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Senate of Pennsylvania

August 26, 2019

Pennsylvania Public Utility Commission
Attention: Rosemary Chiavetta, Secretary
400 North Street
Harrisburg, PA 17105

Re: Docket No. L-2019-3010267

Dear Commission Members:

I am writing to offer comment pertaining to the Commission's Advance Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards (at 52 Pa. Code Chapter 59).

The growth of the natural gas industry in the Commonwealth of Pennsylvania has had a profound impact on our economy and our environment. Industry growth has spawned the construction of a myriad of natural gas pipelines and other pipelines which carry hazardous liquids. These pipeline construction and drilling activities, including trenching and horizontal directional drilling associated with pipeline construction, have materially affected Pennsylvania communities and citizens, negatively impacting public health and safety, public and private water supplies, and private and public property.

The Commission and other government regulators should be acutely aware of the multitude of problems pipeline construction have caused in Pennsylvania, especially the Mariner East pipeline projects. There have been reports of Inadvertent Returns (including in my district); groundwater and surface water impacts; public and private well contaminations; and, sinkhole formation, among other issues. As example, last year, PUC shutdown the Mariner pipeline project for a time when sinkholes opened in a neighborhood in West Whiteland Township, Chester County. In response to these issues, numerous bills have been introduced in the General Assembly. I commend the Commission for taking steps through this rulemaking process for considering additional measures that can be taken to better protect the public interest in this process. To that end, I will focus my comments and concerns on the following areas: public awareness, safety and siting, and water resource safety and protection.

Given the tremendous impact that pipeline construction activities and pipeline have on the lives of individuals and communities, the Commission should develop and implement a

public awareness and input protocol and process, consistent with applicable law, that fully and frequently informs the public of the scope and potential impact of pipeline activities prior to regulatory approval and construction commencement. That protocol must include opportunity for public input and any reviews must be transparent and open. In addition, the process must be ongoing and subject to review and reevaluation if and when the construction process has begun. To date, at least with regard to the Mariner projects, it seems that no adequate process has been in place that provides the type of awareness and input opportunities the public needs and public health and safety demands.

The public and the public officials who are responsible for protecting them have legitimate concerns about pipeline siting and safety. As we know, pipelines today traverse heavily populated and developed areas, especially in Southeastern Pennsylvania. Pipelines bisect neighborhoods, literally coming within a few feet of homes, schools, and other buildings. In my district, new pipeline construction runs through a school district campus (Twin Valley) with literally hundreds of students, faculty, and staff less than a stone's toss from a potential explosion. These conditions raised legitimate safety concerns. While a century ago, it may have been easy and convenient to site a pipeline through some undeveloped areas of the Commonwealth, the reality today is radically different. It is not sufficient to argue that the pipeline preceded developments of schools and neighborhoods. Modern realities demand that pipeline siting take into account proximity of schools, homes, and other development. Therefore, it behooves the Commission to consider: requiring pipeline siting reviews which take into account appropriate safety and environmental metrics prior to construction; preconstruction safety reviews; providing public officials (especially school administrators) information on how to respond to pipeline incidents; providing advanced safety notification to residents impacted by pipeline construction; developing a protocol for pipeline operators to appropriately share pipeline emergency response plans and emergency notifications with county emergency services personnel; and, installing modern technology to monitor and assess potential pipeline problems through means such as real time pipeline monitoring and alert systems.

Over the past several years, my office has received numerous concerns and complaints from constituents about pipeline construction and drilling activities negatively impacting their private and public water supplies. While in some cases pipeline owners/operators have taken steps to remedy water supply impacts, there have been numerous reports, including in my district, of companies and/or their contractors failing to remedy water source or well contamination, flow reduction or wells drying up in a timely manner. This has left citizens struggling with the loss of safe and adequate water supplies to their homes and required regulatory agencies to commit staff time and resources to investigate incidents when they occur. In light this, it would be prudent to create a presumption of liability on pipeline operators and their contractors for any pollution, diminution, or loss of water supply for a public or private well within 2500 feet of pipeline drilling and construction activities. An operator, subsidiary or

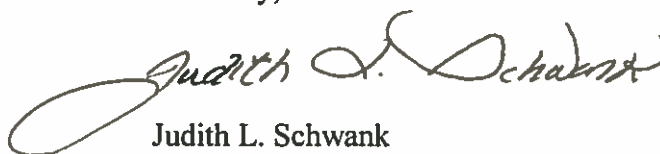
Pennsylvania Public Utility Commission
Page Three
August 26, 2019

contractor who affects a public or private water supply in this matter would be required to restore or replace the water supply in adequate quantity and quality. Perhaps, an even better approach than this reactive proposal, would be to require operators to conduct proper and thorough hydrology and related studies to ensure that problems like these do not occur in the first place.

I respectfully request that the Commission to carefully consider all the comments submitted by local officials, environmental advocates, citizen groups, other experts, and most importantly, the impacted citizens of this Commonwealth as you consider this proposed rulemaking on hazardous liquid/pipeline public safety standards. And, I strongly urge that you develop a robust regulatory scheme that is transparent, thorough, and holds industry to task in the interest of protecting the citizens of this Commonwealth and preserving our natural resources. As I have stated in previous dialogue with the Commission and other regulatory agencies: as the energy delivery infrastructure continues to be built out in our state, Pennsylvanians have a right to know that their health and safety and the integrity of our environment is protected as these pipelines traverse heavily-populated areas.

Thank you for your consideration.

Sincerely,



Judith L. Schwank
Senator—11th District

JLS/TG