



# Safe Pipelines

A Publication of the Pipeline Safety Trust  
Summer 2009

## Mission of the Trust

The Pipeline Safety Trust promotes fuel transportation safety through education and advocacy, by increasing access to information, and by building partnerships with residents, safety advocates, government, and industry, that result in safer communities and a healthier environment.

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## Bellingham's Pipeline Explosion - a decade of healing

BY CARL WEIMER - Executive Director of the Pipeline Safety Trust & Bellingham Citizen

On June 10, 1999 at 3:30 on a beautiful spring afternoon, the people of Bellingham, Washington learned the hard way about a 16-inch pipeline that runs through the middle of our community. Due to lack of care by the pipeline company, and lack of oversight by the responsible government agencies, we here in Bellingham were forced to live through grief unimaginable.

But once the flames and smoke were gone, the dead were buried and the tears had dried, the people of Bellingham did something quite unique in the history of such tragedies. We came together as a community to help those most affected, to heal the creek and land we love, and to try our best to make sure no other community has to experience such needless grief. Through our successes in these efforts we have made great progress in healing ourselves.

Much of this newsletter is devoted to remembering what occurred in Bellingham 10 years ago, and seeking answers to the question that still haunts many here - could it happen again?

### What Happened in Bellingham on June 10, 1999?

At 3:30 p.m., the Olympic Pipeline running through Whatcom Falls Park burst and dumped about 237,000 gallons of unleaded gasoline into a small creek that flows into Whatcom Creek. Eighteen-year-old Liam Wood was fly fishing downstream in the creek at that time; overtaken by the vapors, he fell into the creek and drowned.

At 5:02 p.m., the vapors ignited, unleashing a torrent of fire to burn one and half miles down the creek to just short of Interstate 5. Shortly after the ignition, two severely burned 10-year-old boys - Wade King and Stephen Tsiorvas - were helped from the park by relatives and neighbors and waited near their homes while ambulances

tried to get to the area through the heavy traffic caused by the fire. They were airlifted to Harborview Medical Center in Seattle where they both died early the following day.

First thing in the morning of June 11th, fish and wildlife

workers walked the entire length of the creek and couldn't find a single living creature.

This tragedy occurred because of a series of problems with the pipeline. If any one had been corrected in a timely manner, the tragedy would not have happened. The problems included:

- In 1994 while construction crews were doing work on the city's water treatment plant, the pipeline was struck by heavy equipment leaving many dents and a gouge in the pipeline. The equipment operator and construction company never reported this strike. The gouge is the spot where the pipeline burst.
- Olympic Pipe Line Company did not provide adequate oversight and inspection of the construction work going on at the water treatment plant to prevent or know about such a gouge.

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# The Smart Pig

SMARTPIG@PSTRUST.ORG

*In pipeline parlance, a smart pig is a high-tech device designed to root around inside pipelines. These intelligent little beasts inspect every square inch of the line, calling attention to any needed repairs.*

*I try to do the same thing for our readers. Send me a question and I'll root through the labyrinths of modern pipeline prevarications to get you the best answer piggily possible: the straight scoop, as we say back in the sty.*

Editor's Note: The views and opinions expressed by this pig do not necessarily reflect those of The Pipeline Safety Trust, or any human being

## Dear Smart Pig,

*I live in Bellaingham and was here in 1999 when the pipeline blew up. The memory of that ghastly black cloud is etched indelibly in my mind, and I still can't visit Whatcom Falls Park without thinking about that day. So my question to you, oh wise pig, is could the same thing happen again here? How about somewhere else?*

Thanks  
GK, Bellingham, WA

Hey GK,

I'm in Bellingham too. Perhaps we can meet downtown for lunch some day (vegetarian only please). The signs all say "no dogs allowed," but so far they haven't stopped this pig.

When the pipeline tragedy happened here in Bellingham there were no regulations that required a pipeline company to ever inspect its pipeline after it was put in the ground, and if a company did inspect its pipeline, there were no regulations that required any action to be taken based on the findings. There were no regulations that required maps of pipelines to be available to local government or that enforcement records of pipeline companies be made easily available to the public. There were no regulations defining how control rooms were managed, and no regulations that protected whistleblowers within pipeline companies. Fines were low, not used very often, and there was no independent organization focused on ensuring that pipeline companies and regulators did what they were supposed to. There was only very limited pipeline incident data available to the public, and

the data that was available was often incorrect or meaningless.

Since the tragedy here a good deal of the above pipeline safety deficiencies have been corrected. Based to a large degree on the Bellingham tragedy, and efforts started here in Bellingham, the U.S. Congress passed two major new pipeline safety bills since 1999. New periodic inspection requirements have forced companies to dig up, inspect, and fix thousands of flaws in pipelines nationwide. The federal Office of Pipeline Safety has been held accountable, and the culture within that organization has changed dramatically toward ensuring safe pipelines in communities nationwide. Maps, incident and enforcement data, and a national call before you dig number (811) have all become easily accessible throughout the country. And the Pipeline Safety Trust, still based right here in Bellingham, was started with \$4 million of the criminal settlement in this case to watchdog the industry and regulators to help ensure that tragedies like Bellingham do not happen again.

Efforts started right here in Bellingham have made pipelines safer across the country, and have undoubtedly prevented some tragedies. We should all be proud of this positive outcome from such a terrible disaster, although there is still more to do.

I doubt very much that the exact same type of pipeline failure could happen again on this pipeline. The new regulations have helped prevent some of the problems that caused this failure, and special compliance requirements forced the Olympic

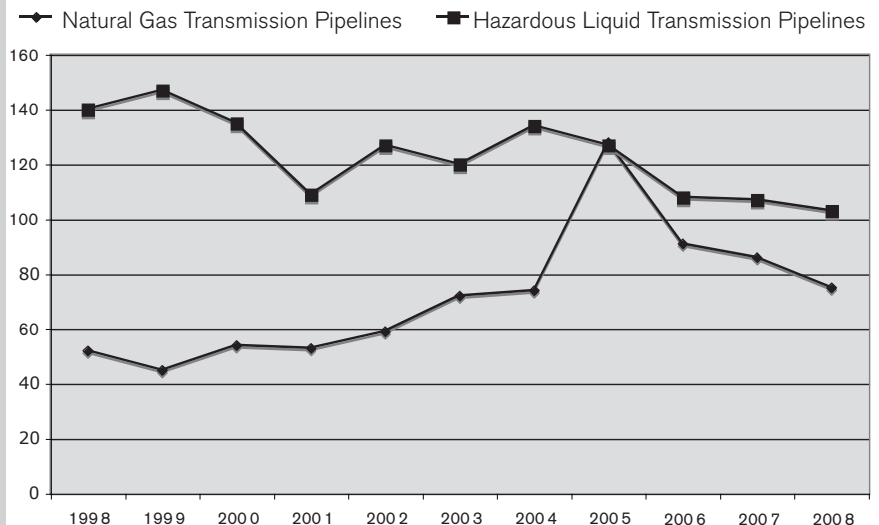
Pipe Line Company to go far beyond current federal regulations in some of their testing and upgrades. Because of all that, I think the Olympic pipeline here in Bellingham should be one of the safest anywhere.

The rest of the country, or even the other pipelines near here, do not have all the same higher-level special compliance requirements. Even so, due to the new nationwide regulations I suspect that it is highly unlikely that the exact same circumstances that happened here in Bellingham could happen somewhere else. On the other hand, there are many ways that a tragedy of equal proportions could happen somewhere. While populated areas do clearly have better protections now, pipeline corrosion is still causing failures across the country, and any dimwit on a backhoe refusing to use the Call Before You Dig system could blow up a neighborhood. There certainly is still a need for better regulations regarding corrosion, expanding integrity management protections to less populated areas, and better enforcement of the "One Call" laws to deal with all those dimwits on the backhoes.

Of course the real proof of whether things are getting safer is the actual number of incidents that occur. Here is a graph that shows the number of significant incidents over the past ten years. As you can see hazardous liquid pipelines, such as the Olympic Pipe Line, have shown a fairly steady decrease in incidents over the past ten years. On the other hand, the record for natural gas transmission pipelines is a little less clear.

Hope that helps some!  
Pig Out

**Number of Significant Incidents in the U.S.**



# The Faces That Changed Pipeline Safety

## Liam

Liam Wood had graduated from high school just five days before the pipeline failed in Whatcom Falls Park. On June 10th, he went to work in the early afternoon as he was scheduled to do, but when he arrived he was told that things were slow and he could have the afternoon off. Since it was a beautiful spring day, Liam decided to do what he loved to do most – go fishing. He ran home, got his fly-fishing gear, and headed to one of his favorite local fishing holes not two miles from his house.

Liam often fished the canyon of Whatcom Creek in the lower reaches of Whatcom Falls Park. Because of the steepness of the canyon walls, access was difficult making a private retreat where very few other people ventured. Huge conifers lined the canyon and ferns seemed to drip from the canyon walls. The water moving around boulders, over small falls, and through pools created a perfect sense of peace and tranquility in the middle of this city of nearly 70,000 people. Earlier in the spring, Liam had seen an adult river otter in this same place.

Unfortunately, Liam's peace and tranquility were broken when the creek around him turned milky white that day: when the pipeline burst upstream, thousands of gallons of gasoline were dumped into the creek. As the gasoline flowed downstream on the surface of the creek, the canyon filled with a toxic vapor cloud. The steepness of the canyon—which in the past had provided Liam with peace and quiet—now gave him no place to retreat to. Overcome by the vapors, he fell into the creek he loved and drowned.

Liam would be 28-years-old today if he hadn't went fishing.



## Stephen and Wade



Stephen

Wade

On June 10<sup>th</sup>, Stephen Tsiorvas and Wade King were doing what just about any ten-year-old boys living with a beautiful park in their backyards would do – they were messing around in the woods. Unfortunately, what they found that day in their park were thousands of gallons of gasoline flowing down the creek. When the gasoline ignited, they were caught in the inferno.

Shortly after the ignition, Wade and Stephen were helped from the park by relatives and neighbors and they waited near their homes while ambulances tried to get to them through the heavy traffic caused by the fire. The boys had survived the blast, but had 2<sup>nd</sup> and 3<sup>rd</sup> degree burns over 90 percent of their bodies. They managed to talk with people for a while, with Wade even asking that his mother not look at him because he didn't want her to be upset.

One of the first paramedics to arrive described the scene this way: "When I first saw the boys, I realized that Stephen was in the worst shape. He was burned really bad. He had circumferential burns around his whole body and his lips and eyelids were gone. Then he asked me, 'Am I going to die?' I knew the answer was yes, but I couldn't tell him the truth. All I could say was, 'We're going to take good care of you.'"

Later Wade's father would say to Congress "How do I erase the image of two children standing in Steven Tsiorvas' yard, trying to console them with the skin burned off above their ankles. All within 150 yards of our own safe home?"

Stephen and Wade were rushed to St Joseph's Hospital in Bellingham and then airlifted to Seattle's Harborview Medical Center. Their families followed them to Harborview where they received the sad news that no amount of expert medical care could save their children. Both Stephen and Wade died early the following day.

## Bellingham's Pipeline Explosion – A Decade of Healing

*Continued from front page*

- Olympic Pipe Line Company learned about the damage through an internal inspection of the pipeline, but did not dig the pipeline up to visually inspect or correct the problem.
  - Olympic Pipe Line Company did not adequately test safety devices at its Bayview facility or correct the block valve there that had closed unexpectedly many times in the previous months. The closure of this valve on June 10th caused the pressure increase in Bellingham, which caused the pipeline to burst at the gouge.
  - Olympic Pipe Line Company's pipeline monitoring computers failed at a critical time on June 10th in part because of company practices. If the computer system had not gone down, the pipeline operators may have been able to prevent the rupture or at least reduce the amount of gasoline spilled into Whatcom Creek.
- In the end, the Olympic Pipe Line Company and its owners were fined or paid for damages in excess of \$175 million, and for the first time ever pipeline employees were sent to jail for their failure to ensure a safe pipeline. ■

## Chronology of the Pipeline Explosion

(from the archives of the Center for Pacific Northwest Studies)

### June 10, 1999 (Thursday)

**3:25 p.m.** Olympic Pipe Line Co, computers shut down the pipeline for what were claimed to be circumstances unrelated to the impending explosion.

**4:25 p.m.** 911 receives several reports of chemical and fuel odors and an amber substance floating in the area of Whatcom Creek.

**4:32 p.m.** Olympic pipeline crews attempt to restart the pipeline. The pressure refuses to build indicating a leak in the line.

**5:02 p.m.** The pipeline erupts. Over 100 emergency calls are received by 911 from residents.

**5:20 p.m.** St. Joseph's Hospital issues a "yellow alert" preparing the staff for major emergency.

**5:30 p.m.** The hospital upgrades to a "red alert" meaning victims are enroute.

**5:40 p.m.** 10-year-old burn victims, Stephen Tsiornas and Wade King arrive at the emergency room.

**6:25 p.m.** The victims are airlifted to Harborview Medical Center's burn unit in Seattle.

**9:00 p.m.** Whatcom County Search and Rescue volunteers find the body of 18-year-old Liam Wood in Whatcom Creek. Wood succumbed to the fumes and drowned. Spot fires continue to burn along the creek.

**10:00 p.m.** Fish and Wildlife Department officials walk the length of the creek noting the hundreds of burned and charred species of dead wildlife. They measure the water temperature at 82 degrees, 35 degrees higher than the normal temperature five hours after the blast.

**11:30 p.m.** City officials discover extremely high levels of gas fumes in the sewer system and begin planning an evacuation. The levels drop before the action is necessary.

### June 11, 1999 (Friday)

**2:10 a.m.** Wade King dies

**5:30 a.m.** City, state and federal officials hold the first press conference concerning the blast.

**7:00 a.m.** Stephen Tsiornas dies.

**8:15 a.m.** Fish and Wildlife workers make a second evaluation of the creek and discover that numerous dead species have floated down the creek. They find no evidence of any living species.

**12:00 p.m.** State and federal officials order all scientists from the creek area fearing that the exposure to toxins is still at dangerous levels.

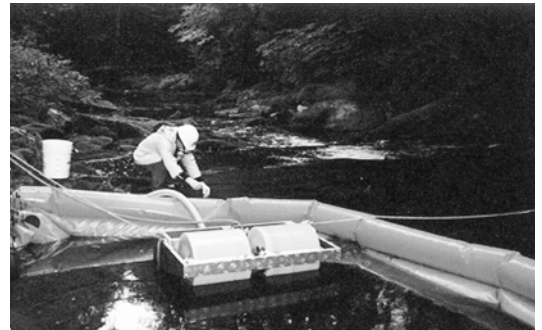
## Fines & Settlements Paid

- \$75 million paid to the families of Stephen Tsiornas and Wade King
- Undisclosed amount paid to the family of Liam Wood
- Estimated \$15 million paid by Olympic Pipe Line Co. for inspection and damage prevention measures
- Estimated \$61 million paid by Shell for inspection and damage prevention measures
- \$6 million paid by Olympic Pipe Line Co. as part of criminal settlement
- \$5 million paid by Olympic Pipe Line Co. as part of civil settlement
- \$15 million paid by Shell as part of criminal settlement
- \$10 million paid by Shell as part of civil settlement
- \$250,000 paid by Olympic Pipe Line Co. for violations of pipeline safety laws
- \$250,000 paid by Shell for violations of pipeline safety laws
- Undisclosed amount paid for private property damage and personal injuries

**Total = \$187.5 million+**

## Groundwater Extraction & Treatment System

Groundwater in the area where the pipeline failed on June 10th drains into Whatcom Creek from a series of seeps. After the pipeline ruptured, this ground-

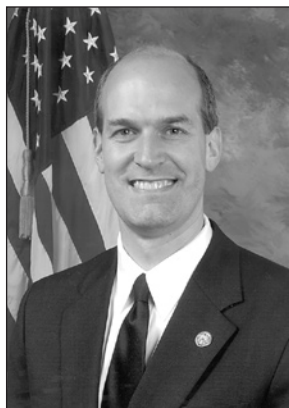


water was found to be contaminated with various chemicals associated with the gasoline. To remove these groundwater contaminants and prevent ongoing pollution of the creek, an extraction and treatment system was installed.

This system is made up of a suction pump that sucks up and treats the contaminated groundwater to keep it from getting into the creek. This pump-and-treat system is complemented by the injection of chemicals (aqueous sulfate) into the area to help with the biological breakdown of the remaining hydrocarbons. Air is also injected in this area to speed up this process.

Since this system was installed, more than 10.7 million gallons of groundwater have gone through it. As of September 2008, 326 gallons of gasoline had been removed, and the contaminant levels in most of the test wells have decreased significantly. ■

# Help Make National Pipeline Safety Day a Reality!



Congressman Rick Larsen (D-Washington) introduced House Resolution 484 to create National Pipeline Safety Day

Early in 2009 the Pipeline Safety Trust hatched the idea that to honor the 10th anniversary of the pipeline tragedy in Bellingham we should try to get Congress to designate the day as National Pipeline Safety Day. We provided the basic idea to Congressman Rick Larsen who represents the Bellingham area in the U.S. House of Representatives. Congressman Larsen has been a strong advocate for pipeline safety ever since being elected in 2000, and we are glad to report that he took our idea and ran with it. Below is the Resolution he introduced into the U.S. House on May 21st. Upon introduction Congressman Larsen stated, "Since that tragic day ten years ago, we have made significant progress in ensuring the safety of our nation's pipelines, but we must remain vigilant." At the time this newsletter went to print the Resolution had five cosponsors. If you would like to help get this Resolution passed please let your local representatives to Congress know that you support it, and ask them to as well.

## RESOLUTION

Expressing support for designation of June 10th as "National Pipeline Safety Day".

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in this country operated by over 3000 companies;

Whereas these pipelines play a vital role in the lives of people in the United States by delivering the energy we need to heat our homes, drive our cars, cook our food and operate our businesses;

Whereas in the past decade significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing two 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damages and economic disruption;

Whereas in response to this June 10th pipeline tragedy Congress passed significant new pipeline safety regulations in the form of the Pipeline Safety Improvement Act of 2002 and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006;

Whereas in the past decade the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas even with all these new pipeline safety improvements, in 2008 alone there were still 274 significant pipeline incidents causing over \$395,000,000 in property damage and uncounted economic disruption;

Whereas even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents such as the 1994 pipeline explosion in Edison, New Jersey that left 100 people homeless, the 1996 butane pipeline explosion in Texas that left 2 teenagers dead, the 2000 pipeline explosion near Carlsbad, New Mexico, that killed 12 people in an extended family, the 2004 pipeline explosion in Walnut Creek, California, that killed 5 workers, and the 2007 propane pipeline explosion in Mississippi that killed a teenager and her grandmother are still occurring;

Whereas these millions of miles of pipelines are still out of sight and therefore out of mind for the majority of individuals, local governments, and businesses, leading to pipeline damage and general lack of oversight;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a "National Pipeline Safety Day" can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the above-mentioned safety improvements and would be an appropriate day to designate as "National Pipeline Safety Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Pipeline Safety Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use this day to create greater public awareness of all the advancements that can lead to even greater pipeline safety; and

(4) encourages individuals across the Nation to become more aware of the pipelines that run through our communities and do what they can to encourage safe practices and damage prevention.

## PIPA – Better Land Use Planning Near Pipelines? We Hope!

To better understand issues related to land use planning near pipelines, the Pipeline and Hazardous Materials Safety Administration (PHMSA), in conjunction with the Federal Energy Regulatory Commission (FERC), sponsored a comprehensive study of land use practices, zoning ordinances, and preservation of environmental resources on transmission pipeline rights-of-way (ROW). The report released in October 2004 (<http://pstrust.org/library/docs/trbreport.pdf>) recommended that PHMSA “develop risk-informed land use guidance for application by stakeholders.” In response, in early 2008 PHMSA initiated and is supporting the Pipelines and Informed Planning Alliance (PIPA) to implement the recommendations from the report.

PIPA includes stakeholders representing property developers, the real estate industry, local, state, and federal government agencies, the public, and the pipeline industry. Three main task teams were created to consider land use planning practices related to protecting communities, protecting transmission pipelines, and communicating with stakeholders. The Pipeline Safety Trust has representatives on all three of these task teams, and our executive director serves on the overall steering committee as well.

It is hoped that the PIPA initiative can result in consensus recommendations for practices related to risk-informed land use planning and development adjacent to transmission pipelines that can be applied consistently, nationwide. For over a year now 150 people have met regularly in various subgroups to deal with issues such as:

- How do we get local planners, developers and pipeline companies to talk with each other early in the development process?
- What information do developers need to build residences and commercial buildings safely near transmission pipelines?
- Are there some types of buildings (hospitals, schools, nursing homes, stadiums, etc.) that shouldn't be near pipelines (how near?), or constructed differently if they are?
- How should property owners and developers behave on pipeline rights-of-way?
- What is the potential impact zone if different types and sizes of pipelines were to fail?
- How can all this be communicated to planners and developers so they implement the recommendations important to their communities?

While it was hoped the final report spelling out the initial recommended practices would be done in early 2009, a significant conflict has developed. The pipeline industry and FERC are now opposed to a number of the recommendations that would provide guidance to how construction should occur outside of the pipeline rights-of-way but within a potential impact zone. The National League of Cities, the National Association of Counties, and many of the public representatives feel that without these particular recommendations the whole effort has turned into an exercise to just protect pipelines, but not the larger community. A face-to-face meeting is planned in Washington DC in early July to try to break this impasse. The Pipeline Safety Trust will be there and we'll let you know what happens. ■

## Patience and persistence can have payoffs—literally.

Starting in 2000 SAFE Bellingham, the predecessor to the Pipeline Safety Trust, pushed hard to get Pipeline Safety Information Grants to Communities included in federal law. That effort was successful when Congress authorized the program in the Pipeline Safety Improvement Act of 2002 (PSIA). Unfortunately, while Congress did authorize the program back in 2002 they did not appropriate any money to pay for it.

Since that time the Pipeline Safety Trust has testified to Congress many times, and used every opportunity to push for implementation and funding of this program. Then, late in 2008, Senator Patty Murray (D-Washington), a consistent champion for pipeline safety, inserted an appropriation for \$1,000,000 for this grant program into the 2009 Omnibus Appropriations Act.

The \$1,000,000 for funding all these grants became available when President Obama signed the 2009 Omnibus Appropriations Act into law on March 11th. Less than 30 days later, PHMSA announced the grant competition and submission date. PHMSA was able to respond so quickly because the agency—working closely with The Pipeline Safety Trust—began developing the program goals and grant evaluation criteria in 2008.

Congress restricted the first round to three grants of no more than \$25,000 a piece. To move these forward more quickly PHMSA made them available only to communities participating in the Pipelines and Informed Planning Alliance (PIPA). Labeled as “demonstration grants,” the funds are to “pilot test” draft recommended practices being developed by the PIPA initiative. Proposals had to be submitted by April 3rd and the grant awards should be announced shortly.

For the second round, Congress threw the doors open to local governments, consortia of local governments, and non-profit organizations. These grants, capped at \$50,000 each, are to be used to obtain technical assistance (engineering or other scientific analysis) for pipeline safety issues. Grant monies also can be spent to help promote public participation in official proceedings around pipeline safety. These proposals had to be submitted by May 29th and the grants likely will be awarded in late June or early July.

The establishment of the “Pipeline Safety Information Grants to Communities” program was one of the Pipeline Safety Trust's highest priorities. We are thrilled that Congress has now funded this program, and we thank Senator Murray in particular for her leadership in making this happen.

The Trust truly believes that the more that people who could be impacted by pipeline failures understand pipeline safety issues, the safer pipelines will be. Now communities that have experienced pipeline failures or have pipeline safety concerns will have resources to hire independent technical experts to help them fully understand these issues. ■

### Where is PIPA at Today?

If you would like to review the current draft of the PIPA report you can download it from our website at:  
<http://pstrust.org/library/docs/pipadraft.pdf>

## The Pipeline Safety Trust welcomes Two New Members to its Board

It is a constant effort to bring more breadth of experience to govern our organization. In order to fill vacancies, the Trust has invited two new members to its Board of Directors, and is thrilled that they have accepted the offer. The Pipeline Safety Trust welcomes Glenn Archambault and Alan Rathbun to our Board. Below are very brief



Glenn Archambault from Oregon

descriptions of the experience and talents they bring to the Pipeline Safety Trust.

**Glenn Archambault** is an Oregon property owner who lives along an interstate gas pipeline. He has 13 years of experience with pipeline safety as a citizen volunteer and landowner dealing with the Federal Energy Regulatory Commission, the federal Office of Pipeline Safety, and local and state government. Glenn has 30 years experience as a heavy equipment mechanic, welder/fitter, and automotive

electronics technician, and has been employed in the mining, forest products, and agriculture industries. His academic background includes diesel power management, metallurgy, welding technology, and automotive electronics. He and his wife, Terri Magruder DVM, and son Malcolm (Mac), own and operate a sheep farm with 300-500 ewes and lambs in Phoenix, Oregon.



Alan Rathbun from Washington

**Alan Rathbun** served as the Pipeline Safety Director with the Washington Utilities and Transportation Commission (UTC) from 2003-2007. The UTC's Pipeline Safety program regulates intrastate gas and hazardous liquid pipelines together with serving as interstate agent for Pipeline and Hazardous Materials Safety Administration (PHMSA)

on all natural gas and hazardous liquid pipelines within Washington's borders. During his tenure with the UTC, Alan led the effort to strengthen this regulatory program through education, enforcement and an enhanced partnership with PHMSA. Alan helped lead Washington's effort to raise public awareness and develop a program for cooperation in land use around transmission pipelines. He has a degree in civil engineering from the University of Minnesota with experience in both consulting practice and as a municipal engineer. For the past 25 years he has been a regulator with the state; the last 18 years have been in various management positions. He lives in Shelton, Washington. ■

## The Trust Says Good-bye to Founding Board Member

The Pipeline Safety Trust is saying goodbye to one of its founding members: Katherine Dalen has stepped down as the Trust's Vice-President and a member of the Board. Initiated into the world of pipeline safety when her youngest son, Stephen Tsiorvas, was killed in the 1999 Bellingham Olympic pipeline disaster, she has been instrumental in shaping the Pipeline Safety Trust into what is today. At the time of the incident, Katherine was a teacher of English, Women Studies and Ethnic Studies at Whatcom Community College in Bellingham, Washington. Since then she has dedicated her time to her family, community organizations and the Pipeline Safety Trust.



There is no doubt that her absence will be a loss for the Trust, but we appreciate that a mother of a son lost in a pipeline tragedy, finds the organization that she helped create ready to stand without her. With her vision, the Trust has become a credible, and independent organization that continues to work hard in the public's interest. Katherine's leadership will be missed. ■

## Keep Informed!

**Want to stay current with what's happening regarding pipeline safety or LNG facility siting? One way is to subscribe to either—or both—of the listserves below. More than 650 people are already getting this information via their email every day.**

### SAFE Pipelines & LNG Safety discussion lists

These lists are dedicated to sharing safety and siting information among community activists, government officials, industry representatives and safety experts nationwide. It is our hope that through this sharing, initiatives to make pipelines and LNG facilities safer will be adopted and citizens across the nation will be given a larger role in the oversight.

To join Safe Pipelines, go to  
<http://groups.yahoo.com/group/safepipelines/>

OR you can join by sending a blank email to:  
[safepipelines-subscribe@yahoogroups.com](mailto:safepipelines-subscribe@yahoogroups.com)

To join LNG Safety go to  
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OR you can join by sending a blank email to:  
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## Interstate Natural Gas Association of America (INGAA) Commitment to Landowners

Given the unprecedented level of energy infrastructure development that is occurring across the United States, it now is more important than ever that pipeline companies engage with landowners in a respectful, informative and clear manner. INGAA is committed to leading an industry that builds and maintains strong positive relationships with landowners.

In order to address these landowner issues the INGAA Board of Directors endorsed a document entitled "America's Natural Gas Transporters' Commitment to Landowners." In doing so, each INGAA member company embraced the following core principles:

### 1. Respect and Trust

Positive, lasting relationships are built on mutual respect and trust. We will strive to understand issues from the Landowners' perspective and help them understand ours.

### 2. Accurate and Timely Information

Providing natural gas transportation and storage services to the nation may create concerns. We will provide Landowners with information regarding the importance of energy infrastructure, the reason and need for the proposed project, and the processes in place governing easement acquisition, certification, construction, operation and maintenance of our facilities, and the particulars of individual projects.

### 3. Negotiate in Good Faith

We will listen and strive to understand, and negotiate in good faith. We will make every attempt to reach agreement with Landowners in an honest, fair and reasonable fashion.

### 4. Respect the Regulatory Compact

Final approval for a project is not a certainty and our interactions with Landowners will reflect that under-

*continued on page 9*

## The Trust Visits Small Town with a Large Pipeline Safety Interest

In late April, the Pipeline Safety Trust helped farmers and ranchers in Eastern Montana better understand the safety issues that the construction of a proposed Canadian-U.S. hazardous liquid pipeline would raise in their communities. Carl Weimer, the Trust's executive director, talked to an audience of over 60 people at a public meeting in Lindsay, Montana about the proposed Keystone XL pipeline. Although the crowd may have appeared small to outsiders, Lindsay only has a population of 85 and there were few vacant seats in the community center.

Carl was joined by Dave Core, president of the Canadian Association of Energy and Pipeline Landowner Associations (CAEPLA). The Northern Plains Resource Council, a grassroots conservation and family agriculture group based in Billings, was the meeting organizer.

The pipeline—a joint venture of TransCanada and ConocoPhillips—is projected to transport nearly 38 million gallons of crude oil each day between Alberta and Texas. The pipeline would be made of 36-inch (diameter) steel, run for 1,980 miles, and cost about \$12 billion. Building this international pipeline would require a Presidential Permit, issued by the U.S. Department of State, as well as a certificate mandated by Montana's Major Facility Siting Act. The joint venture companies have also asked the U.S. Department of Transportation for a waiver (a "special permit") so the pipeline could be operated at a higher pressure than the regulations allow for pipe of this material and diameter. The Trust's February 20, 2009 comments on the special permit are available on-line at [www.pstrust.org/library/docs/KeystoneXL1.pdf](http://www.pstrust.org/library/docs/KeystoneXL1.pdf).

Carl discussed public safety concerns posed by oil pipelines, how pipeline construction and operation could affect agricultural activities in the area, and the ways in which landowners and pipeline operators can work together to lessen these risks and impacts. As a spokesman for landowners organizations, Dave talked about how the ability of prop-



erty owners to obtain strong protections for the use and enjoyment of their lands—and for their continued way of life—would depend on the terms of the easement agreements they signed with pipeline companies.

Land surveyors and land agents already have been approaching property owners in Lindsay and surrounding areas with requests to survey lands and sign easements. And it was apparent from the many questions posed to Carl and Dave that people were uninformed about the pipeline permitting and certification processes and the steps they could take to lessen the risks to public safety and impacts on individual properties if the proposed pipeline were to be approved.

The presentations and questions also were catalysts for several heated exchanges about the economic value of a proposed pipeline and likely represented a microcosm of divisions that are beginning to surface in these communities. Some see the pipeline as infusing money into the local economy and tax coffers; others perceive it as threatening their way of life by impinging on their ability to farm and ranch.

As one of the initial steps in public education and dialogue about the proposed Keystone XL pipeline in Eastern Montana, the Lindsay meeting was a success. But more importantly, it spurred those at the meeting into immediate action: within the week, they—with the help of the Northern Plains Resource Council—would be bringing together other affected landowners to discuss how they could create easement agreements that would address their concerns. ■

## Easements, a Commitment to Landowners?

Recently, there has been greater emphasis on improving pipeline safety through better communications and collaboration between pipeline companies, federal and state regulators, and landowners when new pipelines are proposed. One such initiative was the July 2008 adoption of a “Commitment to Landowners” by the Interstate Natural Gas Association of America (INGAA) in the form of eight “core principles” regarding the way landowners will be treated and communicated with in connection with the development of new pipelines (see sidebar). According to INGAA, these commitments were “founded on the core principle that strong, lasting relationships with landowners must be built on respect and trust.”

The Pipeline Safety Trust certainly welcomes such new initiatives to build better relationships between landowners and pipeline companies, and respect and trust is a great place to start. It is our belief that the landowner, who ultimately has the most to lose if something goes wrong with the pipeline, can be—and should be—the pipeline company’s eyes and ears in the field, and frontline defense against pipeline damage.

Unfortunately, we frequently hear stories of this relationship being soured early on when land agents working for a pipeline company first contact landowners to start the discussion for a pipeline easement. The well-meaning goal of “lasting relationships with landowners” that comes from those in high places in the pipeline industry does not seem to have trickled down to all of the land agents who negotiate these easements.

Stripped to its “essentials,” an easement is merely an agreement by a landowner to allow someone else to use part of their land for a limited purpose. The pipeline owner basically wants to be able to construct, operate, and maintain the pipeline on the easement land as cheaply as possible, with as few restrictions as possible. And the landowner wants to maintain their peace of mind, continued enjoyment and use of their land, and fair compensation. There are no set-in-stone rules for what an easement has to contain. To work well an easement

must take the needs of both sides into consideration and result from fair negotiations.

From Oregon to Pennsylvania to Montana to Texas, we continue to hear stories about land agents telling half truths and using strong-arm tactics to get an easement that mainly benefits the pipeline company, as fast and as cheaply as possible. “Lasting relationships” and “enlisting landowners as partners in pipeline safety” seem to be way-down the list of priorities in these land agents’ minds when they knock on people’s doors. And while it is easy to understand that land agents have a difficult and thankless job, the negative fall-out from these tactics often lasts for decades.

When it comes to placing new pipelines, it seems clear that there can be no “winner takes all” result. As long as this nation continues to demand the products carried relatively efficiently and safely by pipelines, it will be nearly impossible for individual landowners to stand in the way of the “greater good” in moving these products to market. On the other hand, this “greater good” should be more than willing to pay ever-so-slightly higher prices for these products to ensure that individual landowners are treated well and compensated fairly when easements are negotiated. Fairness and safety demand such an adjustment. Furthermore, all of us who own property need to be aware that the “greater good” could come knocking at our doors as well.

We encourage those in high places within the pipeline industry to continue to move ahead with their policies that encourage “lasting relationships with landowners built on respect and trust.” This is clearly a needed policy shift and we have no reason to doubt the sincerity of those who have brought it forward. We hope they realize, however, that adopting high-minded guidelines—by itself—will make little difference: their messages of fairness, trust, and respect must be put into practice by the land agents they send to knock on landowner’s doors. ■

## (INGAA) (continued)

standing. Prior to a Federal Energy Regulatory Commission decision, actions taken to negotiate easements or options are at the company’s risk as there is no guarantee the project will be approved. We will communicate clearly that federal eminent domain cannot be exercised unless a Certificate is granted by the Federal Energy Regulatory Commission and will distinguish clearly when, and if, eminent domain is exercised pursuant to state law.

### 5. Responding to Issues

We will respond to Landowners’ concerns in a timely fashion. To enhance direct communications and timely responses, we will provide Landowners with a single point of contact within the company to answer any question or concern and to provide general or project-specific information.

### 6. Outreach

We will engage with and promote awareness on the part of affected stakeholders early in the planning process. In broadening our outreach, we will develop relationships with, and introduce our industry to, those who might not have otherwise known about its benefits to the community and our dedication to safely providing these services.

### 7. Industry Ambassadors

Each company employee and representative is an ambassador for the industry. We will ensure our employees and representatives interact with stakeholders in accordance with these commitments.

### 8. Ongoing Commitment to Training

We believe in continuous improvement in all aspects of our business. With the demand for natural gas increasing and many new people entering the industry, we will train our representatives to interact positively and productively with Landowners and other stakeholders.

# Pipelines and Public Awareness

Ever get a brochure or calendar in the mail from a pipeline company and wonder why?

Well, federal pipeline safety regulations require pipeline companies to send that type of information as part of their public awareness programs. Four different stakeholder groups are targeted, so if you fall within one of those groups that explains why you are getting the material. The four groups are:

- \* Affected Public
- \* Local Public Officials
- \* Emergency Officials
- \* Excavators

The Pipeline Safety Improvement Act of 2002 required such programs, and the Pipelines and Hazardous Materials Safety Administration (PHMSA), as is often the case, decided to implement the requirements by adopting an industry consensus standard. In 2005 the American Petroleum Institute's Recommended Practice 1162 (RP 1162), "Public Awareness Programs for Pipeline Operators," was adopted by reference into the federal regulations.

RP 1162 addresses various elements of such programs, the kinds of information to be communicated, frequencies and methodologies for communicating the information, and evaluation of the programs for effectiveness. The only available free electronic copy of RP 1162 can be downloaded from the API website at <http://committees.api.org/pipeline/standards/>. Be aware that this free copy of this federally mandated rule is non-printable, which means it is impossible to print it off your computer or cut and paste parts of it for convenience. To get a "printable"

version of this federal rule you need to pay the American Petroleum Institute \$93.

This effort is an important step in developing communication with those stakeholders outside of the industry and regulators most affected by, and most likely to affect, pipeline safety. This has been a huge undertaking for the pipeline industry with hundreds of thousands of dollars being spent to develop materials and start delivering them to the various stakeholder groups.

Just like these programs need to be periodically evaluated to ensure effectiveness and improvement, so do these consensus standards, and the API is now working on such a review of RP 1162. According to PHMSA the original RP 1162 "was developed through the collaborative efforts of pipeline industry representatives, federal and state pipeline safety regulators and the public." We disagree with this assessment and can find little evidence that the public, any of the targeted stakeholder groups, or any experts in education or communication were active members of the standard setting committee.

**To get a "printable" version of this federal rule you need to pay the American Petroleum Institute \$93.**

The Pipeline Safety Trust was recently asked by the API to provide our assessment of RP 1162. Our main concerns with the current version of the recommended practice is that it seems to be driven by the delivery of materials instead of whether those materials are effective at producing greater safety. We also think that the lack of inclusion of all the stakeholder groups and communication experts in the development of the practice is apparent in the messages that emerged. We hope during this review that API and PHMSA will work harder to be more inclusive to ensure that this important effort is effective. ■



## The Trust Hires New Program Director

The Trust recently selected Dick Goldsmith from a large pool of applicants as its program director. One of his major tasks in this newly-created position will be to obtain funding so the Trust can expand its services

and activities as a national advocate for the public in improving pipeline safety.

Prior to joining the Trust, Dick was the director of legal services and public policy for the Association of Washington Public Hospital Districts for over five years. He served as the association's liaison with state regulatory agencies and the Legislature. Dick also acted as a legal consultant to most of the state's 55 public hospital districts, which are governed by elected public officials, on such issues as public records, open public meetings, and governance.

Dick's skills and experience cover a wide range of activities and subjects. A former Coast Guard photojournalist, he served as a legal intern with the U.S. Senate

Committee on Commerce, drafting oil spill liability and compensation legislation for Senator Warren G. Magnuson. As a staff attorney for the National Oceanic and Atmospheric Administration, he was involved in managing the offshore fisheries from Maine through Virginia. Later, he became executive director of the North Pacific Fishing Vessel Owners' Association, whose members fished for king crab, pollock and cod in the Bering Sea. He also worked as an environmental planner and consultant to the Washington Department of Ecology, conducting the first-ever study on the water transport of bulk hazardous substances in the Pacific Northwest for the Legislature.

During his career Dick has developed and implemented programs in such areas as government relations, community education and outreach, public and media relations, and marketing. He also formed—as well as participated in—numerous coalitions that addressed highly-controversial issues, as well as focused political and public attention on members' concerns.

Dick is an attorney and has been licensed to practice law in Washington State since 1975. He holds a master of laws degree in marine affairs from the University of Washington School of Law and a law degree from the Georgetown University Law Center. He received his BA degree in English from Michigan State University. ■

# Communities Going To Shale

With the search for domestic sources of energy, comes the pressure to drill for natural gas in unconventional ways. Natural gas exploration is turning its eyes to the natural gas that is trapped thousands of feet below the Earth's surface, in shale deposits. To tap this natural gas an unconventional process, known as hydraulic fracturing—or commonly known as “fracing,” is used.

In fracing, millions of gallons of water treated with chemicals are blasted, at high pressure, into horizontally drilled wells a mile under the earth. The chemically treated water is called fracing fluid. The fracing fluid creates cracks several hundred feet wide in the shale. These cracks, or fissures, let trapped gas escape, allowing for extraction. Some of the fracing fluid, which is comprised of mostly water and a small percent of various chemicals, stays in the ground after drilling.

With the price of natural gas hitting a record high in the summer of 2008, these unconventional wells are popping all over. They can be drilled in cities, neighborhoods, and through aquifers, which can lead to communities clashing with the developers of these wells. There are five shale deposit “hotspots” in the United States—the Marcellus Shale in Pennsylvania and upstate New York, the Haynesville Shale in Louisiana, the Fayetteville Shale in Arkansas, the Woodford Shale in Oklahoma, and the Barnett Shale in Texas. It seems the most intense battle is in Fort Worth, Texas. The Barnett Shale gas is being extracted through wells drilled in urban areas.

Fort Worth is trying to figure out how to balance royalty checks from land leases, jobs created by natural gas drilling, and the contributions to city and county coffers from natural gas activities against the quality of life they want. Individuals, communi-



ties, and municipalities have to come together to decide what levels of compensation they are willing to accept for the downside of natural gas rigs and pipelines in their neighborhoods: fouled surface water and aquifers; noise, light and air pollution; soil contamination; and the safety risks of living near un-odorized pipelines that carry raw natural gas.

The City of Fort Worth, Texas and the State of Texas are trying to pass

laws that help protect citizens while allowing development of the Barnett Shale to move forward. Fort Worth has passed a natural gas drilling plan in south Fort Worth.

Citizen groups in Fort Worth, such as the Coalition for a Reformed Drilling Ordinance (CREDO), are pushing for a moratorium on urban gas drilling in the city. CREDO's position is that drilling in their neighborhoods should cease until the health and safety risks are fully understood.

The Texas Senate has passed a bill to allow pipelines from Barnett Shale wells to be placed in the state Department of Transportation's rights-of-way; this would decrease the need for private land being acquired through eminent domain. Another bill would restrict saltwater injection wells, which reinject pro-

duced water back into the gas well that they originated, to help protect ground water and drinking wells.

All of these legislative activities are a start to safer communities. Now is a perfect time, since the price of natural gas is on the decline and the demand for the gas has fallen off, to focus on the safety of shale drilling. Let's hope natural gas companies, communities and government bodies keep pushing to find practices that will protect citizens while delivering product safely to consumers. ■

**In the city of Fort Worth, Gas wells are allowed as close as 200 ft. from a residence. Gentlemen's clubs are restricted to 1000 ft from a residence.**

**Did you Know?**

## Interested in More Information About Urban Drilling?

*These sites have a wealth and variety of information*

Fort Worth League of Neighborhood Associations  
[http://www.fwlna.org/Gas Wells/Gas Well Resources.htm](http://www.fwlna.org/Gas%20Wells/Gas%20Well%20Resources.htm)

Fort Worth Citizens Against Neighborhood Drilling Ordinance  
<http://www.fwcando.org/home>

Coalition for A Reformed Drilling Ordinance (CREDO)  
<http://fw-credo.com/>

City of Fort Worth - information on gas wells and pipelines  
<http://www.fortworthgov.org/gaswells/>

Texas Railroad Commission - Barnett Shale Information  
<http://www.rrc.state.tx.us/barnettshale/>

Barnett Shale Energy Education Council  
<http://www.bseec.org/>

Oil & Gas Accountability Project  
[http://www.earthworksaction.org/oil\\_and\\_gas.cfm](http://www.earthworksaction.org/oil_and_gas.cfm)

## Join Us at This Year's Conference Turning Awareness Into Greater Pipeline Safety

*From plans, reports, and paper practices to real change*

November 5 & 6, 2009

New Orleans, Louisiana

The historic Hotel Monteleone



Chris Coffin

The Pipeline Safety Trust will host our 4th annual pipeline safety conference where we will once again bring together a unique mix of experience from the affected public, local government, the pipeline industry, and pipeline regulators to discuss the hard issues and create greater understanding to move pipeline safety initiatives forward. Mark your calendars now and plan to join us!

### Super Early Bird Special (Good until August 1<sup>st</sup>):

\$450 for General, \$200 for Government & \$50 for Citizens

More information and a faxable registration form at:

<http://www.pipelinesafetytrust.org/conference/>

## Hope To See You There!



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