For several months, the Pipeline Safety Trust has been working with about 60 individuals from around the country who hold in common their desire for improved pipeline safety nationwide. Some are affected residents of communities (Bellingham, Marshall, Salt Lake City) where oil or fuel spills have occurred, where families have been evacuated, children and parents sickened or killed, where creeks and rivers have been polluted, and lives changed. Some are residents of communities where new pipelines are planned, from South Dakota, Michigan, Pennsylvania, Alaska, Texas, Nebraska, and more. Some are landowners living with transmission and gathering lines, with producing wells and pipelines, or in the midst of eminent domain proceedings (Oregon, Texas, Pennsylvania).

All of them share a common interest in improving pipeline safety, and in increasing public participation in pipeline safety issues. After weeks of communicating with each other only on an email listserv, and after reading a series of 14 briefing papers covering topics from damage prevention to emergency response planning, nearly 40 hardy members traveled to San Francisco in early June to gather with Trust staff and board members, courtesy of grant funding from PHMSA. For three days, they shared their experiences, learned from each other, and worked to develop a strategy for increasing and sustaining the level of public involvement in pipeline safety matters, from local government decisions about emergency responder trainings and land use decisions, to state legislative decisions about pipeline routing and pipeline safety programs, to PHMSA rulemaking and Congressional reauthorization.

Our chosen location was intentional, and its symbolism infused nearly every aspect of the group’s discussions over the next 2 days. Our first gathering was a tour, graciously hosted by officials of the City of San Bruno and residents of the Crestmoor neighborhood devastated in 2010 by the explosion of PG&E’s faulty natural gas transmission line. No amount of previous exposure to news coverage of that event could inoculate visitors against the emotional descriptions of the night of the explosion by neighbors who fled their homes, who frantically tried to reunite with family members, who lost neighbors, homes, and all their possessions, or to the sight of the remaining vacant lots surrounded by chain link fences holding memorials for lost loved ones. The city officials described to us the frustrations and heroics of responding that night and since: the nearest available working fire hydrant more than 3000 feet away because the pipeline explosion also took out the water mains; the fire continuing to be fed by the ruptured gas line because PG&E did not get the valves closed for more than an hour and a half; the more than 600 first responders who came to help from neighboring communities; providing services over the past two years to residents with a huge range of different needs; and the efforts of the city and the neighbors since the explosion to sustain and rebuild the neighborhood.

The NTSB report on the San Bruno explosion clearly laid out the many things that went wrong, both the night of the explosion and in the intervening decades since the pipeline’s construction. It provides a roadmap for necessary improvements in natural gas pipeline safety regulations. Our visit to the site, the city officials’ and the neighbors’ willingness to share their stories, gave this new group a real-world backdrop to our meeting, and reasons beyond our own communities and issues to continue our collective efforts.

One of the first challenges we issued was for volunteers to provide newsletter articles for this edition of the PST newsletter, to help spread the word on work being done all over the country by pipeline safety advocates. Many of the articles in this edition come from individual members of the group.

More information about the group can be found at: http://pstrust.org/initiatives_programs/New-Voices-Project
In This Issue:

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Mission of the Trust

The Pipeline Safety Trust promotes fuel transportation safety through education and advocacy, by increasing access to information, and by building partnerships with residents, safety advocates, government, and industry, that result in safer communities and a healthier environment.

Pipeline Safety Trust Leadership

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Smart Pig

Dear Smart Pig,

Just when it seems like a state government starts to get more interested in pipeline safety – after a spill like the one in the Yellowstone River, or when there’s a new pipeline planned, like in Nebraska, someone will pop up and say that pipeline safety regulation is up to the feds – that all those federal rules preempt states from trying to regulate or inspect pipelines. Is that right?

Sincerely,

Fan of Federalism

Dear Fan:

State governments have a multitude of opportunities to help ensure that pipelines in their states are safe. There are a few circumstances that the federal agencies have exclusive authority over: FERC has exclusive authority over the routing of new interstate natural gas pipelines; and PHMSA, the federal pipeline safety agency, retains authority over enforcement of safety regulations governing interstate oil and gas pipelines.

But for most other situations, states can choose to take on major roles in pipeline safety. In fact, PHMSA refers to the federal/state partnerships as the “cornerstone” of the pipeline safety program. States may:

1) enact pipeline siting/routing statutes for all pipelines other than interstate gas lines; and
2) become certified by PHMSA to regulate, inspect, and enforce rules governing intrastate gas and hazardous liquid lines; and
3) once certified by PHMSA, choose to adopt additional or more stringent standards for intrastate lines, so long as they are compatible with the federal requirements; and
4) once certified, enter into an agreement to participate in inspection of interstate lines, increasing the numbers of inspectors available for those lines in your state; and
5) enact oil spill response planning requirements, equivalent to or more stringent than the federal requirements; and
6) establish a citizen’s advisory committee to be appointed by the governor to increase public awareness and provide another state voice on pipeline safety issues; and
7) enact a user fee and/or barrel tax to fund the pipeline safety program and spill response planning program, to the extent that reimbursements from PHMSA (up to 80% of the costs of a state’s pipeline safety program) do not cover the costs.

So while some states may try to dodge taking on responsibility for pipeline safety by saying the feds have all the authority, it is clear they can help ensure safety in a whole variety of ways if they want to.

To see which states have undertaken any aspect of either gas or hazardous liquid pipeline regulation, you can find a chart on the Trust’s web site here:

http://www.pstrust.org/about-pipelines/ regulators_regulations/state_pol.htm

Sincerely,

Fan of Federalism
Saying Goodbye to Bob

In July long time Pipeline Safety Trust Board member and President Bob Rackleff resigned from the Board to begin a new job in Washington D.C. Bob has become a speechwriter for the Export-Import Bank of the United States. Ex-Im Bank’s mission is to assist in financing the export of U.S. goods and services to international markets, and some of the financing is related to energy projects around the world, some necessarily involving pipelines, and thus the conflict that made Bob’s resignation necessary.

Bob got involved with pipeline safety in the late 1980’s when a pipeline was proposed in his area of Florida. He went on to help form the Pipeline Safety Reform Coalition in the 1990’s and became actively involved in the Pipeline Safety Trust even before it was officially created.

Bob brought a wealth of local government knowledge to our organization as a three-term County Commissioner in Leon County, Florida. He also helped to steer the organization’s communications with the skills he learned as a speechwriter for President Jimmy Carter, Senator Edmund Muskie, Secretary of the Treasury Michael Blumenthal, and Secretary of Labor Ray Marshall.

Board Vice President Rick Kessler upon learning of Bob’s resignation summed up what many of us felt – “I still can’t think of what to say except that, I’ve never dealt with pipeline safety without Bob and it’s hard to envision a world where I’m not depending on him; it makes me feel a bit like a child dumped off into the real world without the ability to phone home.”

Great Pipeline Safety Video

If you are interested in learning more about what occurred at the 2010 San Bruno, California pipeline disaster, how it was investigated, and the recommendations to improve pipeline safety that came out of that investigation, the National Transportation Safety Board has created a great 20 minute video explaining all that. It can be found on YouTube at: http://www.youtube.com/watch?v=d-4B7DYVL2g

Want to Understand Pipelines Better?

We just produced eleven briefing papers on some of the pipeline basics. Below is the list of available topics and you can download them all at: http://pstrust.org/initiatives_programs/New-Voices-Project/Briefing-Papers.htm

- Natural Gas Pipelines - The Basics
- Hazardous Liquid Pipelines - The Basics
- The statutes, regulations, consensus standards, and best practices
- The Alphabet Soup of Players in Pipeline Safety
- Considering Risk
- Excavation Damage Prevention
- The Need For Better Planning Near Pipelines
- Pipeline Routing and Siting Issues
- Integrity Management Rules
- Cost Benefit Analysis
- Emergency Planning

http://pstrust.org
On July 25, 2010 an Enbridge pipeline in Michigan ruptured causing the largest spill into a river in Midwest history. The National Transportation Safety Board (NTSB) began an investigation of that spill which took nearly two years to complete. Below is the executive summary of that recently released report. The entire report, including the nineteen recommendations that NTSB made to improve pipeline safety, can be downloaded from the NTSB website at: http://www.ntsb.gov/doclib/reports/2012/PAR1201.pdf

NTSB Accident Report - Executive Summary – Adopted July 10, 2012

“On Sunday, July 25, 2010, at 5:58 p.m., eastern daylight time, a segment of a 30-inch-diameter pipeline (Line 6B), owned and operated by Enbridge Incorporated (Enbridge) ruptured in a wetland in Marshall, Michigan. The rupture occurred during the last stages of a planned shutdown and was not discovered or addressed for over 17 hours. During the time lapse, Enbridge twice pumped additional oil (81 percent of the total release) into Line 6B during two startups; the total release was estimated to be 843,444 gallons of crude oil. The oil saturated the surrounding wetlands and flowed into the Talmadge Creek and the Kalamazoo River. Local residents self-evacuated from their houses, and the environment was negatively affected. Cleanup efforts continue as of the adoption date of this report, with continuing costs exceeding $767 million. About 320 people reported symptoms consistent with crude oil exposure. No fatalities were reported.

The National Transportation Safety Board (NTSB) determines that the probable cause of the pipeline rupture was corrosion fatigue cracks that grew and coalesced from crack and corrosion defects under disbonded polyethylene tape coating, producing a substantial crude oil release that went undetected by the control center for over 17 hours. The rupture and prolonged release were made possible by pervasive organizational failures at Enbridge Incorporated (Enbridge) that included the following:

- Deficient integrity management procedures, which allowed well-documented crack defects in corroded areas to propagate until the pipeline failed.

- Inadequate training of control center personnel, which allowed the rupture to remain undetected for 17 hours and through two startups of the pipeline.

- Insufficient public awareness and education, which allowed the release to continue for nearly 14 hours after the first notification of an odor to local emergency response agencies.

Contributing to the accident was the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) weak regulation for assessing and repairing crack indications, as well as PHMSA’s ineffective oversight of pipeline integrity management programs, control center procedures, and public awareness.

Contributing to the severity of the environmental consequences were

1) Enbridge’s failure to identify and ensure the availability of well-trained emergency responders with sufficient response resources,

2) PHMSA’s lack of regulatory guidance for pipeline facility response planning, and

3) PHMSA’s limited oversight of pipeline emergency preparedness that led to the approval of a deficient facility response plan.”

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**63 Open NTSB Pipeline Safety Recommendations**

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<thead>
<tr>
<th>Recommendation to</th>
<th>Number</th>
<th>Year Recommendations Made</th>
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<tr>
<td>U.S. Department of Transportation</td>
<td>6</td>
<td>2011, 2012</td>
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<tr>
<td>California Public Utility Commission</td>
<td>4</td>
<td>2011</td>
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<tr>
<td>American Petroleum Institute</td>
<td>2</td>
<td>2009, 2012</td>
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<tr>
<td>Enbridge Inc.</td>
<td>6</td>
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<tr>
<td>International Assoc. of Fire Chiefs &amp; National Emergency Number Assoc.</td>
<td>1</td>
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<td>State of California</td>
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<td>2011</td>
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<tr>
<td>Dixie Pipeline Company</td>
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<td>2009</td>
</tr>
<tr>
<td>American Society of Mechanical Engineers</td>
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Specific recommendations can be found at: http://www.ntsb.gov/safety/safety_recs.html
Over the course of the past two years, following a number of high profile pipeline failures, Congress has held an unprecedented 15 hearings on pipelines and passed a new pipeline safety bill. On top of that the National Transportation Safety Board (NTSB) has issued 26 pipeline safety recommendations to the U.S. Department of Transportation and PHMSA. So what regulations has PHMSA been developing on their own and in response to Congress and NTSB to improve pipeline safety?

To adopt new regulations PHMSA has to go through a rulemaking process. Many people are surprised to learn that from beginning to end a rulemaking can take from 2-4 years. For large issues PHMSA may announce an Advanced Notice of Proposed Rulemaking (ANPRM) where they lay out the issues they are thinking about to seek information and comments from stakeholders. Once the ANPRM process is over PHMSA reviews the information received and then drafts a proposed rule and runs the proposed rule through other review agencies such as the Office of Management and Budget (OMB), and deals with other rulemaking processes such as a cost versus benefit analysis. When that is all done PHMSA publishes a Notice of Proposed Rulemaking (NPRM) where they publish their proposal in the Federal Register and once again take comments on the proposal. After the comment period closes on the NPRM and they have analyzed comments, run the proposal through their technical advisory committee, and done any final tweaking of the proposed rule, they will finally issue a final rule.

Below are the rulemakings that PHMSA has been working on recently.

**Rulemakings**

- **On-Shore Hazardous Liquid Pipelines** to address a whole variety of issues including – leak detection requirements, definition of High Consequence Areas (HCAs), repair criteria for problems found outside of HCAs, better reporting requirements and data integration, etc. ANPRM issued 10/08. Proposed rule summer 2012.

- **Miscellaneous Amendments to Pipeline Safety Regulations** including clarifying who can provide inspections during pipeline construction, additional requirements for National Pipeline Mapping System, etc. Proposed rule 11/11. Final Rule anticipated fall 2012.

- **Control Room Management/Human Factors** to move up implementation date for several control room management requirements. Final rule published 6/11

- **Periodic Updates of Regulatory References to Technical Standards** to bring updated versions of about 30 technical standards into the federal regulations. Proposed rule being drafted.

- **Expansion of Excess Flow Valves to multi-person dwellings** to address NTSB recommendation. ANPRM issued 11/11. Currently collecting cost/benefit info.

- **Safety of Gas Transmission Pipelines** to revisit requirements of integrity management for gas transmission pipelines including definition/expansion of HCAs, valve types and spacing, repair criteria, and corrosion issues. ANPRM issued 8/11, Proposed rule being drafted.

- **Part 190 – Pipeline Safety Enforcement and Regulatory Procedures** to align Part 190 of the CFR with a number of regulatory mandates found in the 2011 congressional pipeline safety bill. Proposed rule summer 2012.

- **Changes to the National Pipeline Mapping System** to change NPMS mapping data accuracy standards and collect additional data elements such as pipeline diameter, MAOP, SMYS, “smart piggability”, type/location of blocking valves, coating of pipe, etc. to provide a more complete and accurate picture of facilities. Anticipated proposed rule 6/13

- **Standards for conducting condition assessments of in-service pipelines** to incorporate by reference consensus standards governing conduct of assessments of the physical condition of in-service pipelines using in-line inspection, internal corrosion direct assessment, and stress corrosion cracking direct assessment. Drafting proposed rule.

- **related to the use of Plastic Pipe in Gas Pipeline Industry** to address a number of issues including the use of PA-12, revising the design factor from 0.32 to 0.40, marking of plastic pipe, and traceability. ANPRM being developed.

- **Amendments to Pipeline Safety Regulations** to address issues related to congressional bill passed in 2011 including incident reporting, cost recovery, safety related condition reporting, bio-fuels, carbon dioxide and renewal process for special permits. Process just started to be developed.
1154 Ways States Are Making Pipelines Safer

In the fall of 2011 the National Association of Pipeline Safety Representatives (NAPSR), which is made up of state pipeline safety personnel, and the National Association of Regulatory Utility Commissioners (NARUC), which is made up of state public service commissioners, published a Compendium of State Pipeline Safety Requirements & Initiatives Providing Increased Public Safety Levels Compared to Code of Federal Regulations. This compendium provided an overview of over 1150 state requirements and initiatives that go beyond the federal minimum pipeline safety regulations to enhance safety. Around this same time the states were coming under great scrutiny and being asked to provide verification that their pipeline safety programs were being run in a way that is adequate to protect the public. This compendium provides a good look into the various ways the states have approached pipeline safety.

As stated in the compendium:

“There are many reasons for having varying amounts of pipeline safety initiatives. Pipeline Safety does not lend itself to a one size fit all approach. Certain states may have a history of a specific problem or incident that prompted the initiation of rulemaking, law amendments or issuance of Commission orders. Pipeline operator’s practices differ in regard to materials selected, methods of installation, operational and maintenance approaches. In some areas of the country there has been no need for specific initiatives within a state. In other areas of the country the landscape or geography has prompted specialized rules. Perhaps a material defect was found for a certain population of the pipelines, perhaps the public’s demand and/or tolerances of more stringent rules is greater in certain areas in the country. Since circumstances differ across the country regarding pipeline oversight, the reader is cautioned to not use this report to compare one state’s program against another which may result in erroneous conclusions.”

Pennsylvania Pipeline Legislation – Reflections of the Past Year

By Emily Krafjack

Pennsylvania’s Marcellus Shale exploitation has taken a turn into the pipeline phase. More and more gathering and transmission lines are being proposed, permitted, constructed and operated, both within and beyond the Shale. While the actions addressing pipeline safety may not be aggressive enough to affect many lines that are already operational or in process, Pennsylvanians have been successful achieving some baby steps. Still, a pipeline safety act is needed that will grant rural residents living in Class 1 area locations protections that are presently provided to gathering line Classes 2-3-4 area locations.

Late in July 2011, because of the many residents who actively engaged the Marcellus Shale Advisory Commission, both in dialogue and emails, the MSAC issued one particular recommendation solely focused on Class 1 areas. This recommendation: “9.1.7 The Public Utility Commission should be given statutory gas safety oversight of non-jurisdictional intra-state gathering systems, including mechanisms to establish safety standards regarding the design, construction and installation of such lines within Class 1 areas” continues to be a focus point for many Shalers seeking adequate pipeline safety measures within their communities. Governor Corbett has not yet provided the legislature with clear direction on moving forward with this particular recommendation.

In December 2011, the Governor signed Act 127 of 2011 more commonly known as The Gas and Hazardous Liquids Pipelines Act. The Act provides the necessary PUC authorization to regulate gathering lines in Classes 2-3-4 in accordance with the Federal pipeline safety laws.

The Act also provides for a gathering line Class 1 area registry. On June 7, 2012, the Act’s Final Implementation Order was revised to include registration of all intrastate Class 1 area transmission lines or pipeline facilities.

In February, 2012, Governor Corbett signed Act 13 of 2012, The Act Amending Title 59 (Oil and Gas) of the Pennsylvania Consolidated Statutes – the first major overhaul of Pennsylvania’s Oil and Gas Act in almost 30 years, that, among other things, includes an impact fee. Two seldom mentioned provisions apply to pipeline safety. The first adopts the federal corrosion control requirements for all gathering lines in all class locations, including the less densely populated areas of Class 1. The Act also subjects all gathering lines in all class locations to the use of the state One Call system to improve damage prevention.

Pennsylvania is targeted for many miles of pipeline construction this year alone, and much of that will occur in rural areas. For example, one midstream company has scheduled more construction during 2012 than they have had in the last three years. Rural Pennsylvania deserves the same pipeline safety protections as the more densely populated areas, and its residents will continue to advocate for them.

About the Author – Emily Krafjack lives in Wyoming County, Pennsylvania in the heart of the Marcellus Shale. She presently has three Marcellus Shale natural gas wells within a few hundred feet of her home, along with many others within a three-mile radius. Emily strives to be a centrist about natural gas development recognizing both the challenges and the benefits for Marcellus Shale communities.

Connecticut Neighborhood Obtains Safety Information

By Joe Humphrey and Mark McDonald

Citizens live with safety issues constantly – highways, planes, trains, etc. – and accidents involving these modes of transportation are a way of life. Underground pipelines carrying petroleum and natural gas products fall into a different category of risk when it comes to public perception. The best way to describe the public’s view of pipelines is the old adage “out of sight, out of mind.”

When a potential problem with a neighborhood pipeline does arise, the local gas company may not necessarily be responsive to citizens’ concerns. The response received may be more in the nature of patronizing generalities meant to soothe anxieties rather than to convey useful information. This is a good example of how the existence of, and networking among pipeline safety advocates can play a critical role. Consider the recent case of a city located on the seacoast of Connecticut.

Like many old New England towns, it is covered by a network of 100 year-old cast iron distribution mains serving its residential customers. What makes this case relatively unique is the presence of a 16” high pressure transmission line running parallel to distribution mains through portions of the city. This 16” line, although functionally a transmission line, had been reclassified as a distribution line serving a single customer, a local electrical power plant. The potential for safety problems and the need for adequate public information was great. One of our New Voices, Joe Humphrey, was asked for help by a woman who discovered this situation during the course of installing a new gas furnace. Understandably, she wondered about her personal safety and that of her neighbors; the reassurances given to her by the local gas company representative were inadequate at best.

About Our Authors

This edition of our newsletter contains articles from six individuals who participated in our New Voices project; three from Pennsylvania, two from New England and one from Michigan. We hope to continue using articles from members of the group in future newsletters to highlight the pipeline safety work of increasing numbers of groups and individuals. The views of these authors are their own and do not necessarily represent the views of the Pipeline Safety Trust. For more information about the project and the authors, visit our website: http://www.pstrust.org/initiatives_programs/New-Voices-Project/index.htm
Lathrop Compressor Station Fire Exposes Regulatory Questions by Roberta Winters

What happens when a compressor station in a class 1 region has an explosion that blows a hole through its roof from which black smoke and flames emerge for hours? Within a day, it’s business as usual for Williams Field Service Co., LLC (Williams), the owners of the Lathrop compressor station, which restarted the flow of gas through the compressor station one day after the March 29, 2012 explosion.

This prompted the League of Women Voters of Pennsylvania to draw a not so funny analogy with the classic “Whose On First” routine of Abbott and Costello. Excerpts from testimony, given several weeks later regarding permitting additional stations in the same county, are provided for your consideration.

“Who’s” on first. Who is responsible for our safety and follow-up investigation if a compressor station in rural, designated Class 1 areas with relatively few people explodes? Where are the comprehensive regulations, coordinated communication, and the well-trained personnel needed to fulfill your mission as the Department of Environmental Protection (DEP) charged to reduce air pollution, make sure our water is safe to drink, and protect the water quality in our rivers and streams? When, where and how does the Pennsylvania Public Utility Commission (PUC) and the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) get into the safety of compressor station “game”?

“What’s” on second. What are the standards, rules, and best practices for compressors that are applicable to Class 1 areas like this? What appropriate fines are imposed when an explosion occurs as in the case of Lathrop? What difference will meaningful penalties make to those responsible to ensure that they will do the right thing in the future?

“I don’t know” is on third. Is there a conflict of interest between those who are being asked to safeguard the public while their funding depends on permitting fees for natural gas operations that may, in turn, threaten public health and the environment? Are their potential ethical concerns raised between the financial contributions of the deep drillers with deep pockets and those whose campaigns they support?

“Why’s” in left field. Why are the lives of residents of rural Pennsylvania less worthy of oversight and protection from compressor stations than other citizens in more populated areas of the Commonwealth? Why are emergency responders and citizens near compressor stations left in the dark regarding the nature and composition of the air emissions they were subjected to in the recent explosion? Why are integrity management plans of pipeline operators not subject to the right to know law? Why are the Pipeline Informed Planning Alliance (PIPA) guidelines not being used to make risk-informed decisions about the location of pipelines and their related facilities in Pennsylvania?

Unlike the Abbot and Costello routine, the permitting of compressor stations and their lack of regulation in Class 1 areas are no laughing matter. If safety considerations are overlooked, it’s a game that will leave all of us losers.

About the Author – Dr. Roberta Winters serves as Vice President for Issues and Action on the State Board of the League of Women Voters of Pennsylvania. In her voluntary role with the League, Roberta has worked to help educate the citizens of Pennsylvania and League members in neighboring states regarding the evolving opportunities and challenges of natural gas extraction.

The News Behind The Stories

Here are some news articles that provide some additional background for some of the advocate’s stories included in this newsletter:

Residents question safety, oversight at meeting about natural gas compressor station explosion
The Times-Tribune, By Laura Legere, April 18, 2012
http://tech.groups.yahoo.com/group/safepipelines/message/20577

The Dilbit Disaster: Inside The Biggest Oil Spill You’ve Never Heard Of
Inside Climate News, By Elizabeth McGowan and Lisa Song
Part 3 - June 28, 2012 - http://tech.groups.yahoo.com/group/safepipelines/message/20892

Court throws out state zoning for Marcellus Shale drilling
Pittsburgh Post-Gazette, By Laura Olson, July 26, 2012
http://tech.groups.yahoo.com/group/safepipelines/message/21139
Pipeline Safety Improvements are Critical within the Great Lakes Basin

By Beth Wallace

This June, the Pipeline Safety Trust presented a wonderful opportunity to the National Wildlife Federation (NWF) by asking us to participate within a pipeline safety advocacy group, which is made up of individuals and organizations from around the country.

Pipeline Safety has been a topic of urgency for the NWF Great Lakes Regional Center since the Enbridge spill that spewed approximately 1 million gallons of Alberta tar sands oil into the Kalamazoo River watershed.

After that spill, federal and state agencies scrambled to prevent that oil from reaching Lake Michigan because they knew the impacts would be detrimental to not only our environment and health but also our economy.

The oil spread quickly in the flooded river, coating wildlife, saturating marshlands, backyards, businesses and farm land. The flow of the oil was contained near Marrow Lake, approximately 40 miles from the original rupture site. This disaster was made worse by a lack of transparency by the responsible party, along with ill designed response plans that did not take into account the unique ecology of the Great Lakes watershed or the fundamental differences between tar sands and conventional crude oil. Conventional crude floats and tar sands oil sinks.

This disaster was the fault of Enbridge Energy, no stranger to controversy: Enbridge was cited for safety violations in the pipeline before it ruptured, and the company was recently found responsible for safety violations in a 2007 pipeline explosion that killed two employees in Minnesota.

While the Kalamazoo River spill was the largest tar sands oil spill in the Midwest, it is just one of many pipeline accidents in Michigan and one of hundreds of Enbridge oil spills in the last decade.

However, accidents like these are preventable!

Since the 1960’s, the Great Lakes and Midwest have been home to some of the longest oil and gas pipelines in the country. These pipelines run near and under our waters, posing significant risks of spills due to weak regulations.

The Enbridge tar sands oil spill in Marshall and the location of Line 5 across the Straits of Mackinac raise a number of significant questions about pipeline safety.

One such concern - within the last decade, pipeline operators have switched from transporting light conventional crudes to a more toxic and corrosive product called diluted bitumen; raw tar sands oil mixed with other hydrocarbons. This product switch comes with no warning, exposing major gaps in our federal and state pipeline regulations.

In spring of 2012, The National Wildlife Federation released a report warning of inadequate laws and regulations over our pipeline infrastructure and the high risk of more spills - After the Marshall Spill: Oil Pipelines in the Great Lakes Region.

The good news out of these horrible disasters and our developing concerns is that many stakeholders are coming to the table to collaborate and develop improvements to our regulatory process, including NWF’s Great Lakes Regional Center.

NWF recognizes that the Great Lakes states need to step up and lead development of stronger pipeline safety standards along with requiring our federal agencies to develop additional standards in response to incidents like the 2010 Enbridge spill.

In addition to working with our state and federal lawmakers to improve regulations, NWF is continuing support to the communities and wildlife impacted by the 2010 Enbridge spill. We plan to expand that work to other communities that are at risk of spills. We are developing community action plans and hoping to cultivate working relationships with pipeline operators, which strengthen much needed transparency and highlights unique natural resources needs.

We thank the Pipeline Safety Trust for providing the leadership that has brought so many unique individuals and groups together. “Coming together is a beginning; keeping together is progress; working together is success.” – Henry Ford

About the Author – Beth Wallace is the Community Outreach Regional Coordinator for the National Wildlife Federation at their Great Lakes Regional Center in Ann Arbor, Michigan. Beth has worked extensively on pipeline issues since the 2010 Enbridge spill of oil into the Kalamazoo River.
Landowners and pipeline ROW issues

By Larry Smith, DVM

Several landowners in Southwestern Pennsylvania are experiencing a lack of spring water since the installation of an interstate gas transmission pipeline nine months ago. Approximately 30-35% of rural farms and homes in SW Pa. have springs as its water source. Whenever a pipeline ROW interrupts your home and livestock water supply, special provisions need to be included in your ROW agreement/addendum.

- As a precautionary measure, the landowner should conduct pre and post construction sampling with regards to quality and quantity of spring water. If a dispute arises as to quality/volume of water, you will have a set of figures.

- Provide for placement of a water buffalo (holding tank for water hauled in) for use during and after construction is the responsibility of the pipeline operator.

- The pipeline operator should conduct precon- struction spring flow volume sampling. I would recommend sampling weekly for 1-2 months. The samples should be taken at either the inflow spring box or spring box overflow. A water quality sample should be required preconstruction.

- After construction and ROW completion, tests during a trial period of 1-2 months for volume and quality of spring water need to be conducted by the operator. If the results are satisfactory to landowner the spring line may be permanently reattached.

- Provided that the spring has always supplied and satisfied your water needs, a provision should be included in the agreement to hold the pipeline operator responsible for the spring for one calendar year or four seasons after reattachment. In one case here in SW Pa. the landowner’s water flow rate or gallons per minute, went from 3.18 gpm to 1.02 gpm. Because of the construction the spring has changed flow direction and must be recaptured in order to supply the necessary volume of water.

In the ROW agreement always assume the worst-case scenario and take the necessary precautions in the agreement to protect yourself and your property. For example in this mentioned case the landowner’s addendum had a clause where the operator must provide a water well if the post construction spring did not return to preconstruction volume/quality.

About the Author – Larry Smith is a veterinarian who lives on a 120-acre horse farm in southwest Pennsylvania. He supports responsible gas development and has leased his ranch for such development. A different gas transmission pipeline company used eminent domain to condemn and take part of his property for a pipeline right-of-way. In this piece he talks about the need for specific clauses in any right-of-way agreement to protect a property owner’s rights and property. These types of clauses vary depending on the specifics of the property and pipeline proposal.

Connecticut Neighborhood

(continued from page 7)

For assistance, Humphrey turned to a fellow safety advocate, Mark McDonald, the President of the New England Gas Workers Association and a recognized expert on distribution line issues, and also a participant in the Trust’s New Voices project. McDonald took a twin track approach by, first, sending Humphrey a series of questions to ask the operator of both lines (which happened to be the same company) and, second, getting in touch with the chief regulator for the state of Connecticut for his views on the situation.

Eventually, Humphrey was put in touch with the chief engineer for the operator of both gas lines and, after extensive correspondence with him as well as personal calls to the chief state regulator, he was able to provide enough information to the neighbor about the management of the line for her to conclude that the safety risks were relatively low. This assessment was based on answers to questions raised by McDonald as well as verbal assurances provided by the chief regulator (who had direct responsibility for the installation of the high pressure line in the 1990s).

Space does not permit a discussion of specific points such as leak inspection and frost patrol programs as well as other mandated safety regulations.

Suffice it to say that, due to the joint efforts of both advocates working as a team, and especially to McDonald’s persistence in getting critical answers, a local community can breathe easier, having enough information to understand the risks presented by the circumstances. Risk assessment is a joint effort with the public having an essential role to play in this process!

About the Authors – Joe Humphrey is a retired banker who lives in Connecticut. He recently formed his own private consulting firm to handle public interest advocacy after organizing and running the first-ever gas pipeline safety conference in Connecticut. Mark McDonald is the President of the New England Gas Workers Association (NEGWA) and “NatGas Consulting”. Mark develops and directs legislative agendas affecting labor and gas industry regulations.
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