



**Bakke  
Grinolds  
Wiederholt**

ATTORNEYS AT LAW

March 15, 2024

**Via Hand-Delivery**

Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

**Re: SCS Carbon Transport LLC  
Midwest Carbon Express Project  
Case No: PU-22-391**

Dear Mr. Kahl:

Enclosed for filing in Case No. PU-22-391, please find the following documents:

1. *Burleigh County's Reply Brief in Support of Reconsideration.*
2. *Affidavit of Randall J. Bakke; and*
3. *Certificate of Service*, with seven copies of same.

Please do not hesitate to contact the undersigned if you have any questions about this filing.

Very Truly Yours,

/s/ Randall J. Bakke

Randall J. Bakke

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**459 PU-22-391** Filed: 3/15/2024 Pages: 22  
**Burleigh County's Reply Brief in Support of  
Reconsideration and Affidavit of Randall J. Bakke**

Burleigh County Board of Commissioners

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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application

Case No: PU-22-391  
OAH File No: 20230002

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**BURLEIGH COUNTY'S REPLY BRIEF IN SUPPORT OF RECONSIDERATION**

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**I. Introduction**

On February 27, 2024, Burleigh County filed a Petition for Reconsideration (Docket No. 449), requesting pursuant to N.D.C.C. § 28-32-40(1) that the Commission reconsider its Order issued on February 7, 2024, filed as Docket No. 440 ("Order"). The Landowner Intervenor joined Burleigh County's Petition for Reconsideration on February 27, 2024. Docket No. 448. The applicant, SCS Carbon Transport LLC ("SCS") filed a response brief on March 1, 2024 (Docket No. 451) ("Response Brief"), opposing the Petition for Reconsideration. Burleigh County submits this brief in reply to SCS' Response Brief.

**II. N.D.C.C. § 49-22.1-13(2) Does Not Contemplate Automatic Supersession and Preemption of Local Land Use and Zoning Regulations**

N.D.C.C. § 49-22.1-13(2) is the key statute to analyze supersession and preemption of local land use and zoning regulations. For the Commission's reference, that statute states in its entirety:

2. a. A certificate of site compatibility for a gas or liquid energy conversion facility may not supersede or preempt any local land use; zoning; or building rules, regulations, or ordinances, and a site may not be designated which violates local land use; zoning; or building rules, regulations, or ordinances.
- b. Except as provided in this section, a permit for the construction of a gas or liquid transmission facility within a designated corridor supersedes and preempts any local land use or zoning regulations.

- c. Before a gas or liquid transmission facility is approved, the commission shall require the applicant to comply with the road use agreements of the impacted political subdivision. A permit may supersede and preempt the requirements of a political subdivision if the applicant shows by a preponderance of the evidence the regulations or ordinances are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location, or are in direct conflict with state or federal laws or rules.
- d. When an application for a certificate for a gas or liquid transmission facility is filed, the commission shall notify the townships with retained zoning authority, cities, and counties in which any part of the proposed corridor is located. The commission may not schedule a public hearing sooner than forty-five days from the date notification is sent by mail or electronic mail. Upon notification, a political subdivision shall provide a listing to the commission of all local requirements identified under this subsection. The requirements must be filed at least ten days before the hearing or the requirements are superseded and preempted.
- e. An applicant shall comply with all local requirements provided to the commission pursuant to subdivision d, which are not otherwise superseded by the commission.

SCS incorrectly argues that the only subdivisions in the above statute addressing preemption are subdivisions (b) and (c). Response Brief at p. 2. In fact, all the subdivisions in N.D.C.C. § 49-22.1-13(2), (a)<sup>1</sup> through (e), address preemption and supersession. The Commission cannot ignore any of the applicable statutory subdivisions simply because a consolidated application was filed. Further, none of the applicable statutory subdivisions can be interpreted in the manner found by the Commission and argued by SCS without ignoring other statutory language.

i. **Subdivision (b) Requires the Commission to Analyze and Make Findings in Compliance With All of the Other Provisions of Section 49-22.1-13**

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<sup>1</sup> N.D.C.C. § 49-22.1-13(2)(a) is not applicable to this case, however, because it addresses gas or liquid energy conversion facilities, not gas or liquid transmission facilities.

In its Order, the Commission found that “local land use and zoning regulations are automatically superseded and preempted in the present case.” Order at p. 3. In its Response Brief, SCS argues this alleged automatic supersession and preemption of local land use and zoning regulations is appropriate based on subdivision (b) in subsection (2) of N.D.C.C. § 49-22.1-13. Response Brief at p. 2 (citing N.D.C.C. § 49-22.1-13(2)(b)). While there is in fact a supersession and preemption provision subdivision (b), both the Commission in its Order and SCS in its Response Brief ignore that the provision contains a very significant caveat. Specifically, the provision states, “Except as provided in this section, a permit for the construction of a gas or liquid transmission facility within a designated corridor supersedes and preempts any local land use or zoning regulations.” N.D.C.C. § 49-22.1-13(2)(b) (emphasis added). By the plain language of subdivision (b), the Commission must consider all of section 49-22.1-13 when determining whether local land use and zoning regulations are superseded or preempted. The Commission cannot simply declare that local land use and zoning regulations are automatically superseded and preempted under subdivision (b), without analyzing or making findings in compliance with the rest of section 49-22.1-13, including all the applicable subdivisions (b through e) in subsection 2. Failure to do so ignores the plain meaning of the caveat at the very beginning of subdivision (b), stating, “Except as provided in this section....” N.D.C.C. § 49-22.1-13(2)(b). As discussed below, analysis of the other subdivisions (c through e) reveals the Commission’s determination of automatic supersession and preemption is incompatible with the statutory language.

ii. **Subdivision (c) is Not Limited to Road Use Agreements**

In its Order, the Commission concluded that, “based on the plain language of NDCC 49-22.1-13, the approval of a route permit for a gas or liquid transmission facility automatically supersedes and preempts local land use or zoning ordinances, except for road use agreements....”



Order at p. 3 (emphasis added). Thus, according to the Commission's Order, the sole exception to automatic supersession and preemption of local land use and zoning regulations is road use agreements, which SCS also argues in its Response Brief (at p. 2). However, the sole reference to "road use agreements" in N.D.C.C. § 49-22.1-13 is in one single sentence in subdivision (c) of subsection 2, which states, "Before a gas or liquid transmission facility is approved, the commission shall require the applicant to comply with the road use agreements of the impacted political subdivision." The only other sentence in subdivision (c) makes no reference to road use agreements at all, instead focusing on "regulations" and "ordinances," stating, "A permit may supersede and preempt the requirements of a political subdivision if the applicant shows by a preponderance of the evidence the regulations or ordinances are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location, or are in direct conflict with state or federal laws or rules." There is no statutory language to suggest the second sentence in subdivision (c) is limited to road use agreements.

Regardless, even if the Commission disagrees with the foregoing analysis and finds that all of subdivision (c) is limited to road use agreements, the analysis does not end there. As discussed above, the Commission must address all of section 49-22.1-13, including subdivisions (d) and (e) of subsection 2, which are not limited to road use agreements.

**iii. Subdivision (d) Addresses Supersession and Preemption**

In its Order, the Commission found that "local ordinances may be filed for Commission review and consideration." Order at p. 3. However, by the plain language of subdivision (d) of subsection 2 of N.D.C.C. § 49-22.1-13, the submission of local ordinances and other requirements by political subdivisions is for the purpose of the Commission analyzing them to determine supersession and preemption. They are not submitted so that the Commission can simply blanketly

find that they are automatically superseded and preempted. N.D.C.C. § 49-22.1-13(2)(d) states in its entirety:

When an application for a certificate for a gas or liquid transmission facility is filed, the commission shall notify the townships with retained zoning authority, cities, and counties in which any part of the proposed corridor is located. The commission may not schedule a public hearing sooner than forty-five days from the date notification is sent by mail or electronic mail. Upon notification, a political subdivision shall provide a listing to the commission of all local requirements identified under this subsection. The requirements must be filed at least ten days before the hearing or the requirements are superseded and preempted.

N.D.C.C. § 49-22.1-13(2)(d) (emphasis added).

This provision expressly requires townships with retained zoning authority, cities, and counties in which any part the proposed corridor is located to submit to the Commission a listing of “all local requirements identified under this subsection” (i.e. subsection 2). *Id.* Importantly, the local requirements identified in subsection 2 of N.D.C.C. § 49-22.1-13 are not limited to road use agreements. Referenced within subsection 2 are “local land use or zoning regulations,” “road use agreements,” and “regulations or ordinances.” N.D.C.C. § 49-22.1-13(2)(b),(c). The Commission appears to agree that local requirements other than road use agreements are to be submitted by political subdivisions, but suggests the only purpose of submitting them is so the Commission may review and consider them (and they are automatically superseded and preempted in any event). Order at p. 3. However, this interpretation is not compatible with the last sentence of subdivision (d), which states, “The requirements must be filed at least ten days before the hearing or the requirements are superseded and preempted.” N.D.C.C. § 49-22.1-13(2)(d) (emphasis added). This statutory provision contemplates that the consequence for failure to file the local requirements in a timely fashion is automatic supersession and preemption. This statutory provision does not contemplate that there is automatic supersession and preemption regardless of timeliness of submission. Such an interpretation would render the last sentence of subdivision (d) superfluous,

which is contrary to canons of statutory construction. *See* N.D.C.C. § 1-02-38(2). Any doubt about the correct interpretation of subdivision (d) is cleared up by examining the next subdivision (e), discussed below.

**iv. Subdivision (e) Requires Applicants to Comply With Local Requirements Unless the Commission Makes Findings That They Were Superseded**

Subdivision (e) of subsection 2 of N.D.C.C. § 49-22.1-13 states, “An applicant shall comply with all local requirements provided to the commission pursuant to subdivision d, which are not otherwise superseded by the commission.” As discussed above, the “local requirements provided to the commission pursuant to subdivision d” are not limited to road use agreements. The term “road use agreement” does not even appear in subdivision (d). Therefore, the local requirements submitted by political subdivisions, including “local land use or zoning regulations,” “road use agreements,” and “regulations or ordinances” must be complied with by an applicant unless they are expressly superseded by the Commission. In this case, the Commission has made no findings as to the supersession of the local requirements, including whether a preponderance of the evidence established they are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location, or are in direct conflict with state or federal laws or rules.

**III. Interpretation of North Dakota Century Code Provisions Should be Made by the Court**

The Commission’s Order does not include any relevant findings based on the evidence, as is required, but rather assumes automatic preemption based on one isolated provision. The courts in North Dakota do not defer to even a long-standing agency interpretation of statutes if they are contrary to the intent of the legislature. *N. X-Ray Co. v. State By & Through Hanson*, 542 N.W.2d 733, 738 (N.D. 1996). Apparently based on a lack of analysis and findings by the PSC, Emmons

County has elected to appeal the Commission's Order directly to the district court in Burleigh County, and that case is currently pending (Civil Case No. 08-2024-cv-00624). The district court in that case may make determinations regarding the proper interpretation of the relevant North Dakota Century Code Provisions.

#### **IV. SCS Intends to Add More Plants to the Subject Pipeline, Potentially Requiring Changes to its Application**

The effect of stripping away the authority of all local land use and zoning regulations other than road use agreements is made even more striking in light of SCS' apparent plans to dramatically expand the planned use of the subject pipeline. According to the news articles attached to the Affidavit of Randall J. Bakke as *Exhibit A*, *Exhibit B*, and *Exhibit C*, SCS has contracted with Valero Energy to add five additional ethanol plants to the subject pipeline in Iowa, bringing the total number of plants contributing to the volume of liquified carbon dioxide in the pipeline to 57. (March 4, 2024 news article, *Exhibit A*) Summit is more than doubling its number of ethanol plant partners in Iowa to a total of 30. (March 11, 2024 news article from the Iowa Capital Dispatch, *Exhibit C*) This may result in changes to the required diameter of the pipe and/or changes to expected pressure to accommodate the additional volume.

#### **V. Conclusion**

As discussed above and as discussed in Burleigh County's Petition for Reconsideration (Docket No. 449), despite the fact that SCS filed a combined application for a certificate for corridor compatibility and a route permit, the laws regarding the issuance of a certificate of corridor compatibility and a route permit must still be followed. The Commission must approve a certificate for corridor compatibility before it can issue a route permit as the "designated route" must be approved prior to the issuance of a permit for construction. The applicant has the burden of proof by a preponderance of the evidence to show a political subdivision's regulations or ordinances are



unreasonably restrictive in view of existing technology, factor of cost or economics, or needs of consumers regardless of their location, or are in direct conflict with state or federal laws or rules. If the Commission finds the applicant has met its burden, the regulations or ordinances are superseded and preempted. Once the Commission has issued a certificate of corridor compatibility, the law does not require the Commission to revisit local regulations or ordinances as they have been presumably superseded as unreasonably restrictive and are automatically superseded with the issuance of a construction permit.

Burleigh County requests the Commission reconsider its Order in light of the presumption that entire statutes are effective and are to be understood in their ordinary sense and the Commission is required to follow the specific provisions of law when determining the appropriateness of a certificate of corridor compatibility before it issues a permit for construction of a route within the designated corridor.

Dated this 15th day of March, 2024.

BAKKE GRINOLDS WIEDERHOLT

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Attorneys for Intervenor Burleigh County



6. Attached hereto as ***Exhibit C*** is a true and correct copy of the referenced news article by Strong Jared (Iowa Capital Dispatch). "Summit wants to add 340 pipeline miles in Iowa." *The Bismarck Tribune*, March 11, 2024.

Dated this 15<sup>th</sup> day of March, 2024.

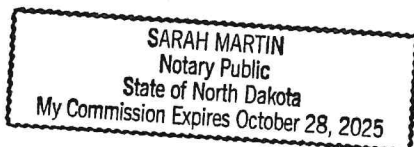
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Attorneys for Intervenor Burleigh County

STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF BURLEIGH     )

On this 15<sup>th</sup> day of March, 2024 before me personally appeared Randall J. Bakke, known to me to be the person described in the within and foregoing instrument, and acknowledged to me that he executed the same.



  
Notary Public





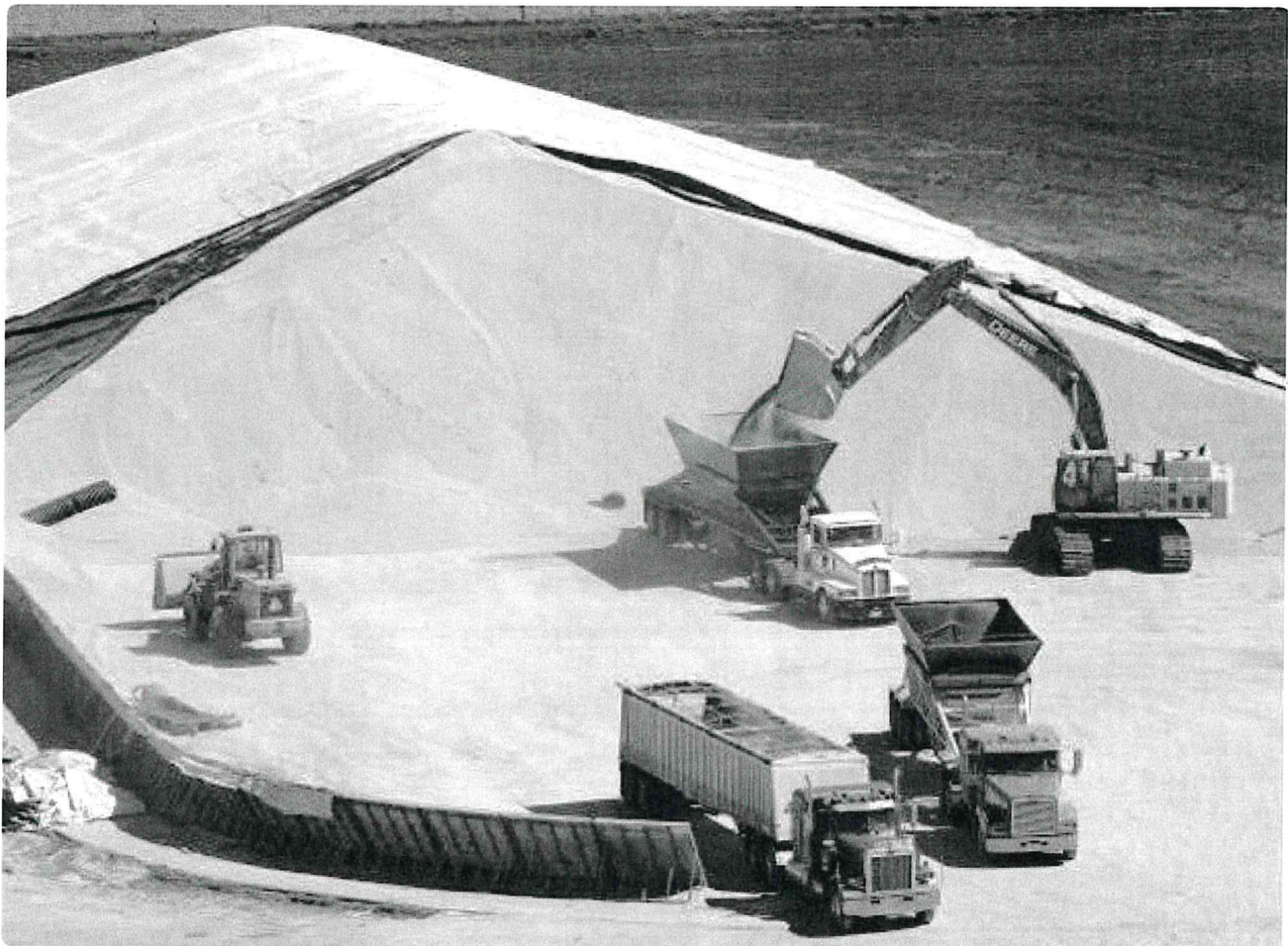
## Valero, with five Iowa ethanol plants, joins Summit's proposed CO2 pipeline

Summit and pipeline partners could collect up to \$18B in federal tax credits



**Erin Jordan**

Mar. 4, 2024 8:55 am, Updated: Mar. 5, 2024 9:32 am



Workers load corn in 2013 at the Valero ethanol plant in Charles City. (Waterloo Courier)

Valero, the world's second-largest ethanol producer with five plants in Iowa, has agreed to connect to Summit Carbon Solutions' proposed carbon dioxide pipeline.

Eight of Valero's facilities, including plants in Charles City, Lakota, Fort Dodge, Albert City and Hartley as well as one plant each in Nebraska, Minnesota and South Dakota, are expected to join Summit's project, already estimated at 2,400 miles long, if the pipeline is approved by regulators.

"Participation from these eight facilities adds 1.1 billion gallons of ethanol per year and will lead to the capture of 3.1 million metric tons of CO2 annually," Summit said in a statement Monday.

## Exhibit A



Summit plans to gather CO2 from ethanol plants and ship it via pipeline to North Dakota, where the company plans to inject it deep into the ground. The project's estimated cost is over \$5 billion, but Summit and its partners could collect up to \$18 billion in federal tax credits over 12 years, [Inside Climate News reported Monday](#).

With the inclusion of Valero, a San Antonio-based company, Summit's project now includes 57 ethanol plants across the Upper Midwest, from which Summit plans to capture and sequester more than 16 million metric tons of CO2 per year, the firm said.

The Iowa Utilities Board is considering Summit's application for a permit to build 680 miles of its pipeline in Iowa. Summit is asking the board to grant permission to use eminent domain to force landowners to sell easements to it to build and maintain the pipeline.

Summit said in August it had voluntary leases on about 75 percent of the route, but many [landowners don't think they should be forced](#) to have a private hazardous liquid pipeline on their property.

POET, the world's largest ethanol producer, [announced in January](#) it would link its ethanol plants in Iowa and South Dakota to Summit's pipeline after another pipeline proposal by [Navigator Heartland Greenway folded](#). The POET plants in Iowa are not on Summit's original route and will require another permit application in Iowa.

Summit plans to file extension permits for the Valero plants on the same timeline as the new POET facilities, the company said. Summit doesn't anticipate adding the new facilities will require installing a wider pipeline.

"This project ensures the agriculture and biofuels industries will remain dynamic and competitive, meeting the needs of today while preparing for the opportunities of tomorrow," Bruce Rastetter, founder and executive chair of Summit Agricultural Group, said in a statement.

*Comments: (319) 339-3157; [erin.jordan@thegazette.com](mailto:erin.jordan@thegazette.com)*

[https://bismarcktribune.com/news/state-regional/summit-carbon-solutions-valero/article\\_d4e5fcd4-dafd-11ee-b954-bb97870e3767.html](https://bismarcktribune.com/news/state-regional/summit-carbon-solutions-valero/article_d4e5fcd4-dafd-11ee-b954-bb97870e3767.html)

## Summit pipeline project adds Valero ethanol plants; SD Legislature debating regulations

**JOSHUA HAIAR South Dakota Searchlight**

Mar 5, 2024

**A** company hoping to build a carbon dioxide pipeline has added eight more ethanol plants as partners, while South Dakota legislators have taken action on bills that could affect the project.

Summit Carbon Solutions on Monday announced a new partnership with Valero Energy. Valero is headquartered in Texas and operates 15 oil refineries in the United States, Canada and the United Kingdom. It's also the world's second-largest corn ethanol producer.

The \$8 billion pipeline project is poised to be the world's largest carbon capture and storage endeavor and could qualify for up to \$18 billion in federal tax credits. The federal government has made those credits available for entities pulling the heat-trapping greenhouse gas, carbon dioxide, out of the atmosphere. The gas is emitted when ethanol is made.

Valero will integrate plants located in Iowa, Nebraska, Minnesota and South Dakota into Summit's project, which will now encompass 57 ethanol plants across the Upper Midwest. The pipeline would transport liquefied carbon dioxide from the plants to an underground sequestration site in North Dakota.

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**Exhibit B**

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- 4 **Program that brought Ukrainians to North Dakota oil fields ends**

The decision comes after Valero's former partner, Navigator CO2 Ventures, failed to obtain a permit in South Dakota and withdrew its pipeline project. That project aimed to transport carbon to a storage site in Illinois.

The Summit project has faced regulatory challenges and opposition from some landowners, and has suffered permit rejections in North Dakota and South Dakota. A permit decision is imminent in Iowa. The company has said it is working to refine its proposal to meet South Dakota requirements and plans to resubmit an application. North Dakota regulators have already granted Summit a petition for reconsideration.

## **SD legislative action**

A bill introducing more stringent requirements for companies seeking access to private land passed the South Dakota Senate on a 29-4 vote Monday. The bill now goes back to the House for consideration of amendments.

Under the proposed legislation, any person or entity must have a pending or approved siting permit application with the state before conducting examinations or surveys. The bill also requires a 30-day advance written notice to property owners, detailing the scope of the survey, anticipated entry date and duration, survey types, and contact information for the responsible party.

In addition, the legislation proposes financial compensation for landowners, mandating a one-time \$500 payment by carbon pipeline companies to property owners for entry onto private land, along with compensation for any damages



incurred. Property owners would have the right to contest the survey or examination by filing a lawsuit in circuit court within 30 days of receiving notice, and could later request the survey results.

Another bill, which passed the Senate 24-9 and is also headed back to the House for consideration of amendments, specifies how carbon pipeline easements are to be granted, recorded and terminated. An easement is an agreement to access private land. Summit says it has easements with about 75% of the landowners on its route in South Dakota.

The bill says carbon pipeline easements would automatically terminate if no permit has been granted by the Public Utilities Commission within five years from their effective date.

Lastly, Senate Bill 201 is awaiting action by a committee of lawmakers to reconcile different House and Senate versions of the legislation.

The bill would force the state's Public Utilities Commission to overrule counties if their pipeline rules are too burdensome. The commission of three elected officials is responsible for pipeline permitting in the state.

Current law says the PUC "may" overrule counties' setbacks, which are mandatory minimum distances between pipelines and other features. The legislation says the commission "must" overrule setbacks if they "are unreasonably restrictive in the view of existing technology, factors of cost, or economics, or needs of parties," or if the county actions are preempted by federal law.

Some senators feel the current version of the bill is too burdensome for the project. As originally introduced by the Senate, the bill would have removed counties' power to impose setbacks on projects including carbon pipelines. The bill was amended by a House committee.

The current bill also allows counties to impose a surcharge on pipeline companies of \$1 per linear foot.



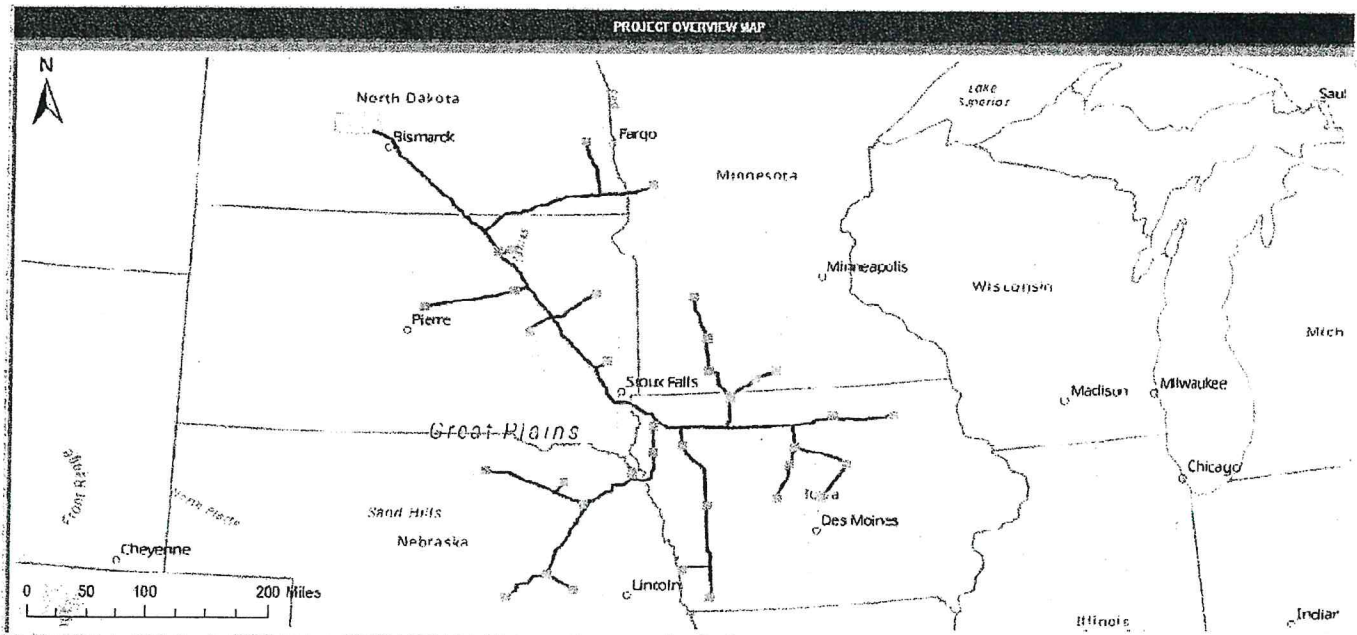


[https://bismarcktribune.com/news/state-regional/summit-wants-to-add-340-pipeline-miles-in-iowa/article\\_e6ebff5a-dc97-11ee-837a-8b5f08c354d2.html](https://bismarcktribune.com/news/state-regional/summit-wants-to-add-340-pipeline-miles-in-iowa/article_e6ebff5a-dc97-11ee-837a-8b5f08c354d2.html)

## Summit wants to add 340 pipeline miles in Iowa

**JARED STRONG** Iowa Capital Dispatch

Mar 11, 2024



A map provided by Summit Carbon Solutions shows the route of its proposed carbon dioxide pipeline system. PROVIDED

JARED STRONG Iowa Capital Dispatch

**S**ummit Carbon Solutions plans to expand its carbon dioxide pipeline footprint in Iowa by about 50% -- or about 340 miles -- to connect to more ethanol plants, according to new regulatory filings.

The company is awaiting approval from the Iowa Utilities Board for its initial proposal to lay the backbone of its pipeline system. That plan includes about 690 miles of pipe in Iowa that would connect to a dozen ethanol plants to transport their captured carbon dioxide to North Dakota for underground storage.

**Lumivia** CPL

**WATCH OUT  
CUTWORM**

The scope of the company's project in Iowa has expanded considerably in recent weeks and is the result of another company, Navigator CO2, abandoning its plans for a similar system. Two large ethanol producers -- Poet and Valero -- that had initially agreed to be part of Navigator's project have since signed with Summit.

That has resulted in Summit more than doubling its number of ethanol plant partners in Iowa to a total of 30. There are 42 in the state.

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"I view our project as representing a meaningful shift in agriculture to lower the carbon intensity of biofuel products," Summit CEO Lee Blank said when the company announced Valero's participation.

The company indicated it would file for 14 more hazardous liquid pipeline permits in Iowa to connect to the Poet and Valero facilities, including one that is in South Dakota. A review of the expansion routes filed with the IUB shows that they will include about 340 miles of new pipe in 22 counties, **Iowa Capital Dispatch reported.**

It's possible for Summit to add even more ethanol plants to its proposed pipeline network, said Sabrina Zenor, a Summit spokesperson. The project now includes 57 ethanol producers in five states and is expected to transport more than 16 million metric tons of carbon dioxide each year.

The system has a total capacity of about 18 million metric tons, Zenor said.

Summit and ethanol producers would benefit from federal tax incentives for capturing and sequestering carbon dioxide that would otherwise be emitted into the atmosphere and for producing low-carbon fuels. Ethanol plants would further benefit by being able to sell their fuels into low-carbon markets, either to power vehicles on the road or planes in the air with sustainable aviation fuels. More than half of the corn Iowa farmers produce is used to make ethanol.

Opponents of Summit's project have wide-ranging concerns, from landowners' rights and public safety to rich investors capitalizing on government incentives and the long-term preservation of ethanol production, which some view as environmentally damaging.

The IUB is poised to make a decision on the company's initial permit in Iowa. Summit's project was initially rejected in the Dakotas, but North Dakota is reconsidering, and the company plans to reapply in South Dakota.

Summit filed requests with the IUB to schedule public meetings in 22 Iowa counties for its expansion plans.

The request for meetings starts Summit's regulatory processes for what are anticipated to be 14 permit applications. That is the number of new lines that would branch from the original proposal to connect to one or more additional ethanol producers. Zenor said state rules require multiple applications for the proposed expansion.



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application

Case No: PU-22-391  
OAH File No: 20230002

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the following documents:

1. *Filing Letter to Steve Kahl from Randall Bakke dated March 15, 2024;*
2. *Burleigh County's Reply Brief in Support of Reconsideration; and*
3. *Affidavit of Randall J. Bakke (with Exhibits A-C).*

were on March 15, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

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