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February 17, 2023

Alan K. Mayberry
Associate Administrator for Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Equitrans Midstream Corporation November 2022 Failure Incident

Dear Mr. Mayberry:

I am writing on behalf of the Pipeline Safety Trust regarding the recent enforcement history of Equitrans Midstream Corporation (OPID 31605) and to urge you to take strong action in response to the operator's failures. The Pipeline Safety Trust (the Trust or PST) 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.

As you know, last November a particularly egregious incident occurred at one of Equitrans' Cambria County wells in which over 1 billion cubic feet of natural gas was released directly into the atmosphere. As part of its work, the Trust routinely monitors enforcement actions taken by PHMSA and we recently became aware that your office has issued a Notice of Proposed Safety Order (Order) on December 29, 2022 in response to the Cambria incident.¹ The Order imposes no fines upon Equitrans for this incident despite the fact that methane is an incredibly potent greenhouse gas and the consequences of this incident will have an extremely adverse effect upon the environment. Further, under section 114 of the PIPES Act of 2020 operators already have a duty to minimize methane releases.² A release of this size represents a clear failure of the operator to meet this obligation, which is particularly troubling since Equitrans should have already updated their inspection and maintenance plans to prevent incidents like this from occurring. The Trust observed that PHMSA makes no note of this provision anywhere in the Order.

¹ PHMSA, *Notice of Proposed Safety Order: In the Matter of Equitrans Midstream Corporation*, CPF No. 1-2022-080 (Dec. 22, 2022)

[https://primis.phmsa.dot.gov/comm/reports/enforce/documents/12022080NOPSO/12022080NOPSO_Notice%20of%20Proposed%20Safety%20Order_12292022_\(22-259271\).pdf](https://primis.phmsa.dot.gov/comm/reports/enforce/documents/12022080NOPSO/12022080NOPSO_Notice%20of%20Proposed%20Safety%20Order_12292022_(22-259271).pdf).

² PHMSA, *PHMSA Advisory Bulletin: Pipeline Industry Must Take Actions to Address Methane Leaks from Pipelines and Pipeline Facilities* (June 7, 2021) <https://www.phmsa.dot.gov/news/phmsa-advisory-bulletin-pipeline-industry-must-take-actions-address-methane-leaks-pipelines>.

The Trust believes that this event warrants stronger enforcement action. In considering civil penalty assessments, PHMSA should consider the “gravity of the violation, including adverse impact on the environment” and “the respondent’s history of prior offenses.” 49 C.F.R. § 190.225. A release of more than 1 billion cubic feet of methane is far from “minimizing” releases as required by section 114. Further, a release of this size is bound to have extremely detrimental impact on the environment and climate: Methane has 27-30 times the warming power of CO₂ in its first 100 years, meaning that a release this size is the equivalent of 481,386 metric tons of CO₂. This is the equivalent of adding 89,016 cars to the road or heating 13,250 houses for an entire year.³ Additionally, Equitrans has a history of prior offenses. From 2006 to present, the operator has had 22 cases initiated against it, yet it has only paid \$28,800 in penalties.⁴

Given the gravity of this event, Equitrans’ history of prior offenses, and the fact that section 114 of the PIPES Act confers an obligation on operators to minimize methane releases, the Trust believes that PHMSA’s failure to assess penalties is a misjudgment. If the accidental release of over 1 billion cubic feet of natural gas into the atmosphere is not sufficient to warrant a penalty, the Trust questions whether operators are deterred from operating in a manner that increases risk of failure.

Thank you for your attention to this important matter. If you have any questions or would like to arrange a meeting to discuss, please contact me at erin@pstrust.org or by phone at (360) 543-5686 x 107.

Sincerely,

Erin Sutherland

Erin Sutherland

Policy & Program Director/Counsel

Pipeline Safety Trust

cc: Tristan Brown, Deputy Administrator, PHMSA
Linda Daugherty, Deputy Associate Administrator for Field Operations, Office of Pipeline Safety, PHMSA
Robert Thomas Burrough, Director, Eastern Region, PHMSA

³ US Env'tl. Prot. Agency, *Methane Units Converter* (July 28, 2022) <https://www.epa.gov/cmop/coal-mine-methane-units-converter#cubicFeet>.

⁴ PHMSA, *Operator Information, Federal Enforcement Data: Equitrans Midstream Corporation* (Feb. 7, 2023) https://primis.phmsa.dot.gov/comm/reports/operator/OperatorIE_opid_31604.html#_OuterPanel_tab_1.