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Richard H. Finan  
Mayor

# VILLAGE OF EVENDALE

10500 Reading Road • Evendale, Ohio 45241-2574 • Phone 513-563-2244

September 10, 2019

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

Attn: Mr. Sam Randazzo, Chairman

RE: Village of Evendale's Comments on  
Pipeline Safety Modifications to OAC Chapter 4901:1-16  
Case No. 19-47-GA-ORD

PUCO

2019 SEP 13 PM 12:04

RECEIVED-POCKETING OF

Members of the Public Utilities Commission of Ohio:

Please find enclosed the Village of Evendale's Written Comments on the proposed modifications to Ohio Administrative Code (OAC) Chapter 4901:1-16 – Gas Pipeline Safety.

## General Comments:

1. Although the request from the Public Utilities Commission of Ohio (PUCO) is regarding the rules under the OAC Chapter 4901:1-16 Gas Pipeline Safety, there are several sections of the OAC and Ohio Revised Code (ORC) that also address the issue of Pipeline Safety such as:
  - a. ORC – 4905.90 – Natural Gas Pipeline Safety Standards Definitions
  - b. ORC – 4905.91 – Intrastate Gas Pipe-lines
  - c. ORC – 4905.911 - Compliance with federal design requirements
  - d. ORC – 4905.92 – Assessments against operators – pipe-line safety fund
  - e. ORC – 4905.93 – Duties of operator
  - f. ORC – 4905.94 – Operator of master-meter system
  - g. ORC – 4905.95 – Notices, hearings and orders of commission
  - h. ORC – 4905.96 – Civil action against operator
  - i. ORC – 4906 – Power Siting

Are these chapters to be reviewed and if so when?

2. Code of Federal Regulation (CFR) 49 C.F.R. 191 – Transportation of Natural and Other Gas by Pipeline; Annual Reports and Safety-Related Condition Reports and 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, set minimum standards for pipeline safety. Has the PUCO or the Ohio Power Siting Board considered any standards that would increase or strengthen this requirements, especially within residential areas, High Consequence Areas (HCA) such as Setbacks to residential property and/or potential impact radius (PIR), design classifications for high pressure/high capacity gathering and/or distribution pipelines, etc.?

This is to certify that the enclosed document is an accurate and complete reproduction of the original document delivered in the regular course of business.  
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## 4901:1-16-1 Definitions

1. Provide definitions for Distribution (High and Low Pressure) and Transmission Pipeline with criteria. In OPSB Case No. 16-0253-GA-BTX – Duke Energy C314V Central Corridor Expansion Project, on Pages 52 and 53, the OPSB staff has to determine the proposed pipeline and therefore defaulted to a distribution line because none of the other descriptions fit:

*The definition of a Gathering Line found in 49 C.F.R. 192.3 is "a pipeline that transports gas from a current production facility to a transmission line or main." Since the Central Corridor Pipeline would not transport gas from a current production facility, it would not be classified as a Gathering Line.*

*The definition of a Transmission Line found in 49 C.F.R. 192.3 is "a pipeline, other than a gathering line, that: (1) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not down-stream from a distribution center; (2) operates at a hoop stress of 20 percent or more of SMYS; or (3) transports gas within a storage field."*

*First, the term "distribution center" in the definition of Transmission Line is not defined within the Pipeline Safety Regulations. However, PHMSA has defined the term "distribution center" through written interpretations as "the point where gas enters piping used primarily to deliver gas to customers who purchase it for consumption as opposed to customers who purchase it for resale."*

*The Applicant is a local distribution company (LDC) that provides gas to customers who purchase it for consumption as opposed to customers who purchase it for resale. The Central Corridor Pipeline would be supplied from the Highpoint Park Station equipped with overpressure protection separating the line from the upstream 24-inch transmission line. The proposed pipeline is not transporting gas to a storage field or single large volume customer and appears to be downstream of a distribution center, and therefore would not fit the first part of the Transmission Line definition.*

From the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA)...*"A natural gas transmission pipeline is a pipeline used to transport natural gas from a gathering, processing or storage facility to a processing or storage facility, large volume customer, or distribution system. A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.*



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*Technically speaking: A natural gas transmission pipeline is a pipeline, other than a gathering line, that 1) transports gas from a gathering line or storage facility to a distribution center, storage facility, or large-volume customer that is not downstream from a distribution center; 2) operates at a hoop stress of 20 percent or more of specified minimum yield strength (SMYS); or, 3) transports gas within a storage field, while a distribution line is a line used to supply natural gas to the consumer. A distribution line is located in a network of piping located downstream of a natural gas transmission line. As defined in natural gas pipeline safety regulations, a distribution line is a pipeline other than a gathering or transmission line."*

As the minimum safety requirements vary for transmission lines vs. distribution lines, the PUCO should set some criteria for size and pressure of gas mains in the classification.

#### **4901:1-16-02 Purpose and Scope**

If the Title of Chapter 4901:1-16 is "Pipeline Safety", it would seem appropriate that the Purpose and Scope section addresses the design and construction of gas pipelines. At a minimum the section should reference the appropriate Chapter and Sections of the ORC and OAC as listed above. In addition, reference to 49 CFR 190, 191, 192 and 199.

#### **4901:1-16-03 Adoption of United States Department of Transportation gas pipeline safety regulations**

49 CFR 192 is the Minimum Pipeline Safety Standards, and nowhere does it declare that States may not impose addition standards for intrastate pipelines. Over the past 3 years, as OPSB Case No. 16-0253-GA-BTX – Duke Energy C314V Central Corridor Expansion Project, has worked through the process, the provisions the public's safety in regards to residences, businesses, schools, hospitals, etc. are not considered as part of the review process. However, ironically three (3) of the six (6) review criteria a based upon the potential negative environmental impacts.

Throughout the process for Case No. 16-0253-GA-BTX, Duke Energy and the OPSB staff have dismissed the concerns of citizens along the proposed/alternate route, as there are no requirements to evaluate the impact to human life/occupation. However, we all have seen several cases within the past year of significant gas explosions, most recently in Lincoln County, Kentucky, which creates unease at the trust the regulations are protecting the property owners adjacent to a pipeline.

The following are proposed suggestions for additional considerations that PUCO and OPSB should implement for pipeline review:

1. As stated above, PUCO should define the criteria and safety standards for high pressure/high capacity distribution lines. Traditionally distribution lines are used to provide gas to individual consumers and are smaller up to 12" with low pressures under 125 psig. When a larger pipeline (over 12" up to 60") and operates at a pressure over 125 psig and is



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installed to provide gas from point to point without providing gas to individual customers/users, this operates no different from a transmission pipeline and should be treated as such.

2. Setbacks – Pipeline operators require clearances from any proposed or existing pipelines in the form of easements or pipeline right of ways. However, there is no limitation to the proximity of proposed pipelines to existing homes or businesses.

*49 CFR 192.317(a), "The operator must take all practicable steps to protect each transmission line or main from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads...." and,*

*49 CFR 192.325(a), "Each transmission line must be installed with at least 12 inches (305 millimeters) of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure."*

The setback should be determined by the size and pressure of the proposed pipeline, the class locations of the pipeline and a determination of the Potential Impact Radius or Hazard Area Radius.

3. Shutoff Valves – 49 CFR 192.935 requires the pipeline operator to take additional measures to prevent or mitigate the consequences of pipeline failure in a High Consequence Area (HCA). However, it leaves the decision to the operator. We would recommend that this be mandated.

*49 CFR 192.935(c). Automatic shut-off valves (ASV) or Remote control valves (RCV). If an operator determines, based on a risk analysis, that an ASV or RCV would be an efficient means of adding protection to a high consequence area in the event of a gas release, an operator must install the ASV or RCV. In making that determination, an operator must, at least, consider the following factors— swiftness of leak detection and pipe shutdown capabilities, the type of gas being transported, operating pressure, the rate of potential release, pipeline profile, the potential for ignition, and location of nearest response personnel. On Page 7-1 the Duke proposal states that the project may include compliance with Federal Spec Title 49 CFR 192.*

## **4901:1-16-04 Records, Maps, Inspections, leak classifications and service line abandonment**

1. Mapping – The operators are required to provide the locations of pipelines, but the local communities do not have this ability. If the concern is public awareness of existing pipelines, shouldn't the local community have these location maps to alert designers and construction



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entities when a building permit, road repair, or other construction work is proposed to be performed?

**4901:1-16-05 Notice and reports of service failures and incidents; twenty-four hour contacts; one-call participation; post-incident test; and cast iron pipeline program.**

1. Contacting Local Emergency Services – The regulations should include the operator being required in contacting local police and fire departments or the Regional Emergency Management group to alert them of active leaks within a community. We will receive numerous phone calls regarding the smell of a natural gas leak and many times we are unaware that the utility company is responding or is aware of the issue.

**4901:1-16-06 Construction Reports**

1. Why was the number of reports reduced from three to two? With the public interest in ensuring proper installation, it would be prudent to have more reports than less.

**Conclusion**

We appreciate the opportunity to present our concerns and comments. If you have any questions, or need additional information, please contact us at your convenience.

A handwritten signature in black ink, appearing to read "R. Finan".

Richard H Finan  
Mayor

Sincerely,

A handwritten signature in black ink, appearing to read "J. Jeffers".

James R. Jeffers, P.E.  
Service Director/Engineer