

DANIELLE FRIEL OTTEN, MEMBER
153TH 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) 200-8269



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



April 12, 2022

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

RE: Comment on Proposed Rulemaking for Hazardous Liquid Safety Standards
Docket No L-2019-3010267

Dear Chairwoman Dutrieuille,

Thank you for the opportunity to comment on the latest step in the development of Hazardous Liquid Public Utility Safety Standards for the Commonwealth of Pennsylvania.

I am pleased that the Commission incorporated several areas of concern into the latest draft of these regulations. Specifically, I agree with the definition of “affected public” in the proposed 59.131 and adding anticipation of sinkholes and subsidence to proposed design requirements.

We must learn from the many mistakes made and violations committed during Horizontal Directional Drilling (HDD) along the Mariner East 2 pipeline route and allow the negative experiences of residents impacted by Mariner East construction to inform these regulations and prevent these mistakes from being repeated in future projects.

Overall, I see the proposed rulemaking as a good start toward protecting the safety of our communities. However, there are still several areas of the proposed requirements that I urge the Commission to strengthen:

- Conversion of existing oil and gas pipelines to highly volatile gas liquids should be prohibited, as it is contraindicated by the industry. If the PUC elects to allow conversion, operators must be required to obtain new certificates of convenience and necessity and new easement agreements.
- Real-time leak detection systems must be required before an HVL pipeline is permitted to operate, and these systems must be integrated with county emergency services.

- While the proposed regulation adds the requirement that no pipeline may be located under private dwellings, industrial buildings, or places of public assembly, more must be done to ensure safe pipeline siting, particularly in high consequence areas. Although the PUC does not have jurisdiction over pipeline routes or siting, I urge the Commission to coordinate with the Department of Environmental Protection (DEP) regarding ensuring that routes are approved with community impacts in mind, particularly looking at health and environmental impact.

Safety setbacks are critical in preventing damage from pipeline malfunctions. There should be a minimum setback for new volatile pipelines that meet or exceed the potential impact radius. For example, if based on a risk assessment the potential impact radius for a pipeline is 1,500 feet, the minimum setback should be no less than 1,500 feet. There are currently no setbacks in place for Pennsylvania pipelines, and this imposes an involuntary risk upon residents of the Commonwealth.

Federal law (49 U. S. Code § 60112) provides for sanctions against pipeline facilities deemed “hazardous to life, property or the environment.” The PUC should take the lead in defining what is unsafe and hazardous to the public in the Commonwealth of Pennsylvania. This would establish a standard to define what is a reasonable risk to the commonwealth.

The PUC should develop a formula that takes into account the size of the pipeline within the municipality, miles of pipeline, pressure in the pipeline, volume of product flowing through the pipeline, population density within potential impact radii, setbacks, report of the pipeline operator on pressure, contents, and location of pipes to other pipes in the easement and determine statistical value of life equation and threshold. If that threshold is reached, the operator should be required to reroute or discontinue service unless appropriate setbacks can be achieved through the procurement of additional easements and land rights.

- The proposal should be amended to incorporate language addressing environmental justice. Since the Department of Environmental Protection has recently issued its draft Environmental Justice policy, the time is now for the PUC and DEP to work together to assess the cumulative impact of pipeline projects.

Thank you again for the opportunity to submit comments on this important issue.

Sincerely,



Danielle Friel Otten
State Representative
155th Legislative District