



William Rush  
Director of Field Operations  
US Department of Transportation  
Pipeline Hazardous Materials Safety Administration  
1200 New Jersey Avenue, SE  
Washington DC, 20590

August 4, 2021

Dear Mr. Rush,

Thank you for your response to the People Over Petro Coalition's petition asking PHMSA to hold a public town hall meeting on the Falcon Ethane Pipeline System, and for acknowledging the great deal of public concern there is surrounding this pipeline system.

As you may be aware, E&E News published an article on the Falcon Ethane Pipeline System on July 15th, 2021, which heightened these concerns. The article casts doubt on the adequacy of the pipeline inspection process, and raises several red flags about the pipeline's safety, including that a representative of the coating manufacturer stated the pipeline's protective layer was "unacceptable," and inspectors allegedly were told to lie in their reports.

It is our understanding that PHMSA is the agency with jurisdiction over safety aspects of the Falcon Ethane Pipeline System's construction and operation. Furthermore, other public agencies have directed us to PHMSA for inquiries about the pipeline's safety. James Miller, Regional Director of the Southwest Regional Office of the Pennsylvania Department of Environmental Protection (PA DEP), told us, "DEP defers to PHMSA on matters related to pipeline coating" and Rosemary Chiavetta, Secretary of the Pennsylvania Public Utilities Commission, stated, "Shell's Falcon Pipeline is not within the jurisdiction of the Commission, but rather solely within the federal purview of the Pipeline and Hazardous Materials Safety Administration."

Recognizing that PHMSA does not have a precedent for hosting town hall meetings on individual pipelines or pipeline systems, we are requesting that you communicate to us how you would like to respond to the public's concerns about this project. The specific concerns we'd like you to respond to include:

- What actions has PHMSA taken, or plans to take, to hold Shell Pipeline Company LP (Shell) accountable?

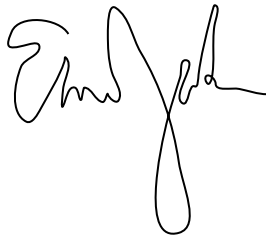
- The Secretary of the PA DEP has stated that PHMSA's inquiry into issues with the Falcon Ethane Pipeline System, referenced in PHMSA's May 4th correspondence, were incomplete. What actions has PHMSA taken since the PA DEP correspondence?
- Did PHMSA alert regulatory agencies in Ohio and West Virginia to the issues surrounding inadvertent returns, as it did with the Pennsylvania Department of Environmental Protection? If not, why not?
- Administrator Brown's May 4th letter stated that Shell performed a baseline in-line inspection and was expected to complete a Close Internal Survey of the pipeline. There is reason to believe that employees working on this pipeline system have inaccurately reported information and that the project may have a workplace culture of fear and intimidation. Therefore, we are requesting independent integrity testing of the pipeline by a third-party. Could PHMSA require this?
- What do PHMSA inspections entail? How much of PHMSA's inspection and oversight relies on self-reporting by employees hired and/or contracted by Shell?
- PHMSA's enforcement action website lists one Notice of Amendment, but there does not appear to be any enforcement actions and/or cases opened regarding Shell's false recording of the use of a test strip, or pipeline inspectors falsifying records or being encouraged to falsify records. Were additional cases opened beyond what's publicly available? If not, what was done in response to pipeline inspectors falsely recording data?
- The recent E&E News article states that a representative of the coating manufacturer stated the pipeline's protective layer was "unacceptable," and also that there is no record that PHMSA followed up with the pipeline coating manufacturer. Has PHMSA followed up with the manufacturer, and if so, is that correspondence publicly available?
- The Falcon Ethane Pipeline System crosses sources of drinking water for thousands of people, from the Ambridge Reservoir and the Ohio River. Should the pipeline leak or explode, Shell has promised to provide water buffaloes for residents. What role would PHMSA play in providing water and/or restitution for the loss of it should an accident occur, and if so to what extent and how has that plan been communicated to residents?
- The Falcon Ethane Pipeline System, should it leak or explode, is extremely close to schools, neighborhoods, churches and communities. Some of these communities, like Maronda Farms, are within the blast zone of the pipeline. Has Shell filed and/or publicly released an emergency management plan to handle evacuations or a response should an accident occur?
- In accordance with the Pipeline Safety Act, what role does PHMSA play in ensuring full disclosure of the risks of an ethane pipeline leak and/or explosion—including property damage, asphyxiation, burns and fatalities—to all residents, school districts, churches, businesses and hospitals within the blast zone of the Falcon Ethane Pipeline System both before its construction began and in ongoing education since that point?
- In accordance with the Pipeline Safety Act, what role does PHMSA play in ensuring full disclosure of the risks of an ethane pipeline leak—including property damage, asphyxiation, burns and fatalities—to all local emergency-preparedness personnel within

the blast zone of the Falcon Ethane Pipeline System both before its construction began and in ongoing education since that point?

- Since the heavier-than-air, traveling, asphyxiating vapor cloud formed by an ethane pipeline leak can be ignited by a spark from a car, cell phone, or doorbell, what role does PHMSA play in ensuring that the most vulnerable residents within the Shell Falcon Pipeline blast zone—i.e., children, the elderly, and people with disabilities—1) Can be swiftly and safely evacuated from a leak site on foot, uphill, and upwind without assistance from cars, cell phones, or even doorbell warnings?; 2) Are all fully informed of a feasible evacuation plan?; and 3) Are all provided with ongoing education about this plan, and are materials provided in other languages, if necessary?
- The PA Environmental Digest recently published a policy paper describing how natural gas and hazardous liquid pipelines are not required to have insurance to cover property damage, bodily harm or environmental cleanup and natural resource damage costs. What role does PHMSA play in ensuring that residents are compensated for property damage and/or bodily harm due to the Falcon Ethane Pipeline System leaking and/or exploding?

Once again, we are requesting that you communicate to us how you would like to respond to the public's questions and concerns. We appreciate your prompt response.

Thank you for your time,



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