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August 21, 2019

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Pennsylvania Public Utility Commission
Attn: Secretary Rosemary Chiavetta
400 North Street

2nd Vice President

Murph Wysocki
Tredyffrin Township

Harrisburg, PA 17120

Re: Docket No. L-2019-3010267

Treasurer

Carol De Wolf
Westtown Township

Dear Secretary Chiavetta:

Secretary

Trish Fagan
New London Township

The Chester County Association of Township Officials (CCATO) is organized under Second 1401 of the SECOND CLASS TOWNSHIP CODE Act of May 1, 1933 (P.L. 103, No. 69), reenacted and amended November 9, 1995 (P.L. 350, No. 60), and has membership including 56 townships and 5 boroughs within the County of Chester.

Assistant Secretary

Diane E. Hicks
Kennett Township

The Executive Board of CCATO approved the creation of a Pipeline Study Group on Sep. 28, 2017, to address the issues precipitated by new and existing pipeline activity within the county and to address education, regulatory reform, and legislative updates. The Study Group is comprised of township supervisors, township managers, representatives from school districts, and attorneys.

Executive Board

Stephen Allaband
New Garden Township

John Auerbach
Franklin Township

Christopher Bashore
Malvern Borough

Sandra D'Amico
Upper Uwchlan Township

Charles DeLone
East Caln Township

Charles Fleischmann
Upper Oxford Township

Concurrence with Other Submissions

The CCATO Pipeline Study Group reviewed the submission by the Chester County Commissioners for this Advance Notice of Proposed Rulemaking Order and concurs with their recommendations.

Considerations Recommended by the CCATO Pipeline Study Group

The following recommendations are submitted for the Public Utilities Commission consideration:

Alternate Board Member

E. Martin (Marty) Shane
East Goshen Township

Stephen Allaband
New Garden Township

Overarching Areas

We would encourage the Commission to work with the Legislature to develop and enact legislation that would provide the Commission with siting authority over natural gas and hazardous liquid pipelines.

Past President

Richard Hicks
East Marlborough Township

Executive Director

Cary B. Vargo
Upper Uwchlan Township

Any state regulation speaking to inspections, reporting, or studies which are optional and/or not defined as to frequency or parties to which it should be delivered should be made mandatory, with defined schedules for reporting to all entities charged with public safety using the Protected Critical Infrastructure Information Management System.

Suggest the Commission review all of the pipeline regulations with the following objectives:

1. Any eliminate any vagueness in the wording.
2. Make all provisions mandatory, with the requirement any waivers must be specifically approved by the Commission.

Subject Areas Listed Within the Advanced Notice of Proposed Rulemaking

A. Construction

1. Pipeline Materials and Specifications

The Commission should adopt a regulation to require that all girth welds (100%) (as referenced in 49 CFR § 195.234) should be radiologically inspected.

2. Cover Over Buried Pipelines

The pipeline operator shall install some type of durable material over the pipeline during the installation of any new pipeline or the replacement or repair of any segment of existing pipeline. This is intended to alert a future excavator that they are getting close to a pipeline.

3. Underground Clearances

49 CFR § 195.250 provides that pipe installed underground **must have at least a 12-inch clearance** (emphasis added) between the outside of the pipe and the extremity of any other underground structure.

However, the second sentence in this section allows the pipeline operator to reduce this clearance where they determine a 12-inch clearance is impractical. It is our understanding that the pipeline operators are using this provision to reduce the clearance between new pipelines, especially those installed by HDD. In some cases, over 1,000 feet of pipe may be located within one inch of another pipe that is installed by the pipeline operator. While a reduction in the 12-inch clearance may be appropriate in limited cases, i.e., a conflict with a municipal

sewer line at a 90-degree crossing, a carte blanche reduction raises serious safety concerns and should not be permitted, especially during the installation of new pipelines. The Commission should require that all new or replacement pipelines shall maintain the 12-inch separation, unless a reduction is specifically approved by the Commission.

4. Valves

Natural gas valve spacing is regulated by 49 CFR § 192.179. Suggest the Commission require Hazardous Liquid Pipelines to comply with natural gas valve spacing requirements. New installations would have to comply immediately. Existing pipelines should be brought into compliance in accordance with a schedule developed by the Commission, with pipelines in High Consequence Areas being a priority.

In High Consequence Areas, all valves shall be remotely controlled and equipped with gas detection equipment that can be remotely monitored.

Require pipeline operators to submit documentation to the Commission supporting the proposed valve placement in High Consequence Areas.

Require the pipeline operator to submit the surge analysis for each valve to the Commission for their review and approval in order to prevent pipeline overpressure events.

5. Other

The Commission notes that comments are not limited to subject areas listed in the Advance Notice of Proposed Rule Making Order.

Accordingly, we note that 52 Pa. Code, Ch.59.33 (b) states “**Safety Code. The minimum safety standards for all natural gas and hazardous liquid public utilities in this Commonwealth** shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. § § 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199, including all subsequent amendments thereto.” (emphasis added). And the Commission has the authority to adopt more stringent safety regulations.

We acknowledge that the Commission does not have the authority to regulate the siting of a pipeline: i.e., approving the specific route a pipeline must follow.

However, it does clearly have the authority to address the separation distance between pipelines and other underground structures as evidenced by the language in 49 CFR § 192. 325 and § 195.250.

Accordingly we would suggest that the Commission adopt regulations establishing a separation distance of 1,000 feet between a pipeline and the foundation of any public or private school, nursing home, or hospital, as a safety measure.

B. Operation and Maintenance

1. Pipeline Conversion

Suggest that the pipeline operator provide the Commission with a report demonstrating compliance with the provisions of 49 CFR § 195.5 before the conversion, and that the Commission formally approves the conversion.

Suggest that Commission add a provision to their regulations requiring that the cathodic protection required by 49 CFR § 195.5(a)(4) be in place before the conversion takes place.

Require the pipeline operator to obtain approval from the Commission prior to taking a pipeline out of service, putting a pipeline back in service, or implementing a change of direction. If the action is approved, the Commission should notify the appropriate county Department of Emergency Services.

2. Construction Compliance

The Commission should require the pipeline operator to demonstrate that they are using at least two independent safety methodologies (such as equipment for over-pressure protection and remote-operated emergency pipeline shutdown and isolation systems).

3. Pressure Testing and Maximum Operating Pressure

The pipeline operator should submit their proposed limits for Maximum Operating Pressure/Maximum Allowable Operating Pressures (MOP/MAOP) in High Consequence Areas for review and approval by the Commission.

The Commission shall be immediately informed of any overpressure event over 110% of MOP/MAOP. A mitigation plan to prevent reoccurrence shall be submitted with 30 days.

4. Line Markers

While having the telephone number for the pipeline operator is useful, with the advent of the 911 system, the line markers should be modified with a notice to call 911, and not the pipeline operator in the event of an emergency.

5. Inspection of Pipeline Right-of-Ways

Require the pipeline operator to provide confirmation annually that they have inspected their right-of-ways. A report indicating the problems found and the corrective measures taken should be submitted with the confirmation.

6. Emergency Flow Restricting Devices

Emergency flow restricting devices should be required in all High Consequence Areas.

For hazardous liquid pipelines, require the use of pipeline “rupture” detection, defining rupture as a “high-rate release.” If the SCDA indicates there is a rupture, the Commission should mandate the immediate shutdown of the pipeline and closure of the valve(s). There shall be no exceptions for possible false alarms.

7. Leak Detection

In High Consequence Areas, all valves shall be equipped with remotely monitored gas detection equipment.

The general locations of all High Consequence Areas shall be indicated in the National Pipeline Mapping System.

Require pipeline operators to identify threats that can cause pipeline failure, sinkholes, or cracking for each pipeline segment in High Consequence Areas.

Require pipeline operators to analyze the capabilities and limitations of each pipeline integrity assessment method (smart pigs, hydro testing, direct assessment, or other technology) and match the most appropriate method to identified threats in each pipeline segment. This analysis shall be submitted to the Commission for review and approval.

As technology evolves, require the pipeline operator to utilize the best available technology to improve leak detection capabilities.

The Commission should adopt regulations establishing time limits by which pipeline operators must address identified threats of pipeline failure.

For cracking threats detectable through hydro-testing, require periodic hydro-testing greater than test requirements used to establish MOP/MAOP and incorporate spike hydro-test protocols.

Do not allow pipeline operators to rely solely on the change in pressure to detect leaks.

If a pipeline rupture detection system indicates a problem, the Commission should mandate the immediate shutdown of the pipeline. There shall be no exceptions for possible false alarms.

8. Corrosion Control and Cathodic Protection

More clarity is needed in this area, especially in the use of the four allowed assessment methods identified for pipeline threat evaluation.

All corrosion control and cathodic protection regulations should be mandatory, i.e., change "should" to "shall."

All in-line inspection assessments must be integrated with additional information, such as type of pipeline coating, the effectiveness of pipeline cathodic protection, the location of the identified anomaly, and the ability of the in-line inspection tool to properly characterize the corrosion anomaly.

All integrity assessment results should be available for review by the Commission.

C. Additional Subject Areas for Public Comment

1. Utility interactions with local government officials including but not limited to such topics as emergency planning and emergency response coordination; periodic drills with utility/municipal coordination

Suggest that the Commission adopt regulations consistent with the *Texas Railroad Commission Regulations* Section 8.310 - Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison.

Each pipeline operator shall provide the county and municipal Emergency Management Coordinators with a map of their pipeline(s). The maps should indicate the products transmitted, pipeline diameter, mainline valve locations, and MOP/MAOP.

2. Requiring periodic public awareness meetings with municipal officials and the public

Suggest that the Commission adopt regulations consistent with the *Texas Railroad Commission Regulations* Section 8.310 - Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison and Section 8.315 - Hazardous Liquids and Carbon Dioxide Pipelines or Pipeline Facilities Located within 1,000

Feet of a Public School Building or Facility with the caveat that Section 8.315 should be modified to include both public and private schools.

3. Pennsylvania-specific enhancements to public utilities' public awareness programs pursuant to 49 CFR § 195.440 and API Recommended Practice 1162

Require pipeline operators to work with others in the industry to provide consistent and useful information to property owners within 1/2 mile of a pipeline about signs of a pipeline leak, who to call, how to respond, and what to expect from the operator or emergency responders. Suggest that Commission look at the guidelines for nuclear facilities as an example of how to improve these communications.

The general locations of all High Consequence Areas shall be indicated in the National Pipeline Mapping System. A pipeline operator's public awareness mailings shall advise property owners that this information is available on the National Pipeline Mapping System.

49 CFR § 195.3(b)(8) incorporated by reference *API Recommended Practice 1162*, 1st edition, December 2003. The 1st edition of API 1162 is an industry-driven 15-year old recommendation that is greatly out of date. Suggest that the Commission consider supplementing it with a public participation program, that mirrors what is outlined in *Landscapes 3*, Chester County's Comprehensive Plan, specifically in Chapter 9, Recommendation 8 (attached).

4. Pennsylvania-specific enhancement for operator qualifications

Each pipeline operator shall submit the written qualification program required by 49 CFR § 192.80 to the Commission for their review and approval. With 90 days of the Commission's approval each pipeline operator shall provide the Commission with a list of their qualified personnel. Thereafter, each pipeline operator annually shall provide the Commission with an updated list.

5. Enhancing transparency while protecting confidential infrastructure security information

Provide the Integrity Management Plan (IMP) or risk assessment to the county and municipal Emergency Management Coordinators. In support of this, we would note the following:

1. 49 CFR § 195.440 requires the pipeline operator to develop an Integrity Management Program (IMP).
2. 49 CFR § 192.911(n)(2) requires the IMP to contain procedures for providing a copy of the IMP or risk assessment to a state or local

pipeline safety agency (emphasis added) where the Office of Pipeline Safety has an interstate agent agreement.

3. Pennsylvania has such an agreement with the US Department of Transportation.
4. The Public Utility Confidential Security Information Disclosure Protection Act specifically references political subdivisions, so the legislature clearly anticipated that counties and municipalities would be able to access this information.

In addition the Commission should develop and maintain a comprehensive database of pipeline information that pipeline operators would be required to provide to the county Department of Emergency Services that includes:

1. Maps of all transmission lines listing material moved, pipeline diameter, mainline valve locations, and MOP (max operating pressure)/MAOP (max allowable operating pressure);
2. Information about the location of any anomalies that merit pressure reduction in the pipeline and the presence of "immediate," "60-day," or "180-day" repair conditions for hazardous liquid pipelines or "immediate" or "one-year" repair conditions for gas pipelines;
3. The emergency response plan for each pipeline and establish statewide standards for required information.

6. Regulation of construction techniques such as horizontal directional drilling

Suggest the Commission add a new section to the regulations addressing the impacts the actual construction of a new or replacement pipeline has on residents. Specifically, HDD pipeline installations that result in stationary drills and mud machines being operated continuously for weeks or months on end at a fixed location in residential areas.

Construction

1. Noise - Establish standardized noise limits during construction, i.e., HDD equipment shall not operate between 10 pm and 7 am, except during pullback operations. HDD equipment shall not exceed 65 dBA when measured at a distance of 100 feet from the HDD equipment.
2. Vibration - Establish standardized vibration limits during construction, i.e., HDD equipment shall not exceed a Peak Particle Velocity (PPV), which is defined as "a measurement of the maximum instantaneous peak amplitude of a vibration signal"

(used to evaluate potential for building damage) of 0.12 inches per second when measured at a distance of 100 feet from the HDD equipment.

3. Dust - Establish standardized limits on the amount of dust, i.e., specifically reference the applicable sections of the Pa. Code (i.e. 25 PA Code § 123).

In the alternative, the Commission should mandate that all construction activities must comply with municipal ordinances.

7. Accident-and incident-reporting criteria; notification criteria for reporting incidents or unusual events to local emergency officials

Another challenge with the advent of social media is that residents have access to information on an immediate basis. However, in many cases this information has not been verified prior to release, and confusion can be caused by inaccurate information. Accordingly, it is imperative that county Department of Emergency Services receive timely updates from the pipeline operators. To that end, the Commission should consider the following notification requirements for pipeline operators:

1. The pipeline operator shall immediately advise the county Department of Emergency Services and the appropriate school district of any incident in which product was released.
2. The pipeline operator shall advise the county Department of Emergency Services of any planned maintenance of its facilities prior to the commencement of the activity.
3. Require operators to notify county and municipal officials any time there is a pipeline leak or failure.
4. Require timely reporting of all overpressure events (pressures exceeding MOP/MAOP plus permitted safety accumulation) to regulators.
5. Require reporting and monitoring of excavation damage to all pipelines in the state, whether by a pipeline operator, pipeline contractor, or third party.

Suggest that the Commission revise 52 Pa. Code § 59.11(b) by adding a new section 59.11(b)(6) that requires the pipeline operator to file a report with the Commission for any incident in which product was released.

8. Advance notification and/or Commission preapproval of major construction activities

One of the concerns expressed with the Sunoco Mariner Project was a lack of notice about the project. Suggest adding new section to the regulations titled “Commencement of Construction.”

Commencement of Construction

At least 90 days prior to commencement of construction of any installation totaling one mile or more of new or replacement pipe, the pipeline operator shall file with the Commission a report stating the proposed originating and terminating points for the pipeline; municipalities and counties to be traversed; size and type of pipe to be used; and type of service, design pressure, and length of the proposed line.

The operator shall provide confirmation with the report that they have provided written notification of this work to each of the municipalities and counties to be traversed by the pipeline.

The Commission would then publish a notice about the project in the PA Bulletin.

The intention of this regulation is to replicate the process to provide public notice of a pipeline project that is required by Section 8.115 of the *Texas Railroad Commission Regulations*.

In addition, while the Commission does not have “siting” authority, once a pipeline operator is granted a “certificate of need” to transport a product through a county or counties, that operator has the sole discretion to install an infinite number of pipelines in those counties and the sole discretion to select the routing for these new pipelines through those counties. The Commission should adopt regulations requiring that any major pipeline project must be specifically approved by the Commission. Suggest adding new section to the regulations titled “Major Projects.”

Major Projects

Prior to the commencement of any pipeline project involving the installation, replacement, or conversion from natural gas to hazardous liquid pipeline or vice versa; of more than 100 miles pipeline; the pipeline operator shall file an application with the Commission stating the proposed originating and terminating points for the pipeline, municipalities and counties to be traversed; size and type of pipe to be used; and type of service, design pressure, and length of the proposed pipeline.

The pipeline operator shall provide confirmation that they have provided written notification to each of the municipalities to be traversed with the application. The Commission would then formally act on the application.

In addition even small projects can impact residents. For any pipeline project that involves the replacement or repair of 1,000 or more feet of pipeline, the pipeline operators should be required provide written notice of the project to the affected property owners and to hold at least one meeting with the affected property owners so that those owners hear the same information.

9. Odorant utilization

No Comments

10. Geophysical testing and baselining

Redirect pipeline inspection efforts to verify that a pipeline's baseline data system design is understood and documented on a "simplified flow" drawing. The Commission should focus on ensuring that equipment is properly purchased, installed, operated, and maintained to keep the pipeline operating within this specific design intent.

Priority should be given to pipeline segments traversing High Consequence Areas that are operating at the upper end of their velocity ranges.

11. Protection of public and private water wells and supplies

One of the issues that arose during the Sunoco Mariner Project concerned the lack of information for private wells. There is no central database of private wells in Pennsylvania and while some counties and/or municipalities may have some information, it is not uniform or complete. Suggest that if a pipeline operator is required to identify the private well owners within a specified distance of the proposed pipeline pursuant to some other state permit requirement, that pipeline operator be required to send a certified letter to the owner of each property within that specified distance, advising them of the project and of the need for information concerning their well.

12. Land agents and eminent domain (see 52 Pa. Code § 57.91)

Suggest that the pipeline operators and all other public utilities be required to comply with the provisions set forth in 52 Pa. Code § 57.91.

13. Background investigations of employees and contractors

No Comments

14. Integration of new regulations on existing facilities

Safety requirements should be phased in in accordance with a schedule established by the Commission with those in High Consequence Areas being a priority. This would not be inconsistent with what PHMSA has done.

Sincerely,



Ernie Holling, President

Enclosure

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8 Enhance pipeline safety and communication

Enhance pipeline safety through the provision of information, facilitation of communication, and encouragement of partnerships to reduce impacts on residents and the environment.

Why:

The ability to find pipeline project and safety information and the need for consistent communication between stakeholders were identified as significant issues when pipeline expansion became more active within Chester County.

How:

Objective information on pipeline projects, safety, operators, regulatory agencies, pipeline mapping, and landowner needs will continue to be provided and enhanced through the county's Pipeline Information Center website and a designated Point of Contact person. Communication between municipalities, residents, pipeline operators, regulatory agencies, non-regulatory groups, and other county departments will be facilitated. In addition, the county will work with municipalities, pipeline stakeholders, and other partners to reduce the impacts of pipeline proposals on the environment, limit impacts on abutting properties, encourage proper setbacks of new development from pipelines, and, to the extent possible, encourage projects to be directed away from established neighborhoods and high consequence areas. County agencies most directly involved in this effort include the Planning Commission, Conservation District, Open Space Preservation Department, Water Resources Authority, Health Department, and Department of Emergency Services.



Better communication between stakeholders during the pipeline planning and construction phase could help reduce the impacts of pipeline projects on landowners, residents, and the environment.