

North Dakota Public Service Commission:

Thank-you for considering our petition. My land is affected by Case #PU-22-391 located at: Section 26NW, township 129, range 62W within Dickey County.

In October 2022, SCS Transport LLC submitted an application dated 10/17/22 with the North Dakota Public Service Commission for a route permit and certificate of corridor compatibility. As a part of the application- the applicant was required to submit proposed maps to the commission. Upon reviewing the maps submitted by the applicant-my land is located in either the route or corridor for the proposed project. As a landowner I am affected by Case# PU-22-391. In addition, the applicant sought survey access on the property and is actively seeking an easement across the property for 99 years.

In August of 2021, I received written communication from *SUMMIT CARBON SOLUTIONS* dated 08/03/2021 requesting permission to conduct field evaluations(surveys) for the sole intent and purpose to determine if my property was "suitable" for installing a CO2 pipeline. In their words "to include route analysis, civil, environmental, geotechnical/soil testing, and archeological/cultural resource surveys to access the viability of the pipeline alignment".

Following are my concerns:

1. The safety and wellbeing of my family and those we rent to, is first and foremost at the front of my concerns! Secondly would be liability.
2. Should a pipe burst who is liable for soil contamination? There is NO mention of any ground water study being conducted. What happens if ground water becomes contaminated on my land, affecting myself and my neighbors? Am I legally responsible for contamination of my neighbor's water, land, and air because I had little or no choice to allow a partially foreign owned company run a highly toxic substance across land owned by myself?
3. Who is liable for injury should someone be injured in the installation of the pipeline? What protects me should there be a leak caused by nature, land renters or even myself?
4. Who is responsible should there be lifelong health issues or even DNA/genetic changes passed on through children? Who is responsible should there be a death to either the owner/family, renter/family or neighbor/family? How will this affect Insurance coverages for Dickey County and how will it affect our premiums?
5. What happens to the validity/liability of signed contracts should Summit decide to sell? Can the new "owner" extend their options or replace the pipe with another substance?
6. CO2 pipelines are under the regulation of the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) 49 C.F.R. Part 195. Due to the CO2 pipeline rupture in Satartia, Mississippi; PHMSA announced on 05/26/22 safety standards were going to be updated once research to study the impact of CO2 pipelines is completed. *My concern is this study has yet to be completed. PHMSA doesn't have them yet.*
 - A. The federal 45Q tax credit for CO2 storage is available as long as construction begins by 01/01/2026. So why is there a rush to install the pipeline?
 - B. Does this mean if the pipeline is installed prior to the new rulings, the line would be "grandfathered" in? Meaning pipe already laid and installed would not have to meet the new safety measures?
 - C. Will the pending upgrade to new safety regulations by PHMSA (which we do not have as yet) also address liability responsibilities?

- D. Current regulations laid out by the Pipeline and Hazardous Materials Safety Administration (PHMSA) apply only to a specific category of CO2 pipelines – those that transport supercritical CO2 composed of 90 percent carbon dioxide molecules. Pipelines shipping CO2 at lower concentrations or in different forms might escape regulation for decades.
- 7. In view of the train derailment aftermath in both Ohio and North Dakota and the issues coming to light, why would I consider any loss of land voluntarily or by eminent domain if PHMSA has NOT completed their study to update pipeline regulations specifically for carrying liquid CO2. These life changing events for Ohio, North Dakota and Mississippi have been life altering. We need clear precise information to prevent the above happening to my family, our neighbors and community.
- 8. We recently learned the only doable face mask protection is a SCBA used by firemen to enter a burning building. The price tag alone is foreboding, let alone their size and maintenance.

Thank you for your consideration.

Sincerely,

Renee Walsh