Blue Ridge Environmental Defense League

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Unequal Protection

The Pipeline & Hazardous Materials Safety Administration's Discriminatory Laws & Regulations

The Pipeline & Hazardous Materials Safety Administration's (PHMSA) laws and regulations for natural gas pipelines are discriminatory. Clearly, PHMSA sees the life of a citizen in a rural community as less valuable than a citizen in a suburban or urban community. The discrimination is seen in the wide differences in regulations created by "classes" along the routes of pipelines across our country. Not only does PHMSA create discriminatory regulations, it then suggests to local governments, that localities, after being forced to accept a pipeline in their community, should create ordinances to ban or deter development along the path of a pipeline.

Some of the discriminatory rules and how they adversely affect the citizens in rural communities span from the construction phase through the maintenance and security phases of the pipeline.

Classes

The discrimination begins with PHMSA's regulation creating "classes," CFR 49, Part 192.5. This section of the law defines four (4) classes. A class location unit is "an onshore area that extends 220 yards (660 feet) on either side of the centerline of any continuous 1-mile length of pipeline." Within these class location units, the number of "dwelling units" designed for human occupancy are counted creating the following classifications:

Class 1: Contains 10 or less dwelling units
Class 2: Contains more than 10, but less than 46 dwelling units
Class 3: 46 and above dwelling units
Class 4: Is a class location unit where four-story above-ground dwelling units are prevalent.

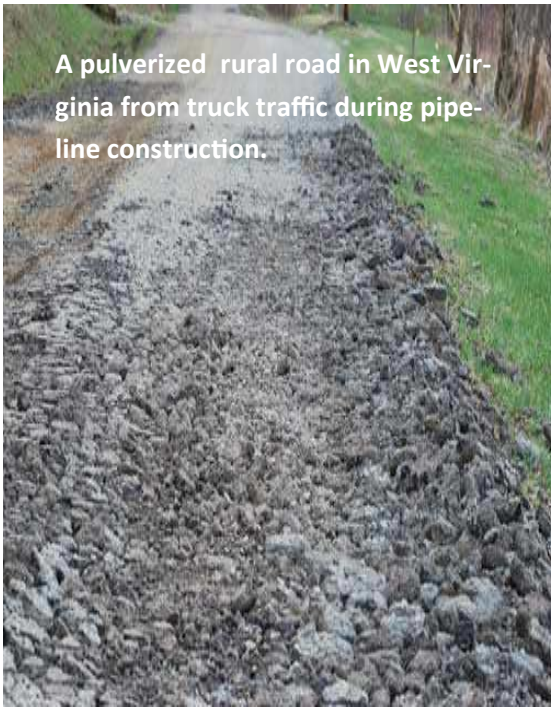
The Construction Phase

Pipeline Wall Thickness

From these class units, the PHMSA regulations are written and enforced. For example, the minimum standards for steel pipeline wall thickness are: Class 1: 0.375"; Class 2: 0.450"; Class 3: 0.540" and Class 4: 0.675". A natural gas pipeline constructed in a Class 4 unit is approximately 75% heavier than a Class 1 location. Does this mean PHMSA sees the lives of a rural family 75% less important, less valuable than those in a Class 4 location?

Transmission Line Valve Placement

Class 1: Each point on the pipeline in a Class 1 location unit must be within ten (10) miles of a valve, which allows the valves to be 20 miles apart. Class 2 is 7 ½ miles from each point or 15 miles apart; Class 3 is 4 miles from each point, or 8 miles apart and Class 4 is 2 ½ miles from each point or 5 miles apart. This represents a 78% reduction in the number of valves required in a Class 1 location versus a Class 4 location. The increased length of time it could take to get to the valves should an accident occur in a Class 1 location versus Class 4 is dangerous! Where will staff be located and how long will it take them to drive on



A pulverized rural road in West Virginia from truck traffic during pipeline construction.

narrow, windy rural roads to turn off valves placed 20 miles apart?

Testing Welds

For each day's work, butt welds must be tested during the construction of a pipeline. A single sample of each welder's work must be tested each day in all classes. In Class 1 locations, 10% of the welds completed daily must be tested; in Class 2, 15%. In Class 3 and 4 locations butt welds must be tested at crossings of major or navigable waters, railroad or public highway rights-of-way, including tunnels, bridges, overhead road crossings, 100% unless impractical in which case 90% of the time.

Cover for the Pipeline

In Class 1 locations, if covered with normal soil, 30"; if covered with consolidated rock, 18". Classes 2, 3 and 4 require 36" of normal soil, or 24" of consolidated rock. Drainage ditches for public roads and railroad crossings require 36" of normal soil or 24" of consolidated rock. Navigable rivers, streams and harbors require from the top of the pipe to the underwater normal bottom, 48" of normal soil or 24" of consolidated rock.

After Construction

Transmission Line Security Patrols

Even after the pipeline is built, and knowing large infrastructure projects are soft targets for terrorists, PHMSA's requirements for maximum intervals between patrols for Class 1 versus Class 4 are reduced by 75%.

Class	Maximum Interval at Highway & Railroad Crossings	All Other Places Along the Route
1 & 2	7 ½ mos., but at least twice per calendar year	15 mos., but once a calendar year
3	4 ½ mos., but four times per calendar year	7 ½ mos., but 4 times per calendar year
4	4 ½ mos., but four times per calendar year	4 ½ mos., but 4 times per calendar year

Transmission Leakage Surveys

This survey requires pipeline companies to survey the pipeline path for possible leaks.

Class	Maximum Intervals
1 & 2	every 15 months, but once per calendar year.
3	7 ½ mos., twice per calendar year if no odorant is added.
4	4 ½ mos., 4 times per calendar year if no odorant is added.

Conclusion

Not only are these regulations discriminatory, offering less protection for the health, safety and welfare of the citizens of rural communities, they are inducements to the energy industry to build in rural communities. Weaker standards make construction and maintenance less expensive in rural America. Weaker standards also make pipelines much more dangerous and offer unequal protection to rural communities.

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