

August 26, 2019

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

Re: Docket No. L-2019-3010267 Advance Notice of Proposed Rulemaking  
Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code  
Chapter 59

Dear Secretary Chiavetta:

The Responsible Drilling Alliance (RDA), a 501 (c) (3) educational and advocacy coalition based in Lycoming County, appreciates the opportunity to submit the following comment:

RDA asks the Pennsylvania Public Utility Commission (PUC) to enact stricter rules for hazardous liquids pipelines. We urge the PUC to address deficiencies in the following areas:

1) Improve the Process for Granting Public Utility Status:

Presently, a company can obtain public utility status and the right to claim private land through eminent domain by acquiring county-wide certificates of public convenience, often grandfathered in from projects completed decades earlier. Under this oversight, even a hazardous, highly volatile liquids export pipeline is a “public utility,” allowed to seize the land of hardworking Pennsylvanians for plastics manufacturing overseas.

Pipeline companies should apply for public utility status from the PUC and be clearly granted or denied status on a project-by-project basis. The

burden of proof should fall on the operator to establish a public need that would justify condemnation of private lands. Why should public utility status be given for the manufacturing and/or export of non-essential consumer products?

## 2) Establish a New Permitting Process for New or Expanded Pipeline Projects:

The PUC should require a permitting process before major projects to build new pipelines, or change or expand existing pipeline systems. This permitting process should not be limited to an application for public utility status. The permitting should include:

- (1) The Commission's exercise of its siting authority.
- 2) A demonstration by the applicant with sworn, written, public proof that the project will comply and continues to comply with PUC and Pipeline and Hazardous Materials Safety Administration ("PHMSA") regulations.
- (3) A demonstration by the applicant that emergency preparedness plans and public awareness plans are both credible and effective.
- 4) A demonstration by the applicant that risk assessments have been made of potential public safety, economic, and environmental threats posed by a pipeline project, and that those assessments have been made available both to the commission and the public.
- 5) Public participation (including public hearings and commenting opportunities) on the permitting process. Such participation processes should be available on siting proposals, risk assessments, environmental assessments, and emergency preparedness plans.

In addition to hazardous liquids public utility safety standards, RDA asks that the Notice of Proposed Rulemaking (NOPR) include long overdue regulations for Class I area natural gas gathering lines. While we appreciate and support the PUC moving forward with updating hazardous liquids pipeline safety, we

remind the PUC that Class 1 area gathering pipelines are still completely unregulated some 8 years after Pennsylvania's Marcellus Shale Advisory Commission recommended:

**9.1.7**

**The Public Utility Commission should be given statutory gas safety oversight of non-jurisdictional intra-state gathering systems, including mechanisms to establish safety standards regarding the design, construction and installation of such lines within Class 1 areas**

As the Pennsylvania legislature, has not moved forward with this recommendation, RDA asks that the PUC take this rulemaking procedure opportunity to finally address this dangerous neglect of sensible and necessary regulations to ensure that residents of rural Pennsylvania are granted the same safety considerations as those given to citizens living in more populated areas.

Sincerely,

Board of Directors, The Responsible Drilling Alliance

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