East Goshen Township
Pipeline Task Force
Meeting Agenda

Thursday, July 25, 2019
5:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Moment of Silence

4. Ask if anyone is recording the meeting

5. Approval of Minutes
   a. June 27, 2019

6. Public Comment

7. Chairman's Report

8. Reports
   a. Legislative Update
   b. Current Pipeline Events Impacting East Goshen

9. Old Business
   a. Discuss PUC rulemaking proposal seeking public comment on Safety Regulations (Comment period 6/29 – 8/28)
      - Review Google doc
      - Chester County Planning Commission Letter
   b. Exton Bypass Crossing Laws
   c. Review Pipeline legislation - Bills: 40, 257, 259, 261, 262

10. New Business
    a. Consider a letter to the DEP opposing or sharing concerns regarding the new proposed drilling method.

11. Correspondence
    a. July 15 letter to PUC from PSATS

12. Adjournment

PIPELINE TASK FORCE WORKSHOP MEETING
1580 PAOLI PIKE
THURSDAY, June 27, 2019
DRAFT MINUTES

Present: Vice Chair Bill Wegemann; Members: Judi DiFonzo, Gerald Sexton; David Shuey (Liaison, Township Supervisor), Mike Lynch; Township Supervisor; Rick Smith, Township Manager

Members of Public in Attendance: Mary Jean Naftzger, Brian Sweet, Evertt Warren

Call to Order & Pledge of Allegiance
Bill called the meeting to order at 5:00 p.m. and led the pledge of allegiance.

Moment of Silence
Bill called for a moment of silence to honor our troops and first responders.

Recording
Bill asked if anyone was recording the meeting. No one was recording.

Public Comment
1. Mary Jean Naftzger, 439 Gateswood Drive, explained that she had a frac-out in her back yard last year. She asked for advice on obtaining a structural engineer. She expressed concern that her property value may be affected. She also thanked the Task Force (TF) for all the hard work and time being spent.
2. Everett Warren, 540 Beaumont Circle, asked if noise monitoring was conducted near his house. Rick explained that it was done today (6/27/19). Everett also expressed concerned about the vibration to his property. He stated that he is interacting with Sunoco regarding it.

Approval of Minutes
The minutes from May 23, 2019, were approved unanimously.

Chairman's Report
1. On Caroline's behalf, Bill reported to the TF on the following current events:
    a. Current PA budget negotiations not funding Environmental Protection
    b. Refinery Explosion
    c. Delaware County asks for ME2 moratorium
    d. Pipeline affecting Marsh Creek

Reporting
1. Legislative Update
Senate Bill #242 was passed and is currently on the Governor's desk.

Bill explained that in the near future he and members from EGSEA are scheduled to meet with legislators Killion, Committa and Dinniman.

David stated that currently there is bipartisan support for Pipeline legislation. The other pipeline companies are willing to work with legislators.

Mike stated that Senate Bills 284 & 258 were out of committee.

2. **Current Events Impacting East Goshen**

Russ stated that in regard to the Adelphia pipeline, homeowners need to reevaluate the easement agreements and seek legal advice if necessary.

Rick reported on Sunoco's current drilling. He explained that the drilling at SS. Simon and Jude on Route 3 and at Bow Tree will continue simultaneously and meet in middle. There was discussion regarding Sunoco requesting permission for 24 x 7 drilling. David explained that if Sunoco requests this, a public meeting must take place.

David reported that due to the 3 frac-outs on Boot Rd/Wilson, that the integrity of the road is in question. A third party consultant will be conducting a study.

Old Business

Bill made a motion that the taskforce members provide an email summary to group on their assigned bills. The summary should list what is good about the bill and what needs changing. There is no need to rewrite the bill. The motion passed unanimously 4-0.

The Legislation review was tabled in order to for the TF to focus on the current PUC rulemaking document.

New Business

The TF discussed the following PUC rulemaking proposals:

- Rulemaking proposal regarding the depreciation reporting and capital planning for crude oil, gasoline, or petroleum products transportation pipelines at 52 Pa. Code Chapter 73.

  The comment period will be 30 days from publication. Bill motioned that the TF send a recommendation letter to the BOS to contact the PUC in support of this proposal in its current form. The motion passed unanimously 4-0.

- Rulemaking proposal regarding hazardous liquid public utility safety standards at 52 Pa. Code Chapter 59.

  The comment period will be 60 days from publication. David shared the California Public Utility Commissions Gas Safety Plan. There was discussion about the 2010 rupture of a PG&E natural gas pipeline in San Bruno CA. David will share an electronic version of this plan with the TF. The TF agreed

to comment on the rulemaking order. Susan will set up a shared google doc with the categories as listed in the order.

Action Items for TF

- Add comments to the google doc regarding the hazardous liquid public utility safety standards rulemaking proposal for the next meeting.

The next regular meeting is Thursday, July 25, 2019, at 5:00 pm.

Adjournment

The meeting was adjourned at 7:05 pm.

Respectfully submitted,
Susan D'Amore

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 13, 2019

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
Norman J. Kennard
Andrew G. Place
John F. Coleman, Jr.

Advance Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59

L-2019-3010267

ADVANCE NOTICE OF PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

At present, Chapter 59 of the Public Utility Commission's (Commission) regulations is titled "Gas Service" with its primary focus on the regulation of natural gas distribution service, safety and facilities. See 52 Pa. Code Ch. 59. The Commission seeks comments from interested persons regarding the amendment and enhancement of Chapter 59 to enable the Commission to more comprehensively regulate public utilities which transport petroleum products and other hazardous liquids in intrastate commerce.

BACKGROUND

Under Section 501(b) of the Public Utility Code, the Commission has the general administrative power and authority to supervise and regulate all public utilities doing business within the Commonwealth and to make such regulations as may be necessary or proper in the exercise of its powers or for the performance of its duties. 66 Pa.C.S. § 501(b). Section 102, in pertinent part, defines a public utility as:

> (1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:
>
> . . .
>
> (v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.

66 Pa.C.S § 102, definition of public utility (1)(v). Accordingly, the Commission has jurisdiction over and authority to regulate, *inter alia*, petroleum products transported via pipeline or conduit for the public for compensation. 66 Pa.C.S. §§ 501(b), 102(1)(v). See also 66 Pa.C.S. § 506 (inspection of facilities and records). The term "petroleum products" includes refined petroleum products such as fuel oil and diesel as well as natural gas liquids such as ethane, benzene and propane. *See e.g., Petition of Granger Energy of Honey Brook, LLC*, Docket No. P-00032043 (Order entered August 19, 2004) ("petroleum products" as used in Section 102 of the Code, has a broad meaning as a "catch all phrase" to include what would otherwise be an exhaustive list of products); *see also* 49 C.F.R. § 195.2 (defining a petroleum product as "flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds").

Consistent with that authority, effective September 22, 2012, the Commission amended its regulations in Chapter 59 to regulate the safety of petroleum products pipelines by incorporating the federal pipeline safety laws at 49 CFR Part 195, relating to Transportation of Hazardous Liquids by Pipeline. *See* 42 Pa.B. 5967; *Rulemaking Re Liquid Fuels Pipeline Regulations*, Docket No. L-2008-2034622 (Order entered March 1, 2012).

The Commission participates in the pipeline safety program administered by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) and is certified under 49 U.S.C. § 60105(a).[1] The Commission incorporated 49 CFR Part 195 in its regulations, in part, to comport with the requirements of PHMSA's pipeline safety program. Participating states must adopt the minimum Federal pipeline safety standards, although they may pass more stringent regulations. As explained in Appendix A to Part 195:

> For the remainder of pipeline facilities, denominated "intrastate pipeline facilities," the [Hazardous Liquids Pipeline Safety Act] provides that the same Federal regulation and enforcement will apply unless a State certifies that it will assume those responsibilities. A certified State must adopt the same minimal standards but may adopt additional more stringent standards so long as they are compatible.

49 CFR Part 195, *Appendix A to Part 195 – Delineation Between Federal and State Jurisdiction – Statement of Agency Policy and Interpretation.* As such, the Commission may adopt standards beyond the minimum federal pipeline safety standards.

Part 195 prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids. 49 CFR § 195.0 (Scope). Under Part 195, hazardous liquids include "petroleum, petroleum products, anhydrous ammonia, or ethanol." 49 CFR § 195.2. In sequence, Part 195 addresses the following: General; Annual, Accident, and Safety-Related Condition Reporting; Design Requirements; Construction; Pressure Testing; Operation and Maintenance; Qualification of Pipeline Personnel; and Corrosion Control. *See* 49 CFR Subparts A-H.

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[1] *See* Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, *Appendix F – State Program Certification/Agreement Status* (Dec. 2016) *available at* https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/about-phmsa/working-phmsa/state-programs/56591/2017-appendix-f-state-program-certification-agreement-status.pdf.

At present, Section 59.33 of the Commission's regulations, incorporating Part 195, provides in relevant part, as follows:

> (b) *Safety code.* The minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth shall be those included 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. Future Federal amendments to 49 CFR Parts 191–193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission's regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.
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> (c) *Definition.* For the purposes of this section, "hazardous liquid public utility" means a person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transporting or conveying crude oil, gasoline, petroleum or petroleum products by pipeline or conduit, for the public for compensation.

52 Pa. Code §§ 59.33(b)-(c). The purpose of this Advance Notice of Proposed Rulemaking Order is for the Commission to seek comments from hazardous liquids public utilities and the public on amendments and enhancements to Chapter 59 to more comprehensively regulate the design, construction, operations and maintenance of public utilities transporting petroleum products and other hazardous liquids under the jurisdiction of the Commission.

DISCUSSION

I. Introduction

By describing certain subject areas for potential regulations later in this Order, the Commission does not intend to limit the scope of comments to these subject areas. We intend that the identified subject areas be used as starting points for detailed comments. While we encourage comments on any and all topics, we must note that the General Assembly enacted the Public Utility Code (Code) as the touchstone for the Commission's regulation of public utilities. The Commission's promulgation of regulations must also comply with the Commonwealth Documents Law, the Commonwealth Attorneys' Act and the Regulatory Review Act. Lastly, in light of the federal standards at 49 CFR Part 195, commenters must be mindful of the federal requirement for compatibility between PHMSA's regulations and any regulations the Commission may promulgate.

In addition, in enacting the Code, the General Assembly made certain legislative decisions that cannot be changed by a Commission regulation. For example, the Code's definition of public utility as "[a]ny person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for ... [t]ransporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation" is binding upon the Commission. Similarly, the General Assembly granted the power of eminent domain to certain public utility corporations. *See* 15 Pa.C.S. §§ 1103, 1511. The General Assembly also restricted the Commission's role in eminent domain matters. *See* 15 Pa.C.S. § 1511(c) (requiring Commission preapproval of a public utility's exercise of eminent domain for certain aerial line

construction). Commentators are forewarned that the Commission will not promulgate regulations inconsistent with these, and other, legislative requirements.[2]

With these guiding principles set forth, we will now address some of the subject areas where we believe additional regulations would be in the public interest.

II. Subject Areas

A. Construction

Below, the Commission provides an overview of the present minimum construction and design standards and seeks comment specifically on the areas of pipeline material and specification, cover over buried pipelines, underground clearances, and valves. We again note that comments are not limited to these areas. Interested parties may comment on other provisions of Part 195 relating to the construction and design of hazardous liquid public utilities that they believe the Commission should consider building upon through this rulemaking.

1. Pipeline Material and Specification

Section 195.8 provides that hazardous liquids must be transported in pipelines constructed with steel pipe. Specifically, Section 195.8 states, "No person may transport any hazardous liquid...through a pipe that is constructed after October 1, 1970...of material other than steel."[3] 49 CFR § 195.8. Requirements as to the appropriate external coatings for steel pipelines are discussed below. *See infra,* Section II.B.8.

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[2] For example, the Commission is required to comply with the Public Utility Confidential Security Information Disclosure Protection Act, Act 156 of 2006 (Act 156). The Commission and Commission staff are required to maintain confidential infrastructure information and are prohibited from releasing such information.

[3] An exception exists where the person has notified PHMSA of the following in writing at least 90 days before transportation is to begin: (1) whether a hazardous liquid...will be transported, (2) the chemical name, common name, properties, and characteristics of the hazardous liquid, and (3) the material used to construct the pipeline. 49 CFR § 195.8. If PHMSA determines that transportation in the proposed manner would be unduly hazardous, however, it will order the person not to do so until further notice. 49 CFR § 195.8.

Any new pipe installed in a pipeline system must "be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system." 49 CFR § 195.112(a). In addition, the pipe must be made according to "a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended." 49 CFR § 195.112(a).

When used pipe is installed in a pipeline system, the specification of the pipe must be known. 49 CFR § 195.114(a). In addition, the seam joint factor and the minimum yield strength or thickness must be determined in accordance with the relevant provisions of Section 195.106, relating to internal design pressure. 49 CFR § 195.114(a); *see* 49 CFR §§ 195.106(b)-(c), (e). Moreover, there may not be any buckles, cracks, grooves, gouges, dents, or other surface defects that exceed the maximum depth allowed by the specification to which the pipe was manufactured and corroded areas with remaining wall thickness less than the minimum required by the specification to which the pipe was manufactured. 49 CFR §§ 195.114(b)(1)-(3). If the pipe does not meet these requirements, it may still be used provided that the operating pressure is reduced according to the remaining wall thickness. 49 CFR § 195.114. Additional requirements regarding operating pressure are discussed below. *See infra,* Section II.B.3.

The Commission seeks comment regarding the treatment of hazardous liquid public utility pipelines constructed with materials other than coated steel, including bare steel and vintage materials. The Commission also seeks comment regarding the material and specification requirements for the installation of new pipe and used pipe, including reductions in operating pressures for used pipe. *See infra,* Section II.B.3.

2. Cover Over Buried Pipelines

Section 195.248 requires all pipe to be buried so that it is below the level of cultivation. 49 CFR § 195.248. For normal excavation, there must be at least: 36 inches in industrial, commercial, and residential areas; 48 inches in inland bodies of water with a width of at least 100 feet; 36 inches of cover in drainage ditches at public roads and railroads; 48 inches in deepwater port safety zones; 36 inches in offshore areas under water less than 12 feet deep; and 30 inches in any other area. 49 CFR § 195.248(a). For rock excavation, meaning any excavation that requires blasting or removal by equivalent means, there must be at least: 30 inches in industrial, commercial, and residential areas; 18 inches in inland bodies of water with a width of at least 100 feet; 36 inches of cover in drainage ditches at public roads and railroads; 24 inches in deepwater port safety zones; 18 inches in offshore areas under water less than 12 feet deep; and 18 inches in any other area. 49 CFR § 195.428(a).

The Commission seeks comment regarding the appropriate amount of cover for hazardous liquid public utility pipelines, including whether additional cover should be required at installation and how cover is to be maintained.

3. Underground Clearances

Section 195.250 provides that pipe installed underground must have at least a 12-inch clearance between the outside of the pipe and the extremity of any other underground structure. 49 CFR § 195.250. Where a 12-inch clearance is impracticable, the clearance may be reduced provided that adequate provisions are made for corrosion control. 49 CFR § 195.250.

The Commission seeks comment regarding the proper minimum amount of clearance between hazardous liquid public utility pipelines and underground structures,

including other pipelines. Interested parties should also address pipeline stacking and the number of pipelines that may reasonably be stacked.

4. Valves

Section 195.258 requires valves be installed at a location that is accessible to authorized employees and protected from damage or tampering. 49 CFR § 195.258(a). Valves must be installed on: (1) the suction end and discharge end of a pump station to permit isolation of the pump station equipment in an emergency, (2) each line entering or leaving a breakout storage tank area to permit isolation of the tank area from other facilities, (3) each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge as appropriate for the terrain, (4) each lateral takeoff from a trunk line to permit shutting off the lateral without interrupting the flow in the trunk line, (5) each side of a water crossing over 100 feet wide, unless PHMSA finds that valves are not justified, and (6) each side of a reservoir holding water for human consumption. 49 CFR §§ 195.260(a)-(f).

The Commission seeks comments on the location of valves on hazardous liquid public utility pipelines, particularly as it pertains the third requirement above. *See* 49 CFR § 195.260(c). Interested parties should also discuss valve spacing for highly volatile liquid[4] pipelines as well as the timeframe needed for installation of additional valves.

[4] A highly volatile liquid is a "hazardous liquid which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8 □ (100 □)." 49 CFR § 195.2.

B. Operation and Maintenance

Below, the Commission provides an overview of the current minimum operation and maintenance standards and highlights the following areas for comment: pipeline conversion, construction compliance, pressure testing and maximum operating pressure, line markers, inspection of pipeline rights-of-ways, emergency flow restricting devices, leak detection, and corrosion control and cathodic protection.

We note that comments are not limited to these areas. Interested parties may comment on other provisions of Part 195 relating to the operation and maintenance of hazardous liquid public utilities that they believe the Commission should consider strengthening through this rulemaking.

1. Pipeline Conversion

Section 195.5 provides a procedure for converting pipelines not used in service under Part 195 to service subject to Part 195. Specifically, "a steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure." 49 CFR § 195.5(a). The procedure must include: (1) a review of the design, construction, operation, and maintenance history of the pipeline, including appropriate tests where sufficient historical record are not available; (2) visual inspection of the pipeline right-of-way, all aboveground pipeline segments, and appropriately selected underground pipeline segments for physical defects and operating conditions that could reasonably be expected to impart the strength or tightness of the pipeline; (3) correction of all known defects in accordance with Part 195, and (4) testing to substantiate the maximum operating pressure under Section 195.406. 49 CFR §§ 195.5(a)(1)-(4). Further, a pipeline that qualifies under Section 195.5 must comply with the corrosion control requirements of Part 195 twelve months after it is placed into service. 49 CFR § 195.5(b).

The Commission seeks comment on the procedure used to bring hazardous liquid public utility pipelines into compliance with the requirements of Part 195 and whether enhancements are needed. The Commission further seeks comment on a repair schedule to comply with Part 195, taking into account items requiring immediate correction.

2. Construction Compliance

Section 195.401(c) provides that certain pipelines constructed after specified dates may not be operated, unless constructed in accordance with Part 195. 49 CFR § 195.401(c). These pipelines include: (1) interstate pipelines that transport hazardous liquids, other than low-stress pipelines, on which construction began after March 31, 1970; (2) interstate offshore gathering lines that transport hazardous liquids, on which construction began after July 31, 1977; (3) intrastate pipelines that transport hazardous liquids, on which construction began after October 20, 1985; and (4) low-stress pipelines on which construction began after August 10, 1994. 49 CFR §§ 195.401(c)(1)-(5).

The Commission seeks comment regarding the operation and maintenance of hazardous liquid public utility pipelines constructed prior to the dates contained in Section 195.401(c), including additional cathodic protection requirements for bare steel pipelines and other vintage pipelines.

3. Pressure Testing and Maximum Operating Pressure

Subpart E sets forth minimum requirements for the pressure testing of steel pipelines. 49 CFR § 195.300. Under Section 195.302, a pipeline may not be operated, unless it has been pressure tested without leakage and no segment of a pipeline that has been replaced, relocated, or otherwise changed may be returned to service until it has been pressure tested without leakage. 49 CFR § 195.302(a). The following hazardous liquid pipelines may be operated without pressure testing, if the maximum operating

pressure is established under Section 195.406(a)(5), discussed below: interstate pipelines constructed before January 8, 1971, interstate offshore gathering lines constructed before August 1, 1977, intrastate pipelines constructed before October 21, 1985, and low-stress pipelines constructed before August 11, 1994, that transport highly volatile liquids. 49 CFR §§ 195.302(b)(1). In addition, any low-stress pipeline constructed before August 11, 1994, that does not transport highly volatile liquids need not be pressure tested. 49 CFR § 195.302(b)(3). Further, pressure testing is not required for segments of older hazardous liquid pipelines subject to the risk-based criteria program under Section 195.303 that do not need to be tested based on that program. 49 CFR § 195.302(b)(4).

Section 195.303 provides that, for older hazardous liquid pipelines, operators may use a risk-based criteria program as an alternative to the pressure testing set forth in in Section 195.302. 49 CFR § 195.303(a). Operators must assign a risk classification for each pipeline segment using a location indicator, product and volume indicators, and a probability of failure indicator. 49 CFR §§ 195.303(a)(1)-(3). The program provides for pressure testing for pipe segments constructed of electric resistance-welded pipe and lapwelded pipe manufactured before 1970 that are susceptible to longitudinal seam failures based on risk classification. 49 CFR § 195.303(c). For other segments, magnetic flux leakage or ultrasonic internal inspection surveys may be used. 49 CFR § 195.303(c).

Section 195.310 requires that a record be made of each pressure test and that the record of the latest test be retained as long as the facility is in use. 49 CFR § 195.310(a). Each record must include the following: (1) pressure recording charts; (2) test instrument calibration data; (3) the name of the operator, person responsible for making the test, and test company used; (4) the date and time of the test; (5) the minimum test pressure; (6) the test medium; (7) a description of the facility tested and apparatus; (8) an explanation of pressure discontinuities, (9) a profile showing elevation and test sites where elevation

differences are greater than 100 feet in a section; and (10) the temperature of the test medium during the test period. 49 CFR §§ 195.310(b)(1)-(10).

Section 195.406 sets the maximum operating pressures, except for surge pressures and other variations from normal operations. 49 CFR § 195.406(a). Under Section 195.406, no operator may operate a pipeline at a pressure that exceeds: (1) the internal design pressure of the pipe under Section 195.106;[5] (2) the design pressure of any other component of the pipeline; (3) 80 percent of the test pressure for any part of the pipeline pressure tested under Subpart E; (4) 80 percent of the factory test pressure for any individually installed component that is exempt from pressure testing; and (5) for pipelines that may be operated without pressure testing under Section 195.302(b)(1), 80 percent of the test pressure or highest operating pressure to which the pipeline was subjected for four or more continuous hours that can be shown by recording charts or logs made when the test was conducted. 49 CFR § 195.406(a).

The Commission seeks comment on pressure testing requirements for all public utility pipelines transporting hazardous liquids, including the frequency at which pressure testing should be conducted. The Commission also seeks comment on pressure testing record requirements and record requirements for maximum operating pressure. Interested parties should discuss industry standards as well as best practices.

4. Line Markers

Section 195.410 requires that operators place and maintain line markers over buried pipeline in certain areas. 49 CFR § 195.410(a). Line markers must be located at

[5] Section 195.106 sets forth a formula with which to determine the internal design pressure for the pipe in a pipeline, including the yield strength and seam joint factor and their respective standards. *See* 49 CFR § 195.106.

public road crossings, railroad crossings, and "in sufficient numbers along the remainder of each buried line so that its location is accurately known." 49 CFR § 195.140(a)(1). Line markers must also be located where pipeline is above ground in areas accessible to the public. 49 CFR § 195.410(c). Line markers are not required for pipelines located offshore or at crossings under waterways, or in heavily developed urban areas, such as downtown business centers, where markers are impractical and where the local government maintains current substructure records. 49 CFR § 195.410(b)(2). Line markers must state "Warning," "Caution," or "Danger" followed by "Petroleum (or the name of the hazardous liquid transported) Pipeline." 49 CFR § 195.410(a)(2)(i). This statement must be printed on a background of sharply contrasting color and be at least one inch high with a stroke of one-quarter inch. 49 CFR § 195.410(a)(2)(i). Line markers must also state the name of the operator and a complete telephone number for the operator. 49 CFR § 195.410(a)(2)(ii).

The Commission seeks comment regarding the adequacy of line marker requirements for hazardous liquid public utilities. We also seek comment on the use of markers for assets attached to mains, such as valves.

5. Inspections of Pipeline Right-of-Ways

Pursuant to Section 195.412, operators "shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way." 49 CFR § 195.412(a). The inspection may be conducted by walking, driving, flying, or other appropriate means. 49 CFR § 195.412(a). In addition, operators must inspect crossings under a navigable waterway, with the exception offshore pipelines, at least once every 5 years. 49 CFR § 195.412(b).

The Commission seeks comment on the appropriate method of inspection and the frequency at which inspections should occur beyond the requirements of Part 195.

6. Emergency Flow Restricting Devices

Emergency flow restricting devices (EFRD) refer to either check valves, which permit flow in one direction and contain a mechanism to automatically prevent flow in the other direction, or remote-control valves, which are operated from a remote location and linked to a pipeline control center by fiber optics, microwave, telephone lines, or satellite. 49 CFR § 195.450. EFRDs are to be installed as a preventative measure for pipelines that could affect high consequence areas, which include commercially navigable waterways, high population areas,[6] other populated areas,[7] and unusually sensitive areas.[8] 49 CFR §§ 195.450, 195.452(i)(1). Pursuant to Section 195.452(i)(4), "If an operator determines that an EFRD is needed on a pipeline segment to protect a high consequence area in the event of a hazardous liquid pipeline release, an operator must install the EFRD." 49 CFR § 195.452(i)(4).

The Commission seeks comment regarding installation of remote-control valves on hazardous liquid public utility pipelines, including valve location, the number of valves and valve spacing in high consequence areas.

7. Leak Detection

Operators are required to have a means to detect leaks on pipeline systems. 49 CFR § 195.452(i)(3). For pipelines that could affect high consequence areas, operators must evaluate their leak detection means and modify those means to protect the high consequence area. 49 CFR § 195.452(i)(3). In doing so, operators consider the length and size of the pipeline, type of product carried, proximity to the high consequence

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[6] A high population area is "an urbanized area, as defined and delineated by the Census Bureau, that contains 50,000 or more people and has a population density of at least 1,000 people per square mile." 49 CFR § 195.450.

[7] A populated area is "a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area." 49 CFR § 195.450.

[8] An unusually sensitive area is "a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release." 49 CFR § 195.6.

area, swiftness of the leak detection, location of the nearest response personnel, leak history, and risk assessment results. 49 CFR § 195.452(i)(3).

The Commission seeks comment on the leak survey requirements for hazardous liquid public utility pipelines as well as a discussion of whether minimum threshold requirements can be established for leak detection systems in all pipelines and what leak detection technologies are appropriate for use.

8. Corrosion Control and Cathodic Protection

Subpart H of Part 195 addresses corrosion control and cathodic protection for steel pipelines. 49 CFR § 195.551. With regard to external corrosion, Section 195.557 provides that buried or submerged pipelines must have an external coating for corrosion control if the pipeline is constructed, relocated, replaced, or otherwise changed after the Section 195.401(c) dates, or converted under Section 195.5 and has a coating that meets Section 195.559 requirements before it is placed in service or is a segment that is relocated, replaced, or substantially altered. 49 CFR § 195.557(a)-(b). Under Section 195.559, coatings for external corrosion control must be designed to mitigate corrosion, allow sufficient adhesion to metal surfaces to prevent the migration of moisture, resist cracking, resist damage due to handling and soil stress, support supplemental cathodic protection, and provide low moisture absorption and high electrical resistance, if the coating is of an insulating type. 49 CFR § 195.559(a)(f).

Similarly, Section 195.563 provides that buried or submerged pipelines must have cathodic protection (CP) if the pipeline is constructed, relocated, replaced, or changed after the dates in Section 195.401(c) or converted under Section 195.5 and has cathodic protection that meets Section 195.571 requirements before it is placed in service or is a segment that is relocated, replaced, or substantially altered. 49 CFR § 195.563(a)-(b). Section 195.563 also requires that all other buried or submerged pipelines that have an

effective external coating must also have cathodic protection, noting that an external coating is not effective if the current required to cathodically protect the pipeline is substantially the same as if the pipeline were bare. 49 CFR §§ 195.563(c), n. 1. Additionally, bare pipelines, breakout tank areas, and buried pumping stations must have cathodic protection in places where prior regulations required cathodic protection as part of electrical inspections. 49 CFR § 195.563(d). Unprotected pipe must be cathodically protected if required by Section 195.573(b), discussed below. 49 CFR § 195.563(e).

Section 195.573 sets forth standards for determining whether cathodic protection is adequate. 49 CFR § 195.573(a). For protected pipelines, tests must be conducted at least once a year with intervals not exceeding 15 months. 49 CFR § 195.573(a)(1). Where testing once a year is not practical for separately protected short sections of bare or ineffectively coated pipelines, tests should be conducted at least once every three years with intervals not exceeding 39 months. 49 CFR § 195.573(a)(1). Additionally, within two years after installing cathodic protection, the circumstances in which a close-interval survey (CIS) is practicable and necessary to comply with NACE SP0169-2007, *Standard Practice, Control of Erosion on Underground or Submerged Metallic Piping Systems*, NACE International (Mar. 15, 2007), should be determined.[9] 49 CFR § 195.573(a)(2).

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[9] As referenced in Part 195, Paragraph 10.1.1.3 of SP0196, provides:

> When practicable and determined necessary by sound engineering practice, a detailed (close-interval) potential survey should be conducted to:
>
> (a) assess the effectiveness of the CP system;
> (b) provide base line operating data;
> (c) locate areas of inadequate protection levels;
> (d) identify locations likely to be adversely affected by construction, stray currents, or other unusual environmental conditions; or
> (e) select areas to be monitored periodically.

NACE SP0169-2007, *Standard Practice, Control of Erosion on Underground or Submerged Metallic Piping Systems*, NACE International (Mar. 15, 2007); *see also* 49 CFR 195.3(g)(1).

For unprotected pipelines, reevaluation for cathodic protection in areas in which active corrosion is found should occur at least once every three years with intervals not exceeding 39 months. 49 CFR § 195.573(b)(2).

The internal effect of hazardous liquids being transported on the pipeline must also be investigated and mitigated. 49 CFR § 195.579(a). Section 195.579 requires that adequate steps must be taken to mitigate internal corrosion, including the use of inhibitors to protect the entire part of the pipeline system that they are designed to protect, the use of coupons or other monitoring equipment to determine the effectiveness of the inhibitors, and the examination of the coupons or other monitoring equipment at least twice a year with intervals not exceeding 7.5 months. 49 CFR § 195.579(b)(1)-(3). Pipe must be inspected for internal corrosion upon removing it from a pipeline; if there is internal corrosion requiring corrective action under Section 195.585, discussed below, a circumferential and longitudinal inspection must be undertaken to determine whether additional corrosion exists near the removed segment. 49 CFR § 195.579(c).

Operators conducting in-line inspections must comply with API Standard 1163, *In-Line Inspection Systems Qualification*, American Petroleum Institute, 2nd ed. (April 2013), as well as NACE SP0102-2010, *Standard Practice, Inline Inspection of Pipelines*, NACE International (Mar. 13, 2010). 49 CFR § 195.591; *see also* 49 CFR 195.3(g)(3). In-line inspection refers to the inspection of a pipeline from the interior using an in-line inspection tool, or a device that uses non-destructive techniques to inspect the pipeline; in-line inspection is also known as "intelligent or smart pigging." 49 CFR § 195.2.

In terms of corrective action for corrosion, Section 195.585 provides that, if pipe is so corroded that the remaining wall thickness is less than required for the maximum operation pressure of the pipelines, the pipe must be replaced. 49 CFR § 195.585(a). However, replacing the pipe can be avoided by reducing the maximum operating pressure

commensurate with the strength of the pipe needed based on the actual wall thickness or by repairing the pipe using a reliable method shown by engineering tests and analyses to permanently restore the pipe. 49 CFR § 195.585(a)(1)-(2).

The Commission seeks comment on the measures necessary to protect hazardous liquid public utility pipelines against both external and internal corrosion. In addition, the Commission seeks comment on what constitutes adequate cathodic protection. Interested parties should discuss tests to assess the adequacy of cathodic protection, including close-interval surveys, and the frequency at which tests should be conducted. Interested parties should also discuss the use of hydrostatic testing, or pipeline pigging, as it pertains to corrosion control and cathodic protection. Moreover, interested parties should discuss the use of in-line inspection and the appropriate frequency of in-line inspection. Comments on these areas should identify industry standards and implementation timeframe for an appropriate inspection program, as well as best practices.

C. Additional Subject Areas for Public Comment

The Commission seeks public comment on the following additional areas for potential regulation:

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.
2. Requiring periodic public awareness meetings with municipal officials and the public.
3. Pennsylvania specific enhancements to public utility's public awareness programs pursuant to 49 CFR § 195.440 and API Recommended Practice 1162.
4. Pennsylvania specific enhancements for operator qualification.

5. Enhancing transparency while protecting confidential infrastructure security information.
6. Regulation of construction techniques such as horizontal directional drilling.
7. Accident and incident reporting criteria, notification criteria for reporting incidents or unusual events to local emergency officials.
8. Advance notification and/or Commission preapproval of major construction activities.
9. Odorant utilization.
10. Geophysical testing and baselining.
11. Protection of public and private water wells and supplies.
12. Land agents and eminent domain (see 52 Pa.Code § 57.91).
13. Background investigations of employees and contractors.
14. Integration of new regulations on existing facilities.

CONCLUSION

The Commission will consider extensively the safety standards applicable to hazardous liquid public utilities. The time is ripe to move forward with specific proposals to enhance pipeline safety in Pennsylvania. We must proceed expeditiously, but cautiously, acknowledging that our actions must be compatible with the federal pipeline safety laws at 49 CFR Part 195. Significant improvements to hazardous liquid public utility safety standards can be accomplished by building upon the federal pipeline safety laws. Through this order we invite comment on various issues to carefully begin the process of crafting new rules aimed at improving the safety of construction, operation, maintenance, and other functions of hazardous liquid public utilities.

Interested parties should comment on all matters discussed in this Order and on any other related matter they believe we should address. We urge interested parties to submit, along with their comments, any available data to support their position. This includes cost data, along with data for any alternatives proposed. Interested parties may also submit specific regulations for consideration by the Commission.

Due to the comprehensive nature of this proposed rulemaking and the complexity of the subject matter, interested parties will be given 60 days from the date of publication in the *Pennsylvania Bulletin* to submit comments. The Commission is nonetheless committed to moving this rulemaking forward in a timely fashion.

Upon careful review and consideration of the comments received in response to this Advanced Notice of Proposed Rulemaking, the Commission intends to issue a formal Notice of Proposed Rulemaking with proposed regulations; **THEREFORE,**

IT IS ORDERED:

1. That the Law Bureau shall duly deposit this Order with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin.*

2. That written comments referencing Docket No. L-2019- 3010267 be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, 400 North Street, Harrisburg, PA 17120. Comments may also be filed electronically through the Commission's e-File System.

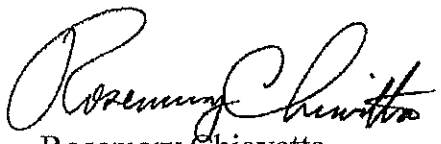
3. That this Order proposing to revise the regulations appearing in Title 52 of the Pennsylvania Code Chapter 59 (relating to Safety), be served on all jurisdictional

hazardous liquid public utilities, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

4. That a copy of this Order shall be posted on the Commission's website, www.pa.puc.gov, at the web page for *Pipeline Safety*.

5. The contact persons for this matter are Colin W. Scott, (717) 787-5949, colinscott@pa.gov; Hayley E. Dunn, (717) 214-9594, haydunn@pa.gov; and Erin N. Tate, (717) 214-1956, etate@pa.gov in the Law Bureau.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: June 13, 2019

ORDER ENTERED: June 13, 2019

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FYI

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Press Releases

PUC Seeks Comment on Potential Enhancements to Pipeline Safety Regulations; Also Considers Additional Financial Reporting on Pipelines

June 13, 2019

HARRISBURG – The Pennsylvania Public Utility Commission (PUC) today considered two separate rulemaking proposals related to pipeline operations in Pennsylvania – seeking comment on issues addressing both pipeline safety regulations and periodic financial reporting by pipeline public utilities.

The Commission voted 5-0 to seek broad-based public input on an **Advance Notice of Proposed Rulemaking Order** (ANOPR), to help guide discussions about potential changes to Commission safety regulations that would more comprehensively regulate public utilities transporting petroleum products and other hazardous liquids in intrastate commerce.

Additionally, the Commission voted 5-0 to seek comment on a separate **Notice of Proposed Rulemaking** (NOPR), which proposes that crude oil, gasoline, and petroleum products transportation pipeline public utilities would be required to file annual depreciation reports, service life study reports, and capital investment plan reports.

The ANOPR related to pipeline safety regulations notes that Pennsylvania has adopted the minimum Federal pipeline safety standards, as part of participation in safety programs administered by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), but also adds that states may pass more stringent regulations.

Today's action by the Commission seeks comments on possible amendments and enhancements to Chapter 59 of the Pennsylvania Public Utility Commission's regulations (52 Pa.Code) "to more comprehensively regulate the design, construction, operations and maintenance of public utilities transporting petroleum products and other hazardous liquids under the jurisdiction of the Commission."

The Commission's ANOPR offered several possible subject areas that commenters may wish to address, including:

- Pipeline material and specification.
- Cover over buried pipelines.
- Underground clearances.
- Valves.
- Pipeline conversion.
- Construction compliance.
- Pressure testing and maximum operating pressure.
- Line markers.
- Inspections of pipeline rights of way.
- Emergency flow restricting devices.
- Leak detection.
- Corrosion control and cathodic protection.
- Utility interactions with local government officials.
- Requirements for periodic public awareness meetings.
- Pennsylvania specific enhancements to utility public awareness programs.
- Regulation of construction techniques such as horizontal directional drilling.
- Accident and incident reporting criteria.
- Protection of public and private water wells and supplies.

- Land agents and eminent domain.
- Background investigations of employees and contractors.
- Integration of new regulations on existing facilities.

While the Commission offered those subject areas for possible comment, it also emphasized that the scope of comments is not limited to just those areas and concerned parties may wish to raise additional matters.

Written comments referencing Docket No. L-2019-3010267 should be submitted within 60 days of publication in the ***Pennsylvania Bulletin***. Comments may be filed electronically through **the Commission's e-File System** or sent to:

Pennsylvania Public Utility Commission
Attn: Secretary Rosemary Chiavetta
400 North Street
Harrisburg, PA 17120

Also today, the Commission sought comment on the expansion of existing regulations included in Chapter 73 of the Public Utility Commission's regulations (52 Pa.Code), which would require periodic depreciation reporting, service life study reporting, and capital investment reporting for public utilities providing pipeline transportation of crude oil, gasoline and petroleum products. Currently, those reporting requirements only apply to electric service, gas service, and water service public utilities.

As noted by the Commission during development of the Chapter 73 regulations, the regular reporting of a public utility's depreciation practices and capital planning is an important tool in helping to determine whether a public utility is capable (now and in the future) of providing safe, efficient, and adequate service.

Written comments referencing Docket No. L-2019-3010270 should be submitted within 30 days of publication in the ***Pennsylvania Bulletin***. Comments may be filed electronically through **the Commission's e-File System** or sent to:

Pennsylvania Public Utility Commission
Attn: Secretary Rosemary Chiavetta
400 North Street
Harrisburg, PA 17120

The proposed regulations included in today's NOPR will also be submitted to the Office of Attorney General for review and approval; the Governor's Budget Office for review for fiscal impact; the Independent Regulatory Review Commission for review and comment; and the Legislative Standing Committees.

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

Visit the PUC's website at **www.puc.pa.gov** for recent news releases and video of select proceedings. You can also follow us on Twitter, Facebook, LinkedIn, Instagram and YouTube. Search for the "Pennsylvania Public Utility Commission" or "PA PUC" on your favorite social media channel for updates on utility issues and other helpful consumer information.

###

Docket Nos.:
L-2019-3010267
L-2019-3010270

Contact: Nils Hagen-Frederiksen
Press Secretary
717-783-6152
nhagen-fre@pa.gov

Pennsylvania Public Utility Commission
Press Office

P.O. Box 3265, Harrisburg, PA 17105-3265
(717) 787-5722 FAX (717) 787-4193

Please add comments to the following Subject Areas and the corresponding sections. Click here for the electronic copy that was in the agenda for your reference.

Subject Areas

A. Construction

1. Pipeline Material and Specification

Hazardous liquids (especially natural gases, natural gas liquids, or highly volatile liquids) must be transported only in coated steel pipe. There must be no grandfathered exceptions for uncoated pipe, bare steel pipe, or other vintage materials.

All coated pipe must be stored in accordance with the manufacturer's recommendations prior to installation. This includes protection from the weather and UV degradation.

2. Cover Over Buried Pipelines

3. Underground Clearances

Section 195.250 provides that pipe installed underground must have at least a 12-inch clearance between the outside of the pipe and the extremity of any other underground structure. 49 CFR § 195.250. East Goshen Township requests that the second sentence of this section be removed. "*Where a 12-inch clearance is impracticable, the clearance may be reduced provided that adequate provisions are made for corrosion control. 49 CFR § 195.250*".

The pipeline owner or contractor must not be given the authority to make this decision should the 12-inch clearance be deemed "impractical". Only the PUC, after consulting with a certified third party industry expert (during a mandated site visit), will have the authority to grant an exception to the 12 inch clearance.

4. Valves

Section 195.258 requires valves be installed at a location that is accessible to authorized employees and protected from damage or tampering. More detail should be included in the regulations regarding how these locations are protected from damage or tampering.

All valves, piping, and equipment used in above-ground valve stations must be protected from the weather and UV degradation. This can be accomplished through external coatings with suitable resistance or by shielding structures.

Valve spacing in high consequence areas is a safety conundrum regarding hazardous compounds and especially highly volatile liquids. Closer valve spacing decreases the volume of material between valves and can help reduce the amount of material that escapes from a leak. However, these valves are a high potential source for leaks.

East Goshen Township - Agree that valve sites have a high potential for leaks.

That being said Natural Gas pipelines are regulated by Title 49 Section 192 of the Federal Code. Section 192.179 has a spacing limit of 8 miles for valve in a Class 3 HCAs. Hazardous Liquid pipelines are regulated by Title 49 Section 195 of the Federal Code. Section 195.260 says that valve shall be located at locations that will minimize damage.

Suggest that the Commission require Hazardous Liquid Pipelines to comply with Natural Gas valve spacing requirements. In order to minimize the risk a gas detection meter ($2,400) could be installed at each valve location. New installations would have to comply immediately. Existing pipelines would be brought into compliance over time.

B. Operation and Maintenance

1. Pipeline Conversion

Any conversion or "repurposing" of an existing pipeline to a more volatile product and/or a product which will operate at a higher pressure, will require advanced notification and approval from the PUC. The PUC will consult with a certified third party industry expert prior to granting any approval for such a conversion.

2. Construction Compliance

3. Pressure Testing and Maximum Operating Pressure

There must be no exceptions to the pressure testing requirements for pipelines that transport hazardous liquids. If an older pipeline cannot pass the pressure test, it must be replaced.

4. Line Markers

5. Inspections of Pipeline Right-of-Ways

East Goshen

6. Emergency Flow Restricting Devices

Remote-control valve spacing in high consequence areas is a safety conundrum regarding hazardous compounds and especially highly volatile liquids. Closer valve spacing decreases the volume of material between valves and can help reduce the amount of material that escapes from a leak. However, these valves are a high potential source for leaks. Similar to comment for Page 9, 4. Valves.

7. Leak Detection

All pipelines that transport hazardous liquids must be equipped with external leak detection systems. These external systems are in addition to typical monitoring of operating parameters (such as flow rate and pressure) to detect leaks. Sensors for these external systems are typically installed outside the pipe in the ground or in the air. Alarms for these external systems typically are located such that the public and emergency services personnel are notified immediately of a leak. External leak detection systems are critical at above ground valve stations since these are a high potential source of leaks.

Pipeline operators must be required to investigate, develop, and implement the latest technologies for external leak detection including fiber optics.

East Goshen - Require gas detection at all hazardous liquid valve location.

8. Corrosion Control and Cathodic Protection

All pipelines that transport hazardous liquids must be equipped with corrosion control and cathodic protection systems regardless when the pipeline was placed in service. There must be no grandfathered exceptions.

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.

East Goshen Township - Adopt the Texas Railroad Commission regulations set forth in Section 8.310 (see below)

§8.310 Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison

(a) Liaison activities required. Each operator of a hazardous liquid or carbon dioxide pipeline or pipeline facilities or the operator's designated representative shall communicate and conduct liaison activities at intervals not exceeding 15 months, but at least once each calendar year with fire, police, and other appropriate public emergency response officials. The liaison activities are those

required by 49 CFR Part 195.402(c)(12). These liaison activities shall be conducted in person, except as provided by this section.

(b) Meetings in person. The operator or the operator's representative may conduct required community liaison activities as provided by subsection (c) of this section only if the operator or the operator's representative has completed one of the following efforts to conduct a community liaison meeting in person with the officials:

(1) mailing a written request for a meeting in person to the appropriate officials by certified mail, return receipt requested;

(2) sending a request for a meeting in person to the appropriate officials by facsimile transmission; or

(3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a meeting in person.

(4) At any time the operator or operator's representative makes contact with the appropriate officials and schedules a meeting in person, no further attempts to make contact under this section are necessary. However, if a scheduled meeting does not take place, the operator or operator's representative shall make an effort to re-schedule the community liaison meeting in person with the officials using one of the methods in paragraphs (1) - (3) of this subsection before proceeding to arrange a conference call pursuant to subsection
(c) of this section.

(c) Alternative methods. If the operator or operator's representative cannot arrange a meeting in person after complying with subsection (b) of this section, the operator or the operator's representative shall conduct community liaison activities by one of the following methods:

(1) holding a telephone conference with the appropriate officials; or

(2) delivering the community liaison information required to be conveyed by certified mail, return receipt requested.

(d) Records. The operator shall maintain records documenting compliance with the liaison activities required by this section. Records of attendance and acknowledgment of receipt by the emergency response officials shall be retained for five years from the date of the event that is commemorated by the record. Records

of certified mail and/or telephone transmissions undertaken in compliance with subsections (b) and (c) of this section satisfy the record-keeping requirements of this subsection.

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

East Goshen Township - Adopt the Texas Railroad Commission regulations set forth in Section 8.315 (see below)

§8.310 Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison

(a) Liaison activities required. Each operator of a hazardous liquid or carbon dioxide pipeline or pipeline facilities or the operator's designated representative shall communicate and conduct liaison activities at intervals not exceeding 15 months, but at least once each calendar year with fire, police, and other appropriate public emergency response officials. The liaison activities are those required by 49 CFR Part 195.402(c)(12). These liaison activities shall be conducted in person, except as provided by this section.

(b) Meetings in person. The operator or the operator's representative may conduct required community liaison activities as provided by subsection (c) of this section only if the operator or the operator's representative has completed one of the following efforts to conduct a community liaison meeting in person with the officials:

(1) mailing a written request for a meeting in person to the appropriate officials by certified mail, return receipt requested;

(2) sending a request for a meeting in person to the appropriate officials by facsimile transmission; or

(3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a meeting in person.

(4) At any time the operator or operator's representative makes contact with the appropriate officials and schedules a meeting in person, no further attempts to make

contact under this section are necessary. However, if a scheduled meeting does not take place, the operator or operator's representative shall make an effort to re-schedule the community liaison meeting in person with the officials using one of the methods in paragraphs (1) - (3) of this subsection before proceeding to arrange a conference call pursuant to subsection

(c) of this section.

(c) Alternative methods. If the operator or operator's representative cannot arrange a meeting in person after complying with subsection (b) of this section, the operator or the operator's representative shall conduct community liaison activities by one of the following methods:

(1) holding a telephone conference with the appropriate officials; or

(2) delivering the community liaison information required to be conveyed by certified mail, return receipt requested.

(d) Records. The operator shall maintain records documenting compliance with the liaison activities required by this section. Records of attendance and acknowledgment of receipt by the emergency response officials shall be retained for five years from the date of the event that is commemorated by the record. Records of certified mail and/or telephone transmissions undertaken in compliance with subsections (b) and (c) of this section satisfy the record-keeping requirements of this subsection.

§8.315 Hazardous Liquids and Carbon Dioxide Pipelines or Pipeline Facilities Located Within 1,000 Feet of a Public School Building or Facility

(a) In addition to the requirements of §8.310 of this title (relating to Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison), each owner or operator of each intrastate hazardous liquids pipeline or pipeline facility and each intrastate carbon dioxide pipeline or pipeline facility shall comply with this section.

(b) This section applies to each owner or operator of a hazardous liquid or carbon dioxide pipeline or pipeline facility any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of any other public school facility where students congregate.

(c) Each pipeline owner and operator to which this section applies shall, for each pipeline or pipeline facility any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of any other public school facility where students congregate, file with the Division, no later than January 15 of every odd numbered year, the following information:

(1) the name of the school;

(2) the street address of the public school building or other public school facility; and

(3) the identification (system name) of the pipeline.

(d) Each pipeline owner and operator to which this section applies shall:

(1) upon written request from a school district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:

(A) a description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;

(B) a list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;

(C) the designated emergency number for the pipeline facility operator;

(D) information on the state's excavation one-call system; and

(E) information on how to recognize, report, and respond to a product release; and

(2) mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the school district in which the school building or facility is located.

(e) A pipeline operator or the operator's representative shall appear at a regularly scheduled meeting of the school board to explain the items listed in subsection (c) of this section if requested by the school board or school district.

(f) Records. Each owner or operator shall maintain records documenting compliance with the requirements of this section. Records of attendance and acknowledgment of receipt by the school board or school district superintendent shall be retained for five years from the date of the event that is commemorated by the record. Records of certified mail transmissions undertaken in compliance with this section satisfy the record-keeping requirements of this subsection.

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

4. Pennsylvania specific enhancements for operator qualification.

5. Enhancing transparency while protecting confidential infrastructure security information.

East Goshen Township - The existing federal regulations and state law requires that pipeline company to provide "local pipeline safety agencies" to obtain a copy of a pipeline Integrity Management Program (IMP).

Hazardous Liquid pipelines are regulated by Title 49 Section 195 of the Federal Code. Section 195.452 requires the pipeline operator develop an Integrity Management Program (IMP).

The requirements for the IMP are set forth in Title 49 Section 192 of the Federal Code.

Section 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 where the Office of Pipeline Safety has an interstate agent agreement.

Pennsylvania has such an agreement with the US Department of Transportation.

In addition the Public Utility Confidential Security Information Disclosure Protection Act specifically references political subdivision, so the legislature clearly anticipated that Townships would be able to access this information.

6. Regulation of construction techniques such as horizontal directional drilling.

East Goshen Township - Add a new section that deals with the impacts from the actual construction of the pipeline. Especially HDD pipeline installations that result in stationary drills and mud machines being operated continuously for days and weeks on end at one location. For example

Noise - Establish standardized noise limits during construction. I.E. Construction equipment shall not exceed XX dBA at a distance of XX feet. Or in the alternative mandate that all construction activities must comply with municipal ordinances.

Vibration - Establish standardized vibration limits during construction. I.E. Equipment shall not exceed XX ??? at a distance of XX feet. Or in the alternative mandate that all construction activities must comply with municipal ordinances.

Hours - Establish standardized working hours during construction I.E. 7 am to 7 pm. In the alternative mandate that all construction activities must comply with municipal ordinance

Dust - Establish standardized limits on the amount of dust. I.E. specifically reference the applicable sections of the Pa CODE (I.E. 123.1). Or in the alternative mandate that all construction activities must comply with municipal ordinance

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

8. Advance notification and/or Commission pre approval of major construction activities.
9.

East Goshen Township - One of the concerns expressed with the Sunoco Mariner Project was a lack of notice about the project.

Suggest adding new section titled "Commencement of New Construction"

Commencement of Construction

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

The operator shall provide confirmation that they have provided written notification to each of the municipalities to be traversed with the report.

The Commission could them publish a notice about the project in the PA Bulletin

The intention is to replicate what is required section 8.115 of theTexas Railroad Commission regulations (see below)

TEXAS ADMINISTRATIVE CODE: As in effect on 06/18/2018.

TITLE 16 ECONOMIC REGULATION

PART 1 RAILROAD COMMISSION

OF TEXAS CHAPTER 8 PIPELINE

SAFETY REGULATIONS

SUBCHAPTER A GENERAL REQUIREMENTS AND DEFINITIONS

§8.115 New Construction Commencement Report

Except as set forth below, at least 30 days prior to commencement of construction of any installation totaling one mile or more of pipe, each operator shall file with the Commission a report stating the proposed originating and terminating points for the pipeline, counties to be traversed, size and type of pipe to be used, type of service, design pressure, and length of the proposed line on Form PS-48. Each operator shall file a new construction report for the initial construction of a new liquefied petroleum gas distribution system.
Each operator of a sour gas pipeline and/or pipeline facilities, as defined in §3.106(b) of this title (relating to Sour Gas Pipeline Facility Construction Permit), shall file a new construction report and Form PS-79, Application for a Permit to Construct a Sour Gas Pipeline Facility. New construction on natural gas distribution or master meter system of less than five miles is exempted from this reporting requirement.

10. Odorant utilization.

    Odorant must be utilized on all natural gas (methane) that is transported in pipelines.

11. Geophysical testing and baselining

12. Protection of public and private water wells and supplies.

East Goshen - There is no central database of private wells in Pennsylvania and while some counties and 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 with XXX feet of the proposed pipeline pursuant to some other permit requirement that they be required to send a certified letter to each property owner advising them of the project and of the need for the information concerning their well.

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

14. Background investigations of employees and contractors.

15. Integration of new regulations on existing facilities.

    Grandfathered exceptions to new regulations for existing facilities must be rare occurrences that are approved by the PUC on a case-by-case basis.

East Goshen - Safety requirements should be phased in over time in accordance with a schedule established by the Commission.

LETTERHEAD

DRAFT

July/August XX, 2019
(Due date to PUC – August 28, 2019)

Docket No. L-2019-3010267
Docket No. L-2019-3010270

Pennsylvania Public Utility Commission
Attn: Secretary Rosemary Chiavetta
400 North Street
Harrisburg, PA 17120

Dear Secretary Chiavetta

[The Commissioners may want to insert their own introduction here.]

The Chester County Planning Commission (Planning Commission), in conjunction with the Chester County Department of Emergency Services (DES) and Chester County Water Resources Authority (CCWRA), has reviewed the Advanced Notice of Proposed Rulemaking for Dockets L-2019-3010267 and L-2019-3010270 regarding Potential Enhancements for Pipeline Safety Regulations and Additional Financial Reporting on Pipelines. These rules are specific to Hazardous Liquid pipelines.

Chester County supports updates to and the efforts to more comprehensively regulate the design, siting, construction, operations and maintenance of public utilities transporting petroleum products and other hazardous liquids under the jurisdiction of the Pennsylvania Public Utilities Commission, contained in 52 Pa. Code Chapter 59. Transmission pipelines are a significant concern in Chester County. Hazardous Liquids pipelines are located in 29 of the 73 municipalities in Chester County. If natural gas transmission lines are included, 60 municipalities, or 82% of the county's municipalities, are potentially impacted by natural gas or natural gas liquids transmission pipelines. The operators located within Chester County currently include: Colonial Pipeline, Laurel Pipeline Company/Buckeye Partners, TE Products Pipeline Company/Enterprise Products Partners, Sunoco Pipeline/Energy Transfer.

The following comments are offered based on review of the Advanced Notice of Proposed Rulemaking for the above referenced dockets and potential impacts to Chester County, Pennsylvania.

Comments related to *Landscapes3* Policies:

Landscapes3, 2018, is the adopted Comprehensive Plan for Chester County. *Landscapes3* identifies general land patterns, or "Landscapes," of future development in the County and identifies policies for protecting these landscapes and their many resources. With nearly 600 miles of transmission pipeline corridors in Chester County, hazardous liquid pipelines transect all of the County's Landscapes, which include areas identified for both preservation and growth.

The areas located within the Suburban, Suburban Center, Urban Center, and Rural Center landscapes of the county are the areas identified for growth, and include major residential communities and regional economic centers with high employment densities, and a large majority of the county's population. Public safety and impacts to business, institutions and population centers are of concern in these areas, as pipeline siting, construction, and related incidents could have significant impacts on a large number of the County's residents as well as the local economy.

Hazardous Liquid pipeline corridors are also located in areas within the Rural, Agricultural, and

Significant Natural Resource Overlay landscapes designations. The Rural and Agricultural landscapes are not appropriate for significant growth, strongly reflect the agricultural and rural character of the County, and serve as a focus for preservation efforts. Areas within the Significant Natural Resources Overlay landscape consist of a network of streams, forests, wetlands, and floodplains, and other sensitive resources. Conservation practices should be applied to protect and restore these resources in the county. Concerns regarding pipeline impacts in these rural, agricultural, and natural areas relate to the county's goals of protection of critical natural resources and the advancement of the protection and stewardship of open space, farmland, and the agricultural industry.

Chapter 9 of *Landscapes3* discusses infrastructure, including pipelines. Recommendation 8 of this chapter is to: "Enhance pipeline safety through the provision of information, facilitation of communication, and encouragement of partnerships to reduce impacts on residents and the environment." The ability to find pipeline project and safety information and the need for consistent communication between stakeholders were all identified as significant issues in Chester County. The County has found that communication with operators is extremely valuable for many reasons including communication with the public, access to a contact person for questions, and the ability to provide notification to residents. The communication with local operators allows for coordination between different levels of government and with the community in an effort to enhance safety for residents, while minimizing impacts to natural, protected, and cultural resources. We support any efforts to enhance this communication.

Watersheds is the Integrated Water Resources Plan for Chester County. Goal 7 of this Plan is to "Integrate Utility and Municipal Planning to Meet Future Water Supply and Wastewater Needs" with one of the Objectives being to "Identify and prioritize sources of public drinking water supplies for protection from pollutants." This Objective lists key strategies, including to "Encourage hazardous materials storage, handling and transportation practices to avoid or minimize uncontrolled releases to waterways" and to "Establish emergency notification procedures to alert downstream water suppliers and reservoir owners and operators of releases of hazardous materials to streams and reservoirs." The furthering of the PA PUC proposed requirements for Hazardous Liquid pipeline operators will help to achieve this Goal and associated Objectives.

We have the following specific comments relating to Construction Requirements, Operation and Maintenance, and Additional Subject Areas/Related Issues, as listed below.

<u>Comments related to Construction Requirements:</u>

1. Chester County recommends that the PA PUC require routing and siting of pipelines at a specific minimum distance from residences, schools, health care facilities, and other facilities that treat, care for, or provide housing for higher risk members of the community.

2. We recommend that the PA PUC determine safe minimum depths for pipelines carrying highly volatile liquids under high pressures. We note that the Federal minimum depth is listed as 3-feet for the installation of petroleum pipelines, but question if this is deep enough to avoid third party interactions as well as locate below the freeze/thaw depth for this region.

3. Current regulations require pipelines to be buried at a depth of 48-inches below surface elevation for inland bodies of water that are at least 100-feet wide, but depths of only 30-inches in areas defined as rural and 36-inches in areas defined as industrial, commercial, and residential (49 CFR § 195.248). The vast majority of water crossings in Chester

County would not require the additional depth under current regulations, yet many of these streams are highly susceptible to scour and erosion events. Anticipated increases in extreme precipitation events will likely continue to exacerbate channel instability and as a result, could have a growing impact on shallowly buried pipelines. We request that PA PUC consider increasing the required amount of cover for all perennial stream crossings to reduce the likelihood of pipe exposure and damage from erosion events.

4. During construction or replacement of pipelines, we request a requirement for the installation of noticeable and durable grid (example: orange construction fencing) over new pipeline segments as early warning systems to potential future excavators be installed to alert them that they are digging close to a pipeline right of way. This should also include sites that utilize HDD as a method of installation.

5. We request that the PA PUC consider requiring valve installations on each side of water crossings on any state-designated exceptional value (EV) or high quality (HQ) stream, as well as water bodies that are used as a public water supply to reduce the impact of any pollution event.

6. It would be of value for the pipeline siting and construction process to be more prescriptive. There is a significant level of mistrust in the current process followed by operators, and having a standardized set of procedures to follow would be better accepted and understood by residents, landowners, and local officials.

7. Standardization of valve locations for safety and minimization of damage would be of benefit to residents' understanding of the necessity of valves being located at certain intervals for safety purposes, their relationship to High Consequence Areas (HCAs), etc., rather than basing the location where one could be negotiated or agreed upon. A standardized process would generally be better accepted by residents and landowners.

8. Portions of Chester County are comprised of areas of carbonate geology. This frequently results in the formation of voids and soil subsidence around existing pipes, which can weaken pipes through greater exposure to moisture and saturated subsurface conditions and reduced soil support. While not all areas of carbonate geology develop these characteristics, pipeline corridors considered for conversion – CHECK WITH WRA in these areas should still be inspected for the presence of sinkholes, depressions, or other evidence of existing or potential subsidence and similar karst features. Inspection of the interior of lines located in carbonate geology should be assessed the presence of unexpected sags or bends that may indicate the formation of voids adjacent to the pipe. Increased porosity within areas of carbonate geology can increase diffusion rates of any leaked material throughout aquifers, so close scrutiny of pipe condition is imperative to protecting water quality and public safety.

Comments related to Operations and Management

1. We request that the PA PUC consider limiting the use or re-use of bare steel and other vintage pipe materials in areas where saturated soil or rock layers and/or areas susceptible to karst feature formation exists. Currently, regulations require pressure testing and visual inspection of used pipes prior to repurposing, which could be damaging to the existing/reused pipe as well as property or public safety.(Check with WRA)

2. Chester County requests that the PA PUC clarify spacing requirements for line identification markers, such as requiring markers at set maximum distance intervals. Requiring line markers on either side of water crossings and at valve locations could expedite the process of locating lines in the event of a leak or spill, which would help reduce negative impacts on public safety, water quality, and other resources.

3. We request that notice requirements and accident reporting occur in the event of any property damage, not just that which exceeds $50,000. We also request that operators be required to report sooner than a 30-day window, so that other agencies who may need to be involved can be involved as soon as reasonably possible, especially considering that safety-related condition reports are due within 5 business days.

4. National Pipeline Mapping System information currently does not require a public contact for non-mapping question. Including this contact information would be helpful to those seeking non-emergency landowner information.

5. We request that the PA PUC require designated state or county officials, such as the State Fire Commissioner or the County Emergency Manager, to maintain a comprehensive database of pipeline information and that pipeline operators be required to provide this information to emergency responders including:
    a. Maps of all transmission lines listing material moved, pipeline diameter, mainline valve locations and maximum operating pressures (MOP) and maximum allowable operating pressure (MAOP).
    b. 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 liquid pipelines or "immediate" or "one-year" repair conditions for gas pipelines.

6. We request that PA PUC require operators to provide easy to access public information, including but not limited to:
    a. Mapping of transmission pipelines as interstate or intrastate, including definitions and supporting information for such determinations/classifications. While some counties have gone through the exercise of accessing the National Pipeline Mapping System and extracting that information, this is not easily done and requires updating, is not easily accessed by members of the public, and is information that can be easily provided by operators for public access.

b. Provision of regular/updated mapping of High Consequence Areas (HCAs) and the assessment method used, to ensure integrity for each pipeline segment in designated HCAs and the frequency at which these assessments are made and updated. Providing this information on an annual or biannual basis would be extremely useful for municipalities and landowners who are considering developing their land. Having this information could help in future siting (or not siting) of community centers, medical facilities, schools, large residential developments and other types of land use. At a minimum, it would help stakeholders to make a more informed decision, given that municipalities have no control over the siting of pipelines as currently constituted.

7. While we understand the "Risk Assessment" in the pipeline regulatory context does not equate to the probability or consequence of a pipeline rupture or failure, but rather the process of identifying *possible* threats of failure for each segment of pipeline (especially those in HCAs), we request that the PA PUC ensure integrity management risk assessment regulations apply the appropriate assessment method to evaluate each threat, and require the remediating of discovered anomalies in a timely manner to avoid pipeline failure. Further, we request that the PA PUCs regulations require:
    a. Operators to properly identify threats that can cause failure for each pipeline segment in HCAs;
    b. Use of guidelines to discuss and explain the strengths and weaknesses of each assessment approach that would be applied to each pipeline segment to assist in proper selection and use;
    c. Use of appropriate assessment methods (smart pigs, hydrotesting, direct assessment or other technology) to evaluate and address threats in a timely manner;
    d. Periodic hydrotesting above the federal strength test requirement of 1.25X Maximum Operating Pressure for certain cracking threats and incorporate spike hydrotest protocols; and
    e. Location-specific analysis for potential abnormal loading threats such as landslides or sinkholes that can result in pipeline rupture.

8. Chester County supports the strengthening of the regulations in an effort to ensure prudent pipeline operation and maintenance. These additional regulations would include, but not be limited to:
    a. Developing regulatory approval procedures for changes in process, product or equipment.
    b. Requiring timely reporting of all overpressure events over 110% of MOP/MAOP to regulators (PHMSA, PA PUC, and county and local emergency management agencies so that proper mitigation can be assured to prevent reoccurrence.
    c. Defining critical safety approaches that would require the use of at least two independent safety equipment methodologies (such as over pressure protection and remote-operated emergency pipeline shutdown and isolation systems).
    d. Regarding the installation of new pipelines, requiring all welds to be radiologically inspected and the resulting records kept for the life of the pipeline and provided to the PA PUC and county and local emergency management agencies for record.
    e. Setting maximum limits for MOP/MAOP in High Consequence Areas with periodic hydrotesting to ensure pipes are meeting their strength test requirements.

f. Continue the development and utilization of new technologies to continually improve leak and anomaly detection capabilities before a pipe failure happens.

9. For hazardous liquids pipelines, we support the PA PUC requiring operators to:
    a. Work with other operators, partners, and agencies in the industry to provide consistent and useful information to property owners within proximity (1/2 mile) of a pipeline about how to detect a pipeline leak, who to call, how to respond, and what to expect from the operator or emergency responders in these situations. We recognize that federal regulations require mailings but we also recognize that there is an urgent need for enhanced communication (like that required for nuclear facilities in the Event of Potential Public Interest guidelines).
    b. Submit specific details explaining mainline valve placement and any related remote supervisory control and data acquisition (SCADA) operation in HCAs.
    c. Use pipeline rupture detection and mandate immediate pipeline shutdown and mainline valve closure without exceptions for unconfirmed alarms.
    d. Use release detection that utilizes changes in the rate of flow as evidence of rupture instead of changes in pressure.
    e. Undergo proper surge analysis for each mainline valve installation, subject to review by regulators, such as PA PUC and PHMSA.

10. Landowner notification in a highly populated area, such as Chester County, is a key part of emergency planning efforts. We request that the PA PUC consider requiring strategies for timely notification to landowners and residents, should an incident occur, or be suspected of occurring.

11. We request that the PA PUC consider requiring strategies for notifying and coordinating with landowners and residents with private water supplies or wells, in the event that a leak, spill or other impact to groundwater is detected. Further, evaluations that incorporate groundwater dispersion rates, flow paths and public and private well locations, as well as the provision of alternative water supplies in the event of a spill or leak should be required as part of these strategies.

12. The PA PUC should consider establishing minimum isolation distances, both vertical and horizontal, from all private and public wells to reduce impacts to water supplies, with increased isolation distances for areas of carbonate/karst geology. In 2017, pipeline construction activity resulted in cloudy tap water and dry wells for some Chester County residents, and isolation distances from these water supplies may have avoided this result. Similar isolation distances for septic and community on-lot wastewater disposal systems should also be explored.

13. Please consider requiring pre- and post-installation testing of all private and public well water within 500' of pipeline construction activity (i.e. depth to water, water quality parameters relevant to chemical used for drilling, etc.).

14. The PA PUC should consider requiring line markers, even where "the local government maintains current substructure records." Coordination and information sharing with

operators is not always easy and this potentially places a burden of maintaining adequate records for the municipality on utilities within their geography that they do not control.

Additional Subject Areas / Related issues

1. Part 195 Subparts. Parts of the listing are presented like a table of contents and other parts are presented as questions. This section should be presented in one consistent format.

2. The National Registry of Pipeline and LNG Operators must notify PHMSA of changes to the entity who is responsible for managing or administering the safety program required under this Part regarding the acquisition or divesture of 50 or more miles of pipeline or facility subject to this Part. We recommend that state agencies as well as affected county and municipal government agencies also be notified to maintain accurate records.

3. Pipeline Location should be more prescriptive than indicating that the right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.

4. Clearance between pipe and underground structures indicates that any pipe installed underground must have a minimum of 12-inches of clearance between the outside of the pipe and the extremity of any other structure, with the exception of drainage tiles. However, where clearance is "impracticable" the clearance can be reduced pending adequate corrosion control. This section should be more prescriptive.

5. We ask that the PA PUC evaluate whether the one-call (811) system is effective in preventing pipeline damage, especially damage that later could result in pipeline failure, by:
   a. Requiring reporting and monitoring of excavation damage to all pipelines in PA by the pipeline operator, pipeline contractor and excavator.
   b. Requiring pipeline operators to maintain clear and obvious rights-of-way. Regular maintenance of these areas would reduce the likelihood of third party interactions with pipelines.
   c. Identifying and holding accountable repeat one-call offenders as consistent with the Underground Utility Line Protection Law.

6. We request that the PA PUC require operators to notify county and municipal officials any time there is a pipeline leak, failure, or potential leak or failure.

7. We request and support the availability of sufficient funding and opportunities for training sessions and that educational materials about pipeline incidents be routinely provided for emergency responders.

8. Chester County recommends the PA PUC provide funding for appropriate staffing levels for the PUC's Bureau of Investigation and Enforcement to continue to conduct inspections and enforce pipeline safety regulations.

9. Because Chester County is home to hundreds of miles of hazardous liquids pipelines and natural gas pipelines, information and knowledge on the products in the pipes is extremely important for not only residents and municipal officials, but for the emergency service providers who respond to 911 calls and to the scene. We ask that the PA PUC require

pipeline operators to provide the following information that would be accessible to emergency service providers:

a. Potential impact radius for each product
b. Consequence analysis
c. Worst case scenario or discharge for each product
d. Potential impacts to public health
e. Potential impacts to environment
f. Potential impacts to structures and infrastructure in the area
g. Operating pressures
h. Products being flowed
i. Maps of high consequence areas
j. Pipeline products chemical and physical properties, etc.
k. Estimated number of barrels per day flowing through each line, the size of pipelines, a description of pipe thickness and material, is batching used in the line, description of depth of line, the age of line
l. Pipeline crossover locations within same Right of Way, including the operator names and contact information
m. Odorization system locations and whether the product has odorant
n. Tank farm locations and specifics – tank type / volumes / resources in emergency – ex. foam
o. Corrosion control procedures – method / frequency of testing
p. List of Personal Protective Equipment (PPE) and Spill supplies located in Chester County (or all counties) so that the county emergency service agency knows what resources they have access to and what gaps may exist for proper planning and response.
q. Plume modeling software available or in use by operator
r. Location of valve stations, including if they are manually operated or remotely or automatically operated, the distance between valves, the estimated volumes of product in lines if leak is between valves
s. Pumping Station and Compressor Station locations
t. Pressure Relief Valve locations
u. Location of other operator critical infrastructure
v. Communications protocols for emergencies and non-emergencies
w. Emergency and Incident criteria
x. Thresholds for notification to Emergency Services
y. Estimated time to have an emergency responder on site from the Operator
z. Integrity Management or Hazard Mitigation measures in place
aa. Distance from the right-of-way that public education materials are provided to residents and what is source of this address list
bb. What types of emergency responder training are provided by the pipeline operators and the frequency at which these trainings are offered
cc. Availability of Operator representatives to be available to come to the County EOC, and the associated request process
dd. Integrity Management Program review – Additional Actions for High Consequence Areas / Inspection Schedules / Etc.

ee. GIS shapefiles available for CAD system to provide to county and local emergency service providers
ff. Frequency of information being updated in NPMS and last date of submission
gg. History of any PHMSA reported events for lines located in Chester County – incidents / ruptures / breaches / leaks
hh. Supervisory Control and Data Acquisition (SCADA) Location / Emergency & Non-emergency Numbers / and confirmation what is being monitored – Pressures / Temperature / Flow / Other
ii. Notification process to the County and to Emergency Services for the following: Testing or Blow Downs / Flaring / Product Changes / Reverse Flow direction changes / Pressure Changes / Product conversions
jj. Outreach Program Contact Information for Emergency Services Responders
kk. Rights of Way – Continue to require up-to-date contact information for the Community

10. Finally, we support the amendments to 52 Pa. Code 73 that will require crude oil, gas, and petroleum products transportation pipeline public utilities to adhere to the depreciation, service life studies, and capital investment plan reporting requirements that are already mandatory for other public utility companies. These reporting requirements will increase pipeline operation transparency and will help to ensure that these public utilities are financially able to complete both short and long-term maintenance that is needed for continued safe operation.

Thank you for the opportunity to comment on this Advanced Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards as part of 52 PA Code Chapters 59 and 73, listed as Docket Number L-2019-3010267 and Docket Number L-2019-3010270. If you have any questions, please contact Carrie Conwell of the Planning Commission at 610-344-6285.

Sincerely,

Signatures of Chester County Commissioners

Cc: Robert Kagel, Chester County Commissioners Office
Chester County Planning Commission
Chester County Water Resources Authority
Chester County Department of Emergency Services
Chester County Conservation District
Chester County Health Department
Chester County Association of Township Officials

WEST WHITELAND TOWNSHIP

THURSDAY 7-18-19

7 PM

HORIZONTAL DIRECTIONAL DRILL ANALYSIS
EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO.: E15-862
PA-CH-0256.0000-RR
(SPLP HDD No. S3-0400)

(1)

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
PA-CH-0256-0000-RR
(SPLP HDD No. S3-0400)

This reanalysis of the horizontal directional drill (HDD) installation of a 20-inch diameter pipeline under Exton Bypass has been completed in accordance with Condition No. 3 of the Stipulated Order issued under Environmental Hearing Board Docket No. 2017-009-L. Condition No. 3 stipulates for HDDs initiated after the temporary injunction issued by the Pennsylvania Department of Environmental Protection (PADEP) Environmental Hearing Board on July 25, 2017, a reanalysis must be performed on HDDs for which an inadvertent return (IR) occurs during the installation of one pipe (20 or 16-inch diameter) where a second pipe will thereafter be installed in the same right-of-way (ROW).

The installation of the 16-inch diameter pipeline using HDD was initiated before the temporary injunction issued by the Pennsylvania Department of Environmental Protection (PADEP) Environmental Hearing Board on July 25, 2017. The 16-inch HDD had an inadvertent return (IR) on the installation of the first pipe (16-inch) and therefore, the installation of the second pipe (20-inch) requires reanalysis.

The 20-inch pipe HDD is referred to herein as HDD S3-0400.

SPLP has completed additional geotechnical and geophysical investigations of the drilling area to assess if the HDD could be redesigned to pass through better bedrock conditions; however, the data revealed inconsistencies in rock quality and other problematic geologic factors at depths through and below the HDD design limitations. Therefore, SPLP has elected to abandon any future HDD attempts to install the pipeline through this area and has developed an alternate construction plan using a combination of open trench construction method in uplands, and a Direct Pipe bore underneath aquatic resources, U.S. 30 Exton Bypass, an abandoned Norfolk rail line, and the active Amtrak/SEPTA rail lines.

PIPE INFORMATION

20-inch: 0.456 wall thickness; X-65

ORIGINAL HORIZONTAL DIRECTIONAL DRILL DESIGN SUMMARY: 20-INCH

- Horizontal length: 2,200 foot (ft)
- Entry/Exit angle: 10-16 degrees
- Maximum Depth of cover: 117 ft
- Pipe design radius: 2,200 – 2,400 ft

Pipe stress allowances are an integral part of the design calculations performed for each HDD. The 20-inch HDD profile was intended to pass under public transportation infrastructure and a residential area adjacent to the existing SPLP pipeline easement, thereby avoiding surface disturbances where residences are immediately adjacent to the existing easement. The difference in elevation between the northwest HDD entry point and exit point allowed for a low angle of entry, but did result in an exit that exceeded the pipe free stress radius "breakover" allowance, which requires either ramping out the exit side ditch line before tie-in to the conventional laid pipe, or installing a custom pipe bend at the tie-in point. The entry and exit radius to the horizontal run at 2,000 – 2,400 ft is below pipe stress allowances and would have allowed for a clean pull through of the HDD pipe segment.

INADVERTENT RETURN DISCUSSION

During the pilot phase drilling for the S3-0400 16-inch, the first pilot drill was terminated after 909 feet of progress due to losses of returns and borehole collapse, and was abandoned by grouting. The HDD was

redesigned and the second pilot drill experienced similar issues; however, approved LCM products were used to improve circulation until completion of the pilot.

A 20-inch ream commenced from northwest to southeast and at approximately 940 feet from the northwest entry/exit a 50-gallon IR occurred. This IR location corresponds approximately with the projected location of the Marctic Thrust Fault zone. The IR was cleaned up and a 30-inch reamer was added behind the 20-inch reamer to improve circulation and reduce drilling fluid pressure through completion of the 20-inch ream. A 24-inch ream commenced from northwest to southeast and at 1,763 ft of progress a 500-gallon IR occurred, at the same location of the previous IR. Crews removed the bentonite drilling fluid and fenced off the area to prevent access. The next day a circular subsidence feature, initially 3 feet in diameter and 2 feet deep, was visible at the land surface, which subsequently expanded to a 9.0 ft by 9.5 ft circular area.

The cause of the IR during the reaming phase was due to a build-up of cuttings that clogged the annulus and caused the drilling fluids to migrate vertically through highly weathered and fractured bedrock to ground surface. The 24-inch reaming tool was located approximately 800 feet past the IR location and was at a higher elevation which assisted in the vertical movement of the drilling fluids.

The subsidence feature that developed was most likely caused by soil flowing downward along foliation planes within the saprolite horizon, weakened by drilling activity, into the subsurface fault zone. The Marctic Thrust Fault zone is characteristically filled with broken and weathered rock allowing this material to slowly collapse into the HDD annulus, causing subsidence at the ground surface.

Figures 1 and 2 in Attachment 2 provide a plan and cross section view of the HDD bore hole and locations of the IRs. Additional written description of the IR events during the drilling of HDD S3-0400 is provided in Section 3.0 of the Hydrogeologic Analysis Report provided in Attachment 1. SPLP utilized all the foregoing information obtained during installation of the 16-inch pipe in the assessment of construction alternatives and re-routes at this location.

GEOLOGIC AND HYDROGEOLOGIC ANALYSIS

HDD S3-0400 transects the contact between the Piedmont Lowland Section to the north and Piedmont Upland Section to the south, both of the Piedmont Physiographic Province. The Marctic Thrust Fault marks the change from lowlands to uplands. The Lowland Section is characterized by broad moderately dissected, karst valleys separated by broad low hills. The Upland Section is characterized by broad rounded hilltops.

The mapped bedrock units crossed by the HDD alignment include; mica schist and phyllite of the Octoraro Formation; the calcareous phyllite upper unit of the Conestoga Formation; and carbonaceous limestone of lower unit of the Conestoga Formation. These lithologies correspond with the latest geologic map of Chester Valley.

The revised construction plans are for 2,114 ft of open trench construction, and an 816 ft Direct Pipe bore. The Direct Pipe bore method is cased, and has a closed fluid control system. The planned bore will pass through overburden or highly weathered and weak bedrock with low RQD values. The geology at this location presents no IR or subsidence risks to the construction methods planned in replacement of the HDD.

Attachment 1 provides a discussion on the geology and results of the geotechnical investigations and a geophysical investigation performed at this location.

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
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(SPLP HDD No. S3-0400)

HYDROGEOLOGY, GROUND WATER, AND WELL PRODUCTION ZONES

The most basic conceptual model for groundwater flow in the area of HDD S3-0400 is to depict the uplands underlain by the Octorara Formation as the groundwater recharge zone and the lowland underlain by units of the Conestoga Formation as a groundwater discharge zone. As such, ground water is expected to move southeast to northwest at the HDD. Both formations have components of primary porosity and secondary porosity.

Primary porosity best supports the basic conceptual model of groundwater flow from recharge areas in uplands to discharge areas in lowlands. Secondary porosity created by openings in foliations, fractures and faults can impart anisotropies on the groundwater flow system altering the basic directions of groundwater flow.

Groundwater levels recorded during the geotechnical borings show groundwater depths ranging from 5.5 to 28 feet (ft) below ground surface (bgs).

A search of the Pennsylvania Groundwater Information System (PaGWIS) database produced twelve residential wells with 0.5 miles of the HDD S3-0400 alignment. Five of the wells were in the Conestoga Formation and seven of the wells are within the boundaries of the mapped Octoraro Formation. The water levels for the Conestoga Formation wells ranged from 17 to 40 ft bgs with a mean of 24 ft bgs. The water levels for the Octoraro wells ranged from 9 to 45 ft bgs with a mean of 30 ft bgs.

The revised construction plans are for 2,114 ft of open trench construction, and an 816 ft Direct Pipe bore. The Direct Pipe bore method is cased, and has a closed fluid control system. The planned bore will pass through overburden or highly weathered and weak bedrock with low RQD values. The hydrogeology at this location presents no IR or subsidence risks to the construction methods planned in replacement of the HDD.

Attachment 1 provides a discussion on the hydrogeology and results of the geotechnical investigation performed at this location.

ADJACENT FEATURES ANALYSIS

This HDD location is located on the southeast of the Town of Exton, West Whiteland Township, in Chester County, Pennsylvania. The HDD alignment crosses under U.S. 30 Exton Bypass; two (2) wetlands; an abandoned Norfolk rail line and active Amtrak/SEPTA rail line, and Lynetree Drive. This HDD location is set within urban residential developments for the majority of its length.

The pipeline route follows an existing SPLP utility easement with one or more existing pipelines for the entire length of the HDD alignment.

Aquatic resources along the HDD alignment include wetlands W-K18, and W-K21.

SPLP's public outreach conducted in October of 2017 resulted in no private water wells being identified within 450 ft of the HDD alignment. A water well map is provided as Figure 5 in the Hydrogeologic Reevaluation Report provided in Attachment 1. Landowner responses and available information indicates the properties adjacent to the HDD alignment are served by public water.

SPLP will transmit a copy of this HDD analysis to all landowners having a property line within 450 ft of any direction of this HDD location.

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
PA-CH-0256.0000-RR-16
(SPLP HDD No. S3-0400)

ALTERNATIVES ANALYSIS

As required by the Order, the reanalysis of HDD S3-0400 includes an evaluation of open cut alternatives and a re-route analysis. As part of the PADEP Chapter 105 permit process for the Mariner II East Project, SPLP developed and submitted for review a project-wide Alternatives Analysis. During the development and siting of the Project, SPLP considered several different routings, locations, and designs to determine whether there was a practicable alternative to the proposed impact. SPLP performed this determination through a sequential review of routes and design techniques, which concluded with an alternative that has the least environmental impacts, taking into consideration cost, existing technology, and logistics. The baseline route provided for the pipeline construction was to cross every wetland and stream on the project by open cut construction procedures.

Re-Route Analysis

The pipeline route as currently permitted follows an existing SPLP easement through urban development southeast of the Town of Exton. The general route of the Mariner II project in this area of the state is from northwest to the southeast.

There is an existing Texas Eastern Pipeline easement 700 ft to the southwest of the SPLP easement. This easement originates in near vicinity to the SPLP, north of Exton Bypass, then proceeds through larger areas of wetlands and a stream which are not present on the SPLP easement. This easement is set within the same geologic setting; crosses under the same transportation infrastructure; crosses through the same residential area as the SPLP easement, and ultimately this easement proceeds in a southern direction deviating away from the general direction of the Mariner Pipeline project. Therefore, this alternative route presents no advantages over the existing SPLP easement.

There are no existing utility corridors to the east-northeast that provide a practical alternative route. Any alternate route considered to the east-northeast would require the clearing of a new "greenfield" corridor through existing woodlands, increase the number of stream crossings, and possibly encroach on additional private residences before it could rejoin the current route.

In summary, due to the urban setting surrounding the overall route of the Mariner II pipelines in this area, there is no alternative route that could avoid conflicts with existing development. Since SPLP possesses no prior rights for multiple utility lines in any nearby existing corridor, nor any new corridor that could be developed, SPLP anticipates significant legal action would be necessary to acquire a new easement.

Open-cut Analysis

In this area of the Mariner II Pipeline project, the use of an HDD construction method was selected to be employed in many instances due to the infrastructure and amount of residential and commercial development adjacent to and encroaching upon the existing SPLP easement, since the HDD method generally avoids direct disturbance of lands between the points of entry and exit. However, as previously discussed, SPLP performed additional geologic investigations and has determined from this data that a revised HDD design will not be able to avoid the subsurface geologic conditions that resulted in the problems that occurred during installation of the 16-inch pipeline.

SPLP evaluated the select use of open cut construction of the existing permitted right-of-way and determined this would have the least impact, and most effective means, for installing the pipeline and restoring the properties where adequate space exists to employ conventional construction methods. As discussed previously, SPLP's revised construction plans are for 2,114 ft of open trench construction.

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
PA-CH-0256-0000-RR
(SPLP HDD No. S3-0400)

Use of Conventional Auger Bore

Planning for a conventional bore must account for the extent or width of the feature (road, stream, residence, etc.) being bored under, as well as the length and width of the setup-entry pit for setup and operations of the boring equipment, and the receiving pit through which the product pipeline is pulled back through after the boring machinery exits and is removed.

Based on the track record of installations during construction of this pipeline project, conventional auger bores should be limited to approximately 200 linear feet or less, varying by the underlying substrate at a proposed bore location. Conventional auger bores for the 20-inch pipeline, attempted at longer distances, have at times had alignment drift and elevation deflections which have complicated installation. Drift and deflection are safety concerns when boring adjacent to in-service pipelines and other utilities, and there is one existing in service pipeline within the existing SPLP easement and the already installed 16-inch ME II pipeline.

The length of crossing to pass under the aquatic resources; U.S. 30 Exton Bypass; the abandoned Norfolk rail line, and the active Amtrak/SEPTA rail line is beyond the capabilities of this technology. Subset conventional auger bores of the Exton Bypass and abandoned and active railroads was considered and rejected due to difficulty of accessing the alignment and resulting impacts to the public.

Use of FlexBor

SPLP contractors attempted three (3) FlexBors and partially completed two of these to replace HDDs on the Mariner Project. One FlexBor failed in the pilot phase and was replaced with a conventional bore under a highway and open-cut construction. The two partially successful FlexBors completed the pilot phases, but both had difficulties completing the reaming phase. SPLP's analysis is that this technology is not perfected for larger diameter bore attempts.

Use of Direct Pipe Bore

The Direct Pipe bore method is also known as "microtunneling". This method of pipeline installation is a remote-controlled, continuously supported pipe jacking method. During the direct pipe installation, operations are managed by an operator in an above-ground control room alongside of the installation pit. Rock and soil cutting and removal occurs by drilling fluid injection through the cutting tool during rotation at the face of the bore, and the cuttings are forced into inlet holes in the crushing cone at the tool face for circulation to a recycling plant through a closed system. The entire operating system for this method of pipeline installation, including the cutting tool drive hydraulics, fluid injection, fluid return, and operating controls are enclosed inside the 50-inch outside diameter bore pipe being installed. At the launching point/entry pit, the bore pipe is attached to a "jacking block" that hammers the bore pipe while the tool is cutting through the substrate or geology. The cutting tool face is marginally larger in diameter than the pipe it is attached to. As a result, there is minimal annulus space, which minimizes the potential for drilling fluid returns or the production of groundwater returning back to the point of entry. Once the bore pipe is installed, the 16-inch product pipeline will have spider gaskets and spacers installed to prevent coating damage and cathodic protection short circuits, and then will be pulled through the bore pipe.

SPLP evaluated the use of Direct Pipe bore to pass by difficult crossing features within the alignment of HDD S3-0400. The construction specialists who operate this boring equipment identified an 816 ft segment of this alignment to employ this method of construction; which is incorporated into SPLP's revised construction plan.

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
PA-CH-0256.0000-RR-16
(SPLP HDD No. S3-0400)

CONCLUSION

As stated previously, SPLP has evaluated the events which occurred during the S3-0400 16-inch HDD, and performed additional geotechnical investigations and a geophysical investigation of the alignment. This data revealed inconsistencies in rock quality and other problematic geologic factors at depths through and below the HDD design limitations. Therefore, SPLP has elected to abandon any future HDD attempts to install a pipeline through this area and has developed an alternate construction plan using a combination of open trench construction method in uplands, and a Direct Pipe bore underneath aquatic resources, U.S. 30 Exton Bypass, an abandoned Norfolk rail line, and the active Amtrak/SEPTA rail lines.

The revised construction plan will avoid impacts to public infrastructure and natural resources, and accelerate the completion of the pipeline installation and restoration while adjacent to residential areas.

Attachment 2 contains the HDD plan and profile with the 16-inch HDD IR location data, and the plan and profile views of the direct bore discussed above.

To address the additional impacts associated with these proposed changes in construction methods, a Chapter 102 & Chapter 105 permit modification package has been submitted to the PADEP.

EXTON BYPASS CROSSING
PADEP SECTION 105 PERMIT NO. E15-862
PA-CH-0256.0000-RR
(SPLP HDD No. S3-0400)

FEASIBILITY DETERMINATION

Based on the information reviewed by the Geotechnical Evaluation Leader, Professional Geologists, Professional Engineers, and HDD specialists, the HDD Reevaluation Team's opinion is that the proposed alternative construction plans presented within this re-revaluation report will minimize the risk of IRs and impacts to public and private water supplies during the construction phases for this segment of the Mariner II Pipeline Project.

Pertaining to Horizontal Directional Drilling Practices and Procedures; Conventional Construction; Alternatives; and Environmental Effects

Larry J. Gremminger, CWB — 5/30/2019 (Date)
Geotechnical Evaluation Leader
Mariner East 2 Pipeline Project

Pertaining to the practice of geology

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COMMONWEALTH OF PENNSYLVANIA — REGISTERED PROFESSIONAL — RICHARD T. WARDROP — GEOLOGIST — PG-000157-G

Pertaining to the pipeline stress and geometry

Jeffery A. Lowy, P.E. — 5/29/19 (Date)
Lic. No. PE082759
Rooney Engineering, Inc.
Civil Engineer

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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

July 15, 2019

Rosemary Chiavetta, Secretary
PA Public Utility Comission
400 North Street
Harrisburg, PA 17120

Re: L-2019-3010267 - Advance Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59

Dear Secretary Chiavetta,

We write to offer our comments on the Public Utility Commission's recently released Advanced Notice of Proposed Rulemaking (ANOPR) regarding the design, construction, operations, and maintenance of public utilities transporting petroleum products and other hazardous liquids under the jurisdiction of the PUC. PSATS appreciates this opportunity to share the opinion of our members on this important issue.

The Pennsylvania State Association of Township Supervisors is a non-partisan, non-profit member service organization. Our member townships represent 5.6 million Pennsylvanians — more residents than any other type of Pennsylvania municipal government. PSATS member townships cover 95 percent of the commonwealth's land mass.

PSATS is most concerned about improving communication between pipeline companies and municipalities, as well as equipping local fire and EMS personnel to respond to pipeline-related emergencies. We would consider supporting future proposals that align with these priorities.

At our annual conference, PSATS members have approved policy statements that articulate support for improvements to Pennsylvania's communication processes and regulatory environment in the pipeline industry. Any progress that can be made to improve communication between industry participants, state agencies, local government, and the public are welcome, especially about matters concerning emergency preparedness. Below is the text of PSATS standing resolutions concerning pipelines:

19-08 RESOLVED, That PSATS urge the Commonwealth to establish a communication process between commonwealth agencies to 1) collect and disseminate information regarding planning, siting, construction, operation, maintenance, management, inspection, safety, and emergency response procedures for pipelines; and 2) coordinate

communications related to pipelines activities with federal state and local government agencies, regulatory authorities, pipeline companies, and the public.

19-31 RESOLVED, that PSATS seek legislation to provide a regulatory environment for siting pipelines not currently administered by the Federal Energy Regulatory Commission or the Pennsylvania Public Utility Commission, including a notification framework that would require pipeline companies to provide written notice to municipalities, counties, easement-holding non-government entities, and property owners where pipeline activities are planned, AND FURTHER, that such written notice shall be provided to these entities before submittal to a regulatory agency for review or approval.

Previously, PSATS collaborated with Governor Wolf in crafting a series of policy recommendations intended to improve pipeline development procedures in Pennsylvania. PSATS members voted to express their support for recommendations relating to emergency preparedness and local government. Below is a brief summary of the 2016 Task Force recommendations for local government and emergency preparedness. Additionally, you will find the text of the resolutions our members adopted to endorse the recommendations on local government and emergency preparedness issues.

Governor Wolf's Pipeline Infrastructure Task Force Local Government Work Group Recommendations

1. Communicate Early and Often with Local Government Officials
2. Minimize Impact on Local Roads
3. Clarify and Examine Need for Local Regulation of Surface Facilities

Governor Wolf's Pipeline Infrastructure Task Force Emergency Preparedness Workgroup Recommendations

1. Standardize Emergency Response Plans
2. Train Emergency Responders
3. Require Infrastructure Mapping
4. Coordinate Pipeline Mapping Plans
5. PUC Should Develop a Comprehensive List of Pipeline Classifications
6. Enhance Emergency Response Training for Responder Agencies
7. Create County/Regional Safety Task Forces
8. Provide Training to Local Emergency Responders
9. Assess Need for Additional Training for Local Responders
10. Establish Protocol for Emergency Movement of Heavy Equipment during Off-Hours
11. Assigning a 9-1-1 Address to Pipeline-Related Facilities
12. Authorize a Fee for Emergency Response to Pipeline Incidents

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

16-45 RESOLVED, That PSATS support those Local Government Workgroup recommendations to Governor Wolf's Pipeline Infrastructure Task Force that would require industry participants to foster cooperation, collaboration, and coordination with municipalities and/or local governments early and often in the pipeline development process; AND FURTHER, to strongly encourage the Governor and Department of Environmental Protection to prioritize this important local collaborative effort as a "top tier initiative" from the Task Force Report.

16-46 RESOLVED, That PSATS support the Emergency Preparedness Workgroup recommendations that were made to Governor Wolf's Pipeline Infrastructure Task Force that provide aid to local governments and local emergency responders for pipeline and other natural gas-related emergencies.

PSATS welcomes this opportunity to comment on the PUC ANOPR. Our members have spoken that they would be best served by policies that improve communication practices and emergency preparedness, as well as any policies that incorporate the recommendations of Governor Wolf's Pipeline Infrastructure Task Force. We look forward to the opportunity to review the proposed regulation and offer additional comments when it is published in the Pennsylvania Bulletin.

Sincerely,

David M. Sanko
Executive Director

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