COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE
DELWARE COUNTY COMMUNITY COLLEGE
MARPLE CAMPUS
901 S. MEDIA LINE ROAD, MEDIA, PA
THURSDAY, MAY 30, 2019
10:07 A.M.
PUBLIC HEARING ON
THE PUBLIC SAFETY ASPECTS OF PIPELINE SYSTEMS
BEFORE: REPRESENTATIVE, STEPHEN BARRAR
MAJORITY CHAIRMAN
REPRESENTATIVE MATT GABLER
REPRESENTATIVE CHRISTOPHER B. QUINN
REPRESENTATIVE FRANCIS X. RYAN
REPRESENTATIVE JENNIFER O'MARA
REPRESENTATIVE JOE WEBSTER
MINORITY CHAIRMAN
REPRESENTATIVE CAROLYN T. COMITTA
REPRESENTATIVE DAN K. WILLIAMS

ALSO PRESENT:
REPRESENTATIVE DAVID M. DELLOSO
REPRESENTATIVE KRISTINE C. HOWARD
REPRESENTATIVE DANIELLE FRIEL OTKEN
COMMITTEE STAFF PRESENT:
RICK O'LEARY
   REPUBLICAN EXECUTIVE DIRECTOR

MICHAEL HILLMAN
   DEMOCRATIC EXECUTIVE DIRECTOR

SEAN E. HARRIS
   MAJORITY RESEARCH ANALYST
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(814) 536-8908
Chairman Barrar: I'm going to call this public hearing to order at this time. I would ask Representative Williams if he would lead us in the Pledge of Allegiance.

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(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.)

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Chairman Barrar: Good morning, everyone. My name is Steve Barrar. I am the Majority Chairman of the House Veteran Affairs and Emergency Preparedness Committee.

If you look at your agenda, I'm going to go a little bit — before I make my remarks, I'm going to go a little bit out of order. And we're going to get a welcome today from the Delaware County Community College President, Dr. Joy Gates Black. And Dr. Gates, thanks for having us here.

Dr. Black: Well, thank you so much, Representative Barrar. Good morning, everyone. You know, I have the privilege of serving as President of this wonderful institution, so I want to welcome you here. Some of you have never been to our campus before. Those of you who have, welcome back. As you can see, it's a wonderful place. We provide
affordable, high-quality education for teaching and learning to our students here throughout Delaware County as well as in Chester County.

We are excited to be the venue chosen for this morning's hearing on Veterans Affairs - the House Committee on Veterans Affairs and Emergency Preparedness Committee for this important hearing on pipeline safety.

You know, aside from our mission of education and training, community colleges also have a mission to provide opportunities for topics to be discussed that are of importance to the greater community, and so we're excited to have this discussion here today on a topic that impacts us all.

Thank you for being here. I hope you have a wonderful forum, an opportunity to learn more about this exciting topic. And now I'll turn the microphone back over to you, Representative Barrar.

CHAIRMAN BARRAR: Thank you. Good to be here. What'd like to do now is ask the Representatives and staff that are here to introduce themselves. And I'll start down there at the far end.

REPRESENTATIVE GILLEN: State Representative Mark Gillen. I represent southern Berks and Lancaster Counties and the legislature. I want to
apologize that I'm going to have shared time here. I have to go back to my own community. Many of you follow the news. We've had two tornados that hit, and that's the community that I represent and also live in. So I'm a little bit out of uniform today, but I'm going to be picking up a chain saw in a couple hours and continue the work of the Emergency Preparedness and Veterans Affairs Committee there. Thank you, Mr. Chairman.

CHAIRMAN: I have a spare tie in my car if you'd like to borrow it. I don't think you'd fit in my jacket, though.

REPRESENTATIVE GILLEN: I'm not interested in your polka-dotted ties. Thank you.

REPRESENTATIVE GABLER: Good morning. Thank you, Mr. Chairman. It's an honor to be here. State Representative Matt Gabler from the 75th District Elk and Clearfield Counties, and looking forward to the discussion today. Thank you.

REPRESENTATIVE O'MARA: Good morning, everyone. I'm State Representative Jennifer O'Mara from right here in Delaware County. I represent Springfield, Marple, Morton and Briar, but not this part of Marple Township. Thank you.

MR. HILLMAN: Good morning, everyone.
My name is Michael Hillman. I am the Democratic Executive Director for the House Committee.

REPRESENTATIVE WEBSTER: And good morning. Joe Webster. I represent the 150th District, which is just west of Norristown in Montgomery County. It's West Norriton, Collegeville, Skippack, Upper and Lower Providence. And I'm really grateful to be here.

CHAIRMAN BARRAR: Great. Thanks. Sitting in for Chairman Sainato, whose mother passed away recently, and today's her funeral, and hopefully, if he's watching, I hope that he knows our prayers are with him and his family today.

MR. O'LEARY: Good morning. My name's Rick O'Leary. I'm the Executive Director for Chairman Barrar.

MR. HARRIS: Good morning. Sean Harris, Majority Research Analyst.

REPRESENTATIVE QUINN: Good morning. My name is Chris Quinn. I'm the State Representative for this area that we're in, and I want to thank everyone for coming out today. Truly appreciate it.

REPRESENTATIVE COMITTA: Good morning. I am Carolyn Comitta. I represent the people of West Chester in Chester County, District 156. Thank you, Chairman Barrar for bringing us here together to talk
about this important topic of pipeline safety.

REPRESENTATIVE WILLIAMS: My name is Dan Williams. I represent District 74, also in Chester County. That includes a portion of Downingtown, Coatesville, Thorndale, Sadsburyville and Parkesburg. I'm happy to be here this morning. Thank you.

REPRESENTATIVE RYAN: I'm State Representative Frank Ryan, 101st District in Lebanon County. And I want to go on the record as saying you have more traffic here than we have in our entire county. But I'm glad to be here.

CHAIRMAN BARRAR: I pulled up this morning, and I pulled up this long driveway to the college this morning, and I see this guy in a Marine cap walking - walking down the driveway. And I asked him, I said, did you break down somewhere? He says, no, I'm just out for an exercise, so - and he walks - he doesn't walk. He marches like a Marine. So you know, it was good to see you this morning out there exercising, but let's get this started now.

As Chairman of the Committee for the past nine years we have conducted a hearing on the emergency preparedness and public safety planning and response measures for our nuclear power plants after the Fukushima disaster in Japan, as well conducted a
hearing for the rail car movement for crude oil in response to a few train derailments that had happened across our country and also conducted hearings on public safety aspects of pipelines across the Commonwealth.

Today's hearing is a follow-up to our prior pipeline safety hearing, ensuring - ensuring that we as a state are properly planning and training for these emergency responses' paramount function of our standing committee. Therefore, I am pleased that we are here today to continue this examination in the latter stages of development of this pipeline.

These pipelines in the southeast have been around for many decades. And the extraction of natural gas in the past decade has led to several new pipelines across our Commonwealth. It is our job as policymakers to ensure that the public remains safe and that the private industries and the state and local governments do everything that it can to prevent dangerous emergency situations from occurring in our communities and to take steps for the necessary planning and response measures to respond when an accident occurs, which, as train derailments, pipelines rupture, and fuels spill, et cetera.

We are not here today to debate the
merits of alternative energy or global warming but rather focus on public safety planning, logistics, response and any policy initiatives which our Emergency Preparedness Committee could possibly pursue to make our communities as safe as possible.

We have before us today several expert panelists who all play some vital role in this pipeline safety issue. I want to thank everyone for their attendance today. We look forward to some very informative and productive discussions.

I would ask everyone that since we are being videotaped, we would ask you to please silence your cell phones. It's a little disturbing when they continue to go off. I did silence mine because I'm normally the biggest offender.

Next, I want to call on our Subcommittee Chairman, Joe Webster, who's filling in for Chairman Sainato. And if you want to say a few words.

CHAIRMAN WEBSTER: Good morning. Thanks, Mr. Chairman. For just 20 seconds. I don't need to belabor the point. I do want to echo Chairman Barrar's kindness, thoughts, prayers, our sympathies and condolences for Chairman Chris Sainato, whose seat I'm sitting in today, and for his family. And we look forward to having him rejoin us in Harrisburg next
And then I do want to say thanks, Mr. Chairman, for allowing me to sit to your left this morning.

I have a couple of similar points. And the Chairman covered them a lot. You know, we're not here today to really speak about alternative energies or environment or any of those other big issues for other times. The jurisdiction of the committee is around veterans, around our police and firemen and around public safety as a homeland security kind of issue. So that's the focus.

As you may know, and I'm learning as a freshman Representative in Harrisburg, we discuss an enormous number of issues every day. And I'm rarely the expert in any of them, so I also want to thank our experts for coming to provide testimony this morning and taking our questions in a public forum. That's important we do that for everyone.

And I think lastly, because all of us should be recognized, I did want to let us know that we do have State Representative Dave DeLissio in the audience. He's not a member of this - oh, I'm sorry, Dellos. I can mess up all the names. And I'm not sure. May's the fifth month. I've been doing this for
five months now, and so that will be my excuse for maybe one more - one more month. And also Representative Kristine Howard.

Mr. Chairman, thank you.

CHAIRMAN BARRAR: Representatives, you're welcome to sit down here with us, if you'd like to, and join the panel, especially if you intend to ask any questions.

REPRESENTATIVE DELLOSO: I have to leave early anyway. Thank you, Mr. Chairman.

CHAIRMAN BARRAR: Great. Okay.

At this time I'm going to call upon Representative Chris Quinn and Representative Carolyn Comitta for short remarks. They both have legislation that they're working on that I think will be of big interest to this committee, so I would give them a couple minutes to explain what they're working on.

Representative Comitta, would you like to go first?

REPRESENTATIVE COMITTA: Thank you, Mr. Chairman. Again, good morning, everyone, and thanks so much for being here. There is no question that public safety - human health and public safety always needs to be the number one consideration in any undertaking by our legislature, by local bodies, by families. It's
always number one. And I believe that the importance of communication cannot be underestimated. And so, to that end, I have introduced, together with my colleague, Representative Chris Quinn, sitting to my left - we will be soon reintroducing a bill, the Pipeline Safety and Communications Bill that would create a board at the state level that would include all of the relevant state agencies, DEP, PUC, PEMA, Fire Commissioner, the oil and gas industry, local representation and so on to talk about the overarching issues of public health and safety relative to pipelines. There is no one tasked with having that conversation at this time. And so to that end, this board would meet formally to discuss these issues, to share information among and between agencies, and to have conversations with local officials and citizens, but at the local level as well. We're hoping that that will move forward this year hopefully to this committee. Emergency preparedness is exactly what public safety is all about.

In addition to communication, I see we have some of our labor union members here. And I have been again and again struck by the high level of the apprenticeship training programs and so on and very happy and feel confident that when our well-trained
labor unions are constructing something, in this case we're talking about pipelines, it's going to be done at the highest level. So we certainly recognize that and underscore the value that our labor unions bring to the table.

A second concern about pipeline safety is siting of pipelines. And right now there is no agency and no regulations for siting a pipeline. So a natural gas with its pipeline can go through your backyard, my backyard or anybody's backyard. Certainly through the right-of-ways that are already there, that's - that's one thing. But if there is a new path that is being considered, it can be selected based not on public safety or any other factors impacting a community but rather on, you know, getting the product where it needs to go in the most efficient and cost-effective manner.

So to that end, I and Representative Quinn will be introducing this week a bill that would give siting authority for natural gas with its pipelines to the Public Utilities Commission. So you think about the way the laws are right now with a high-voltage power line. You can't just put it anywhere. You have to go before the PUC and say here's where I'd like to put this high-voltage power line.
The PUC discusses it and says, yes, that's a good place to put it or, no, that's not a good place to put it.
So this would add natural gas and liquids pipeline, highly volatile pipelines, in that same category and require that the consideration of siting be approved by the Public Utilities Commission. And also there is a feature in the bill that would prohibit any petroleum product transportation within a hundred meters of a, quote, dwelling house.

So I think that we need communication. We need some significant siting authority to protect public safety. And we also need training of our emergency management people and evacuation planning and so on. So I know we have our county EMS presenting today and I know they'll be talking about that.

To that end, I was able to direct money from a Labor and Industry grant for training in Chester County. We had 25 first responders, county and local, go to training on natural gas, liquids pipelines emergencies in Texas. And we had about 25 administration managers and so on from townships along the pipeline go to the local home training on how to keep the public safe from their administrative standpoints.

So those are just a couple of things.
I'm very interested in hearing our testimony today. And again, thank you so much for being here.

CHAIRMAN BARRAR: Representative Quinn?

REPRESENTATIVE QUINN: Good morning.

Thank you, Mr. Chairman. The last time this committee held a similar hearing on this topic was approximately two-and-a-half years ago. I was in my first weeks as a newly-minted State Representative. And Chairman Barrar was extremely supportive of my efforts to bring the local concerns to Harrisburg and to all the Representatives of Pennsylvania.

I remember that hearing well, and I believe a lot of information came to light that day. And I hope that we can say the same of today's hearing. With that said, from the moment the Mariner East 2 pipeline came to my attention, it was my top priority and has been from a public safety standpoint to ensure that all residents can live, work and go to school with peace of mind that they're not in danger due to this or any other pipeline.

With public safety in mind, I've introduced a package of bills to increase safety and transparency to the public. I will not outline every bill in the package today, but it does include bills that will address pipeline safety and help avoid
pipelines running through dense neighborhoods and past schools and hospitals.

   Additionally, my package would require pipeline risk assessments be made public because I believe transparency is the best approach when it comes to safety. My bills would also increase the number of valve shutoffs to ensure that any leak can be contained as quickly as possible.

   And finally, it is important because the recent local incidents that - if an incident such as a leak or sinkhole occurs along a pipeline, then an inspection of the entire pipeline would be required before operation can continue. Currently, the affected section is inspected and that does not help prevent future problems. We cannot afford to simply be reactionary.

   Finally, I would like to recognize the fact that Energy Transfer Partners are here to testify today. In the past they have declined such invitations to similar hearings and have not made themselves available for questioning. I'm encouraged by the fact that they're here, and I hope that that signals a new approach.

   I am still disappointed in the fact that ETP has treated many residents with lack of respect and
lack of consideration for their areas. I think public safety's paramount. I think that that's really what we need to focus on today.

Chairman Barrar, I want to thank you for holding this hearing.

CHAIRMAN BARRAR: Thank you, Representatives.

Our first testifier is Mr. Tim Boyce, Director, Delaware County Department of Emergency Services and County Emergency Management Coordinator. Tim, thanks for taking time out of your day today to be here. Either one is good.

We did invite the Chester County Emergency Management people and Lancaster County Emergency Management. But because they may have pending legal action, they did not want to testify today. So that's why, Tim, we're glad that you're here today. So begin when you're ready.

MR. BOYCE: Well, thank you, sir. Thank you. And welcome all to Delaware County. Sir, you're no stranger to public safety. I know Mr. Quinn and Ms. O'Mara both have been strong advocates for public safety. And that's the position I'm going to take today.

Just – my comments are going to begin
with opportunities and burdens. I'm a lifelong resident of Delaware County. My career in public safety began as a young person. I joined the volunteer fire department at 18. I'm much older than that now. And I was blessed with a 27-year career in the Upper Darby Fire Department as a Deputy Chief. So my public safety experience in seeing emergencies and seeing - when people tell you nothing will happen, I've spent a career responding to people telling me it will be fine, don't worry about it. So I approach everything in this position.

I also served ten years as the Homeland Security Coordinator for the District Attorney's Office. They manage a program before we appointed the Delaware County Council about two-and-a-half years ago.

My role here is really twofold. I'm the County Emergency Manager, and I'm also the Director of the 911 Center for the county.

Opportunities and burdens. Obviously, Delaware County benefits greatly from all the industry that we celebrate here. I often like to praise that the people that work on these pipelines, that work in our facilities are our neighbors, many proud union members, many great people. Many serve also on our volunteer fire departments, our local elected
committees. So when I speak about the people that
maintain the pipeline or work in the facilities, I
really do speak about neighbors that are committed to
public safety. That said, accidents happen, terrorism
happens, and it leads us to where we're at.

Burdens. The County of Delaware has
stepped up under Chairman McBlain's leadership, Ms.
Morrone's, Mr. Culp, Mr. Zidek and Mr. Madden, all
committed to doing whatever they can to make sure all
hazards are seen.

We spend a lot of money in the county of
Delaware and we take a lot of burdens on it, and also,
like our volunteer fire departments across Delaware
County who are struggling, we're asking more and more
people to do things. We pump highly volatile liquids.
Our fire companies are struggling to respond to fires,
to fire alarms. They're responding to more calls than
ever. They're professional. Whether they're paid or
volunteer, they're all professional. But at some
point, the capacity, this belief that there's an
overwhelming force of folks that are going to be able
to respond is really a fallacy. And as you've alleged,
sir, the idea that we need to do something to support
our first responders is critical.

By example, this morning, we have a
Certified Hazardous Materials Team, where eight of the members are now in Montgomery County assisting our brothers and sisters there. So where is the next line of defense when there's an emergency.

Things Delaware County has done has really been on the certification end. We've certified the Emergency Management Center under my direction, certified our plan, and we developed the first county Hazardous Materials Team in Delaware County, certified that. These are priorities we've done.

We've led a comprehensive risk analysis of the pipelines, both the Mariner East and the Adelphia Gas pipeline with the really twofold concept of what is the likelihood, the risk. And again, while that's - it could be subjective, if it - if it leaks, it's the one we're going to worry about, whether it's one in a million or one. And then a general lot of consequences, you know, what could we expect from a small leak, a two-inch rupture, which is the idea that somebody puts a backhoe through it, or full rupture of the pipeline. Those values obviously show that, you know, a leak of those magnitudes would be catastrophic here in Delaware County, our ability back to our first responders, which we usually think of police or fire departments, but our police officers. Our police
officers are going to go into harm's way with very little additional training, no expert protective equipment to address these things, but they're going to rush in and try and evacuate people.

Our fire department's going to be faced with trying to - if you were to textbook this problem, you know, assess the situation, set boundaries. And the reality, you know, we're going to have mass evacuations. We're going to have injuries. We're going to have overwhelming - and shutdowns. So we're up against it.

And my advocacy really is to look at our first responders, and if you could - to the Representative's comments about planning, so many of our local emergency managers are volunteers. And for them to commit to starting from scratch on what a comprehensive plan is in Springfield to Brookhaven to Marple Townships independent, it's an added duty to that person. They're looking at best practices. But even those that work really, really hard often just come up with a boilerplate template that says, you know, self-evacuate.

Other issues that Delaware County is addressing, but recognizing it's the first issue is our large community with access and functional means.
Delaware County Council supported a plan specifically for those communities. And again, our community is rich with institutions and facilities that care for those that can't care for themselves. The reasonable expectation that they're going to be able to walk away, understand the threat or communicate the threat is - it's just not reality.

So while I've had the opportunity and I did want to come in and brag a little bit about Delaware County and the people that work here and live here, I've toured the steamfitters' facility, we frequently work at the facilities on exercise and training and drills and believe in prevention, but whether that incident is from, most unlikely, a failure of a well or a crazed person that goes after a valve, we're looking at a pretty catastrophic situation.

CHAIRMAN BARRAR: Okay.
You're prepared for questions?

MR. BOYCE: Yes, sir.

CHAIRMAN BARRAR: How much coordination is there between - there are pipelines all through Delaware County. If you've ever taken a look at a map, there's I don't know how many miles of pipeline going through our county, but there's quite a few. Is there - is there a yearly, annual type of coordination with
the pipeline - the companies that run the pipelines to talk to - to do any discussions on emergency preparedness, emergency response? Is there any - are there any revenues that are - that can be obtained by like the Hazmat Unit that you have? I assume that's not funded by anything other than county tax dollars at this point, which if there are any - I mean, what type of activities do you have that actually help us plan for this better?

MR. BOYCE: Again, Delaware County I think is a little unique that, while many counties in Pennsylvania have the transmission lines, they end here. The storage facilities are located in Delaware County. The ships that dock to take the product overseas, the trains that - you know, if the pipeline is not operational, the train comes rolling through our municipalities, the trucks.

So back to planning. We do plan with them. Prevention is really not our role because without some type of regulatory planning, I really have no way other than taking somebody's good word that this meets their standards. And as you know, sir, the - going to the PUC or PHMSA or somebody chasing that down, you have to operate - the pipeline wouldn't be in operation if it wasn't safe. But for me to ensure that
is just impossible. So we do train and we do prepare with our local responders. They're not getting expertise. And I think we spoke before, and Energy Transfer is a good part of it. We work with them. We drill with them. We meet with them. We do not have an adversarial relationship in any way with them. But we're in this position now where do I go hat in hand and ask them for funding for something. And then the public expectation - and the public is a very informed person. So to take a meter from them in their generosity is also seen at the other side as taking from somebody. So I think that methodology where we went from grants from any of the providers hurts our confidence with the community, and I'm just not comfortable with it anymore.

I'd rather the Commonwealth, you know, support these programs. Our Hazmat Team - again, our Hazmat Team's duties is assigned by my staff. So when we go out, it's - again, hopefully there's nothing else going on. And we have great partnerships with all five counties. And I know the PEMA Director, acting Director, has been a leader ever since he's been serving in that role and making sure we're collaborating and speaking. But at the core it's probably the same 20 people that meet at every meeting.
And I doubt very seriously if any of us are going to be that person behind the fire truck at two o'clock in the morning.

CHAIRMAN BARRAR: Thank you.

Representative, would you mind introducing yourself?

REPRESENTATIVE FRIEL OTTEN: Thank you. Thank you, Representative Barrar. My name is Danielle Friel Otten. I'm the Representative for the 155 District in Chester County. Also I'm an impacted member of the Mariner East Project. So it's a really important opportunity for me to sit here along with this group, and I appreciate the opportunity.

CHAIRMAN BARRAR: Great. If the other Representatives have questions, we're going to go to questions from the Representatives. I'm going to start with Chairman Webster.

CHAIRMAN WEBSTER: Thanks. Thanks, Mr. Chairman.

This may be a really broad kind of question, and I apologize on the record - in my opening remarks about new topics and new areas of interest, but I do have one experience around oil and gas and that is as an old Air Force officer, I once accompanied a Congressional delegation to Valdez, Alaska. It was
after, you know, the sinking of the Exxon Valdez and all the environmental damages there. All that aside, what was really interesting from my observation was in the next six months, in the next four years, safety and accountability in that part of Alaska obviously skyrocketed, because if they had another problem, you know, it would change Alaska and the oil and gas industry. Can you talk to a little bit about what you're seeing in terms of like the cycle of we're really safe, now we're not paying attention, or you know, your observation of the last few years of how we're really approaching that level of safety on these issues?

MR. BOYCE: You know, I can speak to it from my experience with the elected officials and the community members. Sometimes we can be dull with hundreds of years of - and I actually use the word refineries, with facilities, with such a long history in Delaware County of the pipelines and people working there and their fathers or their grandparents or their mothers working there, with very little experience with catastrophic failures. I think we've become that everything is the same. These liquids, gases, are different, and it's been the community members that have really rallied the cry to bring that attention to
us. We face a lot of hazards in Delaware County. I'm sure you've seen the opioid panels, the gun violence panels. You know, we face a lot of these issues, but I think the awareness of the community members to challenge us, to say you have a plan, have you practiced the plan, does the plan make sense for everyone, and I really think that's where the leadership in committees like this can really advance the cause.

Whether we have a pipeline or not, it's not my choice. How I could plan for reasonably 90 percent of the population to be evacuated, I can't look somebody in the eye and tell you that if you're immobile or you have an intellectual disability, that I can do it for you. And I think that's an honest conversation that we either have to have with our community groups and say, you know, at some point I can't solve that for you. You know, things - I believe that the pipeline is sincerely safe and tested and built my good people and managed by good people. I've never seen anything different than that. But I know that the world - bad things happen to good people. So our plan and perspective needs to address everyone. And I think that's the - really what the spirit of this meeting is about.
CHAIRMAN BARRAR: Representative Quinn?

REPRESENTATIVE QUINN: Thank you, Mr. Chairman. First of all, you mentioned the idea of a backhoe and a two-inch gash in the pipe. And I'd love to think that that was completely farfetched, but we actually had an incident where a backhoe did strike a pipe here in Delaware County. What additional things would you look for in order to prevent that? I mean, Representative Web (sic) mentioned the Exxon Valdez. And I think we moved to double-hull tankers after that. Are there any additional steps where - that we could take or should take, especially where the pipeline is actually exposed in the way of a valve station and/or where it's closer to the surface?

MR. BOYCE: Well, again, engaging the public is part of this, their awareness program, of what to look for, that's out there. But again, pipelines and facilities sit in a very unique domain. They're out of bounds for many people. They're not on the public thoroughfare. They're in yards, they're right-of-ways, often in State Police jurisdictions. They don't try and put everyone right down the main road. So this access to those areas is certainly difficult. And that someone can do it is not beyond the pale.
So when we looked at the two-inch thing, that's the - you know, the well-meaning construction accident, that things do happen, to the person with a bad intent, we're not going to be discussing the who in the first few minutes. So the way you detect - you spoke of - it's just common physics. If we could put smaller segments of a line to release less product at any given time, that makes sense.

You can think of the rail car analogy, and there's a lot of risks to rail cars, but are you really going to puncture 25 rail cars or one? And if you put the pipeline together, that's a lot of rail cars. So the valves are an issue. The security of the valves are an issue. I know they have to have them, but they're also seen sometimes as the most risky place. So it's not a panacea to say put a valve every block because it does make it - it safer underground. So between those two, but as we talked about our first responders again, our law enforcement and how we're supporting our police officers, the tools, maybe the right-of-way access for them to go in there.

REPRESENTATIVE QUINN: Well, let me ask this from a different standpoint. How about from a reporting standpoint? You recently had another incident at the State Police barracks right on
Baltimore Pike. Was the reporting that you received sufficient? Was it in a timely manner? How can we improve that?

**MR. BOYCE:** No, the long and short of it. We're fortunate. Again, in Delaware County, with our familiar relationship with the facilities, we happen to receive a call from them directly. It's not uncommon for them to call us directly. The reporting mechanism, however, goes up to the National Reporting Center. From there, an e-mail is sent. PEMA will also send us an e-mail.

We recently addressed following an incident that we've now got that e-mail into a text alert to all senior stuff. But an issue like that, where it's a slow start to a problem or maybe there's two problems at one time, the direct ownership for a person who reports it or facility reports it, is not to us, by rule. It goes up. And some of these incidents are first responders are the last to know.

So that reporting mechanism is a little slow. And I don't fault PEMA because PEMA is pushing it to us as soon as they can. But that up and down and then it's - it's also one of those things where with border crossings - maybe I don't know or maybe there's not a pattern where we haven't engaged law enforcement
that lots of subsidence or a sinkhole or an unusual activity. How are we bringing all that intelligence together so that others are looking out for it.

But the realtime recording, if you go and see the marker and you call that 1-800 number, while that's the rule, my preference is you call 911. But it's - it's still a little bit of a gray area of who needs to know. And when we receive that information, it's for official use only. So you - on this fine line of sharing it or not.

REPRESENTATIVE QUINN: Well, I appreciate you being here today. And if you have any recommendations, any way that we can improve or if you think about something after today, please let us know and I'll share it with the committee.

CHAIRMAN BARRAR: Next for a question, Representative O'Mara.

REPRESENTATIVE O'MARA: Thank you, Mr. Chairman. And thank you, Mr. Boyce, for all you do with Delaware County.

So how long have you been in this role?

MR. BOYCE: Approximately two-and-a-half years.

REPRESENTATIVE O'MARA: Okay.

So were you - my question is, and
perhaps one of my colleagues can weigh it with the new bill. Because, like you mentioned, this pipeline - the Mariner East 2 pipeline, which is something that's very present on everyone's mind in Delaware County - my constituents call and ask about it - contains a different - a liquid gas that is part - you don't smell it and it will be hard to identify in case of a leak. So I assume that most of the elected officials on the local township board were aware of how different that was when they were approving it. So my question is, and I know a lot of you in the room, but do you know if Delaware County emergency services were included in the process or aware of what was happening as the local board was approving this?

MR. BOYCE: No.

REPRESENTATIVE O'MARA: You were not?

MR. BOYCE: No. We wouldn't be a stakeholder. I know I spoke early on in Middletown concerning this, but it was never in the opinion of whether we were for or against it or -.

REPRESENTATIVE O'MARA: Were you just considering what would happen as a result of an emergency?

MR. BOYCE: Yes.

REPRESENTATIVE O'MARA: And I'm hoping,
and this could just be a comment, but in the piece of legislation you're passing we can have the local agencies includes as well when the site is specific. Thank you.

CHAIRMAN BARRAR: Thank you, Representative.

Who's next? Representative Gillen?

REPRESENTATIVE GILLEN: Thank you for your distinguished service and your testimony. In the plethora of challenges that you face as an emergency responder yourself, and as the Director, in the taxonomy of concerns that you have, where lies pipelines? And you've got Bakken crude coming through here. You've got rail, and you have fire, any manner of emergencies.

I think I heard you use the word safe in terms of pipeline thus far. You spoke well of your relationship with Energy Transfer Partners, and they've participated actively in support of training for the community. And so, as we sit here today, in the litany of concerns that you have, what keeps you up at night? Is pipeline safety at the top of the list or is it something else?

MR. BOYCE: Well, thank you.

You know, the risk - the frequency as we
look at it, obviously, today is a great example.
Weather is, without a doubt, the number one damaging
factor in Pennsylvania. Weather emergencies are what
we prepare for the most.

We don't have a lot of experience with
these leaks. We've had small events. We did manage a
gasoline leak that we saw associated with these
pipelines. Different product. So while it's - you
know, it's gun violence, it's opioids, they're probably
equal to dealing with literally everything in Delaware
County and our response to that from the public.
Public health issues are a concern. I don't think it's
the most likely to happen, but it's - you cannot ignore
that with, again, the pipeline that many counties have
and the facilities, it comes above ground in Delaware
County. It starts to be pushed around and shipped. So
the ability to leak, our responders' capability to
evacuate smalls I think we're okay with. We can work
with those. But propane - as a first responder, you
know, I've been to a couple of things. And when you
say - propane igniting is one of the ones that, you
know, I always worried about. So it's kind of
balancing that need.

REPRESENTATIVE GILLEN: Just a quick
follow-up, Mr. Chairman. If you had additional
resources, and I don't think the committee is offering
the panel today, but respectfully, and that's why you
have the hearing, if you had additional resources,
where would you put that in terms of pipeline safety?

MR. BOYCE: Well, I would put it in our
wheelhouse of emergency preparedness and emergency
management planning. Again, we have - there are always
two avenues. I mean, like all Pennsylvanians, you
know, we serve on several boards and several
committees, but as we ask first responders, local
police, local emergency management, firefighters who
are tasked with what we've been doing forever, they're
just out of time, to independently develop ways to do a
plan and to make that plan consistent, in a mutual aid
system that we all enjoy in Pennsylvania, your plan is
different than mine. I evacuate when it leaks and you
don't. We still don't have that kind of common
guidance.

If someone were to call up right now and
say, you know, grass is shooting up in the air, each
municipality, and frankly, even who responds first, may
look at that differently. So I think in a common
operating picture that is we - we deal with this.
These are the people you need to move. These are the
actions you need to take immediately. These are the
warning systems.
The one offs are just taking up a lot of time with good intent people. So an effective model that you can produce that we can guide all plans and not a boilerplate that just says it's on the shelf - and that's what happens a lot of places. You got to have a plan, but no one's ever opened it in a million years. But a plan that we could, A, add value to. And that plan could be all hazards, comprehensive. What do I do to evacuate a flood or a fire or these things?

But the planning process is not meeting the current needs. And they're all paper based as well. So I mean, that's another issue you're going to ask in the technology world, you know, who's got the plan in the trunk of their car?

REPRESENTATIVE GILLEN: Thank you, Mr. Chairman.

CHAIRMAN BARRAR: So to follow up on his question and your comments about planning, would it make sense for us to have you require to require semi-annual planning meetings with the pipeline - the people that are running these pipelines through the counties that the management - emergency management director and then do an annual or semi-annual review and update their plans every year? I mean, we saw what
happened in New Orleans. There was a great plan. Spent like 10, 12 million dollars creating a plan for flooding. When the flood occurred, nobody looked at the book. So I imagine maybe there's a need for planning in drilling to - you know, to drill to make sure that our plan works.

MR. BOYCE: Well, planning - I would say, again, that the ownership of any of the pipelines is their right-of-way. They don't own the next block over once you get to the public. So practicing the planning - it's people, you know, whatever the emergency is, it's really about people these first few minutes. So a comprehensive planning tool for our first responders that focuses on the correct priorities.

You know, we have firefighting plans, we have hazard control plans, we have air monitoring plans, but we don't have a commonality people plan, and I'll just return over and over again, to those that are limited needs. You know, not everybody has the smart phone. Not everyone can self-evacuate. The criticism is true when people say if your plan is to get up and walk away, I'm failing, sir. So I think that idea that we help people plan on these most vulnerable communities will be better off served on all the things
we've addressed.

REPRESENTATIVE GILLEN: Thank you.

CHAIRMAN BARRAR: Representative Comitta?

REPRESENTATIVE COMITTA: Thank you, Mr. Boyle (sic). And thanks very much for being here. Yeah, it's all about planning. Right? So I imagine communicating the plan and practicing the plan. So to that point, I know that in Chester County that Energy Transfer turned over an emergency management plan - is that what it was called - and you have the same?

MR. BOYCE: Yes.

REPRESENTATIVE COMITTA: And so do you find that that - the information in that plan is actionable, adequate, for your emergency planning and is there - and/or is there additional information - you need the right information in order to make a plan. Otherwise your plan doesn't - it won't work. So how do you see the information that you have from Energy Transfer? Is there anything else that would help you in planning more effectively for an evacuation response, et cetera?

MR. BOYCE: Yes. The plan is protected. So that's one of those challenges that - you know, what's behind the curtain? You know, I've looked
what's behind the curtain. I've read it. Those plans are really technical plans that, best served maybe after the first 30 minutes, how we're going to shut down a plan, how we're going to remediate the area, how we’re going to control things, and how we’re going to communicate. So those plans existed and they're practiced and they're technical.

And I'll reference the gasoline leak we had. Those plans work well. We practice them. But they're not the first 30-minute plans. They're just not designed that way, that the - and the other issues that we faced with all the pipelines, and I'm sure most of you know, pardon the pun, is clearly what's in the pipelines. What products are in there, what pressure's in there, what assumptions are being made are based on us communicating real time with the control centers.

Again, we visited the control centers. We've tested the numbers. But that's dynamic. The pressure that's happened. And the X factor in all this is, despite all those procedures, plans and practices, something's going wrong. So in those first 30 minutes you're trying to say all of these failsafe systems I'm supposed to count on, this was never supposed to happen. So again, I think those plans are okay and they're technical and they work, but they do not
address the first minutes of the release, who's communicating, what were communicated, what's the best action and what tools are available realtime to get you there.

REPRESENTATIVE COMITTA: And so who do you meet at the table to come up with that communication plan, that first aid communication plan?

MR. BOYCE: Well, I think it gets back to what's the common operating picture. You know, with the county emergency manager, the local municipality develops their plans. And to a degree, most of them are very good. And some are robust and some are, you know, maybe not as forward thinking, but they're meeting the letter of the law. So I think a review of what the Commonwealth expects in an emergency plan that I can enforce, what you and the Commonwealth and the PEMA Director expects from me and my plan, a comprehensive review of that, and we're already addressing these realtime issues, let's us go and train and practice in that value, but it's - the basic plan is just - it really is too basic and not helpful in the 30 - first 30 minutes.

REPRESENTATIVE COMITTA: So there's a county plan, but what you're saying is that a specific community, maybe even down to the neighborhood or
retirement home that has a particular population that might not be able to get away or whatever, in talking to Chester County Emergency Management Director, he said he thought it would be really helpful for communities, you know, neighborhoods that have a specific topography, a specific demographic, would work with the county to come up with their specific plan, together with their local township emergency management people so that they would know what they specifically were going to do because it would be different than the people across the highway or whatever. And so I'm wondering what you think about that.

In addition, the idea was that if the neighborhood had an emergency response, an evacuation plan, not only would it help in the event of a pipeline incident, but it would also help in the event of weather incident, some other emergency that, as you said, might be more likely to happen, but you know, that it would be good for the community in general to have that plan. What do you think about that?

MR. BOYCE: I think that it's important to have a common plan. And a lot of what we do is all hazard. You know, run high, fight, shelter in place, evacuate. There's not a lot of confidence when you tell people to shelter in place if these products are
leaking. So that one kind of goes out the window.
There's enormous risk of evacuating certain populations
because it may be needed, nursing home facility,
children. Our plans - I mean, we have schools that are
practicing every day. I commend many of my school
districts of being in a leadership position. But at
the end of the day our plans are you're going to walk
up the same highway our police and fire trucks are
coming down. It just needs to be looked at more
comprehensively. And while all hazards work, the
active shooter plan is not the same tornado plan as
these type of products. And just - the ability to
communicate with everyone is just not as simple.
Many of our systems you voluntarily set
up for. People get tornado warnings in the middle of
the night, and I don't think they run to the basement,
but we'd encourage you to look at both the people that
we serve and understand the needs of the people that
are responding, technology aside. You need to have
both of those supported and connected.

REPRESENTATIVE COMITTA: Thank you very
much.

CHAIRMAN BARRAR: Thank you.
Representative Ryan? Is there anybody else that's
going to ask a question after Representative Ryan?
REPRESENTATIVE: So I want to go back to the first 30 minutes because that's my great concern as well. So we have a situation - first I want to point out that as we're all sitting here, the eight-inch Mariner East 1 pipeline is actively moving product as we sit here and discuss the fact that there's no real plan if there's an emergency. And so in the first 30 minutes, that's my greatest area of concern.

I've had some specific incidents personally that I've been involved in that have led me to the question. So in September in Beaver County there was an explosion on the Revolution pipeline. It was in operation for one week. And the Rizotti family is the family that lived closest. They were 500 feet away from that pipeline. They were evacuated in the middle of the night. They actually weren't - they heard the explosion and they ran in the middle of the night. And I just recently read the account of the Rizotti family and their testimony to our Auditor General DePasquale and what they said was that the emergency management services needed to be convinced that a pipeline exploded. It didn't even know that the pipeline was in operation. They didn't know what products were in the pipeline. And they didn't believe that that was what happened.
Now, in the middle of an explosion I'm not real sure that matters all that much, but we here in Chester County have had a similar experience of where land subsidence around pipelines have been a concern, both in Chester County and Delaware County. And so when it happened in Chester County most recently I actually got on the phone with Chester County, who's here today, and I asked him why people were calling me to ask me what was going on from the neighborhood where the land subsidence was occurring, because nobody had communicated with the neighbors in that neighborhood what was happening.

And so my question to Bill was, you know, like I'm three miles away. I can't really do much for these people if there was a major emergency related to the land subsidence, and so I want to know what - like what happened. Where was the breakdown? Why did these neighbors who live in that neighborhood not know what was happening literally three doors away from them. And so his answer to me was that emergency services relies on operators to tell them whether it's an emergency or it's not an emergency. And like you said, their response plans are very technical. And their response plans are related to, you know, mitigating the risk to the pipeline, that's not to the
people. And so when the first responder who was
trained at the township level responded to the incident
that was called into 911, the person that was there
that first responded to the operator told that first
responder that there was no emergency and there was no
need to trigger a response. And so that had closed out
in the Chester County system.

And so to me, I see this major, major
hole in that first 30 minutes in communication, but
also should that communication be in the hands of the
operator? Should we, while standing really close to
this - these pipelines be at the mercy of the operator,
whose primary objective is to secure the pipeline.
It's not to secure the people who live there.

So do you have any thoughts on that
first 30 minutes? Like I know there was some
legislation that's within some of the packages that
have been presented that talk about tying in the
response systems for the pipeline operator to the
emergency services facilities so that they know when
there's a lot of pressure or something that's happening
on a pipeline. I've gotten a lot of resistance on that
idea because they said that there would be lots of
false alarms in that case. So I don't really know what
the answer is, but I do know, especially as a mother
who has two small kids, if you do find one of these
pipelines, that that first 30 minutes could be my
family's life. Could be, you know, a lot of families'
lives in Chester and other counties.

MR. BOYCE: You know, I would just
reference it this way. We do practice with the
intention of shutting the pipeline down. But to your
example, that fire chief needs to - mock the current
system. Everybody's on the same sheet of music. The
Fire chief says, hey, this needs to be shut down. They
call me. I call the operator. You shut it down or I -
they don't want to. Or I call PEMA and they shut it
down. Those systems are still bent on the person
making the decision, am I a hundred percent in charge
of this if it's not leaking catastrophically? So my
understanding of the pipeline operator is they have a
metric that they decide to turn it down. I don't
approve that metric if it loses one pound of pressure
or a hundred pounds. I believe that's their decision
to shut it down or send a crew. It's a decision, three
part there. So there could be. I mean, I'm not being
specific, but if there's a pressure drop, you might be
able to regulate them, that they had to shut it down.
But you know, at a technical level, the other method
that you're speaking of is people calling each other.
And we're past 30 minutes if you call me and your neighbor calls you. So any type of thing that takes - I always say take me out of the loop. If this is a life safety decision, let's have an automatic trigger that does something.

**REPRESENTATIVE:** And let me use that. You don't know what that metric is in terms of whether it's a 10 percent drop, 20 percent drop, 30 percent drop, that triggers that decision to trigger an emergency response. Correct?

**MR. BOYCE:** I don't.

**REPRESENTATIVE:** Thank you.

**CHAIRMAN BARRAR:** Just one more follow-up questions from Chairman Webster.

**CHAIRMAN WEBSTER:** I'll try to make it quick. In the aftermath of, you know, 911, September 11th, I was privy to a whole bunch of information technology companies swirling around, and the idea was, you know, there's an app for something. And if first responders and county and state officials all were connected, you could have everything on there and drop down a menu and you say it's a highway accident, it's a weather accident, and a checklist, and people would be notified automatically, you know, based on priority, and all of that stuff could be in - I know our Guard
and Reserve units try to do that around their own bases in terms of the civil engineering capability response. Have you seen anything like that in terms of homeland security?

MR. BOYCE: There are axial learning systems. Some are voluntary, you have to sign up for. Many, unfortunately, want money and they want the proprietary information in keeping it safe and reverse 911 and things like - so systems exist to a degree.

A decision has to be made. Someone has to draw the polygon, someone has to act. We're never going to get away from that. But again, I'm going to beat on it a little bit, those persons with access and functional needs often do not have the funds.

Hearing-impaired communities, they just don't have the money for these technology solutions. So - and what percentage of people are we willing to say we're pretty good?

REPRESENTATIVE WEBSTER: But it'd be nice if the first responder knew there was a community that you need to go pay attention to?

MR. BOYCE: Correct. And those systems we do. And the commonwealth, through homeland security running in the region, we support a program called Evergreen. So we are improving those messaging, but it
needs to be, again, more realtime and not a third-hand report.

CHAIRMAN BARRAR: Director Boyce, thanks for your participation here today. Your testimony was very, very useful. Thank you very much.

MR. BOYCE: Thank you very much.

CHAIRMAN BARRAR: I will tell you last night I had a meeting on the Conchester Highway with a group of residents. And about 6:30 just about every phone in the place went off from the people who had signed up for these emergency alerts. And it was like - I mean, it was almost like something you'd see on TV. My phone - my phone went off, started beeping, then everybody else's came off with that, because I'm signed up for four different emergency alerts around the state. And they all started going off at once about the tornado warnings coming through and - that was pretty neat to see because every - you know, it raised everybody's concern about what kind of weather was coming towards us.

Again, thank you for being here. I understand you're leaving for vacation.

MR. BOYCE: I'm supposed to go to Ireland, but there's an event going on. So I'm going to excuse myself and see if I'm going to go to Ireland.
But thanks, everyone.

CHAIRMAN BARRAR: Take care. Thank you.

Our next panelist is Mr. Joe McGinn, Vice President of Public Affairs & Government Relations for Energy Transfer, and then Mr. Bill Godsey, President of - and CEO of Geo Logic Environmental Services.

Gentlemen, welcome. And you can begin your testimony as soon as you're ready.

MR. GODSEY: Good morning. Can you hear me all right?

CHAIRMAN BARRAR: Maybe pull the microphone a little closer.

MR. GODSEY: A little closer.

CHAIRMAN BARRAR: Can everyone hear him?

If they can't hear, I'll let you know.

MR. GODSEY: All right.

Thank you very much. Sorry for the losses in your community, sir.

Since we're focused on safety, I'm going to just refer my remarks this morning to the safety and hazards. I think you may have a copy of my remarks in your folder.

Modern pipeline infrastructure is essential in the State of Pennsylvania. Pipelines are
the safest form of transportation for energy resources, with a 99.99 percent safety rate. They're the most reliable form of transportation options compared to other options like truck and rail.

Projects like the Marine East pipeline will help Pennsylvania. And one thing I'd like to comment. I believe there was a comment about a sinkhole. Chairman, was that your comment about the sinkhole? No. I'm sorry. It was yours? One of the things as a professional geologist I'd like to comment on is that the sinkhole is not necessarily related to a pipeline. And the sinkhole could be related to other drainage issues or karsting. And the pipeline may have actually established that the karsting was there. The pipeline probably didn't cause the karsting. The karsting was probably revealed by the construction of the pipeline. So I would say that those cases where you have an instance such as karsting, that you may want to look at that localized area and see if it's a localized problem rather than shut down the entire construction of the pipeline. So it could have been a localized feature rather than an area-wide feature that would cause the entire pipeline to be shut down. So I just wanted to comment on that.

REPRESENTATIVE: I'm sorry. You were
saying karsting, C-A-R -?

MR. GODSEY: K-A-R-S-T-I-N-G. That's a
geologic term which means dissolution of limestones.

REPRESENTATIVE: Okay.

So that area is typically referred to,
at least for the most part, as a ground, heavy ground
area?

MR. GODSEY: Right. And they even have
areas where you have voids, and the term is karsting.
It was originally developed in limestone, but where you
have areas where you have voids it's called karsting.
The term is called karsting.

REPRESENTATIVE: So your testimony
would be that it was a coincidence?

MR. GODSEY: No, sir. I wouldn't say
it's a coincidence. I'm just saying that it's maybe a
localized feature rather than a regional kind of
feature, that you may just want to investigate that
area, not necessarily just by shutting down an entire
pipeline because of one localized feature.

REPRESENTATIVE: Well, I would
definitely agree with that. I think you need to do a
lot of investigation in that area to better understand
the topography behind it.

MR. GODSEY: Yes.
Continuing on with my remarks, projects like the Mariner East pipeline would help Pennsylvania avoid these scenarios. This pipeline poses very little risk to the surrounding communities thanks to a rigorous regulatory process.

I spent six years of my professional career working for a state agency that governed pipelines. And from my assessment of the regulations that are governing this pipeline, they're some of the most stringent in the country. So if I could - if I could assure the panel this morning that this pipeline is extremely well-regulated and governed by the strictest standards there are for a pipeline. And I hope that gives you some comfort.

As far as the pipeline standards go, the Department of Transportation requirement is that pipelines be installed 30 inches below the ground in rural areas and 36 inches in urban areas. The Mariner pipeline is 48 inches deep in both places. The DOT requires horizontal drilling directions installed be 48 inches below the natural body of water. The Mariner pipeline starts at 48 inches and goes down to at least 60 inches.

The regulatory process is intentionally rigorous. A pipeline must meet those standards and
should be permitted to move forward without the risk of being interrupted without due cause. Projects like the Mariner East 2 pipeline are demonstrably met and often exceed regulatory benchmarks. Therefore, unless under extreme circumstances, which in the case of Mariner East, by my assessment, they have not, these projects should be not - should not be subject to interference.

If you consider the Mariner East pipeline 2 on merit, you will find this critical infrastructure is safe, is well designed and executed and is in the best interest of Pennsylvania's families and businesses.

Again, I would like to refer back to my professional experience working for the state and looking at the regulations and the attention that goes to pipelines. I fully - fully state that this is one of the most regulated entities in the country and fully state that all safety mechanisms and procedures are in place to ensure the safety of the public.

That concludes my remarks.

MR. MCGINN: Thanks. And good morning, everyone. My name is Joe McGinn. And I'm glad that Dr. Gates was here from Delaware County Community College. Great facility here and can't help but give it a plug. Sitting on the board here for a number of
years. And you know, they do a great job in terms of workforce development in this county, not just Delaware County, but in Chester County as well.

I recently rejoined the company, so this is - I'm in month one in terms of return. I had 14 years of experience at Sunoco, starting at the refineries. This is a little bit better, and working in a number of aspects, including the pipeline division as well.

You know, one thing - as I touch on remarks, and I'm sure there's going to be questions, a theme throughout this has been communications, preparedness and planning. I think that's critical. When you look at the role of the committee, especially, obviously, the emergency preparedness side, that's one of the focuses we're talking about today.

To echo Mr. Godsey's remarks bring another important piece to put into perspective is regulatory framework and that, you know, all pipelines aren't necessarily regulated in the same way. Just in general, in the State of Pennsylvania, or Commonwealth, you have gathering lines, which tend to be out in communities where the gas is produced out in the fields. You have the transmission lines which are what we're talking about with the Mariner East 2 and which
is the primary - is essentially on the Sunoco pipelines, Energy Transfer, Mariner East 2 as they move those products. And then you obviously have distribution lines, which we think about, at least in this area, as PECO, that move, you know, natural gas to our homes, et cetera. And all those are regulated at different levels. I would say for all of them, you know, subjective, but I think the backup opinion is that the transmission lines have the strictest and - in terms of regulations in those regards.

You know, Energy Transfer through its Sunoco roots and legacy has been proud to call Pennsylvania home. Part of this region for more than a hundred years. Overall, the company has a thousand employees in the Commonwealth. And that figure doesn't include the hundreds of contractors who are building these pipelines as well as I'd be remiss not to acknowledge what Director Boyce had mentioned in terms of industrial complexes. This is where facilities end, terminate, and the billions of dollars in investment in Delaware County are all just at the other end. You know, I think I speak, in some ways, for the building trades and others that are in the room who work maybe to build these facilities.

In terms of the Sunoco pipeline, they've...
been moving products through the Commonwealth for over 80 years, which includes the first refined products system. Essentially when you look at where we have facilities, you know, the refining base that we still have, you know, in the Delaware Valley, not just in PA, but in south Jersey and the State of Delaware, that produce a number of fuels, and as those facilities expanded and the pipeline that works were built to essentially provide product all throughout the State of Pennsylvania, New York, et cetera.

Energy Transfer overall has 85,000 miles of America's 2.5 million mile pipeline network. So when you look at liquids lines, it's about 199,000 miles to transport about 16 million barrels of crude oil and petroleum products, whether that be diesel fuel, jet fuel, gasoline, propane, ethane, et cetera, at a safety rate of 99.999 percent.

You know, a lot of folks aren't aware of that statistic and have an understanding of the importance of it. You know, we're here, you know, to operate, ensure that we operate our pipeline system safely. You know, those thousand employees that are in the Commonwealth and thousands more across the country, that's what their focus is. They live in these communities and care about it as well.
One thing I think that's important, too, in understanding, you know, Mariner East 2 and the construction of it - and I'll focus on that because I think that's primarily what a lot of the interest is here today, the system that's being constructed in Delaware and Chester County. The U.S. Department of Transportation, the acronym that a lot of folks have - often mispronouncing, PHMSA, that's the Pipeline and Hazards Material Safety Administration. So they set the framework. There's regulations at the federal level that they set, Congress establishes and PHMSA administers. But in addition, you have in Pennsylvania the Public Utility Commission. I know they'll be speaking later. They are in charge of overseeing the safe operation of pipelines like the Mariner East as well as, you know, big gas lines like Adelphia Gateway that was mentioned, Transco, things like that, that folks are familiar with.

You know, the big thing about compliance, as I mentioned, you have to adhere to those strict regulations. Director Boyce talked about our control center. He said it's operated 24/7. There's a station specifically for the Mariner system in terms of, you know, reviewing that, operating that. It all operates essentially remotely or autonomously, but with
human interaction as well in terms of maintaining and checking in terms of - at all these valve locations to make sure the temperature flow, things like that, that would indicate that the facilities are operating properly.

You know, control of the pipeline route, regulations ask you to do it once every couple weeks. We do it at least once a week. And essentially it's been like two times a week, which instead of doing it 26 times a year that's required, it ends up being over 100.

You know, we work closely. You know, that goes into, obviously, you know, operating the facilities, but the companies that design, build the pipelines. So that's really where the safety process started.

All the new pipe is thoroughly tested and inspected to make sure that the pipe meets industry standards to prevent corrosion. So you have the steel pipeline itself. Mariner East 1, apart from this new construction, was actually built here in McKeesport, Pennsylvania, by U.S. Steel. Mariner East 2, the 20-inch line, was all built in - with domestic steel in the United States. The significant majority of the 16-inch was as well. I think it was - you know, a
hundred miles or so was actually purchased from another pipeline company that had it in storage and was made in Europe. It's all coated in the U.S. As a matter of fact, a significant majority of it was actually coated in Pennsylvania.

Folks are familiar with Diridon. They have facilities in Steelton, just outside of Harrisburg, as well as in McKeesport. So they put a - basically a protective bond, epoxy coating that surrounds the pipe and helps basically prevent external corrosion. You know, pipes are underground. It prevents things from - you know, water or anything from latching onto a pipe and corroding that steel.

In addition to further kind of inhibit corrosion there's something called cathodic protection systems that are placed on the line. So essentially you run a current along the line, you know, an electric current, and that repels the water, again to help repel or prohibit the corrosion process from starting.

Another key part - and I know we have folks here from Steamfitters Local 420 who are welders doing a lot of this work, is that the federal regulations for pipelines require ten percent, so one in ten wells, to be x-rayed and additionally inspected. For Mariner East 2 the standard is a hundred percent.
So everything welled is x-rayed and protected. If you ever talk to a welder they'll you the adherence to it. They essentially put their name on each weld. Goes by and is inspected. If they - if you have a welder that, you know, is having a bad day or whatever, that x-ray tells that and essentially if we have that issue, they would be removed from the job. So that's the level of intensity that goes into the construction process.

And then, you know, once the pipe is essentially put together in different segments they hydrotest the line. So it's a fancy name for filling the line up with water that has a dye. And then they charge it up to 125 percent of the max operating pressure and hold that for a number of hours to ensure that those welds and that there's no impacts in terms of from the factory or from the construction process.

In addition, they run through - folks have heard the term like smart pig, things like that. They're an inline inspection tool. They don't look anything like a pig. But the story of why it gets its name, from what I'm told is it made kind of a squealing noise when they first started using them through the pipe. But essentially it's a - it's an inline computer that runs through and can, you know, measure wall thickness, any impacts, things like that, in terms of
degradation of a line.

Then also what's been talked about is third-party damage. So it's now under the PUC, that's been around for decades. So we're a big company, as most - not all pipeline companies are members of that, and do a lot in terms of promoting that and having folks have awareness of where's there's pipelines.

I think another key piece is when you talk about depth of the lines. So the requirement is three feet of cover. For Mariner East 2 it's all four feet of cover, 48 inches. And when you get to water crossings, your water bodies, that level of coverage increases to 68.

In terms of engagement and awareness, you know, we work with a number of engagement activities. So you know, some of that includes just public awareness sessions. So in terms of mailings that go out to folks who are along the pipelines, in the last - not calendar year but 12 months we mailed out over 273,000 informational mailers to first responders, residents, excavators, et cetera, in terms of making them aware of the lines. In some cases, you know, it's a corridor that had pipelines before. You know, make sure they're aware that there's natural gas liquid lines as well. And also essentially expand in
that buffer area in part because of questions and things that come up to say, hey, well, why didn't — why didn't I get a mailer and things like that to kind of overextend that area.

In addition, specific for Mariner East, was developed this Mariner East responder outreach. It's a specific plan a gentleman that a lot of folks know in the response community in Pennsylvania, Greg Noll, who's a PA resident and essentially wrote the book in terms of pipeline preparedness and response. He's been a leader in that. We've done training sessions in 17 counties across the state where Mariner is. And since 2013 over 2,000 responders have participated in one of over 71 specific sessions.

We've also brought firefighters, public safety officials. In fact, we've got one planned in Chester - Chester County in terms of taking some folks out to see what a pump station is, how it operates, et cetera.

The - you know, another piece, obviously, is pipeline markers. So it's the yellow markers that, you know, are kind of white noise or have been for a number of folks. You have them along the line and pretty much identify what that route is and provide important contact information.
You know, when you look at Pennsylvania there's a thousand miles of - we have more than a thousand miles of pipelines, Sunoco pipeline, in Pennsylvania. It transports tens of millions of barrels per year. We have the most mileage in two densely populated counties, obviously Delaware and Chester, over here.

And then another important thing is that, just in this area alone, we've been transporting ethane and propane since 2014 in this corridor. But in other corridors along the riverfront it's been transported since the 1990s. And in fact, the company's been moving in other parts of the country since, I guess, 1958, if I remember correctly. You know, we stepped up the integrity management program and everything else in terms of on the system.

Another piece - and when you talk about engagement, you know, one of the things that we've done previously at Sunoco and I'm happy to say we're going to do under Energy Transfer moving forward is a first responder fund. So I had worked as a staffer for Congressman Curt Weldon. I know a lot of folks knew Curt. And he was very involved in terms of the first responder community and instrumental in terms of the Fire Grant at the federal level and a similar version
at the state level. So it's a program modeled off of that and targets communities where we operate where we have access. In my previous tenure we gave out just under a million dollars in terms of grants, a lot of those in Delaware and Chester Counties. And that is something that is back and I think an opportunity for folks to engage with. I'm beginning to communicate with kind of the communities where we are that that is back and figure out opportunities where it can be supported.

Another key piece, and I think it's a challenge, is you know, you experience folks asking, you know, an evacuation plan. As you heard today, you know, one of the key things is we're an operator and we have to work with the municipalities and counties in terms of that. But in a large extent it's a municipal responsibility for all hazards, you know, whether that be a weather event, tornado, et cetera, you know, flooding, pipeline incident, however the plan is. So one of the things that we're doing is investing - and there's a number of firms that do it as well, but you know, providing support and grants or opportunities for municipalities for certain and other government entities to basically help put together, you know, plans for the 21st Century. I think there was a good
comment that some of those get done and they get put on a shelf. You know, I know folks. I know, you know, Chairman Barrar used to be a township Commissioner. He was our Township Supervisor. And when it comes down to funding, one of the challenges, too, is a plan isn't always the most, you know, attractive or top use of that. So this is a way in terms of help being in support of that and a - I think a step up in terms of what would be an enhancement of what was even done before with the First Responder Fund.

You know, lastly, just in terms of, you know, a couple of statistics and then, you know, certainly I'll take time for questions, but you know, Mariner East 2 is classified differently than a natural gas or a methane line. It's regulated differently as well. It's not that, you know, this is an unknown line and this is the first of its kind. From PHMSA's and PUC's standpoint, there are regulations that they follow specifically for these natural gas liquid lines.

The - you know, there's more than 67,000 miles of natural gas liquids or NGL lines in the U.S., you know, and as I said, more than 200,000 miles of liquid lines in the U.S.

We work - I've tried to go through the different layers of safety that are there and
enhancements to prevent any kind of serious incident. And if you look at the national statistics for NGL lines, the kind of scenario that is feared, it really just doesn't happen.

You know, safety is a focus as we move forward. The communities that we all live in, we operate in, I live in, you know, we take that seriously. You know, the focus, in coming from the refining side, where the safety culture really took on a new life I would say probably in the '80s and '90s, is that, you know, everybody gets on the safety - that's the same focus in terms of pipelines. It's, you know, the safe operation of these lines.

You know, they were - pipelines were referred to in the industry as silent steel for decades. They're certainly not silent steel now. There's awareness of it. There's questions of it. You know, we have to be there. We have to do a better job communicating. That's one of my, you know, missions kind of moving forward and coming back into the role here. And that's going to be a focus.

So you know, on behalf of Energy Transfer, I want to thank Chairman Barrar for, you know, having me here. And you know, with that, you know, I'll take questions.
CHAIRMAN BARRAR: Great. Thanks, Joe.

What I wanted to ask you was we heard from Director Boyce about the first 30 minutes. What's the required response from Energy Transfer and their responsibility once that call goes out that there's a leak? What exactly do you do?

I know years ago we had a problem at the Delaware County Prison. We required the prison to put in an automatic, so where they hit a button and they send out a text and a phone call, a recorded phone call to the people in the surrounding area that there was a prison break or a problem at the prison. Are you looking at anything like that to alert the residents along the pipeline in case there's an incident?

MR. MCGINN: Yeah, I'll address that. And one thing that I didn't talk about that I think is important is what does happen from the company's position. So where do you start with it?

So as I mentioned, we do have an operations center that measures key things, pressure, temperature, flow. One other key piece when you look at Mariner East 2 is the number of valves that we have are all automated, so it doesn't require an individual operator to go out there and turn off a valve, which obviously takes time. And there's questions in terms
of, depending on where an incident is, safety of
getting there. So all of that can be done remotely,
with the push of a button.

As a matter of fact, even though it's an
extremely unlikely incident, if you were - the systems
that we have, if there's ever a kind of a significant
loss in terms of pressure, break in the line, it
doesn't even wait for someone to push a button. The
system locks itself in at where - in between - at
valves where those locations are. So that happens.

So the other question in terms of the
911, so, you know, some things are, you know, built
into the plan where - so if there wasn't, you know,
something that was an anomaly in terms of the operation
of the line, you know, valves would be locked in. We
would send personnel to respond immediately. And we
also notify the appropriate 911 center and making them
aware of what was going on.

CHAIRMAN BARRAR: When you talk about
emergency personnel to respond, who would they be? Are
they emergency - are they mechanics? Are they -?

MR. MCGINN: From the company, it'd be -
from our side of it, they'd be the pipeliners. They're
trained to identify, to understand, you know, is it a
leak, any of the signs if it'd, in fact, be a leak.
And one thing that's important, too, is a lot of where these lines are, they're in existing pipeline corridors. So in some cases they parallel natural gas lines, lines that move gasoline, diesel, et cetera. So each line has different hazards. You know, all hydrocarbons are violent. That's why we use them to heat our homes, to fuel our cars, et cetera. So you know, they can identify that, too, and at times, you know, potentially not differentiate, you know, where that is. And often other pipeline companies - I can't speak for them, but essentially have a similar practice where they send folks out and potentially identify - you know, try to identify, you know, if there was an incident, whose incident it would be.

CHAIRMAN BARRAR: In your earlier testimony you talked about a program where you send out mailers and things to try to educate the residents that are along the pipeline.

MR. MCGINN: Yes.

CHAIRMAN BARRAR: Do you - do you educate them to the proper when and where to evacuate to if there's a need for an evacuation?

MR. MCGINN: No. And part of that's kind of a - we identify kind of factors in terms of almost if you see something, say something. I'll use
that motto. I don't think we use that, but the underlying first responder community in the post-9/11 environment. So there's some of that things to be aware of and the numbers to communicate in terms of our emergency notification. But you know, we do talk in terms of, you know, a need to potentially evacuate, but - or move. But ultimately, any type of evacuation plan or something more detailed, it's more of a municipal responsibility. That's one of the things I'm looking at and figuring out how to try to help it where we can in terms of municipalities doing it. And I think a number of municipalities have already taken steps in terms of their own planning enhancements in those areas.

CHAIRMAN BARRAR: But in your emergency plan that you submit to the County Emergency Management Directors, you have an evacuation plan as part of that?

MR. MCGINN: No, because, from an operator's standpoint, it kind of - when you look at kind of the regulation responsibilities, we provide information to municipalities and counties in terms of, you know, what are - you know, what we move through the lines, you know, what the risk would be to help them kind of develop based on that determination, you know, what those kind of plans, what they would be that's
appropriate for their respective municipality.

CHAIRMAN BARRAR: Representative Quinn?

REPRESENTATIVE QUINN: Thank you, Mr. Chairman.

First, I want to start by saying I certainly don't question the quality of the work that's being done on this pipeline. I believe that it's being built to the highest standards possible and that you're meaning that. But as I - as I - I'm frustrated as a legislator when I look at all the various agencies that are involved, whether it's DEP, PUC, whether it's FERC, whether it's PHMSA, in trying to decide who has the ultimate authority to decide if a pipeline is safe. Does that lie back on the company or is that something that an organization does, the PUC, at the end of the day, have that responsibility?

MR. MCGINN: I think it's not the companies. I think an important thing to understand in terms of pipeline construction and ability to build a line, it's not like a permit from an environmental standpoint or a DEP standpoint. Any time you build anything, whether it's a pipeline, a home, a commercial center, right, you're disturbing the environment, at a minimum you're moving dirt. So you need the approval to do that, and that's a permit. So you're making an
exception.

There are no permits in terms of pipeline safety. There's regulations and you adhere to it and you proceed, or you don't. So they're the - they're the measurements that we adhere to, meet, and in many of these cases, exceed.

**Representative Quinn:** So as we sit here today, we're not just talking about an ME 2 expert, we're talking about pipelines that are currently in the ground?

**Mr. McGinn:** Sure.

**Representative Quinn:** And Mariner East, the original pipe, actually concerns me more. And it's one of these things that it's my understanding that FERC advised against reversing the flow and changing the material that's currently going through that line. Is that true? Is that a misnomer?

**Mr. McGinn:** No, that's a little bit of a misnomer. I think taking it apart in terms of what was recommended, I think you're - what you're referring to, in part, I believe, would be a PHMSA regulation versus a FERC regulation. I might be wrong. But basically it identifies in terms of reversing the flow of pipelines steps that need to be taken to do that, all of which were taken, you know, by the company in
terms of - the line you're referring to is ME 1.

REPRESENTATIVE QUINN: Do you have any plans to mothball that? How would you proceed as far as - when would you consider that no longer a viable line?

MR. MCGINN: I think, you know, one of the things I need to go to is on pipelines, right, and the science part of it. If a pipeline is not just built properly but then maintained properly - and the company, by the way, spends about half a billion dollars a year in terms of pipeline maintenance, you know, and technical work, so - so you're essentially creating a vacuum underground. So the inside of that pipeline, especially if you're moving product which is more pure, crude oil at time's got water, different things in it, you know, I would say, you know, it's infinite, but it's - would be a long, long period of time in terms of what you can do.

Now, specifically to your question on that line, you know, one of the focuses is, obviously, we're building new lines, a 20 and 16-inch line, that will move a significant amount of natural gas liquids to the area. And I think the question that we always look at is evaluating where the opportunity is for the lines moving forward. You know, do you have refineries
in the area that have been in service for refining products? If there's an opportunity to potentially use that there, I'm just stating a hypothetical, maybe that could happen again. Or maybe a line ultimately just doesn't have a demand to move forward, and you know, will go out of service for that part. But you know, bottom line, just from a safety standpoint, if it's not safe to operate and it's not our call, it's PHMSA and PUC, the line doesn't operate.

REPRESENTATIVE QUINN: Thank you.

CHAIRMAN BARRAR: Thank you.

I'd ask the members that we're going to call for questions if they would try to get to their question with maybe a little less commentary and get right to your question, if you would.

Chairman Webster?

CHAIRMAN WEBSTER: Thank you, sir.

I think my question is for Joe. And it's real simple. Assuming you track all maintenance, actions and those kind of things, are you required to report, you know, some threshold, a number of instances of fixes or leaks or those kinds of things?

MR. MCGINN: Yeah. So any time there would ever be a product that would leave the line, that has to be recorded. In addition, in terms of safety
and integrity work, you know, that's communicated with
the respective, you know, state and federal agencies
depending on the pipeline and what the requirements
are.

And on key piece, too, I think is
important too, because Representative Quinn mentioned
the existing lines. So even before moving them to
service steps were taken in terms of to do those inline
inspections of the smart pigs, as they call them, a
number of that line - well, you know, you can say it's
vintage, 1930s, a number of sections were dug out, put
out into place in terms of putting in new pipe, new
welds, et cetera. I think it's just an important
piece.

CHAIRMAN BARRAR: Thank you.
Representative Ryan?

REPRESENTATIVE RYAN: Thank you very
much.

Just a quick question. In the Quecreek
Mine disaster in Pennsylvania, that's probably one of
the most important 65, 70 critical decisions made in
minutes that resulted in the safety and the safe
evacuation of everybody in the mine. And we talk about
the post 30 minutes when something happens. I question
a couple things. I want your input. Is it really a
corporate responsibility or is it a municipal responsibility, number one? And number two, does it just go to pipelines? And the reason I bring it up is in the military we would have a fugitive cell that would be manned 24 hours a day, I know Colonel Webster and I would say the same thing, where you would deconflict what's going on. So if it - as an example, I live near Three Mile Island. And when it went off, I was living near there. And we were getting information from news reports. And like the Representative I'm getting phone calls in my district now about things that I'm wondering why would you call your State rep because a tornado was going to turn - come down - it's apparent today why that is.

So the question is who should be doing this? Do we need to recognize as a Commonwealth that this is a 24 hour a day, 7 days a week, for all contingencies, not just pipelines, and for any type of critical dispatchers in the community, and do we need to do it a better way so that we make sure that we've got a one-stop shopping so that the citizens know who to contact rather than, oh my God, there's an incident, what do we do?

MR. MCGINN: Yeah, I think that's a great question and, I mean, one where I don't think I
have the capacity to fully answer, but I do think the role from an operator's standpoint is kind of gauged on with the municipalities, with the counties, with all the key stakeholders, right, to first make folks aware. And not just during construction but in operation. So to have that continued engagement.

And I do think there's responsibility, as you talked about, obviously from a municipality and, you know, from, you know, how they communicate, how they handle public safety, you know, as well as do they have regulators at the state and federal level and the county. So there's - one of the complications with government and certainly with Pennsylvania is that you have various letters, which is a good thing in many ways. But from a communication standpoint, you have more folks involved. So you know, I think we have to continue to figure out how to keep them engaged, but you know, everybody, including municipalities, have a role to play there.

REPRESENTATIVE RYAN: Thank you.

CHAIRMAN BARRAR: Thank you.

Representative Otten.

REPRESENTATIVE OTTEN: Thank you.

So I want to talk about these automatic shutoff valves and this ongoing plan that pipelines are
the safest form of transportation for these products and safe underground. So Director Boyce just pointed
out that in a rail situation, puncture of the rail car. So I guess my question is - one is what is the volume
of the contents of a rail car that potentially could be punctured or damaged in some way when it's traveling
and the proximity to populations of people. And also, between the two valve stations, the two valves, my
understanding is that the valves are seven miles apart. And so, one thing that I want to point out is that if a
natural gas were to leak from any container, it's going - because of the property, it's going to try and
equalize. And a lot of those natural gases are going to stay inside of the container.

But natural gas liquids are different. And my understanding of natural gases is that they want
to escape from whatever the container they're in, and so seven miles of propane, ethane or butane is a lot
different than seven miles of natural gas. And regardless of how quickly that valve could get shut
down, we still are in a position where seven miles'
worth of volume is trying to get outside of the pipe or container, whether that's a rail car or a pipeline.
And so I guess my question is what - a rail car, what's the content? How much volume are we talking about?
And a pipeline of seven miles, distance between two valves, what would the content of that be that's going out into the atmosphere in the first 30 minutes that we're trying to figure out what to do and how to notify people and get people moving, looking for an emission source. And I do point out that I don't really know of many railroads that are very close to schools, nursing homes, and large populations of people where there are many, many ignition sources like lawnmowers, cars, gas grills, anything that any of us use in our daily life.

MR. MCGINN: So a few questions there. I'll try to take them. The first part I do have to disagree with in terms of railroads. They run through major cities. They run through small cities. They run through communities but close to - right along the railroad pipeline.

The - in terms of the volume of a rail car, if I remember the statistics, and I can clarify if I am off, but a typical pipeline can move a product in a day with 75 rail cars or with 75 tanker trunks.

In terms of an incident with a rail car, you know, you would be shocked and surprised in terms of, you know, the level in terms of hazards, when people talk in terms of hazmat. Somebody asked that question. I think, you know, propane is probably a lot
further down the list in terms of what a concern would be in dealing with an incident in a rail car, but a number of chemicals and things on a daily basis that we have no idea about. And it was done safely. If it could move safely, I don't think people would let then move.

So that's kind of the answer for the rail car piece in terms of putting it in perspective. I can get back to you with specifics, but 75 rail cars equals what a typical pipeline can move in a day.

In terms of the distance of valves you mentioned seven miles. It varies. You know, a company, along with, you know, using regulations from, you know, essentially the DOT regs, Department of Transportation regs at the federal level, they vary. And in certain rural areas they're further than that. But in fact, in Chester and Delaware County, in a couple of cases they're shorter than seven miles.

In terms of the product in the lines and equalizing the pressure, I think you did point out a fact. The natural gas liquids move as a liquid, so each pump - that's why it's a pump station, not a compressor station. It's pumping the product. So you know, for example - and they're all different. You know, butane, pentanes are heavier than say ethane and
propane. Ethane is essentially almost as heavy or light, depending on the way you want to look at it, as methane. So things that remain a liquid, like gasoline, I think home heating oil, I think jet fuel, you know, they do have vapors, depending on how light they are, to leave that source as it turns into gas. But some of it will remain there. But in terms of methane or gas, and I am not a scientist, but you know, that will escape from any vessel just as much as, you know, ethane, propane, et cetera, and then ultimately dissipate. You know, it doesn't - you know, things that are moving don't work different - differently physically that they don't - they don't mix with ambient air and start to dissolve. You know, that happens whether it's methane, ethane, propane, et cetera.

REPRESENTATIVE OTTEN: So are you saying that butane and propane will dissolve in the air, it will not collect in a cloud, water on the ground doesn't to -?

MR. MCGINN: No. I'm saying they behave differently. But ultimately, you know, all of the products that turn into a gaseous state, you know, ultimately will mix with the air and will pass the threshold where it's flammable.
CHAIRMAN BARRAR: Representative Gillen?

REPRESENTATIVE GILLEN: Thank you.

Testing, testing. Thank you, Joe.

Thank you, Bill, for your testimony. I appreciate that.

You mentioned 99 percent - 99.9 percent safety. That reflects on me to my being in the medical background, I always think what is that one-tenth of one percent germ that this is not killing, my Purell here. So talk to us about that one-tenth of one percent, if you will, relative to safety. I know that you mentioned third-party damage. What are the issues surrounding that one-tenth of one percent?

MR. MCGINN: I'm happy to jump in, but I think it's one one-thousandth of a percent.

REPRESENTATIVE GILLEN: 99.9. There were more nines there.

MR. MCGINN: Repeat your question, the last part of it.

REPRESENTATIVE GILLEN: Looking relative to - you know, we're talking impairments, safety issues and the 99.9.

MR. MCGINN: What are the risks?

REPRESENTATIVE GILLEN: Yeah.

Third-party damage I know is mentioned. What are the
other problems associated with that?

MR. MCGINN: So many lines, you have third-party damage, which we discussed, and some things that are done to address that and minimize risk. You know, additional net recover, you know, public risk, communication, making folks aware of where pipelines are. Kind of a call helps with that aspect as well. You know, in many cases we're doing hydraulic directional drilling for these pipelines. A pipe could be buried a hundred-plus feet underground. That effectively eliminates third-party damage. So that's one.

Corrosion is another. You know, I touched on a number of aspects that are done to minimize - drastically minimize the impacts in terms of corrosion, maybe, you know, to monitor the epoxy that coats the pipelines, cathodic protection. You know, corrosion or an impact or a bad weld is another one. Considering that a hundred percent of welds are x-ray inspected, that drastically minimizes the risk of an incident like that as well. So they're some of the ones. I don't know - feel free to jump in, Bill.

MR. GODSEY: There are other - other incidents, such as landslides or things of that nature which can impact the pipeline. Some types of
geohazards can add to that percentage.

**REPRESENTATIVE GILLEN:** And let me just make a comment in light of the question. And I've regularly attended the first responders on pipeline safety training and found them to be very thorough sessions, very adequate.

A little bit of a prophetic word here. We've heard about frequency of shutoff valves and, you know, where you have dense housing stock there's going to be a different set of consequences and a different set of concerns. In terms of next generation and integrity and pipelines and ameliorating public concerns relative to safety, has the company given any thought as you go into dense housing stock to that frequency of the shutoff valves?

**MR. MCGINN:** Yes. And I think some of that has been designed in the plan. The first one is automation of the valves. You know, we are exceeding the requirements in terms of making sure they're automated, which the points that folks made, drastically minimize by automating the time that it takes to close a valve.

Now, it varies. There's 8-inch line, there's 12-inch, there's 16, 20. So obviously, depending on the size, you know, it takes even longer
to close a 20-inch valve than an 8-inch valve. But you're talking, you know, seconds, not minutes, in terms of being able to close once, you know, the button's pushed or when that happens. So I think that's a big thing that was put into the design of a line.

In addition, you know, kind of the tightness in terms of the valve location is - you know, that they are addressed and put in smaller segments than necessarily what is required.

REPRESENTATIVE GILLEN: So an area like Delaware County would be suitable to have shorter segments in terms of the shutoff valves?

MR. MCGINN: Correct.

REPRESENTATIVE GILLEN: Thank you. Bill, did you want to say something? It looks like you were writing something down over there?

MR. GODSEY: No. I was just writing down the questions that were asked.

REPRESENTATIVE GILLEN: Oh, okay. Thank you, Mr. Chairman.

CHAIRMAN BARRAR: Great. Thank you. Representative O'Mara?

REPRESENTATIVE O'MARA: Thank you, Mr. Chairman.
So I have a couple questions. And I will try to keep them brief. So my first question is what percentage of the workers onsite, both your contractors and your local workers, are union?

MR. MCGINN: I believe a hundred percent. So the pipeline operators are - that work for the company are USW, United Steelworkers. In terms of - at the Market facility, there was some publicity around it, but there's a project labor agreement with the building trades in terms of for them to do all that work, the $200 million of additional work that's going on in the next two years. And on the pipeline side, it's part of the National Pipeline Agreement in terms of how it's being constructed. So they're good workers.

REPRESENTATIVE O'MARA: Local unions never say a hundred percent. They - 50 percent is the highest number I've ever heard. So you're saying a hundred percent of the workers on your pipeline are union?

MR. MCGINN: Yes. So here's the discrepancy. So the pipeline agreement, which all the local - the primary - in terms of construction on the pipeline side, so you have Teamsters, you have the UA, which are welders or the steamfitters, Local 420 in
this area, laborers, LIUNA, and you have operating engineers. So they're the four parties in terms of building pipelines. On the facility side it's immensely more different, the unions that are involved. So they're all part of that agreement.

So it says, at a minimum, 50 percent of the local unions are used on pipeline construction. So some of the folks aren't from the locals but come in, you know, to do the work. So that's what - it's a hundred percent union, a minimum of 50 percent from the locals.

REPRESENTATIVE O'MARA: Okay.

MR. MCGINN: Unless the locals - the locals, if they can support that, that's not - never been the case down here. You know, they've been great. But if they can't support it, then it could be folks that are not from the area.

REPRESENTATIVE O'MARA: Okay.

Now, my next question is about how these substances are reported. How are the majority of those reported? And I also want to point out that Mr. Boyce mentioned he wants residents to call 911. And you mentioned that you're sending out something and asking residents to call you. So I think that's a discrepancy right away we can try to fix, because telling people to
do two different things doesn't make much sense to me.

MR. MCGINN: Yeah. I think - you know, I think that is a challenge, you know, we can certainly discuss with county 911s. I think one important thing is, you know, is as Director Boyce was talking about, making sure that we have notification to get things out.

If somebody identifies a leak on a pipeline, you know, going to 911 and they will communicate to us. You know, our preference is, obviously, knowing that there's a leak. So if there's an issue, a third party identifies it versus us, which can happen if it's, hypothetically, you know, a pinhole leak or something like that, then we respond. So I think it's out of the best of intentions, but, you know, on both ends we want to be addressing the issue.

And then what was your other question?

REPRESENTATIVE O'MARA: How are a majority of those reported?

MR. MCGINN: So from the company - so you know, there's a protocol in terms of - and I think Director Boyce kind of went through how they're notified if there is a leak. As a science itself, and you know, I'm not the professional geologist on this panel, so I don't want to step too far over my skis
here, but - which is what occurred and what Representative Quinn referenced, you know, is different than - you know, it's not a karst formation. He mentioned geological.

So our regulation in terms of pipeline is often exposed for different lengths. I mean, it is steel. It's very durable steel. If you look at facilities, there's lengths of pipe that run above the ground without support for, you know, many feet. So just the fact of just their size doesn't necessarily mean that, you know, there's an incident.

But part of what it is, even though it's not required, and Director Boyce mentioned we did this with Middletown Township as well, it's proactively giving a heads-up.

An important note on that, too, I just have to mention is that none of the pipes were exposed. None of our pipes in that circumstance were exposed, but we still made that proactive communication.

REPRESENTATIVE O'MARA: So are a majority of these things reported by residents? That's what I'm trying to get at, people in the area, public -?

MR. MCGINN: In terms of the - in terms of the subsidence?
MR. MCGINN: I don't know there's specific statistics, but in some cases, yes.

REPRESENTATIVE O'MARA: So then it would be very important that we clarify to the public what we want them to do?

MR. MCGINN: Absolutely. And that's part of the public awareness plan, trying to tell them in terms of emergency numbers and that communication.

REPRESENTATIVE O'MARA: And we should make sure report data and -?

MR. MCGINN: Absolutely.

REPRESENTATIVE O'MARA: Thank you.

CHAIRMAN BARRAR: Thank you, Representative.

Representative Gabler?

REPRESENTATIVE GABLER: Thank you, Mr. Chairman. And thank you for the testimony. I just wanted to clarify a little bit of information. What sort of safety equipment do pipeline workers possess when they're working on or near an active line?

MR. MCGINN: So if - so a couple things. So just a pipeline that's monitored, right, is going to have vapor detection, so something that can indicate - because that's kind of like a - almost a bionic nose or
sniffer. And if you see folks in industrial facilities, a lot of times they have them. A lot of times they look like a little yellow thing they wear on their chest, and it indicates, you know, if there's a high level of carbon monoxide, for example, or you know, any type of other vapor or hydrocarbon. That's one that everybody has.

In addition, if there's an 811 call or something like that that you have, on an active line you have people that stay there the whole time, will be sensing, identifying exactly where that line is. An important note is, just because there's a pipeline marker for anybody that's out there, you don't just say, okay, the marker's here, I'm ten feet over, I can dig, you know, fine. That's not the case. So they identify exactly where that line is and equipment that can do that. And then, you know - and then finally, you know, there's communication awareness from the control center if there's any activity going on near that line so they can be aware and obviously monitor.

REPRESENTATIVE GABLER: If you have an incident where outside first responders, folks that are not employees of your organization, would be responding, would your organization have any way of making - and it sounds like from those things maybe the
sniffers would be most important, any way of making
table equipment available to first responders?

MR. MCGINN: Yeah. I think the grant
program, a number of grants kind of covered equipment
like that in the past, and that would be something to
consider. You know, typically, you know, and I think
it varies, you know, a challenge - and I think - and I
know this committee has addressed it, is with the
volunteer fire companies throughout the state and
throughout the country, you know, challenges. There's
more requirements, more training that are needed, and
folks are doing this in many cases and volunteers.

So in our case, you know, it is
challenging in terms of for folks and their schedule,
but that narrow training I mentioned helps do that,
identify, you know, what they need. And if folks - if
there are gaps, that's one where we try to be able to
help fill that or help get that support. And I think -
you know, I'll speak for the industry a little bit. I
think other operators do that as well and try to step
up.

REPRESENTATIVE GABLER: So and I think
that would go a long way towards addressing some of the
- some of the concerns that were addressed by Director
Boyce.
One thing I hear kind of in my own kind of layman's term that seems to be missing is maybe like personal protective equipment. Is there any additional personal protective equipment that an individual would wear in the vicinity of a line that would protect them in the case of an incident or a leak if they're, say, doing, you know, active drilling, running parallel pipelines, for example, that sort of thing?

MR. MCGINN: You know, in terms of just being there, no, not necessarily. I mean, having a monitor that could indicate if there is an increasing level in terms of any - any hazard - I mentioned carbon monoxide, hydrocarbon, et cetera, I mean, vacate the area, but you know, the firefighters, you know, and certain things that we funded as well, get into kind of the SCBA-type mask, you know, firefighter equipment, you know, that kind of stuff.

REPRESENTATIVE GABLER: Excellent. Thank you very much. Appreciate the answers.

CHAIRMAN BARRAR: Representative Comitta?

REPRESENTATIVE COMITTA: Thank you, Mr. Chairman. And again, thank you, Joe and Bill. Joe, as the new Vice President for Public Affairs and Government Relations for ET and for ongoing commitment
to communication and knowing that you have heard and I have heard many, many times requests from the public who – people who are living along the pipeline a chance to actually talk with Energy Transfer people and get their questions answered. So my question is do you have a plan to hold regular public meetings – you see how many questions there are here, but the public isn't sitting up here. And I know anybody that's sitting out there has a whole list of questions, I have to ask this. I'd like to know what your thoughts are on that. I think it would be really important, especially during construction and then beyond, but during construction on a regular basis, monthly or so. What are you thinking about that?

MR. MCGINN: Yeah. And a good question and discussion I know that we've had, you know, in my previous role as well. And I think it's something I'm trying to do in terms of evaluate and enhance the level of communication. And there's a number of different ways to do that.

In terms of public meetings, I think, you know, we are looking at opportunities to further do that and communicate, which I think today, you know, the indication is out there from, you know, the chairman in terms of attending a meeting like this, you
know, participating.

I can't say I have a specific plan I can lay out to you today in terms of what that would be. I will say, you know, the number of questions I think do center, you know, here in Chester and Delaware County even though the line kind of crosses the state much like the Pennsylvania Turnpike. You know, but we'll be doing, you know, additional public engagement with that.

REPRESENTATIVE COMITTA: And you have people that work with you on arranging regular public meetings?

MR. MCGINN: Yes.

REPRESENTATIVE COMITTA: And I promise you that they will be well attended and very productive.

One follow-up question on third-party damage and the costs and, you know, so on. In some cases you're relying on local first responders and citizens, but you know, it's the local first responders who are really doing the surveillance and response and so on. How do you propose - they need expert resources and perhaps additional personnel. And I can tell you municipalities don't have any extra money to hire those people. So what do you see as your role? You
mentioned Commonwealth money. I don't see that happening. You know, I'd like to see that happen, but I don't see that happening. So how are we going to pay for the type of surveillance and response that this pipeline demands?

MR. MCGINN: Well I think on the surveillance side, you know, obviously, folks that live around the facility, like I said, if you see something, say something. That's kind of been the mantra really in emergency preparedness since 9/11. But for the most part, the overall surveillance and things that I talked about in terms of requirement to inspect - you know, inspect the line, I think is 26 times a year, which is once every two weeks. We've effectively been doing that about two times every week. So some of that is stepping up and the company doing that themselves, you know, in terms of the surveillance piece.

In terms of the first responders' engagement, a big piece of anything like we talked about communication, right, training and planning, so stepping up. And just because we've had, you know, some of those Mariner trainings in the past, I mentioned 71, doesn't mean that that stops. I mean, that continues of figuring out how you get that information. Frankly, you know, I have plenty of
friends that are in the fire services, folks that are
chiefs, are in charge. That changes. You know, folks
have kids. You know, folks, you know, get involved in
other organizations. We have the continued navigation
when it comes to that piece.

And then in terms of, you know, equipment, things like that, you know, I understand
that those organizations are strapped for cash, and
that's something that, you know, is a fuller answer
kind of across the Commonwealth and the country in what
we do about this. But from the company's standpoint,
stepping up. I was very proud in terms of the program
that we had under Sunoco, and I'm very pleased that
that's something we're going to have at Energy
Transfer, to find dollars and invest in, you know,
communities where we have assets.

REPRESENTATIVE COMITTA: I think the
grant program is great for fire companies. Right?

MR. MCGINN: Yes.

REPRESENTATIVE COMITTA: Is that it
specifically?

MR. MCGINN: For first - well, not just
fire companies. It could be police -

REPRESENTATIVE COMITTA: Also police
departments?
MR. MCGINN: - et cetera, yeah.

REPRESENTATIVE COMITTA: Maybe that's something that needs to be, as you said, stepped up -

MR. MCGINN: Yeah.

REPRESENTATIVE COMITTA: - to meet the demand.

MR. MCGINN: Yeah. And you know, I think we'll certainly look at that in terms of increasing - encouraging and can certainly provide information for any of you in your communities, especially those like Representative Ryan, Representative Gillen, yourself, Representative Quinn, you know, who are out and that have, you know, our lines within the district.

And then the other step-up I think is on the municipal side or on the planning piece. I talked a little bit about, you know, this question on whose responsibility is what and, you know, being able to provide dollars in support for folks with that planning effort, to help reassure the residents. You know, we're not the ones - you know, unfortunately, I think that, you know, if we came into one of your townships and said, you know, here's what this is, this is our idea, I don't know that that goes necessarily as far or it needs to - or it conveys the trust that something
with one of the municipalities would. So trying to
provide the resources to help them do that.

REPRESENTATIVE COMITTA: And being
accessible in person in those in different
conversations as a resource?

MR. MCGINN: Yeah.

REPRESENTATIVE COMITTA: Thank you.

CHAIRMAN BARRAR: Thank you. Thank you,
Representative. Actually, your comments reassure me
that there is a need at some point for us to look at
Representative Quinn's legislation to create some type
of a pipeline impact fee just like we have with the
drilling impact, because there is a serious impact to
our communities financially for our first responders,
and we need some kind of a fee in place that would
promulgate the wellhead to help to address these
impacts that we have. Because I can tell you right now
- let me ask you a question, my last question I hope.
In case of a long-term or any type of evacuation, who
takes on the financial responsibility of that
evacuation? Is that the pipeline company?

MR. MCGINN: You know, ultimately -
ultimately, yes. I mean, the idea - and all hazards
are different. So as I mentioned in Representative
Ryan's question, that ultimately this - you know,
dissolving or turning into a gas, it dissipates in the air so you don't necessarily have any long-term issue here. You know, with the line you could because you could have a pool of crude oil, for example, not so much in Pennsylvania, but you know - I'll mention that, but you know, there could be a residence near, there could be a leak from an air standpoint for a few days, hypothetically, before that gets cleaned up. So that's what I mean by hazards.

For this specifically, for Mariner East 2, you don't really have a long-term hazard scenario. You know, Director Boyce isn't here, but I defer to the planners to talk more to that. But that's essentially the case there. But ultimately, the company is responsible.

CHAIRMAN BARRAR: Thank you for your testimony today.

Does anybody here need a break? To our stenographer, do you need a break at all? Why don't we just take five minutes and come back if you can.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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CHAIRMAN BARRAR: Our next panel is Mr. Dave Padfield, Acting Director for Pennsylvania
Emergency Management Agency, and Gerald Bim - Bimle?

MR. BIMLE: Bimle (corrects pronunciation).

CHAIRMAN BARRAR: Bimle. Training - what is it, Training Program Coordinator for the State Fire Commissioner's Office.

Gentlemen, thank you for being here today. You can begin your testimony when you're ready.

MR. PADFIELD: Chairman Barrar, thank you very much for the opportunity to be able to sit before the committee today and offer testimony on pipeline safety.

I'm going to read - you should have my prepared remarks. I'm going to kind of synopsize most of them as we go through in the interest of time, obviously. But the mission of PEMA is really focused on an all hazards approach to planning, preparedness, mitigation and ongoing recovery activities, as well as coordinating state agency response in support of the county and local governments in both their response to human cause and natural disasters and other emergencies.

PEMA fulfills its missions - or its mission while always seeking greater efficiencies to improve our delivery to our primary customers, which
are the 67 counties of the Commonwealth.

Under the Commonwealth's Emergency Management Services Title 35, the Pennsylvania Consolidated Statutes, PEMA is tasked with the duty of maintaining preparedness standards as established by the Federal Emergency Management Agency and is charged with maintaining the Commonwealth and local disaster emergency management responsibilities. We do the majority of our work through the counties and directors, such as Director Boyce, which testified earlier.

With respect to the impacts of county space, it's important an effective emergency management program dictates that we must all address the all-hazards approach that threaten communities. So over the last ten years we've actually transitioned to more of an all-hazards approach. Before that, we really used incident-specific approaches, which were sometimes a little problematic. So we transitioned over the last ten years to more of an all-hazards approach to address all hazards because they have a lot of similarities across the hazards.

So really what's key to that is an impact analysis should be developed outlining adverse populations, critical facilities, economic and
environmental impacts and other issues as they would impact by any local jurisdiction.

Planning has always played an important role in making communities safer places to live. Obviously, local zoning and subdivision plans, comprehensive land use plans or land management plans, building codes and flood plain ordinances are all familiar community efforts aimed at that common goal, to be able to make it a safe place to live.

Hazard mitigation planning is an extension of that. That's what we do in our agency most of our day when we're not out in a response mode. And really hazard mitigation is identifying the hazards in most of our communities, developing ways and means of reducing potential disasters, losses of life and property.

We have several tools that we utilize obviously at our agency and we also have a state comprehensive hazard mitigation plan. We actually address pipeline-related issues as part of that plan. And we have statistics in there to be able to guide some of that from a state perspective of things to take into consideration.

An increased construction of pipelines in the Commonwealth presents, obviously, potential
hazards that communities must plan for and incorporate into their plans. In the development of these plans, the following are items that should be considered for inclusion to every county or municipal emergency management program.

Obviously, we discussed the mitigation plan. It includes the hazard risk analysis and vulnerability impacts of any one of the hazards to any local municipality. The current emergency operations plan, communication system for public alert and warning, evacuation plans, designated mass care shelters and mass sheltering plans, education programs for citizens, train responsive personnel and exercising a drill schedule, resource manual and equipment for response personnel. They're all really key components of what we do.

In addition to those items, an emergency management coordinator is also responsible to work at the schools and the childcare facilities and any other special impacted populations to ensure their hazard planning is adequate.

In 2015 our agency was a member of the Governor's Pipeline Infrastructure Task Force. The group was tasked with development of a report that identifies recommendations and best practices for
pipeline siting, permitting and safety. As a member of the Emergency Preparedness work Group, there was a number of recommendations compiled. And for time, I'm not going to go over those recommendations, but many of these have actually been discussed here today.

Obviously, pipeline infrastructure development is governed by a complicated matrix of federal and state laws, regulations, county plans and local ordinances. Multiple agencies are involved in permitting and overseeing siting, construction and operation of maintenance of infrastructure. Given the complicated legal framework, we, as an agency, recognize that there's a need for clarity in the role that all stakeholders play in that process.

PEMA, as part of our legal authority, provides technical assistance to Commonwealth agencies, local government officials, schools, custodial childcare facilities, per designing emergency management plans and training programs to address their needs. The Pennsylvania All Hazards School Safety Planning Tool Kit provides guidelines for school districts, schools and communities to address all types of crises, emergencies and disasters that might impact their campuses. Standard procedures are provided for these situations to assist facilities with a foundation
for planning and a framework for response when an event happens.

PEMA has received several inquiries from communities along the Mariner East pipeline to conduct a review of their current municipal and school plans to define the type of public system appropriate for the hazards for those buying products that will be transported through the pipeline. Additionally, local communities and school districts have asked PEMA to provide recommendations for the revision of those plans, if needed, with respect to pipeline emergencies.

In response to a lot of those requests, on April 23rd of this year we facilitated a pipeline emergency planning workshop in Chester County that was attended - I'm sorry, that was focused on providing technical assistance in accordance with PEMA's legal authority. The emphasis of the workshop was on preparing for and managing emergency consequences that could result from a pipeline or similar hazardous materials incident. Attendees of the workshop included representatives from municipal and county government, Energy Transfer, school districts, state agencies, emergency response agencies and subject matter experts with strong emergency planning and response backgrounds.
The workshop resulted in a number of suggestions relative to pipeline incidents that the Chester County Department of Emergency Services is currently considering for inclusion into their overall all hazards emergency operations plan.

PEMA is committed to continue to provide technical assistance in the development of or revision of disaster emergency management plans as needed or requested by the local jurisdictions.

With that, I'll turn it over to my colleague here to the right, to Gerry, to provide his comments.

MR. BIMLE: And I'll be taking all questions or answers and so forth.

So good morning, Chairman Barrar and other members of the committee. My name is Gerald Bimle. I'm the alternative energy emergency response training program administrator at the Fire Academy in Lewistown, State Fire Academy under the auspices of the State Fire Commissioner. So I'm here today representing Bruce Trego, the Fire commissioner.

We're sort of - represent more the boots on the ground, we do the training of first responders. So when it comes down from the state to the counties and the local agencies, then we deal pretty much one on
one with firefighters and other emergency responders. And I just want to offer you a little bit of information on what we can offer and provide for those responders. Our department offers multiple training programs specific to funneled gas and liquid pipeline emergencies. This includes hazardous natural gas liquids such as pentane, butane and hexane, now, as discussed earlier, increasingly seen with natural gas production in Pennsylvania.

The training programs are available anywhere in Pennsylvania at no cost at all to first responders, including fire, rescue, hazmat, EMS and police. Also included are pipeline operators, public utility personnel, local, state, federal response and enforcement agencies. We welcome everybody to the training because, again, of things like today, when everybody's together, that's when we feel the most learning and meeting with people before the actual disaster happens is critical.

So these programs are based on curriculum developed by the National Association of State Fire Marshals in conjunction with the U.S. Department of Transportation. That's been mentioned earlier today. Through PHMSA, the Pipeline Hazardous Materials Safety Administration. And that's who a lot
of us go to for recommendations, training, resources and so forth.

The curriculum we use is used across the nation and written by Greg Noll, a fire instructor, and Mike Hildebrand, another person with fire background, emergency services background consulting backgrounds. And it was mentioned from Mr. Boyce earlier about Greg Noll, and many of us do know who that is and we use his products and his training, and he's been working for a lot of the industries throughout as a consultant, as also an instructor.

Our Fire Academy instructors that deliver these courses, they were trained by Mr. Noll also, the author of the program, back in 2013 and '14. Through continuing education and program updates they receive the most current information and they offer responders and try to keep up to the changes in the industry.

We currently have over 30 instructors from across Pennsylvania who are qualified to teach through our local level fire training program. The opportunities - we update, re re-focus. And recently, through a joint effort with the Fire Academy and pipeline operators in Pennsylvania we have a program known as the Pipeline Emergency Response Initiative or
PERI we refer to it as. Well, PA PERI is a result of the U.S. Department of Transportation Pipeline and Hazardous Materials Administration's efforts to enhance training for all stakeholders involved in pipeline incidents. And again, all stakeholders is, you know, responders at the lowest levels, people in the community, public works, all the way up through state and federal agencies. So we try to include and bring all those stakeholders together.

We don't maybe get as much into the planning side of it, but I know conversations today, you know, everybody's a player in it and it can get rather cumbersome at times, but we do try to bring as many people together.

A review of the training available. Just briefly I'll try to go over this. We recently developed a two-hour Pipeline Emergency Awareness Training Program. This is as a result of that PERI - promotion from the PERI - the PERI product. It's a thing promoted throughout the country. So we have basically a one-on-one version of training that's being done in two hours. And the reason for that is we find that people, especially in the volunteer world, have less time to dedicate. So our traditional four and eight-hour programs are kind of difficult. It's
certainly difficult to hold a four-hour program and keep interest in an evening, so we're offering another level of training.

But the four-hour is more of a more extensive, much like our hazmat awareness training, which is typically modeled and is a four-hour version. It introduces students to design, operation of the pipeline systems, primary cause of incidents. And pretty much like hazmat awareness, it's more defensive emergency response procedures, the training there. It can be delivered in an evening at a fire station if somebody wants to dedicate a four-hour block as opposed to two or three hours, a weekend, you know, half a day on a weekend, whatever - whatever suits the customer I'll say.

These programs also include different exercise that have been developed from lessons learned. So we do look at a lot of the previous incidents that have happened not only in Pennsylvania but across the nation and incorporate that into a lot of our training. So we definitely try to learn from that. Lessons learned from past incidences is critical.

Another program we offer - so again, that's the eight and the four hours. The eight hours is a little bit more in depth. We call it operations
level, and it gets a little more into maybe some tactics and more offensive procedures where, say, at the direction of a pipeline operator, they may not have people there that can go in and fully suit up in SCBAs, breathing apparatus, for instance. And at their direction, we can perhaps go in and, you know, get a better look at things, maybe help work on a valve or isolate a valve or something. But certainly we would never do anything like that without the direction of a pipeline operator. Hopefully, as I mentioned earlier, most of these incidents are handled by remote valving, automatic shutoff valves and that sort of thing.

Another program we've had, and I know it's been mentioned a little bit about terrorism and sabotage and so forth. We can also – and through, again, federal agencies we can offer a pipeline security program. It was designed for rural communities. It's an eight-hour class that talked about security threats, mitigation strategies for everything from sabotage, maybe bombs, bombs on a pipeline. Believe it or not, there's places where people actually tap in across the country and literally steal product off the pipelines. So this program deals more for that, and it's more or less directed mostly at law enforcement. It's provided also free of charge by
the Rural Domestic Preparedness Consortium through the Department of Homeland Security.

And then the most comprehensive hands-on pipeline training we offer is a three-day flammable gas and liquid firefighting course. It's held at the Fire Academy in Lewistown. And efforts are being made to offer it elsewhere in the state, at other Fire Academies, whether community colleges, County Fire Academies, anybody that would have the facilities that could burn a limited amount of say liquified product or actual flammable liquid, say diesel fuel, for instance. So there are limitations there because of environmental concerns and all that, so we are somewhat limited. And fortunately, at Lewistown we have the capability to use more of that product and have larger fires, which is what's required for the training. So this allows students to participate in numerous outside exercises, including wide fire training, utilizing both flammable gas and flammable liquids, much like the products we're talking about today and what's transported in these pipelines as well, of course, over highway, rail, et cetera.

This is also free to firefighters, municipal firefighters, career, volunteer. We also, like many of our programs, offer to other responders
from other agencies, such as DEP, that have response agencies. We encourage and welcome them to our programs as well.

So to date, we – just a real quick review. We have over 500 responders trained to some of these different levels, say the awareness and operations levels. We've recently had two pilot programs earlier this year. There's one-on-one programs where we trained 55 students. And that's through a pilot program. And that included the task forces, which we're all familiar with the task forces throughout the town, the states, state and the counties there. We also included first responders of those. We delivered ten of the four-hour classes. We delivered 12 of the eight-hour classes to over 300 students in nine counties. And additionally, some of the best work is what goes on at the local level, where responders and emergency agencies routine – routinely train and work together in preparation for pipeline incidents. And this includes, again, like Mr. Boyce talked about earlier, where the local counties are doing a lot of good work also just in their own jurisdictions, whereas the State Fire Academy can't get out to every location. But these agencies are doing a lot of good work or working closely with government leaders. They're
working closely with the local pipeline operators, county EMAs. And again, it's all about what they do at the local level as much as even pre-planning.

    Firefighters know a lot about pre-planning. So we go out to sites, whether residential, industrial buildings, pipeline locations, and do what we refer to as pre-planning for those incidents, which is, you know, a similar tactic than what we do through the planning and so forth that the counties do, but this is more down, out on the street, hands-on type of planning.

    Finally, as another resource, under the Pennsylvania State Fire Academy, under authority of the Fire Commissioner, we offer an Act 13 2012 Unconventional Gas Well Fund Grant program. This, of course, is from the impact fees from the natural gas industry. This money is available to provide training, certification, equipment grants, to eligible applicants to improve and enhance the capabilities of emergency services throughout the counties where unconventional gas well drilling and production is occurring and the bordering counties. So this, of course, doesn't necessarily help or affect the counties down in these regions, but the ones that are impacted in the counties and where not only is there well drilling going on,
they're doing a lot of pipelines. And it was mentioned here about upstream, midstream, downstream distribution, all the different pipelines that are in those counties as well, not necessarily just across the bottom of the state where the Mariner pipeline is.

Most of these companies - or counties do have some - some level of pipeline presence. So if they do require the additional training and equipment, this program, through the Act 13 Grant Program, impact fees is currently available. Online applications, it typically begins in May and closes in July. So that opened just on May 20th and closes April - or July 24th. We currently have 40 counties qualified for that. Again, that's the drilling counties and the neighboring counties, so they can apply for funds. And that's to purchase equipment like was mentioned here earlier, air monitoring equipment, devices o protect the firefighters that they can use, and other first responders, because it's open to firefighters, hazmat, EMS, rescue companies. So these help them whether on well pad incidents, pipeline incidents, you know, this type of equipment can help that in that area. And many of the grant applications are for those types of equipment, for metering, monitoring gases, liquids, the hazards that they see every day. So that's been a
pretty successful program.

And then the next thing would be for foam firefighting again, which in some - some hazardous liquids we use that. Of course we don't use foam on the natural gas liquids, again, because we talked about how they dissipate and vaporize rapidly. So foam isn't used there, but again, that's another option, another - number two of what's been requested for these grant applications.

So again, I thank you to let us have the opportunity to offer that as far as the training side of things. And I'll certainly be happy to answer any questions you may have that might help the responders at the local level.

CHAIRMAN BARRAR: For you first, how much - how much a year is set aside in that grant program? You were just discussing the grant program.

MR. BIMLE: Yeah. How much?

CHAIRMAN BARRAR: How much is set aside for that?

MR. BIMLE: $250,000.

CHAIRMAN BARRAR: Okay.

MR. BIMLE: It's $250,000 a year.

Unfortunately, we only get $750,000 to operate our entire program. So $250,000 of that we offer in the
form of an annual -?

CHAIRMAN BARRAR: What does the other money go for? Is that just for administration or is that for the training program?

MR. BIMLE: It's for the training. It's paying salaries, of course, for the staff that operates the office, that runs the Act 13 Grant program. And a major part of that is for our adjunct instructors that go out in the field and do the training.

CHAIRMAN BARRAR: Let's say you -?

MR. BIMLE: Training materials and education.

CHAIRMAN BARRAR: Do you take that on the road?

MR. BIMLE: Yes.

CHAIRMAN BARRAR: You come out to our counties and everybody doesn't go to Lewisburg?

MR. BIMLE: And we call that academy on the road for that reason. We take it out to the local level, because, again, I think we all know that training - nowadays people - they don't have the means or the time to travel, the time to dedicate for training, so we find ourselves doing much more out of reach and more at the local level.

CHAIRMAN BARRAR: Is the amount that
you're getting now sufficient for what you're doing or
- I know you can always use more money, -

MR. BIMLE: Right. Absolutely.

CHAIRMAN BARRAR: - but I mean, is an
infusion of money going to better train our
firefighters and provide for better equipment at this
point?

MR. BIMLE: I mean, it absolutely would.
For instance, last year we could only award - I believe
it was 72 grants. And there are well over 200
departments that applied for the grant funding. And
they're not - they're really asking for $4,000 is our
minimum then. So to them, when I hear the stories and
when they reply, it's amazing how much that means to
them, where to us it doesn't seem like that much money.
It is critically important and we're only, you know,
maybe awarding a third of them. So it's certainly -
even a small amount of money would definitely help the
cause.

CHAIRMAN BARRAR: Now, my understanding
of that grant program, though, the primary is funded
with the funding that's there for communities that have
drilling and not necessary pipelines, or am I mistaken?

MR. BIMLE: No, that's right. It is the
40 counties. The 40 counties for the resident as well
as the neighboring counties.

CHAIRMAN BARRAR: So would we have to amend the legislation to cover pipeline training in that?

MR. BIMLE: I would think. I've asked the question before. I'm not even sure how that's interpreted or if it's real clear that if the money is available to other counties or not because everybody, of course, in the state is affected by pipelines, which are a result of the industry, the natural gas industry. So yes, it would -.

CHAIRMAN BARRAR: I would love to see us go back over that and kind of repurpose that funding again and increase it, you know, if there's been an increase in the fee.

Dave, on logistics, today Energy Transfer talked about their risk assessment plan that they had filed with the emergency management groups. Are you involved? Do you consult on that? Do you look at your list of best practices that you've come up with from your Pipeline Infrastructure Task Force and then look at their plan and then make the determination as to whether they've incorporated most of the principles that you've spelled out in the list?

MR. PADFIELD: We don't normally look at
their plan. They have a series of plans, actually. So most of the pipeline folks that are involved with that or the companies that are involved in that have a series of plans. So really, their plans are very specific to what they're going to do, and it really needs to be coordinated mostly at the local level, through the counties and the local municipalities. We look at risks generically across the board. So we take a look at what is going to be the - the potential that's going to be carried in there, what does a product release look like, and then we develop planning scenarios based on that. And that was a lot of the discussion that we had at the workshop that was held in Chester County. It was really to modify the planning scenario so we have a better understanding of what the risks - obviously we know the hazards, but what are the risks associated and then what are the plausible planning scenarios that we can plan against.

CHAIRMAN BARRAR: Okay. Thank you.

Representative Gabler?

REPRESENTATIVE GABLER: Thank you, Mr. Chairman. And thank you for your testimony. Two quick questions. First for Mr. Bimle, what are the prerequisites for firefighters or first responders to attend these courses, whether it be a two-hour,
four-hour, eight-hour or a three-day course?

MR. BIMLE: Really for these we don't have a prerequisite. These are petty much entry-level type programs. Any firefighter, of course, has to have some level of essentials training, entry-level training just to be a firefighter. So these are, again, mostly awareness, defensive operations type programs that aren't getting really into the offensive detail like say a hazmat team would be trained in.

REPRESENTATIVE GABLER: Okay.

Because one of the critiques in that program, one of the things that is a concern to me is that a lot of the elective training available through the Fire Commissioner's Office does have a pre-requisite that might be Firefighter 1 or at least further in the modules than maybe every firefighter necessarily needs, you know, if somebody's a truck driver or they're operating on the scene, not necessarily an interior firefighter, so - but in the case of these programs, anybody who would be a member of the department who might have some interaction with these operations in some way would be able to attend these trainings if and when they're offered?

MR. BIMLE: Yes. And like I mentioned, these include and welcome other agencies, including say
the DEP response team, the local county agencies, other sponsors, including police, EMS, rescue teams that aren't necessarily even firefighters. So again, because we're all there operating on an incident, everybody has a role to play. So we welcome that again because we're not really getting into offensive operations at that point.

REPRESENTATIVE GABLER: That's excellent. I'm really glad to hear that answer.

And then the other question, and I apologize for the basicness of the question, but just kind of piqued my interest with- we're talking about pipelines which tend to transmit fossil fuels, but the name of your program is alternative energy. I'm kind of confused by this because typically we think of fossil fuels as being the opposite of alternative energy. Can you give me a little bit of an insight into the naming of your program? And with that, I'll put down the microphone.

MR. BIMLE: Maybe that confuses me sometimes, but I came after the program was created. And it was initially created when - actually before the drilling industry really picked up in Pennsylvania, before Act 13 of 2012. So probably back in like 2008 it became effective. And that was when they were
talking about the drilling industry starting to show up in Pennsylvania. There was a lot of research, a lot of seismic activity. And looking at the industry, saw the advanced work well in advance. And at the same time there was a lot of focus on wind and solar, alternative fuel vehicles. So we - our department handles and trained for a lot of those different things. But quite honestly, the majority of our funding is from the impact fees from Act 13. So I think the connection there also for alternative that they used was the alternative method of drilling. And I don't know if that's a fair way to describe the office, but we've also talked recently about moving to, more or less, sort of an all hazards or a special hazards type revision because we also get into general hazmat response. So we also get into HAZMAT recognition level training and so forth.

REPRESENTATIVE GABLER: That's very helpful. I know we tend to use the term unconventional, which I suppose -.

MR. BIMLE: Right.

REPRESENTATIVE GABLER: So I understand. I also - my apologies. I understand I stole someone's questions. Sorry about that.

CHAIRMAN BARRAR: All right.
Representative Comitta? Anybody else have a question? No?
Okay.

REPRESENTATIVE COMITTA: Thank you, Mr. Chairman. Dave, you mentioned the Governor's Pipeline Safety Task Force. Could you tell us which of your recommendations has not yet been implemented?

MR. PADFIELD: I probably cannot at this point in time. That was - that predates me, so I was not involved with that. So I've been the acting Director now for about the last four or five months. And I was not involved in that initial discussion, but I can take a look at - it's probably not the best for me to try and guess at this point in time, but we can do a follow up on that, if that works for you.

REPRESENTATIVE COMITTA: That would be great. And that was sort of a trick question because I think the answer is none. I could be wrong. But the two bills that I and Representative Quinn have introduced, Pipeline Safety and Communications Board Bill and the Eminent Domain, slash, Siting Bill are both specifically from - taken from the recommendations - top five recommendations in that Task Force. So I didn't mean it to be a voucher question, but I thought you would say none of them.
MR. PADFIELD: Actually, looking at the bullet points that I have, some of them have been implemented. And my colleague, Mr. Bimle here, talked of those, making training available to emergency responders, providing emergency responders with the training and information needed to handle pipeline emergencies. There are a number of other recommendations in here.

One of them that really involves our agency is standardizing emergency response plans across the Commonwealth. And I discussed that relative to the all hazards planning template. So we use a planning template that is provided through FEMA, which is contained in the Comprehensive Preparedness Guide 101. And everybody looks at what those plan elements need to be. So it's really a holistic approach to be able to kind of level set the plans when we're dealing with all hazards plans. And really that's the template that we require the municipalities and also the counties to utilize across the state.

REPRESENTATIVE COMITTA: Thank you. Good. So I'm glad that some of those recommendations are being implemented.

A question on changing weather. Several of the experts who testified today mentioned the
effects that weather events are having on pipelines. And with more extreme weather, you know, like with rain and with 500 and thousand-year floods that are happening in an alarmingly regular rate is certainly of concern. And so I'm wondering about the implication of the changing weather and/or extreme weather on the siting, construction and maintenance of pipelines. And a specific example is the Beaver County Revolution pipeline, which was in operation for a week or so. This landslide caused an - you know, moved the pipe. So that was - that's one incident. But my question is how - this is not - that excessive rainfall or weather event that created the landslide that caused the explosion on the Revolution pipeline was not an anomaly, oh, that's never going to happen again. It's happening all the time. So the question is what - how is the changing weather in Pennsylvania impacting decisions and planning for siting, construction and maintenance of natural gas liquid pipelines, so highly volatile pipelines?

MR. PADFIELD: So our agency really does not get involved in, obviously, the siting of that. That is something - we deal mostly in the planning, preparedness, hazard mitigation side of preparing and working with the counties and the local jurisdictions.
to really address the consequence, management side of that and mitigate where they can, understand what the hazards are and mitigate what they can at their local level.

I will tell you that, you know, federal agencies such as PHMSA and other agencies that are involved with the construction side of the pipeline look at those impacts. So if we're in California, they take a look at seismic impacts and things of that nature. But changing weather has really impacted what we do and how we look at things.

So I'll go back a couple of years. I believe in 2016 we actually had a pipeline issue in the north central portion of the state where we actually had a gasoline pipeline wash away in a flash flood situation. And again, from a consequence management perspective we worked with obviously the county at that point in time to take a look at what are the hazards. We worked with DEP. We were taking a look at – working with the Susquehanna River Basin Commission. Obviously there was a discharge into the main stream Susquehanna, so we were prepared and we take a look at those, but obviously there are concerns.

And then when we look at it from a response perspective one of the things we want to look
at, especially tornadoes, weather-driven events, is what is really the impact to infrastructure. And we really consider the pipelines as part of that infrastructure, and really getting an assessment of that early on and realize what the impact is and quantify that is really key.

REPRESENTATIVE COMITTA: You mentioned PHMSA. I understand that PHMSA is - periodically goes through a re-authorization process and that that is happening right now, you know, with different agencies and so on. Will PEMA participate in that PHMSA reauthorization review and what might you recommend? I understand they have three pending rules - and the rulemaking process in PHMSA evidently takes a really long time - significant for natural gas liquids pipelines. One is the liquids rules that's been pending since 2011. The second is the gas transmission rule. And three is the valve and rupture detection rule. So I'm wondering is this your purview? Does PEMA weigh in on the PHMSA reauthorization, rulemaking and that kind of thing? And if not, who does?

MR. PADFIELD: As a general rule, we do not unless we are asked to by another state agency. We do have a Bureau of Technical Hazards, and they actually take a look at that. But as a general rule,
we don't normally unless we're solicited for specific input.

REPRESENTATIVE COMITTA: So who does?

MR. PADFIELD: That is a very good question. I would not be able to answer that from a state agency perspective.

REPRESENTATIVE COMITTA: Thank you.

CHAIRMAN BARRAR: Thank you.

One last question that I have or two. I was alarmed by Energy Transfer's comments about 911, calling 911, basically calling them first. Would you - I don't know if that's - I don't know who would control that, but I truly believe it should be - 911 should be called first before Energy Transfer. I don't know how we correct that. Do we ask them to change that? Who has the authority to ask them to change that, to ask them to stop calling Energy Transfer and call 911 when they - people detect an incident or, you know, a situation that should be called. I think it should be 911 first. So maybe that's something we can take up with the Fire Commissioner and PEMA Director and talk to them about changing that part of their criteria.

And the other thing is do you have any other enforcement authority of the regulations?

ATTORNEY BIMLE: We have no enforcement
authority when it comes to pipeline emergencies.

Essentially our legal authority really centers around
the planning preparedness, hazard mitigation and
consequence management side, if there would be -.

CHAIRMAN BARRAR: Okay.

Thank you. Thank you for your testimony
here today. We appreciate you being here.

Our next group of - our next panel is
Ms. Bibianna Dussling - did I say it right, great -
Co-President of Middletown Coalition for community
Safety. Bibianna is a veteran naval officer, and I
think pilot.

Right?

And also we have Mr. George Alexander,
Leadership Team for the Del - Delaware County, Chester
County United for Pipeline Safety. And we welcome you.
I think you have one person you're going to introduce
to us that we don't know. So you can begin when you're
ready.

MS. HARKINS: Good afternoon. My name
is Nancy Harkins. I'm a resident of Westtown Township
in Chester County. And I'm also a member of the
Middletown Coalition for Community Safety. I'm
actually here today to deliver a statement from Eric
Friedman, who couldn't attend.
CHAIRMAN BARRAR: Okay. Thank you.

MR. ALEXANDER: My name is George Alexander, and I'll go first. And in the interest of brevity, I know we're way behind here, I will skip over parts of my prepared statement, but I hope if you're interested that you will read some of that.

I'm grateful for the opportunity to speak with you folks today. There's a lot going on with this Mariner East pipeline project that you need to know about and that you can do something about, if you're interested in doing that.

What I want to do today primarily is to explain why I feel that we here in the southern tier of counties in Pennsylvania are participating involuntarily in a very dangerous pipeline experiment, almost a unique one. And let me explain what I mean.

First of all, as you've heard amply today, this pipeline system does not carry natural gas. There's always confusion around that, but there is compressed gases, gases compressed into a liquid. And their characteristics are sufficiently different from natural gas that it's really important to understand those differences.

If you look at the first page of my prepared testimony, there's an illustration there,
methane being like steam from a kettle rising. Butane, propane, ethane being like fog, settling and spreading on the ground. That's an important distinction. Both are very explosive gases, but the natural gas liquids, the butane, propane and ethane, are heavier than air. And that characteristic makes them far more dangerous.

If you look at the second page, there's a diagram that gives an indication of why they are so dangerous. Methane rises. Methane is natural gas. Methane rises and disperses pretty quickly. And you can see in that diagram there, which is derived from software modeling of the different kinds of gases, that methane, under likened conditions, will form a flammable cloud that might reach 150 or 200 feet downwind, but that's the most, and practically no flammability to either side.

On the other hand, if you take propane, one of the – one of the natural gas liquids, and you do the same modeling, you see that it – with this – this is a rupture of a 12-inch pipe, you get similar results no matter what – proportional to the size of the pipe and the pressure.

Here you see that, in that case, with the identical conditions, the propane will travel 1,500 feet downwind and will spread out to almost 1,500 feet
in width. So you have a huge cloud. And so in the diagram you can hardly see the methane cloud that is dominated by the propane cloud. It's dozens of times bigger than the methane cloud. That's the key problem with these pipelines.

If the Beaver County explosion, which we heard about last fall, had been a pipeline carrying natural gas liquids, it wouldn't have burned a single house. It wouldn't have forced a single family to evacuate. It would have had whole suburbs in flames. And it would have been impossible for first responders to make a reasonable choice about who to help because there would have been houses on fire everywhere and— and people unable to evacuate. That would have been a disaster.

Okay.

Let me go on to the next section on the next page, titled Could the Route be Worse. What you see here is a map of the population density in part of Delaware and Chester County and showing—showing the pipeline route overlaid on that. What you see is that the darker areas, which are the denser areas of population, are where this pipeline is routed. In other words, this is—this route is practically the worst possible route that could be chosen for a
dangerous pipeline. Pennsylvania has no routing authority and Sunoco is free to do this. If there were any reasonable regulation involved in the routing process, in the siting process, this route would have never been chosen. So what we have here is a route that passes very close to over 40 schools, several retirement centers, a bunch of shopping malls and through the heart of various residential districts. This - this is a very dangerous situation. I'm hoping that there will never be reason to regret this, but I fear that there will be.

I'll skip over the bit about the economic benefits, but I think it's worth mentioning that, in fact, the benefits, the economic benefits to the Commonwealth that Sunoco claims are largely fiction. And I'd be glad to discuss that at length.

Similarly, the arguments that Sunoco makes that this pipeline is about energy or that it is a public service are also fictions, and I would be glad to discuss that with anyone who would like to do that.

I'd like to conclude by talking briefly about the Johnstown Flood. That happened almost exactly 130 years ago now, May 31st, 1889. They knew that the dam above Johnstown was leaking. They had tried to fix it on a number of occasions. A lot of
people were raising the alarm that that dam could fail
catastrophically and would threaten everybody down
river from that, and yet no one did anything about it
and 2,200 people were killed, the third worst disaster
in the history of the country.

If there were to be a rupture of the
Mariner pipeline system in the heart of one of our
densely-populated suburbs, it could be equally
disastrous. You've seen the size of that cloud. And
that's just with a 12-inch line. We're talking about a
20-inch line with Mariner East 2.

So we've seen these warnings. We have a
warning from the Beaver County explosion. We have had
multiple small leaks in our area from Mariner East 1.
Those are a warning. We have had sinkholes in two part
- in both counties in the right-of-way of this
pipeline. That should be a warning. And we have
Sunoco's record of constant violations of DEP
regulations, over a hundred at this point. We've been
warned.

So what I urge you to do is to take
whatever steps you can to make sure that this pipeline
is shut down until two things happen, one, that it can
be shown to be safe; and two, that there's a credible
emergency response plan in place, if those things are
even possible to do.

Thank you for your time.

MS. HARKINS: Again, I'm reading the statement of Eric Friedman. You each have a copy. In the interest of time, I'm going to skip over a couple of points that have already been covered about the nature of the product.

My name is Eric Friedman. I'm a resident of Thornbury Township in Delaware County and a member of the Leadership Team of Middletown Coalition for Community Safety. I also serve as the current president of the Andover Homeowner's Association of Pennsylvania, a nonprofit corporation representing the interests of 39 Delaware County landowners. My most important role is to be the best dad I can to my nine-year-old son, whose elementary school in the West Chester Area School District is just one of many placed at risk by Sunoco's proposed Mariner East pipelines.

I appeared before this committee in November of 2016 to testify about the public safety risks associated with Mariner East and the lack of preparedness to protect the public from hazards. Thank you for the opportunity to testify before you again because these problems have not gone away.

The primary purpose of Sunoco's proposed
Mariner East system is not to provide fuel or energy. Rather, it is to transport byproducts of fracked gas production to Sunoco's expert terminal on the Delaware River for shipment overseas.

From a preparedness standpoint, Mariner East is a perfect storm of risk, one of the leakiest operators in the business, proposing to transport industrial quantities of the most dangerous materials through the densest population corridor in southeast Pennsylvania, all with no credible plan for the protection of the public.

Sunoco may tell you that it's a safe operator of pipelines or that it has operated pipeline safety in Pennsylvania for many years, but the word safe and safely have no objective meaning. The reality is that Sunoco has reported 309 pipeline accidents to the federal government since 2006. The last time I appeared before you, the corresponding number was 279, demonstrating that Sunoco continues to rack up accidents at an extraordinarily high rate.

To put this number in context, more than 2,000 pipeline operators are tracked by the Federal Pipeline and Hazardous Materials Safety Administration. More than half of them have reported zero accidents over the same time period. Sunoco has reported 309.
Sunoco is far from the largest pipeline operator in terms of mileage, but it's at the very top of the list when it comes to the number of accidents.

Sunoco is not just an outlier in this regard. It is an extreme outlier. Delaware County has been the site of many of these accidents. Some examples are in 200 when a Sunoco pipeline ruptured in the John Heinz National Wildlife Refuge, spilling 192,000 gallons of hazardous liquids. Edgmont Township has been the site of three recent accidents, in 1988, '92 and 2015. Middletown Township has been the site of two recent accidents, one discovered in 1996, directly across the street from the entrance to Glenwood Elementary School, and another in 2004, near the intersection of heavily traffic State Route 1 and State Route 452. And this past June yet another Sunoco pipeline ruptured near Philadelphia International Airport, releasing more than 34,000 gallons of gasoline into Darby Creek.

Sunoco may tell you it can detect leaks on its pipelines. The reality is that its leak detection systems are unreliable at best. None of the accidents I mentioned were detected by Sunoco, but they all involved hazardous liquids that were not highly volatile. As pipeline consultant Richard Kuprewicz put
it recently, upon pipeline rupture, HVLs will essentially release the entire volume between closed valves regardless of pipeline elevation. For a typical six-foot segment of 20-inch pipeline this volume is about half a million liquid gallons. Had any of these incidents involved HVLs, the results could have been a mass casualty situation.

And the release of a massive quantity of HVLs from a Sunoco pipeline is hardly hypothetical. In January 2015, Sunoco experienced an accident on its Mariner South system that released just under a half a million gallons of propane. This is just one of its seven reported HVL accidents since 2014, three of which occurred on Mariner East and one in less than a year.

Sunoco tells you that it meets or exceeds the regulatory requirements for pipeline construction and operations. The reality is that Sunoco has a long and checkered history of what the Pennsylvania Department of Environmental Protection called willful and egregious noncompliance with state law and permit conditions. In an Administrative Order issued in January 2018 DEP stated that Sunoco had engaged in unlawful conduct that demonstrates a lack of ability or intention on the part of Sunoco to comply with the laws of our Commonwealth.
It's the same story at the federal level, too. PHMSA has initiated enforcement action against Sunoco pipeline an astonishing 46 separate times since 2002.

What would the consequence of a large HVL accident look like? In 2018, Del-Chesco United for Pipeline Safety, with financial support from a number of municipalities commissioned an expert risk assessment of Mariner East. This assessment concluded that a large release of HVLs could produce fatal impacts to people within about 2,100 feet from the point of release.

Then in November of 2018 Delaware County Council publicly released its own risk assessment of Mariner East and the results were shockingly far worse. The county's study modeled lethal thermal and shock wave impacts that could extend to a mile and a quarter from the point of release. The report informs us that the shock wave from an HVL explosion would be fatal to people within one mile radius, which is a three square mile area, regardless of whether they are inside or outdoors.

Sunoco's generic one-size-fits-all public awareness program informs the public that in the event of a suspected HVL leak they should leave the
area immediately on foot. The impossibility of large
numbers of residents successfully self-evacuating means
that hundreds, if not thousands, of people may be
trapped within a blast or impact zone awaiting an
ignition source. And as Tim Boyce, who we heard from
this morning, predicts recently, if these products are
released in our community, they're going to find an
ignition source. There's no reasonable person who says
that if released in large quantity it's not going to
ignite.

Here are some things Sunoco will not
tell you. It will not share with you its estimate of
the range at which thermal and blast effects from
accidents on its HVL pipelines can be expected to kill
people. It will not tell you its estimate of how many
fatalities it believes will result from such an
accident or the cost of such an accident in terms of
mass destruction of property. It will not offer you
any guarantee that its pipelines won't continue to
leak.

It's not my purpose to create
unreasonable fear. After all, Sunoco hasn't had a
pipeline rupture in Delaware County since June 2018.
But it does have more reported leaks from its pipeline
than just about any operator — any other operator. And
highly volatile liquids present a greater hazard than virtually any other material.

I've concluded that the most important function of government is to reasonably provide for public safety. As members of the community responsible for emergency preparedness, I hope you may agree. The committee has been informed since at least 2016 of the triple threat associated with the transport of industrial quantities of extremely dangerous materials in close proximity to dense, vulnerable populations by a leaky and accident-prone operator. This committee has been notified that there is no credible plan to protect the public from continued Sunoco accidents. The committee should be fully aware that a large accident on Mariner East could result in the destruction of an elementary school, church, residential subdivision or senior living facility. Public emergency preparedness for such an accident is wholly inadequate. And in fact - in fact, appears impossible.

So perhaps the question before this committee and the General Assembly is just how often we are willing to lose an elementary school full of children. If you, like me, find that unthinkable, then I respectfully urge you to exercise the authority you
possess to ensure it never happens.

There's additional material in that packet, but thank you.

**MS. DUSSLING:** Good morning, Chairman Barrar and all members in attendance today. My name is Bibianna Dussling. I am a resident of Middletown Township in Delaware County, parent of three young children and a veteran naval officer.

Back in 2016 I testified before this committee and its Senate counterpart and detailed my experience in the Navy as far as positions I have held and so forth. I won't go into all those details now, but I know that planning for anything less than the worst-case scenario puts lives at risk.

I thank you for the opportunity to testify again, but I am utterly disappointed that I must reiterate my conclusion now from two-and-a-half years ago. This proposed pipeline system poses an unacceptable level of risk to our lives, our children's lives and the lives of thousands of Pennsylvanians.

Sadly, Sunoco, Energy Transfer's own conduct during construction of this project now and operation of their workaround hybrid line that they now refer to as Mariner East 2 has proven - has further proven this to be the case.
Many of the issues that have occurred along Mariner East since our last testimony were, in fact, predicted prior to construction and even prior to permitting. The current regulatory structure has allowed its project to continue despite Sunoco's egregious record and conduct on this project. It has left over 100 municipal entities, counties, school districts, townships, scrambling to develop individual safety plans for a project already underway based on incomplete information and Sunoco's generic safety guidance of self-evacuation on foot yet the idea that the unique patterns of Mariner East's HVL pipelines in immediate proximity to schools, recreational centers, senior living facilities, densely-populated residential and commercial areas can be made, quote, unquote, safe through planning is seen as simply to be a fallacy.

These municipal entities are bearing the burden of our government's responsibility for the public's health, safety and welfare and then finding they cannot adequately do so in the face of Mariner East's risks have communicated this to the Governor and the PUC.

State Senators and Representatives have sent communications insisting that this project be halted, oral complaints have been filed with the PUC,
and multiple municipal entities have intervened as
impacted parties, sounding the alarm on this project.
Despite all this, we are still left to grapple with the
impact on our communities, townships and first
responders left without the power to adequately
safeguard us. Reliance on regulations by the PUC have
left these pipelines being cited without consideration
for public safety, as we've heard.

The bravest, best trained and most
well-equipped first responders can only seek to
minimize casualties at this point, not prevent
catastrophe with the circumstances that are being
presented under Mariner East.

If Sunoco were as interested in public
safety as they claimed, where are the basic safety
considerations they've discussed and others have
discussed, such as gas eaters for first responders and
municipal officials, carbon detectors and early warning
systems for all impacted communities? Where are the
basic safety considerations before the project began?

We already have most of the construction
complete, much of it at least, and the work around the
pipeline in operation today. This project was routed
for their convenience and bottom line, leaving us to
face these harsh realities when it comes to the concept
of safety plans.

In reality, the PUC, as the default regulator of this project, and Sunoco's pension for secrecy leads to little to no regulation of other activities along the pipeline route in the interest of public safety. Given the potential catastrophic results of a rupture that has been discussed, it's unacceptable, for example, that municipalities have no say in activities such as excavation on active pipelines or maintenance on active pipelines in their community. First responders and municipalities are not being given prior notice of such activity and proximity to active lines unless other aspects are involved, like shutting down a lane of traffic, which was the case in Middletown along Valley Road, when maintenance was conducted on an active 12-inch pipeline. The only reason the township was informed is because they had to shut down a lane of traffic. And then the township took it upon themselves to inform the first responders.

On April 24th of this year, in Middletown as well, the sinkhole that has been discussed before measuring 12 feet by 12 feet by 12 feet dissolved on the Mariner East easement in front of the State Police barracks, across the street from the active Mariner East drill site installing the 16 and
20-inch pipes along Route 1. This is also across the street from Grant Farms Estates, the largest senior citizen community, and on the shoulder of the busiest highway in town.

In immediate proximity to the sinkhole is a 1930s era 12-inch liquids line now repurposed by Sunoco to bypass the incomplete section to Mariner East and transport these HVLs. Upon notification that this had occurred, township engineers and public safety officials were not even able to inspect or verify if any impact on the active 12-inch line because Sunoco had immediately filled in the sinkhole. Despite the lack of inspection or determining the cause of the subsidence, drilling was allowed to continue across the street unabated, and the 12-inch line remained operational. From communications with our township council, I know they were told a safety investigation was conducted by the PUC and would be complete within ten days.

More than 30 days have now passed with no answers as to the cause or remedies yet construction and drilling have continued, and the 12-inch line is still operational, just south of that same sinkhole, down the same right-of-way, by Glenwood Elementary, where my children and now 462 students attend, slightly
more than the last time I testified and detailed what
an evacuation of that school would look like. That
12-inch line runs right by Glenwood and is still active
despite the lack of answers regarding the sinkhole.

In Middletown, we are just one community
in which Sunoco now plans to resort to open trench
construction throughout areas where HGD attempts have
failed. The pipe can be buried only a few feet deep
through even more backyards along yet another of our
busiest roads, leading us to be more vulnerable to
potential catastrophe after further tearing up our
community.

One of the main residential streets
impacted by this change is War Trophy Lane in my
neighborhood of Riddlewood. We're a neighborhood with
many of our original elderly residents. We have many
young families just starting out having babies and
young children. And like all neighborhoods, we are
home to disabled individuals.

I have a statement to read from Michelle
Strain, the mother of one of our disabled residents who
happens to live on War Trophy Lane. I would like you
to consider her statement and the context as Sunoco's
plan for residents who fail to evacuate on foot in case
notified of a pipeline leak and as representative of
our many disabled residents. I'll read portions of the statement at this point.

So to quote Mrs. Strain, I have four children, but I am most concerned about evacuating my child with special needs. He is 15 years old and weighs more than I do. He has a severe intellectual disability, autism, PTSD, and is legally blind, along with numerous other conditions. He sustained a spinal cord injury four years ago and cannot walk without his braces and some days the muscle spasms make it nearly impossible for him to move. He has medical procedures that need to be completed every three hours around the clock and needs numerous supplies in order to facilitate these procedures.

If we were to leave the house in an evacuation, we would need to pack his braces, walker, wheelchair - you see the list of what they would need to bring with them in front of you. He takes 54 pills each day, plus an additional six pills as needed. A lot of his medical supplies are specialty items that must be ordered and not available at local pharmacies. How can I keep him safe and reasonably carry all of his medical supplies? Is this pipeline worth the risk? Who will be looking out for the young, elderly and disabled? Sincerely, Michelle Strain, 48 War Trophy
Our community and all communities along Mariner East are being put in an untenable position. The combination of lack of effective PUC regulation and consideration of public safety in planning this project plus the disregard for public safety has progressed, leaves one option. Mariner East must be shut down.

At this point, the best attempt at a safety plan cannot sufficiently mitigate the risks. In 2016 I asked the committee to take a step back to look at a bigger picture of Mariner East. We do not have that luxury now. We need actions.

Reverting back to my training as a military pilot, I say reverse course. I had an oath to uphold, as do you. I had people whose lives were in my hands, as do you. It is unfortunate you are being put in this position, but leadership often involves difficult decisions. But this one is clear. The concept of public safety no longer exists in the context of Mariner East. It must be shut down. Thank you.

CHAIRMAN BARRAR: Thank you.

Going now for questions. Representative Otten?

REPRESENTATIVE OTTEN: Thank you, Mr
Chairman. Thank you for your testimony. I just wanted to clarify some of the things that you mentioned. The 12-inch pipe – the 12-inch workaround pipeline is currently active near where the sinkhole was in Delaware County. Is the eight-inch pipeline, which is also currently active, is that in the same proximity as well?

MS. DUSSLING: No, it is not. The 12-inch was in the immediate proximity of the sinkhole. The eight-inch does cut across the northwest corner of Middletown but not along that portion.

REPRESENTATIVE OTTEN: So they separate?

MS. DUSSLING: That's correct.

REPRESENTATIVE OTTEN: In my community, where the people happen to – and so the other question I have for you is Glenwood Elementary, because similar to Glenwood Elementary, in Chester County we have Marsh Creek Elementary as a Sixth Grade Center. But it's not just the pipeline that passes through that elementary school property. It's also a valve station. And can you speak a little bit to the valve stations and what additional risks they might bring to school children, evacuation of school children? And it's not just Glenwood, it's also in Chester County. Marsh Creek Sixth Grade Center also have the same – so could you
expand on that a little bit?

MS. DUSSLING: Certainly. So the pipelines run through a right-of-way immediately adjacent to Glenwood Elementary. The valve station is located in that right-of-way. It is let me see. It is within sort of Blackstone zone. Glenwood Elementary and the kindergarten playground are within a distance of Blackstone valve station. It is immediately adjacent to the parking lot that is up and built and right alongside the route the buses take coming and going from the school. And just to the north side of another busy road, Lenni Road, that borders the property. So it is there.

Those pipelines come above ground there. It is not currently - we had to discuss with the school district, and they have been with Sunoco about additional steps that could be taken to secure the valve station. And out of those discussions and their efforts with that new fence - new chain link fencing has been added and I believe barbed wire to the top of that fencing. As far as we understand, there are no additional security measures being taken with that, but the concern is certainly, even though valve stations are a safety feature as far as the automatic shutdown valves for the entire - that route of pipeline, if it's
coming above ground it is more vulnerable. It is exposed to the elements. It's exposed for any accidental or purposeful foul play. And simply, valves themselves are more like - are a site of higher degree of risk as far as prone to leaks, corrosion, and they're - like I said, it is - it runs - it is right by homes, so ignition sources are plentiful right next to that valve station.

REPRESENTATIVE OTTEN: Thank you.
I just would like to echo that we have the same issue in Chester County, in my district. Also the valve station is secured by a chain link fence. And the way that it's positioned on the road, something as simple as a car could easily come off the road, as they often do in icy conditions, and hit that valve station. But also as we currently are dealing with three days of tornado warnings in a row, some of the things we don't necessarily always think about are a concern, especially with children involved.

CHAIRMAN BARRAR: Thank you.
Representative Comitta?

REPRESENTATIVE COMITTA: Thank you, Mr. Chairman. And thank you, each of you, for being here and for your persistence, research and voice and speaking out and demanding safety for your families and
your neighbors in our communities. I applaud you and I am grateful for all of your efforts. And I believe that you're making a huge difference.

The question that I - something I haven't heard anyone mention about is air quality monitoring at construction sites. This is an issue in East Goshen, in my district, concerns about what is in the air that is being generated during construction, whether it's bentonite, dust or whatever it might be. So that's something we're working on at the local level. We understand that there really is no agency that monitors the tiny particles of emissions, of fugitive emissions at a base site, that the DEP monitors dust that you can see. So I'm just wondering is this an issue or a non-issue in your experience in Delaware County, the air quality concern? I mean, it might be an issue, but is it one that you've been following or working on?

MR. ALEXANDER: So it's clearly a known issue. It's been discussed on Facebook pages and so forth to a certain extent. I am not aware of any actual involvement by regulators or municipalities specifically to try and mitigate this. I know that at some of the construction sites, so - although bentonite in its liquid form is relatively innocuous, as it dries...
and becomes a powder, it can be a significant health hazard. And it should be something that we worry about, but I don't really know of any action that's been taken.

MS. HARKINS: And I would just add that in Delaware County, but it's right on the borderline because it's very close to my house in Chester County, the Andover community is the site of a former apple orchard. And the soil is known there to be contaminated with arsenic and other very toxic chemicals. And when they built the development, they had to mitigate for that.

The grass and the trees have been removed now because of construction and dust from toxic dust is an issue there. And residents along that area - and I have also done this because it blows, it doesn't just stay in Delaware County - have contacted DEP, contacted the conservation district, contacted the township, and the response has not been very robust, I'll say.

And it's also an issue with not just air but if it gets - if mud is tracked onto the road, there can be a problem with runoff.

CHAIRMAN BARRAR: Representative, can we - we really need -
REPRESENTATIVE COMITTA: That's fine.

Yes.

CHAIRMAN BARRAR: - to keep this to emergency preparedness -

REPRESENTATIVE COMITTA: You got it.

CHAIRMAN BARRAR: - type issues. Okay?

We've gone off into the environment.

REPRESENTATIVE COMITTA: Well, actually, it's a human health issue.

CHAIRMAN BARRAR: It is, but we're here to discuss the emergency -

REPRESENTATIVE COMITTA: Fair enough.

CHAIRMAN BARRAR: - response and -

REPRESENTATIVE COMITTA: That's fine.

CHAIRMAN BARRAR: - I'd like to stay there if we can.

REPRESENTATIVE COMITTA: I understand.

Thank you.

CHAIRMAN BARRAR: You can take that up with the Environmental Committee.

Okay.

Anybody else for questions? All right.

Thank you for being here today. Okay.

We appreciate your testimony.

Our next testifier. Our next panel is
Ms. Gladys Brown Dutrieuille. Did I say it right?

MS. DUTRIEUILLE: Dutrieuille (corrects pronunciation).

CHAIRMAN BARRAR: Dutrieuille. Okay.

Good. My Spanish – I mean, my French is terrible.

And Mr. Robert Young, the Deputy Director - Deputy Chief Counsel for the Pennsylvania Utility Commission.

Great to have you here. We were surprised to get the chairman here of the PUC, so very happy to see you.

MS. DUTRIEUILLE: Thank you very much, Chairman Barrar and members of the House Veterans Affairs and Emergency Preparedness Committee. My name is Gladys Brown Dutrieuille. Long name but very simple pronunciation.

I'm happy to be here to represent the Commission today. I do have with me Robert Young, who is one of our Deputy Chief Counsels and here to assist me with any questions that you may have at the end of my testimony.

I know it's been a long day for you, and so I will try to really skip over the first four pages of my testimony and just condense it and letting you know that gas safety is very important to us. But as
Acting Director Padfield stated in the beginning, in terms of what - he stated in terms of it being a very complex matrix of federal and state laws that really regulate the gas safety emergency preparedness, it is truly one where we have federal and state authority. But we, as a statutory-created entity, are ones that make sure that we follow what the law provides for us to do. That includes our relationship on the federal level with PHMSA and the relationship we have with them to follow through with gas safety.

So with that, let me just go into what we are here for today, and that is to talk about the pipeline integrity management. With that, my comments in the hearing, talking about the public safety aspects of gas and hazardous liquid pipeline systems, one of the most important tools related to the public safety is the pipeline integrity management. And I - as I sat here today and heard most of your questions, it truly is the focus of what your concern is here today.

This is especially true for pipelines in high consequence areas defined in the pipeline safety regulations as an area where pipeline releases could have a greater consequence to health and safety or the environment, including high population areas, sensitive ecological areas and drinking water resources - or
The Federal Hazardous Liquid Pipeline Safety Regulations contained in the Code of Federal Regulations for pipeline integrity management apply to pipelines that could affect high consequence areas. The Federal Regulations are performance-based regulations that require the pipeline operator to develop a written integrity management program to address pipeline risk.

As part of their pipeline integrity management efforts, regulators are required to analyze several different factors, such as the probability of occurrence, risk identification, consequence of occurrences and risk reduction. Additionally, the operator's pipeline integrity management plan is a living, breathing document. An operator must continually change the program to address current and potential risks.

We know that public awareness is very key to all this as well. The Federal Regulations require pipeline operators to develop and implement public awareness programs that follow the guidance provided by the American Petroleum Institute, or API, and incorporated by reference in the Federal Regulations.
The API public awareness program is an industry consensus standard that provides guidance and recommendations to pipeline operators for the development and implementation of enhanced public awareness programs. It addresses various elements of such programs, including the intended audiences, the kinds of information to be communicated, frequencies and methodologies for communicating the information and evaluation of the programs for effectiveness. The primary audience is affected members of the public, including residents, businesses, customers and schools along the pipeline and the right-of-way along with emergency response and planning agencies such as the state, county and local ones, public officials, government councils and excavators known to work on or on the proximity - or in the proximity of the pipeline.

So as I turn to the emergency response planning, the API public awareness program includes requirements for notifications and meetings with emergency response officials. The meetings are used to identify pipeline locations, emergency contacts, potential hazards, emergency response plan review, how to safely respond to a pipeline emergency and overall preventive measures performed by the operators.

For example, hazardous liquid operators
are required to have procedures to notify fire, police and other public officials of emergencies and coordinate with them to pre-plan an actual response during emergencies. Communication, as we know, is very important, very important between the entities, especially the county governments and municipalities, the school districts and the various state agencies.

In addition to inspections for public awareness procedures and emergency response training, the PUC has coordinated and attended meetings with highly volatile liquids, or HVLs, operators and impacted local county and state officials. Through our Investigation and Enforcement Division, multiple meetings have been held with local and county emergency management agencies, members of the Pennsylvania State Senate and House of Representatives as well as PEMA, DEP, school boards and PHMSA in an effort to ensure that all parties are communicating and to identify immediate resources. Our I&E is in regular contact with PHMSA regarding HVL lines under joint jurisdiction.

Pipeline replacement - and I have heard the comments also in terms of the concerns of aging infrastructure. Another factor - this is another factor that must be considered in the overall landscape
for pipeline safety, which is the replacement of aging
and other at-risk pipelines, especially older cast iron
and unprotected steel lines that are still in use
across the state.

The Commission has approved long-term
infrastructure improvement plans, and we refer to them
as LTIIPs, for the majority of large natural gas
distribution companies in the Commonwealth.
Correspondingly, for each of these companies the
Commission has approved Distribution System Improvement
Charges, or DSICs, to facilitate recovery of
infrastructure mediation - remediation expenditures.

LTIIPs provide a five to ten-year
forward-looking plan for pipeline and distribution
asset replacement with associated budgets. Even though
I keep referring to the distribution companies, the
Commission periodically reviews LTIIPs to ensure that
the companies are meeting the established metrics and
are replacing the riskiest pipes.

The Distribution Integrity Management
Programs, I want to turn to that next, which are called
DIMPs, they apply to natural gas distribution
operators. The DIMP regulations were established to
reduce risks and fails - and failures specific to gas
distribution systems. I&E conducts robust DIMP
inspections of the operators, often resulting in noncompliance actions. These performance safety regulations require a deep dive into the operator's data. Overall, the goal is to ensure that the operator develops plans to reduce risk on all threats. Pipeline replacement of cast iron, bare steel pipelines is the most common way to reduce the largest risk for most operators. This ties into the operator's LTIIP. Pennsylvania was the first state to begin annual DIMP inspections of large pipeline operators and we remain committed to continuous improvements.

So I just want to sum up my testimony in saying that it's important to know that there are common threads to some recent high-profile public complaints regarding pipeline development in Pennsylvania, which are currently out of reach of the PUC, including the absence of siting authority for pipelines, the stacking of multiple pipelines within a right-of-way corridor and increased residential and business development along existing pipeline rights-of-way.

While different pieces of legislation have been introduced over the last few years related to these topics, most remain unresolved, leading to increased friction between operators and the
communities they pass through. While these matters are outside of the jurisdiction of the Commission, they are shaping the ongoing public discussion involving pipeline safety and are matters that the General Assembly may wish to consider. The Commission will remain focused on the areas where our jurisdiction lies, and that's in pipeline integrity.

I hope that my testimony today, as it was detailing the PUC's responsibility, has been helpful to you. As I've stated before, I've skipped over the first four pages. They are important pages, nonetheless, but I believe that you have heard them before. And I am here, along with Bob, to answer any questions. But before you ask your first question, I just do want to emphasize that as a quasi judicial agency we do have many proceedings that are before us. They're open docket proceedings. So I apologize in advance if I have to give you the standard that could be impacted by a proceeding and I cannot answer that question.

CHAIRMAN BARRAR: Thank you.

Do you have the authority to shut the pipeline down? And under - if you do, under what circumstances?

MS. DUTRIEUille: Now, I'm going to
answer the question. I do not believe that - well, we do have the authority to shut it down, and we have shut it down on certain occasions where there has been an incident. And I will leave it at that because that follows along with our gas safety requirements that we are required to do whether it's under the state or in most cases it's under the federal requirements, under PHMSA. So you have seen that a couple of times. I've signed the Emergency Orders where we've had to shut it down. I don't know if that's the way in which you are asking the question.

CHAIRMAN BARRAR: It's just I get people all the time that tell me we should shut it down. Well, first of all, I know the legislature has no authority to shut it down. The Governor - I would assume the Governor does. And I always assume that the PUC has the authority to shut down this pipeline if they perceive that there's something wrong with it.

MS. DUTRIEUILLE: Correct. And we have done that.

CHAIRMAN BARRAR: The integrity of the pipeline may not be consistent, so we have that authority at that point.

MS. DUTRIEUILLE: And we have done that.

CHAIRMAN BARRAR: Okay.
We hear a lot about - we heard the testimony of our citizens about 400 and some accidents that was - that has been reported by - from Solo Logistics. What constitutes an accident, a reportable accident?

MS. DUTRIEUille: I'm going to let Bob answer that question.

MR. YOUNG: Under the PHMSA regulations it's a release of a minimum quantity - a minimum quantity, a gas injury or death or I believe property damage over a certain level, I believe $25,000, is what is a reportable incident under - under the PHMSA regulations.

CHAIRMAN BARRAR: And it would be the PUC that would have the authority to enforce those regulations then?

MR. YOUNG: Yes.

CHAIRMAN BARRAR: And as part of that, you enforce the - you would enforce and assess a fine under most circumstances, some type of monetary damage?

MR. YOUNG: I would think under most circumstances it's the - the more important piece is a corrective action plan to remedy whatever the underlying violation is.

CHAIRMAN BARRAR: Okay.
MR. YOUNG: The fine aspect of it goes to the General Fund. And our concern is less about the actual fine than corrective action.

CHAIRMAN BARRAR: Right. Absolutely. I would hope so.

One other question. Now, I saw where - I always call them Solo Logistics, but it's Energy Transfer, but that they've repurposed basically a large section of the pipeline now and are repurposing it now to carry the other - other type of liquids that they were carrying before.

In that - do you have the authority, because pipeline integrity is your authority, too. Is that okay? They're using - some of the pipelines they're using was established in maybe the 1930s, 1940s or so. And do you approve that? Is that an approval process that's done through the PUC or who has the authority to allow them just to discontinue the new pipeline and then tap into the old pipeline, and is it - and is it - is it considered best practice?

MS. DUTRIEUille: Let me just start with anything that we do in terms of the agency, the focus is on safety. And we - as I stated before, we have - well, my testimony provides that we have a certain number of gas safety inspections. Currently we have 15
and we're looking to, in our current budget, to increase it to four more. And you'll probably see that more and more each year as we come forth with our budget, because our focus is on gas safety. So they are out there on a regular basis looking at things. But did they have to come in and ask us permission beforehand?

**CHAIRMAN BARRAR:** Right.

**MS. DUTRIEUille:** They did not. They gave us notice. But we are always going out there and looking to see in terms of their infrastructure, in terms of whether or not it is appropriate for use and things of that nature.

**CHAIRMAN BARRAR:** But the depth of the old pipeline would be different. I mean, Energy Transfer basically bragged about the fact that they're exceeding - their new pipeline is exceeding the standards required by the best practice model that they use. But the new pipe - the old pipeline, I can tell you parts of my own district that there are areas where the tops of the pipeline are actually visible in certain neighborhoods. Is there authority to go back and ask them to take that down to the 48 inches and make it consistent that they're - of what they're doing throughout the new section?
MS. DUTRIEUille: Let me just answer that generally because that goes into we do have certain proceedings that are - I'll continue to say that our gas safety inspectors, of course, go and look at that. Of course they're concerned about making sure that the infrastructure is intact and is able to be used. And I don't know if Bob wants to add onto that.

MR. YOUNG: At the risk of corrupting the Chairman, in 20 -

CHAIRMAN BARRAR: You can never do that.

MR. YOUNG: - in 2013, 2014, Sunoco filed with the Commission for permission to reverse the flow, make tariff changes, abandon their defined petroleum product service as a preliminary step to instituting the NGL services that they're now providing today on ME 1. And that proceeding went through the Commission. It was unopposed by the general public. It met with the internal guidelines and the Commission approved the reversal flowing as issued, a certificate of Public Convenience in one county where Mariner East was going to operate as new service where the other counties - I believe the other 16 counties had already had existing service rights.

And one of - one of the reasons for that, and it's been well documented in numerous
Commonwealth Court cases, is the fact that the Commission's regulation of petroleum products covers a broad category of materials. And the highly volatile liquids that we've been talking about today are classified both state and federally as petroleum products. So one of the calls the Commission was asked to make five years ago was whether these new services were within the existing Certificates. And the Commission held that they were. And that's been upheld by numerous Commonwealth Court Decisions.

So if a company came in similar to Sunoco and was breaking new ground and had no existing pipe, no existing assets in the area, it'd be a completely different story as to how such a pipe would go - or a pipeline would be constructed. From day one Sunoco had existing certificates for petroleum products service, which covered what they're doing today.

CHAIRMAN BARRAR: But by taking a natural gas pipeline out of service, basically repurposing it or redirecting it, okay, are we continuing now to leave the southeast underserved when it comes to natural gas or the heating of our homes and things? If we get a severe winter, is that taking another pipeline away from us that will - to provide natural gas to this area?
MS. DUTRIEUILLE: I actually, Chairman, don't know if that's an appropriate question or fair question.

CHAIRMAN BARRAR: Okay.

MS. DUTRIEUILLE: I really don't have the answer for you on that.

CHAIRMAN BARRAR: Well, my only concern is this winter, if we have a very severe winter, as we've seen in the past, are we going to be in a situation where we're short of natural gas because now they've taken a pipeline out of purpose here.

MS. DUTRIEUILLE: Right. And when you asked your original question, I thought you were - I was assuming you were talking about the most recent pipe that was used for the go around route and not back to five years ago.

MR. YOUNG: To answer your question directly, the original Sunoco pipeline was not transporting natural gas. It was transporting refined petroleum products from Philadelphia westward.

CHAIRMAN BARRAR: Okay.

MR. YOUNG: So it had no effect on the natural gas flow to the eastern part of the state.

CHAIRMAN BARRAR: Then I'm mistaken.

MR. YOUNG: None at all. In fact, the
one thing where Mariner East has probably the greatest local benefit is the flow of propane from western Pennsylvania into eastern Pennsylvania. For those areas that are not served by natural gas, it has definitely helped the flow and the price of propane to the consumer. That's one of the most direct benefits to this region from the propane service provided by Mariner.

CHAIRMAN BARRAR: Great. Thank you.

Representative Quinn?

REPRESENTATIVE QUINN: First I want to say thank you for being here. And I'm going to do my best not to go into issues that are currently pending. So for me you made a statement - you talked about the riskiest of pipelines. And I have legislation currently pending I would love to see moved in the House that would mandate that if you have an issue - or if Sunoco has an issue with one of their lines, that they would have to inspect the full line, not simply that small area where they have the specific issue. Is that a needed piece of legislation to give you that authority or do you already have that authority today?

MS. DUTRIEUILLE: I'll turn to Bob for that.

MR. YOUNG: I think the Commission has
that authority and exercises it currently based on the way the integrity management programs are designed, that if there's a - say, for example, a corrosion issue detected, the - they will look at when that pipe was installed, what type of steel was installed. And if they find that that was limited to steel that was, say, installed as a replacement in 1975, they will look and they will also go to other utilities and find out everybody else that had that type of steel and they will flag that as a potential issue for the utilities to look at.

When we were talking about risky pipe, we were talking not necessarily the particular type of pipe, the Mariner pipe that we're talking about today, we're talking the cast iron - the pipe that was installed, some of it back into the early 1900s, that was not installed with cathodic protection as pipes are today. And there's a risk analysis based on, as the Gas Safety Division reviews incidents, they look and - they look, and if they find a problem that it is eight-inch cast iron pipe installed from a certain steel mill in a certain timeframe, they'll go out to the other utilities and say, hey, how much of this pipe do you have. It should be placed on a higher priority for pipeline replacement.
So to the extent that if there's an issue developed that may look narrow, the Gas Safety Division will look at it to see whether there's a wider exposure. Now, they don't do it - they won't mandate, say, an inline inspection to run over a 300-mile pipeline just because of an incident that might - they'll focus on the specific data points that are driving the investigation of that incident.

REPRESENTATIVE QUINN: Thank you.

Appreciate it.

CHAIRMAN BARRAR: Representative Otten?

REPRESENTATIVE OTTEN: Thank you, Mr. Chair.

Two quick questions. You mentioned - I believe on of you mentioned the classification of the product being broad both at the state and federal level. My understanding has always been that it can only be changed at the federal level. Would they be able to legislate a reclassification of NVLs at the state level if even at the federal level you can do that? Would we be able to afford something like that or would we be able to legislate that?

MS. DUTRIEUILLE: I'm not sure exactly. If I could answer your question in terms of the classification. Were you talking about the type of
pipelines and where the one was a state versus a
federal pipeline or joint?

REPRESENTATIVE OTTEN: I think it was
Bob that mentioned it. I think it was the
classification of - I mean, we've had this conversation
before, the classification of NVLs and petroleum
products, when they're very different than petroleum
products, in the general sense, and that they're -
they're - that classification is what drives the
regulation. If there is an ability for us at the state
level to change that classification or is that
something only at the federal level?

MS. DUTRIEUille: Well, I can say in our
statute. Our statute refers to petroleum products.
And if you're looking at that, that that's something
that the General Assembly did create.

I don't - I'll allow Bob to step in on
terms of federal level.

MR. YOUNG: Well, the Public Utility
Code does not contain a definition of petroleum
products. And I would think the General Assembly is
well within its power to define any term that it uses
in any statute.

Now, with that said, it might create a
conflict between state and federal law that might be
somewhat difficult to resolve. But in this particular case, when we're dealing with petroleum products, the state has a bit more authority to regulate, particularly when it's a state and public utility involved, than it does if this was an interstate natural gas transmission line, where there's very strong federal preemption as to what the states can and cannot do. The petroleum products are regulated federally under the Interstate Commerce Act, which does not have that same level of federal preemption.

Now, when you turn to the safety side, outside of the Interstate Commerce Act, you're dealing with the pipeline safety acts, which there's probably a dozen of them or more that have all kinds of definitions and create a different definition that exists under the federal safety scheme. It's going to be difficult to reconcile, but it is clearly - it is clearly something within the General Assembly's power to do.

REPRESENTATIVE OTTEN: Thank you.

And then the other question I have, Chairman Brown, you said that you do have the authority to shut this project down if it's a safety concern. And so, obviously, today we've heard a lot of different testimony. I know you have several cases at the PUC.
I guess my question goes a step beyond that and says let's say that, you know, you hear all the testimony, PUC cases are all resolved, if this project is generally just not safe, it's a poorly-sited project, it's just not ever going to be a safe project, does the Commission have the ability to pull a PUC Certificate or the conditions around a Certificate or -

I mean, does the Commission have any ability to say this is not a good route for this kind of product, this is not a good plan at all, we've demonstrated that through many different ways, and therefore we're going to modify or change the requirements of the PUC Certificate?

MS. DUTRIEUILLE: I appreciate the question. I really do, which has been generally questions that have been posed to us as a Commission. That goes to my concerns that I expressed in the beginning, that those are matters that are before us and is part of litigation and it's just not something that I, as one of the final arbitrators of it, can get into.

MR. YOUNG: I will say that this project is a dual-jurisdictional project, which is proceeding under both state and federal law and that if the - if it was no longer a state project, for whatever reason,
it would have no effect on the federal side.

CHAIRMAN BARRAR: And Representative Comitta?

REPRESENTATIVE COMITTA: Thank you, Mr. Chairman. And thank you, Madam Chairwoman and Deputy Counsel. I really appreciate you being here and your patience, too. Thank you for that.

A couple of questions. Concerning communications and pipeline safety, as you heard, I and many have been asking Energy Transfer to hold public meetings so people can get their public safety, emergency, evacuation questions, whatever's on their mind, answered by the Energy Transfer personnel. And they have - they have repeatedly said we're looking into it, but there have not been any public meetings held. And so the question is, since Energy Transfer is a public utility, has public utility status, is there any requirement or what is the role of a public utility in terms of engaging with the public?

MS. DUTRIEUille: Well, I think I emphasized generally in my testimony in terms of communication is very important. We have heard your concern. You have talked to us about this many times. We feel it's important for them to engage with the community, to provide that information that is needed
to them. And I'm not sure if you're asking along the lines of what we at the commission could do. I mean, we have been making sure that we've reached out to them and stressed to them in terms of the importance of communication. And I'll turn it over to Bob for the rest of the answer.

MR. YOUNG: The answer is really found in the public awareness part of the PHMSA Regs, which require a robust public awareness program. And then when you turn down to the document that they - PHMSA incorporated by reference, the recommended practice, I believe it's 1162 from the - from an industry trade group, that is absolutely clear that involvement with the general public and with interested stakeholders is both required and encouraged.

Now, there may be various reasons that one - that a pipeline operator may choose to do a public meeting in one area but not another based on litigation that's ongoing. But in general, the answer is, yes, public - public awareness requires public outreach.

REPRESENTATIVE COMITTA: Thank you.

The second question. Many of us were surprised, maybe shocked and greatly concerned when we learned that there are no safety regulations for
natural gas with this pipeline, and so in speaking with PUC staff over time I understand that PUC is working on a proposal of new safety regs for NGLs. And I'm wondering if you can talk about the status of those safety regs.

**MS. DUTRIEUILLE:** Representative Comitta, you are correct that our staff is currently working on regulations. The process is that when they have their draft ready, it will then be sent to the Commissioners for review and approval to move forward. The Commissioners at this point have not received a copy of it, but are - we understand our staff is working diligently on it.

**MR. YOUNG:** If I could answer that question slightly more directly. I have the question, just so that everybody else in the room knows what we've been talking about outside of this room, and that is the - it is state-specific regulation. The Federal Pipeline Safety Regulations have been adopted by Pennsylvania, and they are our safety regulations at the moment, but the Federal Pipeline Safety Regulations allow participating states to adopt more stringent standards. And it's this enhanced level of standards that staff is preparing for the Commission. And that will - that will - when the Commission reviews it,
they'll decide when and if that goes out to public comment.

**REPRESENTATIVE COMITTA:** Thank you.

And regarding pipeline siting as an emergency planning and safety consideration, the bill that Representative Quinn and I have introduced that would - and the Chairman detailed, you said things that need some regulations that don't exist. First on the siting authority, does our bill address or give sufficient siting authority to the PUC where - similar to approval for siting a high-voltage power line if someone were siting a high-voltage pipeline, NGL pipeline through use of eminent domain, not an existing right-of-way in our bill, but through the taking of new land that in order to get approval for that siting would need or require PUC authority? Does that sound like a reasonable and perhaps beneficial process?

**MS. DUTRIEUille:** I apologize for not having the bill in front of me. I do apologize for that. But what I would say, which I think it's important to say, is that the PUC generally has not taken any position on whether or not we should have siting authority. We've taken the position that there is no specific siting authority, which we believe has caused some confusion.
So the question for me, not the Commission, but the question for me or more the statement is in considering sitting authority, which we've generally heard that it's very important to the General Assembly, you've got to look at whether it should come to the PUC or whether it should go to an independent agency and what you want the focus to be on sitting.

We are an entity, an agency that deals with the delivery of utility service and protection of that service, and would you want sitting to come to us? That's really up to you as the General Assembly. I don't know exactly what your bill says. I don't have it in front of me, so I do apologize for that and not being able to give you a direct answer to your question.

REPRESENTATIVE COMITTA: And one final question. Regarding the PHMSA re-authorization review currently underway, does the BIE engage in that? Does the PUC in some other way engage in that review process to make the PHMSA regulations perhaps better for Pennsylvania?

MS. DUTRIEUille: I do not have an answer of whether they have comments that they wanted to submit for the current review that you're talking
about. And I don't know if Bob has any?

MR. YOUNG: We have - we have submitted comments to PHMSA rulemakings in the past and we do so based on the specific issues present. For example, if something involves offshore oil drilling platforms, we're not going to be commenting. The gathering line, for example, which is an ongoing PHMSA rulemaking, provided extensive comments based on both the I&E staff technically, the utility services staff and Bureau staff. So we have participated in those.

I don't think we're in the re-authorization one. That one does not sound familiar. But I think the most recent one we were in is in the natural gas gathering line rulemaking.

REPRESENTATIVE COMITTA: Thank you both very much.

CHAIRMAN BARRAR: Thank you.

I want to thank all the panelists for participating today. We heard some great testimony, and I appreciate it.

Also, I want to thank the community college. I'm looking at Anthony, and I think we're going to get put on double secret probation if we overstay our welcome here. So thank you for your hospitality today. And thanks, everyone, for being
here today, especially the members. Appreciate it. I know some of you traveled pretty far to get here, so it means a lot. Thank you.

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HEARING CONCLUDED AT 2:16 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, was reported by me on 5/30/2019 and that I, Jessica Ashman, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 3rd day of July, 2019.

[Signature]

Court Reporter

Jessica Ashman