

Fahn, Patrick J.

From: Paul & Tammy Mathews [Farmerpost@hotmail.com]
Sent: Friday, July 08, 2011 9:44 AM
To: Fahn, Patrick J.
Subject: Fw: Possible Violation
Attachments: Harold Winnie 7.5.11.doc

Dear Mr. Fahn:

Below and attached is a copy of a letter to PHMSA. A phone call from Mr. Winnie this morning announced confirmation that they (PHMSA) have received my letter and will begin a process to dispose of its concerns.

Considering the ND PSC has begin an investigation of the Ludden pumping station incident, I wanted the PSC to be aware of my contribution to PHMSA.

Feel free to contact me if you have any further questions,

Paul Mathews

From: Paul & Tammy Mathews
Sent: Tuesday, July 05, 2011 5:19 PM
To: Harold Winnie
Subject: Possible Violation

July 5, 2011

Harold Winnie
PHMSA Pipeline Safety – Central Region Office
901 Locust Street, Suite 462
Kansas City, MO 64106

RE: Keystone Pipeline

Dear Mr. Winnie:

Nearly a year ago (July 7th, 2010), I was invited as an affected Keystone landowner to attend a meeting in PHMSA's Washington office, a meeting lead by Linda Daughterty (Deputy Associate Administrator for Policy and Programs – Office of Pipeline Safety.) A number of Keystone subjects were discussed at that meeting including my input regarding what appeared to me (as a layman to pipelines and emergency responder) to be irregularities. Ms. Daughterty interrupted me and indicated that my observations should be heard by Community Assistance and Technical Services (CATS). Therefore, with her direction, I believe I have a concern for your office.

I realize Keystone pipeline has been impacted by PHMSA's Corrective Action Order (#3-2011-5006H) dated June 3, 2011. My home is located on the same parcel as the Keystone corridor, about 10 miles north of the Ludden Pump Station (which had a failure incident on May 7th.) I am also a volunteer emergency first responder (fireman) for this area which includes the pumping station. In the period following the incident, Keystone has allowed public remarks (print media and/or television) which I believe to be misleading or in error.

737 PU-06-421 Filed: 7/8/2011 Pages: 5
Email copy of letter to PHMSA

I wish to inform PHMSA of possible violation of 49CFR 195.412 (a), the mandatory 2 week flyovers.

As indicated above, my family resides in a home about 1,500' away from the corridor. Low altitude planes or helicopters are a rare event in this part of North Dakota and are easily noticed due to the quiet serenity that rural life offers. My family does not keep a "notes" to document each observed "flyover" in the period before May 7th, but when we read media accounts that flyovers have been routinely occurring, we have suspicions that such flights did not actually occurred within the 2 to 3 week intervals required by the citation above. Instead, we sense that less than 5 flights have occurred from start of operations last June 2010 to May 7th, 2011.

I have re-read Keystone's EIS and testimony provided to the ND Public Service Commission dated September 6, 2007. I am not an expert in pipeline's Operations Control Center policy or procedures. But having reviewed the description of small leaks (1.5% of volume or less) and their possible detection by modern technology (SCADA) found in these documents, it appears to me that "flyovers" may prove to be a critical component of the detection and minimize the spills if occurred. But a plane still in the hanger would seem to equate to a situation where personnel are absent in the control room there to monitor screens or alarms. That type of situation is one which I assume PHMSA would want to investigate and take enforcement action if warranted.

To me, PHMSA could easily test the veracity of Keystone's public statements that "2 week flyovers" have been complied to by acquiring copies of records from the date of operations began (June 2010) to date of the Ludden incident (May 7th, 2011). Possible independent records to substantiate flyovers might include:

- a. Pilot and/or plane logbooks
- b. Contemporaneous journal entries logged during flyovers
- c. 3rd party Commercial invoices billing Keystone
- d. Logged FAA flight plans

Again, I am not suggesting that my personal notes contain reference for every flight since by chance some flights may have occurred without our noticing or during our absence. But it is also remarkable that we may have missed 75% of them due to the substantial noise these flights create while passing over our home.

Should your agency decide to review this matter and the results reveal the operator has been tardy or deliberately delinquent with mandatory 2 week flyovers; then I believe the situation should be addressed by regulators to insure the pipeline operates with all detection systems performing. As in their absence, continued operations without all of them I believe could pose an unnecessary hazard to life, property and environment which affects our preparations as adjacent homeowners or emergency responders in the event of another similar incident or worse.

In the Ludden incident, I sense our community was very fortunate to have an eyewitness to the spill and report it so soon after its initiation as the spill volume could have been magnified many times. The resultant spill could have migrated to the county drain located just west of the pumping station - a drain that deposits into the rivers supporting the municipal water needs of Fargo and local fisheries.

In particular and despite company press releases saying differently, if Keystone's SCADA leak detection was unaware of the ongoing spill and was not in process of shutting down the pipeline, we could have had a spill mirroring the Exxon's Yellowstone River event. As PHMSA is probably aware, this leak was located in a remote area where an eye witness to this kind of event is unusual.

In conclusion, the 2 week flyovers might become the last line of defense to spare our ND community a catastrophic disaster and this flyover requirement should be strictly adhered to. I also believe it should be disclosed whether Keystone's technology (SCADA) had the ability to detect the Ludden incident alone (was its size too small to be detected other than sight or smell?) and if not, what spill volume could have resulted that

our local emergency responders would have faced. Does this mean additional training or equipment? To date, Keystone has provided meager amounts of both.

Sincerely yours,

Paul Mathews
9066 119th Ave. SE
Cogswell, ND 58017

701-724-6470 or
email: farmerpost@hotmail.com

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