



Credible.
Independent.
In the public interest.

June 16, 2023

Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Re: Comment on Proceeding No. 22R-0491GPS, Proposed Rules Regulating Pipeline Operators and Gas Pipeline Safety, 4 Code of Colorado Regulations 723-11

Dear Commission Members:

Thank you for the opportunity to submit additional comments in support of the proposed rulemaking to amend the Rules Regulating Pipeline Operators and Gas Pipeline Safety (Proceeding No. 22R-0491GPS). It is the Pipeline Safety Trust's (the Trust) position that these proposed rules are an important advancement in encouraging the use of advanced leak detection (ALD) technologies as well as ensuring that the public has access to important information related to pipeline infrastructure in their communities.

The Pipeline Safety Trust is the only national non-profit organization that focuses on pipeline safety. Our efforts focus on 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 part of this work, the Trust monitors state dockets and submits comments where its technical expertise may be beneficial.

The Trust was disappointed to see the results from the June 12, 2023 audit of the Colorado Gas Safety Program which highlighted numerous issues related to the safe operation of pipelines in Colorado.¹ It is vitally important that state pipeline safety programs are held to the highest standard of inspection and enforcement to ensure the safety of people and the environment around pipelines. While there is much work to be done to bring Colorado's Gas Safety Program up to acceptable standards, the Trust sees these proposed rules as a step in the right direction.

Regarding the proposed definition of ALD technologies in Sec. 11001(a), the Trust would like to suggest that the Commission consider language similar to that of Section 113 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020). Section 113 directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to promulgate rules requiring the use of ALD technologies on all new and existing pipeline facilities, including all regulated gathering lines.² Based on Section 113 of the PIPES Act, the Trust respectfully suggests the following additional change to the definition of "Advanced Leak Detection Technology" in Sec. 11001(a) of the proposed rule:

¹ Colorado Office of the State Auditor, Performance Audit of the Gas Pipeline Safety Program, Report Number 2256P (June 12, 2023).

https://leg.colorado.gov/sites/default/files/documents/audits/2256p_gas_pipeline_safety_program.pdf

² Consolidated Appropriations Act, 2021, H.R.133, 116th Cong. (2020), <https://www.congress.gov/bill/116th-congress/house-bill/133/text/pl> (Div. R, Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020).

- (a) "Advanced Leak Detection Technology" is technology that, through continuous monitoring on or along the pipeline, or through periodic surveys with equipment mounted on mobile, aerial, or satellite based platforms, or other means using the highest industry standard of commercially available technology, in conjunction with confirmation by hand-held equipment; has the ability to identify, locate, and categorize all leaks that are hazardous to human safety or the environment, or have the potential to become explosive or otherwise hazardous to human safety.

The Trust feels that this updated definition would clarify for both regulators and operators the reporting requirement update in Sec. 11100(d). If the Commission decides against incorporating the federal language, there are many other sources that provide examples of what ALD technology should include.^{3,4}


In addition, the Trust generally supports "Exhibit 3 Nygren Redlines of Proposed Rules" which adds language from the recently released PHMSA Notice of Proposed Rulemaking (NPRM): Gas Pipeline Leak Detection and Repair, which includes an advanced leak detection framework.⁵

The Trust also supports the other rule updates defining geographic information systems (GIS) as well as requiring that GIS data be disclosed to the Pipeline Safety Program (PSP) of Colorado. In addition, the Trust strongly supports making the information in Sec. 11100(c)(II) available to local government officials and the public. Requiring operators to provide GIS data on the gas pipeline infrastructure in Colorado will promote a more informed public and safer communities.

As stated previously, these proposed rule changes stand to benefit Colorado communities. Advanced leak detection technologies will help ensure that natural gas leaks don't go unnoticed, more access to GIS data will allow the public and local authorities to be better informed, and more detailed reporting requirements ensure accountability among both operators and regulators.

Thank you again for the opportunity to comment for a second time on this important matter. If you would like to discuss this comment or have questions, feel free to contact me at (360) 543-5686 (x106) or amanda@pstrust.org.

Sincerely,



Amanda McKay
Policy Manager
Pipeline Safety Trust

³ See, e.g., Highwood Emissions Management, *Technical Report: Leak Detection Methods for Natural Gas Gathering, Transmission, and Distribution Pipelines* (Jan. 12, 2023) https://highwoodemissions.com/wp-content/uploads/2022/04/Highwood_Pipeline_Leak_Detection_2022.pdf.

⁴ See, e.g., Naga Venkata Korlapati et al., *Review and Analysis of Pipeline Leak Detection Methods*, 2 JOURNAL OF PIPELINE SCIENCE AND ENGINEERING, 100074 (Dec. 2022) <https://www.sciencedirect.com/science/article/pii/S2667143322000464?via%3Dihub>.

⁵ 88 Fed. Reg. 31977-31979 (May 18, 2023).