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ALERT FEATURED TOP STORY

State hearing in Mandan on Summit pipeline wraps up in a day; safety still a concern of landowners

JOEY HARRIS

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American oil and gas business magnate Harold Hamm looks on from the left as Summit Executive Vice President Wade Boeshans testifies at a North Dakota Public Service Commission hearing on Summit's proposed regional carbon dioxide pipeline at the Baymont in Mandan on Monday.

DARREN GIBBINS, TRIBUNE

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The second round of hearings for the North Dakota route of Summit Carbon Solutions' controversial multistate carbon dioxide pipeline kicked off Monday with testimony from multiple company executives, the public, and a union which now supports the project after previously expressing concerns.

Summit's CO₂ pipeline has been in regulatory limbo for over a year after facing denials in a number of states. North Dakota regulators at the state Public Service Commission rejected the project last August, citing a number of concerns related to the environment and well-being of North Dakotans. 696 PU-22-391 Filed: 7/1/2024 Pages: 5

LO Exhibit LO-20 - Bismarck Tribune Article Dated 04/22/24 (Dkt. #574)

Knoll Leibel, LLP, on behalf of the Intervenor

**LO #20 – 5/24/24
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If approved, the line would carry heat-trapping CO2 emissions from 57 ethanol plants across the Midwest with a final destination in western North Dakota for permanent storage -- at least initially. The case was reopened last September after Summit's petition for reconsideration was granted.

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The company initially sought a one-day hearing, but what followed has been considerably longer. Much of the PSC's time on the case since September has been spent on a dispute over whether the state can automatically override local regulations on pipelines, as a result of ordinances passed by Burleigh and Emmons counties in response to Summit's project. Summit won that fight, though the decision is being challenged in state court by Emmons County.

Monday's hearing in Mandan could have lasted all week, but it wrapped up Monday evening. There will be hearings in Wahpeton in May and Linton in June to hear comments from nearby landowners, as well as yet-to-be scheduled hearings involving attorneys for both Burleigh County and some landowners along the route who could not be present.

Company officials and a state representative on Monday testified about the project's economic benefits and Summit's efforts to address past concerns, but the project was met mostly with skepticism in comments from the public.

Route changes

One source of opposition to the project has been its proximity to Bismarck. Some developers, local officials and residents had expressed concerns that the pipeline could present safety issues and stifle the city's growth to the north and the east.

The proposed route has since been moved farther north of the city, putting it around 5 miles away from the extraterritorial area, though the eastern part of the route still is 3 miles away from the extraterritorial area at its closest point.

Two prominent Bismarck-area developers and a former mayor opposed the pipeline route and intervened in the project. Summit Executive Vice President Wade Boeshans, who led the effort to reroute the path around Bismarck, testified that he reached out to the group to address their concerns. The group has since dropped their intervention in the case and their lawyer, Randy Bakke, is now representing Burleigh County.

Chad Moldenhauer, one of the developers who had intervened, testified later in the day. He said he had not planned to speak, but felt he needed to respond.

Moldenhauer said he had no involvement in the pipeline's reroute, calling Boeshans's testimony on their interactions "a lie and a complete fabrication." He said the reason that he and the other intervenors withdrew from the case was not because they support the project, but instead

because they believed the city and the county could better represent the community's interest. Summit did not directly comment on Moldenhauer's testimony.

For the time being, Summit has permission to complete 25 out of 28 surveys for parcels of land crossed by the new route north of Bismarck. Boeshans testified that two landowners said they want to wait and see if the PSC grants Summit a permit before allowing access to their property and one has not been responsive to attempts to meet.

The proposed route has changes elsewhere in the state as well.

In total, Summit routed its project away from 42 properties on the original route. Reroutes added dozens of miles to the pipeline in North Dakota.

Summit COO Jimmy Powell said he is confident the company will be able to secure voluntary easements with every landowner across the route.

Agreements with the remaining landowners remain a work in progress. Of 550 landowners who own property where the line would pass, Powell said there are still around 110 who have not yet signed easements. Summit has not directly said the action it would take if it cannot get every landowner to sign on, but eminent domain is the likely procedure a pipeline company would undertake to get property access not granted through an easement. The process allows companies or the government to take private land for public use, with just compensation through the judicial system.

Powell said there is progress on landowner negotiations, but the percentage of landowners who have signed up has not budged much in the past half a year.

There are also a number of landowners who have not even allowed the company access to their property for land surveys.

Summit has sued these people for access. The matter is before the state **Supreme Court**.

Size and safety

The project originally was slated to carry CO₂ from 31 ethanol plants. That number is now at 57. Many were added after the Navigator -- another multistate CO₂ pipeline -- was canceled.

The proposed size of the pipeline has not changed as more plants have been added. Powell said the pipeline was designed to eventually increase capacity. Now the main modification will be a need to add more pump stations in the state -- four instead of one.

More pump stations also means more power used. This will require around 20 megawatts total; for perspective many recently sited wind farms in the state produce around 150 megawatts.

Though Summit representatives testified that more CO₂ going through the line would not be a safety concern, other questions still were raised from the PSC, intervenors and the public.

Many have expressed concerns about the potential for a leak.

CO₂ is heavier than air and can travel close to the ground for extended periods of time. There is no standard potential impact radius for a CO₂ pipeline leak, according to Kenneth Clarkson, spokesman for the watchdog group Pipeline Safety Trust. The federal Pipeline and Hazardous Materials Safety Administration is in the process of updating its regulations regarding CO₂

lines in response to a 2020 rupture in Satartia, Mississippi, on a pipeline operated by oil firm Denbury. The incident sent 45 people to the hospital. There was also a recent rupture at a CO₂ pipeline in Louisiana.

Summit has continuously defended the safety of its proposed line highlighting steps to ensure a leak does not happen including shorter valves, geotechnical analysis and regular monitoring, as well as outreach to local safety officials across the route for them to be prepared to handle a rupture.

Public response

Few from the public who testified support the project despite the changes.

CarolLee Carruth, who farms in Dickey County, said she was approached about having the pipeline cross her property and was pressured by a Summit land agent to sign with threats of eminent domain.

Carruth said she has a power line crossing her property and is not opposed to her land being used for public good, but she does not believe that is what Summit's project is. She mostly expressed concerns about safety. She feels the project has divided her community between those who signed leases and those who have not.

"It's not that we want more money," Carruth said. "There's no amount of money you could give me to kill my children."

State Rep. Mike Brandenburg, R-Edgeley was the only member of the public to offer support of the pipeline. He said state Sen. Terry Wanzek, R-Jamestown, gave him permission to speak on Wanzek's behalf as well.

Brandenburg spoke to the benefits the project would bring to corn growers competing in a market that prefers lower-carbon fuels. Corn is used to make ethanol.

He added that there are over 100 miles of the pipeline that stretch through his legislative district and he would not have been defending Summit two years ago when there were widespread complaints about the behavior of land men the company used, similar to what Carruth described.

"If you've got 80% of the landowners signed up, that means they're doing something right," Brandenburg said.

Summit said it has since fired the agents that received complaints from landowners such as Carruth, which Brandenburg noted. Lawrence Bender, an attorney for the company, said what had happened to Carruth was "concerning" and asked if she would be willing to speak with a company representative.

Beyond benefits to ethanol, representatives from Summit also made comments about the state being seen as a worthwhile place to invest for future CO₂ storage and use, including in the Bakken oil fields to pump out hard-to-recover oil.

The project also now has the support of a local union, LIUNA Minnesota and North Dakota. The union is an intervenor in the case.

Union Marketing Manager Kevin Pranis said this was due to a change in companies constructing the line in North Dakota; Precision Pipeline. The company has previously worked on the Dakota Access Pipeline and the Line 3 pipeline in Wisconsin. The union would be contracted by Precision, Pranis told the Tribune. He said this means those working on the project will have more of a stake in it being done right.

"Summit's decision to rely on a responsible pipeline contractor like Precision will mean a safer project, hundreds of additional jobs for North Dakota workers, and \$100 million more in local economic benefit," he said.

But the likelihood of more projects for CO2 storage, use or the economic benefits appeared to do little to quell what were mostly safety concerns that dominated the comments from the public.

Some who spoke live near the proposed reroute but do not own the land where the pipeline would be sited. They felt that even though they are not in highly populated areas their safety was being ignored, along with more rural developments. Some still expressed concerns about the possible impacts to Bismarck.

"We in Bismarck are not willing to give up our safety for the price of corn," Ken Huber said.

Reach Joey Harris at 701-250-8252 or joseph.harris@bismarcktribune.com.

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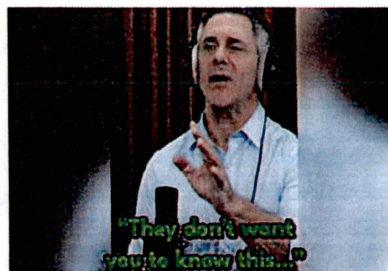
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