

**STATE OF IOWA  
DEPARTMENT OF COMMERCE  
IOWA UTILITIES BOARD**

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IN RE:  
SUMMIT CARBON SOLUTIONS LLC

DOCKET NO. HLP-2021-0001

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**RESPONSE TO STAFF'S SUPPLEMENTAL LETTER FILED MARCH 23, 2022**

On March 23, 2022, Iowa Utilities Board (“IUB”) Staff filed its “Supplemental Letter Regarding a Petition for a Pipeline Permit in Docket No. HLP-2021-0001,” which requested answers to 15 listed questions regarding Summit Carbon Solutions, LLC (“Summit Carbon”)’s proposed CO2 pipeline. Many of the staff’s questions relate to matters that are in process or still being developed, such as specific construction plans, or permits and authorizations that are typically sought and obtained closer to the beginning of construction, when a final route has been decided and specific construction practices have been determined. That being the case, some specific details are not known at this time. Summit Carbon believes that, as has been the case in other cases before the Board, such details are likely better addressed at the time of, and within, written testimony. Nonetheless, Summit Carbon provides responses to Board Staff’s questions as of today’s date below:

1. **Does Summit Carbon have the following permits/authorizations required to build the pipeline, including seasonal time restrictions for items a through c?**
  - a. **U.S. Fish and Wildlife Service**
  - b. **Migratory Bird Treaty Act**
  - c. **Golden Eagle Protection Act**
  - d. **Iowa Department of Natural Resources**
  - e. **U.S. Army Corps of Engineers**
  - f. **Iowa Department of Transportation**
  - g. **571 Iowa Administrative Code chapter 77**
  - h. **Office of the State Archeologist**

**RESPONSE:**

Summit Carbon has been in discussions with the regulatory agencies referred to above since the summer of 2021. Included in Table 4 of Exhibit F to Summit Carbon’s Petition is a table of consultations and permits that may be required, including those listed above. As noted in Exhibit F to Summit Carbon’s Petition, many of the permits referred to above are issued closer to the time of construction, when the final route and construction details are known.

Field survey work is presently ongoing which will inform and provide the necessary data for the permit applications and authorizations listed above. Summit Carbon expects that U.S. Fish and Wildlife Service (“USFWS”), U.S. Army Corps of Engineers (“USACE”), Iowa Department of Natural Resources (“IDNR”) and State Historic Preservation Office (“SHPO”) consultations will be completed during the fourth quarter of 2022.

Species presence and seasonal timing restrictions will be provided by USFWS and IDNR when those agencies review the results of field surveys, expected to be provided in the third quarter of 2022.

2. **Does the right-of-way (ROW) need to be reduced in sensitive areas?**

**RESPONSE:**

The width of the construction workspace will vary depending on adjacent features such as utilities, roads, railroads, cultural, and environmental features such as wetlands and waterbodies. The workspace will be reduced to 75-feet when crossing wetlands. Where it is necessary to reduce the workspace, the boundaries of the feature and workspace will be identified and staked in the field.

3. **What construction methods will be used in crossing bodies of water?**

**RESPONSE:**

Summit Carbon is presently in the process of finalizing its Environmental Construction Plan (“ECP”) which dictates methods for waterbody crossings. A copy of the ECP, which is presently in draft form, is attached hereto.

**4. Will erosion control be installed to protect resources downstream of the project?**

**RESPONSE:**

Summit Carbon will implement best management practices to minimize erosion and control sediment, including deployment of erosion control devices (“ECD”). A specific description of the practices and ECDs to be used is included in the ECP, which is in draft form. A copy is attached hereto.

**5. Will Summit Carbon consult with county weed officers and/or the Natural Resource Conservation Service regarding seed removal, mixes, and management?**

**RESPONSE:**

Yes, Summit Carbon will coordinate with local weed management boards, the Natural Resource Conservation Service (“NRCS”), and landowners if areas within the ROW are identified to contain populations of state identified noxious or invasive species, or soil borne pests. These consultations are expected to be completed in the fourth quarter of 2022 to inform the construction practices required in those locations.

**6. Does Summit Carbon have a weed management plan?**

**RESPONSE:**

Summit Carbon will prepare a weed management plan after field surveys have been completed and reviewed in consultation with local county weed officers and the NRCS. These consultations are expected to be completed in the fourth quarter of 2022.

**7. Will remote leak detection be installed and, if so, what type or types?**

**RESPONSE:**

Summit Carbon intends to utilize a computational leak detection system that incorporates real-time pipeline data, including line balance, pressure wave detection, and system hydraulics response coupled with statistical modeling of system operations. The system will be designed to comply with federal pipeline safety regulations and industry standards.

**8. Does Summit Carbon have a winter construction plan?**

**RESPONSE:**

Summit Carbon does not intend to perform construction in the winter; however, additional measures to be taken in the event of winter construction are set forth in the ECP, which is in draft form and attached hereto.

- 9. Does Summit Carbon have a plan to inspect the ROW within 24 hours of any half-inch or greater rain event?**

**RESPONSE:**

Yes, SCS will inspect the ROW within 24 hours of a rainfall event of 0.5 inch or greater in compliance with the construction stormwater general permit that will be acquired from IDNR 30 days prior to construction.

- 10. Will excavated material from streams be set back farther than ordinary high-water marks? Will additional soil storage be used?**

**RESPONSE:**

Summit Carbon intends to place stream spoil 10 feet back from the stream edge in additional temporary workspace. This allows Summit Carbon to excavate, install the pipeline, and backfill the stream crossing within 24-48 hours.

- 11. Will water bodies and wetlands be depicted on the alignment sheet and marked along the ROW?**

**RESPONSE:**

Yes.

- 12. Does Summit Carbon have a notification to the environmental inspector if there is a pressure loss during Horizontal Directional Drilling / Boring (HDD)?**

**RESPONSE:**

Yes. After the Environmental Inspector coordinates with construction personnel and contractors, if a release of drilling mud has been verified to impact the ground surface or waterbody, the Environmental Inspector would notify federal and state agencies as required.

- 13. Does Summit Carbon have a containment management plan to deal with inadvertent release of HDD drilling fluid?**

**RESPONSE:**

Yes, after HDD contractors have been selected and engaged, those contractors will be required to prepare a contingency plan for inadvertent release of HDD drilling fluid for the crossings they are required to drill. These plans will be completed prior to the start of construction.

**14. Does Summit Carbon have a spill prevention, control, and countermeasure plan?**

**RESPONSE:**

Spill prevention, control, and countermeasure (“SPCC”) plans are a part of the Stormwater Pollution Prevention Plan (“SWPPP”) that is filed with the General Construction Stormwater Notice of Intent application(s) to IDNR. These applications will be prepared with the contractor prior to initiating construction and will be filed within the notice of intent time period of 30 days prior to construction.

**15. Does Summit Carbon plan to perform soil analysis that is crossed by the project?**

**RESPONSE:**

Yes. Summit Carbon has collected, and will continue collect as access is granted, soil samples to assess topsoil depth and characteristics of the soil. The Board’s Chapter 9 Rules set forth an extensive and detailed process for performing a topsoil survey prior to construction, which Summit Carbon intends to perform as required.

Respectfully submitted this 13th day of April, 2022.

By: */s/ Bret A. Dublinske*

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Bret A. Dublinske, AT0002232

Brant M. Leonard, AT0010157

**FREDRIKSON & BYRON, P.A.**

111 East Grand Avenue, Suite 301

Des Moines, IA 50309

Telephone: 515.242.8900

Facsimile: 515.242.8950

Email: [bdublinske@fredlaw.com](mailto:bdublinske@fredlaw.com)

Email: [bleonard@fredlaw.com](mailto:bleonard@fredlaw.com)

**ATTORNEYS FOR SUMMIT CARBON  
SOLUTIONS LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 13th day of April, 2022, he had the foregoing documents electronically filed with the Iowa Utilities Board using the EFS system which will send notifications of such filing (electronically) to the appropriate persons.

*/s/ Bret A. Dublinske*