

PUC docket L-2019-3010267, the proposed changes to Chapter 59 of Title 52, relating to pipeline regulations.

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Reply comments (combined)

Comment #1

Reply to industry comments regarding PHMSA regs: The industry comments are avoiding a major issue with the federal regulations, specifically 49CFR195. Neglecting the chemical and physical properties of the product in the lines must address what happens when they are released into the ambient atmosphere upon infrastructure failure.

49CFR195, The liquid Pipelines regulation by PHMSA, does not follow the chemical or physical properties aspect of Highly Volatile Liquids. These regulations are illogical, inadequate, and legally a bare minimum in safety. YET, PENNSYLVANIA can go further and start addressing that these liquid pipeline regulations are antiquated, scientifically speaking, and therefore inadequate when it comes to the safety of them. With HVL and CO2 pipelines, for instance, we are dealing with a different type of liquid when it comes to the regulation of 195 because it was originally intended for liquids with different chemical and physical properties. The liquids this regulation was dealing with when written are not naturally a gas, or highly volatile.

These liquids we are dealing with are UNNATURALLY forced into liquid phase solely for the reason of transporting (more product faster), when they are NATURALLY a gas (speaking in terms of chemical/physical properties).

This regulation does not consider High Consequence Areas (HCAs) in the design aspect of the pipe. Whereas, 49CFR192 - Gas phase pipelines, does. That means the regulation literally has a calculation to consider the population density of the area and therefore either lowering the pressure or making the thickness of the pipe thicker when encountering higher population density areas.

Under Federal pipeline safety regulations, an operator must have an integrity management program for each pipeline located in a "high consequence area" (HCA). An HCA is either (1) any Class 3 or Class 4 location, and an identified site; or (2) 20 or more dwellings for human occupancy within the potential impact radius or an identified site (§ 192.903). An HCA also includes Class 1 or Class 2 locations if they contain an "identified site," which is further defined to include places frequently populated, such as recreational facilities, community centers and hospitals (§ 192.903). It is the responsibility of the operator of a pipeline to identify high consequence areas. 49 CFR § 192.905(a).

HCA identified site under the reg is:

(a) An outside area or open structure that is occupied by twenty (20) or more persons on at least 50 days in any twelve (12)-month period. (The days need not be consecutive.) Examples include but are not limited to, beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, recreational areas near a body of water, or areas outside a rural building such as a religious facility; or

(b) A building that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12)-month period. (The days and weeks need not be

consecutive.) Examples include, but are not limited to, religious facilities, office buildings, community centers, general stores, 4-H facilities, or roller skating rinks; or

(c) A facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. Examples include but are not limited to hospitals, prisons, schools, day-care facilities, retirement facilities or assisted-living facilities.

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192.105 is the design formula for steel pipes. If one looks at the formula they realize that there is a part which calculates in A factor: $F = \text{Design factor determined in accordance with } \S 192.111$ (Which is where the class location or risk to a population is described). Do you understand plus locations in what that means one must look at 49 CFR 192.5

§ 192.5 Class locations.

(a) This section classifies pipeline locations for purposes of this part. The following criteria apply to classifications under this section.

(1) A "class location unit" is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous 1-mile (1.6 kilometers) length of pipeline.

(2) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(b) Except as provided in paragraph (c) of this section, pipeline locations are classified as follows:

(1) A Class 1 location is:

(i) An offshore area; or

(ii) Any class location unit that has 10 or fewer buildings intended for human occupancy.

(2) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.

(3) A Class 3 location is:

(i) Any class location unit that has 46 or more buildings intended for human occupancy; or

(ii) An area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. (The days and weeks need not be consecutive.)

(4) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(c) The length of Class locations 2, 3, and 4 may be adjusted as follows:

(1) A Class 4 location ends 220 yards (200 meters) from the nearest building with four or more stories above ground.

(2) When a cluster of buildings intended for human occupancy requires a Class 2 or 3 location, the class location ends 220 yards (200 meters) from the nearest building in the cluster.

(d) An operator must have records that document the current class location of each gas transmission pipeline segment and that demonstrate how the operator determined each current class location in accordance with this section.

This is based upon the blast radius or risk assessment that was done if the pipe failed and what harm it would cause to the population. Because gas lines are volatile Inexclusive and therefore create a unique danger or risk to this surrounding population, hence being called a high consequence area.

HVL pipelines when they leak - immediately want to turn back into gas and therefore pose the same risks yet even worse due to the abrupt change in pressure, cause you're much more gas to spread out and expand quickly and further than a gas pipeline rupture. illogical to be regulating such a dangerous product under a regulation that does not consider high consequence area in the design feature. It must be looked at for what it naturally is and what it naturally goes back to you once it is released into the ambient atmosphere, which is gas. For example in the Mariner East Pipelines at all times there is both liquid and gas in that pipeline. Why is it regulated under a liquid pipeline? As well the pump stations are not what pump stations for a oil pipeline are. Because this is dealing with highly pressurized material. The commentors of the industry are avoiding this and it is imperative that our state looks at this very seriously and follows good practice and engineering and science.

Comment#2

The state has no duty to wait for the federal process, PHMSA rule making. The state does have a duty to protect the health and safety of the people Right now. Sunoco or Energy Transfer'S Mariner East pipeline has shown us how terribly dangerous it is to not address these safety issues. The community currently in imminent danger from this pipeline and it is the duty of the state to do its diligence, with the evidence it has, to protect the public, the stakeholders. The state has the authority to go above and beyond federal regulations. The commission must to weigh in blatant threats by the industry, such as stricter regulations will end up costing the people more money in the end. This is a choice of the industry, and while they profit it is time for the state to force the industry to investing in Pennsylvania and Pennsylvanians versus taking our natural resources and keeping the ridiculous amount of profits for themselves.

Any and all comments suggestion this will harm an industry who has not taken it upon itself to protect the people of the commonwealth to the best of their ability (meaning they have the tech and the money to do so, yet chose NOT to) in the first place, does not mean the burden of risk and imminent danger is to be left upon the public, especially a public who did not consent to these projects in the first place. It shows the great need for regulation if this is the behavior they

choose, the state cannot trust such reckless and desperate operators, which is supported by the evidence of criminal charges and fines handed to such companies as Energy Transfer. It is time for the state to learn from its own mistakes and utilize the empirical data it has to make the progressive changes necessary to prevent the same mistakes. It is a violation of our rights to do otherwise, and it is absurd that commenters have suggested otherwise. The industry is only protecting their asset, the PUC has a duty to ensure the integrity of said assets AND more so to ensure the safety of the public. The PUC cannot do that without these proposed rules (even though we need even stronger than the proposed rules).