

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199



August 22, 2019

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

Docket No. L-2019-3010267

Dear Secretary Chiavetta:

The East Goshen Township Board of Supervisors has reviewed the submissions from the Chester County Commissioners in reference to the Advance Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59. At their meeting on August 20, 2019, the Board unanimously concurred with these recommendations.

Also, at the August 20th meeting the East Goshen Township Board of Supervisors unanimously approved the submission of the following recommendations for the Public Utility Commission's consideration.

Subject Areas listed within the Advanced Notice of Proposed Rulemaking

A. Construction

1. Pipeline Material and Specification

Hazardous liquids (especially natural gases, natural gas liquids, or highly volatile liquids) must be transported only in US-manufactured 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

At minimum, new and repurposed pipelines should be buried at a depth of four feet, particularly in high consequence areas. Highly volatile liquids should warrant a greater depth than other hazardous liquids, due to their uniquely volatile and flammable nature. A qualified, Pennsylvania-licensed professional engineer with

credentials approved by the PUC should assess the project prior to approval and make recommendations for depth.

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”*.

Additionally or alternatively, 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. Vehicle-proof barriers should be required, as several valve sites are located adjacent to heavily-trafficked roads and schools, and frequent inspections should be required by state officials.

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. Vehicle-proof barriers should be required, as several valve sites are located adjacent to heavily-trafficked roads and schools, and frequent inspections should be required by state officials.

All valve and compressor stations should be required to install gas monitoring and central alarm devices that cover 100% of the footprint of the station. These devices are available and commonly used in gas storage and production facilities.

Hazardous liquid pipelines should follow the same guidelines as gas pipelines in regards to distance requirements of valve stations.

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. We 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.

An environmental impact study should be done for each valve site location to consider impact on local populations.

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.

In determining whether conversion and/or repurposing is appropriate the PUC will perform a detailed risk assessment with consideration given to factors such as age of pipeline; commercial/residential development of surrounding areas; initial use of pipeline, history of leaks; proposed operating pressure. If any of these factors is determined to pose a risk to public safety, the determination shall be made that conversion and/or repurposing is prohibited.

2. Construction Compliance.

The PUC should approve the construction plans of pipeline projects for quality and safety control. The Pennsylvania DEP has repeatedly noted that their authority is limited in permitting related to water resources, and they do not have jurisdiction over safety, so the PUC should exercise its authority to close this loophole and ensure adequate oversight prior to construction permitting. Independent third-party inspection should be required routinely to ensure that the process of construction is following the permit requirements. It is important that these inspectors should come from companies with no conflict of interest with the operator, to insure unbiased assessments.

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.

The Maximum Operating Pressure of any pipeline system may not exceed the maximum pressure of the weakest part of that pipeline network.

4. Line Markers.

Lines carrying highly volatile liquids should be identified by markers that specify "highly volatile liquids." Line markers should be inspected on a regular basis, to ensure proper contact information and material transport information.

5. Inspections of Pipeline Right-of-Ways.

Lines carrying highly volatile liquids should be identified by markers that specify "highly volatile liquids."

6. Emergency Flow Restricting Devices.

Remote-control emergency flow restricting devices should be required on all new and repurposed pipelines high consequence areas. No pipelines may be grandfathered or excluded from this.

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.

Direct Current Voltage Gradient (DCVG) testing is one of the best methods to detect the size and location of buried pipeline coating defects. Pipeline owners should be required to conduct DCVG surveys at least annually in all HCA designated areas.

A Close Interval Potential Survey (CIPS) is an effective test for cathodic protection effectiveness. Pipeline owners should be required to conduct CIPS at least annually in all HCA designated areas.

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. Records of cathodic protection inspections and surveys, and of in-line inspection (“pig”) runs, should be made available to the public on request.

C. Additional Subject Areas for Public Comment

1. Utility Interactions with Local Government Officials.

We suggest that the PUC adopt the *Texas Railroad Commission Regulations* surrounding public education and awareness, including but not limited to such topics as emergency planning and emergency response coordination, and periodic drills with utility/municipal coordination. See below for reference.

§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 (1) and (2) of this section satisfy the record-keeping requirements of this subsection.
2. Requiring Periodic Public Awareness Meetings with Municipal Officials and the Public.

We recommend that the PUC adopt the *Texas Railroad Commission Regulations* set forth in Section 8.310 and 8.315 with the caveat that Section 8.315 should be modified to include public and private schools, (See below for reference) as well as the California Public Utility's Gas Safety Plan.

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

- (1) 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.
- (2) 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.
- (3) 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:
 - the name of the school;
 - the street address of the public school building or other public school facility; and
 - the identification (system name) of the pipeline.
- (4) Each pipeline owner and operator to which this section applies shall:
 - a. 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 description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
 - a list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
 - the designated emergency number for the pipeline facility operator;
 - information on the state's excavation one-call system; and

- information on how to recognize, report, and respond to a product release; and

b. 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.

(5) 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.

(6) 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.

Programs should be pursuant to 49 CFR § 195.440 and API Recommended Practice 1162. The public awareness programs of pipeline operators should be approved by the PUC prior to execution, to ensure that the information provided to the public is relevant, comprehensive, and effective.

4. Pennsylvania specific enhancements for operator qualification.

All construction done in Pennsylvania should be covered by a performance surety bond. Additionally, in evaluating the operator's qualification, the PUC should require the operator to submit evidence of liability insurance, their PHMSA safety record and DEP violations for the past five years for every project regardless of state. We are suggesting that every operator have a Pennsylvania state corporate entity. All of these suggestions should be required to be considered for public utility status.

5. Enhancing transparency while protecting confidential infrastructure security information.

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.

The construction permits should contain a new section that addresses the impacts from the actual construction of the pipeline to residents, especially HDD pipeline installations that result in stationary drills and mud machines being operated continuously for days and weeks on end at one location. This shall include establishment of statewide standardized noise limits, vibration limits, hours of operation, and dust limits during construction.

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

No Comments

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

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

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.

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

The Commission should publish a notice about the project in the PA Bulletin

The intention here is to replicate what is required in Section 8.115 of the *Texas Railroad Commission Regulations*. (see below)

§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.

9. Odorant utilization.

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

10. Geophysical testing and baselining

Geophysical testing and baseline should be performed on all surrounding areas, and provided to homeowners living within 1000 feet of the pipeline.

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

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.

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

Land agents should be registered, monitored with threat of loss of registration if unlawful practices are used to force an easement signing.

13. Background investigations of employees and contractors.

No Comments

14. 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.

Thank you for the opportunity to comment on this Advanced Notice of Proposed Rulemaking as listed in Docket Number L-2019-3010267.

Sincerely,



Louis F. Smith, Jr.
Township Manager

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