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Independent Regulatory
Review Commission

May 12, 2022

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

Re: Proposed Rulemaking: Rulemaking Regarding Hazardous Liquid Public Utility Safety
Standards at 25 Pa. Code Chapter 59, Re: Docket No. L-2019-3010267

Dear Secretary Chiavetta,

The Responsible Drilling Alliance (RDA), also known as the Responsible Decarbonization Alliance, is a 501 (c) 3 education and advocacy coalition. We submit the following comments in response to the Pennsylvania Public Utility Commission's request for comments on the above proposed rulemaking.

We join with other commentors who note that Commission needs to look at pipeline expansion plans in much more detail in order to protect the public and sensitive environmental areas, as is required under Article I Section 27 of the Pennsylvania Constitution. And from a decarbonization perspective, we urge the Commission to absorb the most recent IPCC assessment report and heed the warning in finalizing this rulemaking. Climate change is intensifying rapidly across the planet. To avoid throwing the planet into catastrophic warming, policymakers should be working to prevent any new hazardous liquid fossil fuel pipelines, and to the extent that new pipelines must be allowed under existing statutory law, they should be held to the highest standards in terms of climate, as well as health and safety.

We recognize that proposals for expansion or "improvements" of existing hazardous liquid pipelines will continue in Pennsylvania for this decade and perhaps beyond. Therefore, we ask that the require a PUC permitting process before pipeline operators undertake major projects to expand their pipeline systems, or change what they deliver, or the direction of the flow. This is expressly true of new pipeline project buildouts, the lifespan of which would be multi-decades, thereby in our making them nails in humanity's coffin, in our view

In order to give the public maximum pipeline safety and risk information, the Commission must demand much more comprehensive information before a project can proceed. Currently, project siting is not reviewed by the Commission at all. This despite the fact that Commission approval can limit the effectiveness of other agencies trying to avoid the siting of pipeline projects in environmentally sensitive areas. This is an unconstitutional error that the Commission must correct before lawsuits arise.

Many commentors point to federal oversight by PHMSA and reason that, therefore, the Commission's role in oversight is not necessary. They miss the fact that federal pipeline safety regulations are designed as bare minimum required standards. RDA maintains that not only are states are allowed to enact more stringent standards for interstate pipelines within their

jurisdiction (49 USC §60104c), but that states such as Pennsylvania with environmental rights provisions in their Constitution, have a responsibility to do so.

We believe the Commission needs to require project developers to identify all water supplies (reservoirs, wells, springs) within 2,000 feet of trenchless construction proposals and include a risk analysis of potential impairment of the quality and quantity of water in those supplies. When a pipeline operator harms, impairs, or entirely fouls a water supply, the Commission should require the operator to bear all costs of returning that water supply to its pre-existing condition, or better if conditions were previously substandard. Operators must also assume the costs to affected residents and businesses with unusable water supplies for as long as the existing water supply is unsafe to consume or utilize for household or business needs.

RDA believes the Commission's regulatory enforcement is woefully lacking and the fines too low. Current fines offer little incentive for operators to comply with existing regulations. When it comes to hazardous liquid pipelines, operators need to prove to the Commission why the company should continue to build or operate when sinkholes, explosions, or any line breakage occurs. Currently the onus is on the Commission; that must flip.

The Commission needs to utilize maximum penalties for repeat violators of Commission regulations, permits and laws. No excuses.

RDA finds it laughable that commentators such as Range Resources, some labor unions and many municipal officials, state that the Notice of Proposed Regulation (NOPR) will "add unnecessary costs across the energy supply chain and ultimately to consumers." It is patently obvious that much of the current volume of hazardous liquids piped through PA are for export to places that currently pay absurdly high prices for fossil gas and anything fossil-gas-derived such as ethane and butane. The vast export market for these is the overwhelming reason why prices for all three are up so much. Export market pricing repercussions far exceeds the fractional price increase that might occur by providing proper oversight and drastically needed additional PUC staffing.

The Commission needs to increase staffing in these boom times for hazardous liquids in order to ensure proper oversight of existing regulations, let alone new ones. You must fill the oversight void for siting all fossil gas pipelines, including dangerously high-pressure gas gathering lines, to be constitutionally compliant. Unfortunately, DEP and local governments are not able to provide adequate protection given the influence of all-things-gas proponents now ensconced in all levels of governance in Pennsylvania.

RDA agrees with the idea of many of the changes proposed in the NOPR, such as repositioning each section of a pipeline deeper than current regulations require and potentially digging up existing lines. With the profits currently being made from exports, now is finally the time to shore up safety and lower the risk to all Pennsylvanians and our environment.

We recognize that historically old pipeline corridors (such the Sunoco liquid fuels line running though forested areas of the Commonwealth) were built in an era when machinery for pipeline excavation was much smaller than today and pipeline corridors were substantially narrower. We implore the Commission that requirements for digging up old corridors or staging sites for tunneling must include no widening of those corridors. What was accomplished by workers and equipment of the 1930s can surely be done again today within the same corridor widths if operators are required to do so. Exceptions such as extra time for re-construction, or age-based exemptions of newer replaced line segments must be given consideration. For various environmental reasons, the amount of forested Pennsylvania lost to pipelines since the advent of the shale gas era cannot and need not be increased by blanket regulations.

As a Lycoming County based organization, many RDA members and followers have experienced first-hand the consequences of the emergency that arises from a severed hazardous liquid pipeline. A pipeline was left precariously hanging in mid-air above the Loyalsock Creek at the confluence of Wallis Run following Hurricane Lee/Tropical Storm Sandy in September of 2011. The pipeline was re-positioned in the same route with no consideration of the dire need for additional safety precautions. During a microburst storm in October, 2016, the pipeline ruptured at precisely the same location. The Commission can do better. Our Pennsylvania Constitution demands it.

Thank you for the opportunity to comment.

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