STATE OF WASHINGTON
Citizens Advisory Committee on
Pipeline Safety

Pending Federal Rules the Citizen Committee might want to comment on

Presented by Carl Weimer
Executive Director, Pipeline Safety Trust
January 26, 2015

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Credible.
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Another Letter to Secretary Foxx

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Bill Shuster
Chairman

Christopher P. Bertram, Staff Director

Peter A. DeFazio
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

January 22, 2015

The Honorable Anthony Foxx
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Foxx:

I write to express my serious concerns with the repeated failure of the U.S. Department of Transportation (DOT) to address longstanding and undisputed pipeline and hazardous materials safety issues.

Additionally, my concerns regarding PHMSA's failure to address longstanding, significant safety issues extend to pipelines, as well. In multiple pipeline accident investigations over the last 15 years, the NTSB has identified the same persistent issues, most of which DOT has failed to address on its own accord. Each and every time, Congress has been forced to require PHMSA to take action, most recently in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90). Yet, three years later, almost none of the important safety measures in the Act have been finalized, including requirements for pipeline operators to install automatic shutoff valves and to inspect pipelines beyond high-consequence areas.

For these reasons, I will soon be sending a letter to the DOT Inspector General (IG), requesting a thorough audit of PHMSA's pipeline and hazardous materials safety program, including an evaluation of the agency's effectiveness in addressing significant safety issues, congressional mandates, and NTSB and IG recommendations in a timely manner; the process PHMSA utilizes for implementing such mandates and recommendations; the sufficiency of PHMSA's efforts to coordinate with the modal administrations and address safety concerns raised by those administrations; and any impediments to agency action, such as resource constraints.

Sincerely,

PETER DeFAZIO
Ranking Democratic Member

PHMSA Rules Currently Pending

PHMSA Rulemaking	Stage	Projected Publication Date
Excess Flow Valves	NPRM	January 20, 2015
Safety of On-shore Liquid Hazardous Pipelines	NPRM	February 3, 2015
Enforcement of State Excavation Damage Laws	Final Rule	April 14, 2015
Misc. Pipeline Amendments	Final Rule	April 23, 2015
Operator Qualification (RRR)	NPRM	April 23, 2015
Rupture Detection and Valves Rule	NPRM	May 14, 2015
Gas Transmission (RRR)	NPRM	June 10, 2015

Excess Flow Valves

Stage: NPRM

Previous Stage: ANPRM 11/25/2011; CP ended 2/18/12; CP extended to 3/19/2012

Abstract: This rulemaking would require excess flow valves (EFVs) be installed in all new and renewed gas service lines, for structures other than single family dwellings, when the operating conditions are compatible with readily available valves. These changes would be in response to NTSB and PHMSA investigations of current EFV installation practices. The intended effect of the rule is to increase the level of safety for structures other than single family dwellings currently subject to Federal pipeline safety regulation.

Legal Deadline: Section 22 2011 PSA 01/03/2014

Rulemaking Project Initiated: 10/01/2010

Docket Number: PHMSA-2011-0009

Projected Publication: January 20, 2015

On-shore Hazardous Liquid Pipelines

Stage: NPRM

Previous Stage: ANPRM: Publication Date 10/18/2010; End of Comment Period 01/18/2011; Extension of Comment Period 01/04/2011; End of Extended Comment Period 02/18/2011.

Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection of High Consequence Areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects any new requirements, as well as the cost implications and regulatory burden.

Legal Deadline: None

Rulemaking Project Initiated: 08/13/2010

Docket Number: PHMSA-2010-0229

Projected Publication: February 3, 2015

Enforcement of State Excavation Damage Laws

Stage: Final Rule

Previous Stage: NPRM 04/02/2012; End of C/P 07/09/2012; End of C/P 06/01/2012; Extension of C/P 05/30/2012; End of Extended C/P 07/09/2012

Abstract: The PIPES Act provides PHMSA with the authority to enforce excavation damage laws in those states that have inadequate enforcement. This rulemaking would consider standards for excavators and operators to follow when conducting excavation in a vicinity of a pipeline and the administrative procedures to be used for enforcement proceedings.

Prompting action: Statute

Legal Deadline: None

Rulemaking Project Initiated: 03/30/2009

Docket Number: PHMSA 2009-0192

Projected Publication: April 14, 2015

Misc. Pipeline Amendments

Stage: Final Rule

Previous Stage: NPRM 11/29/2011; IC/P ends 2/3/2012; CP extended to 3/6/2012

Abstract: This rulemaking would make minor changes to various provisions in the pipeline safety regulations to help clarify them by making editorial corrections, correcting inconsistent regulatory language and responding to several petitions for rulemaking, such as providing for an updated standard. The primary intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes.

Prompting action: Statute

Legal Deadline: None

Rulemaking Project Initiated: 12/28/2009

Docket Number: PHMSA-2010-0026

Projected Publication: April 23, 2015

Operator Qualifications

Stage: NPRM

Previous Stage: None

Abstract: This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012 and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include: operator qualifications for new construction, renewal process for special permits, cost recovery for design reviews, and incident reporting.

Prompting action: 2011 Retrospective Regulatory Review

Legal Deadline: Sec 9 (a)-(b) 2011 PSA 07/03/2013

Rulemaking Project Initiated: 05/11/2012

Projected Publication: April 23, 2015

Rupture Detection & Valve Rule

Stage: NPRM

Previous Stage: none

Abstract: This rule would propose installation of automatic shutoff valves, remote controlled valves, or equivalent technology and establish performance based meaningful metrics for rupture detection for gas and liquid transmission pipelines. The overall intent is that rupture detection metrics will be integrated with ASV and RCV placement with the objective of improving overall incident response. Rupture response metrics would focus on mitigating large, unsafe, uncontrolled release events that have a greater potential consequence. The areas proposed to be covered include High Consequence Areas (HCA) for hazardous liquids and HCA, Class 3 and 4 for natural gas (including could affect areas).

Prompting action: Statute

Legal Deadline: None

Rulemaking Project Initiated: 11/21/2013

Projected Publication: May 14, 2015

Gas Transmission

Stage: NPRM

Previous Stage: ANPRM 8/25/2011; End of C/P 12/02/2011; End of Extended C/P 1/20/2012

Abstract: In this rulemaking, PHMSA will be revisiting the requirements in the Pipeline Safety Regulations addressing integrity management principles for Gas Transmission pipelines. In particular, PHMSA will address: repair criteria for both HCA and non-HCA areas, assessment methods, validating & integrating pipeline data, risk assessments, knowledge gained through the IM program, corrosion control, management of change, gathering lines, and safety features on launchers and receivers.

Prompting action: 2011 Retrospective Regulatory Review

Legal Deadline: None

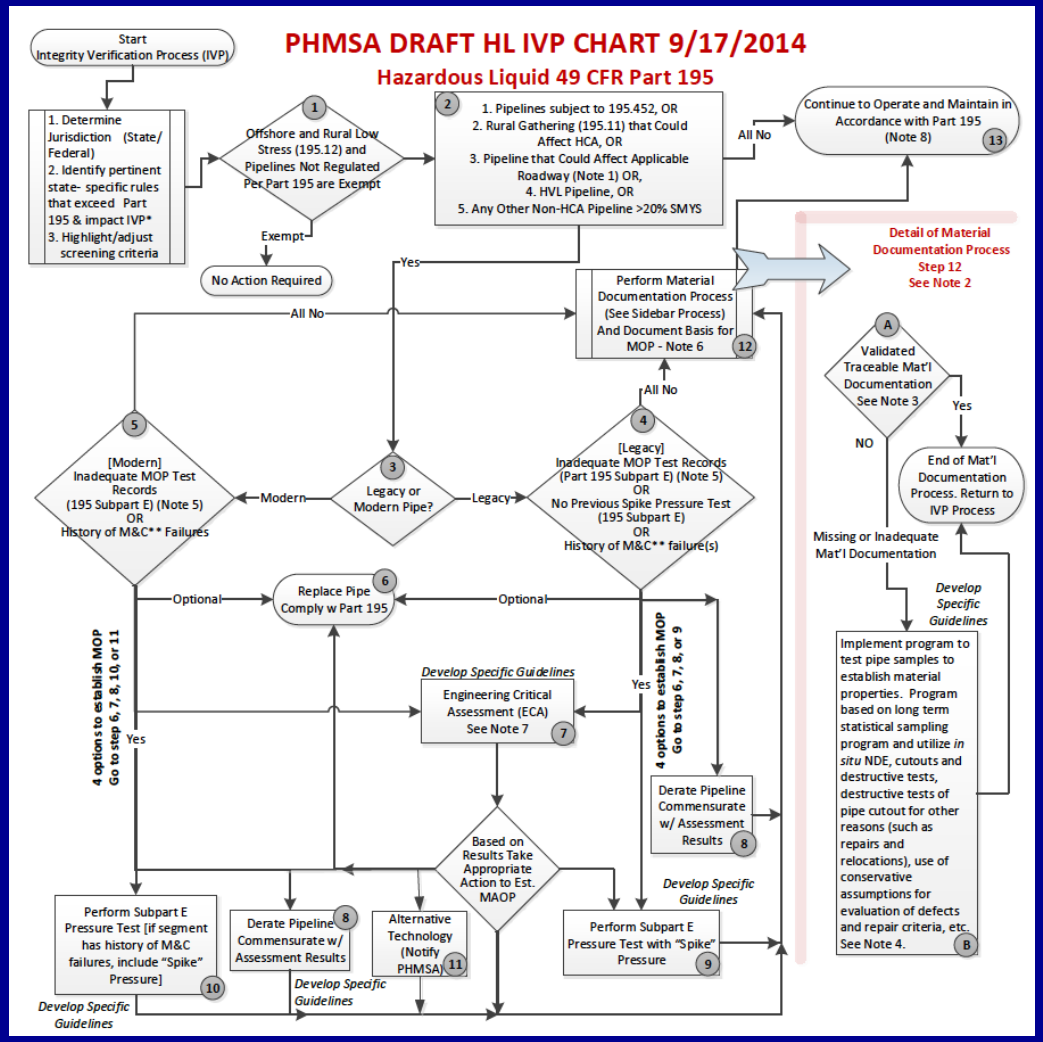
Rulemaking Project Initiated: 01/04/2011

Docket Number: PHMSA-2011-0023

Projected Publication: June 10, 2015

Other PHMSA Actions Pending

- Changes to Incident Reporting Requirements
- Gas and Liquid Integrity Verification Process



Other Pending Federal Actions

Congressional Reauthorization of the Pipeline Safety Act

New things that are being discussed:

- Authority for siting new pipelines
- Regulations to reduce methane emissions
- Elimination of Class Locations
- Change to the 7 year re-inspection period for gas lines
- Use of drones for pipeline inspections
- Gathering Line regulation
- Adding LDCs and Gathering companies to PHMSA fees

Questions?

Pipeline Safety TRUST

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Carl Weimer, Executive Director

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