



## Pipeline Safety Update Issue No. 59 – June 27, 2013

*PHMSA awards One Call Grants to states. PHMSA requests comments on several gas report forms and an NPMS information collection, and holds Public Awareness workshop. Select updates from the states and Canada.*

### PHMSA Awards \$1 Million in One Call Grants

On June 14, the Pipeline and Hazardous Materials Safety Administration (PHMSA) announced over \$1 million in grants to 30 states, the District of Columbia, and Puerto Rico to support state 811 “Call Before You Dig” programs. More information is [here](#).<sup>1</sup>

### PHMSA Activities

*Proposed Revisions to Report Forms.* Today, PHMSA published a notice and request for comments on proposed revisions to the incident and annual report forms and the associated instructions for gas transmission, gathering and distribution pipelines and LNG facilities. PHMSA also proposed changes to the mechanical fitting failure report form for gas distribution operators. The Office of Management and Budget (OMB) authorization for the current forms expires on February 28, 2014, and PHMSA intends to make numerous changes to the forms and resubmit them to OMB for approval. Comments are due on August 26. The notice is [here](#),<sup>2</sup> and the docket is [here](#).<sup>3</sup>

*NPMS Information Collection.* On June 14, PHMSA sought comment on its request for renewal of an existing OMB authorized information collection concerning the National Pipeline Mapping System (NPMS). PHMSA has proposed no changes to the current process for collecting NPMS data from pipeline operators. Comments are due August 13. The Notice is [here](#).<sup>4</sup>

#### Dates of Interest

##### July 2013

- 10 [Comments due on Gas Distribution Annual Report](#)
- 22-24 [Southern Gas Association Public Awareness and Damage Prevention Roundtable](#), Houston, TX

##### August 2013

- 7 [PHMSA Public Workshop on Integrity Verification Process](#), Washington, DC
- 13 [Comments due on NPMS Information Collection Renewal](#)
- 26 [Comments due on PHMSA Report Form Changes](#)

##### September 2013

- 9 Comments due following PHMSA Public Workshop on Integrity Verification Process
- 9-11 [Texas RRC/PHMSA Training](#)
- 9-13 NAPS, Meredith, NH
- 25-27 [Southern Gas Association DOT Compliance Workshop - Transmission & Midstream Pipelines](#), Houston, TX

*Public Awareness Workshop.* On June 19-20, PHMSA held a Public Awareness Workshop in Richardson, Texas. PHMSA and state regulators shared observations from recent inspections and participants explored ways to improve communications and information sharing between pipelines and emergency responders, local officials, and the public. PHMSA plans to organize a Public Awareness working group that will continue to review inspection findings, identify gaps in public awareness requirements and explore how to improve public awareness. The group plans to release its findings later this year. More information, including presentations and a video of the workshop, is [here](#).<sup>5</sup>

*PHMSA Rulemaking.* The following chart reflects publicly available information on the status of PHMSA rulemaking projects. More information from DOT is available [here](#).<sup>6</sup> Information from OMB’s Office of Information and Regulatory Affairs (OIRA) is [here](#).<sup>7</sup> Note that the OIRA information has not been updated since 2012. Dates that have been recently modified are indicated in bold type.

<b>Rulemaking</b>	<b>Next Action</b>	<b>Estimated Date of Next Action</b>
Miscellaneous Rule on Construction Inspections, Leak Surveys, etc.	Publication of Final Rule	<b>December 6, 2013</b>
Enforcement and Regulatory Procedures Update	Publication of Final Rule	<b>December 17, 2013</b>
Enforcement of State Excavation Damage Laws	Publication of Final Rule	<b>February 6, 2014</b>
Standards for Conducting Condition Assessments of In-Service Pipelines	Publication of NPRM	March, 2013
Safety of On-Shore Hazardous Liquid Pipelines	Publication of NPRM	<b>September 29, 2013</b>
Excess Flow Valves	Publication of NPRM	<b>December 6, 2013</b>
Changes to NPMS Data Collection and Standards	Publication of NPRM	June, 2013
Miscellaneous Rule on Special Permit Renewals, Cost Recovery for Design Reviews, and Incident Reporting	Publication of NPRM	June, 2013
Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments	Publication of NPRM	<b>December 6, 2013</b>
Safety of Gas Transmission Pipelines	Publication of NPRM	January 17, 2014

## **Select Activities from the States and Canada**

### **Illinois**

*Illinois Gas Pipeline Safety Act.* SB 1458, a bill to amend the Illinois Gas Pipeline Safety Act to add specific provisions describing the content and procedures for notices of probable violation, civil penalties, hearings and other matters, has passed both houses and was sent to Illinois Governor Pat Quinn on June 24. SB 1458 is [here](#).<sup>8</sup>

## Missouri

*Rate Recovery of Pipeline Replacement Costs.* Missouri Sen. Brad Lager (R-District 12) introduced legislation that would permit gas corporations to increase from 10% to 13% the amount of revenues recoverable under an Infrastructure System Replacement Surcharge (ISRS). SB 240 also would increase the length of time an ISRS may be collected from three to five years. No change from last update. SB 240 is [here](#).<sup>9</sup>

## Texas

*Texas Railroad Commission Jurisdiction.* On June 14, Texas Governor Rick Perry signed HB 2982, a bill that provides the Railroad Commission of Texas (RRC) with expanded authority to regulate certain presently exempt intrastate pipeline facilities. The law authorizes regulation of certain intrastate rural hazardous liquid gathering lines and also allows regulation of currently exempt, Class 1 intrastate gas gathering pipelines. Any expansion of gas or hazardous liquid gathering pipeline regulation by the RRC must be based on risk or as necessary to maintain the “maximum degree of federal delegation” allowed under the federal Pipeline Safety Act. The law is effective September 1, 2013. HB 2982 is [here](#).<sup>10</sup>

## Canada

*NEB Issues Regulations on Monetary Penalties.* Canada’s National Energy Board (NEB) has issued Administrative Monetary Penalties (AMP) Regulations outlining the maximum daily penalties for violations of laws and regulations that promote safety and environmental protection in the energy industry, including for pipelines. The AMP Regulations set a maximum daily penalty of \$25,000 per violation for individuals and \$100,000 per violation for companies. The AMP Regulations provide that each day a violation continues is considered a separate violation, and there is no maximum total penalty. The regulations are effective July 3. The AMP Regulations are [here](#),<sup>11</sup> and more information is [here](#).<sup>12</sup>

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

#### July 2013

22-26 Louisiana (Gas & Liquid)

#### August 2013

5-9 South Carolina (Gas)

#### September 2013

9-11 Texas (Gas & Liquid)

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

### State-Specific Association Meetings

#### July 2013

17-19 [Mississippi Natural Gas Association Annual Conference](#), Orange Beach, AL

#### August 2013

4 [Independent Oil and Gas Association of WV Summer Meeting](#)

6-8 [2013 South Carolina Pipeline Seminar and SIF Conference](#), Columbia, SC

20-21 [Kentucky Gas Association Safety Summit](#), Lexington, KY

#### September 2013

9-12 [Alabama Natural Gas Ass’n - 2013 Natural Gas Fall Workshop](#)

22-24 [Arkansas Gas Ass’n 2013 Conference](#), Fayetteville

## For Additional 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, please contact [Susan Olenchuk](#) at (202) 298-1896 or [sam@vnf.com](mailto:sam@vnf.com), [Jim Curry](#) at (202) 298-1831 or [jbc@vnf.com](mailto:jbc@vnf.com), or any member of the firm's [Natural Gas](#) or [Oil & Products Pipelines](#) practice groups.



*In February 2012, Van Ness Feldman expanded its capabilities by combining practices with the Seattle law firm of GordonDerr LLP, a preeminent real estate, land use, water law, and civil litigation firm in the Pacific Northwest. Learn more at [www.vnf.com](http://www.vnf.com).*

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<sup>1</sup> PHMSA One Call Grants Press Release.

<http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/phmsa0913.pdf>

<sup>2</sup> PHMSA Notice and Request for Comments on Proposed Changes to Reports Forms for Gas Pipeline Operators.

<http://www.gpo.gov/fdsys/pkg/FR-2013-06-27/pdf/2013-15339.pdf>

<sup>3</sup> Regulations.gov Docket for Proposed Changes to Report Forms.

<http://www.regulations.gov/#!searchResults:rpp=25;po=0;s=PHMSA-2013-0084;fp=true;ns=true>

<sup>4</sup> PHMSA NPMS Information Collection Renewal.

<http://www.gpo.gov/fdsys/pkg/FR-2013-06-14/pdf/2013-14155.pdf>

<sup>5</sup> PHMSA Public Awareness Workshop Video Recording.

<http://www.onlinevideoservice.com/clients/PHMSA/PublicAwarenessWorkshop/index.html>

<sup>6</sup> DOT Significant Rulemaking Report for June 2013.

<http://www.dot.gov/sites/dot.dev/files/docs/JUNE%202013%20Internet%20Report.docx>

<sup>7</sup> OIRA DOT Rulemakings Status Page.

[http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCd=2100&Image58.x=52&Image58.y=10](http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCd=2100&Image58.x=52&Image58.y=10)

<sup>8</sup> Proposed Illinois Legislation Amending Pipeline Safety Act.

<http://www.ilga.gov/legislation/98/SB/PDF/09800SB1458enr.pdf>

<sup>9</sup> Missouri Legislation Increasing ISRS.

<http://www.senate.mo.gov/13info/pdf-bill/tat/SB240.pdf>

<sup>10</sup> Texas Legislation to Increase Railroad Commission's Jurisdiction.

<http://www.capitol.state.tx.us/tlodocs/83R/billtext/pdf/HB02982F.pdf#navpanes=0>

<sup>11</sup> NEB Administrative Monetary Penalties Regulations.

<http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/dmnstrvmntrynlts/dmnstrvmntrynltsrqtltns-eng.pdf>

<sup>12</sup> NEB's AMP Regulation Website.

<http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/dmnstrvmntrynlts/cntctsamp-eng.html>