



August 19, 2019

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

**RE: Advance Notice of Proposed Rulemaking Order re: Pipeline Safety Regulations
Docket No. L-2019-3010267**

Dear Secretary Chiavetta:

On behalf of the County Commissioners Association of Pennsylvania, representing all 67 counties in the commonwealth, I write to submit our comments on the Advance Notice of Proposed Rulemaking Order regarding pipeline safety regulations (Docket No. L-2019-3010267). We thank you for the opportunity to provide input on thoughtful, effective long-term land use planning for pipelines as well as opportunities to further open communication and dialogue among stakeholders.

Since shale gas drilling began rapidly increasing a decade ago, counties have raised concerns about the proliferation of gathering pipelines, particularly given the lack of knowledge on their location and ambiguity regarding safety oversight. In recent years, however, the buildout of transmission and distribution lines mean that most, if not all, counties, are now being impacted in some way by the expansion of this infrastructure. Although counties have significant resources to offer when it comes to planning for these pipelines, and can serve an important liaison role with the public, too often they are among the last to know what is going on.

In 2015, Gov. Wolf convened a Pipeline Infrastructure Task Force to make recommendations on how to engage stakeholders in a collaborative process around pipeline development. Counties had a significant voice on this Task Force through the County Government Work Group, which developed 12 recommendations that largely centered on communication and cooperation with and among county government, municipalities, citizens, pipeline operators, planning departments, GIS resources and environmental authorities. We strongly urge the PUC to consider the County Government Work Group's recommendations as part of the rulemaking process to enhance the safety of our communities. The full Task Force report is available at <http://files.dep.state.pa.us/ProgramIntegration/PITF/PITF%20Report%20Final.pdf>, and the County Government Work Group recommendations are attached for your reference.

In addition, several of the Emergency Preparedness recommendations appropriately recognize the significant role of county emergency management agencies in local emergency response planning, as well as the need for additional resources at the local level to provide critical response. There are excellent examples of county and regional safety task forces that could serve as a model for other parts of the state; for instance, the South Central Task Force is an eight-county all-hazards emergency preparedness task force that collaborates and coordinates both public and private sector resources through planning, prevention, response and recovery.

Counties also support Pipeline Safety and Integrity recommendation #6, to assure all classes of pipelines have appropriate safety standards and oversight and provide the maximum level of public safety possible. Legislation was signed into law as Act 127 of 2011 that extended the PUC's authority to inspect and provide oversight of intrastate non-utility pipelines that fall under a federally regulated class. However, this still does not include Class 1 (rural) pipelines, because the Pipeline Hazardous Materials Safety Administration (PHMSA), based on current risk data, has elected not to regulate that class. And because shale gas gathering lines, in their more remote rural locations, are expected to be classified as Class 1, they will largely fall outside the scope of the PUC's authority under Act 127 unless the federal government decides to change its regulations. We also support expansion of the PA One Call System (Siting and Routing recommendation #7) to all pipelines as practicable, as knowledge of pipeline locations and the One Call provisions help to mitigate safety considerations associated with future construction.

Based on the work of the County Government work group, counties summarized their policy position on pipeline development into the Pennsylvania County Platform in 2015, as amended in 2018, and share the following for consideration as part of any rulemaking process on pipeline safety:

The Association encourages the pipeline industry and state and local government to work together to develop best practices in siting and routing of all oil and gas pipelines, including:

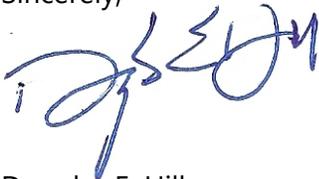
- a. Determination of appropriate setbacks that should be applied to maintain the safety of individuals, homes, businesses and other infrastructure;
- b. Requirements for property developers to consult in advance with pipeline operators and/or owners to assure precautions are taken during construction to avoid damage to existing pipelines;
- c. Development of notification protocols to assure county and municipal governments are aware of proposed pipeline development;
- d. Consideration for use of preexisting public rights-of-way and other innovative partnership solutions;
- e. Requirements for pipeline operators and/or owners to consider county and local comprehensive plans in planning the siting and routing of pipelines as well as the pipeline's impacts on future development opportunities;
- f. Appropriate training for planning officials, emergency services personnel, conservation district staff and other local government officials on the roles and responsibilities of state agencies regarding pipeline permitting and safety inspections;

- g. Opportunities for property owners to be engaged early and often in the pipeline development process, including education on the impacts to future development or subdivision of the property as well as to the property's value; and
- h. Planning efforts that have the least impact on forests and ecosystems. (Added 2015, amended 2018)

It is clear that counties must continue to be engaged with the state and the pipeline industry to improve safety in the development and maintenance of pipelines in our communities. We appreciate that the PUC has recognized the critical importance of open, early and frequent communication in its willingness to consider these additional areas for potential regulation, and we would be pleased to provide additional resources and input as the rulemaking process moves forward.

We thank you for your attention to these comments. If you have any questions or would like to discuss further, please do not hesitate to contact Lisa Schaefer, CCAP Director of Government Relations, at lschaefer@pacounties.org or 717-736-4748.

Sincerely,



Douglas E. Hill
Executive Director, CCAP
P.O. Box 60769
Harrisburg, PA 17106

County Government Workgroup

Introduction

The County Government Workgroup has prepared 12 recommendations which largely center on communication and cooperation with and between County Government, Municipalities, Citizens and Pipeline Operators. Through their Planning departments, Geographic Information System (GIS) resources and environmental authorities, Counties can play a vital role in the pipeline development process provided they are included in the process. The majority of our group believes that our recommendations will assist not only County and Local Governments and our constituents, but the operators as well.

Counties can often provide mapping and GIS data to operators. Information provided to counties by operators and Federal and State Governments can be shared with our municipalities and citizens. Counties want, and should have more communication with operators and a bigger role in planning how pipelines affect our communities.

Our first recommendation is that Counties continue to be engaged in the implementation of recommendations of the Task Force so that we can provide important resources and be able to respond to our constituents.

The remaining recommendations fall into the categories of Education and Shared Resources, Communication and Transparency, and Safety and Protection. It is likely that some of our recommendations may mirror, or perhaps conflict with, recommendations of other Workgroups: i.e. Siting and Routing, Local Government Group, etc. We would welcome the opportunity to work with those groups to finalize recommendations that make sense for all of the groups.

Some of the challenges in implementing some of our recommendations will be limited resources (personnel and funding), and legislative and/or regulatory action. We also recognize the importance of developing ongoing relationships with pipeline operators which will be needed to achieve many of our recommendations.

While the group believes that we have taken into account the concerns of the industry, our industry member disapproved of the majority of our recommendations. A follow-up e-mail was sent to that member further explaining our commitment to work with the industry to achieve our goals.

County Government Workgroup Recommendation #1

Counties Should Partner in Implementation of Task Force Recommendations

Full recommendation:

Counties must continue to be engaged with the state and the pipeline industry in the implementation of all recommendations pursuant to the release of the Task Force's report.

Relevant agencies:

County elected officials
County planning agencies
Emergency services agencies
Conservation districts
Other county agencies

Justification:

Counties want to be an ongoing partner as the oil and gas industry evolves, to assure they are able to offer input and resources as appropriate during the development process and able to best provide accurate and timely information to the communities they represent.

Actions that would be required to achieve recommendation:

Ongoing outreach from state agencies and the pipeline industry to counties.

Challenges to achieving recommendation:

None.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #2

Counties Should Include Pipelines Development in County Comprehensive Plans

Counties should include information about pipelines and pipeline corridors within their comprehensive plans, and should strongly encourage operators to use best practices, e.g., those provided by Pipelines and Informed Planning Alliance (PIPA).

Full recommendation:

1. Counties should have information about pipelines within their comprehensive plans.
 - a. Where pipelines are in the community - mapping of all pipeline corridors and location of gathering lines as available - and types of pipelines should be included.
 - b. Counties should implement best practices in communication and safety, such as those provided by PIPA.
 - c. Counties should recommend best practices regarding well pad and pipeline siting as it relates to future land use to share with landowners and municipalities – i.e., counties' concerns relative to preserved land, the environment, future growth and development, impacts to agriculture, etc.
 - d. Counties should be able to review and make recommendations in accordance with comprehensive plans similar to other types of development.
2. Develop a model ordinance/guidelines/considerations for municipalities to reference regarding setbacks, standards, environmental considerations (habitats, conservation easements/preserved land) as appropriate.

Relevant agencies:

County planning agencies

Emergency services agencies

Conservation districts

Water resources authorities

Health departments

Department of Community and Economic Development (DCED)

Justification:

Counties want, and should have, more communication with operators, and a bigger role in planning how pipelines affect their communities.

Actions that would be required to achieve recommendation:

Addendum to comprehensive plans in the intervening years, and incorporated into the comprehensive plans at the next update.

Challenges to achieving recommendation:

Acceptance by all counties, particularly those currently not impacted by pipeline infrastructure and development.

Additional supporting material:

PIPA – Partnering to Further Enhance Pipeline Safety In Communities Through Risk-Informed Land Planning

Pipeline Safety Trust – Landowner’s Guide to Pipelines
Chester County Pipeline Notification Protocol

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #3

Counties Should Make GIS Mapping Available to Operators and Require Them to Provide Their Mapping to Counties and Municipalities

Full recommendation:

1. Make county GIS mapping available to operators and require operators provide their mapping to counties and municipalities.
2. Counties with GIS expertise should be sharing their information with commonwealth agencies that have a role or regulatory oversight in pipeline development, e.g., DEP, PUC and DCNR (Department of Environmental Protection, Public Utility Commission, and Department of Conservation and Natural Resources).

Relevant agencies:

County planning agencies
GIS departments/staff
Conservation districts

Justification:

Counties and municipalities want to make sure operators are using accurate maps, and that state and local governments are using a common mapping picture.

Actions that would be required to achieve recommendation:

Develop data sharing tools (e.g., a tool that provides a common platform) and license agreement templates that could make it easier to exchange the needed data.

Challenges to achieving recommendation:

- Some counties might require funding to generate up-to-date maps.
- A requirement for operators to provide mapping would need state and/or federal legislation.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #4

Develop Training Opportunities for County Officials

Full recommendation:

Training is needed for county planning departments, conservation districts, water resources authorities, solicitors, elected officials, and recorder of deeds to provide an understanding of the pipeline development process from start to finish and what they can do to be part of the process.

Relevant agencies:

DEP

DCNR

PUC

DCED

Federal Energy Regulatory Commission (FERC)

United States Army Corps of Engineers (USACE)

Justification:

Assure that counties have the information they need to be involved in the development process, and when they can participate.

Actions that would be required to achieve recommendation:

- Have the state identify subject matter experts (local groups, state agencies, federal partners, consulting firms, etc.) and create a central repository of these resources that counties and others can access.
- Have the state create a template for training (who should be invited, issues to cover, etc.).

Challenges to achieving recommendation:

- Mapping the pipeline development process and identifying subject matter experts.
- Cost to counties to have access to training opportunities.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #5

Develop Tools to Educate the Public on Pipeline Development

Full recommendation:

1. The state should develop and provide resources and templates that counties can utilize on the local basis with municipalities and the public, including landowners and surrounding communities, to provide an understanding of the pipeline development process from start to finish and what they can do to be part of the process.
2. Counties could consider providing neutral, non-legal information and/or web links specifically for affected landowners, such as questions to ask before entering into an agreement.

Relevant agencies:

DEP

DCNR

PUC

DCED

FERC

USACE

County planning agencies

GIS departments/staff

Conservation districts

American Planning Association – Pennsylvania Chapter (PA APA)

Pennsylvania Association of Conservation Districts (PACD)

County Commissioners Association of Pennsylvania (CCAP)

Pennsylvania State Association of Boroughs

Pennsylvania State Association of Township Supervisors (PSATS)

Justification:

Assure that municipalities and the public have the information they need to be involved in the development process, and when they can participate.

Actions that would be required to achieve recommendation:

- Have the state identify subject matter experts (local groups, state agencies, federal partners, consulting firms, etc.) and create a central repository of these resources that counties and others can access.
- Have the state create a template for training (who should be invited, issues to cover, etc.).

Challenges to achieving recommendation:

- Mapping the pipeline development process and identifying subject matter experts.
- Cost to counties to offer training opportunities.

Additional supporting material:

Chester County [Pipeline Information Center](#)

Pipeline Safety Trust – [Landowner's Guide to Pipelines](#)

County Government Workgroup Recommendation #6

Operators Should Engage in Timely Communication

Full recommendation:

Operators should notify counties and municipalities when initiating a project and provide information about proposed routes for transmission lines before the proposed route is finalized.

Relevant agencies:

County and municipal governments and agencies

Justification:

- Counties can provide input related to environment, land use, mapping and potential for shared rights-of-ways if they are aware of the proposed route.
- Residents will contact counties about the project and this will enable them to provide accurate responses and/or connect with the appropriate operator resource.

Actions that would be required to achieve recommendation:

Counties will have to develop relationships with operators to have them participate voluntarily. However, the legislature or a state agency should develop a law or regulation that compels operators to participate in this manner, in a way that does not conflict with operator concerns about confidentiality.

Challenges to achieving recommendation:

Operator concerns about confidentiality, lack of requirement for early notification by operators.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #7

Develop Advisory Standards for Pipeline Setback and Buffers

Full recommendation:

State should develop advisory standards for setbacks and buffers for pipelines which may be included in municipal ordinances and/or county hazard mitigation plans.

Relevant agencies:

PUC

DEP

DCED

Pennsylvania Emergency Management Agency (PEMA)

Justification:

- Public health, safety and welfare.
- Provides non-arbitrary standards on which municipalities and counties can base their recommendation.

Actions that would be required to achieve recommendation:

Agencies would be required to develop advisory standards.

Challenges to achieving recommendation:

Staffing and other resources needed by state agencies.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #8

Amend Municipalities Planning Code to Empower County Comprehensive Plan

Full recommendation:

1. Amendments to the Municipalities Planning Code to specifically identify pipelines as a land use element.
2. Legislation authorizing counties to enforce consultation zones or other best practices if the county chooses to adopt them.
3. Legislation which provides for county reviews of any new pipelines and associated facilities for consistency with the county comprehensive plan and consideration of county comments/recommendations as part of the pipeline planning process.

Relevant agencies:

General Assembly, in consultation with counties

Justification:

County comprehensive plans should be taken into consideration as part of the pipeline planning process.

Actions that would be required to achieve recommendation:

- Legislative action.
- Addendum to comprehensive plan in the intervening years, and incorporated into the comprehensive plans at the next update.

Challenges to achieving recommendation:

Additional supporting material:

PIPA – Partnering to Further Enhance Pipeline Safety In Communities Through Risk-Informed Land Planning

Pipeline Safety Trust – Landowner's Guide to Pipelines

Chester County Pipeline Notification Protocol

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #9

Consider Opportunities for Shared Right-of-Ways

Full recommendation:

State should establish a requirement to co-locate, to the extent possible, new pipeline infrastructure within existing or planned utility rights-of-ways (by regulation or statute), including other pipelines, electric transmission lines, etc. to reduce the impact on existing development, available land for development and natural resources, and to be consistent with the county comprehensive plan. Any requirement should include a maximum number of pipelines, regardless of product, in any single right-of-way.

Relevant agencies:

PUC and/or
General Assembly

Justification:

To reduce the impact on existing development, available land for development and natural resources.

Actions that would be required to achieve recommendation:

Statutory or regulatory development.

Challenges to achieving recommendation:

- Different standards among operators that may have implications for safety.
- Operator concerns about business competition.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #10

Empower GIS Mapping

Full recommendation:

Commonwealth should convene the Statewide Geospatial Board created under Act 178 of 2014 to help provide a way to efficiently understand from the community of stakeholders what mapping data exists regarding previously built pipelines, who has the data, as well as what mapping data is needed and how it can be acquired.

Relevant agencies:

Office of Administration - Statewide Geospatial Board

Justification:

Counties and municipalities want to make sure operators are using accurate maps, and that state and local governments are using a common mapping picture.

Actions that would be required to achieve recommendation:

Office of Administration to convene the first meeting of the Board.

Challenges to achieving recommendation:

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #11

Create a Commonwealth Library of Pipeline Information

Full recommendation:

The Commonwealth should create a single repository for all information related to pipelines, including development process, contact information for regulatory agencies, best practices, subject matter experts, training opportunities, etc., so that local governments, as well as the citizens of the Commonwealth have access to information in one central location.

Relevant agencies:

As determined by the Commonwealth.

Justification:

To provide local governments, as well as the citizens of the Commonwealth with access to information related to pipelines in one central location.

Actions that would be required to achieve recommendation:

Challenges to achieving recommendation:

Funding, resources.

Additional supporting material:

Issues to address (such as cost, environmental impacts):

County Government Workgroup Recommendation #12

Require Pipeline Abandonment Plans

Full recommendation:

State should establish a requirement (by regulation or statute) for pipeline operators to provide an abandonment plan as part of the pipeline's development process. The plan at a minimum should include notification to landowners, PA1Call and counties, and disposition plans.

Relevant agencies:

General Assembly and/or
PUC

Justification:

To limit any exposure for county government for being responsible for abandoned lines (similar to experience with rails to trails).

Actions that would be required to achieve recommendation:

Statutory or regulatory development.

Challenges to achieving recommendation:

Additional supporting material:

Issues to address (such as cost, environmental impacts):