

From: noreply@formstack.com
Sent: Sunday, January 03, 2016 3:49 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

x

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/03/16 3:48 PM

Name (optional):: D. R. Tucker

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

Describe the regulatory issue or observation::

Suggestions for improvements to the regulation::

If anything, the regulatory framework of the Commonwealth of Massachusetts needs to be strengthened, not weakened. In particular, considering the threat posed to the Bay State by human-caused climate change,* more needs to be done within the Bay State's regulatory framework to reduce carbon pollution and expand clean energy.

It is simply inaccurate to suggest that regulations limit the economic growth of a state; California's robust economic growth disproves the conventional wisdom about the alleged hazards of regulations.** To the contrary, a strong regulatory environment can encourage the innovation and ingenuity that creates jobs—and when it comes to climate change and clean energy, more of that innovation and ingenuity is desperately needed.

There is no reason why Massachusetts should not be the international leader in clean energy. There is also no reason why Massachusetts should embrace the discredited idea that regulations inhibit, rather than encourage, economic growth. Where is the evidence that the public regards the Commonwealth's regulatory framework as onerous and burdensome? A few polluting special interests may make that claim, but an allegation does not equal truth, either in the court of law,

or in the court of public opinion.

Let's not embrace a short-sighted vision of economics. Let's live up to the Commonwealth's legacy of boldness and broad-mindedness. That can't be done with a regulatory race to the bottom. That can only be done by refusing to abandon our advancement.

Massachusetts is great because our government has encouraged creativity, competitiveness and commerce through its regulatory framework. There is no rational argument for walking away from what the Bay State has created over the years. Rather than roll back state regulations, it is my sincere hope that Executive Order 562 is ultimately rolled back, and that the Commonwealth rolls forward in expanding clean energy and combating climate change.

* "FACT SHEET: What Climate Change Means for Massachusetts and the Northeast," May 6, 2014,

https://www.whitehouse.gov/sites/default/files/docs/state-reports/MASSACHUSETTS_NCA_2014.pdf

** "California cranks out new businesses and jobs despite criticism," Chris Kirkham, Los Angeles Times, January 2, 2016,

<http://www.latimes.com/business/la-fi-business-climate-20160102-story.html>

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From: [REDACTED] noreply+857fd487e2ec4511@formstack.com>
Sent: Friday, January 08, 2016 11:31 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/08/16 11:31 AM

Name (optional):: Richard Reibstein

Company/Organization (if applicable) (optional):: Harvard Extension School, Boston University

Address (optional)::

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Email (optional):: [REDACTED]

CMR Number (If known): : 310 CMR 50

General Regulatory Themes:: Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation:: EEA, DEP, TURI

Describe the regulatory issue or observation::

The Toxics Use Reduction Act is a uniquely successful environmental law, demonstrating how efficiently government can influence business decisions, and how it can help companies improve performance. This has been amply demonstrated by self-reported data from the regulated population itself. There is a portion of the toxics-using business community that has a difficult time with TURA, but most have substantially benefited. If you consider actions to help those who have trouble switching to safe processes and products, take great care not to weaken the Act. TURA's staff has diminished greatly and this program requires reinvestment, not disinvestment. Toxics use reduction is the most efficient way of addressing pollution and TURA has shown how it can work. The benefits to the Commonwealth are incalculable. The approach of TURA needs to be greatly expanded. Toxic exposures are largely invisible, but they are harming us and our environment. Any steps to reduce the effectiveness of this successful program would in the future be seen as a massive mistake.

Those who pay the fee for its use do bear what they regard as a burden. But the answer is to apply a toxics-use fee to the many more sources that do not currently bear that burden, and then reduce the specific burden for those already paying. This, along with additional reporting requirements, would make more people who choose to use toxics think twice.

The approach of TURA has worked with the great majority of those covered

under the law. It should be applied to reduce the level of toxic insult we experience from toxics in products, toxics not covered under TURA, and the many toxics users who are never prompted by any regulation to think about what they are doing. TURA is a remarkably respectful law in that it doesn't stop you from using toxics, it only requires that you think about what you are doing. Hundreds of millions of pounds have been reduced, without any one being required to reduce. This is a stunning achievement and we should be learning from it, not acting as if we are ignorant of what we have done and can do.

Suggestions for improvements to the regulation::

Expand this regulatory approach to many more sources and many more chemicals. Fund it adequately. The assistance, education, research and grants programs are extremely valuable.

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From: [REDACTED] <noreply+8374977a35170cbd@formstack.com>
Sent: Saturday, January 09, 2016 11:00 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/09/16 10:59 PM

Name (optional):: Mary Wall

Company/Organization (if applicable) (optional)::

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation::

Describe the regulatory issue or observation::

Submitted in opposition to CP16-21 due to the inherent risks and hazards to health, safety, and environment.

Kinder Morgan (KM), with its principal executive offices located in Houston, TX, is the largest independent owner and operator of petroleum product pipelines in the United States, engaging in substantial business activities, including but not limited to, the ownership, management, operation, maintenance and control of approximately 84,000 miles of pipelines.

The minimum federal safety standards for the transportation of gas and pipeline facilities was established by the U.S. Secretary of Transportation pursuant to Section 3(b) of the National Gas Pipeline Safety Act of 1968 (P.L.90-481, 49 U.S.C. Section 1672(b).

Public documents allege that ruptures of KM pipelines, releases of hazardous product into the environment, and safety violations pertaining to their pipelines have occurred frequently and excessively. Such occurrences include but are not limited to the following:

a) In 2009 KM corporate defendants were cited by the Pipeline and Hazardous Materials Safety Administration (PHMSA) in for violating safety standards pertaining to their pipelines (PHMSA letter of September 1, 2009).

b) In 2011 the PHMSA cited KM corporate defendants for various safety violations, including: failing to update maps to show pipeline locations, failing to test pipeline safety devices, failing to maintain proper firefighting equipment, failing to inspect its pipelines as required, and failing to adequately monitor pipes' corrosion levels (PHMSA letter of February 28, 2011).

c) History of neglect documented by The Wall Street Journal, in "Wall Street Worries about Kinder Morgan's Safety Record: BC Pipeline slashes and defers maintenance spending," September 19, 2013.

d) History of neglect further documented by The Wall Street Journal, in "Is Kinder Morgan Scrimping on its Pipelines?" after an investment analyst determined that the company was starving its pipelines of routine maintenance by diverting excessive funds to investors, September 27, 2013.

e) Excessive history of leak data and ruptures of Kinder Morgan's onshore gas transmission pipelines documented by PHMSA, 1994-2013, including determinations of faulty infrastructure, failure of the pipe, cracked welds, faulty pipeline equipment, corrosion of the pipe, and other problems.

f) In Texas alone, from 2003 to 2014, Kinder Morgan experienced 36 "significant incidents," per Pipeline Risk Report of the PHMSA, "Building Safe Communities: Pipeline Risk and Its Application to Local Development Decisions."

g) PHMSA reports that throughout the United States since 2003 Kinder Morgan and its subsidiaries have been responsible for at least 180 spills, evacuations, explosions, fires and fatalities in 24 states.

h) PHMSA Corrective Action Order CPF No. 4-2003-1008H cites Kinder Morgan for an explosion, throwing a 54-foot long section of pipe 30 feet from the ditch, due to cracking along the length of the failed section.

i) Rupture of a KM 14 inch pipeline on April 27, 2004, in Solano County, California spilled over 120,000 gallons of fuel onto a marsh, resulting in a \$5.3 million dollar fine, and an agreement by KM to enhance spill prevention, response and reporting practices.

j) Order of August 2005 by PHMSA cites 44 KM spills in 31 months, indicating "widespread failure to adequately detect and address the effects of outside force damage and corrosion."

k) California Occupational Safety and Health Administration cites KM for failure to accurately mark or map pipeline location; contributing toward an event which caused a gasoline spill and fire and explosion that incinerated five workers and severely injured others; also fine levied by the California Fire Marshall for KM's role in the "completely preventable" tragedy; KM agreed to upgrade pipeline inspection methods and improve corrosion control.

l) KM pipeline leaked gasoline into Summit Creek, near Truckee, California, on April 1, 2005.

m) May of 2005, stress corrosion cracking of KM pipeline near Marshall, Texas caused an explosion, fireball and injuries.

- n) July 26, 2006, near Campbellsville, Kentucky, a KM pipeline exploded, due to external corrosion of the pipe.
- o) November 11, 2006 near Cheyenne, Wyoming, rupture and explosion of a KM pipeline, after which the Federal Energy Regulatory Commission cited KM's "poor compliance record."
- p) November 27, 2006, at Charlotte, North Carolina, KM's Plantation Pipe Line released about 4,000 gallons of gasoline.
- q) July 24, 2007, pipeline operated by KM Canada released over 250,000 litres of crude oil into the environment.
- r) September 23, 2008, corrosion of a KM pipeline causes explosion and fire near Pasadena, Texas, causing fatality and injury; deemed a "significant event," with PHMSA referencing at least 18 "significant incidents" 2009 to 2013, per "Texas Significant Incidents Listing," PHMSA.
- s) May 2009, near Palm City, Florida, a KM pipeline ruptured, blowing out of the ground about 106 feet of buried pipe, weighing about 5,000 pounds, causing injuries.
- t) July 15, 2009, a pipeline explosion at Sylva, Mississippi involving KM and others, resulting in fatality and injury.
- u) November 30, 2010, failure of KM pipeline near Natchitoches, Louisiana, causing evacuation of 100 homes. The large crack in the pipe was near a previous fracture in 1965 which caused multiple fatalities. Determined to be caused by stress corrosion cracking, per PHMSA Corrective Action Order, Case CPF 420101007H.
- v) March 14, 2011, leak and fire from KM pipeline at Carteret, New Jersey. On April 4, 2013 PHMSA issued a Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (NOPV) after an inspection. KM paid a penalty of \$63,100 and was required to complete pipeline integrity testing and other corrective measures by May 2015. (See KM Annual Report for 2013, p. 166).
- w) August 17, 2011, KM pipeline near Herscher, Illinois has flash fire and explosion, sending five employees to hospital. KM cited for pipeline and safety violations.
- x) November 16, 2011 near Glouster, Ohio, a KM failed weld causes leak and explosion, leaving 30 feet across by 15 feet deep, and destroying three homes. The leak was caused by "... inadequate understanding of the influence of the geotechnical threats on the pipeline," and inadequate design, materials or workmanship, exceeding operational limits and gaps in integrity management.
- y) May 2012 at Arvin, California, failure of KM relief valves and pipe supports, causing an explosion, due to "the complete structural failure of the over pressure protection support system." PHMSA Failure Investigation Report, GT 2012-5-2.

z) June 2012 in Gray County, Texas, KM pipe failure, with gas igniting, blowing crater 30 feet in diameter, and causing large fire, due to 50 foot long longitudinal rupture in the pipe. PHMSA Corrective Action Order, CPF No. 4-2012-11011 H.

aa) December 26, 2012, in West Melbourne, Florida, explosion of a KM pipeline, ejecting a 20 foot section of 20 inch diameter pipe. PHMSA CPF No. 2-2012-100SH.

bb) May 8, 2013, fire at a KM compressor station near Crockett, Texas caused over \$7.5 million dollars in damage.

cc) June 18, 2013, in Washington Parish, Louisiana, rupture of a 30 inch KM pipeline, with explosion and fire, knocking over trees for 200 yards across and large fire.

dd) June 26, 2014, near East Bernard, Texas, KM pipeline blew out, destroying the road and setting a truck on fire, with flames shooting 150 feet high.

ee) May 12, 2014, near Belton, South Carolina, KM's Plantation Pipeline ruptured at KM's pump station, causing a geyser of gasoline 150 feet into the air.

ff) Early December, 2014, in Anderson County, South Carolina gasoline discharged from a 26 inch pipeline. Reports of gasoline leaked vary (from 8,800 gallons to 369,600 gallons). After 10 months of remediation efforts, less than 53% of the release has been recovered leaving substantial gasoline remaining in the soil, groundwater and surface waters, and throughout the aquifer and substratum.

Following the 2004 pipeline rupture and spill in California, Kinder Morgan pled guilty to criminal charges with several million dollars in fines. The Chief of California's pipeline safety division determined that KM had committed criminal offenses by ignoring data that the pipeline had corroded and required maintenance.

In addition to the criminal pleas noted above, the PHMSA in 2005 ordered KM to address its rise in pipeline incidents resulting from KM's "inadequacies" in interpreting data to evaluate and repair its pipelines. The United States Department of Transportation also determined to "form a task force to look into Kinder Morgan Inc.'s maintenance and inspection practices on several petroleum pipelines, ... the first such task force the agency has ever formed."

Public documents against Kinder Morgan claim negligent and deficient maintenance and repair of corporate pipelines, including inadequate allocation of funds for needed maintenance, repair, and other operational function; as well as inadequate budgeting, staffing, training, supervision, development, and implementation of policies and procedures which have resulted in ruptures of pipelines and catastrophic releases of hazardous product into the environment.

Furthermore, Kinder Morgan's standard disclaimer that it will abide by all federal safety and environmental standards has little value when our national standards have been so weakened by the "Halliburton Loophole" (passed during the Bush/Cheney administration) which exempts fracking processes

from the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act.

IN CONCLUSION, Massachusetts, New Hampshire, and New York residents DO NOT NEED the proposed Northeast Energy Direct Pipeline (CP16-21) with its inherent risks and hazards to our health, our safety, and our environment. Furthermore, this project is NOT CONVENIENT nor is the exportation of our limited resources beneficial to the majority of New England or New York residents. PEOPLE BEFORE PROFITS!

Submitted by Mary Neville Wall (ex [REDACTED])

**Suggestions for
improvements to the
regulation::**

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

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Submitted at 01/09/16 11:00 PM

Name (optional):: Mary Wall

Company/Organization (if applicable) (optional)::

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

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**Suggestions for
improvements to the
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