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2019 JUL 19 AM 9:40

July 15, 2019

PA PUC  
SECRETARY'S BUREAU

PA PUC  
Attn: Secretary Rosemary Chiavetta  
400 North Street  
Harrisburg, PA 17120

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

Docket No. L-2019-3010267

These comments are submitted regarding the "Advance Notice of Proposed Rulemaking Order by the Commission", (hereinafter referred to as "Advance Notice") in response to the several PUC requests for comments within.

I have reviewed the PUC's Advance Notice. While I am a concerned citizen/property owner in Exton, I bring no particular expertise to comment on the proposed enhancements of the regulations. I am glad to see that PUC is conducting a review and open to comment.

I reside with a Laurel Buckeye pipeline adjacent and the ME (ET/Marine East) pipelines within a mile both west and south. This is my neighborhood, the locale of my friends, my State Park, and my shopping and restaurant areas. I can assure you that for every commenter from the general public, there are probably a few thousand worried citizens who lack the time or inclination to send their thoughts to the PUC. That being said, below are my comments about the Advance Notice. I applaud the PUC in seeking comments from the interested public as well as advice from experts in this highly technical field. Additionally, it is noted that throughout the Advance Notice, that PUC extends the offer for "comments not limited to these areas." Advance Notice comments may benefit the Commonwealth greatly.

Transportation of hazardous liquids for intrastate commerce is a highly technical area of expertise and a profitable area of enterprise. I would assume that the PUC has sought and will gather advice on best practices from industry experts who are independent of any pecuniary gain. There are superb engineering schools and independent sources across the nation, which can offer assistance to the PUC. As the authority which both regulates and enforces safety rules, the PUC is the Commonwealth's and therefore the citizens' agent. Under the rulemaking, I would ask that the PUC be required to seek independent sources for recommendations. Sources providing advice should be identified and their independence from financial gain from any phase of the intrastate transport verified. Legal entities which own pipelines, construct pipelines or gain from the transport of petroleum products, may be consulted by the PUC, but cannot be expected to be the guarantor of public safety as well as answerable to corporate owners and shareholders.

It is encouraging that the Commonwealth is willing to adopt more stringent regulations than the Federal standards (CFR 195) sections referenced. First, the PUC needs to assure the general public that the current Federal pipeline safety standards are being met. Due to both the nature of the heavy population density in the SE PA region and the increasing number of both pipelines and events, such as HDD returns, leaks, and the July 2019 refinery explosion, it would benefit PUC's process and allay public concerns if the PUC would provide some public assurance that their oversight function is being performed at an adequate level.

Whereas the states may adopt more stringent guidelines, it would especially benefit the Commonwealth of Pennsylvania due to a large number of fracking sites, multiple pipeline operations, and high number of negative events. The Commonwealth seeks to assure the public that reasonable and sufficient precautions are being taken to protect the public's life, health, property and environment.

Besides seeking public comments, PUC should launch a large, continuing public information effort. While it is commendable that the PUC is seeking public comments from 'interested persons', the general public seems generally uninformed of the presence of hazardous, HVLs being transported under high pressure in their neighborhoods. I would encourage the PUC to use a broad spectrum of media and other avenues to reach the general public, including mailings and print, TV, radio and hosting public forums. If the PUC would authorize pretests of the public knowledge prior to the public information launch and then begin quarterly assessments to post-test the efficacy of the broad based public outreach, the impact could be measured. Public education/outreach is the responsibility of our government, via PUC and other governmental agencies to inform and protect its citizenry. The PUC should be required to address how the general public will be educated on pipeline safety, even if another agency provides the education.

Ref Section II, A. 1. USED pipe? The industry expects to use pipe older than the average homeowner? Without any expertise in the subject, it would seem that "used pipe" should not be allowed for the transport of any HVLs under pressure. The use of words such as 'used' or 'vintage' (Section II,A.1.) does not inspire great confidence in the regulatory, protective or supervisory capacity of the PUC.

Ref Section II. Subject areas. This reviewer has no highly informed knowledge on the details and specifications regarding construction, pipeline materials or depth. The PUC should assure the public that the Federal standards are met or exceeded. The PUC should assure the public that outside, knowledgeable parties, with no pecuniary interest in these NGL pipelines, made recommendations to the PUC regarding materials, specifications, gauge, coatings, depth, spacing, etc. The PUC should assure the general public that the outside, knowledgeable opinions are routinely sought and are independent of the pipeline operation. The PUC should allay any public concerns that those sources of advice are receiving financial benefits from the operation nor from the residual products manufactured from the HVSSs/NGLs transported in the pipelines. Transparency and independence assures the public that their safety is being protected to a reasonable extent.

**Ref. Materials. Section II.1. The PUC should require evidence that the pipeline operator/construction process are keeping pace with technologies, to protect the safety of the populace and the environment. PUC should require that as newer and presumably safer pipeline materials become available, older pipeline materials are phased out. PUC can specify what materials can be used and for how long. Construction with older, outdated materials should only be permitted under those conditions of lower pressure, lower risk, and lower potential for harmful impact to the environment. A similar concern is held regarding coatings, which while intended as preserving the physical pipeline, may also degrade in the weather.**

**Ref Section II, A. 2. Cover Over Buried Pipelines. Depth of pipelines: 30 inches? 36 inches? 48 inches. Why not a SIX feet minimum when pipelines are buried in the ground? Six feet is well below the 54" soil freeze depth for anywhere in PA per 2014 data from www.Phrc.psu.edu PUC should require SETBACKS for all pipelines from residential areas, schools and a general concentration of humans. If humans are not permitted within miles of a space launch, why would having HOMES or SCHOOLS or RESTAURANTS or SHOPS in the vicinity of pipelines carrying HVLs be permitted by PUC?**

**Ref Section II, A. 2. Ground erosion is not specifically referenced but inferred by addressing the "cover", "additional cover", "how cover is maintained". In a dynamic environment, the amount of cover can be expected to change. The PUC needs to prescribe specific standards to maintain the integrity of the pipeline, for the frequency of operator inspections and how the protective ground cover for existing pipelines is maintained.**

**Ref Underground Clearances. Section II, A. 3. Clearances between pipelines. Independent advice and industry standards should dictate these specifications. Stacking of pipelines appears to amplify the risks to the public, environment and threatens the continued operation of the adjacent pipelines. The Advance Notice section regarding clearance is vague: "Where a 12-inch clearance is impracticable, the clearance may be reduced provided that adequate provisions are made for corrosion control." This kind of statement brought up questions: May be reduced ? to what clearance? None? Under what conditions?**

**Ref Valves. Section II, A. 4. Valves are complex. Reportedly leakage is more likely at valve sites. Increased valves have also been reported to decrease risks via the ability to isolate the pump stations, thus reducing distances between valve stations, and decreasing the amount of internal product available to leak into environment. It would seem prudent to locate valve stations at maximal distance from schools, senior centers and other locations in densely populated areas. The PUC should obtain professional, independent engineering assistance before proceeding. Again, rules more stringent than the CFR 195 applicable sections and transparency may assist in protecting the public and allaying public concerns.**

**As a member of the citizenry, I wonder why valve stations with a higher risk of leaking would be located at or near vulnerable populations such as a senior center or an elementary school? I wonder why valve stations are NOT located underground in a concrete bunker, where valves could be accessible as well as protected from the elements, corrosion, pollution and vandalism. Why are**

valves, pump stations and storage tank areas not automatically equipped with leak detection and sirens to warn those in the vicinity?

PUC should modulate the construction and operation standards, specifications in accordance with the concentration of humans in the areas, i.e. strengthening of requirements in the very high consequence areas of high population density, as referenced at greater than 1000 persons per square mile, CFR 195 Section 450 ref. Ref Section II, B. Operation and Maintenance. PUC should impose similar increased standards where an adverse event would risk of an explosion of storage tanks, nuclear reactors, etc, other elements which would compromise public and environment.

1. Pipeline Conversion. No pipelines should be converted for use and adherence to strict operating guidelines and inspections. In addition it is imperative that there is knowledgeable and impartial inspection of all aspects of the 'converted' pipeline operation and maintenance.
2. PUC must require industry maintenance records available for review by the PUC or its agents for a period of not less than 5 years, or 10 years after any catastrophic event, including records of groundwater contamination. Any suit brought as a result of a catastrophic event should require records maintained until 10 years after settlement of the suit .
3. The reviewer noted the reference to the absence of a repair schedule and that there are no observed prescribed penalties for failure to adhere to the regulations as promulgated.
4. Section II,B.,2 Construction Compliance section is truly dreadful wording. Pipelines constructed prior to the dates indicated probably should NOT be used at all.
5. Section II, B. 3. Pressure Testing and Maximum Operating Pressure. While operators may free to assign a risk based classification, location indicators, product and volume indicators and the probability of failure, the verification and the determinant of actual pressure testing requirements and for which products needs to be decided by outside, knowledgeable, independent reviewers, not the industry operator. The same applies to pressures and pressure testing. The Commission shall require that independent reviewers within the industry but external to the operator, with knowledge of the industry set the standards, determine the frequency, using best practices within the industry.

In all aspects, a change in operator does not change the requirements for safety. Operator changes should require notifications within 30 days to all governmental entities in the locale of a pipeline.

The PUC in addition to promulgating regulations must also require that there is evidence of compliance by the operator. Re Section II,B, 5. Inspections of Pipeline Right-Of-Ways. What evidence is there that the required inspection of the right-of-ways are inspected in accordance with the schedule as prescribed? The frequency and methods should adhere to industry standards as determined by PUC advisors external to the operator. The PUC is encouraged to seek consultation from other states which have had greater success with maintaining a low occurrence of events.

Ref Section II,B.6 Emergency Flow Restricting Devices. The language in this section adopted from 49 CFR Section 195.452 (i)(1) seems to rely upon the operator as the determiner of need of an EFRD,

for valves, valve location. The operator is neither the guardian of public safety nor answerable to the public taxpayer.

Ref Section II, B, 7 Leak detection. "Means" of leak detection is non specified. Vague statement: "Operators are required to have a means to detect leaks" is inadequate. The "means" could be that there was an explosion so therefore in hindsight there must have been a leak. Or, the means could be that there was product lost by leakage into the channels of a karst formation, therefore a leak was eventually discovered. Inadequate anticipation and planning for the possibilities increasing the opportunities for disastrous error.

Ref Section II, B, 8 Corrosion Control and Cathodic protection. The PUC is applauded for seeking sound engineering advice in the area of material sciences and coatings, internal and external corrosion. Inspections, and materials used by the operator, regardless of industry standard method selected, needs to be open to verification.

Ref Section II, C. Additional areas:

The reviewer is grateful to the PUC for asking for public comment in these additional areas.

**Property issues.** Realtors are often the facilitators for transfers of residential properties. Education should be available to realtors in the region of pipelines on the presence and hazards of pipelines. The end goal would be that the prospective buyer could make an informed decision about a specific property. To this end, it is unclear what Commonwealth agency within government would be the appropriate agency to assist with educating realtors and the populace.

Any prospective buyer of a property with a pipeline locale or planned construction within a mile should be made aware of the possibilities of vibrational structural damage from pipeline installation, chronic noise and traffic from pipeline installation, suffer well water or aquifer spoiled by HDD drilling fluid, or toxic, corrosive liquids spillage, or worse, including risk loss of life or major property loss from an explosion. No property transfers within a mile of any pipeline carrying NGLS should occur without fully documented disclosure(s) by the seller and documented acceptance by the purchaser of the existence of the pipeline, or of planned construction and the operational hazards. The realtor's responsibility would be limited to obtaining the written disclosure/acknowledgement from the buyer and seller.

The issue of requiring full disclosure for a valid real estate transaction is being referred to local PA legislative representation for review. Current disclosures may need to be amended regarding the sale of property at risk due to proximity to a pipeline. While there are already disclosures required for easements, some data from recent risk assessment analyses would suggest the possible blast zone and could be well beyond current easements.

**Local township and County governing bodies :** Operators of pipeline must be required to update quarterly any local governing entities, including township, borough and county

(Commissioners/Board of Supervisors) on the status and progress of the pipeline in the region, incidents of spillage, conduct of inspections and planned future activities.

Emergency response coordination : A regular dialogue should exist between the operator of a pipeline and the relevant local governmental entities for the purpose of a reasonable response in the event of emergency occurrences or conditions.

Access by emergency responders: Emergency responders throughout the Commonwealth have a charge and responsibility to plan for emergencies, serve and transport the injured, respond to save lives, extinguish the fires, and promote safety. Pipeline operators must show willingness to work cooperatively with local first responders to facilitate the protection of the public. As a citizen there seems to be little evidence that the current operators have provided sufficient coordination or an adequate means of access for first responders.

Public awareness: See comments earlier.

Transparency v. infrastructure security: It is acknowledged that there are security issues for the pipeline operator which could be compromised by unnecessary transparency, so there a known balance between public safety concerns and the protection of corporate information.

Accident and incident reporting and notification criteria for reporting to local emergency officials was previously addressed.

Pre approval of major construction activities: See notification of local governmental entities.

Protection of public and private water: There is no acceptable trade off for efforts necessary to maintain the safety of water, whether private wells or avoiding contamination of the aquifer.

Background investigations of employees and contractors : Information on the background of employees and contractors should be made available to local authorities to the extent such information is necessary for the conduct of necessary law enforcement activities and to the same extent as employees of any other businesses in the locality.

Thank you for the opportunity to citizens to respond to the Advance Notice. It seems wiser to seek advice of multiple industry independent experts to prevent catastrophes than to answer to the U.S. Chemical Safety and Hazard Investigation Board, the media, families and criminal prosecutors for the failure of the PA's PUC to do so.

Thank you,

  
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