

February 23, 2009

Dockets Operations
U.S. Dept. of Transportation
M-30, West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

VIA online submission and U.S. Mail

Re: Docket No. PHMSA-2008-0285

To Whom it May Concern:

I am writing on behalf of the Western Organization of Resource Councils (WORC), the Northern Plains Resource Council, and Dakota Rural Action, to comment on this Docket, in which TransCanada Keystone XL Pipeline seeks a waiver from established safety regulations to operate at a higher maximum operation pressure (MOP) than permitted by 49 C.F.R. § 195.106. We object to the proposed special permit, because it would lessen pipeline safety, and increase the risk of leaks, ruptures and spills in rural, agricultural areas in which our members live, work, operate farms and ranches, and recreate.

WORC is a regional network of seven grassroots community organizations, including the Northern Plains Resource Council in Montana and Dakota Rural Action in South Dakota, with 10,000 members and 45 local chapters. WORC is committed to building sustainable environmental and economic communities that balance economic growth with the health of people and stewardship of their land, water, and air resources.

Issuance of the special permit for the Keystone XL pipeline as proposed is not consistent with pipeline safety. We are upset that the proposed special permit appears to call for construction and operation of a pipeline with a greater risk of harmful or hazardous leaks, spills, and ruptures in lightly populated rural areas, including areas of productive agricultural land and precious surface and groundwater resources, than in urban areas.

TransCanada has not requested that the terms of the special permit – that is, permission to use thinner pipe, with greater risk of rupture or corrosion over time – apply near “High Population Areas,” pump stations, areas below pump stations, road crossings, railroad crossings, launcher/receiver fabrications, and navigable waters (according to the November 26, 2008 Amendment to October 10 Special Permit Application). Apparently, the applicant does not believe the thinner pipe and higher operating pressure is safe for these populated and other special locations, but that residents of rural areas need not be protected from the risks of thinner pipe. The people, land and resources of low population density areas deserve every bit of the protection afforded others near the proposed pipeline right of way.

We don't believe that the Pipeline and Hazardous Materials Safety Administration (PHMSA) should approve the special permit without thoroughly modeling the rupture characteristics of surge events as recommended in the comments of the Pipeline Safety Trust. We agree with the Trust and other commenters in concluding that TransCanada's application has inadequate design and operational controls and does not demonstrate that the pipeline can survive overpressure events throughout its planned life.

We endorse the view of the Pipeline Safety Trust, that all welds should be inspected with x-rays or other non-destructive records, and that all inspection records should be kept available for public review. TransCanada's application fails to provide adequate weld inspection, without which we are concerned that construction difficulties like those which have plagued the Keystone I pipeline could lead to inadequate welds, leading to leaks or ruptures.

While there are measures which TransCanada can and should take to reduce the risk of leaks, over time and inevitably friction and mechanical wear will inevitably lead to damage and eventual leaks, ruptures and spills. Allowing operation at a greater percentage of maximum operating pressure means allowing construction with thinner pipe, which will have less ability to withstand corrosion over time. This reduces our confidence that the pipeline will adequately protect public and private land, and surface and groundwater, from spills, leaks, and ruptures.

We have read the recommendations of the Pipeline Safety Trust prepared for this docket, and believe that implementation of their recommendations is critical to avoiding critical safety risks, including thorough and transparent reporting of over-pressure events, avoiding over-pressure events caused by Supervisory Control And Data Acquisition (SCADA) operators, surge pressure analysis and protections, steps to prevent internal corrosion, and adopting Pipeline and Informed Planning Alliance (PIPA) protections. No special permit should be issued absent adoption of these recommendations.

The risks of leaks, ruptures and spills may be increased by construction and operation of the pipeline as proposed in TransCanada's application for a special permit. Tar sands leaks, ruptures and spills pose a significant threat to the natural and human environment, and must be analyzed in an Environmental Impact Statement before any action is taken on TransCanada's application for a special permit.

As an organization with members who reside in areas which are effectively singled out for a lesser level of protection from accidents, damage, and pollution from transportation of a dangerous and dirty product (tar sands) through their farms, ranches and communities, it is particularly galling to note that the increase in operating pressure and thinner pipe that would be possible if the special permit is approved serves as a gigantic cost-saving measure for the applicant, but will not increase the safety of the pipeline. To us, this seems an insufficient excuse for putting our land, water, health and safety at risk.

Sincerely,

K.C. Duerig, Chair
Western Organization of Resource Councils

Beth Kaeding, Chair
Northern Plains Resource Council