

# STATE OF NEW HAMPSHIRE

Inter-Department Communication

NHPUC 5SEP13PM4:29

**DATE:** September 5, 2013

**AT (OFFICE):** NHPUC

**FROM:** Randy Knepper, Safety Director



**SUBJECT:** Docket No. DG 13-226 Energy North Natural Gas, Inc. d/b/a Liberty Utilities ("Liberty") Petition for License to Cross Public Waters namely the Soucook River that forms the border between the City of Concord and the Town of Pembroke in the vicinity of Veteran's Drive in Loudon, New Hampshire

**TO:** Debra Howland, Executive Director  
Steve Frink, Assistant Director, Gas and Water Division  
Alexander F. Speidel, Staff Attorney

The Safety Division review of the above petition consisted of the following elements:

- Petition contents and history
- Review of land ownership on each side of the river crossing.
- Review of CFR Part 192 requirements, as described in Puc 500 rules
- Review of public need and public impact, including applicability of other State regulations
- Conclusions and Recommendations

**1. Petition contents and history.**

On July 29, 2013, Liberty Utilities ("Liberty"), filed a petition, pursuant to RSA 371:17 and RSA 371:20, to construct and maintain a single natural gas pipeline under and across the Soucook River, that separates the City of Concord and Town of Pembroke, to provide service to the Continental Paving, Inc. ("CPI") asphalt plant located at 804 Ricker Road in Pembroke.

In its petition Liberty proposed the construction of a new regulator station at Josiah Bartlett Road in Loudon off of the existing main that operates at 200 pounds per square inch gauge (psig). Following the construction of the new regulator station, Liberty proposes to leave an 8" plastic stub and valve for CPI to tie in the proposed pipeline. CPI will have a qualified contractor tie into the 8" stub at Josiah Bartlett Road and install 8" high density polyethylene (HDPE) pipe with underlying tracer wire down Staniels Road and Veterans Drive. From the end of Veterans Drive the proposed 8" HDPE pipe route crosses fields to the north side of the Soucook River. Adjacent to the north side of the Soucook River the pipe transitions to a 6" HDPE pipe which will be installed inside a 10" unspecified plastic casing using a

directional drill to the south side of the Soucook River. The pipe tracer wire will be installed inside a ¾" plastic sleeve on the outside of the 10" casing. On the south side of the Soucook River the 6" HDPE pipe and tracer wire are proposed to be installed in a trench through the woods to an existing and a newly proposed CPI asphalt facility.

The petition indicates that under an agreement with Liberty, CPI will hire a qualified contractor to construct the pipeline and upon its completion and acceptance by Liberty, CPI will transfer ownership of the pipeline to Liberty. The petition further indicates that Liberty is responsible for attaching the pipeline to its distribution system.

In response to an August 8, 2013 Staff data request, on August 19, 2013 Liberty provided the following information to supplement the petition:

- 1) The New Hampshire Department of Environmental Services (NHDES) Shoreland Permit by Notification indicating that confirms and specifies the terms of the approval(s) for this project.
- 2) Confirmation that CPI has obtained all necessary easements for the project and that the easements will be transferred to Liberty upon completion of the process. One easement beginning at Veterans Dr. to the northern side of the Soucook River will be provided from Kara Realty Associates, LLC., owner of the property identified as Concord Tax Map 112, Block 2, Lot 11. The remaining locations of the new main extension will reside on either CPI property or within City/State Right of Way.
- 3) Clarification that the natural gas piping will transition to 6-inch diameter HDPE prior to being inserted through 10-inch diameter plastic casing under the Soucook River. Liberty further clarified that this change from the original petition does not influence NHDES permits or approvals.

The proposed pipeline will transport natural gas with a maximum operating pressure of 60 psig and the crossing will be approximately 320 feet in length at an approximate depth of 15 feet below the river bottom. While the petition did not specify the proposed pipeline material, follow up discussions with Liberty indicated the 8" and 6" pipe shall consist of SDR 11 PE3408/4710 HDPE. The pipeline at the crossing will consist of 6" HDPE inside of a 10" nominal diameter plastic casing. At the crossing a pipe tracer wire will also be installed inside a ¾" plastic sleeve on the outside of the 10" plastic casing.

Liberty stated that sufficient documentation to demonstrate that all easements are in place to allow for the gas pipeline to be built under the bed of the Soucook River as well as on the northern and southern shore of the Soucook River. The parcels on the shores of the Soucook River at the proposed crossing are designated as Concord Tax Map 112, Block 2, Lot 11 owned by Kara Realty Associates, LLC and Pembroke Tax Map 256, Lot 22 owned by Continental

Paving, Inc. Liberty further indicated that land use and occupancy agreements will be in place for those parcels.

Liberty has also represented that the proposed pipeline crossing will not interfere with public rights to use and enjoyment of the Soucook River. Liberty indicated the pipeline will be constructed 15 feet below the bed of the river and will be built so that pipeline integrity checks can be accomplished.

**2. Review of safety requirements as described in Puc 500.**

The N.H. Code of Administrative Rules Puc 506.01 Pipeline Safety Standards:

(a) All utilities shall comply with those pipeline safety regulations established by the United States Department of Transportation which are set forth in 49 C.F.R. Parts 191, 192, 193, 198 and 199, including future amendments thereto.

(b) Where Puc 500 or Puc 800 establishes more stringent requirements than those pipeline safety regulations adopted pursuant to (a) above, the more stringent requirement set forth in Puc 500 or Puc 800 shall apply.

Liberty's petition does not explicitly state that the administrative rules of Puc 500 will be met, but does provide engineering details that show overall compliance with CFR Part 192 which are referenced in Puc 506.01.

The Safety Division review of the petition and attachments submitted to date found the proposed attachments to be in conformance with the applicable sections of Puc 500 and CFR Part 192.

**3. Recommendations and Conclusions.**

The Safety Division recommends approval of Liberty's petition under RSA 371:17 and RSA 371:20 with the following conditions:

- a. Staff recommends that the approval be limited to the Liberty natural gas pipeline under consideration in this docket.
- b. Liberty should construct, operate and maintain the piping consistent with Puc 506.02 requirements.
- c. Liberty should be directed to operate and maintain the crossing in conformance with the latest CFR Part 192 amendment. All future alterations to the crossing that may impact the public shall conform to the CFR Part 192 latest amendment that are in place at time of submittal of the alteration.

If these engineering conditions are met, the Safety Division is of the opinion that the proposed natural gas pipeline will meet all current safety standards; safe ongoing operation is an inherent component of the RSA 371:20 public rights standard.