

March 15, 2020

Mr. Wayne Christian
Chairman
Texas Railroad Commission
P.O. Box 12967
Austin, TX 78701

Sent by email March 15, 2020
Sent via USPS March 16, 2020

Re: Kinder Morgan–Permian Highway Pipeline – Pipe storage

Chairman Christian:

We appreciate your letter dated March 6 recognizing that Hill Country landowners and other stakeholders have legitimate concerns regarding the routing of the high pressure, high volume 42” natural gas transmission Permian Highway Pipeline (“PHP”) through the heart of the Hill Country.

Your statement that: “Protection of public safety and the environment are our highest priorities at the Railroad Commission (“RRC”), is particularly welcomed. We feel that both are at risk of potential harm. Therefore your statement that: “The RRC’s jurisdiction over intrastate pipelines begins when an operator begins construction on a new pipeline,” is timely. We ask you to urgently invoke that jurisdiction now with respect to a specific threat that demands immediate attention and action by RRC.

Kinder Morgan Texas Pipeline, LLC (“KM”), the operator of PHP has cleared easement Right of Way in much of the Golden Cheek Warbler habitat in Hays, Blanco and Gillespie Counties over the past three weeks. KM is now poised to start laying pipe in the ground along the Hill Country route for PHP through Hays, Blanco, Gillespie and Kimble Counties. The United States Army Corps of Engineers (“Corps”) has issued a permit relating to crossing waters of the United States.

This letter requests the RRC through its Department of Pipeline Safety to require that Kinder Morgan wait to put any pipe in the ground until such pipe is inspected by your agency. This inspection is urgently needed now. It is our assertion that the facts and information set out below warrant the immediate invocation of such jurisdiction and associated inspection of pipe. Such inspection is urgently required for the reasons set out below.

The factual background is this: (1) KM originally announced publicly its intention start construction in the Fall of 2019 and to have PHP “in operation” by the early Fall of 2020. Thus, it began stockpiling pipe at various locations along the proposed route. Such stockpiles exist in, among other locations, Kimble County in the vicinity of Junction; Blanco County in locations in the vicinity of City of Blanco; and in Hays County in the vicinity of San Marcos. Each of these stockpiles were put on the ground more than six (6) months ago, and have remained there continuously ever since. These stockpiles are not covered or protected, but rather have been

exposed to the sun and other weather elements. (2) Kinder Morgan, in an effort to allay concerns about pipeline ruptures, leaks, explosions or other incidents involving pipe integrity, has stated publicly, and informed Hill Country public officials, that the pipe would have a protective coating – fusion bonded epoxy (FBE) – that is designed to inhibit corrosion, thereby enhancing pipeline safety. What Kinder Morgan has refused to disclose are the results of testing, if any, done on soil properties that might accelerate pipe corrosion. The alkalinity of Hill Country soil tends to induce corrosion of steel pipes, making some form of anti-corrosion protection crucial. (This is just one of the many issues that stakeholders hoped to have more fully explored through an Environmental Impact Statement. Efforts to persuade the Corps and U.S. Fish & Wildlife Service to require such a study have been unavailing to date.) Hill Country stakeholders are left to rely on the efficacy of the protective coating as the principle protective mechanism against corrosion of the pipe.

A major concern has now arisen that the pipe exposed to the elements in its outdoor storage stockpiles longer than six months has led to a degradation of the capability of the protective coating effectively to prevent corrosion.

A leading trade association, the National Association of Coating Applicators, states: **“The intended use of these coatings is to provide corrosion protection for buried pipelines. Above ground storage of coated pipe in excess of 6 months without additional Ultraviolet protection is not recommended.”** **NAPCA Bulletin 12-78-04**
<http://www.napca.com/pdf/Bulletin-12-78-04.pdf>

The diminished corrosion combatting capability of the pipe thereby creates additional and unacceptable risks to our aquifers, and the porous karst geology, imperiling the sole source of drinking water for many thousands of Hill Country stakeholders. Hays, Blanco and Gillespie Counties have been included in a Priority Groundwater Management Area by the Texas Commission of Environmental Quality, emphasizing the already existing peril for groundwater. The increased corrosion potential also creates concerns for the of safety people, animals and property in proximity to the pipeline route. And since KM has said it does not intend to put a casing or sheath on the pipe where it will pass under the Pedernales and Blanco Rivers, these vital waterways will be exposed to increased and undue risk from corrosion of pipe. Studies have shown the two rivers both gain water from and lose water to the underlying aquifers. Such interconnectivity suggests that a release of toxic or polluting substances into either could lead to both sources of water becoming contaminated.

Pipe exposed to sunlight and the elements experiences a reduction of effectiveness of the protective coating. Virtually all industry standards, as well as guidelines from manufacturers of the coating, recommend that pipe not be left stored exposed to sunlight and other elements for longer than six (6) months.

It is imperative that the pipe, so long exposed to the elements that degrade its protective coating effectiveness, be inspected by the RRC to assure that irreparable degradation of the coating has not occurred. As Chairman Wayne Christian stated in an email dated March 6, 2020: “The Commission has the authority to conduct new construction inspections to ensure it is constructed

in compliance with all state and federal pipeline safety laws and rules.” Now is the time for such inspections to occur.

The Commission should immediately inform KM it will not be permitted to install any pipe in the ground until such inspection has been completed, and integrity of the protective coating can be established.

An opportunity for Hill Country stakeholders to discuss this information directly with you in person is requested. As time is of the essence due to the possibly imminent start of laying of pipe, we ask that such a meeting be scheduled quickly.

Yours truly,

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cc:
Congressman Chip Roy
Sen. Dawn Buckingham
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