

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

2nd Floor, Room-N201

Harrisburg, PA 1712

Docket L-2019-3010267

September 11, 2019

I am hereby submitting my comments for new PUC rulemaking for pipeline safety. Being a resident of West Whiteland with Mariner East on our property, I am personally impacted by the Mariner East project it has become abundantly clear to my family and thousands of others in my community, just how badly these improvements are needed to protect Pennsylvanians. In addition to these improvements I would also stress that there is a great need for the PUC to use the authority which it already has.

### **Pipeline Construction**

- **Construction permitting process:** Apart from the Department of Environmental Protection review (which seeks to protect waterways and aquifers), there is no regulatory permitting process for the construction of pipelines that are completely within Pennsylvania. The PUC needs to close this loophole by establishing a permitting process that includes review and approval of pipeline siting, spacing, depth of cover, corrosion protection, and other safety issues. It should also require a complete economic review, including loss of property values and recreational opportunities. The process should include an opportunity for input from the public.
- **Public Utility Status and eminent domain:** The process by which Sunoco gained the ability to seize (“condemn”) private property must be completely

overhauled. The PUC grants so-called “Certificates of Public Convenience and Necessity” on a countywide basis without specifying a particular project, and that never expire. Sometimes, as in Sunoco’s case, these certificates are obtained by a company simply acquiring another company that happens to hold a certificate desired by the acquirer. The PUC must not, in the future, issue non-expiring certificates of public convenience on a county-by-county basis. Instead, each company should be required to apply for public utility status on a project-by-project basis, and must demonstrate that there is a public need within the state for each particular project. A new certificate of public convenience should be required for every new pipeline and every new use.

- **Cover over buried pipelines:** At a minimum, new and repurposed pipelines should be buried at a depth of four feet, and deeper in densely populated areas. Highly volatile liquids (HVLs) warrant a greater depth than other hazardous liquid lines, due to their uniquely dangerous physical properties. Operations must immediately be halted on any pipeline over which required cover does not exist.
- **Underground clearances:** Due to the potential risk of an accident from one highly volatile liquids pipeline causing a breach in an adjacent pipeline, the spacing of HVL pipelines is critical. In recent PUC hearings, two Sunoco experts testified that the ideal spacing between HVL lines is at least ten feet.
- **Valves:** All above-ground valves and pipeline stations should be protected and monitored closely. Vehicle-proof barriers should be required, as several valve sites are located adjacent to heavily-trafficked roads and schools, and subject to damage from vehicles in the event of an accident or act of terrorism. Frequent inspections should be required by state officials.
- **Pipeline conversion:** Due to the uniquely dangerous properties of highly volatile liquids, all repurposed pipelines set to carry these products should adhere to the most recent standards and permitting processes for *new* pipelines,

including pipeline depth of cover, steel type and thickness. This is of particular importance in densely populated areas, where old repurposed lines do NOT currently meet the federal standards put in place to mitigate risks to public safety

- **Construction and compliance:** When an active line carrying highly volatile liquids is exposed, there should always be a PUC inspector on site as it is being worked on, particularly in densely populated areas. On all construction projects, an independent third-party inspection should be required routinely to ensure that the process of construction is following the permit requirements.
- **Pressure testing:** Residents should be informed ahead of time about pressure testing in their area, and should be told how to identify the dyes being used. If a resident identifies and collects a sample of liquid that apparently contains dye, and the operator is unsure if it is actually dye, the operator should offer immediate, no-cost testing for the presence of dye by an independent third-party lab.
- **Emergency flow restricting devices:** If such a device would limit the amount of product released in the event of a leak, this should be a requirement for all highly volatile liquid pipelines.
- **Regulation of construction techniques such as horizontal directional drilling:** HDD should only be utilized when absolutely necessary, with the proper geologic studies mandated and approved by PUC and DEP officials. Additionally, inspection and enforcement of noise and dust abatement should be required. In residential areas, pre-construction structural assessments should be paid for by the operator, with a list of approved structural engineers compiled by the state, not the operator. Municipal ordinances related to noise and vibration should be strictly followed. Operators should not be exempted from them.
- **Land agents and eminent domain:** Land agents should be licensed and monitored, with threat of revocation of their license if unlawful practices are

used to force an easement signing. Eminent domain cases should be heard in front of a PUC judge, at no cost to the property owner.

- **Pipeline material and specifications:** Pipelines for highly volatile liquids should, at a minimum, meet the standards for natural gas pipelines. They should probably have a still more strict set of criteria of their own. Currently, they only need to meet the general requirements for “hazardous liquids” (e.g. heating oil and gasoline).

### **Pipeline Operations and Maintenance**

- **Line markers:** Lines carrying highly volatile liquids should be identified by markers that specify “hazardous, highly volatile liquids”.
- **Inspections of pipeline rights of way:** The operator’s inspection records should be made available to the public on request, so that dates, locations, and measured values can be reviewed.
- **Leak detection:** Operators should be required to install equipment capable of detecting the smallest possible leak of the material flowing through a line carrying highly volatile liquids. In populated areas, in the event of a leak, the detection equipment should activate strobe lights and a siren to warn local residents. While municipalities and landowners would have the option to configure and operate these systems, these leak detection systems should be paid for by the pipeline operator.
- **Corrosion control and cathodic protection:** Records of cathodic protection inspections and surveys, and of in-line inspection (“pig”) runs, should be made publicly available. The PUC should establish and enforce rules that specify the required frequency of in-line inspection runs for each type of in-line fault-detection technology, for each pipeline according to its age, pressure, contents, construction method and material, and other relevant criteria. For pipelines that cannot be protected by cathodic protection (because they are too deep, too close

to sources of electrical interference, etc.), the PUC should require the operator to specify how corrosion will be prevented. Pipe should be stored in such a way as to prevent coating deterioration prior to burial.

- **Accident reporting criteria:** The PUC should require that every release of flammable gas and hazardous, highly volatile liquids must be immediately reported to local authorities and the PUC, regardless of size or location.

### **Informing the Public**

- **Utility interactions with local government officials:** The PUC should mandate communication between the operator and local municipalities on a regular basis, requiring documentation of such communication, and enforcement actions if the operator refuses to comply.
- **Requirements for periodic public awareness meetings:** Operators should be required to hold at least two meetings per county prior to the initiation of construction of a project. Once construction is initiated, the operator should be required to hold public meetings at least quarterly, with documentation provided to the PUC of the planning and execution of these meetings. Ideally, a PUC official would also be present. For HVL pipelines: during operation, annual public awareness meetings should be required.
- **Pennsylvania-specific enhancements to utility public awareness programs:** 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 plausible, relevant, comprehensive, and effective.

## Other Topics

- **Project-based permitting:** The PUC should move from a pipeline permitting process based on county-wide “Certificates of Public Convenience” that never expire to a process that is specific to each particular project. A new permit should be required if a new use (such as a change in content, direction of flow, pressure, or pipeline expansion) is planned.
- **Insurance requirements:** Pipeline companies should be required to disclose their liability insurance coverage for accidental death, injury, and property damage. They should be required to carry sufficient insurance to cover a worst-case rupture at a worst-case location.
- **Formal complaint process:** The PUC should revise its formal complaint process such that it is accessible to all residents regardless of economic or financial resources. This would include an easier process for filing complaints *pro se*, making transcripts available in digital form at a nominal cost, and other steps to make the complaint process available to all.
- **Background investigations of employees and contractors:** Mariner East contractors and laborers walk on school property during school hours, on private residential properties with no notice, and in busy apartment building grounds. It is imperative that background checks, particularly child abuse clearances, be mandated for workers to continue this activity. Megan’s Law should not be bypassed for contractors, particularly because many schools have been impacted by the Mariner East project.

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