement.org)

🌐 [www.southdakotaeasement.org](http://www.southdakotaeasement.org)

SEE INSIDE



**SOUTH DAKOTA EASEMENT TEAM**



**GET THE FACTS**  
On Hazardous Carbon Dioxide Pipelines



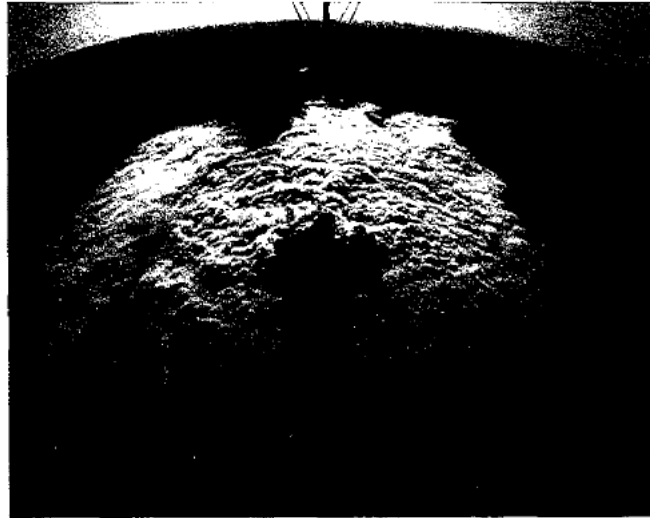
The South Dakota Easement Team (SDET) is a landowner-organized and run group designed to help educate and empower other South Dakota landowners to understand the options available to you to protect your land and future from the abuse of eminent domain.



SDET is working closely with a legal team and community organizers to build a statewide network of concerned and affected persons to join together as one powerful group. Stand with us as we say NO to corporate exploitation of South Dakota's land and residents!

## **SAFETY ISSUES AND A LACK OF REGULATION**

CO2 pipeline ruptures can release thousands of tons of CO2 gas within seconds, creating an invisible puddle that hugs the ground, displacing oxygen and asphyxiating everything inside - crops, livestock, wildlife, and humans. Below is a photo of a test rupture. Are your local first responders prepared to enter a CO2 plume? Are our rural hospitals equipped for public catastrophes?



In 2022 the U.S. Pipeline and Hazardous Material Safety Administration (PHMSA) initiated a rulemaking process to regulate CO2 pipelines after investigating a 2020 CO2 pipeline rupture in Mississippi that hospitalized dozens. PHMSA's report found current regulations inadequate, leaving citizens at extreme risk.

## **PIPE DREAMS AND TAX CREDIT SCHEMES**

CO2 pipelines are not economically viable on their own, but depend upon seizing private land and pigging out on public money made available by federal 45Q Tax Credits, which Fossil Fuel corporations have lobbied for in order to further subsidize their industry. The two projects crossing SD alone are set to receive \$2.3 billion in tax credits!

