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April 1, 2024

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
DTM Gas Storage Company
Docket PHMSA-2023-0071

Dear Mr. Mayberry:

Please consider this letter in your deliberations on the special permit request of DTM Gas Storage Company for exemption from pipeline safety regulations requiring odorization of gas transmission pipelines in class 3 and 4 locations. The Pipeline Safety Trust (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. We have reviewed the application and associated documentation in the Federal Register and have the following concerns.

First, based on information within the application itself, it seems as though DTM has been in violation of odorization requirements in 49 C.F.R. § 192.625(b) for 17 years, since both segments were installed in 2007. There is nothing in the application explaining why the operator has only now requested this exemption from federal regulations. The operator seems to make the argument that because these segments changed from intrastate to interstate gas pipeline facilities, and because the prior operator of the segments (DTE Gas Company) had incorrectly interpreted the federal regulations, that they are now required to make this request to PHMSA. However, it is important to note that DTE Gas Company previously operated these pipelines on behalf of DTM, who is also the owner. Both DTM and DTE are held by the parent company DT Midstream. Given that these companies are owned by the same parent company, it is difficult to sympathize with the argument that this special permit should be issued because of a misinterpretation of the federal regulations by the "previous operator."

Additionally, states like Michigan that have entered into certification with the federal government to assume all or part of the inter or intrastate regulatory responsibility are required at a minimum to adopt federal regulations. Therefore, if the pipelines were truly intrastate, the Michigan Public Service Commission (PSC) should have been enforcing the odorization requirements in § 192.625. If the pipelines are interstate, Michigan should have been regulating the lines to ensure compliance with federal standards and referring enforcement to PHMSA. PST requests PHMSA clarify whether DTM has been operating these two pipelines in violation of essential safety regulations without penalty. PST requests that PHMSA and the Michigan PSC evaluate the history of these segments to determine how long they have been out of compliance and not issue any special permit until that process is complete and any violations and penalties have been assessed. PST is also concerned about the potential for additional shortfalls in compliance, especially considering these pipelines flow gas from storage wells. The public would like assurance that produced water from the storage wells is being separated from the gas stream

and gas quality is being monitored to mitigate internal corrosion. We also question whether granting a special permit for an operator that has seemingly not complied with critical safety regulations for nearly two decades is appropriate. If DTM cannot comply with basic federal safety standards, the public would be skeptical of its special permit compliance.

Second, DTM's explanation for why a special permit is necessary is confusing and inconsistent with PST's understanding of the purpose for the odorization of transmission lines and industry standard practices. DTM states that odorization will complicate routine maintenance activities on the pipelines, however, it does not explain why that warrants a special permit. Many other similar transmission lines across the country are odorized without causing complications, and DTE does not appear to make the case for why this line should be exempt from those requirements. DTM further states that odorization will require the management, transportation, and disposal of mercaptan-laced water and hydrocarbon liquids. Whether the water and hydrocarbon liquids contain mercaptan or not, they would still need to be appropriately managed, transported, and disposed of as part of routine operation. Finally, DTM states that odorization of these lines would complicate the downstream operator's ability to maintain adequate odorant levels. PST understands that many similar gas transmission pipelines are odorized and that those upstream and downstream operators must merely coordinate to determine incoming odorant levels and adjust outgoing odorant levels accordingly. DTM has not explained why it would be unable to work with the downstream operators, of which two are owned by the same parent company as DTM, to ensure that adequate odorant levels are maintained.

Third, the location of the segments in this request (Wash 10-28 and Shelby 2) are of considerable concern to the Pipeline Safety Trust. Given that odorization is the primary way for members of the public who live, work, and recreate near pipelines to become aware of a leak, the request for exemption from a critical federal safety regulation is concerning. The two segments, totaling 7.3 miles, are located primarily in Class 3 locations and in high and medium consequence areas. In addition, Table 5 in the Draft Environmental Assessment identifies two elementary schools, two businesses, a church, and 20 homes all within the potential impact radii of these two segments, including 14 of the 20 homes being within 100-feet of these pipelines. PST recommends PHMSA seek assurance that DTM provided public notice of these lines not being odorized to these identified sites so they can properly prepare for a pipeline emergency.[1] Contrary to Section 3.1.3 and 3.2 of DTM's application,[2] the Pipeline Safety Trust believes that waiving the requirements for odorization in § 192.625(b) would have definitive negative impacts on the surrounding community and public safety. It is unclear whether SCADA systems or gas controllers are timely and effective leak detection methods to protect homes within 100 feet of these pipelines. It is also unclear how waiving odorization requirements would not create additional public health, safety, and environmental risks, and it is the opinion of PST that odorization would in fact help to mitigate these risks by encouraging swift detection.

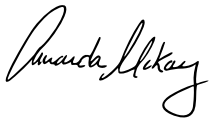
In light of the concerns the Pipeline Safety Trust has identified, we request that PHMSA reevaluate DTM's application to correct and clarify incomplete and inaccurate statements made in both the application and the draft environmental assessment and re-notice the updated application in the Federal Register. This would allow members of the public to better understand the need (if any) for DTM to avoid these important safety regulations. As stated above, the Trust also requests that PHMSA, in collaboration

[1] In the past have schools and churches been given information on how to properly respond to a pipeline gas leak or break/rupture for school emergency fire drills.
[2] PHMSA-2023-0071-0001

with the Michigan PSC, evaluate the history of these pipelines to determine if and how they have avoided abiding by these federal regulations since 2007 and issue violations and penalties as appropriate.

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