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July 2, 2024

To: FOIA Officer, Pipeline and Hazardous Materials Safety Administration

From: Hudson Kingston, Legal Director, CURE

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, as amended, CURE requests specific records and communications from the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding contact the agency has had with the individuals and entities listed below who have worked on rupture, plume, and/or dispersion modeling relevant to carbon dioxide (CO₂) pipelines in the United States.

I. Background

Allied Solutions Inc. and Center for Toxicology and Environmental Health (CTEH) are entities which have created CO₂ pipeline rupture, plume, and dispersion models for regulatory agencies. Dan Prascher, Arlen Ward, and Erin Hart are employed by Allied Solutions Inc. and have modeled CO₂ pipeline characteristics and rupture/plume/dispersion while employed by Allied Solutions. CTEH has prepared modeling for potential CO₂ release of the Denbury Gulf Coast Pipelines, LLC CO₂ pipeline located near Satartia, Mississippi.

Mr. Pratcher has had a decades-long history in the pipeline industry, including work prior to his current consulting for Allied Solutions.¹

On September 12, 2022, Summit Carbon Solution, LLC, filed a pipeline routing application with the Minnesota Public Utilities Commission to install a 28.1 mile CO₂ pipeline in southwestern and western Minnesota. On January 26, 2024, the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) unit released a draft environmental impact statement (EIS) for the proposed Summit CO₂ pipeline. The EERA modeling used to create the draft EIS is based off of models created by Allied Solutions, Inc. and CTEH. Dan Prascher, Arlen Ward, and Erin Hart are listed by EERA as relevant experts on the modeling in the draft EIS.

Dan Prascher has stated in public meetings related to the Summit project application in Minnesota that he has experience working with PHMSA on the review of numerous pipeline projects. When asked for specifics on these qualifications, Mr. Prascher, Dr. Arlen Ward, and Erin Hart provided a joint statement of qualifications with no detail or specifics about their actual experience with particular projects or matters before PHMSA. These contractors' credentials and qualifications are relevant to both the Minnesota permitting proceeding and

¹ See <https://www.go-allied.com/about>.



future PHMSA efforts to update its practices and standards as it improves construction standards following the rupture of the pipeline in Satartia, Mississippi. Correct rupture, plume, and dispersion modeling of leaked or ruptured CO₂ pipelines are important to ensure that PHMSA updates their regulations which mirrors the current science regarding CO₂ pipelines.

II. Requests

CURE requests the following records regarding PHMSA's communications with or submissions from Dan Prascher, Arlen Ward, Erin Hart:

1. Any records of communications regarding the affected radius model for a potential CO₂ release, rupture, dispersion, or plume related to Denbury Gulf Coast Pipelines, LLC (OpID 32545) CO₂ pipeline ("Delhi" pipeline) located near Satartia, Mississippi.
2. Any records of communications regarding modeling performed for the Denbury Gulf Coast Pipelines, LLC (OpID 32545) CO₂ pipeline ("Green" pipeline) located near Sulphur, Louisiana.
3. Any records of communications regarding integrity management programs for any currently operational CO₂ pipelines.
4. Records for #1 to #3 should include, but not be limited to, any modeling conducted using software such as CANARY, ALOHA, or PHAST.

All of the above requests are for records related to these people's work for any employer, including but not limited to Allied Solutions, Inc., or the Center for Toxicology and Environmental Health.

III. Specifics of request

1. Time period

January 1, 2008, until the date of this request.

2. Custodians

CURE believes the relevant custodians will be staff or contractors of PHMSA.

3. Location and type of records

CURE specifically requests that a search be conducted of the agency's SharePoint, Google Drive, DropBox, or any similar system of file storage and management, as well as files stored locally on any relevant custodian's hard drive or cloud-computing OneDrive system. Responsive records should include electronic messages (including email, texts, chats, and instant messaging via Google, iMessage, WhatsApp, Facebook, Slack, Microsoft Teams, Skype, and any similar services) stored on any desktop, laptop, tablet, server, commercial document sharing service

(Microsoft Teams or OneDrive) or mobile device, as well as handwritten materials in the possession of USFS or its agents, if they have not been digitized. Please also provide all attachments or linked materials if they are in the agency's possession or control.

4. Format and inclusions

Under FOIA, you are obligated to provide records in a readily-accessible electronic format and in the format requested. 5 U.S.C. § 552(a)(3)(B) (“In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.”).

This request includes all final documents that have ever been within the agency's custody or control, whether they exist in agency “working,” investigative, retired, electronic mail, or other files. All electronic records should be delivered in their original file format with original metadata and any attachments included. Physical records should be scanned or otherwise converted into electronic format.

For electronic records, please provide all records in their native file formats (i.e. not converted to PDF) with all metadata included, and for records such as emails which have files embedded or attached, please provide all attachments in their native formats. If records can only be produced as PDFs, we request all records be text searchable and OCR formatted.

Additionally, please provide the records either in (1) load-ready format with a CSV file index or excel spreadsheet, or, if that is not possible; (2) in .pdf format, without any “portfolios” or “embedded files.” Portfolios and embedded files within files are not readily-accessible. Please do not provide the records in a single, or “batched,” .pdf file.

For instant messages, plain text or screenshots of text message conversations are acceptable consistent with guidance issued by the National Archives and Records Administration.

5. Withholdings and exemptions

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of FOIA, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of *Vaughn v. Rosen* (484 F.2d 820 [D.C. Cir. 1973] *cert. denied*, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

6. Voluntary exclusions

Responsive records should exclude routine or automatically generated emails such as news alerts, roundups, or similar services. CURE does not seek the full names or other personally-

identifying information of employees named in responsive documents if it would unreasonably infringe upon their personal privacy.

IV. Expedited processing

Consistent with Title 49 Part 7 of the Code of Federal Regulations, CURE requests expedited processing. CURE meets the requirement of § 7.31(c)(1)(ii) because CURE hopes to gather information on these experts prior to a hearing on the adequacy of their analysis that is set for August 23 and 24, 2024. CURE plans to present the information in this request at that hearing and may require it to effectively question the experts on their relevant expertise. The public will gain far more from knowing about these contractors' relevant work with PHMSA before this set hearing than they would after the hearing has already occurred.

Similarly, the final date for public comment on the adequacy of these experts' modeling is set at September 11, 2024. CURE would need the FOIA production at least two weeks ahead of that date to review and disseminate it to the public for their ability to comment based on PHMSA's public records.

While CURE understands that the agency has many FOIA requests to deal with, the time pressure of the upcoming hearing and final opportunity for public comment necessitates expedited processing so that CURE has time to review production prior to the hearing and final opportunity for public comment.

V. Fee Waiver Request

CURE requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. § 552 (a) (4)(A)):

1. The records concern the operations or activities of the Government.

This FOIA request is, by its terms, limited to identifiable activities of PHMSA and communications with outside individuals, contractors, and entities.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

If the public sees these materials, it will help enhance their understanding of how CO₂ pipeline operators plan for ruptures and leaks, and whether current models and applications are similar or different. This information will also help inform the public about the competence of experts who have done analysis of a proposed pipeline in Minnesota and who claim to have done similar analyses for PHMSA.

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3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The nature of the information should inform the public about PHMSA management and regulation of CO₂ pipelines.

CURE intends to provide the requested information to members of Congress and its relevant committees. We also intend to disseminate it to the general public through —

- Release to the news media;
- Public comment materials, assisting the public to understand technical issues and how to comment on them to state agencies reviewing a related application;
- Posting on the CURE web page which draws more than 1000 unique visitors per month; and
- Publication in the CURE newsletter, which has a circulation of approximately 2000.

Through these methods, CURE generates an average of two dozen mainstream news articles per year, as well as many more publications in local rural newspapers throughout Minnesota and the Midwest. CURE's press releases on various issues of public concern are frequently republished with permission by rural local newspapers. CURE has a YouTube channel where we post a variety of videos and webinars that inform people about the issues we work on. CURE's emphasis and experience with rural communication makes it an effective disseminator of newsworthy information obtained through public records requests and other forms of participation with agencies and policymakers.

Moreover, past media coverage on carbon capture and CO₂ pipelines underlines the broad public interest in this material. Updating the public on the science behind CO₂ pipelines and associated safety concerns allows the public to understand CO₂ pipelines and PHMSA's process in determining how to best update its CO₂ pipeline regulations.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that CURE is a nonprofit, nonpartisan, public interest organization concerned with encouraging rural environmental and energy democracy, dissemination of information to rural residents with an interest in environmental protection, and with supporting professional integrity within the carbon capture industry and public utilities agencies. To that end, CURE is designated as a tax-exempt organization under section 501 (c)(3) of the Internal Revenue code.

VI. Scoping and ongoing communication

If the above requests are unclear, result in an abnormally large number of results, or otherwise impracticable please contact the requester to provide clarification or narrow the scope of the

request accordingly. Additionally, if it appears that a large quantity of irrelevant material is being included or further relevant material may not be captured by the specific terms of the request, or any other concerns related to the timeliness or completeness of the response arise, please contact the undersigned. Further, in the event an exceptionally voluminous or complex set of potentially responsive records requires review, please advise us of the need to make rolling productions and a schedule on which CURE's request can be fully answered.

Finally, if you have any questions about this FOIA request, please contact us by email at HUDSON@curemn.org. We look forward to receiving the agency's final response within 20 working days.

Thank You,
/s/ Hudson Kingston
Hudson B. Kingston

/s/ Maria Oachs
Maria C. Oachs