



HANCOCK COUNTY BOARD OF SUPERVISORS

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Hancock County Iowa Board of Supervisors
Docket number HLP
-2021-001

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IOWA UTILITIES BOARD

Iowa Utilities Board

We, the Supervisors of Hancock County (BOS), are submitting this document for your consideration pertaining to the Summit Carbon Solutions Midwest Carbon Express Pipeline (Summit Carbon Solutions, LLC – Docket HLP-2021-0001). This letter is to inform you of our opposition and concerns as it relates to Hancock County. Concerns include a gross lack of communication between SCS and the BOS, secondary roads engineer, and landowners as to the impact on drainage districts, roads, tile, and property. The affect the pipeline will have pertaining to emergency management groups. And how eminent domain is being utilized.

ISG attended a BOS meeting requesting to serve as the inspector for the proposed pipeline project that was to cross all of Hancock County. We were unaware of the pipeline as SCS neglected to contact either the BOS or county engineer. ISG stated that a hearing would be held and suggested we attend. After attending the hearing, which was scheduled for midafternoon during the heat of harvest, we learned that the supervisors have an immense role during the construction of the pipeline. Our only source of information pertaining to our responsibilities was a packet that was distributed during the hearing. Chapter 479B of the Iowa Code describes hazardous Liquid pipelines and storage facilities. We were already aware of 479B.20 that the BOS were to hire a licensed professional engineer, but ISG didn't state that if a complaint is filed with the board that civil penalties could arise (479B.21). Section 479B.20 Land restoration standards states that the board, pursuant of chapter 17A, shall adopt rules establishing standards for the restoration of agricultural land during and after pipeline construction. This is a rather lengthy code section that may involve hearings, petitions, and could eventually lead to supervisor's petitioning the board for an order requiring correction action be taken against the pipeline and the BOS may file a complaint with the board seeking imposition of civil penalties (479B.21). Section 479B.30 – Determination of construction damages. The county board of supervisors shall determine when the construction of a pipeline has been completed. This section may involve several members of the courthouse as it pertains to damages. The supervisors must develop a commission. The sheriff as he will have to accept the appraisalment of the damages by the compensation commission, in which he must give written notice to the pipeline company and landowners. And the county attorney as he may have to assist in coordinating the consolidated application and notice for the chief judge. The county secondary roads engineer will be heavily involved for various inspections. But the most important information was found in Chapter 9 – restoration of agricultural lands during and after pipeline construction. 9.5(4) Temporary and permanent repair of drain tile will heavily involve the supervisors even though an inspector will be onsite. 199-9.8 (479, 479B) Notice of violation and halting construction. It is the inspector's responsibility to assure the county that the regulations are followed. If they identify a violation, they may halt

construction. However, if an agreement on corrective action cannot be reached, the county inspector may submit a request to the county board of supervisors for resolution. This may result in section 199-9.9 (479, 479B) Enforcement. If requirements are not in compliance, it may eventually come to the supervisors where they petition the utilities board for an order requiring corrective action to be taken. The BOS may also file a complaint with the board seeking imposition of civil penalties. And finally, 199-9.10 (479,479B) Project completion states that the BOS shall determine whether the project is completed. We feel this is a heavy burden for us to bear when the pipeline is of no benefit to the county or the landowners.

Drainage is vital to our county and to the livelihood of our rural farming community. Private farm drainage and pattern tiled fields are one aspect. Hancock County includes over 140 drainage districts, that include open ditches and county tile lines. The BOS serve as trustees to those districts. We as a county, invited SCS to discuss drainage at a public board meeting. After that meeting, their knowledge of drainage raised concerns that could have long term effect on our county drainage systems and the cost to repair problems that may be created in the future. Crop losses, assessments, tile damage, and lost land values are a few concerns that landowners have expressed.

SCS has not contacted Hancock County's Engineer. At this point, we are unaware of how they will cross our roads or maneuver through our ditches or existing easements.

It is also noted that (479B.14) the IUB shall not grant an exclusive right to any pipeline company to construct, maintain, or operate its pipeline along, over, or across any public or private highway, grounds, waters, or streams. The board shall not grant a permit for longer than twenty-five years. We are curious to know what occurs at the end of that 25 years.

A hazardous pipeline may challenge our local emergency management groups. Training and additional equipment may be needed to deal with a hazardous pipeline. SCS has stated that they will work with these groups. However, this adds an addition burden to those groups many of which are volunteer. We are opposed to over taxing these groups. We learned on 12/15/21 when the out of state windmill lines went down on our local lines due to a storm, how valuable our firefighters, local energy, and county employees are. Roads were closed and the firemen remained with the situation until a solution was found which took most to the cold evening. Residents were without power until a contractor could eventually come to Hancock County and resolve the situation. This is an example of an out of state utility burdening the residents of Hancock County.

According to the Iowa Utilities Board information, the Iowa Legislature has assigned to them the authority to grant certain persons the power of eminent domain for things like electric transmission lines and underground pipelines. Eminent domain is the government's power to take private property for public benefit. It comes from the US Constitution, federal laws, state constitution, and state laws. The question that arises is how SCS, a private company, is serving a public purpose. This project as outlined in the information meetings serves no public purpose and is only profitable to SCS and the ethanol plants served by the pipeline. It would appear that SCS will ascertain tax credits from this

project on the backs of Hancock County taxpayers. Ethanol plants already capture and truck out carbon dioxide. Carbon sequestration in this case does not serve a public purpose only a private one.

The Hancock County Board of Supervisors respectfully request that the Iowa Utilities Board deny the pipeline permit.

Thank you for your time and consideration.

Respectfully,

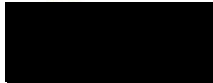
The Hancock County Board of Supervisors

Gary Rayhons



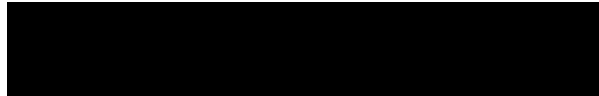
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