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March 1, 2024

Chief Jim Hosler, Assistant Deputy Director
Pipeline Safety and CUPA
Office of the State Fire Marshal
715 P Street
Sacramento, CA 94244-2460

Re: Request for Public Hearings and Engagement on the Risk Analysis, State Waiver, and Restart Plan for Line 901/903

Dear Chief Hosler,

We, the undersigned 23 organizations, write to request from the Office of the State Fire Marshal (CalFIRE) more transparency and public engagement in evaluating the safety of the restart of pipeline 901/903, which caused one of the most disastrous oil spills in California history. Ultimately, this pipeline should be decommissioned and not returned to service. However, if CalFIRE continues to evaluate a restart request for this pipeline system, it must conduct more public outreach. The potential reactivation of this pipeline poses considerable risks to both public safety and environmental integrity, warranting thorough public scrutiny and input before any decision is made.

CalFIRE should ultimately deny requests to restart this unsafe pipeline, which should instead be decommissioned

On May 19, 2015, Plains' Line 901 ruptured and spilled over 450,000 gallons of crude oil into the surrounding environment.¹ This rupture was caused in part by progressive external corrosion and ineffective protection against that corrosion.² The pipeline failed despite receiving prior approvals from state and federal agencies, and it is increasingly likely to fail again with each passing year if allowed to resume operations. The previous owner of the pipeline was found criminally liable for failing to maintain the pipeline, and killing marine wildlife, among other charges. The report found that the company had allowed the pipeline wall to corrode to 1/16th of an inch before the spill occurred.

The PHMSA failure investigation report states that “cathodic protections are required under the federal Pipeline Safety Regulations to prevent external corrosion of buried pipelines,” but that cathodic protections are not effective on a pipeline like Line 901/903, a buried *insulated* pipeline.

These extensive corrosion issues and coating/insulation failures were unknown and unaccounted for in the antiquated and inadequate 1986 Environmental Impact Report (EIR)³. This EIR also indicated that the intended lifespan of the pipeline was 30 years, and that timeframe has now lapsed.

The pipeline has sat idle in the environment ever since that catastrophic rupture almost ten years ago. It has been deemed unsuitable for the generally required safety measures and should just be decommissioned. The outdated EIR for the pipeline's operation, the lack of a clear and transparent plan to account for present and future external corrosion, and the urgency of securing a commitment and execution of pipeline decommissioning all serve as valid reasons for CalFIRE to reject any application for activities associated with Line 901/903. While they once pursued a new pipeline, its owners/operators have now doubled down on trying to restart the decaying pipeline. Restarting Line 901/903 risks more fouling of our beaches, waterways, wildlife, Tribal cultural resources, human health, ecosystems, and coastal economy and is contrary to California's commitment to transition away from fossil fuels and their infrastructure.

¹ Expert Report of Igor Mezic, Ph.D., *Andrews v. Plains All American Pipeline, L.P.*, United States District Court, Central District of California, Case No. 2:15-cv-04113-PSG-JEM, March 29, 2019 (pp. 16-17).

² U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration Failure Investigation Report, Plains Pipeline, LP, Line 901 Crude Oil Release, May 19, 2015 (May 2016). Available at:

https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/PHMSA_Failure_Investigation_Report_Plains_Pipeline_LP_Line_901_Public.pdf

³ 1986 Environmental Impact Report for the Celeron/All American/Getty Pipeline Projects, available at: <https://cosantabarbara.app.box.com/s/lkl9oo9xdsangevdp6pasfo0cmimvlt>

For these reasons, we request that CalFIRE reject any state waiver, startup plan, or other authorizations that would allow restart of Lines 901/903.

If despite all of this, CalFIRE proceeds, it must do so with full public participation and transparency.

Consideration of a Line 901/903 restart must be done with public transparency and engagement

While our position is that CalFIRE should deny the applicant's state waiver, startup plan, and other approvals required to restart pipeline 901/903, we request at minimum with this letter that CalFIRE be much more transparent with the public and actively engage stakeholders as this process unfolds. Appropriate public outreach should include:

- Maintaining a publicly available dashboard for this process: the public deserves clear communication on the steps and timeline for restart. This pipeline is an issue of extreme concern for Santa Barbara, San Luis Obispo, and Kern County residents in particular, but it is of broader public interest as well. We urge CalFIRE to create a public, online dashboard with routine updates and relevant links and documents to keep the public informed about the processes underway and evaluations being made (for example, publicly available smart pigging data and hydrostatic testing results) for pipeline 901/903.
- Providing documents to the public before decisions are made and without the need to submit public records act requests: these documents include any applications or requests submitted by the applicants/operators; draft and approved risk analyses; proposed pipeline corrosion prevention plans; integrity management plans; evidence of the applicants/operators financial assurances, including bonding, for pipeline accidents and decommissioning; operator communications; state waiver requests (from cathodic protection or any other requirements), analyses and documentation; proposed restart plans; all decision documents from reviewing agencies to the applicants/operators; and any other relevant documents or communications.
- Holding multiple public hearings: CalFIRE should schedule several public hearings that provide the public with an opportunity to comment on the restart request, risk analysis, state waiver, restart plan, and any other approvals needed to return to service. The pipeline's and industry's history of environmental harm, highlighted by the disastrous spill in 2015, and their request for waivers from generally required technologies and processes

underscores the critical need for transparency and community involvement in the decision-making process. It is imperative that affected communities, Tribes, scientists, state agencies including but not limited to the California Natural Resources Agency, the Office of Spill Prevention and Response (OSPR), California Coastal Commission (CCC), and the California State Lands Commission (SLC), and the public have the opportunity to voice their concerns, raise questions, and offer insights regarding the proposed restart plan.

A public hearing or meeting would provide a platform for stakeholders to engage in meaningful dialogue with CalFIRE officials, exchange vital information, and collectively explore alternatives that prioritize public safety and environmental protection. By fostering transparency, accountability, and inclusivity, such a forum would not only enhance the decision-making process but also reaffirm CalFIRE's commitment to upholding the public interest and its public trust duties.

We appreciate your consideration of these requests and would appreciate a written response to each of them within 2 weeks.

Sincerely,

Brady Bradshaw
Senior Oceans Campaigner
Center for Biological Diversity

Gabriel Frausto
Tribal Chair
Coastal Band of the Chumash Nation

Tevin Schmitt
Watershed Scientist
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