

DANIELLE FRIEL OTTEN, MEMBER  
155TH LEGISLATIVE DISTRICT

102B EAST WING  
P.O. BOX 202155  
HARRISBURG, PENNSYLVANIA 17120-2155  
(717) 783-5009  
FAX: (717) 772-2943

631 POTTSTOWN PIKE  
EXTON, PENNSYLVANIA 19341  
(484) 200-8259  
FAX: (484) 200-8289



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

AGING AND OLDER ADULT SERVICES  
ENVIRONMENTAL RESOURCES AND ENERGY  
HUMAN SERVICES

August 5, 2021

Chairman Gladys Brown Dutrieuille  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Third Floor  
Harrisburg, PA 17120

RECEIVED

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Docket No. M-2020-3004646

Dear Chairman Brown Dutrieuille,

Thank you for the opportunity to comment on the proposed settlement of Docket No. M-2020-3004646, Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v Energy Transfer Company d/b/a ETC Northeast Pipeline, LLC.

I am gratified that the proposed settlement includes establishes procedures to more fully incorporate preconstruction geophysical research into design and construction for all of ETC's pipelines in Pennsylvania.

However, I have the following concerns:

- This settlement is predicated on an informal investigation of the September 10, 2018, pipeline failure and subsequent fire near 750 Ivy Lane, Center Township, Beaver County. Given the severity of this incident and the ongoing risks of continued pipeline operation, BI&E should have conducted a formal investigation. I am troubled that the issues of fact and law here may not be admissible in any other proceeding.
- The proposed \$1 million fine is wholly insufficient to deter or prevent future violations and is yet another example of the "pay-to-play" culture in Pennsylvania's oil and gas industry. \$1 million is a drop in the bucket for a multibillion dollar corporation and it will simply be written off by the operator as a cost of doing business.
- The settlement includes provisions for additional inline inspections; however, it allows ETC to collect, analyze/summarize, and interpret the data resulting from those inspections before submission. Given Energy Transfer's well-documented history of manipulating, omitting, and misrepresenting information, allowing the fox to guard the hen house is unacceptable. PUC should require that the raw inline data be forwarded to

the PUC for analysis by an independent third-party.

- While the settlement requires ETC to notify I&E immediately of any slope failure that affects pipeline integrity in the Revolution right of way, it fails to address any other notification requirement. At a minimum, ETC should be required to immediately notify Beaver County Emergency Services (or the respective emergency services agencies in other areas of operation), and the local municipality of any slope failures. ETC should be required to ensure that information has been received in a timely manner. Sending an email in the middle of the night to an administrative employee who is off duty until the morning is insufficient. ETC must take responsibility to ensure that those who are statutorily responsible for emergency management have sufficient time and information to do their job successfully.

Additionally, the incident background provided in the settlement document illustrates an unaddressed potential danger to hazardous pipeline infrastructure: climate change.

The I&E Safety Division concluded that the pipeline failure in the 2018 incident was caused by slope failure on the right of way, precipitated by severe tropical storm rainfall. The Department of Environmental Protection's 2021 Climate Change Impacts Assessment projects average rainfall will increase 8 percent by mid-century. In fact, the DEP assessment identifies landslide risk mitigation as one of the top priorities for action at the state level. Many of the state's gas pipelines, including Revolution and Mariner East, stretch across areas susceptible to landslides, sinkholes, and subsidence incidents. E&E News reported at least six pipeline explosions in Appalachia between early 2018 and mid-2019 caused by landslides.

The rainfall and tropical storm conditions that precipitated the 2018 pipeline failure in Beaver County cannot be viewed as a mere fluke or a one-time event. As the DEP assessment notes, extreme rainfall events "are projected to increase in magnitude, frequency, and intensity" in every county in the Commonwealth by mid-century, resulting in more severe impacts to infrastructure of every sort, including pipelines. Simply put, our weather is getting tougher, and our infrastructure—particularly hazardous infrastructure—must be able to withstand not only current but future conditions.

I urge the PUC to take stronger measures to ensure that this settlement holds ETC to the highest possible standards of safety in pipeline construction, maintenance, and inspection, not only for today, but in anticipation of the growing risks and extreme conditions exacerbated by climate change. I implore the PUC to ensure that no concessions are made that would prohibit any information regarding this incident to be admissible in court now or in the future.

Thank you again for the opportunity to comment on this matter.

Sincerely,



Danielle Friel Otten  
State Representative  
155th Legislative District