



September 10, 2021

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

**RE: 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 Notice of Proposed Rulemaking Order and Annex 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 over 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 can be found on page 97 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 Regional 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, amended in 2018, and continue to pursue the principals supported by counties as this process progresses. Some of our top policy goals are to have county officials and emergency responders apprised of plans, construction, safety efforts, training and more so that they are properly informed and can continue to perform their duties related to land use, planning and safety for their constituents.

As such, we applaud actions taken since that time to improve procedures for communication, notification and safety. The codification of Act 130 of 2020 as a step in the right direction on pipeline safety. This law amended Title 66 (Utilities) to require a pipeline operator to provide emergency response plans upon request to the PUC, PEMA and affected county management directors, thus aligning with county goals to have better access to information related to pipeline safety and emergency planning.

Counties also appreciate that several of our comments from 2019 have been incorporated in the proposed rulemaking before us now. For example, we appreciate that in Section 59.132 the proposed regulations now specify that the definition of "emergency responders" includes "local, fire, police, and emergency medical services, along with county hazmat teams, Department of Emergency Services, and 911 centers, and other emergency local, city, county, or state officials and representatives." We believe this inclusion of local responders allows for appropriate

notification of county emergency personnel throughout the rulemaking that will keep us apprised of situations to which we would need to respond. We also recognize the addition of a definition for public officials, including county officials.

Furthermore, Section 59.140(b) provides a welcome update requiring hazardous liquid public utilities to consult with emergency responders in developing and updating an emergency procedures manual and various steps the manual must address and (c) further addresses operator responsibilities with respect to liaison requirements.

It is worth noting, however, that the draft regulations still appear to fall short on some safety recommendations that would be incredibly helpful to counties in their planning and emergency response efforts. For instance, in Section 59.134, a hazardous public utility must provide a failure analysis report and root cause analysis report to the Commission's Pipeline Safety Section, but it appears that only the introduction of a hazardous liquid 30 days prior to the introduction is a notice that must be provided to public officials under subsection (5). It appears that this means 30 days prior to a hazardous liquid running through pipe, yet we would emphasize the importance of notification to counties prior to *all* activities, construction, maintenance and changes for the purposes of county land use and planning responsibilities as well as providing for emergency response if necessary.

We recognize that components of the proposed changes focus on requirements for outreach to local officials and emergency responders and counties remain committed to engaging 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 Ashley Lenker White, CCAP Director of Government Relations, at [awhite@pacounties.org](mailto:awhite@pacounties.org) or 717-319-9396.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Schaefer".

Lisa Schaefer  
Executive Director