

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>SUMMIT CARBON SOLUTIONS, LLC, Petitioner, v. IOWA UTILITIES BOARD, STATE OF IOWA, Respondent.</p>	<p>Case No. DECLARATION OF DAVID DAUM</p>
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Under Iowa Code section 622.1, I, David Daum, make the following declaration:

1. I am employed as Senior Director – Health, Safety, Security & Environmental for Summit Carbon Solutions, LLC (“Summit”).

2. I have more than 30 years of experience leading health, safety, security and environmental operation in the pipeline, oil & gas, and heavy construction industries, including leading pipeline integrity management projects for BP Pipelines North American across 30 states and 15,000 miles of pipeline. I am a Certified Safety Professional with a Bachelors of Science in Occupational Safety and Health, and a Masters Degree in Industrial Management.

3. This Declaration is filed in support of and simultaneously with a Motion for Temporary Injunction and a Petition against the Iowa Utilities Board for permanent injunction protecting air dispersion modeling which models an unintentional release of carbon dioxide from the proposed Summit Carbon Pipeline in Iowa.

4. The dispersion models are created to inform compliance with regulatory requirements established by the federal Pipeline and Hazardous Materials Safety

Administration (“PHMSA”) under 49 C.F.R. 195.402, 195.403, 195.440 and 195.452. PHMSA has exclusive jurisdiction over pipeline safety for hazardous liquids pipelines. *See* 49 U.S.C. § 60104(c).

5. The dispersion modeling in dispute in this matter included detailed mapping of the pipeline route in 29 counties in Iowa, with overlays that show the concentration in parts per million in the air of released carbon dioxide at various distances and how that relates to existing features. It also shows, in the few places applicable, where overland or gravity flow of carbon dioxide has the potential to occur. The accompanying reports explain how changing certain variables – weather conditions, adjacent terrain, angle, and nature of the damage to the pipeline and others – changes the resulting impact of the release. All of this information could be helpful to someone planning an attack on the pipeline.

6. The dispersion models are records concerning physical infrastructure, a pipeline, and it is information developed and held for the protection of life or property. In my professional opinion based on my training, experience working with pipelines and pipeline safety regulation, and 30-plus years of working in industrial safety, I believe disclosure of such materials would increase the vulnerability of the pipeline to attack and would increase the risk to life or property and to transportation security. Therefore, Summit labels these models as potential Security Sensitive Information (SSI). SSI is defined by Federal Regulation in 49 C.F.R. Part 1520.

7. The dispersion modeling is generally held in confidence – it is not made public as part of the PHMSA process, and Summit routinely fights to maintain its confidentiality. The Iowa Utilities Board, the expert utilities regulator in Iowa, found that the dispersion models should only be disclosed to a small number of attorneys, for “attorneys’ eyes only” review, who had entered

into a protective agreement. The North Dakota Public Service Commission issued a similar order ensuring the information was not disclosed to the public.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.



David Daum

02/12/2024
Date