



Dates of Interest

May 2018

- 23 [Comments due](#) on PHMSA renewal of information collection for gas pipeline recordkeeping
- 22-24 [SGA Advanced In-Line Inspection](#), Dublin, OH
- 25 [Comments due](#) on three PHMSA information collection requests

June 2018

- 18 [Comments due](#) on PHMSA renewal of information collection for gas pipeline recordkeeping
- 20 [PHMSA Voluntary Information-Sharing System Working Group](#), Washington, DC
- 25-29 [AGA Operations Conference](#), Washington, DC

July 2018

- 6 [Comments due](#) on Bureau of Transportation Statistics information collection request
- 15-18 [NARUC Summer Policy Summit](#), Scottsdale, AZ
- 22-25 [APGA Annual Conference](#), Portland, OR
- 30-8/3 [NAPSR Southwest Region Meeting](#), Montgomery, AL



**Know what's below.
Call before you dig.**

Pipeline Safety Update

ISSUE NO. 138 – MAY 17, 2018

[Susan Olenchuk](#), [Bryn Karaus](#), and [Barbara Deathe](#)

The Spring 2018 Unified Regulatory Agenda updates status of PHMSA rulemakings and reflects new regulatory initiatives. Gas Pipeline Advisory Committee will meet September 6-7 to discuss proposed rule affecting gas gathering pipelines. PHMSA requests comments on renewal of information collection requests. The Bureau of Transportation Statistics announces proposed new data collection relating to oil and gas industry safety information. Select Updates from States.

Spring 2018 Unified Regulatory Agenda Updates Status of PHMSA Rulemakings and Reflects New Regulatory Initiatives

The Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) released its Spring 2018 [Unified Agenda](#) of Regulatory and Deregulatory Actions. The tables below summarize the status of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) pending pipeline safety rulemaking initiatives. New and revised information appears in bold. The Department of Transportation (DOT) has referred to the Unified Agenda in lieu of releasing a Significant Rulemaking Report for May.

Noteworthy new regulatory initiatives include:

Gas Pipeline Regulatory Reform and Liquid Pipeline Reform: These separate rulemakings would amend existing regulations to "ease regulatory burdens on the construction and operation" of gas transmission, gas gathering, and hazardous liquid pipeline systems. The anticipated measures would include those identified through internal agency review, existing petitions for rulemaking, and public comments received on DOT's recent notices addressing [regulatory reform](#) and [impediments to transportation infrastructure projects](#). According to OIRA, notices of proposed rulemaking (NPRM) are expected in February 2019.

Coastal Ecological Unusually Sensitive Areas: PHMSA plans to issue an advance notice of proposed rulemaking (ANPRM) addressing the definition of an unusually sensitive area (USA) to explicitly include the Great Lakes, coastal beaches, and marine coastal waters as USA ecological resources for determining whether a pipeline is in a high consequence area under the hazardous liquid pipeline integrity management regulations. PHMSA will solicit broad input from pipelines and other stakeholders regarding the definitions and geographic extents of the terms "coastal beaches" and "marine coastal waters." PHMSA previously held a [public meeting](#) to address applicable definitions and available geospatial information system (GIS) data sources for these areas. This rulemaking is required by section 19 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016. According to OIRA, an ANPRM is expected in November 2018.

Pending Final Rules

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Enhanced Emergency Order Procedures	Not Listed	Not Listed	August 2018

**Dates of Interest
(continued)**

August 2018

14-16 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Liquid\)](#), Oklahoma City, OK

28-29 [Western Regional Gas Conference](#), Henderson, NV

September 2018

6-7 Gas Pipeline Advisory Committee Meeting

18-20 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Gas\)](#), Oklahoma City, OK

30-10/2 [Interstate Oil & Gas Compact Commission Annual Conference](#), Coeur D'Alene, ID

**Regulations and Code Compliance:
Upcoming PHMSA State Seminars**

PHMSA offers training on gas and hazardous liquid pipeline safety regulations. More information is available [here](#).

June 2018

11-12 Arizona

11-12 Florida

September 2018

25-26 Mississippi

Plastic Pipe Rule	May 16, 2018	August 28, 2018	August 2018
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	December 4, 2018	March 14, 2019	March 2019
Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	March 4, 2019	June 12, 2019	Not Listed
Safety of Gas Gathering Pipelines	May 2, 2019	August 14, 2019	Not Listed
Safety of Hazardous Liquid Pipelines	June 8, 2018	September 19, 2018	September 2018
Underground Natural Gas Storage Facilities	Not Listed	September 26, 2018	September 2018

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Gas Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Liquid Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Standards Update Rule – 2015 and Beyond	Not Listed	Not Listed	June 2018
Valve Installation and Minimum Rupture Detection Standards	Not Listed	November 2, 2018	November 2018

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
ANPRM: Class Location Requirements	May 8, 2018	June 1, 2018	June 2018
Coastal Ecological Unusually Sensitive Areas	Not Listed	Not Listed	November 2018

Under Executive Order (EO) 12866, OMB reviews proposed significant rules to ensure they are consistent with applicable law, the President's priorities, and the principles set forth in the EO, and to ensure the proposals do not conflict with another agency's policies or actions. OMB also analyzes the cost-benefit

**State-Specific Association
Meetings**

June 2018

- 7-10 [California Independent Petroleum Ass'n Annual Meeting](#), San Diego, CA
- 10-13 [Texas Gas Ass'n Operations and Management Conference](#), San Antonio, TX
- 13-15 [Kentucky Gas Ass'n Annual Meeting](#), French Lick, IN

July 2018

- 10-12 [Indiana Energy Ass'n Pipeline Safety Conference](#), French Lick, IN
- 30-8/3 [Louisiana Gas Ass'n Pipeline Safety Conference](#), New Orleans, LA

August 2018

- 21-22 [Texas RRC Pipeline Safety Training](#), Austin TX

September 2018

- 25-27 [Alabama Damage Prevention Summit](#), Montgomery, AL

analyses in support of the proposals. The EO sets out deadlines for OMB evaluation, but review periods are often extended.

OTHER PHMSA UPDATES

Gas Pipeline Advisory Committee will meet September 6-7 to discuss proposed rule affecting gas gathering pipelines. PHMSA has indicated that the Gas Pipeline Advisory Committee (GPAC) will meet on September 6-7 to discuss the NPRM addressing the Safety of Gas Gathering Lines. In March, PHMSA announced that it was dividing the Gas Transmission and Gathering proposed rule into three separate final rules, one of which will address new regulations applicable to gas gathering pipelines. The Committee is expected to address reporting requirements, safety regulations for Class 1 gathering lines, and definitions related to gas gathering.

PHMSA requests comments on renewal of information collection requests. On May 17, PHMSA issued a [notice](#) extending the comment period for two recent information collection requests that were previously [issued](#) on March 6 and that expire on May 31. The first information collection involves the requirement that operators who do not operate buried gas lines located downstream of a customer's service line send written notices to customers describing the proper maintenance of such lines and the potential hazards of not properly maintaining them. Operators are required to maintain a copy of the notice currently in use and evidence that notices were sent to customers within the previous three years. The second information collection relates to the requirement that operators develop and implement written continuing public education programs and submit them to either PHMSA or a State Authority. Comments are due June 18.

UPDATES FROM OTHER FEDERAL AGENCIES

The Bureau of Transportation Statistics announces proposed new data collection relating to oil and gas industry safety information. On May 7, the Bureau of Transportation Statistics (BTS) issued a [notice and request for comments](#) announcing a proposed new information collection under which BTS will collect safety and risk management data from the oil and gas industry to assist BTS in administering the Oil and Gas Industry Safety Data Program. The Oil and Gas Industry Safety Data Program is a component of the SafeOCS program developed and implemented in 2013 with the Bureau of Safety and Environmental Enforcement (BSEE) for the confidential reporting of near misses occurring on the Outer Continental Shelf. Under the proposed information collection, BTS would collect voluntarily reported data under a pledge of confidentiality for statistical purposes only. Comments are due July 6.

SELECT UPDATES FROM STATES

COLORADO

Introduced April 23, [HB 1419](#), the Preventing Explosions, Nondisclosures, and Toxic Releases Act, would require the Colorado Oil and Gas Conversation Commission to promulgate rules to ensure proper wellhead integrity of all oil and gas production wells and to address their permitting, construction and closure. Each oil and gas operator would be required to provide electronic notice of the location of each flow line and gathering pipeline installed, owned or operated to the Commission and each local government within whose jurisdiction the subsurface facility is located. The bill passed the Colorado House of Representatives on May 1. On May 2, the Senate Committee on State, Veterans, & Military Affairs recommended to postpone the bill indefinitely.

DELAWARE

Introduced on April 30, [SB 189](#) would amend the Delaware Underground Utility and Safety Act to require notification of excavation damage to the Delaware Public Service Commission and the Attorney General within 15 working days for potential enforcement proceedings. The bill provides that either the Attorney General or the Public Service Commission may enforce penalties appropriate for the circumstances and

**Recent Van Ness Feldman
Publications**

[Pipeline Safety Update Issue
No. 137](#) – May 2, 2018

[Northwest Land Matters
Update](#) – May 2018

[Updated TSA Guidelines
Suggest New Approach for
Pipeline Cybersecurity](#) – April
24, 2018

[D.C. Circuit Decision Loosens
Restrictions on Solid Waste](#) –
March 23, 2018

[GAO Reports Challenges and
Successes in Cybersecurity
Framework Adoption](#) – March
5, 2018

[Corps Issues Draft Guidance on
Section 408 Permission
Requests, Solicits Comments](#) –
March 2, 2018

[Critical Infrastructure: 2017
Cybersecurity Review and What
to Expect in 2018](#) – January 24,
2018

gravity of the violation. The bill has been referred to the Senate Environmental, Natural Resources & Energy Committee.

MASSACHUSETTS

The Massachusetts Department of Public Utilities is [seeking additional comments](#) regarding proposed revisions to its proposed regulations that would adopt uniform natural gas leak classification requirements. Specifically, the Department is requesting additional comments on the estimated costs for each local distribution company to implement the leak-extent and barhole methods for identifying non-hazardous, environmentally significant leaks. Comments are due May 18, and reply comments are due May 25.

WASHINGTON

The Washington Utilities and Transportation Commission has [proposed](#) adopting by reference the versions of 49 C.F.R. Parts 191, 192, 193, 195, 198, and 199 that were in effect on January 23, 2017, except for the sections identifying the scope of those regulations. The rule has been proposed under an expedited process. Objections must be received in writing by June 18.

FOR MORE INFORMATION

Van Ness Feldman counsels clients on pipeline safety compliance, enforcement, and litigation under the Pipeline Safety Laws and Regulations and related statutes. If you are interested in additional information regarding pipeline safety matters or any PHMSA or pipeline related matter, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, [Bryn Karaus](#) at (202) 298-1821 or bsk@vnf.com, or any member of the firm's [Pipeline & LNG](#) practice group.

© 2018 Van Ness Feldman, LLP. All Rights Reserved. This document has been prepared by Van Ness Feldman for informational purposes only and is not a legal opinion, does not provide legal advice for any purpose, and neither creates nor constitutes evidence of an attorney-client relationship.