



February 26, 2016

The Honorable Tom Wolf  
Governor of Pennsylvania  
508 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Wolf:

I am writing on behalf of the Gas Processors Association (GPA) to share our thoughts on the final report of the Pipeline Infrastructure Task Force (PITF).

GPA has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA is composed of over 100 corporate members of all sizes that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline. GPA’s members account for more than 90% of the NGLs produced in the United States from natural gas processing.

I thank you for recognizing the critical role that pipelines currently play in the continued development of the commonwealth’s shale resources. The PITF served as a mechanism to help increase understanding of their role as well as the very strict permitting standards and requirements that must be satisfied in the siting, routing and operating of pipelines.

According to statements made by administration officials prior to convening the task force, the PITF was not intended to be a regulatory exercise. However, upon the release of the final report, it seems clear that the administration is looking to pursue numerous statutory or regulatory changes that govern the operation and siting of pipelines. We respectfully urge you to utilize the original intent of the recommendations – to identify best management practices - and ensure that the recommendations do not result in new laws, regulations, or conditions of new permits.

The numerous recommendations concerning pipeline safety appear to stray beyond the purpose of the PITF by calling for new laws and/or regulations as well as new requirements on pipeline operators in the form of binding best practices. The recommendations conflict with Pennsylvania’s Gas and Hazardous Liquids Pipeline Act (Act 127 of 2011) which prohibits the commonwealth’s requirements for pipeline safety from being inconsistent with or greater or more stringent than the minimum standards and regulations adopted under the federal pipeline

safety laws. Rather than reflect the original voluntary spirit of the PITF, they appear to be an end-around the regulatory process and a direct conflict with act 127.

Many of the recommendations do not recognize basic property rights of landowners. Landowners dictate not only the location, but the various attributes of pipeline rights of ways (ROWs), in their own discretion. A number of recommendations call for prescriptive terms covering placement of pipelines (including avoiding certain areas), location of ROWs, how to reclaim ROWs, what to plant in and along ROWs, providing for recreational uses of ROWs, and more. Private negotiations with landowners form the basis of the siting process. Operators work very closely with landowners on these matters. In the case of gathering pipelines, operators cannot locate a pipeline on a landowner's property without the consent of the landowner. If the state dictates the siting and the various attributes of pipelines, it impermissibly impairs and reduces fundamental property rights of individual landowners without due process.

Co-locating of pipelines in existing ROWs and the sharing of ROW amongst pipeline operators is addressed in several recommendations. Pipeline companies already try to utilize their own ROWs to the greatest extent possible, but permitting and operational issues as well as the wishes of property owners can limit our ability to do so. A mandate to share or co-locate or include a consideration of co-location as a permit condition is not feasible given that many individual circumstances dictate whether or not companies can co-locate or share.

Granting local governments additional powers to dictate the location of pipelines is a theme from several recommendations. This strays well beyond the original purpose of the PITF by calling for new or modified laws. The Municipalities Planning Code already provides municipalities with the authority to regulate based upon their police powers, and in the exercise of the same, they already regulate the location of certain structures associated with pipeline development, such as compressor stations. Industry works very closely with local governments to secure necessary local approvals to locate these structures. The recommendations ignore the limitations of jurisdiction, expertise and funding of municipalities on matters that are far outside the scope of their police powers.

Sharing of pipeline maps with the public and government agencies was discussed in several working groups. Pipeline maps represent proprietary and confidential information, for reasons of safety, national security and competitive business advantages. To the extent that the public is concerned about pipeline location, One-Call already conclusively addresses the public's need to know where pipelines are located prior to commencing any activity that would be likely to impact a pipeline. Sharing maps for local emergency management purposes may be advisable as long as the maps are maintained as proprietary, confidential, business information.

Thank you for your consideration of our thoughts on the PITF final report. Please feel free to contact me with any questions or concerns. Please contact me at (202)279-1664 or [mhite@gpaglobal.org](mailto:mhite@gpaglobal.org) if GPA can be of assistance.

Sincerely,

Matthew Hite

Vice President, Government Affairs

cc: The Honorable Mike Turzai, Speaker of the House  
The Honorable Joseph B. Scarnati, III, Senate President Pro Tempore

