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Comments of the Pipeline Safety Trust  
on  
Proposed Rulemaking Docket L-2019-3010267  
before the  
Pennsylvania Public Utilities Commission

September 15, 2021

Thank you for the opportunity to comment on the Commission’s proposed Hazardous Liquid Public Utility Safety Standards, which on adoption will apply to all intrastate hazardous liquid pipelines within Pennsylvania and will be enforced by the PUC under its certification from PHMSA pursuant to 49 USC §60105(a) on pipelines within its jurisdiction under that certification.

It is clear from other public comments in the docket that there is a fairly common expectation that these proposed rules will also apply to facilities that the PAPUC has designated as public utilities, even though those facilities may be reported to PHMSA’s National Pipeline Mapping system and elsewhere as “interstate” pipeline facilities. The Trust has always understood the federal pipeline safety regulations to be the bare minimum required standards and we have urged states to exercise their authority to enact more stringent regulations to apply to intrastate pipelines within their jurisdiction. The federal pipeline safety statute (49 USC §60104c) addresses this issue:

*A State authority that has submitted a current certification under section 60105(a) of this title may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed under this chapter. A State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation.*

While we commend the Commission for pursuing development and adoption of these rules, it is critical that the question relating to their jurisdictional extent be both resolved and that resolution explicitly stated. If there is a basis for PAPUC jurisdiction over interstate lines that have also been designated public utilities, the Commission should explain that basis.

Beyond public resolution of the jurisdictional question, we believe the proposal can be further improved with some relatively minor changes. Our specific comments on proposed provisions, numbered according to the proposal:

**§ 59.135(b)(3)** is unclear: Perhaps it could be improved by changing the word “immediately” to “requires immediate notice.”

**§ 59.135.(d)(6)** Valves: the number , location, and manufacturer of any remote control valves should be added.

**§ 59.135(d)(10)** Pipeline Rights of Way: (i) I believe the word “maintained” is intended to be “obtained.” (ii) In addition to the listed statement, a list of the permits, the granting agencies, the effective dates should be included.

**§59.138(f)** : The proposal should include an obligation to transfer all records to any subsequent owner or operator of the facility.

**§59.139: Pressure Testing:** We share in the concerns raised by Accufacts, Inc. in their comments on this section, particularly in connection with the risks posed by pipes susceptible to cracking, of any age, and whether or not subject to integrity management rules. Those pipes should be subject to “spike” tests in combination with the MOP strength test required under federal code. If identifying those pipes, and identifying “system specific threats” for purposes of selection of ILI tools requires additional efforts on the part of the operator, then those efforts should be identified and enumerated in the regulations for pipes not subject to integrity management rules.

In addition to the concerns regarding pipes susceptible to cracking, the reference to “alternating inline inspection tools meeting industry best practices” is troubling in its lack of clarity. Industry best practices is not a defined term, and the reference to alternating the use of multiple tools is not at all clear. Does that mean if a pre-1970 line is subject to multiple threats, it will only be assessed by one ILI tool each 2 years, so it could be many multiples of 2 years between assessments for the highest risk threat? Or is something else meant by that phrase? It should be made much clearer so that it is easily understood and enforceable.

**§59.139(b)(3).** We suggest the word “leak” be replaced with something broader, so that it includes failures by rupture as well. Perhaps either replace “leak” with “failure” or with “leak or rupture”.

**§59.139(c).** Hydrostatic testing in HCAs. Pipes susceptible to cracking undergoing any of the changes listed in this section should also be subject to a spike hydrotest before being put back into service. For these pipes, an ILI assessment is not sufficient.

**§59.139(e)** As with other records retention sections, this one should include an obligation on the part of the operator to transfer these records to any subsequent owner or operator.

**§59.140(b)** This proposal should be amended to fulfill the recommendations of the NTSB following the San Bruno, California failure of a PG&E transmission line 11 years ago today: the Commission should require transmittal of system specific information to emergency responders, at a minimum including pipeline size, location, operating pressure and contents, in addition to the proposed requirement of education relating to the associated risks of the pipeline and its contents.

**§59.140(b)(3)** The response drills conducted should simulate risks and conditions specific to the conditions that could be faced by the emergency responders in that area. If more than one product is carried by a pipeline, first responders should be run through drills for all of those products.

**§59.140(d)(2)** Furnishing records (to schools). This section is of grave concern. It merely requires the operator to provide bare bones information relating to a pipeline, notably **not** including the location of the pipeline relative to the school, the depth of cover within school grounds, the behavior of the contents of the pipeline if released from the pipeline, etc. On top of that, this information need only be provided upon written request from a school administrator. This information, including the list of things currently not included, should be a mandatory part of an operator's outreach to school administrators and boards, and should be required at least every four years, in addition to any time there is a change in the contents of the pipeline.

**§59.140(h) Leak detection.** This section needs significantly more clarity to be enforceable. Adjectives including "robust", "small", "high sensitivity" are completely subjective and will be very difficult if not impossible to enforce. Leak detection systems should be required to meet measurable performance standards that are defined in the regulations. Otherwise, this proposal provides no improvement over the minimum federal standard for the presence of a leak detection system.

Thank you for the opportunity to comment on these proposals.

Respectfully submitted,

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