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COUNTY OF SANTA BARBARA

December 8, 2015

Interim Executive Director Cummings,

Thank you for the opportunity to comment on the Notice of Proposed Rulemaking, dated October 13, 2015, regarding proposed changes to existing Federal hazardous liquid pipeline regulations. First, we acknowledge and commend this effort to enhance the existing regulations, and believe it will lead to more comprehensive regulatory oversight and improved operational safety of hazardous liquid pipelines going forward. The County of Santa Barbara currently conducts environmental review and has permitting authority over pipelines. As part of its oversight and regulatory responsibility, the County has responded to several oil spills, the most recent of which was the Plains All American Refugio oil spill which occurred on May 19, 2015. Our comments herein are intended to further strengthen the proposed regulatory changes where we believe additional measures could result in increased levels of safety.

The Notice of Proposed Rulemaking identifies seven categories of proposed modifications to 49 Code of Federal Regulations (CFR) Part 195. The following comments address each of these proposed modifications. The comments also include recommendations to add an expanded definition of High Consequence Areas (HCAs), and strengthened regulations related to valve spacing and emergency flow restricting devices (EFRDs).

(1) Extend certain reporting requirements to gravity lines (pg. 9)

This proposal would require all operators of gravity lines to comply with existing requirements for submitting annual, safety-related condition, and incident reports.

Comment 1.1: There are currently no gravity lines in the County. However, extending reporting requirements to gravity lines would provide PHMSA the data required to analyze potential risks associated with these lines and would enhance pipeline safety. The County therefore supports this proposal.

(2) Extend certain reporting requirements to all hazardous liquid gathering lines (pg. 9)

This proposal would extend all reporting requirements for submitting annual, safety-related condition, and incident reports, as described in 49 CFR Section 195, to all operators of gathering lines, whether onshore, offshore, or currently unregulated. The proposal would not set a safety standard for unregulated gathering lines, rather it would require safety and condition related reports to be submitted on an annual basis.

Comment 2.1: This proposal would improve the oversight of hazardous liquid gathering lines by providing PHMSA the data required to analyze potential risks associated with these lines. The County therefore supports this proposal.

- (3) **Require inspections of pipelines in areas affected by extreme weather, natural disasters, and other similar events (pg. 12)**

This proposal would require that all operators perform additional inspections within 72 hours after the cessation of an extreme weather event, natural disaster, or similar event. In order to determine the appropriate method for conducting the required inspection, the operator would be required to consider pipeline characteristics and the nature of the event. If an adverse condition is found to have occurred, the operator would be required to implement appropriate remedial actions to ensure the ongoing safe operation of the affected pipeline.

Comment 3.1: This proposal should be clarified by including definitions of ‘extreme weather events’, ‘natural disaster’, and ‘similar events’. The proposed regulations should specify a particular threshold at which action would be required. Furthermore, the proposal should identify specific remedial actions, such as shutting down the affected pipeline or reducing operating pressure immediately after an “event” until at least the time of the inspection. Finally, this proposal should also clarify what inspection procedures are appropriate for certain types of pipelines to ensure that the condition of the affected pipeline is adequately characterized (e.g. visual inspection of pipeline corridor, inspection of surrounding topography, review of pipeline operational data, etc.).

- (4) **Require periodic assessments of pipelines that are not already covered under the integrity management (IM) program requirements (pg. 15)**

This proposal would require that pipelines not located in HCAs be assessed with an inline inspection (ILI) tool no less than once every ten years.

Comment 4.1: Requiring periodic assessments for pipelines not already covered by an IM program is an excellent step toward improving the operational safety of such pipelines as noted on page 17 of the Notice of Proposed Rulemaking. However, because internal and external pipeline corrosion rates are highly dependent upon the chemical characteristics of the transported liquid and the location of the pipeline, the County suggests that these regulations require an inspection timeframe of at least every five years to account for such factors. The five-year timeframe should be shortened on a case-by-case basis if pipeline assessment reports demonstrate accelerated corrosion or other factors negatively affecting pipeline integrity. Despite a three year inline inspection interval on Plains All American Pipelines’ Line 901 (the pipeline involved in the May 2015 Refugio oil spill), in-line inspections still failed to identify a fatal anomaly in the pipeline. The resulting pipeline failure caused a large spill of crude oil onto private and public lands, popular recreational areas, and into the Santa Barbara Channel, where it caused significant impacts to the marine and terrestrial environments.

- (5) **Expand the use of leak detection systems on hazardous liquid pipelines to mitigate the effects of failures that occur outside of HCAs (pg. 19)**

This proposal would require that “all new hazardous liquid lines be designed to include leak detection systems”. Since these requirements extend to pipelines outside of HCAs and generally increase the safety of pipelines across the nation, PHMSA determined that no additional change to the HCA definition is necessary at this time.

Comment 5.1: The County supports this proposal to require leak detection systems for all new hazardous liquid lines. This proposal should be clarified to identify how PHMSA would oversee

operators' choice of particular leak detection system and ensure that the chosen system is adequate for each pipeline's unique characteristics.

Comment 5.2: HCAs are narrowly defined in current regulations. The County suggests that the regulations include an expanded definition of HCAs to include navigable waterways, State- and federally-listed threatened and endangered species critical habitat, and areas of local significance. Additionally, the County suggests that the regulations allow for the involvement of local government entities when making HCA determinations so that they may participate in the process of identifying areas of local significance.

Santa Barbara County hosts various types of habitat that support many rare, threatened and endangered species, and numerous areas possessing unique scenic, environmental, and cultural resources. In identifying areas of local significance PHMSA and local government agencies should work collaboratively to ensure that the site-specific requirements for the protection of these resources are implemented accordingly.

(6) Modify the IM repair criteria and apply those same criteria to pipelines that are not subject to the IM requirements, with an adjusted schedule for performing non-immediate repairs (pg. 17)

This proposal would modify the immediate repair criteria for IM pipelines and apply these criteria to non-IM pipelines; establish immediate and 18-month repair categories for non-IM pipelines; and replace the 60-day and 180-day repair categories for IM pipelines with a 270-day category.

Comment 6.1: Expanding the list of conditions requiring immediate remediation for IM pipelines and the addition of immediate repair criteria to non-IM pipelines are welcome changes that would greatly improve pipeline operational safety.

Comment 6.2: The Notice of Proposed Rulemaking does not provide an explanation for why the 60-day and 180-day repair categories are proposed to be extended to 270-days. We suggest that the 180-day repair category remain in place of the proposed 270-day repair category to ensure that pipeline repairs are conducted in a timely manner.

(7) Increase the use of inline inspection tools by requiring that any pipeline that could affect a high consequence area be capable of accommodating these devices within 20 years, unless its basic construction will not permit that accommodation (PG 21)

This proposal would require that any pipeline with the potential to affect an HCA must be able to accommodate an inline inspection (ILI) tool within 20 years, unless basic construction makes this infeasible.

Comment 7.1: ILI tools are a useful and proven technology for conducting pipeline integrity assessments in a non-destructive manner. The County suggests that the accommodation timeframe be reduced from 20 years to 5 years to ensure a higher degree of operational safety for pipelines within HCA's in a shorter timeframe. Exceptions could be allowed for pipelines with basic construction that would not accommodate the passage of an ILI tool.

(8) Frequency of valve spacing

The Notice of Proposed Rulemaking does not propose standards for valve spacing in addition to those currently in effect.

Comment 8.1: The proper location and frequency of valves is critical for minimizing pipeline leaks and ruptures, and protecting environmentally sensitive areas and areas of local significance. The County suggests that regulations mandating valve installation be revised to require coordination between PHMSA, pipeline operators and local government entities when determining the location and frequency of valves in HCAs, coastal zones, and areas of local significance.

(9) Emergency flow restricting devices

The Notice of Proposed Rulemaking does not propose any changes to regulations concerning use of EFRDs.

Comment 9.1: The existing pipeline regulations under 49 CFR Part 195 do not currently require the use of EFRDs. The County proposes that best available technology, such as automatic shut down systems be required for hazardous liquids pipelines. Automatic shutoff systems are triggered by pre-set parameters and do not require human action, decision-making, or intervention to shut down the pipeline system. Incorporation of automatic shut down systems would minimize the potential impacts from oil spills. Pipeline operators in Santa Barbara County routinely include state of the art leak detection and spill prevention technology, including automatic shutoff systems, in their pipeline project proposals. Automatic shutdown technology is feasible and warranted; all of the major pipelines in Santa Barbara County are equipped with automatic shutoff systems, with the notable exception of the Plains All American Pipeline system, which ruptured and caused the May 2015 Refugio oil spill. If the Plains All American Pipeline system had been equipped with an automatic shutdown system, the substantial environmental damage caused by the May 2015 Plains All American Pipeline spill could have been minimized. We suggest supplementing the regulations to require that hazardous liquids pipelines be equipped with a system to automatically shut down the source of oil (i.e. the shipping pump) upon 15% deviation from normal operating parameters including high and low pressure and high and low flow. Additionally, the system should include an alarm that notifies the operator at 10% deviation so that necessary actions are proactively taken to prevent a potential pipeline rupture or leak.

In summary, the County of Santa Barbara appreciates and commends this effort by PHMSA to enhance the existing pipeline safety regulations. We believe that with incorporation of the changes proposed in our comments, the updated regulations will lead to more effective oversight and improved operational safety of all hazardous liquid pipelines going forward. Thank you for considering our comments.

Sincerely,

Janet Wolf

Chair, Board of Supervisors, County of Santa Barbara

cc: Mona Miyasato, Chief Executive Officer, County of Santa Barbara
Glenn Russell, Ph.D., Director, Planning & Development Department, County of Santa Barbara