



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue SE
Washington DC 20590

DEC 07 2017

Mr. William F. Limpert
4102B Garfield Road
Smithsburg, MD 21783

Dear Mr. Limpert:

In an email to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated June 7, 2017, you requested an interpretation of 49 CFR Part 192. You specifically requested an interpretation of high consequence areas under the definition of § 192.903.

You described your request as follows.

I am seeking information about the determination for high consequence areas for natural gas pipelines.

My wife and I and a number of neighbors live in Little Valley, in Bath County, Virginia. This is a narrow and very steep valley with one road that ends at the upper end of the valley. This is the only road in or out of the valley. The Atlantic Coast Pipeline (ACP) is proposed to be built just below our home and other homes in the valley. These homes would be in the blast zone and evacuation zone of the pipeline. In a pipeline emergency, our only egress from the valley would be blocked by the pipeline. The road above us ends in the evacuation zone of this proposed pipeline, thus preventing us from escaping from the evacuation zone. Due to the very steep slopes and remote location, rescue would be impossible as well.

The ACP has stated that we would be rescued by cutting in a new road in a pipeline emergency. This is false, because the road would have to be constructed for many miles through high, steep, wooded mountains, and across private land in a matter of minutes. The ACP has also stated that we would be rescued by airlifting us out. This is also false. There are no helicopters within 40 miles of our location, there are no designated landing locations in Little Valley, any landing location would be difficult due to the steep terrain, and a helicopter may not be able to land in the evacuation zone of the pipeline due to fire and heat issues. This would also have to be accomplished in a matter of minutes.

I believe that we must be considered a high consequence area, and the operator must develop an integrity management plan under your regulations as follows.

PHMSA regulations as shown in 49 CFR Part 192 require the following:

192.903(1)(iv) and (2)(ii) defines a high consequence area as an area within the potential impact circle of a pipeline containing an identified site.

192.903(4)(c) defines an identified site as a facility occupied by persons who would be difficult to evacuate.

192.905 states that an operator must identify high consequence areas.

192.907 states that an operator must develop an integrity management plan for high consequence areas that meets the requirements of 192.911.

I should also mention that a neighbor in the same situation as my wife and I, who would also be trapped, has mobility issues. He is elderly, had half of a lung previously removed, has chronic obstructive pulmonary disease, can only walk about 50 feet at a time, and his driver's license is being revoked. So, he meets the criteria in your regulations for a mobility impaired person, although I believe that is not necessary on its own merit, since we all meet the criteria regarding evacuation issues.

Please advise me on your interpretation of the regulations covering this matter as soon as possible.

In addition, in a September 19, 2017, email, you provided figures, sketches and photographs of the location.

Under Federal pipeline safety regulations, an operator must have an integrity management program for each pipeline located in a "high consequence area" (HCA). An HCA is either (1) any Class 3 or Class 4 location, and an identified site; or (2) 20 or more dwellings for human occupancy within the potential impact radius or an identified site (§ 192.903). An HCA also includes Class 1 or Class 2 locations if they contain an "identified site," which is further defined to include places frequently populated, such as recreational facilities, community centers and hospitals (§ 192.903). It is the responsibility of the operator of a pipeline to identify high consequence areas. 49 CFR § 192.905(a).

Based on the information that you have provided, your neighborhood is located in a Class 1 location because it has "10 or fewer buildings intended for human occupancy." § 192.5(b)(ii). Therefore, the neighborhood is not an HCA unless there is an identified site. An identified site is specifically defined as follows:

(a) An outside area or open structure that is occupied by twenty (20) or more persons on at least 50 days in any twelve (12)-month period. (The days need not be consecutive.) Examples include but are not limited to, beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, recreational areas near a body of water, or areas outside a rural building such as a religious facility; or

(b) A building that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12)-

month period. (The days and weeks need not be consecutive.) Examples include, but are not limited to, religious facilities, office buildings, community centers, general stores, 4-H facilities, or roller skating rinks; or

(c) A facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. Examples include but are not limited to hospitals, prisons, schools, day-care facilities, retirement facilities or assisted-living facilities.

§ 192.903, *Identified site*.

In the August 6, 2002, in its Rule, “Pipeline Safety: High Consequences Areas for Gas Transmission Pipelines” (67 FR 50824), PHMSA revised the definition of “high consequence area.” The Preamble for the Final Rule provided additional clarity on how to correctly designate an “identified site.” The Preamble states that:

An identified site is a building that can be identified through any of the following means—it has a sign; it is licensed or registered by a federal, state or local agency; it is known to public safety officials; or it appears on a list or map that is available through a federal, state or local agency, or through a publicly available or commercially available database. This revision should alleviate the concern that operators will be required to identify a family home that has elderly or disabled persons, or daycare age children.

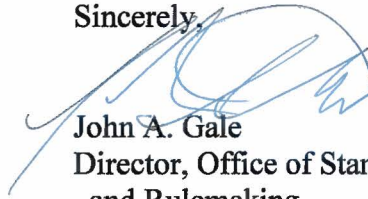
67 FR 50824 at 50828.

While an identified site is not specifically limited by “a minimum number of occupants,” this definition necessarily excludes private homes, and instead focuses on “facilities” such as retirement communities with multiple residents.

Based on the information that you provided, the area is not an HCA. The area is a Class 1 location, and it does not include an identified site. You have not identified any specific outside area or open structure that is occupied by twenty (20) or more persons on at least 50 days in any twelve (12)-month period, a building that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12)-month period, or a facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. As explained in the August 6, 2002 Preamble, your neighbor’s home does not meet the definition of an identified site for “a facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate,” regardless of his individual mobility issues. Examples of such an identified site are, among other things, hospitals, retirement facilities and assisted-living facilities.

Although the area is not an HCA, any gas pipeline constructed in your area must meet all of the applicable pipeline safety regulations in 49 CFR Parts 192, including standards for pipeline design, construction, operation, and maintenance. If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,



John A. Gale
Director, Office of Standards
and Rulemaking

Office of Pipeline Safety (PHP-30)
PHMSA
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Determination of High Consequence Area for Natural Gas Pipeline

June 7, 2017

To Whom It May Concern:

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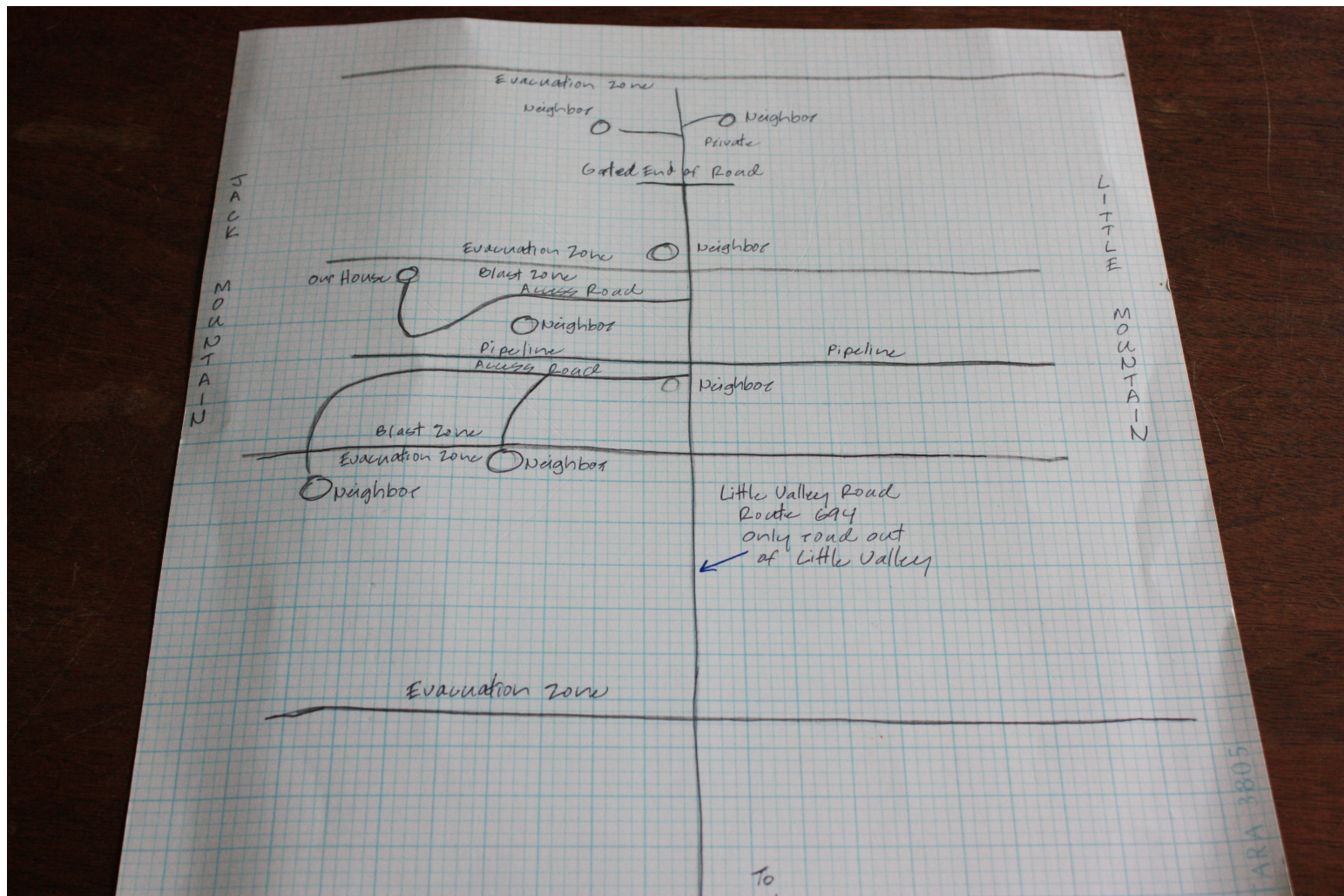
Please advise me on your interpretation of the regulations covering this matter as soon as possible.

The Federal Energy Regulatory Commission (FERC) draft environmental impact statement for this project does not include us in a high consequence area, despite my ongoing arguments to the contrary. FERC will be issuing a final environmental impact statement in the near future and the high consequence area designation should be included in that document.

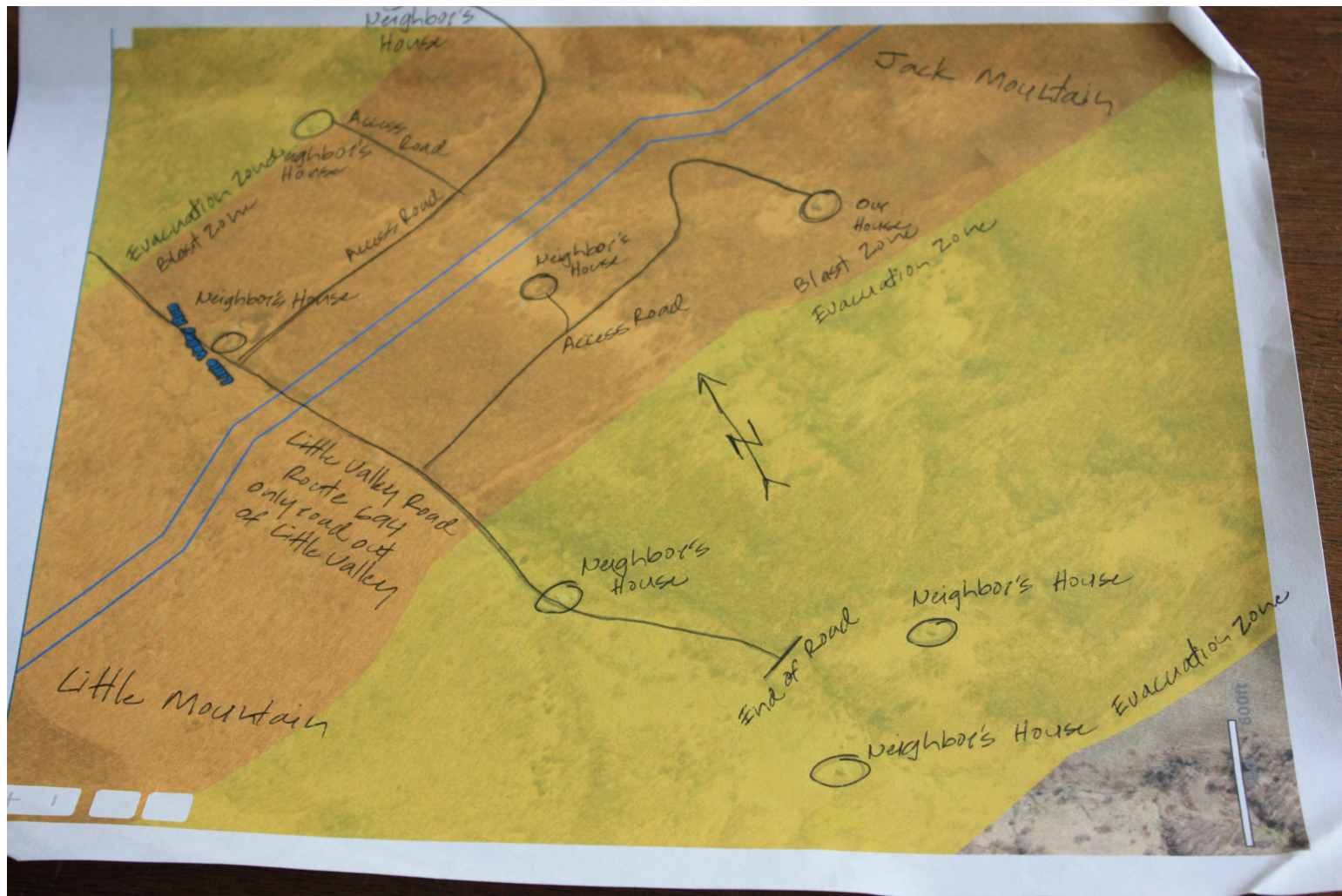
Thank you for your prompt response.

Sincerely,

William F. Limpert
wflimpert@gmail.com
4102B Garfield Road
Smithsburg, MD 21783
301-416-0571
540-839-3202



JPG 9976



JPG 9978

Bolar Spring Topo Map in Highland County Virginia



[Print this map](#)

Map provided by TopoZone.com

Figure 4

Photos to USFS

1) 9686 - Slide on our property 34 inches deep x 9 feet 6 inches wide x 6 feet 5 inches long.



2) 9687 - Slide on our property 4 foot 10 inches deep x 14 feet wide x 15 feet long.



Photos to USFS

3) 9690 - 3 large slides on our property estimated at (1) 4 feet deep x 8 feet wide x 12 feet long (2) 8 feet deep x 30 feet wide x 30 feet long (3) 3 feet deep x 30 feet wide x 30 feet long-These slide dimensions were estimated due to safety concerns.



4) 9694 - Slide on bank of Little Valley Run estimated as 5 feet deep x 40 feet wide x 40 feet long with 3 foot diameter tree uprooted - 300 feet upstream of proposed crossing.



Photos to USFS

The next six pictures shows a large landslide on the east side of Little Mountain within several hundred feet of the proposed pipeline.

5) 9827 - Near bottom of slide.



6) 9829 - Further up slide.



Photos to USFS

7) 9833 - Further up slide.



8) 9838 - Standing above slide.



Photos to USFS

9) 9846 - Near top of slide.



10) 9847 - Standing above slide.

