

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

IN RE:	DOCKET NO.
SUMMIT CARBON SOLUTIONS, LLC	HLP-2021-0001;
PETITION FOR HAZARDOUS LIQUID PIPELINE PERMIT	

**PETITION TO INTERVENE**

COMES NOW, the Board of Supervisors for the County of Shelby, State of Iowa (“Shelby County” or “the County”), by and through the undersigned attorney, and pursuant to 199 IAC 7.13 petitions the Iowa Utilities Board (the “Board”) for an order permitting it to intervene in this docket. In support of its petition, Shelby County states the following:

1. Shelby County is primarily an agricultural county located in the Western portion of central Iowa. As of the 2020 census, the population of Shelby County was 11,746.
2. The following incorporated cities are located in Shelby County: Defiance, Earling, Elk Horn, Harlan, Irwin, Kirkman, Panama, Portsmouth, Shelby, Tennant, and Westphalia.
3. The power of a county is vested in its board of supervisors pursuant to Iowa Code § 331.301, and under that statute, the County’s board of supervisors may “exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.”
4. On January 28, 2022, Summit Carbon Solutions, LLC (“Summit”) filed a Petition for a Hazardous Liquid Pipeline Permit (“the Project” or “the Petition”) in this docket.

5. The Project proposed by Summit would pass through Shelby County. See Summit's Exhibit F to the Petition filed in this docket on January 28, 2022 and available [here](#). See also the map of the proposed pipeline filed in this docket and available [here](#).
6. An [informational meeting](#) was held in Shelby County on October 6, 2021.
7. Under Iowa Code § 479B.7, governmental entities whose rights or interests may be affected have certain rights to object a proposed pipeline.
8. On January 18, 2022 the Supervisors of Shelby County passed a unanimous motion to submit an official Objection to the Project, and that Objection was [filed](#) in this docket on January 21, 2022.
9. Under Iowa Code chapter 479B, counties have certain obligations to hire county inspectors for hazardous liquid pipeline projects, and as of February 9, 2022, Shelby County is [one of the counties](#) that has hired ISG to perform county inspector duties for the Project.
10. Under the authority of Iowa Code chapter 335, Shelby County has adopted a comprehensive plan and a zoning ordinance regulating the use of land in the County. The comprehensive plan is the County's primary expression of public policy for the use of land in the County, and the zoning regulation is the primary method by which the County implements the comprehensive plan.
11. Under Iowa Code § 479B.5(7), any petition for a hazardous liquid pipeline permit "shall state...the relationship of the proposed project to the present and future land use and zoning ordinances." This requirement is intended to help ensure that whatever route or site is approved for the Project also considers local policies and requirements.

12. In its petition, Summit has not stated the relationship of the project to Shelby County's comprehensive plan or to its zoning ordinances, and the County desires to ensure that its local policies and requirements are considered in this proceeding.
13. Because of the potential impact on the County's land use and the relationship to its zoning ordinances, the residents of Shelby County have unique and important interests in this proceeding that are best represented by the Shelby County Supervisors and that are not adequately represented by any other parties to this proceeding.

For all the reasons stated herein, Shelby County respectfully petitions the Board to promptly issue an order granting its request to intervene in this docket.

Respectfully submitted,

By: /s/ Timothy J. Whipple

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