

PHMSA

Pipeline Safety Regulatory Update



PIPES ACT OF 2016

The **Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016**, was passed by Congress and signed into law on June 22, 2016

- It authorizes funding for PHMSA from 2016 to 2019



RULEMAKING ACRONYMS

- ANPRM – Advance Notice of Proposed Rulemaking
 - Used to gather information
- NPRM – Notice of Proposed Rulemaking
 - Defines intent and scope of proposed regulations
- SNPRM – Supplemental Notice of Proposed Rulemaking
 - Additions to, or changes in, intent or scope



RULEMAKING ACRONYMS

- IFR – Interim Final Rule
 - Typically used for an identified safety issue
- FR – Final Rule
 - Implementation date, depending on significance of regulation and time to implement
- DFR – Direct Final Rule
 - Used for non-controversial issues



RULEMAKING PROCESS

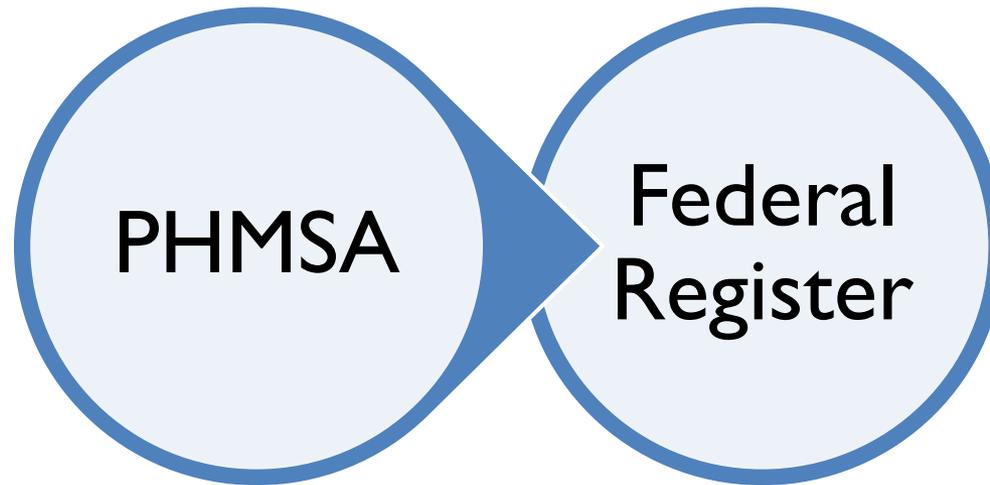
- Where can I find information on the Status of Significant rulemakings?
 - DOT
 - Report on DOT Significant Rulemakings (Monthly reports)
 - <http://www.dot.gov/regulations/report-on-significant-rulemakings>
 - OMB
 - www.reginfo.gov



Significant Rules



Non-significant Rules



OMB Determines what rules are Significant



UPCOMING RULE MAKING

The timeline for all future rulemaking is pending Departmental determinations on implementing and maintaining compliance with the applicable Executive Orders and Memorandums.



EXECUTIVE ORDERS (SINCE JAN 20)

Enforcing the Regulatory Reform Agenda – 1/24

- The EO states it is the policy of the United States is “to alleviate unnecessary regulatory burdens placed on the American people.” The order requires the head of each agency to designate an agency official as its Regulatory Reform Officer (RRO).



EXECUTIVE ORDERS (SINCE JAN 20)

Enforcing the Regulatory Reform Agenda – 1/24

- The Regulatory Reform Officer will “oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law.”



EXECUTIVE ORDERS (SINCE JAN 20)

Enforcing the Regulatory Reform Agenda – 1/24

- Each agency must also establish a Regulatory Reform Task Force responsible for making recommendations regarding the repeal, replacement or modification of existing regulations.



EXECUTIVE ORDERS (SINCE JAN 20)

Reducing Regulation and Controlling Regulatory Costs – 1/30

- The EO directs agencies to identify for elimination at least two prior regulations for every one new regulation that is issued and to prudently manage and control the cost of planned regulations through a budgeting process.
- The EO requires that the total incremental cost of all new regulations finalized in FY 2017, including repealed regulations, shall be no greater than zero, unless...



EXECUTIVE ORDERS (SINCE JAN 20)

Reducing Regulation and Controlling Regulatory Costs – 1/30

- During the Presidential budget process, the Director of OMB shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director.



EXECUTIVE ORDERS (SINCE JAN 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- “...directing the Director of the Office of Management and Budget (Director) to propose a plan to reorganize governmental functions and eliminate unnecessary agencies (as defined in section 551(1) of title 5, United States Code), components of agencies, and agency programs.”
- “...the Director shall consider, in addition to any other relevant factors:



EXECUTIVE ORDERS (SINCE JAN 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- (i) whether some or all of the functions of an agency, a component, or a program are appropriate for the Federal Government or would be **better left to State or local** governments or to the **private** sector through free enterprise;
- (ii) whether some or all of **the functions** of an agency, a component, or a program **are redundant**, including with those of another agency, component, or program;



EXECUTIVE ORDERS (SINCE JAN 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- (iii) whether certain **administrative capabilities** necessary for operating an agency, a component, or a program **are redundant** with those of another agency, component, or program;
- (iv) whether the **costs** of continuing to operate an agency, a component, or a program **are justified** by the public benefits it provides; and
- (v) the **costs of shutting down** or merging agencies, components, or programs, including the costs of addressing the equities of affected agency staff.”



EXECUTIVE ORDERS (SINCE JAN 20)

Promoting Energy Independence and Economic Growth – 3/28

“It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.”



EXECUTIVE ORDERS (SINCE JAN 20)

Promoting Energy Independence and Economic Growth – 3/28

“Executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.”



EXECUTIVE ORDERS (SINCE JAN 20)

Promoting Energy Independence and Economic Growth – 3/28

“Section 2 directs immediate review of all agency actions that potentially burden the Safe, Efficient Development of Domestic Energy Resources, with specified deadlines. Such review “shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1.” Section 2(b) states that "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.”



REMINDER

- The following PHMSA regulatory updates are simply an overview
- Details can be found in the Federal Register postings



Interim Final Rule Safety of Underground Natural Gas Storage Facilities

(Docket No: PHMSA-2016-0016)



RATIONALE – ALISO CANYON

- One of the largest natural gas releases in U.S. history
- 4-month-long blowout
- 5.4 BCF released (CARB)
 - 8 MMT CO₂ equivalent
 - 20% increase to statewide CH₄ emissions
- Alleged public health impacts



FLIR video of release
Environmental Defense Fund



RATIONALE – PIPES ACT OF 2016

- Statutory Mandate: PI 114-183, Section 13
- The Secretary “shall issue minimum safety standards for underground natural gas storage facilities” within 2 years
- Considerations
 - Consensus standards
 - Economic impacts on gas consumers and end users
 - Findings of the Aliso Canyon task force



KEY DATES

- Publication Date: December 19, 2016
- Effective Date: January 18, 2017



SUMMARY OF INTERIM FINAL RULE

- Reporting requirements
- Incorporates by reference
 - API RP 1170, “Design and Operation of Solution-mined Salt Caverns used for Natural Gas Storage” (July 2015), and
 - API RP 1171, “Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs” (September 2015).



API RP 1170 & 1171

- Requires Operators of UNGS Facilities to:
 - Implement construction, maintenance, risk-management, and **integrity-management procedures** for all UNGS Facilities.



API RP 1170 & 1171

Procedures for newly constructed and existing UNGS facilities that include

- design, construction, material, testing, commissioning, reservoir monitoring, and recordkeeping.
- operations, maintenance, threat identification, monitoring, assessment, site security, emergency response and preparedness, training, and recordkeeping.



REPORTING REQUIREMENTS

- Four types of reports are required from operators for underground natural gas storage facilities:
 - Annual reports
 - Incident reports
 - Safety-related condition reports
 - National Registry information



REPORTING REQUIREMENTS

- UNGSF should submit the first annual report form for the 2017 calendar year by March 15, 2018 (originally July 18, 2017)
- <https://www.phmsa.dot.gov/underground-storage-annual-report-submission-extension>



INTERIM FINAL RULE

Emergency Order Authority

Effective Date: October 14, 2016

- Required by Section 16 of the PIPES Act
 - Establishes temporary emergency order procedures to address unsafe conditions or practices imposing an imminent hazard
 - Augments PHMSA's existing enforcement authority (e.g. Corrective Action Order, Safety Orders)



MAJOR PROVISIONS

- Expands enforcement authority to address imminent safety hazards that exist across a subset or larger group of owners and operators.
- Applies only when PHMSA determines that an unsafe condition or practice is causing an imminent hazard.



MAJOR PROVISIONS

- Provides PHMSA authority to issue an emergency order without advance notice or opportunity for a hearing.
- Applies only to the extent necessary to abate the imminent hazard.



DAMAGE PREVENTION PROGRAMS (EXCAVATION ENFORCEMENT)

- Key Dates
 - Publication Date: July 23, 2015
 - Effective Date: January 1, 2016

Docket No. PHMSA-2009-0192)



FINAL RULE SUMMARY

The final rule creates:

- Part 198, Subpart D – Criteria for adequate state damage prevention enforcement programs and process for assessment
- Administrative procedures for states to contest a notice of inadequacy



FINAL RULE SUMMARY

- New Part 196 – Standards for excavators digging near pipelines
- Adjudication process for excavators cited by PHMSA – Same as for operators cited by PHMSA for violations of pipeline safety regulations



POLICIES – CRITERIA AND ENFORCEMENT

- The preamble outlines two policies:
 - How the state program evaluation criteria will be applied
 - How the excavator enforcement standard will be applied
- The policies are not part of the rule; they are flexible and can evolve as the rule is implemented



FEDERAL STANDARD FOR EXCAVATORS

- Call 811 before excavating
- Wait for pipeline operators to establish and mark the location of underground pipelines before excavating
- Excavate with proper regard for the marks, take all practicable steps to prevent excavation damage
- Make additional use of one-call as necessary



FEDERAL STANDARD FOR EXCAVATORS

- Any contact with pipelines must be reported to operator at earliest practical moment
- If there is a release, excavator must call 911

NOTE: There are no exemptions in the rule. PHMSA will be considerate of exemptions in state laws when undertaking Federal enforcement action.



Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes

(Docket: PHMSA-2013-0163)



NOTE:

Many provisions related to OQ were discussed in the NPRM but were not carried through to the final rule. However, the Agency may decide to initiate a rulemaking re-proposing similar provisions at a later date.



KEY DATES

- Publication Date: January 23, 2017
- Effective Date: March 24, 2017



SUMMARY OF FINAL RULE

- Specifies an operator's accident and incident reporting time to within 1 hour.
- Sets up a cost recovery fee structure for design review of new gas and hazardous liquid pipelines.
- Provides a renewal procedure for expiring special permits.



SUMMARY OF FINAL RULE

Requires operator to contact NRC within 48 hours to revise or confirm the initial telephone report

- Amount of product lost
- Estimate number of fatalities and injuries
- Known significant facts that are relevant to the cause of the incident or extent of damage
- If there is no change from original report, the operator must confirm



SUMMARY OF FINAL RULE

- Excludes farm taps from the DIMP requirements, but adds regulator and overpressure testing requirements.
- Requiring pipeline operators to report to PHMSA a change in product (e.g., from liquid to gas, from crude oil to highly volatile liquids (HVL)) or a permanent reversal of flow that lasts more than 30.



SUMMARY OF FINAL RULE

- Requires electronic reporting of drug and alcohol testing results in part 199, and modifying the criteria used to make decisions about conducting post accident drug and alcohol tests.
- Adds a procedure to request PHMSA keep submitted information confidential.



SUMMARY OF FINAL RULE

- Develops and clarifies requirements for team training of control center staff involved in pipeline operational decisions.
- Develops requirements for team training of control center staff involved in pipeline operations similar to those used in other transportation modes.



Excess Flow Valves (EFV) for Multi-Residential and Commercial Applications

(Docket No. PHMSA-2011-0009)



KEY DATES

- Publication Date: October 14, 2016
- Effective Date: April 14, 2017



BRIEF HISTORY OF EXCESS FLOW VALVES

- Between 1970 and 2001, NTSB issued more than 10 recommendations that dealt with using/installing excess flow valves (EFV)
- The most recent NTSB Safety Recommendation on EFVs, P-01-2, is addressed in this rulemaking
- In the past, mandatory EFV installation was not supported:



BRIEF HISTORY OF EXCESS FLOW VALVES

- EFVs were perceived as unreliable
- Concerns about unintentional EFV closure, causing pilot burners to go off
- Potential cost to relight all pilots & deal with public complaints



BRIEF HISTORY OF EXCESS FLOW VALVES

- Operators believed EFVs interfered with O&M activities
- Concerns that frozen moisture can block EFV's small opening in winter
- Cost/benefit numbers were too high
- Limited availability of large volume EFVs
- Difficult to size at varying loads
- Do not work below 10 psig



FINAL RULE – EFVS REQUIRED

- § 192.383(b) Operators must install an EFV on new or replaced service lines that:
 - Branch to an Single Family Residence
 - Serve multifamily residences where the known load is $\leq 1,000$ SCFH
 - Serve single, small commercial customers where the known load is $\leq 1,000$ SCFH
 - Exceptions: < 10 psig, contaminants in gas stream, interference with O&M activities, EFV unavailable



FINAL RULE – EFVS REQUIRED

- §192.383(d) Existing customers have a right to request EFV installation
- §192.383(e) Operators must notify customers of their right to request EFVs & this notice must be available for PHMSA inspection

(cont.)



FINAL RULE PROVISIONS

- Except for master-meter and LPG operators w/fewer than 100 customers, each operator must report EFVs in Annual Report



FINAL RULE PROVISIONS

- § 192.385 Each operator must install either a manual shut-off valve or, if possible and based on sound engineering analysis, an EFV, on new or replaced service lines $> 1,000$ SCFH
- § 192.385 Manual shut-off valves must be installed to allow accessibility during emergencies & are subject to maintenance consistent with the valve manufacturer's specification



ALERT NOTICES & ADVISORY BULLETINS

- **Alert Notices** - a notice of a situation of immediate safety concern
- **Advisory Bulletins** - an advisory of a safety concern that an operator should follow as it applies to their facilities and operations
 - matters that have potential to become
 - safety or environmental risks



Advisory Bulletin (ADB)

ADB– 2017-02

PHMSA is issuing this Advisory Bulletin to remind operators of natural gas transmission pipelines of PHMSA's expectations regarding how mature IM programs should implement the training and qualification requirements included in § 192.915 and discussed in ASME B31.8S-2004. PHMSA's expectations for operator implementation of each subsection in § 192.915 are outlined as follows:

<https://www.federalregister.gov/documents/2017/04/10/2017-06805/pipeline-safety-guidance-on-training-and-qualifications-for-the-integrity-management-program>



Advisory Bulletin (ADB)

ADB– 2017-02

- 192.915—“What knowledge and training must personnel have to carry out an integrity management program?”
- 192.915(a)—“Supervisory Personnel”
- 192.915(b)—“Persons who Carry out Assessments and Evaluate Assessment Results”
- 192.915(c)—“Persons Responsible for Preventive and Mitigative Measures”



Advisory Bulletin (ADB)

ADB– 2017-02

PHMSA inspectors will use this Advisory Bulletin to clarify the intent of existing regulatory language when evaluating operator IM program personnel training and qualification effectiveness



Advisory Bulletin (ADB)

ADB– 2017-01

PHMSA is issuing this Advisory Bulletin to inform owners and operators of gas transmission pipelines that PHMSA has developed guidance on threat identification and the minimum criteria for deactivation of threats, as established by a previously issued rule. This Advisory Bulletin also provides guidance to gas transmission pipeline operators regarding documenting their rationale of analyses, justifications, determinations, and decisions related to threat deactivation



Advisory Bulletin (ADB)

ADB– 2017-01

The threats identified in ASME B31.8S-2004 may be considered active or inactive, but are never permanently eliminated.

A threat must be considered active if any data required by Appendix A is missing, as lack of data indicating the existence of a threat is not acceptable justification for considering the threat inactive.



Advisory Bulletin (ADB)

ADB– 2017-01

Documents to support the determination of an inactive threat status must be maintained, as per the requirements of § 192.947



B31.8S-2004

- External Corrosion Threat
- Internal Corrosion Threat
- Stress Corrosion Cracking Threat
- Manufacturing Threat (Pipe Seam and Pipe)
- Construction Threat (Pipe Girth Weld, Fabrication Weld, Wrinkle Bend or Buckle, Stripped Threads/Broken Pipe/Coupling)



B31.8S-2004

- Equipment Threat (Gaskets and O-Rings, Control/Relief, Seal/Pump Packing)
- Third-Party Damage Threat [Third-Party Inflicted Damage (Immediate), Vandalism, Previously Damaged Pipe]
- Incorrect Operations Threat
- Weather-Related and Outside Force Threat (Earth Movement, Heavy Rains or Floods, Cold Weather, Lightning)



Advisory Bulletin (ADB)

ADB– 2016-07 High Consequence Area ID

- Inform owners and operators of gas transmission pipelines that PHMSA has developed guidance on the identification and periodic verification of HCAs, including the application of a buffer zone to the PIR, and information regarding the accuracy of class locations
- <https://www.federalregister.gov/documents/2016/12/13/2016-29880/pipeline-safety-high-consequence-area-identification-methods-for-gas-transmission-pipelines>



Advisory Bulletin (ADB)

ADB– 2016-07 High Consequence Area ID

- A review of early PHMSA inspections has shown that many operators (28%) did not have procedures to adequately describe how to identify HCAs, using Method 1 or Method 2
- PHMSA also reminds operators of the need to continually improve the accuracy of their pipeline data



Advisory Bulletin (ADB)

ADB– 2016-06

PHMSA issued this ADB in coordination with TSA to remind all pipeline owners and operators of the importance of safeguarding and securing their pipeline facilities and monitoring their SCADA systems for abnormal operations and/or indications of unauthorized access or interference with safe pipeline operations.



On Tuesday October 11, 2016, individuals contacted four pipeline operators informing them they would shut down the pipelines used to transport crude oil from Canada to the United States. The operators (Enbridge, Kinder Morgan, Spectra Energy, and TransCanada) took steps to prevent damage to the pipelines and contacted local and federal law enforcement.



The individuals cut the chains and padlocks at valve sites near Leonard, Minnesota; Burlington, Washington; Eagle Butte, Montana; and Wahalla, North Dakota. The individuals then closed valves on Enbridge's Lines 4 and 67, Spectra Energy's Express Pipeline, and TransCanada's Keystone Pipeline. Several individuals were arrested by local law enforcement.



ADB-2016-06

Had the pipeline operators not shut down their lines in response to the threats, a pipeline rupture could have occurred. A pipeline rupture due to tampering with valves can have significant consequences such as death, injury, and economic and environmental harm.



Advisory Bulletin (ADB)

ADB– 2016-05

- Subject: Clarification of Terms Relating to Pipeline Operational Status
- PHMSA regulations do not recognize an “idle” status for a hazardous liquid or gas pipelines. The regulations consider pipelines to be either active and fully subject to all parts of the safety regulations or abandoned.



Advisory Bulletin (ADB)

ADB– 2016-05

- If a pipeline is not properly abandoned and may be used in the future for transportation of hazardous liquid or gas, PHMSA regulations consider it as an active pipeline.



Advisory Bulletin (ADB)

ADB– 2016-04

Ineffective Protection. Detection, and Mitigation of Corrosion Resulting from Insulated Coatings on Buried Pipelines

- To remind all owners and operators of hazardous liquid, CO₂ and gas pipelines to consider the overall integrity of facilities to ensure the safety of the public and operating personnel and to protect the environment.



Advisory Bulletin (ADB)

ADB– 2016-04

Ineffective Protection. Detection, and Mitigation of Corrosion Resulting from Insulated Coatings on Buried Pipelines ...continued...

- Operators are reminded to review pipeline operations to ensure that pipeline segments both buried and insulated have effective coating and corrosion-control systems to protect against cathodic protection shielding, conduct in-line inspections for all threats, and ensure in-line tool findings are accurate, verified, and conducted for all pipeline threats



Advisory Bulletin (ADB)

ADB–2016-03

Owners and Operators of Petroleum Gas and Natural Gas Facilities in Areas subject to Heavy Snowfall or Abnormally icy Weather

- Advises owners and operators of the need to take appropriate steps to prevent damage to pipeline facilities from accumulated snow or ice. Past events on natural gas distribution system facilities appear to have been related to either stress of snow and ice or the malfunction of pressure control equipment due to ice blockage of pressure control equipment vents.



Advisory Bulletin (ADB)

ADB-2016-01

Water Crossings & Areas Prone to Flooding

- PHMSA is issuing this advisory bulletin to remind all owners and operators of gas and hazardous liquid pipelines of the potential for damage to pipeline facilities caused by severe flooding and actions that operators should consider taking to ensure the integrity of pipelines in the event of flooding, river scour, and river channel migration





QUESTIONS???



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