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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE

DELAWARE 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 OTTEN

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COMMITTEE STAFF PRESENT:
RICK O'LEARY
REPUBLICAN EXECUTIVE DIRECTOR

MICHAEL HILLMAN
DEMOCRATIC EXECUTIVE DIRECTOR

SEAN E. HARRIS
MAJORITY RESEARCH ANALYST

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P R O C E E D I N G S

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.

(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.)

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

1 affordable, high-quality education for teaching and
2 learning to our students here throughout Delaware
3 County as well as in Chester County.

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

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

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

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

23 REPRESENTATIVE GILLEN: State
24 Representative Mark Gillen. I represent southern Berks
25 and Lancaster Counties and the legislature. I want to

1 apologize that I'm going to have shared time here. I
 2 have to go back to my own community. Many of you
 3 follow the news. We've had two tornados that hit, and
 4 that's the community that I represent and also live in.
 5 So I'm a little bit out of uniform today, but I'm going
 6 to be picking up a chain saw in a couple hours and
 7 continue the work of the Emergency Preparedness and
 8 Veterans Affairs Committee there. Thank you, Mr.
 9 Chairman.

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

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

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

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

25 MR. HILLMAN: Good morning, everyone.

1 My name is Michael Hillman. I am the Democratic
2 Executive Director for the House Committee.

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

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

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

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

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

22 REPRESENTATIVE COMITTA: Good morning.
23 I am Carolyn Comitta. I represent the people of West
24 Chester in Chester County, District 156. Thank you,
25 Chairman Barrar for bringing us here together to talk

1 about this important topic of pipeline safety.

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

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

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

21 As Chairman of the Committee for the
22 past nine years we have conducted a hearing on the
23 emergency preparedness and public safety planning and
24 response measures for our nuclear power plants after
25 the Fukushima disaster in Japan, as well conducted a

1 hearing for the rail car movement for crude oil in
2 response to a few train derailments that had happened
3 across our country and also conducted hearings on
4 public safety aspects of pipelines across the
5 Commonwealth.

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

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

25 We are not here today to debate the

1 merits of alternative energy or global warming but
2 rather focus on public safety planning, logistics,
3 response and any policy initiatives which our Emergency
4 Preparedness Committee could possibly pursue to make
5 our communities as safe as possible.

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

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

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

19 CHAIRMAN WEBSTER: Good morning.
20 Thanks, Mr. Chairman. For just 20 seconds. I don't
21 need to belabor the point. I do want to echo Chairman
22 Barrar's kindness, thoughts, prayers, our sympathies
23 and condolences for Chairman Chris Sainato, whose seat
24 I'm sitting in today, and for his family. And we look
25 forward to having him rejoin us in Harrisburg next

1 week.

2 And then I do want to say thanks, Mr.
3 Chairman, for allowing me to sit to your left this
4 morning.

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

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

20 And I think lastly, because all of us
21 should be recognized, I did want to let us know that we
22 do have State Representative Dave DeLissio in the
23 audience. He's not a member of this - oh, I'm sorry,
24 Dellosio. I can mess up all the names. And I'm not
25 sure. May's the fifth month. I've been doing this for

1 five months now, and so that will be my excuse for
2 maybe one more - one more month. And also
3 Representative Kristine Howard.

4 Mr. Chairman, thank you.

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

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

11 CHAIRMAN BARRAR: Great. Okay.

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

18 Representative Comitta, would you like
19 to go first?

20 REPRESENTATIVE COMITTA: Thank you, Mr.
21 Chairman. Again, good morning, everyone, and thanks so
22 much for being here. There is no question that public
23 safety - human health and public safety always needs to
24 be the number one consideration in any undertaking by
25 our legislature, by local bodies, by families. It's

1 always number one. And I believe that the importance
2 of communication cannot be underestimated. And so, to
3 that end, I have introduced, together with my
4 colleague, Representative Chris Quinn, sitting to my
5 left - we will be soon reintroducing a bill, the
6 Pipeline Safety and Communications Bill that would
7 create a board at the state level that would include
8 all of the relevant state agencies, DEP, PUC, PEMA,
9 Fire Commissioner, the oil and gas industry, local
10 representation and so on to talk about the overarching
11 issues of public health and safety relative to
12 pipelines. There is no one tasked with having that
13 conversation at this time. And so to that end, this
14 board would meet formally to discuss these issues, to
15 share information among and between agencies, and to
16 have conversations with local officials and citizens,
17 but at the local level as well. We're hoping that that
18 will move forward this year hopefully to this
19 committee. Emergency preparedness is exactly what
20 public safety is all about.

21 In addition to communication, I see we
22 have some of our labor union members here. And I have
23 been again and again struck by the high level of the
24 apprenticeship training programs and so on and very
25 happy and feel confident that when our well-trained

1 labor unions are constructing something, in this case
2 we're talking about pipelines, it's going to be done at
3 the highest level. So we certainly recognize that and
4 underscore the value that our labor unions bring to the
5 table.

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

18 So to that end, I and Representative
19 Quinn will be introducing this week a bill that would
20 give siting authority for natural gas with its
21 pipelines to the Public Utilities Commission. So you
22 think about the way the laws are right now with a
23 high-voltage power line. You can't just put it
24 anywhere. You have to go before the PUC and say here's
25 where I'd like to put this high-voltage power line.

1 The PUC discusses it and says, yes, that's a good place
 2 to put it or, no, that's not a good place to put it.
 3 So this would add natural gas and liquids pipeline,
 4 highly volatile pipelines, in that same category and
 5 require that the consideration of siting be approved by
 6 the Public Utilities Commission. And also there is a
 7 feature in the bill that would prohibit any petroleum
 8 product transportation within a hundred meters of a,
 9 quote, dwelling house.

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

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

25 So those are just a couple of things.

1 I'm very interested in hearing our testimony today.

2 And again, thank you so much for being here.

3 CHAIRMAN BARRAR: Representative Quinn?

4 REPRESENTATIVE QUINN: Good morning.

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

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

21 With public safety in mind, I've
22 introduced a package of bills to increase safety and
23 transparency to the public. I will not outline every
24 bill in the package today, but it does include bills
25 that will address pipeline safety and help avoid

1 pipelines running through dense neighborhoods and past
2 schools and hospitals.

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

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

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

24 I am still disappointed in the fact that
25 ETP has treated many residents with lack of respect and

1 lack of consideration for their areas. I think public
2 safety's paramount. I think that that's really what we
3 need to focus on today.

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

6 CHAIRMAN BARRAR: Thank you,
7 Representatives.

8 Our first testifier is Mr. Tim Boyce,
9 Director, Delaware County Department of Emergency
10 Services and County Emergency Management Coordinator.

11 Tim, thanks for taking time out of your
12 day today to be here. Either one is good.

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

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

25 Just - my comments are going to begin

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

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

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

19 Opportunities and burdens. Obviously,
20 Delaware County benefits greatly from all the industry
21 that we celebrate here. I often like to praise that
22 the - the people that work on these pipelines, that
23 work in our facilities are our neighbors, many proud
24 union members, many great people. Many serve also on
25 our volunteer fire departments, our local elected

1 committees. So when I speak about the people that
2 maintain the pipeline or work in the facilities, I
3 really do speak about neighbors that are committed to
4 public safety. That said, accidents happen, terrorism
5 happens, and it leads us to where we're at.

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

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

25 By example, this morning, we have a

1 Certified Hazardous Materials Team, where eight of the
2 members are now in Montgomery County assisting our
3 brothers and sisters there. So where is the next line
4 of defense when there's an emergency.

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

11 We've led a comprehensive risk analysis
12 of the pipelines, both the Mariner East and the
13 Adelpia Gas pipeline with the really twofold concept
14 of what is the likelihood, the risk. And again, while
15 that's - it could be subjective, if it - if it leaks,
16 it's the one we're going to worry about, whether it's
17 one in a million or one. And then a general lot of
18 consequences, you know, what could we expect from a
19 small leak, a two-inch rupture, which is the idea that
20 somebody puts a backhoe through it, or full rupture of
21 the pipeline. Those values obviously show that, you
22 know, a leak of those magnitudes would be catastrophic
23 here in Delaware County, our ability back to our first
24 responders, which we usually think of police or fire
25 departments, but our police officers. Our police

1 officers are going to go into harm's way with very
2 little additional training, no expert protective
3 equipment to address these things, but they're going to
4 rush in and try and evacuate people.

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

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

23 Other issues that Delaware County is
24 addressing, but recognizing it's the first issue is our
25 large community with access and functional means.

1 Delaware County Council supported a plan specifically
2 for those communities. And again, our community is
3 rich with institutions and facilities that care for
4 those that can't care for themselves. The reasonable
5 expectation that they're going to be able to walk away,
6 understand the threat or communicate the threat is -
7 it's just not reality.

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

17 CHAIRMAN BARRAR: Okay.

18 You're prepared for questions?

19 MR. BOYCE: Yes, sir.

20 CHAIRMAN BARRAR: How much coordination
21 is there between - there are pipelines all through
22 Delaware County. If you've ever taken a look at a map,
23 there's I don't know how many miles of pipeline going
24 through our county, but there's quite a few. Is there
25 - is there a yearly, annual type of coordination with

1 the pipeline - the companies that run the pipelines to
2 talk to - to do any discussions on emergency
3 preparedness, emergency response? Is there any - are
4 there any revenues that are - that can be obtained by
5 like the Hazmat Unit that you have? I assume that's
6 not funded by anything other than county tax dollars at
7 this point, which if there are any - I mean, what type
8 of activities do you have that actually help us plan
9 for this better?

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

18 So back to planning. We do plan with
19 them. Prevention is really not our role because
20 without some type of regulatory planning, I really have
21 no way other than taking somebody's good word that this
22 meets their standards. And as you know, sir, the -
23 going to the PUC or PHMSA or somebody chasing that
24 down, you have to operate - the pipeline wouldn't be in
25 operation if it wasn't safe. But for me to ensure that

1 is just impossible. So we do train and we do prepare
2 with our local responders. They're not getting
3 expertise. And I think we spoke before, and Energy
4 Transfer is a good part of it. We work with them. We
5 drill with them. We meet with them. We do not have an
6 adversarial relationship in any way with them. But
7 we're in this position now where do I go hat in hand
8 and ask them for funding for something. And then the
9 public expectation - and the public is a very informed
10 person. So to take a meter from them in their
11 generosity is also seen at the other side as taking
12 from somebody. So I think that methodology where we
13 went from grants from any of the providers hurts our
14 confidence with the community, and I'm just not
15 comfortable with it anymore.

16 I'd rather the Commonwealth, you know,
17 support these programs. Our Hazmat Team - again, our
18 Hazmat Team's duties is assigned by my staff. So when
19 we go out, it's - again, hopefully there's nothing else
20 going on. And we have great partnerships with all five
21 counties. And I know the PEMA Director, acting
22 Director, has been a leader ever since he's been
23 serving in that role and making sure we're
24 collaborating and speaking. But at the core it's
25 probably the same 20 people that meet at every meeting.

1 And I doubt very seriously if any of us are going to be
2 that person behind the fire truck at two o'clock in the
3 morning.

4 CHAIRMAN BARRAR: Thank you.
5 Representative, would you mind
6 introducing yourself?

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

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

18 CHAIRMAN WEBSTER: Thanks. Thanks, Mr.
19 Chairman.

20 This may be a really broad kind of
21 question, and I apologize on th record - in my opening
22 remarks about new topics and new areas of interest, but
23 I do have one experience around oil and gas and that is
24 as an old Air Force officer, I once accompanied a
25 Congressional delegation to Valdez, Alaska. It was

1 after, you know, the sinking of the Exxon Valdez and
2 all the environmental damages there. All that aside,
3 what was really interesting from my observation was in
4 the next six months, in the next four years, safety and
5 accountability in that part of Alaska obviously
6 skyrocketed, because if they had another problem, you
7 know, it would change Alaska and the oil and gas
8 industry. Can you talk to a little bit about what
9 you're seeing in terms of like the cycle of we're
10 really safe, now we're not paying attention, or you
11 know, your observation of the last few years of how
12 we're really approaching that level of safety on these
13 issues?

14 MR. BOYCE: You know, I can speak to it
15 from my experience with the elected officials and the
16 community members. Sometimes we can be dull with
17 hundreds of years of - and I actually use the word
18 refineries, with facilities, with such a long history
19 in Delaware County of the pipelines and people working
20 there and their fathers or their grandparents or their
21 mothers working there, with very little experience with
22 catastrophic failures. I think we've become that
23 everything is the same. These liquids, gases, are
24 different, and it's been the community members that
25 have really rallied the cry to bring that attention to

1 us. We face a lot of hazards in Delaware County. I'm
2 sure you've seen the opioid panels, the gun violence
3 panels. You know, we face a lot of these issues, but I
4 think the awareness of the community members to
5 challenge us, to say you have a plan, have you
6 practiced the plan, does the plan make sense for
7 everyone, and I really think that's where the
8 leadership in committees like this can really advance
9 the cause.

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

1 CHAIRMAN BARRAR: Representative Quinn?

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

15 MR. BOYCE: Well, again, engaging the
16 public is part of this, their awareness program, of
17 what to look for, that's out there. But again,
18 pipelines and facilities sit in a very unique domain.
19 They're out of bounds for many people. They're not on
20 the public thoroughfare. They're in yards, they're
21 right-of-ways, often in State Police jurisdictions.
22 They don't try and put everyone right down the main
23 road. So this access to those areas is certainly
24 difficult. And that someone can do it is not beyond
25 the pale.

1 So when we looked at the two-inch thing,
2 that's the - you know, the well-meaning construction
3 accident, that things do happen, to the person with a
4 bad intent, we're not going to be discussing the who in
5 the first few minutes. So the way you detect - you
6 spoke of - it's just common physics. If we could put
7 smaller segments of a line to release less product at
8 any given time, that makes sense.

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

22 REPRESENTATIVE QUINN: Well, let me ask
23 this from a different standpoint. How about from a
24 reporting standpoint? You recently had another
25 incident at the State Police barracks right on

1 Baltimore Pike. Was the reporting that you received
2 sufficient? Was it in a timely manner? How can we
3 improve that?

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

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

20 So that reporting mechanism is a little
21 slow. And I don't fault PEMA because PEMA is pushing
22 it to us as soon as they can. But that up and down and
23 then it's - it's also one of those things where with
24 border crossings - maybe I don't know or maybe there's
25 not a pattern where we haven't engaged law enforcement

1 that lots of subsidence or a sinkhole or an unusual
2 activity. How are we bringing all that intelligence
3 together so that others are looking out for it.

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

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

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

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

21 So how long have you been in this role?

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

24 REPRESENTATIVE O'MARA: Okay.

25 So were you - my question is, and

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

15 MR. BOYCE: No.

16 REPRESENTATIVE O'MARA: You were not?

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

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

24 MR. BOYCE: Yes.

25 REPRESENTATIVE O'MARA: And I'm hoping,

1 and this could just be a comment, but in the piece of
2 legislation you're passing we can have the local
3 agencies includes as well when the site is specific.
4 Thank you.

5 CHAIRMAN BARRAR: Thank you,
6 Representative.

7 Who's next? Representative Gillen?

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

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

24 MR. BOYCE: Well, thank you.

25 You know, the risk - the frequency as we

1 look at it, obviously, today is a great example.
2 Weather is, without a doubt, the number one damaging
3 factor in Pennsylvania. Weather emergencies are what
4 we prepare for the most.

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

24 REPRESENTATIVE GILLEN: Just a quick
25 follow-up, Mr. Chairman. If you had additional

1 resources, and I don't think the committee is offering
2 the panel today, but respectfully, and that's why you
3 have the hearing, if you had additional resources,
4 where would you put that in terms of pipeline safety?

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

19 If someone were to call up right now and
20 say, you know, grass is shooting up in the air, each
21 municipality, and frankly, even who responds first, may
22 look at that differently. So I think in a common
23 operating picture that is we - we deal with this.
24 These are the people you need to move. These are the
25 actions you need to take immediately. These are the

1 warning systems.

2 The one offs are just taking up a lot of
3 time with good intent people. So an effective model
4 that you can produce that we can guide all plans and
5 not a boilerplate that just says it's on the shelf -
6 and that's what happens a lot of places. You got to
7 have a plan, but no one's ever opened it in a million
8 years. But a plan that we could, A, add value to. And
9 that plan could be all hazards, comprehensive. What do
10 I do to evacuate a flood or a fire or these things?
11 But the planning process is not meeting the current
12 needs. And they're all paper based as well. So I
13 mean, that's another issue you're going to ask in the
14 technology world, you know, who's got the plan in the
15 trunk of their car?

16 REPRESENTATIVE GILLEN: Thank you, Mr.
17 Chairman.

18 CHAIRMAN BARRAR: So to follow up on his
19 question and your comments about planning, would it
20 make sense for us to have you require to require
21 semi-annual planning meetings with the pipeline - the
22 people that are running these pipelines through the
23 counties that the management - emergency management
24 director and then do an annual or semi-annual review
25 and update their plans every year? I mean, we saw what

1 happened in New Orleans. There was a great plan.
2 Spent like 10, 12 million dollars creating a plan for
3 flooding. When the flood occurred, nobody looked at
4 the book. So I imagine maybe there's a need for
5 planning in drilling to - you know, to drill to make
6 sure that our plan works.

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

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

1 we've addressed.

2 REPRESENTATIVE GILLEN: Thank you.

3 CHAIRMAN BARRAR: Representative
4 Comitta?

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

12 MR. BOYCE: Yes.

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

23 MR. BOYCE: Yes. The plan is protected.
24 So that's one of those challenges that - you know,
25 what's behind the curtain? You know, I've looked

1 what's behind the curtain. I've read it. Those plans
2 are really technical plans that, best served maybe
3 after the first 30 minutes, how we're going to shut
4 down a plan, how we're going to remediate the area, how
5 we're going to control things, and how we're going to
6 communicate. So those plans existed and they're
7 practiced and they're technical.

8 And I'll reference the gasoline leak we
9 had. Those plans work well. We practice them. But
10 they're not the first 30-minute plans. They're just
11 not designed that way, that the - and the other issues
12 that we faced with all the pipelines, and I'm sure most
13 of you know, pardon the pun, is clearly what's in the
14 pipelines. What products are in there, what pressure's
15 in there, what assumptions are being made are based on
16 us communicating real time with the control centers.
17 Again, we visited te control centers. We've tested the
18 numbers. But that's dynamic. The pressure that's
19 happened. And the X factor in all this is, despite all
20 those procedures, plans and practices, something's
21 going wrong. So in those first 30 minutes you're
22 trying to say all of these failsafe systems I'm
23 supposed to count on, this was never supposed to
24 happen. So again, I think those plans are okay and
25 they're technical and they work, but they do not

1 address the first minutes of the release, who's
2 communicating, what were communicated, what's the best
3 action and what tools are available realtime to get you
4 there.

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

8 MR. BOYCE: Well, I think it gets back
9 to what's the common operating picture. You know, with
10 the county emergency manager, the local municipality
11 develops their plans. And to a degree, most of them
12 are very good. And some are robust and some are, you
13 know, maybe not as forward thinking, but they're
14 meeting the letter of the law. So I think a review of
15 what the Commonwealth expects in an emergency plan that
16 I can enforce, what you and the Commonwealth and the
17 PEMA Director expects from me and my plan, a
18 comprehensive review of that, and we're already
19 addressing these realtime issues, let's us go and train
20 and practice in that value, but it's - the basic plan
21 is just - it really is too basic and not helpful in the
22 30 - first 30 minutes.

23 REPRESENTATIVE COMITTA: So there's a
24 county plan, but what you're saying is that a specific
25 community, maybe even down to the neighborhood or

1 retirement home that has a particular population that
2 might not be able to get away or whatever, in talking
3 to Chester County Emergency Management Director, he
4 said he thought it would be really helpful for
5 communities, you know, neighborhoods that have a
6 specific topography, a specific demographic, would work
7 with the county to come up with their specific plan,
8 together with their local township emergency management
9 people so that they would know what they specifically
10 were going to do because it would be different than the
11 people across the highway or whatever. And so I'm
12 wondering what you think about that.

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

21 MR. BOYCE: I think that it's important
22 to have a common plan. And a lot of what we do is all
23 hazard. You know, run high, fight, shelter in place,
24 evacuate. There's not a lot of confidence when you
25 tell people to shelter in place if these products are

1 leaking. So that one kind of goes out the window.
2 There's enormous risk of evacuating certain populations
3 because it may be needed, nursing home facility,
4 children. Our plans - I mean, we have schools that are
5 practicing every day. I commend many of my school
6 districts of being in a leadership position. But at
7 the end of the day our plans are you're going to walk
8 up the same highway our police and fire trucks are
9 coming down. It just needs to be looked at more
10 comprehensively. And while all hazards work, the
11 active shooter plan is not the same tornado plan as
12 these type of products. And just - the ability to
13 communicate with everyone is just not as simple.

14 Many of our systems you voluntarily set
15 up for. People get tornado warnings in the middle of
16 the night, and I don't think they run to the basement,
17 but we'd encourage you to look at both the people that
18 we serve and understand the needs of the people that
19 are responding, technology aside. You need to have
20 both of those supported and connected.

21 REPRESENTATIVE COMITTA: Thank you very
22 much.

23 CHAIRMAN BARRAR: Thank you.
24 Representative Ryan? Is there anybody else that's
25 going to ask a question after Representative Ryan?

1 REPRESENTATIVE: So I want to go back to
2 the first 30 minutes because that's my great concern as
3 well. So we have a situation - first I want to point
4 out that as we're all sitting here, the eight-inch
5 Mariner East 1 pipeline is actively moving product as
6 we sit here and discuss the fact that there's no real
7 plan if there's an emergency. And so in the first 30
8 minutes, that's my greatest area of concern.

9 I've had some specific incidents
10 personally that I've been involved in that have led me
11 to the question. So in September in Beaver County
12 there was an explosion on the Revolution pipeline. It
13 was in operation for one week. And the Rizotti family
14 is the family that lived closest. They were 500 feet
15 away from that pipeline. They were evacuated in the
16 middle of the night. They actually weren't - they
17 heard the explosion and they ran in the middle of the
18 night. And I just recently read the account of the
19 Rizotti family and their testimony to our Auditor
20 General DePasquale and what they said was that the
21 emergency management services needed to be convinced
22 that a pipeline exploded. It didn't even know that the
23 pipeline was in operation. They didn't know what
24 products were in the pipeline. And they didn't believe
25 that that was what happened.

1 Now, in the middle of an explosion I'm
2 not real sure that matters all that much, but we here
3 in Chester County have had a similar experience of
4 where land subsidence around pipelines have been a
5 concern, both in Chester County and Delaware County.
6 And so when it happened in Chester County most recently
7 I actually got on the phone with Chester County, who's
8 here today, and I asked him why people were calling me
9 to ask me what was going on from the neighborhood where
10 the land subsidence was occurring, because nobody had
11 communicated with the neighbors in that neighborhood
12 what was happening.

13 And so my question to Bill was, you
14 know, like I'm three miles away. I can't really do
15 much for these people if there was a major emergency
16 related to the land subsidence, and so I want to know
17 what - like what happened. Where was the breakdown?
18 Why did these neighbors who live in that neighborhood
19 not know what was happening literally three doors away
20 from them. And so his answer to me was that emergency
21 services relies on operators to tell them whether it's
22 an emergency or it's not an emergency. And like you
23 said, their response plans are very technical. And
24 their response plans are related to, you know,
25 mitigating the risk to the pipeline, that's not to the

1 people. And so when the first responder who was
2 trained at the township level responded to the incident
3 that was called into 911, the person that was there
4 that first responded to the operator told that first
5 responder that there was no emergency and there was no
6 need to trigger a response. And so that had closed out
7 in the Chester County system.

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

15 So do you have any thoughts on that
16 first 30 minutes? Like I know there was some
17 legislation that's within some of the packages that
18 have been presented that talk about tying in the
19 response systems for the pipeline operator to the
20 emergency services facilities so that they know when
21 there's a lot of pressure or something that's happening
22 on a pipeline. I've gotten a lot of resistance on that
23 idea because they said that there would be lots of
24 false alarms in that case. So I don't really know what
25 the answer is, but I do know, especially as a mother

1 who has two small kids, if you do find one of these
2 pipelines, that that first 30 minutes could be my
3 family's life. Could be, you know, a lot of families'
4 lives in Chester and other counties.

5 MR. BOYCE: You know, I would just
6 reference it this way. We do practice with the
7 intention of shutting the pipeline down. But to your
8 example, that fire chief needs to - mock the current
9 system. Everybody's on the same sheet of music. The
10 Fire chief says, hey, this needs to be shut down. They
11 call me. I call the operator. You shut it down or I -
12 they don't want to. Or I call PEMA and they shut it
13 down. Those systems are still bent on the person
14 making the decision, am I a hundred percent in charge
15 of this if it's not leaking catastrophically? So my
16 understanding of the pipeline operator is they have a
17 metric that they decide to turn it down. I don't
18 approve that metric if it loses one pound of pressure
19 or a hundred pounds. I believe that's their decision
20 to shut it down or send a crew. It's a decision, three
21 part there. So there could be. I mean, I'm not being
22 specific, but if there's a pressure drop, you might be
23 able to regulate them, that they had to shut it down.
24 But you know, at a technical level, the other method
25 that you're speaking of is people calling each other.

1 And we're past 30 minutes if you call me and your
2 neighbor calls you. So any type of thing that takes -
3 I always say take me out of the loop. If this is a
4 life safety decision, let's have an automatic trigger
5 that does something.

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

11 MR. BOYCE: I don't.

12 REPRESENTATIVE: Thank you.

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

15 CHAIRMAN WEBSTER: I'll try to make it
16 quick. In the aftermath of, you know, 911, September
17 11th, I was privy to a whole bunch of information
18 technology companies swirling around, and the idea was,
19 you know, there's an app for something. And if first
20 responders and county and state officials all were
21 connected, you could have everything on there and drop
22 down a menu and you say it's a highway accident, it's a
23 weather accident, and a checklist, and people would be
24 notified automatically, you know, based on priority,
25 and all of that stuff could be in - I know our Guard

1 and Reserve units try to do that around their own bases
2 in terms of the civil engineering capability response.
3 Have you seen anything like that in terms of homeland
4 security?

5 MR. BOYCE: There are axial learning
6 systems. Some are voluntary, you have to sign up for.
7 Many, unfortunately, want money and they want the
8 proprietary information in keeping it safe and reverse
9 911 and things like - so systems exist to a degree.

10 A decision has to be made. Someone has
11 to draw the polygon, someone has to act. We're never
12 going to get away from that. But again, I'm going to
13 beat on it a little bit, those persons with access and
14 functional needs often do not have the funds.
15 Hearing-impaired communities, they just don't have the
16 money for these technology solutions. So - and what
17 percentage of people are we willing to say we're pretty
18 good?

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

22 MR. BOYCE: Correct. And those systems
23 we do. And the commonwealth, through homeland security
24 running in the region, we support a program called
25 Evergreen. So we are improving those messaging, but it

1 needs to be, again, more realtime and not a third-hand
2 report.

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

6 MR. BOYCE: Thank you very much.

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

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

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

1 But thanks, everyone.

2 CHAIRMAN BARRAR: Take care. Thank you.
3 Our next panelist is Mr. Joe McGinn,
4 Vice President of Public Affairs & Government Relations
5 for Energy Transfer, and then Mr. Bill Godsey,
6 President of - and CEO of Geo Logic Environmental
7 Services.

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

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

12 CHAIRMAN BARRAR: Maybe pull the
13 microphone a little closer.

14 MR. GODSEY: A little closer.

15 CHAIRMAN BARRAR: Can everyone hear him?
16 If they can't hear, I'll let you know.

17 MR. GODSEY: All right.

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

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

24 Modern pipeline infrastructure is
25 essential in the State of Pennsylvania. Pipelines are

1 the safest form of transportation for energy resources,
2 with a 99.99 percent safety rate. They're the most
3 reliable form of transportation options compared to
4 other options like truck and rail.

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

25 REPRESENTATIVE: I'm sorry. You were

1 saying karsting, C-A-R -?

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

4 REPRESENTATIVE: Okay.

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

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

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

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

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

25 MR. GODSEY: Yes.

1 Continuing on with my remarks, projects
2 like the Mariner East pipeline would help Pennsylvania
3 avoid these scenarios. This pipeline poses very little
4 risk to the surrounding communities thanks to a
5 rigorous regulatory process.

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

15 As far as the pipeline standards go, the
16 Department of Transportation requirement is that
17 pipelines be installed 30 inches below the ground in
18 rural areas and 36 inches in urban areas. The Mariner
19 pipeline is 48 inches deep in both places. The DOT
20 requires horizontal drilling directions installed be 48
21 inches below the natural body of water. The Mariner
22 pipeline starts at 48 inches and goes down to at least
23 60 inches.

24 The regulatory process is intentionally
25 rigorous. A pipeline must meet those standards and

1 should be permitted to move forward without the risk of
2 being interrupted without due cause. Projects like the
3 Mariner East 2 pipeline are demonstrably met and often
4 exceed regulatory benchmarks. Therefore, unless under
5 extreme circumstances, which in the case of Mariner
6 East, by my assessment, they have not, these projects
7 should be not - should not be subject to interference.

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

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

20 That concludes my remarks.

21 MR. MCGINN: Thanks. And good morning,
22 everyone. My name is Joe McGinn. And I'm glad that
23 Dr. Gates was here from Delaware County Community
24 College. Great facility here and can't help but give
25 it a plug. Sitting on the board here for a number of

1 years. And you know, they do a great job in terms of
2 workforce development in this county, not just Delaware
3 County, but in Chester County as well.

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

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

17 To echo Mr. Godsey's remarks bring
18 another important piece to put into perspective is
19 regulatory framework and that, you know, all pipelines
20 aren't necessarily regulated in the same way. Just in
21 general, in the State of Pennsylvania, or Commonwealth,
22 you have gathering lines, which tend to be out in
23 communities where the gas is produced out in the
24 fields. You have the transmission lines which are what
25 we're talking about with the Mariner East 2 and which

1 is the primary - is essentially on the Sunoco
2 pipelines, Energy Transfer, Mariner East 2 as they move
3 those products. And then you obviously have
4 distribution lines, which we think about, at least in
5 this area, as PECO, that move, you know, natural gas to
6 our homes, et cetera. And all those are regulated at
7 different levels. I would say for all of them, you
8 know, subjective, but I think the backup opinion is
9 that the transmission lines have the strictest and - in
10 terms of regulations in those regards.

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

25 In terms of the Sunoco pipeline, they've

1 been moving products through the Commonwealth for over
2 80 years, which includes the first refined products
3 system. Essentially when you look at where we have
4 facilities, you know, the refining base that we still
5 have, you know, in the Delaware Valley, not just in PA,
6 but in south Jersey and the State of Delaware, that
7 produce a number of fuels, and as those facilities
8 expanded and the pipeline that works were built to
9 essentially provide product all throughout the State of
10 Pennsylvania, New York, et cetera.

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

18 You know, a lot of folks aren't aware of
19 that statistic and have an understanding of the
20 importance of it. You know, we're here, you know, to
21 operate, ensure that we operate our pipeline system
22 safely. You know, those thousand employees that are in
23 the Commonwealth and thousands more across the country,
24 that's what their focus is. They live in these
25 communities and care about it as well.

1 One thing I think that's important, too,
2 in understanding, you know, Mariner East 2 and the
3 construction of it - and I'll focus on that because I
4 think that's primarily what a lot of the interest is
5 here today, the system that's being constructed in
6 Delaware and Chester County. The U.S. Department of
7 Transportation, the acronym that a lot of folks have -
8 often mispronouncing, PHMSA, that's the Pipeline and
9 Hazards Material Safety Administration. So they set
10 the framework. There's regulations at the federal
11 level that they set, Congress establishes and PHMSA
12 administers. But in addition, you have in Pennsylvania
13 the Public Utility Commission. I know they'll be
14 speaking later. They are in charge of overseeing the
15 safe operation of pipelines like the Mariner East as
16 well as, you know, big gas lines like Adelphia Gateway
17 that was mentioned, Transco, things like that, that
18 folks are familiar with.

19 You know, the big thing about
20 compliance, as I mentioned, you have to adhere to those
21 strict regulations. Director Boyce talked about our
22 control center. He said it's operated 24/7. There's a
23 station specifically for the Mariner system in terms
24 of, you know, reviewing that, operating that. It all
25 operates essentially remotely or autonomously, but with

1 human interaction as well in terms of maintaining and
2 checking in terms of - at all these valve locations to
3 make sure the temperature flow, things like that, that
4 would indicate that the facilities are operating
5 properly.

6 You know, control of the pipeline route,
7 regulations ask you to do it once every couple weeks.
8 We do it at least once a week. And essentially it's
9 been like two times a week, which instead of doing it
10 26 times a year that's required, it ends up being over
11 100.

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

17 All the new pipe is thoroughly tested
18 and inspected to make sure that the pipe meets industry
19 standards to prevent corrosion. So you have the steel
20 pipeline itself. Mariner East 1, apart from this new
21 construction, was actually built here in McKeesport,
22 Pennsylvania, by U.S. Steel. Mariner East 2, the
23 20-inch line, was all built in - with domestic steel in
24 the United States. The significant majority of the
25 16-inch was as well. I think it was - you know, a

1 hundred miles or so was actually purchased from another
2 pipeline company that had it in storage and was made in
3 Europe. It's all coated in the U.S. As a matter of
4 fact, a significant majority of it was actually coated
5 in Pennsylvania.

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

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

20 Another key part - and I know we have
21 folks here from Steamfitters Local 420 who are welders
22 doing a lot of this work, is that the federal
23 regulations for pipelines require ten percent, so one
24 in ten wells, to be x-rayed and additionally inspected.
25 For Mariner East 2 the standard is a hundred percent.

1 So everything welled is x-rayed and protected. If you
2 ever talk to a welder they'll you the adherence to it.
3 They essentially put their name on each weld. Goes by
4 and is inspected. If they - if you have a welder that,
5 you know, is having a bad day or whatever, that x-ray
6 tells that and essentially if we have that issue, they
7 would be removed from the job. So that's the level of
8 intensity that goes into the construction process.

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

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

1 degradation of a line.

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

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

14 In terms of engagement and awareness,
15 you know, we work with a number of engagement
16 activities. So you know, some of that includes just
17 public awareness sessions. So in terms of mailings
18 that go out to folks who are along the pipelines, in
19 the last - not calendar year but 12 months we mailed
20 out over 273,000 informational mailers to first
21 responders, residents, excavators, et cetera, in terms
22 of making them aware of the lines. In some cases, you
23 know, it's a corridor that had pipelines before. You
24 know, make sure they're aware that there's natural gas
25 liquid lines as well. And also essentially expand in

1 that buffer area in part because of questions and
2 things that come up to say, hey, well, why didn't - why
3 didn't I get a mailer and things like that to kind of
4 overextend that area.

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

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

20 The - you know, another piece,
21 obviously, is pipeline markers. So it's the yellow
22 markers that, you know, are kind of white noise or have
23 been for a number of folks. You have them along the
24 line and pretty much identify what that route is and
25 provide important contact information.

1 You know, when you look at Pennsylvania
2 there's a thousand miles of - we have more than a
3 thousand miles of pipelines, Sunoco pipeline, in
4 Pennsylvania. It transports tens of millions of
5 barrels per year. We have the most mileage in two
6 densely populated counties, obviously Delaware and
7 Chester, over here.

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

17 Another piece - and when you talk about
18 engagement, you know, one of the things that we've done
19 previously at Sunoco and I'm happy to say we're going
20 to do under Energy Transfer moving forward is a first
21 responder fund. So I had worked as a staffer for
22 Congressman Curt Weldon. I know a lot of folks knew
23 Curt. And he was very involved in terms of the first
24 responder community and instrumental in terms of the
25 Fire Grant at the federal level and a similar version

1 at the state level. So it's a program modeled off of
2 that and targets communities where we operate where we
3 have access. In my previous tenure we gave out just
4 under a million dollars in terms of grants, a lot of
5 those in Delaware and Chester Counties. And that is
6 something that is back and I think an opportunity for
7 folks to engage with. I'm beginning to communicate
8 with kind of the communities where we are that that is
9 back and figure out opportunities where it can be
10 supported.

11 Another key piece, and I think it's a
12 challenge, is you know, you experience folks asking,
13 you know, an evacuation plan. As you heard today, you
14 know, one of the key things is we're an operator and we
15 have to work with the municipalities and counties in
16 terms of that. But in a large extent it's a municipal
17 responsibility for all hazards, you know, whether that
18 be a weather event, tornado, et cetera, you know,
19 flooding, pipeline incident, however the plan is. So
20 one of the things that we're doing is investing - and
21 there's a number of firms that do it as well, but you
22 know, providing support and grants or opportunities for
23 municipalities for certain and other government
24 entities to basically help put together, you know,
25 plans for the 21st Century. I think there was a good

1 comment that some of those get done and they get put on
2 a shelf. You know, I know folks. I know, you know,
3 Chairman Barrar used to be a township Commissioner. He
4 was our Township Supervisor. And when it comes down to
5 funding, one of the challenges, too, is a plan isn't
6 always the most, you know, attractive or top use of
7 that. So this is a way in terms of help being in
8 support of that and a - I think a step up in terms of
9 what would be an enhancement of what was even done
10 before with the First Responder Fund.

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

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

24 We work - I've tried to go through the
25 different layers of safety that are there and

1 enhancements to prevent any kind of serious incident.
2 And if you look at the national statistics for NGL
3 lines, the kind of scenario that is feared, it really
4 just doesn't happen.

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

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

22 So you know, on behalf of Energy
23 Transfer, I want to thank Chairman Barrar for, you
24 know, having me here. And you know, with that, you
25 know, I'll take questions.

1 CHAIRMAN BARRAR: Great. Thanks, Joe.

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

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

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

19 So as I mentioned, we do have an
20 operations center that measures key things, pressure,
21 temperature, flow. One other key piece when you look
22 at Mariner East 2 is the number of valves that we have
23 are all automated, so it doesn't require an individual
24 operator to go out there and turn off a valve, which
25 obviously takes time. And there's questions in terms

1 of, depending on where an incident is, safety of
2 getting there. So all of that can be done remotely,
3 with the push of a button.

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

11 So the other question in terms of the
12 911, so, you know, some things are, you know, built
13 into the plan where - so if there wasn't, you know,
14 something that was an anomaly in terms of the operation
15 of the line, you know, valves would be locked in. We
16 would send personnel to respond immediately. And we
17 also notify the appropriate 911 center and making them
18 aware of what was going on.

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

22 MR. MCGINN: From the company, it'd be -
23 from our side of it, they'd be the pipeliners. They're
24 trained to identify, to understand, you know, is it a
25 leak, any of the signs if it'd, in fact, be a leak.

1 And one thing that's important, too, is
2 a lot of where these lines are, they're in existing
3 pipeline corridors. So in some cases they parallel
4 natural gas lines, lines that move gasoline, diesel, et
5 cetera. So each line has different hazards. You know,
6 all hydrocarbons are violent. That's why we use them
7 to heat our homes, to fuel our cars, et cetera. So you
8 know, they can identify that, too, and at times, you
9 know, potentially not differentiate, you know, where
10 that is. And often other pipeline companies - I can't
11 speak for them, but essentially have a similar practice
12 where they send folks out and potentially identify -
13 you know, try to identify, you know, if there was an
14 incident, whose incident it would be.

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

19 MR. MCGINN: Yes.

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

23 MR. MCGINN: No. And part of that's
24 kind of a - we identify kind of factors in terms of
25 almost if you see something, say something. I'll use

1 that motto. I don't think we use that, but the
2 underlying first responder community in the post-9/11
3 environment. So there's some of that things to be
4 aware of and the numbers to communicate in terms of our
5 emergency notification. But you know, we do talk in
6 terms of, you know, a need to potentially evacuate, but
7 - or move. But ultimately, any type of evacuation plan
8 or something more detailed, it's more of a municipal
9 responsibility. That's one of the things I'm looking
10 at and figuring out how to try to help it where we can
11 in terms of municipalities doing it. And I think a
12 number of municipalities have already taken steps in
13 terms of their own planning enhancements in those
14 areas.

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

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

1 appropriate for their respective municipality.

2 CHAIRMAN BARRAR: Representative Quinn?

3 REPRESENTATIVE QUINN: Thank you, Mr.
4 Chairman.

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

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

1 exception.

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

7 REPRESENTATIVE QUINN: So as we sit here
8 today, we're not just talking about an ME 2 expert,
9 we're talking about pipelines that are currently in the
10 ground?

11 MR. MCGINN: Sure.

12 REPRESENTATIVE QUINN: And Mariner East,
13 the original pipe, actually concerns me more. And it's
14 one of these things that it's my understanding that
15 FERC advised against reversing the flow and changing
16 the material that's currently going through that line.
17 Is that true? Is that a misnomer?

18 MR. MCGINN: No, that's a little bit of
19 a misnomer. I think taking it apart in terms of what
20 was recommended, I think you're - what you're referring
21 to, in part, I believe, would be a PHMSA regulation
22 versus a FERC regulation. I might be wrong. But
23 basically it identifies in terms of reversing the flow
24 of pipelines steps that need to be taken to do that,
25 all of which were taken, you know, by the company in

1 terms of - the line you're referring to is ME 1.

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

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

19 Now, specifically to your question on
20 that line, you know, one of the focuses is, obviously,
21 we're building new lines, a 20 and 16-inch line, that
22 will move a significant amount of natural gas liquids
23 to the area. And I think the question that we always
24 look at is evaluating where the opportunity is for the
25 lines moving forward. You know, do you have refineries

1 in the area that have been in service for refining
2 products? If there's an opportunity to potentially use
3 that there, I'm just stating a hypothetical, maybe that
4 could happen again. Or maybe a line ultimately just
5 doesn't have a demand to move forward, and you know,
6 will go out of service for that part. But you know,
7 bottom line, just from a safety standpoint, if it's not
8 safe to operate and it's not our call, it's PHMSA and
9 PUC, the line doesn't operate.

10 REPRESENTATIVE QUINN: Thank you.

11 CHAIRMAN BARRAR: Thank you.

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

16 Chairman Webster?

17 CHAIRMAN WEBSTER: Thank you, sir.

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

23 MR. MCGINN: Yeah. So any time there
24 would ever be a product that would leave the line, that
25 has to be recorded. In addition, in terms of safety

1 and integrity work, you know, that's communicated with
2 the respective, you know, state and federal agencies
3 depending on the pipeline and what the requirements
4 are.

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

15 CHAIRMAN BARRAR: Thank you.

16 Representative Ryan?

17 REPRESENTATIVE RYAN: Thank you very
18 much.

19 Just a quick question. In the Quecreek
20 Mine disaster in Pennsylvania, that's probably one of
21 the most important 65, 70 critical decisions made in
22 minutes that resulted in the safety and the safe
23 evacuation of everybody in the mine. And we talk about
24 the post 30 minutes when something happens. I question
25 a couple things. I want your input. Is it really a

1 corporate responsibility or is it a municipal
2 responsibility, number one? And number two, does it
3 just go to pipelines? And the reason I bring it up is
4 in the military we would have a fugitive cell that
5 would be manned 24 hours a day, I know Colonel Webster
6 and I would say the same thing, where you would
7 deconflict what's going on. So if it - as an example,
8 I live near Three Mile Island. And when it went off, I
9 was living near there. And we were getting information
10 from news reports. And like the Representative I'm
11 getting phone calls in my district now about things
12 that I'm wondering why would you call your State rep
13 because a tornado was going to turn - come down - it's
14 apparent today why that is.

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

24 MR. MCGINN: Yeah, I think that's a
25 great question and, I mean, one where I don't think I

1 have the capacity to fully answer, but I do think the
2 role from an operator's standpoint is kind of gauged on
3 with the municipalities, with the counties, with all
4 the key stakeholders, right, to first make folks aware.
5 And not just during construction but in operation. So
6 to have that continued engagement.

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

20 REPRESENTATIVE RYAN: Thank you.

21 CHAIRMAN BARRAR: Thank you.

22 Representative Otten.

23 REPRESENTATIVE OTTEN: Thank you.

24 So I want to talk about these automatic
25 shutoff valves and this ongoing plan that pipelines are

1 the safest form of transportation for these products
2 and safe underground. So Director Boyce just pointed
3 out that in a rail situation, puncture of the rail car.
4 So I guess my question is - one is what is the volume
5 of the contents of a rail car that potentially could be
6 punctured or damaged in some way when it's traveling
7 and the proximity to populations of people. And also,
8 between the two valve stations, the two valves, my
9 understanding is that the valves are seven miles apart.
10 And so, one thing that I want to point out is that if a
11 natural gas were to leak from any container, it's going
12 - because of the property, it's going to try and
13 equalize. And a lot of those natural gases are going
14 to stay inside of the container.

15 But natural gas liquids are different.
16 And my understanding of natural gases is that they want
17 to escape from whatever the container they're in, and
18 so seven miles of propane, ethane or butane is a lot
19 different than seven miles of natural gas. And
20 regardless of how quickly that valve could get shut
21 down, we still are in a position where seven miles'
22 worth of volume is trying to get outside of the pipe or
23 container, whether that's a rail car or a pipeline.
24 And so I guess my question is what - a rail car, what's
25 the content? How much volume are we talking about?

1 And a pipeline of seven miles, distance between two
2 valves, what would the content of that be that's going
3 out into the atmosphere in the first 30 minutes that
4 we're trying to figure out what to do and how to notify
5 people and get people moving, looking for an emission
6 source. And I do point out that I don't really know of
7 many railroads that are very close to schools, nursing
8 homes, and large populations of people where there are
9 many, many ignition sources like lawnmowers, cars, gas
10 grills, anything that any of us use in our daily life.

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

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

21 In terms of an incident with a rail car,
22 you know, you would be shocked and surprised in terms
23 of, you know, the level in terms of hazards, when
24 people talk in terms of hazmat. Somebody asked that
25 question. I think, you know, propane is probably a lot

1 further down the list in terms of what a concern would
2 be in dealing with an incident in a rail car, but a
3 number of chemicals and things on a daily basis that we
4 have no idea about. And it was done safely. If it
5 could move safely, I don't think people would let them
6 move.

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

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

19 In terms of the product in the lines and
20 equalizing the pressure, I think you did point out a
21 fact. The natural gas liquids move as a liquid, so
22 each pump - that's why it's a pump station, not a
23 compressor station. It's pumping the product. So you
24 know, for example - and they're all different. You
25 know, butane, pentanes are heavier than say ethane and

1 propane. Ethane is essentially almost as heavy or
2 light, depending on the way you want to look at it, as
3 methane. So things that remain a liquid, like
4 gasoline, I think home heating oil, I think jet fuel,
5 you know, they do have vapors, depending on how light
6 they are, to leave that source as it turns into gas.
7 But some of it will remain there. But in terms of
8 methane or gas, and I am not a scientist, but you know,
9 that will escape from any vessel just as much as, you
10 know, ethane, propane, et cetera, and then ultimately
11 dissipate. You know, it doesn't - you know, things
12 that are moving don't work different - differently
13 physically that they don't - they don't mix with
14 ambient air and start to dissolve. You know, that
15 happens whether it's methane, ethane, propane, et
16 cetera.

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

21 MR. MCGINN: No. I'm saying they behave
22 differently. But ultimately, you know, all of the
23 products that turn into a gaseous state, you know,
24 ultimately will mix with the air and will pass the
25 threshold where it's flammable.

1 CHAIRMAN BARRAR: Representative Gillen?

2 REPRESENTATIVE GILLEN: Thank you.

3 Testing, testing. Thank you, Joe.

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

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

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

16 REPRESENTATIVE GILLEN: 99.9. There
17 were more nines there.

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

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

23 MR. MCGINN: What are the risks?

24 REPRESENTATIVE GILLEN: Yeah.

25 Third-party damage I know is mentioned. What are the

1 other problems associated with that?

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

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

23 MR. GODSEY: There are other - other
24 incidents, such as landslides or things of that nature
25 which can impact the pipeline. Some types of

1 geohazards can add to that percentage.

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

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

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

23 Now, it varies. There's 8-inch line,
24 there's 12-inch, there's 16, 20. So obviously,
25 depending on the size, you know, it takes even longer

1 to close a 20-inch valve than an 8-inch valve. But
2 you're talking, you know, seconds, not minutes, in
3 terms of being able to close once, you know, the
4 button's pushed or when that happens. So I think
5 that's a big thing that was put into the design of a
6 line.

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

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

14 MR. MCGINN: Correct.

15 REPRESENTATIVE GILLEN: Thank you.

16 Bill, did you want to say something? It
17 looks like you were writing something down over there?

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

20 REPRESENTATIVE GILLEN: Oh, okay.

21 Thank you, Mr. Chairman.

22 CHAIRMAN BARRAR: Great. Thank you.

23 Representative O'Mara?

24 REPRESENTATIVE O'MARA: Thank you, Mr.

25 Chairman.

1 So I have a couple questions. And I
2 will try to keep them brief. So my first question is
3 what percentage of the workers onsite, both your
4 contractors and your local workers, are union?

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

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

21 MR. MCGINN: Yes. So here's the
22 discrepancy. So the pipeline agreement, which all the
23 local - the primary - in terms of construction on the
24 pipeline side, so you have Teamsters, you have the UA,
25 which are welders or the steamfitters, Local 420 in

1 this area, laborers, LIUNA, and you have operating
2 engineers. So they're the four parties in terms of
3 building pipelines. On the facility side it's
4 immensely more different, the unions that are involved.
5 So they're all part of that agreement.

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

12 REPRESENTATIVE O'MARA: Okay.

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

18 REPRESENTATIVE O'MARA: Okay.

19 Now, my next question is about how these
20 substances are reported. How are the majority of those
21 reported? And I also want to point out that Mr. Boyce
22 mentioned he wants residents to call 911. And you
23 mentioned that you're sending out something and asking
24 residents to call you. So I think that's a discrepancy
25 right away we can try to fix, because telling people to

1 do two different things doesn't make much sense to me.

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

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

17 And then what was your other question?

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

20 MR. MCGINN: So from the company - so
21 you know, there's a protocol in terms of - and I think
22 Director Boyce kind of went through how they're
23 notified if there is a leak. As a science itself, and
24 you know, I'm not the professional geologist on this
25 panel, so I don't want to step too far over my skis

1 here, but - which is what occurred and what
2 Representative Quinn referenced, you know, is different
3 than - you know, it's not a karst formation. He
4 mentioned geological.

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

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

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

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

24 MR. MCGINN: In terms of the - in terms
25 of the subsidence?

1 REPRESENTATIVE O'MARA: Or a leak.

2 MR. MCGINN: I don't know there's
3 specific statistics, but in some cases, yes.

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

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

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

12 MR. MCGINN: Absolutely.

13 REPRESENTATIVE O'MARA: Thank you.

14 CHAIRMAN BARRAR: Thank you,
15 Representative.

16 Representative Gabler?

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

22 MR. MCGINN: So if - so a couple things.
23 So just a pipeline that's monitored, right, is going to
24 have vapor detection, so something that can indicate -
25 because that's kind of like a - almost a bionic nose or

1 sniffer. And if you see folks in industrial
2 facilities, a lot of times they have them. A lot of
3 times they look like a little yellow thing they wear on
4 their chest, and it indicates, you know, if there's a
5 high level of carbon monoxide, for example, or you
6 know, any type of other vapor or hydrocarbon. That's
7 one that everybody has.

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

21 REPRESENTATIVE GABLER: If you have an
22 incident where outside first responders, folks that are
23 not employees of your organization, would be
24 responding, would your organization have any way of
25 making - and it sounds like from those things maybe the

1 sniffers would be most important, any way of making
2 that equipment available to first responders?

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

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

22 REPRESENTATIVE GABLER: So and I think
23 that would go a long way towards addressing some of the
24 - some of the concerns that were addressed by Director
25 Boyce.

1 One thing I hear kind of in my own kind
2 of layman's term that seems to be missing is maybe like
3 personal protective equipment. Is there any additional
4 personal protective equipment that an individual would
5 wear in the vicinity of a line that would protect them
6 in the case of an incident or a leak if they're, say,
7 doing, you know, active drilling, running parallel
8 pipelines, for example, that sort of thing?

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

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

20 CHAIRMAN BARRAR: Representative
21 Comitta?

22 REPRESENTATIVE COMITTA: Thank you, Mr.
23 Chairman. And again, thank you, Joe and Bill. Joe, as
24 the new Vice President for Public Affairs and
25 Government Relations for ET and for ongoing commitment

1 to communication and knowing that you have heard and I
2 have heard many, many times requests from the public
3 who - people who are living along the pipeline a chance
4 to actually talk with Energy Transfer people and get
5 their questions answered. So my question is do you
6 have a plan to hold regular public meetings - you see
7 how many questions there are here, but the public isn't
8 sitting up here. And I know anybody that's sitting out
9 there has a whole list of questions, I have to ask
10 this. I'd like to know what your thoughts are on that.
11 I think it would be really important, especially during
12 construction and then beyond, but during construction
13 on a regular basis, monthly or so. What are you
14 thinking about that?

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

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

1 know, participating.

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

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

13 MR. MCGINN: Yes.

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

17 One follow-up question on third-party
18 damage and the costs and, you know, so on. In some
19 cases you're relying on local first responders and
20 citizens, but you know, it's the local first responders
21 who are really doing the surveillance and response and
22 so on. How do you propose - they need expert resources
23 and perhaps additional personnel. And I can tell you
24 municipalities don't have any extra money to hire those
25 people. So what do you see as your role? You

1 mentioned Commonwealth money. I don't see that
2 happening. You know, I'd like to see that happen, but
3 I don't see that happening. So how are we going to pay
4 for the type of surveillance and response that this
5 pipeline demands?

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

18 In terms of the first responders'
19 engagement, a big piece of anything like we talked
20 about communication, right, training and planning, so
21 stepping up. And just because we've had, you know,
22 some of those Mariner trainings in the past, I
23 mentioned 71, doesn't mean that that stops. I mean,
24 that continues of figuring out how you get that
25 information. Frankly, you know, I have plenty of

1 friends that are in the fire services, folks that are
2 chiefs, are in charge. That changes. You know, folks
3 have kids. You know, folks, you know, get involved in
4 other organizations. We have the continued navigation
5 when it comes to that piece.

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

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

19 MR. MCGINN: Yes.

20 REPRESENTATIVE COMITTA: Is that it
21 specifically?

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

24 REPRESENTATIVE COMITTA: Also police
25 departments?

1 MR. MCGINN: - et cetera, yeah.

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

4 MR. MCGINN: Yeah.

5 REPRESENTATIVE COMITTA: - to meet the
6 demand.

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

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

1 with one of the municipalities would. So trying to
2 provide the resources to help them do that.

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

6 MR. MCGINN: Yeah.

7 REPRESENTATIVE COMITTA: Thank you.

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

22 MR. MCGINN: You know, ultimately -
23 ultimately, yes. I mean, the idea - and all hazards
24 are different. So as I mentioned in Representative
25 Ryan's question, that ultimately this - you know,

1 dissolving or turning into a gas, it dissipates in the
2 air so you don't necessarily have any long-term issue
3 here. You know, with the line you could because you
4 could have a pool of crude oil, for example, not so
5 much in Pennsylvania, but you know - I'll mention that,
6 but you know, there could be a residence near, there
7 could be a leak from an air standpoint for a few days,
8 hypothetically, before that gets cleaned up. So that's
9 what I mean by hazards.

10 For this specifically, for Mariner East
11 2, you don't really have a long-term hazard scenario.
12 You know, Director Boyce isn't here, but I defer to the
13 planners to talk more to that. But that's essentially
14 the case there. But ultimately, the company is
15 responsible.

16 CHAIRMAN BARRAR: Thank you for your
17 testimony today.

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

21 ---

22 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

23 ---

24 CHAIRMAN BARRAR: Our next panel is Mr.
25 Dave Padfield, Acting Director for Pennsylvania

1 Emergency Management Agency, and Gerald Bim - Bimle?

2 MR. BIMLE: Bimle (corrects
3 pronunciation).

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

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

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

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

23 PEMA fulfills its missions - or its
24 mission while always seeking greater efficiencies to
25 improve our delivery to our primary customers, which

1 are the 67 counties of the Commonwealth.

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

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

23 So really what's key to that is an
24 impact analysis should be developed outlining adverse
25 populations, critical facilities, economic and

1 environmental impacts and other issues as they would
2 impact by any local jurisdiction.

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

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

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

24 An increased construction of pipelines
25 in the Commonwealth presents, obviously, potential

1 hazards that communities must plan for and incorporate
2 into their plans. In the development of these plans,
3 the following are items that should be considered for
4 inclusion to every county or municipal emergency
5 management program.

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

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

22 In 2015 our agency was a member of the
23 Governor's Pipeline Infrastructure Task Force. The
24 group was tasked with development of a report that
25 identifies recommendations and best practices for

1 pipeline siting, permitting and safety. As a member of
2 the Emergency Preparedness work Group, there was a
3 number of recommendations compiled. And for time, I'm
4 not going to go over those recommendations, but many of
5 these have actually been discussed here today.

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

15 PEMA, as part of our legal authority,
16 provides technical assistance to Commonwealth agencies,
17 local government officials, schools, custodial
18 childcare facilities, per designing emergency
19 management plans and training programs to address their
20 needs. The Pennsylvania All Hazards School Safety
21 Planning Tool Kit provides guidelines for school
22 districts, schools and communities to address all types
23 of crises, emergencies and disasters that might impact
24 their campuses. Standard procedures are provided for
25 these situations to assist facilities with a foundation

1 for planning and a frame work for response when an
2 event happens.

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

12 In response to a lot of those requests,
13 on April 23rd of this year we facilitated a pipeline
14 emergency planning workshop in Chester County that was
15 attended - I'm sorry, that was focused on providing
16 technical assistance in accordance with PEMA's legal
17 authority. The emphasis of the workshop was on
18 preparing for and managing emergency consequences that
19 could result from a pipeline or similar hazardous
20 materials incident. Attendees of the workshop included
21 representatives from municipal and county government,
22 Energy Transfer, school districts, state agencies,
23 emergency response agencies and subject matter experts
24 with strong emergency planning and response
25 backgrounds.

1 The workshop resulted in a number of
2 suggestions relative to pipeline incidents that the
3 Chester County Department of Emergency Services is
4 currently considering for inclusion into their overall
5 all hazards emergency operations plan.

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

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

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

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

22 We're sort of - represent more the boots
23 on the ground, we do the training of first responders.
24 So when it comes down from the state to the counties
25 and the local agencies, then we deal pretty much one on

1 one with firefighters and other emergency responders.

2 And I just want to offer you a little
3 bit of information on what we can offer and provide for
4 those responders. Our department offers multiple
5 training programs specific to funneled gas and liquid
6 pipeline emergencies. This includes hazardous natural
7 gas liquids such as pentane, butane and hexane, now, as
8 discussed earlier, increasingly seen with natural gas
9 production in Pennsylvania.

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

20 So these programs are based on
21 curriculum developed by the National Association of
22 State Fire Marshals in conjunction with the U.S.
23 Department of Transportation. That's been mentioned
24 earlier today. Through PHMSA, the Pipeline Hazardous
25 Materials Safety Administration. And that's who a lot

1 of us go to for recommendations, training, resources
2 and so forth.

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

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

19 We currently have over 30 instructors
20 from across Pennsylvania who are qualified to teach
21 through our local level fire training program. The
22 opportunities - we update, re re-focus. And recently,
23 through a joint effort with the Fire Academy and
24 pipeline operators in Pennsylvania we have a program
25 known as the Pipeline Emergency Response Initiative or

1 PERI we refer to it as. Well, PA PERI is a result of
2 the U.S. Department of Transportation Pipeline and
3 Hazardous Materials Administration's efforts to enhance
4 training for all stakeholders involved in pipeline
5 incidents. And again, all stakeholders is, you know,
6 responders at the lowest levels, people in the
7 community, public works, all the way up through state
8 and federal agencies. So we try to include and bring
9 all those stakeholders together.

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

15 A review of the training available.
16 Just briefly I'll try to go over this. We recently
17 developed a two-hour Pipeline Emergency Awareness
18 Training Program. This is as a result of that PERI -
19 promotion from the PERI - the PERI product. It's a
20 thing promoted throughout the country. So we have
21 basically a one-on-one version of training that's being
22 done in two hours. And the reason for that is we find
23 that people, especially in the volunteer world, have
24 less time to dedicate. So our traditional four and
25 eight-hour programs are kind of difficult. It's

1 certainly difficult to hold a four-hour program and
2 keep interest in an evening, so we're offering another
3 level of training.

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

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

23 Another program we offer - so again,
24 that's the eight and the four hours. The eight hours
25 is a little bit more in depth. We call it operations

1 level, and it gets a little more into maybe some
2 tactics and more offensive procedures where, say, at
3 the direction of a pipeline operator, they may not have
4 people there that can go in and fully suit up in SCBAs,
5 breathing apparatus, for instance. And at their
6 direction, we can perhaps go in and, you know, get a
7 better look at things, maybe help work on a valve or
8 isolate a valve or something. But certainly we would
9 never do anything like that without the direction of a
10 pipeline operator. Hopefully, as I mentioned earlier,
11 most of these incidents are handled by remote valving,
12 automatic shutoff valves and that sort of thing.

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

1 the Rural Domestic Preparedness Consortium through the
2 Department of Homeland Security.

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

23 This is also free to firefighters,
24 municipal firefighters, career, volunteer. We also,
25 like many of our programs, offer to other responders

1 from other agencies, such as DEP, that have response
2 agencies. We encourage and welcome them to our
3 programs as well.

4 So to date, we - just a real quick
5 review. We have over 500 responders trained to some of
6 these different levels, say the awareness and
7 operations levels. We've recently had two pilot
8 programs earlier this year. There's one-on-one
9 programs where we trained 55 students. And that's
10 through a pilot program. And that included the task
11 forces, which we're all familiar with the task forces
12 throughout the town, the states, state and the counties
13 there. We also included first responders of those. We
14 delivered ten of the four-hour classes. We delivered
15 12 of the eight-hour classes to over 300 students in
16 nine counties. And additionally, some of the best work
17 is what goes on at the local level, where responders
18 and emergency agencies routine - routinely train and
19 work together in preparation for pipeline incidents.
20 And this includes, again, like Mr. Boyce talked about
21 earlier, where the local counties are doing a lot of
22 good work also just in their own jurisdictions, whereas
23 the State Fire Academy can't get out to every location.
24 But these agencies are doing a lot of good work or
25 working closely with government leaders. They're

1 working closely with the local pipeline operators,
2 county EMAs. And again, it's all about what they do at
3 the local level as much as even pre-planning.

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

12 Finally, as another resource, under the
13 Pennsylvania State Fire Academy, under authority of the
14 Fire Commissioner, we offer an Act 13 2012
15 Unconventional Gas Well Fund Grant program. This, of
16 course, is from the impact fees from the natural gas
17 industry. This money is available to provide training,
18 certification, equipment grants, to eligible applicants
19 to improve and enhance the capabilities of emergency
20 services throughout the counties where unconventional
21 gas well drilling and production is occurring and the
22 bordering counties. So this, of course, doesn't
23 necessarily help or affect the counties down in these
24 regions, but the ones that are impacted in the counties
25 and where not only is there well drilling going on,

1 they're doing a lot of pipelines. And it was mentioned
2 here about upstream, midstream, downstream
3 distribution, all the different pipelines that are in
4 those counties as well, not necessarily just across the
5 bottom of the state where the Mariner pipeline is.

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

1 pretty successful program.

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

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

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

18 MR. BIMLE: Yeah. How much?

19 CHAIRMAN BARRAR: How much is set aside
20 for that?

21 MR. BIMLE: \$250,000.

22 CHAIRMAN BARRAR: Okay.

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

24 Unfortunately, we only get \$750,000 to operate our
25 entire program. So \$250,000 of that we offer in the

1 form of an annual -?

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

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

10 CHAIRMAN BARRAR: Let's say you -?

11 MR. BIMLE: Training materials and
12 education.

13 CHAIRMAN BARRAR: Do you take that on
14 the road?

15 MR. BIMLE: Yes.

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

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

25 CHAIRMAN BARRAR: Is the amount that

1 you're getting now sufficient for what you're doing or
2 - I know you can always use more money, -

3 MR. BIMLE: Right. Absolutely.

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

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

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

24 MR. BIMLE: No, that's right. It is the
25 40 counties. The 40 counties for the resident as well

1 as the neighboring counties.

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

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

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

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

25 MR. PADFIELD: We don't normally look at

1 their plan. They have a series of plans, actually. So
2 most of the pipeline folks that are involved with that
3 or the companies that are involved in that have a
4 series of plans. So really, their plans are very
5 specific to what they're going to do, and it really
6 needs to be coordinated mostly at the local level,
7 through the counties and the local municipalities. We
8 look at risks generically across the board. So we take
9 a look at what is going to be the - the potential
10 that's going to be carried in there, what does a
11 product release look like, and then we develop planning
12 scenarios based on that. And that was a lot of the
13 discussion that we had at the workshop that was held in
14 Chester County. It was really to modify the planning
15 scenario so we have a better understanding of what the
16 risks - obviously we know the hazards, but what are the
17 risks associated and then what are the plausible
18 planning scenarios that we can plan against.

19 CHAIRMAN BARRAR: Okay. Thank you.

20 Representative Gabler?

21 REPRESENTATIVE GABLER: Thank you, Mr.
22 Chairman. And thank you for your testimony. Two quick
23 questions. First for Mr. Bimle, what are the
24 prerequisites for firefighters or first responders to
25 attend these courses, whether it be a two-hour,

1 four-hour, eight-hour or a three-day course?

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

10 REPRESENTATIVE GABLER: Okay.

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

24 MR. BIMLE: Yes. And like I mentioned,
25 these include and welcome other agencies, including say

1 the DEP response team, the local county agencies, other
2 sponsors, including police, EMS, rescue teams that
3 aren't necessarily even firefighters. So again,
4 because we're all there operating on an incident,
5 everybody has a role to play. So we welcome that again
6 because we're not really getting into offensive
7 operations at that point.

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

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

20 MR. BIMLE: Maybe that confuses me
21 sometimes, but I came after the program was created.
22 And it was initially created when - actually before the
23 drilling industry really picked up in Pennsylvania,
24 before Act 13 of 2012. So probably back in like 2008
25 it became effective. And that was when they were

1 talking about the drilling industry starting to show up
2 in Pennsylvania. There was a lot of research, a lot of
3 seismic activity. And looking at the industry, saw the
4 advanced work well in advance. And at the same time
5 there was a lot of focus on wind and solar, alternative
6 fuel vehicles. So we - our department handles and
7 trained for a lot of those different things. But quite
8 honestly, the majority of our funding is from the
9 impact fees from Act 13. So I think the connection
10 there also for alternative that they used was the
11 alternative method of drilling. And I don't know if
12 that's a fair way to describe the office, but we've
13 also talked recently about moving to, more or less,
14 sort of an all hazards or a special hazards type
15 revision because we also get into general hazmat
16 response. So we also get into HAZMAT recognition level
17 training and so forth.

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

21 MR. BIMLE: Right.

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

25 CHAIRMAN BARRAR: All right.

1 Representative Comitta? Anybody else
2 have a question? No?

3 Okay.

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

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

16 REPRESENTATIVE COMITTA: That would be
17 great. And that was sort of a trick question because I
18 think the answer is none. I could be wrong. But the
19 two bills that I and Representative Quinn have
20 introduced, Pipeline Safety and Communications Board
21 Bill and the Eminent Domain, slash, Siting Bill are
22 both specifically from - taken from the recommendations
23 - top five recommendations in that Task Force. So I
24 didn't mean it to be a voucher question, but I thought
25 you would say none of them.

1 MR. PADFIELD: Actually, looking at them
2 the bullet points that I have, some of them have been
3 implemented. And my colleague, Mr. Bimle here, talked
4 of those, making training available to emergency
5 responders, providing emergency responders with the
6 training and information needed to handle pipeline
7 emergencies. There are a number of other
8 recommendations in here.

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

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

24 A question on changing weather. Several
25 of the experts who testified today mentioned the

1 effects that weather events are having on pipelines.
2 And with more extreme weather, you know, like with rain
3 and with 500 and thousand-year floods that are
4 happening in an alarmingly regular rate is certainly of
5 concern. And so I'm wondering about the implication of
6 the changing weather and/or extreme weather on the
7 siting, construction and maintenance of pipelines. And
8 a specific example is the Beaver County Revolution
9 pipeline, which was in operation for a week or so.
10 This landslide caused an - you know, moved the pipe.
11 So that was - that's one incident. But my question is
12 how - this is not - that excessive rainfall or weather
13 event that created the landslide that caused the
14 explosion on the Revolution pipeline was not an
15 anomaly, oh, that's never going to happen again. It's
16 happening all the time. So the question is what - how
17 is the changing weather in Pennsylvania impacting
18 decisions and planning for siting, construction and
19 maintenance of natural gas liquid pipelines, so highly
20 volatile pipelines?

21 MR. PADFIELD: So our agency really does
22 not get involved in, obviously, the siting of that.
23 That is something - we deal mostly in the planning,
24 preparedness, hazard mitigation side of preparing and
25 working with the counties and the local jurisdictions

1 to really address the consequence, management side of
2 that and mitigate where they can, understand what the
3 hazards are and mitigate what they can at their local
4 level.

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

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

24 And then when we look at it from a
25 response perspective one of the things we want to look

1 at, especially tornadoes, weather-driven events, is
2 what is really the impact to infrastructure. And we
3 really consider the pipelines as part of that
4 infrastructure, and really getting an assessment of
5 that early on and realize what the impact is and
6 quantify that is really key.

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

22 MR. PADFIELD: As a general rule, we do
23 not unless we are asked to by another state agency. We
24 do have a Bureau of Technical Hazards, and they
25 actually take a look at that. But as a general rule,

1 we don't normally unless we're solicited for specific
2 input.

3 REPRESENTATIVE COMITTA: So who does?

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

7 REPRESENTATIVE COMITTA: Thank you.

8 CHAIRMAN BARRAR: Thank you.

9 One last question that I have or two. I
10 was alarmed by Energy Transfer's comments about 911,
11 calling 911, basically calling them first. Would you -
12 I don't know if that's - I don't know who would control
13 that, but I truly believe it should be - 911 should be
14 called first before Energy Transfer. I don't know how
15 we correct that. Do we ask them to change that? Who
16 has the authority to ask them to change that, to ask
17 them to stop calling Energy Transfer and call 911 when
18 they - people detect an incident or, you know, a
19 situation that should be called. I think it should be
20 911 first. So maybe that's something we can take up
21 with the Fire Commissioner and PEMA Director and talk
22 to them about changing that part of their criteria.

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

25 ATTORNEY BIMLE: We have no enforcement

1 authority when it comes to pipeline emergencies.
2 Essentially our legal authority really centers around
3 the planning preparedness, hazard mitigation and
4 consequence management side, if there would be -.

5 CHAIRMAN BARRAR: Okay.

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

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

13 Right?

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

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

1 CHAIRMAN BARRAR: Okay. Thank you.

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

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

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

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

24 If you look at the first page of my
25 prepared testimony, there's an illustration there,

1 methane being like steam from a kettle rising. Butane,
2 propane, ethane being like fog, settling and spreading
3 on the ground. That's an important distinction. Both
4 are very explosive gases, but the natural gas liquids,
5 the butane, propane and ethane, are heavier than air.
6 And that characteristic makes them far more dangerous.

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

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

23 Here you see that, in that case, with
24 the identical conditions, the propane will travel 1,500
25 feet downwind and will spread out to almost 1,500 feet

1 in width. So you have a huge cloud. And so in the
2 diagram you can hardly see the methane cloud that is
3 dominated by the propane cloud. It's dozens of times
4 bigger than the methane cloud. That's the key problem
5 with these pipelines.

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

16 Okay.

17 Let me go on to the next section on the
18 next page, titled Could the Route be Worse. What you
19 see here is a map of the population density in part of
20 Delaware and Chester County and showing - showing the
21 pipeline route overlaid on that. What you see is that
22 the darker areas, which are the denser areas of
23 population, are where this pipeline is routed. In
24 other words, this is - this route is practically the
25 worst possible route that could be chosen for a

1 dangerous pipeline. Pennsylvania has no routing
2 authority and Sunoco is free to do this. If there were
3 any reasonable regulation involved in the routing
4 process, in the siting process, this route would have
5 never been chosen. So what we have here is a route
6 that passes very close to over 40 schools, several
7 retirement centers, a bunch of shopping malls and
8 through the heart of various residential districts.
9 This - this is a very dangerous situation. I'm hoping
10 that there will never be reason to regret this, but I
11 fear that there will be.

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

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

21 I'd like to conclude by talking briefly
22 about the Johnstown Flood. That happened almost
23 exactly 130 years ago now, May 31st, 1889. They knew
24 that the dam above Johnstown was leaking. They had
25 tried to fix it on a number of occasions. A lot of

1 people were raising the alarm that that dam could fail
2 catastrophically and would threaten everybody down
3 river from that, and yet no one did anything about it
4 and 2,200 people were killed, the third worst disaster
5 in the history of the country.

6 If there were to be a rupture of the
7 Mariner pipeline system in the heart of one of our
8 densely-populated suburbs, it could be equally
9 disastrous. You've seen the size of that cloud. And
10 that's just with a 12-inch line. We're talking about a
11 20-inch line with Mariner East 2.

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

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

1 even possible to do.

2 Thank you for your time.

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

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

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

25 The primary purpose of Sunoco's proposed

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

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

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

21 To put this number in context, more than
22 2,000 pipeline operators are tracked by the Federal
23 Pipeline and Hazardous Materials Safety Administration.
24 More than half of them have reported zero accidents
25 over the same time period. Sunoco has reported 309.

1 Sunoco is far from the largest pipeline operator in
2 terms of mileage, but it's at the very top of the list
3 when it comes to the number of accidents.

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

20 Sunoco may tell you it can detect leaks
21 on its pipelines. The reality is that its leak
22 detection systems are unreliable at best. None of the
23 accidents I mentioned were detected by Sunoco, but they
24 all involved hazardous liquids that were not highly
25 volatile. As pipeline consultant Richard Kuprewicz put

1 it recently, upon pipeline rupture, HVLs will
2 essentially release the entire volume between closed
3 valves regardless of pipeline elevation. For a typical
4 six-foot segment of 20-inch pipeline this volume is
5 about half a million liquid gallons. Had any of these
6 incidents involved HVLs, the results could have been a
7 mass casualty situation.

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

15 Sunoco tells you that it meets or
16 exceeds the regulatory requirements for pipeline
17 construction and operations. The reality is that
18 Sunoco has a long and checkered history of what the
19 Pennsylvania Department of Environmental Protection
20 called willful and egregious noncompliance with state
21 law and permit conditions. In an Administrative Order
22 issued in January 2018 DEP stated that Sunoco had
23 engaged in unlawful conduct that demonstrates a lack of
24 ability or intention on the part of Sunoco to comply
25 with the laws of our Commonwealth.

1 It's the same story at the federal
2 level, too. PHMSA has initiated enforcement action
3 against Sunoco pipeline an astonishing 46 separate
4 times since 2002.

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

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

23 Sunoco's generic one-size-fits-all
24 public awareness program informs the public that in the
25 event of a suspected HVL leak they should leave the

1 area immediately on foot. The impossibility of large
2 numbers of residents successfully self-evacuating means
3 that hundreds, if not thousands, of people may be
4 trapped within a blast or impact zone awaiting an
5 ignition source. And as Tim Boyce, who we heard from
6 this morning, predicts recently, if these products are
7 released in our community, they're going to find an
8 ignition source. There's no reasonable person who says
9 that if released in large quantity it's not going to
10 ignite.

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

21 It's not my purpose to create
22 unreasonable fear. After all, Sunoco hasn't had a
23 pipeline rupture in Delaware County since June 2018.
24 But it does have more reported leaks from its pipeline
25 than just about any operator - any other operator. And

1 highly volatile liquids present a greater hazard than
2 virtually any other material.

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

21 So perhaps the question before this
22 committee and the General Assembly is just how often we
23 are willing to lose an elementary school full of
24 children. If you, like me, find that unthinkable, then
25 I respectfully urge you to exercise the authority you

1 possess to ensure it never happens.

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

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

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

15 I thank you for the opportunity to
16 testify again, but I am utterly disappointed that I
17 must reiterate my conclusion now from two-and-a-half
18 years ago. This proposed pipeline system poses an
19 unacceptable level of risk to our lives, our children's
20 lives and the lives of thousands of Pennsylvanians.
21 Sadly, Sunoco, Energy Transfer's own conduct during
22 construction of this project now and operation of their
23 workaround hybrid line that they now refer to as
24 Mariner East 2 has proven - has further proven this to
25 be the case.

1 Many of the issues that have occurred
2 along Mariner East since our last testimony were, in
3 fact, predicted prior to construction and even prior to
4 permitting. The current regulatory structure has
5 allowed its project to continue despite Sunoco's
6 egregious record and conduct on this project. It has
7 left over 100 municipal entities, counties, school
8 districts, townships, scrambling to develop individual
9 safety plans for a project already underway based on
10 incomplete information and Sunoco's generic safety
11 guidance of self-evacuation on foot yet the idea that
12 the unique patterns of Mariner East's HVL pipelines in
13 immediate proximity to schools, recreational centers,
14 senior living facilities, densely-populated residential
15 and commercial areas can be made, quote, unquote, safe
16 through planning is seen as simply to be a fallacy.

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

23 State Senators and Representatives have
24 sent communications insisting that this project be
25 halted, oral complaints have been filed with the PUC,

1 and multiple municipal entities have intervened as
2 impacted parties, sounding the alarm on this project.
3 Despite all this, we are still left to grapple with the
4 impact on our communities, townships and first
5 responders left without the power to adequately
6 safeguard us. Reliance on regulations by the PUC have
7 left these pipelines being cited without consideration
8 for public safety, as we've heard.

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

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

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

1 of safety plans.

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

20 On April 24th of this year, in
21 Middletown as well, the sinkhole that has been
22 discussed before measuring 12 feet by 12 feet by 12
23 feet dissolved on the Mariner East easement in front of
24 the State Police barracks, across the street from the
25 active Mariner East drill site installing the 16 and

1 20-inch pipes along Route 1. This is also across the
2 street from Grant Farms Estates, the largest senior
3 citizen community, and on the shoulder of the busiest
4 highway in town.

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

20 More than 30 days have now passed with
21 no answers as to the cause or remedies yet construction
22 and drilling have continued, and the 12-inch line is
23 still operational, just south of that same sinkhole,
24 down the same right-of-way, by Glenwood Elementary,
25 where my children and now 462 students attend, slightly

1 more than the last time I testified and detailed what
2 an evacuation of that school would look like. That
3 12-inch line runs right by Glenwood and is still active
4 despite the lack of answers regarding the sinkhole.

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

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

20 I have a statement to read from Michelle
21 Strain, the mother of one of our disabled residents who
22 happens to live on War Trophy Lane. I would like you
23 to consider her statement and the context as Sunoco's
24 plan for residents who fail to evacuate on foot in case
25 notified of a pipeline leak and as representative of

1 our many disabled residents. I'll read portions of the
2 statement at this point.

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

15 If we were to leave the house in an
16 evacuation, we would need to pack his braces, walker,
17 wheelchair - you see the list of what they would need
18 to bring with them in front of you. He takes 54 pills
19 each day, plus an additional six pills as needed. A
20 lot of his medical supplies are specialty items that
21 must be ordered and not available at local pharmacies.
22 How can I keep him safe and reasonably carry all of his
23 medical supplies? Is this pipeline worth the risk?
24 Who will be looking out for the young, elderly and
25 disabled? Sincerely, Michelle Strain, 48 War Trophy

1 Lane, unquote.

2 Our community and all communities along
3 Mariner East are being put in an untenable position.
4 The combination of lack of effective PUC regulation and
5 consideration of public safety in planning this project
6 plus the disregard for public safety has progressed,
7 leaves one option. Mariner East must be shut down.

8 At this point, the best attempt at a
9 safety plan cannot sufficiently mitigate the risks. In
10 2016 I asked the committee to take a step back to look
11 at a bigger picture of Mariner East. We do not have
12 that luxury now. We need actions.

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

22 CHAIRMAN BARRAR: Thank you.

23 Going now for questions. Representative
24 Otten?

25 REPRESENTATIVE OTTEN: Thank you, Mr

1 Chairman. Thank you for your testimony. I just wanted
2 to clarify some of the things that you mentioned. The
3 12-inch pipe - the 12-inch workarround pipeline is
4 currently active near where the sinkhole was in
5 Delaware County. Is the eight-inch pipeline, which is
6 also currently active, is that in the same proximity as
7 well?

8 MS. DUSSLING: No, it is not. The
9 12-inch was in the immediate proximity of the sinkhole.
10 The eight-inch does cut across the northwest corner of
11 Middletown but not along that portion.

12 REPRESENTATIVE OTTEN: So they separate?

13 MS. DUSSLING: That's correct.

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

1 expand on that a little bit?

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

14 Those pipelines come above ground there.
15 It is not currently - we had to discuss with the school
16 district, and they have been with Sunoco about
17 additional steps that could be taken to secure the
18 valve station. And out of those discussions and their
19 efforts with that new fence - new chain link fencing
20 has been added and I believe barbed wire to the top of
21 that fencing. As far as we understand, there are no
22 additional security measures being taken with that, but
23 the concern is certainly, even though valve stations
24 are a safety feature as far as the automatic shutdown
25 valves for the entire - that route of pipeline, if it's

1 coming above ground it is more vulnerable. It is
2 exposed to the elements. It's exposed for any
3 accidental or purposeful foul play. And simply, valves
4 themselves are more like - are a site of higher degree
5 of risk as far as prone to leaks, corrosion, and
6 they're - like I said, it is - it runs - it is right by
7 homes, so ignition sources are plentiful right next to
8 that valve station.

9 REPRESENTATIVE OTTEN: Thank you.

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

20 CHAIRMAN BARRAR: Thank you.

21 Representative Comitta?

22 REPRESENTATIVE COMITTA: Thank you, Mr.
23 Chairman. And thank you, each of you, for being here
24 and for your persistence, research and voice and
25 speaking out and demanding safety for your families and

1 your neighbors in our communities. I applaud you and I
2 am grateful for all of your efforts. And I believe
3 that you're making a huge difference.

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

19 MR. ALEXANDER: So it's clearly a known
20 issue. It's been discussed on Facebook pages and so
21 forth to a certain extent. I am not aware of any
22 actual involvement by regulators or municipalities
23 specifically to try and mitigate this. I know that at
24 some of the construction sites, so - although bentonite
25 in its liquid form is relatively innocuous, as it dries

1 and becomes a powder, it can be a significant health
2 hazard. And it should be something that we worry
3 about, but I don't really know of any action that's
4 been taken.

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

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

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

24 CHAIRMAN BARRAR: Representative, can we
25 - we really need -

1 REPRESENTATIVE COMITTA: That's fine.

2 Yes.

3 CHAIRMAN BARRAR: - to keep this to
4 emergency preparedness -

5 REPRESENTATIVE COMITTA: You got it.

6 CHAIRMAN BARRAR: - type issues. Okay?
7 We've gone off into the environment.

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

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

12 REPRESENTATIVE COMITTA: Fair enough.

13 CHAIRMAN BARRAR: - response and -

14 REPRESENTATIVE COMITTA: That's fine.

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

17 REPRESENTATIVE COMITTA: I understand.
18 Thank you.

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

21 Okay.

22 Anybody else for questions? All right.

23 Thank you for being here today. Okay.

24 We appreciate your testimony.

25 Our next testifier. Our next panel is

1 Ms. Gladys Brown Dutrieuille. Did I say it right?

2 MS. DUTRIEUILLE: Dutrieuille (corrects
3 pronunciation).

4 CHAIRMAN BARRAR: Dutrieuille. Okay.
5 Good. My Spanish - I mean, my French is terrible.

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

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

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

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

22 I know it's been a long day for you, and
23 so I will try to really skip over the first four pages
24 of my testimony and just condense it and letting you
25 know that gas safety is very important to us. But as

1 Acting Director Padfield stated in the beginning, in
2 terms of what - he stated in terms of it being a very
3 complex matrix of federal and state laws that really
4 regulate the gas safety emergency preparedness, it is
5 truly one where we have federal and state authority.
6 But we, as a statutory-created entity, are ones that
7 make sure that we follow what the law provides for us
8 to do. That includes our relationship on the federal
9 level with PHMSA and the relationship we have with them
10 to follow through with gas safety.

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

20 This is especially true for pipelines in
21 high consequence areas defined in the pipeline safety
22 regulations as an area where pipeline releases could
23 have a greater consequence to health and safety or the
24 environment, including high population areas, sensitive
25 ecological areas and drinking water resources - or

1 sources.

2 The Federal Hazardous Liquid Pipeline
3 Safety Regulations contained in the Code of Federal
4 Regulations for pipeline integrity management apply to
5 pipelines that could affect high consequence areas.
6 The Federal Regulations are performance-based
7 regulations that require the pipeline operator to
8 develop a written integrity management program to
9 address pipeline risk.

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

19 We know that public awareness is very
20 key to all this as well. The Federal Regulations
21 require pipeline operators to develop and implement
22 public awareness programs that follow the guidance
23 provided by the American Petroleum Institute, or API,
24 and incorporated by reference in the Federal
25 Regulations.

1 The API public awareness program is an
2 industry consensus standard that provides guidance and
3 recommendations to pipeline operators for the
4 development and implementation of enhanced public
5 awareness programs. It addresses various elements of
6 such programs, including the intended audiences, the
7 kinds of information to be communicated, frequencies
8 and methodologies for communicating the information and
9 evaluation of the programs for effectiveness. The
10 primary audience is affected members of the public,
11 including residents, businesses, customers and schools
12 along the pipeline and the right-of-way along with
13 emergency response and planning agencies such as the
14 state, county and local ones, public officials,
15 government councils and excavators known to work on or
16 on the proximity - or in the proximity of the pipeline.

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

25 For example, hazardous liquid operators

1 are required to have procedures to notify fire, police
2 and other public officials of emergencies and
3 coordinate with them to pre-plan an actual response
4 during emergencies. Communication, as we know, is very
5 important, very important between the entities,
6 especially the county governments and municipalities,
7 the school districts and the various state agencies.

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

22 Pipeline replacement - and I have heard
23 the comments also in terms of the concerns of aging
24 infrastructure. Another factor - this is another
25 factor that must be considered in the overall landscape

1 for pipeline safety, which is the replacement of aging
2 and other at-risk pipelines, especially older cast iron
3 and unprotected steel lines that are still in use
4 across the state.

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

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

20 The Distribution Integrity Management
21 Programs, I want to turn to that next, which are called
22 DIMPs, they apply to natural gas distribution
23 operators. The DIMP regulations were established to
24 reduce risks and fails - and failures specific to gas
25 distribution systems. I&E conducts robust DIMP

1 inspections of the operators, often resulting in
2 noncompliance actions. These performance safety
3 regulations require a deep dive into the operator's
4 data. Overall, the goal is to ensure that the operator
5 develops plans to reduce risk on all threats. Pipeline
6 replacement of cast iron, bare steel pipelines is the
7 most common way to reduce the largest risk for most
8 operators. This ties into the operator's LTIIP.
9 Pennsylvania was the first state to begin annual DIMP
10 inspections of large pipeline operators and we remain
11 committed to continuous improvements.

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

22 While different pieces of legislation
23 have been introduced over the last few years related to
24 these topics, most remain unresolved, leading to
25 increased friction between operators and the

1 communities they pass through. While these matters are
2 outside of the jurisdiction of the Commission, they are
3 shaping the ongoing public discussion involving
4 pipeline safety and are matters that the General
5 Assembly may wish to consider. The Commission will
6 remain focused on the areas where our jurisdiction
7 lies, and that's in pipeline integrity.

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

21 CHAIRMAN BARRAR: Thank you.

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

25 MS. DUTRIEUILLE: Now, I'm going to

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

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

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

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

24 MS. DUTRIEUILLE: And we have done that.

25 CHAIRMAN BARRAR: Okay.

1 We hear a lot about - we heard the
2 testimony of our citizens about 400 and some accidents
3 that was - that has been reported by - from Solo
4 Logistics. What constitutes an accident, a reportable
5 accident?

6 MS. DUTRIEUILLE: I'm going to let Bob
7 answer that question.

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

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

17 MR. YOUNG: Yes.

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

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

25 CHAIRMAN BARRAR: Okay.

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

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

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

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

21 MS. DUTRIEUILLE: Let me just start with
22 anything that we do in terms of the agency, the focus
23 is on safety. And we - as I stated before, we have -
24 well, my testimony provides that we have a certain
25 number of gas safety inspections. Currently we have 15

1 and we're looking to, in our current budget, to
2 increase it to four more. And you'll probably see that
3 more and more each year as we come forth with our
4 budget, because our focus is on gas safety. So they
5 are out there on a regular basis looking at things.
6 But did they have to come in and ask us permission
7 beforehand?

8 CHAIRMAN BARRAR: Right.

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

14 CHAIRMAN BARRAR: But the depth of the
15 old pipeline would be different. I mean, Energy
16 Transfer basically bragged about the fact that they're
17 exceeding - their new pipeline is exceeding the
18 standards required by the best practice model that they
19 use. But the new pipe - the old pipeline, I can tell
20 you parts of my own district that there are areas where
21 the tops of the pipeline are actually visible in
22 certain neighborhoods. Is there authority to go back
23 and ask them to take that down to the 48 inches and
24 make it consistent that they're - of what they're doing
25 throughout the new section?

1 MS. DUTRIEUILLE: Let me just answer
2 that generally because that goes into we do have
3 certain proceedings that are - I'll continue to say
4 that our gas safety inspectors, of course, go and look
5 at that. Of course they're concerned about making sure
6 that the infrastructure is intact and is able to be
7 used. And I don't know if Bob wants to add onto that.

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

10 CHAIRMAN BARRAR: You can never do that.

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

24 And one of - one of the reasons for
25 that, and it's been well documented in numerous

1 Commonwealth Court cases, is the fact that the
2 Commission's regulation of petroleum products covers a
3 broad category of materials. And the highly volatile
4 liquids that we've been talking about today are
5 classified both state and federally as petroleum
6 products. So one of the calls the Commission was asked
7 to make five years ago was whether these new services
8 were within the existing Certificates. And the
9 Commission held that they were. And that's been upheld
10 by numerous Commonwealth Court Decisions.

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

18 CHAIRMAN BARRAR: But by taking a
19 natural gas pipeline out of service, basically
20 repurposing it or redirecting it, okay, are we
21 continuing now to leave the southeast underserved when
22 it comes to natural gas or the heating of our homes and
23 things? If we get a severe winter, is that taking
24 another pipeline away from us that will - to provide
25 natural gas to this area?

1 MS. DUTRIEUILLE: I actually, Chairman,
2 don't know if that's an appropriate question or fair
3 question.

4 CHAIRMAN BARRAR: Okay.

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

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

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

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

21 CHAIRMAN BARRAR: Okay.

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

24 CHAIRMAN BARRAR: Then I'm mistaken.

25 MR. YOUNG: None at all. In fact, the

1 one thing where Mariner East has probably the greatest
2 local benefit is the flow of propane from western
3 Pennsylvania into eastern Pennsylvania. For those
4 areas that are not served by natural gas, it has
5 definitely helped the flow and the price of propane to
6 the consumer. That's one of the most direct benefits
7 to this region from the propane service provided by
8 Mariner.

9 CHAIRMAN BARRAR: Great. Thank you.
10 Representative Quinn?

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

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

25 MR. YOUNG: I think the Commission has

1 that authority and exercises it currently based on the
2 way the integrity management programs are designed,
3 that if there's a - say, for example, a corrosion issue
4 detected, the - they will look at when that pipe was
5 installed, what type of steel was installed. And if
6 they find that that was limited to steel that was, say,
7 installed as a replacement in 1975, they will look and
8 they will also go to other utilities and find out
9 everybody else that had that type of steel and they
10 will flag that as a potential issue for the utilities
11 to look at.

12 When we were talking about risky pipe,
13 we were talking not necessarily the particular type of
14 pipe, the Mariner pipe that we're talking about today,
15 we're talking the cast iron - the pipe that was
16 installed, some of it back into the early 1900s, that
17 was not installed with cathodic protection as pipes are
18 today. And there's a risk analysis based on, as the
19 Gas Safety Division reviews incidents, they look and -
20 they look, and if they find a problem that it is
21 eight-inch cast iron pipe installed from a certain
22 steel mill in a certain timeframe, they'll go out to
23 the other utilities and say, hey, how much of this pipe
24 do you have. It should be placed on a higher priority
25 for pipeline replacement.

1 So to the extent that if there's an
2 issue developed that may look narrow, the Gas Safety
3 Division will look at it to see whether there's a wider
4 exposure. Now, they don't do it - they won't mandate,
5 say, an inline inspection to run over a 300-mile
6 pipeline just because of an incident that might -
7 they'll focus on the specific data points that are
8 driving the investigation of that incident.

9 REPRESENTATIVE QUINN: Thank you.
10 Appreciate it.

11 CHAIRMAN BARRAR: Representative Otten?

12 REPRESENTATIVE OTTEN: Thank you, Mr.
13 Chair.

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

23 MS. DUTRIEUILLE: I'm not sure exactly.
24 If I could answer your question in terms of the
25 classification. Were you talking about the type of

1 pipelines and where the one was a state versus a
2 federal pipeline or joint?

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

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

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

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

24 Now, with that said, it might create a
25 conflict between state and federal law that might be

1 somewhat difficult to resolve. But in this particular
2 case, when we're dealing with petroleum products, the
3 state has a bit more authority to regulate,
4 particularly when it's a state and public utility
5 involved, than it does if this was an interstate
6 natural gas transmission line, where there's very
7 strong federal preemption as to what the states can and
8 cannot do. The petroleum products are regulated
9 federally under the Interstate Commerce Act, which does
10 not have that same level of federal preemption.

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

20 REPRESENTATIVE OTTEN: Thank you.

21 And then the other question I have,
22 Chairman Brown, you said that you do have the authority
23 to shut this project down if it's a safety concern.
24 And so, obviously, today we've heard a lot of different
25 testimony. I know you have several cases at the PUC.

1 I guess my question goes a step beyond
2 that and says let's say that, you know, you hear all
3 the testimony, PUC cases are all resolved, if this
4 project is generally just not safe, it's a poorly-sited
5 project, it's just not ever going to be a safe project,
6 does the Commission have the ability to pull a PUC
7 Certificate or the conditions around a Certificate or -
8 I mean, does the Commission have any ability to say
9 this is not a good route for this kind of product, this
10 is not a good plan at all, we've demonstrated that
11 through many different ways, and therefore we're going
12 to modify or change the requirements of the PUC
13 Certificate?

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

22 MR. YOUNG: I will say that this project
23 is a dual-jurisdictional project, which is proceeding
24 under both state and federal law and that if the - if
25 it was no longer a state project, for whatever reason,

1 it would have no effect on the federal side.

2 CHAIRMAN BARRAR: And Representative
3 Comitta?

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

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

20 MS. DUTRIEUILLE: Well, I think I
21 emphasized generally in my testimony in terms of
22 communication is very important. We have heard your
23 concern. You have talked to us about this many times.
24 We feel it's important for them to engage with the
25 community, to provide that information that is needed

1 to them. And I'm not sure if you're asking along the
2 lines of what we at the commission could do. I mean,
3 we have been making sure that we've reached out to them
4 and stressed to them in terms of the importance of
5 communication. And I'll turn it over to Bob for the
6 rest of the answer.

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

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

22 REPRESENTATIVE COMITTA: Thank you.

23 The second question. Many of us were
24 surprised, maybe shocked and greatly concerned when we
25 learned that there are no safety regulations for

1 natural gas with this pipeline, and so in speaking with
2 PUC staff over time I understand that PUC is working on
3 a proposal of new safety regs for NGLs. And I'm
4 wondering if you can talk about the status of those
5 safety regs.

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

14 MR. YOUNG: If I could answer that
15 question slightly more directly. I have the question,
16 just so that everybody else in the room knows what
17 we've been talking about outside of this room, and that
18 is the - it is state-specific regulation. The Federal
19 Pipeline Safety Regulations have been adopted by
20 Pennsylvania, and they are our safety regulations at
21 the moment, but the Federal Pipeline Safety Regulations
22 allow participating states to adopt more stringent
23 standards. And it's this enhanced level of standards
24 that staff is preparing for the Commission. And that
25 will - that will - when the Commission reviews it,

1 they'll decide when and if that goes out to public
2 comment.

3 REPRESENTATIVE COMITTA: Thank you.

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

18 MS. DUTRIEUILLE: I apologize for not
19 having the bill in front of me. I do apologize for
20 that. But what I would say, which I think it's
21 important to say, is that the PUC generally has not
22 taken any position on whether or not we should have
23 siting authority. We've taken the position that there
24 is no specific siting authority, which we believe has
25 caused some confusion.

1 So the question for me, not the
2 Commission, but the question for me or more the
3 statement is in considering siting authority, which
4 we've generally heard that it's very important to the
5 General Assembly, you've got to look at whether it
6 should come to the PUC or whether it should go to an
7 independent agency and what you want the focus to be on
8 siting.

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

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

23 MS. DUTRIEUILLE: I do not have an
24 answer of whether they have comments that they wanted
25 to submit for the current review that you're talking

1 about. And I don't know if Bob has any?

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

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

15 REPRESENTATIVE COMITTA: Thank you both
16 very much.

17 CHAIRMAN BARRAR: Thank you.

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

21 Also, I want to thank the community
22 college. I'm looking at Anthony, and I think we're
23 going to get put on double secret probation if we
24 overstay our welcome here. So thank you for your
25 hospitality today. And thanks, everyone, for being

1 here today, especially the members. Appreciate it. I
2 know some of you traveled pretty far to get here, so it
3 means a lot. Thank you.

4 * * * * *

5 HEARING CONCLUDED AT 2:16 P.M.

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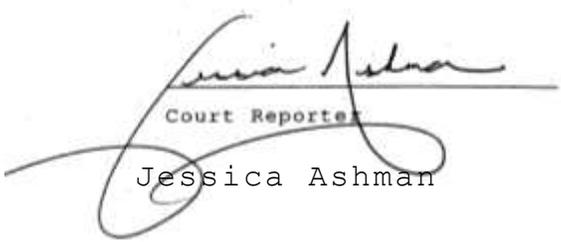
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CERTIFICATE

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.



Court Reporter
Jessica Ashman