

MEMORIALIZATION OF EX PARTE COMMUNICATION
MEETING WITH SUMMIT CARBON SOLUTIONS (SCS)
DURING 1800-1900 APRIL 12, 2023

1. Attendees.

Pipeline and Hazardous Materials Safety Administration (PHMSA)	
Max Kieba	
Mary McDaniel	
Nathan Cole	
Ryan McClure	
Summit Carbon Solutions (SCS)	
James Curry	
Valerie Wilson	

2. Representatives from Summit Carbon Solutions (SCS) met with PHMSA to discuss topics related to the transportation and regulation of carbon dioxide (CO₂). This meeting was scheduled as a follow up to a meeting held February 1, 2023, with PHMSA leadership. PHMSA provided no information on the contents of any potential rule addressing CO₂ pipelines. PHMSA explained that it cannot discuss issues that are substantive in nature or issues not already in the public domain.
3. PHMSA and SCS discussed transportation of CO₂ in its supercritical phase, which was a topic of discussion in a prior meeting. SCS stated the legislative history reflects an intent to regulate a CO₂ pipeline where at any point on the pipeline the CO₂ is in a supercritical phase, even if at certain points along the pipeline the product's phase fluctuates. PHMSA representatives stated that the agency treats such pipelines as jurisdictional.
4. SCS inquired about the request by the Illinois Commerce Commission for an interpretation of Part 195 as it would apply to a proposed CO₂ pipeline within the state of Illinois. SCS asked whether they could obtain a copy of the request. PHMSA stated we would need to review the rules surrounding disclosure of such materials before making a determination.
5. SCS inquired about dispersion modeling and whether PHMSA could share any lessons learned to help them improve their modeling. PHMSA stated it is important to take terrain into account in a dispersion model. PHMSA also stated operations should ensure that emergency response plans account for situations where the public must evacuate and where the public does not have the ability to evacuate. PHMSA stated that SCS could contact Denbury to inquire about their lessons learned from that release.
6. SCS stated they are interested in the CO₂ rulemaking and that they are willing to act as a resource and participate in the rulemaking process. SCS stated they have several planned CO₂ pipeline projects and are concerned about potential "surprises" in the rule that could affect those projects. PHMSA informed SCS that there will be opportunities for interested

stakeholders to participate in the rulemaking process by commenting on the NPRM and by attending the upcoming public meeting. PHMSA provided a high-level overview of the public meeting: that it would inform the public about the rulemaking, provide an opportunity for public comment, and provide a forum for discussion of pipeline safety. PHMSA acknowledged the letter that the Coalition of Large Tribes wrote on behalf of SCS and asked whether SCS would be willing to share any contacts for that organization so that PHMSA could do more outreach to Tribes regarding the upcoming public meeting.

7. SCS inquired whether PHMSA would be open to quarterly meetings. PHMSA replied that if PHMSA leadership is interested in additional meetings PHMSA would let SCS know.
8. PHMSA asked what projects SCS is currently working on and if there are any challenges SCS is working through. SCS replied they are engaged with permitting activities for their pipeline projects and working on dispersion modeling. PHMSA inquired whether there have been any considerations for the need to use eminent domain. SCS replied they have not had eminent domain issues to date, but there may be a possibility for small segments of the pipeline down the road. SCS asked PHMSA what concerns outside of safety it has heard from the public regarding CO2 pipelines. PHMSA replied that one question that is asked is the effect a CO2 release would have on soil and crops.