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February 23, 2023

Alan Mayberry
Deputy Associate Administrator for Policy and Programs
Pipeline and Hazardous Material Safety Administration
U.S. Department of Transportation

Comments on Special Permit Application
Tennessee Gas Pipeline Co., LLC
Docket PHMSA-2023-0001

Dear Mr. Mayberry:

Please consider this letter in your deliberations on the special permit request of Tennessee Gas Pipeline Co., LLC (TGP) for exemption from certain pipeline safety regulations. The Pipeline Safety Trust is the only national non-profit organization that focuses on pipeline safety. We do this through education and advocacy, increasing access to information, and building partnerships with residents, safety advocates, government, and industry to promote safe communities and a healthy environment. We have reviewed the application and associated documentation in the Federal Register and have the following concerns.

In October of 2021, Kinder Morgan, the parent company of TGP, was issued a Notice of Proposed Safety Order (CPF No. 5-2021-056-NOPSO) which identified extensive concerns regarding Kinder Morgan's integrity management program and identified thousands of unremediated anomalies along hundreds of miles of Kinder Morgan pipelines across the U.S. While we recognize that this safety order is isolated to hazardous liquid lines, it causes concern to the entirety of Kinder Morgan's integrity management practices and safety culture. Given that increased IM actions are the basis of this PHMSA's proposal to grant this special permit request, we encourage PHMSA to carefully consider whether the promised application of increased IM practices is really a reliable alternative providing equivalent safety benefits to pressure reduction, hydrotesting, or pipe replacement.

We also have several concerns with the information presented in the application and the environmental assessment.

First, we have concerns regarding the valve spacing of the special permit segment included in this request. According to Table 4 in the Special Permit Conditions document, the segment is located within a 9-mile space between valves. We believe that these conditions are not sufficient to ensure the safety of residents near the segment included in this request due to potential duration and release volume of gas in the event of a failure. Although we do recognize that the special permit conditions indicate that all special permit segments "must have upstream and downstream remote-controlled valves (RCVs) so that the distance between the valves is no greater than 20 miles[,]” we feel that this requirement is not in

line with the new valve rule¹ spacing requirements of 4-mile intervals for Class 3 locations. Within the valve rule, PHMSA's discussion regarding spacing requirements does mention 1-class bumps in which the operator may use the maximum valve spacing of a class below the class location of the replacement project, but there is no discussion regarding a 2-class bump from Class 1 to Class 3 locations. We urge PHMSA to reconsider this condition within the special permit to require a distance of no more than four miles from each special permit segment to an upstream and downstream valve. We feel that this requirement would significantly increase the safety of residents living near the segments included in this request and ensure that section 114 obligations are taken seriously.

Second, Section IV (6) of the draft Special Permit document suggests that "PHMSA grants this special permit limited to a term of no more than **5 or 10 years (to be determined by PHMSA)** from the date of issuance." Because this special permit request is being utilized as a pilot project for alternative technology, we strongly urge PHMSA to limit this term limitation to no more than five years from the date of issuance.

Third, one of claimed environmental and safety benefits from the granting of the permit is the elimination of the methane emissions that would occur from blowdowns in anticipation of hydrotesting and/or pipe replacement. While we are pleased that TGP is concerned with the effect of its methane emissions from all sources on the environment, the non-emergency blowdowns necessary before safety-related hydro-testing and pipeline replacement should never be considered a sufficient reason to avoid strength testing and replacing pipe segments where necessary to comply with safety regulations. Moreover, there are a number of mitigation measures that TGP could undertake to reduce any emissions from non-emergency blowdowns of this nature, including a variety of ways to reduce the pressure in the segment ahead of time, moving some of the gas to an associated loop, where available, among others. While physical constraints of the TGP system at issue may prevent complete elimination of blowdown emissions, those potential emissions should not be used as an excuse to avoid necessary safety activities. Indeed, TGP is under an independent obligation to minimize these emissions under section 114 of the 2021 PIPES Act.²

Finally, in the application letter itself, the operator fails completely to provide a useful response to what is perhaps the most important requirement in the regulations governing the applications for a special permit: **49 C.F.R. § 190.341(4) requires an explanation of the unique circumstances that the applicant believes make the applicability of that regulation or standard (or portion thereof) unnecessary or inappropriate for its facility.**

Here is the operator's response: *In this age of enhanced pipeline safety tools, such as In-Line Inspection (ILI), and integrity management processes, it is wasteful and unnecessary to require wholesale replacement of pipe when population near the pipeline increases. The proposed special permit enhanced integrity management conditions are designed to identify and mitigate integrity issues that could threaten the pipeline segment and cause a failure. The effect of the enhanced monitoring and maintenance requirements will ensure integrity of the pipe and protection of the population living near*

¹ Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards, 87 Fed. Reg. 20940 at 20963 (April. 4, 2022) (amending 49 C.F.R. § 192 and § 195).

² 86 Fed. Reg. 31002-31003 (June 10, 2021).

*the pipeline segment to a similar degree as replacing with heavier walled or higher grade pipe without the enhanced integrity management activities.*³

There is nothing in TGP's response that explains any unique circumstance making the application of the regulation inappropriate or unnecessary. The application provides no further description of anything unique about the circumstances of seeking permission to operate thinner walled pipe in an area of population growth, increasing the risk to the growing population as a result. Rather, TGP's response merely expresses its opinion about the prudence of PHMSA regulations and general optimism about the effectiveness of safety technology and IM in ensuring pipe integrity. Incidents still occur despite the proliferation of modern safety technology and the widespread adoption of IM. TGP's explanation does nothing to explain how these practices alone are sufficient to obviate compliance with these critical safety regulations.

Thank you for the opportunity to comment. If you have any questions or would like to discuss, please contact me at amanda@pstrust.org or (360) 543-5686 x106.

Sincerely,



Amanda McKay
Program Manager
Pipeline Safety Trust

³ Tennessee Pipeline Co., L.L.C., Request for Special Permit, Change in Class Location, at 2 (Dec. 29, 2022) <https://www.regulations.gov/document/PHMSA-2023-0001-0001>.