



#### PRACTICE CONTACTS

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## ENERGY

### PIPELINE SAFETY

Van Ness Feldman provides a full range of pipeline safety services for operators of gas and hazardous liquid pipelines, and LNG facilities. The firm represents operators in enforcement and litigation matters before the Pipeline and Hazardous Materials Safety Administration and in federal courts; provides strategic counseling and day-to-day compliance guidance; helps clients prepare for audits and inspections; reviews compliance plans; provides policy guidance on rulemakings and legislation; and assists with special permit applications and implementation.

Robust compliance programs and effective responses to enforcement must be informed by an appreciation of big-picture safety objectives and business and legal risk. Van Ness Feldman's pipeline safety practice is anchored by attorneys with long-standing involvement in the pipeline industry, and is highly skilled at collaborating with pipeline personnel to help balance these considerations, while protecting and preserving clients' legal rights.

With significant industry knowledge and a highly-respected pipeline practice, Van Ness Feldman helps operators develop, implement, and defend their safety programs. Backed by a strong litigation team, the firm also helps operators effectively respond to and manage administrative enforcement actions and, when necessary, litigation.

Van Ness Feldman's Pipeline Safety Group publishes a bi-weekly "Pipeline Safety Update" to inform clients, colleagues, and other stakeholders of important developments affecting pipeline safety. To access an inclusive database of these updates, please visit the [Van Ness Feldman Pipeline Safety Update Library](#). To ensure regular delivery of this resource, please [register here](#).

### COMPLIANCE COUNSELING

Van Ness Feldman helps operators of interstate and intrastate gas and hazardous liquid pipelines and LNG assets on regulatory requirements and compliance expectations. Specific areas of counsel include:

- The day-to-day application of regulatory requirements in real world operational situations;
- Policies pertaining to validating maximum allowable operating pressure (MAOP), maximum operating pressure (MOP), and pipe materials;
- PHMSA jurisdictional and regulatory classifications;
- Preparing and updating written compliance procedures for PHMSA regulatory programs;
- Federal safety standards for the siting of LNG facilities;
- Pipeline safety compliance issues in connection with the acquisition and sale of assets; and
- Special permit applications and their implementation.

Services we provide include seminars and training to in-house legal staff and management regarding PHMSA jurisdiction, programs, and processes, and on-site, pre-audit reviews of compliance procedures and documents for liquid and gas pipelines preparing for PHMSA inspections, including integrated inspections.

## **ENFORCEMENT, LITIGATION & POST-INCIDENT COUNSELING**

Van Ness Feldman represents and advises pipeline operators in responding to PHMSA enforcement actions. The firm teams with clients' engineering and business personnel to develop case strategies, prepare strong response documents, and develop and implement creative solutions. When necessary, the firm represents clients in civil pipeline safety litigation in the federal courts. Recent representations include:

- Successfully representing a crude oil pipeline in a PHMSA civil penalty case resulting in settlement and elimination of the civil penalty in exchange for an agreement to perform supplemental safety projects;
- Achieving withdrawal of NOPV for an interstate natural gas pipeline;
- Assisting a crude oil pipeline in responding to a Notice of Proposed Safety Order;
- Counseling a large interstate gas pipelines and LNG facility operators on enforcement matters before PHMSA and state regulators arising from pipeline inspections and incident investigations;
- Counseling an interstate natural gas liquids pipeline on litigation with PHMSA regarding agency jurisdiction; and
- Counseling a gas pipeline operator in responding to a Corrective Action Order.

The firm counsels pipeline clients on post-incident communications and in enforcement matters, including corrective action orders, safety orders, and investigations. Van Ness Feldman's pipeline safety team also assists clients with navigating environmental compliance matters related to the aftermath of incidents.

## **NEW REGULATORY & POLICY INITIATIVES**

Van Ness Feldman counsels clients in shaping legislative and regulatory policy, assisting them with congressional and agency outreach and communications. Representative work includes:

- Advising clients and collaborating with trade associations on legislative drafting and understanding implications of proposed legislation;
- Working with operators and trade associations in evaluating PHMSA policy initiatives and developing responses, including rulemaking comments; and
- Assisting interstate gas pipelines with pipeline FERC rate and abandonment implications of pipeline safety regulatory developments.

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