

DEBBIE DINGELL
12TH DISTRICT, MICHIGAN

116 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4071

HOUSE COMMITTEE ON
NATURAL RESOURCES
RANKING MEMBER
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATION

HOUSE COMMITTEE
ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515

DISTRICT OFFICES:
19855 WEST OUTER DRIVE
SUITE 103-E
DEARBORN, MI 48124
(313) 278-2936

301 WEST MICHIGAN AVENUE
SUITE 400
YPSILANTI, MI 48197
(734) 481-1100

WEBSITE: DEBBIEDINGELL.HOUSE.GOV

February 2, 2017

The Honorable Howard Mac McMillan
Executive Director
Pipeline Hazardous Materials Safety Administration
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Executive Director McMillan:

This letter is in reference to the NEXUS Pipeline, which if completed will traverse the eastern part of Washtenaw County in Michigan's 12th Congressional district. The project is led by Spectra Energy, which has applied for a special permit to waive the odorization requirements specified in 49 CFR 192.625 [PHSMA-2016-0009]. While Spectra argues that odorizing gas in the pipeline will be cost prohibitive and technologically difficult, it is critical to ensure that the public has proper input into these decisions and that public safety is always protected. This letter is to request that this special permit be denied at this time to ensure the odorization requirements remain in place and so local communities can have proper insight into the waiver decision.

The requirement of natural gas odorization dates back to an incident at a school in New London, Texas in 1937 which killed more than 295 people. During an investigation into the incident, it was discovered that a faulty natural gas line had leaked gas into the school and the leak was not noticed because the gas was odorless. If a natural gas leak had been detected early through its odor, a catastrophe could have been prevented. This is exactly why Congress mandated the odorization of natural gas pipelines in Class 3 locations, which are highly populated areas, and the requirement should not be waived lightly.

In their application, Spectra argues that the odorization requirements are not necessary because the company will undertake additional activities to make the pipeline safer and more secure. However, some of the examples the company cites are already mandated by current law. For example, Spectra offers to build the line to be "piggable," but pipeline operators are already required to build their pipelines so a smart-pig can be run through them. Odorization is required in addition to what is being proposed by Spectra in order to keep the public safe.

It is also important to ensure government is abiding by principles of environmental justice to ensure all communities have a voice in decisions that impact them. The NEXUS pipeline would run through several low-income census tracts in multiple communities, including running along an intersection that would pass within 400-1000 feet of three elementary schools. Not only would removing

the odorization requirements endanger the health, safety and welfare of local residents, it would also be in conflict with the U.S. Department of Transportation's (DOT) commitment to addressing environmental justice in low-income and minority populations as memorialized in DOT Departmental Order 5610.2(a).

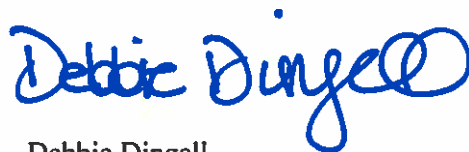
Finally, communities surrounding the proposed pipeline route were not given ample notification or time to submit their input on the waiver. The FERC comment period did not indicate that a permit to waive odorization requirements would be sought by Spectra Energy. Local municipalities did not receive notification from either Spectra Energy or PHMSA that this issue was open for public comment. The waiver only came to the attention of Ypsilanti Township when attorneys representing the pipeline sought easements on nine parcels of land owned by the Township. It is my understanding that the public comment period will be reopened following Spectra's submission of additional environmental information to PHMSA last month (titled "Special Permit Petition Environmental Information"). I encourage you to make all stakeholders aware of this new opportunity for the public to comment on the impacts of this project.

Odorizing natural gas makes it easier for citizens living in the vicinity of the pipeline to detect any leaks, which is critical for urban areas like the ones along the route of the NEXUS pipeline. Ypsilanti Township is the most urbanized area along the proposed route of the NEXUS pipeline. The proposed Special Permit Segments could encompass another 21 miles of the pipeline due to final route adjustments or an increase in population. A total of 30 miles would then be in the waiver zone. In the event of a natural disaster, such as a tornado, the odor would also inform citizens of an impending emergency. Citizens who live in the vicinity of the pipeline need a mechanism to detect a gas leak.

The odorization requirements for Class 3 zones are a critical public safeguard and are mandated for a reason. In February, it is my understanding that DTE Energy will be convening a community meeting so that all stakeholders can voice their opinions on the odorization waiver. The impacted communities have many questions, are greatly concerned about the potential danger to them, and were not given appropriate time to submit public comments. For the many reasons listed above, I respectfully request that PHMSA deny this special permit to waive the odorization requirements for the NEXUS pipeline until all local concerns are satisfied.

Thank you for attention to this matter.

Sincerely,



Debbie Dingell
Member of Congress