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Independent Regulatory Review Commission

Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards
PUC Docket No. L-2019-3010267 Published February 12, 2022
Revised Comments

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§ 59.133. General.

(d) Pipeline conversion.

The latest version of these proposed regulations states that a hazardous liquid public utility converting a pipeline from a service not previously covered by this part must notify the Pipeline Safety Section no later than 60 days before the conversion occurs. This timeframe may not be sufficient in all cases, such as the conversion of an existing pipeline to a more volatile product and/or a product which will operate at a higher pressure. This type of conversion should require advanced notification and approval from the PUC. The PUC should consult with a certified third-party industry expert prior to granting any approval for such a conversion. In determining whether the conversion is appropriate the PUC should perform a detailed risk assessment with consideration given to factors such as age of pipeline; commercial/residential development of surrounding areas; initial use of pipeline, history of leaks; and proposed operating pressure. If any of these factors is determined to pose a risk to public safety, the determination shall be made that conversion is prohibited. Such determination would most likely require more than 60 days. The 60-day notice may parallel federal regulations. However, as the PUC has stated, they are permitted to adopt more stringent regulations.

§ 59.137. Construction.

(a) Scope.

Discussion of pipeline material and specification should be reinstated in these proposed regulations. Furthermore, it is recommended that coated steel pipe be utilized in all new construction projects and pipe replacements involving the transportation of hazardous liquids. Prior to installation, all coated steel pipe must be stored in accordance with the manufacturer's recommendations prior to installation. This includes protection from the weather and UV degradation.

Additional guidance regarding construction compliance is needed. The PUC should approve the construction plans of pipeline projects for quality and safety control. The Pennsylvania DEP has repeatedly noted that their authority is limited in permitting related to water resources, and they do not have jurisdiction over safety, so the PUC should exercise its authority to close this loophole and ensure adequate oversight prior to construction permitting, independent third-party inspection should be required routinely to ensure that the process of construction is following the permit requirements. It is important that these inspectors should come from companies with no conflict of interest with the operator, to insure unbiased assessments.

It is recommended that Pennsylvania-specific enhancements for operator qualification be included in these proposed regulations. All construction activities in Pennsylvania should be covered by a performance surety bond. Additionally, in evaluating the operator's qualification, the PUC should require the operator to submit evidence of liability insurance, their PHMSA safety record and DEP violations for the past five years for every project regardless of state.

The PUC should require advanced notification of major construction activities. At least 90 days prior to commencement of construction of any installation totaling one mile or more of pipe, each operator shall file with the PUC a report stating the proposed originating and terminating points for the pipeline, municipalities to be traversed, size and type of pipe to be used, type of service, design pressure, and length of the proposed line. The operator shall provide confirmation that they have provided written notification to each of the municipalities to be traversed with the report.

(e) Cover over buried pipeline.

Where feasible, new and repurposed pipelines should be buried at a depth of at least four feet, particularly in high consequence areas. Highly volatile liquids warrant a greater depth than other hazardous liquids, due to their uniquely volatile and flammable nature. Qualified Pennsylvania-licensed professional engineers and geologists, with credentials approved by the PUC, should assess projects prior to approval and make recommendations regarding the appropriate depths for pipelines to be buried.

(g) Valves for pipelines transporting HVLs.

All valves, piping, and equipment used in above-ground valve stations must be protected from the weather and UV degradation. This can be accomplished through external coatings with suitable resistance or by shielding structures.

§ 59.139. Pressure testing.

(b) Hydrostatic testing and reassessment generally.

The proposed regulations state that pipelines installed before 1970 must be hydrostatically tested (under 49 CFR 195.304 relating to test pressure) every 10 years and must be assessed using appropriate in-line inspection tools at least every 2 years. Pipelines installed after 1970 must be hydrostatically tested at least every 3 years.

It is recommended that all pipelines which transport hazardous liquids be hydrostatically tested every 3 years and assessed using appropriate in-line inspection tools at least every 2 years regardless of when they were installed. There was no justification provided in the proposed regulations for hydrostatically testing older pipelines less frequently. There is great value in performing in-line assessments of all hazardous liquids pipelines more frequently.

§ 59.140. Operation and maintenance.

(f) Line markers.

Lines carrying highly volatile liquids should be clearly identified by markers that specify "highly volatile liquids."

(h) Leak detection and odorization.

All valve and compressor stations should be required to install gas monitoring and central alarm devices that cover 100% of the footprint of the station. These devices are available and commonly used in gas storage and production facilities.