

January 8, 2016

Secretary Anthony Foxx
Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Administrator Marie Therese Dominguez
Pipeline and Hazardous Materials Safety Administration
Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Secretary Foxx and Administrator Dominguez:

**RE: Docket No. PHMSA-2010-0229, Safety of Hazardous Liquid Pipelines
Notice of Proposed Rulemaking**

The Washington State Citizens Committee on Pipeline Safety is a Governor-appointed committee that meets regularly to discuss, identify, review and highlight pipeline safety issues on a local and national level. The committee consists of nine voting members representing the public, including local government, and elected officials. Four non-voting members represent owners and operators of hazardous liquid and gas pipelines. The members serve three year staggered terms. The Committee is staffed by the Washington Utilities and Transportation Commission, Pipeline Safety Program.

The Committee has reviewed the PHMSA-2010-0029 as well as draft comments from the Washington State Utilities and Transportation Commission and the Pipeline Safety Trust. We find we are in agreement with the comments both organizations submitted. In particular, we would comment on the following:

PHMSA Recommendation: Reporting requirements on gravity and gathering lines

Currently, pipelines that carry product by gravity are exempt from PHMSA regulations. As stated in the NPRM, many gravity lines are short and within tank farms or other pipeline facilities. There are however lines that are longer, capable of building up significant pressure and that have substantial changes in elevation. These conditions pose a risk that should be regulated.

According to the NPRM, PHMSA regulates less than 4,000 miles of the approximately 30,000 to 40,000 miles of onshore hazardous liquid gathering lines in the United States. That leaves approximately 90% of onshore gathering lines that are not subject to minimum federal safety standards. Under the NPRM, operators of gravity and gathering pipelines would be required to submit annual, safety-related condition and incident reports.

Committee Response

Washington does not have any gravity or gathering lines in the state. In the interest of national pipeline safety, the Committee supports the reporting requirement recommendation for gravity and gathering lines contained in the NPRM. We also ask that these lines be brought under basic safety regulations as soon as possible.

PHMSA Recommendation: Inspections in areas affected by extreme weather and natural disasters

In the NPRM, PHMSA would require operators to perform an inspection of pipeline facilities potentially affected by an extreme weather event, including a hurricane, flood, earthquake or natural disaster, within 72 hours of the end of the event. This requirement is to ensure that no conditions exist that could adversely affect the safe operation of the pipeline. If a condition is found during the inspection, the operator would be required to take remedial action, including reducing operating pressure or shutting down the pipeline, modifying, repairing or replacing damaged facilities and implementing emergency response activities.

Committee Response

The Committee supports the proposed inspection requirements after extreme weather events. However, we believe strongly that there needs to be clarity around the definition of what constitutes an “extreme weather event.” The requirements in this recommendation would be a 49 CFR 195 subpart F, operations and maintenance, requirement, necessitating procedures for the operator and regulator to follow. It will be critical to ensure the threshold for what an “extreme weather event” is and that the operator and regulator know precisely what would trigger the event and how to determine the time of the event. The Committee also encourages PHMSA to incorporate the operators control room management process, Section 195.446, into the procedures that are developed. The Committee also asks that analysis and any needed changes to risk assessment and mitigation requirements be added to ensure that operators are doing what is needed to prevent issues on pipelines before such weather events occur.

PHMSA Recommendation: Periodic assessment of non-integrity management pipeline segments

The NPRM proposes a requirement of ILI assessments of pipeline segments located outside of high consequence areas (HCA) every 10 years. The recommendation applies IM assessment to lower-risk pipeline segments not located in or near populated or environmentally sensitive areas. Alternative assessments, such as pressure testing and direct assessment, would be allowed on written notice to PHMSA, in the event the operator cannot accommodate ILI tools. As with IM pipe, discovery of conditions for non-IM pipe must occur within 180 days of the assessment.

Committee Response

The Committee supports required assessments of pipelines not covered under the IM program. Though non-HCA systems pose a reduced risk, they still have the potential for a significant impact, should a problem occur.

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PHMSA Recommendation: Expanded leak detection requirements

The NPRM proposes a requirement for leak detection systems for all hazardous liquid pipelines, including regulated gathering lines. Current regulations only require leak detection systems on IM segments. PHMSA will also propose that operators be required to have an evaluation performed to determine what kinds of systems must be installed to adequately protect the public, property, and the environment. The factors in the evaluation would include a) the characteristics and history of the affected pipeline; b) the capabilities of the available leak detection systems; and c) the location of emergency response personnel. The evaluation will be followed by a more expansive rule on detailed leak detection measures and performance standards.

Committee response

The Committee supports the requirement to expand the leak detection requirement to non-HCA systems. Further, we believe it is critical to address performance standards and criteria for leak detection systems in the first part of 2016. While there will be many other recommendations on the leak detection rulemaking, the importance of proper alarm management when operating leak detection systems is invaluable. Systems which have performed best during actual spills followed clear shutdown thresholds.

PHMSA Recommendation: New repair criteria for integrity management (IM) pipelines and pipelines not subject to IM requirements

The NPRM cites the existing repair criteria as a weakness, primarily because current repair criteria in non-HCAs do not contain anomaly or repair time frames. It is left to the discretion of the operators and represents a gap in pipeline safety regulations. In its assessment of the proposed changes, PHMSA states that immediate action will be taken to remediate anomalies that pose an imminent threat and many new anomalies will be qualified as immediate repairs.

Committee Response

The Committee supports the establishment of repair criteria for non-HCA pipeline systems. Further, as discussed previously, while non-HCA pipeline systems pose a reduced risk, there is still a potential for a significant event so the commission believes it is in the best interest of safety to have consistent “immediate repair criteria” apply for both HCA and non-HCA pipeline systems.

PHMSA Recommendation: Require IM pipeline segments accommodate inline inspection (ILI) tools within 20 years

The NPRM would require that all existing IM pipeline segments be modified to accommodate ILI tools within 20 years, unless the pipeline’s basic construction would not accommodate passage of the ILI device. ILI tools provide a relatively complete examination of the pipeline and can detect threats that are not always identifiable using other assessment methods.

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Committee Response

The Committee supports efforts to require all pipelines that could affect high consequence areas to be capable of accommodating in-line inspection tools. However, a 20 year interval for accommodating ILI tools is far too long from a safety perspective and should be shortened to no more than 10 years.

PHMSA Recommendations: Clarifying compliance regulations

The NPRM contains proposed changes to § 195.452. “An explicit reference to seismicity will be added to factors that must be considered in establishing assessment schedules under paragraph (e), for performing information analyses under paragraph (g), and for implementing preventive and mitigative measures under paragraph (i).”

Committee Response

The Committee supports PHMSA’s efforts to consider seismicity as a factor in an operators risk analysis. This is an area of great significance to the state of Washington and needs to be addressed.

Thank you for the opportunity to provide comments on this important rule.

Sincerely,

Ron Bowen
Chairman
Citizens Committee on Pipeline Safety

cc: Washington State Utilities and Transportation Commission