

COMMENT by Lisa Barrett to Case 18-0395-PET, Notice of Probable Violation

The Department of Public Service has identified some of the serious safety problems created by careless construction of the ANGP. These are some of the same safety violations identified in Intervenor's recent Motion in 17-3550-INV.

Public safety is seriously compromised by the construction choices made by VGS. The only question is WHEN the public will be injured, not IF the public will be injured.

1. This case should be consolidated with 17-3550-INV. Consolidation would eliminate duplication of legal and factual presentations. Most of the exhibits filed thus far in the NOPV case were also filed by Intervenor in 3550. Additional analysis and documents filed in 3550 are relevant to the NOPV case.
2. Issues raised in this case are SAFETY violations. Pipeline corrosion causes leaks, which can have disastrous consequences. Most of the violations increase corrosion risk and therefore increase danger to the public. Corrosion is a leading cause of pipeline failure. <https://primis.phmsa.dot.gov/comm/FactSheets/FSExternalCorrosion.htm>
3. Remedial action requested by DPS is inadequate to protect public safety. An inspection every 5 years will not protect the public. According to PHMSA, "Experience has shown that corrosion can do significant damage to a pipeline ... even for a period of a few months." <https://primis.phmsa.dot.gov/construction/faqs.htm>
4. The minor fine requested by DPS is inadequate to deter future violations. \$25K is not a deterrent. Violating the safety rules undoubtedly saved VGS far more \$\$ than \$25K. Also, VGS should be ordered to pay any fine from its own funds. While I haven't see the contract with Michels, original documents in "Mainline Scope" provided that the contractor would be responsible for payment of any fines.

5. Much of the same evidence is needed in 17-3550-INV and in 18-0395-PET. For example, documents produced in 3550 bear on the reliability of the Backfill Report attached by VGS as its Exhibit 8 in 0395. Some of the Backfill Daily Reports, produced by VGS as INTERVENORS.VGS 1-74.6, pages 121, 117, and 111 (attached) in Case 17-3550-INV, claim to have completed backfilling the same trenches on different days. This calls into question the accuracy of all the Backfill Daily Reports. The 9/15/16 Backfill Report states 900 feet of backfill were completed from Station Number 1647-1656 (all within the Clay Plains Swamp, the location of the inadequate depth of cover investigation.) The 9/16/16 Backfill Report states 1700 feet of backfill were completed, from 1649+00 to 1666+00. (Report fails to mention that an excavator fell into the swamp in the same location that day.) The 9/19/16 backfill report states 375 feet of backfill were completed, from Station Number 1649+75 north to 1646+00. The Station Numbers overlap, reporting duplicated backfill in the same locations on three different days.

