



Dates of Interest

February 2019

- 26 Comments due on [BSEE Pipeline Decommissioning in Place](#)

March 2019

- 5-7 [AGA 2019 Management Systems Workshop](#), Tampa, FL
- 11 [Common Ground Alliance 2019 Conference and Expo](#), Tampa, FL
- 12 [NTSB Meeting on Silver Spring, Maryland, Natural Gas Explosion](#), Washington, DC

April 2019

- 8 Comments due on [DOT Notice of Review of Guidance](#)
- 9-11 [API Pipeline Conference and Control Room Forum](#), Phoenix, AZ
- 11-12 [SGA Compliance Workshop for Natural Gas Pipeline Operators](#), Plano, TX
- 12 Comments due on [Pipeline Safety: Information Collections](#)
- 14-17 [GPA Midstream 2019 Convention](#), San Antonio, TX
- 29-5/3 [2019 AGA Operations Conference & Biennial Exhibition & Spring Committee Meetings](#), Nashville, Tenn.

May 2019

- 8-10 [PST Training on Pipeline Safety for Non-Pipeline Personnel](#), Houston, TX
- 21-22 [SGA Gas Pipeline Integrity Management Seminar](#), Houston, TX

Pipeline Safety Update

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DOT invites public input on agency guidance recommended for repeal or revision. PHMSA suspends enforcement of Plastic Pipe rule. The NTSB's 2019-2020 Ten Most Wanted List of Transportation Safety Improvements addresses pipelines. PHMSA Rulemakings Update. PHMSA seeks comments on several expiring information collections. Natural Gas Council issues report on pipeline cybersecurity.

DOT Invites Public Input on Agency Guidance Recommended for Repeal or Revision

On February 5th, the Department of Transportation (DOT) published a [Notice](#) inviting the public to file comments identifying guidance documents issued by DOT modal agencies, including the Pipeline and Hazardous Materials Safety Administration (PHMSA), that should be repealed or revised. DOT is interested in identifying guidance documents that (1) are no longer necessary; (2) spur cost-inducing actions by regulated entities; (3) are inconsistent or unclear; (4) may not be conducive to uniform or consistent enforcement; or (5) need to be updated. This notice is a continuation of an October 2017 notice requesting input on regulations and other agency actions that should be suspended, repealed, replaced or modified because they impose unnecessary burdens on the use of domestically-produced energy resources.

PHMSA issues various types of guidance, including advisory bulletins, frequently asked questions (FAQs), letters of interpretation, and inspection protocols. Comments are due April 8.

PHMSA Suspends Enforcement of Plastic Pipe Rule

We understand that PHMSA has suspended enforcement of the [final rule](#) amending the pipeline safety regulations applicable to the use of plastic pipe in the transportation of gas until PHMSA acts on a [petition for reconsideration](#) of the final rule filed by the American Gas Association (AGA) on December 20, 2018. The petition raised concerns about the ability of operators to implement the rule by the January 22, 2019 effective date. PHMSA also recommended that state regulators exercise their discretion to suspend enforcement. PHMSA did not appear to publically post the suspension of enforcement, but the action has been reported by other sources.

The NTSB's 2019-2020 Ten Most Wanted List of Transportation Safety Improvements Addresses Pipelines

On February 11th, the National Transportation Safety Board (NTSB) issued its 2019-2020 "[Ten Most Wanted List of Transportation Safety Improvements](#)," including the safe transportation of hazardous materials. The NTSB stated that aging pipeline infrastructure poses increased risk of pipeline ruptures and urged the pipeline industry to conduct adequate risk assessments. The NTSB also provided the status of numerous safety recommendations that have been issued to PHMSA, operators and others. The NTSB also urged the railroad industry to meet existing federal deadlines for replacing or retrofitting DOT-117/DOT-117R rail tank cars.

PHMSA Rulemakings Update. The tables below summarize the status of the PHMSA's pending pipeline safety rulemaking initiatives as reflected in the DOT's November [Significant Rulemaking Report](#), the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions, and PHMSA's [Chart](#) summarizing actions required by the 2016 Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act. OIRA's Unified Regulatory Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#).

Many of the estimated publication dates have passed. DOT has not released an updated Significant Rulemaking Report since November 2018.

Recent Van Ness Feldman Publications

[Federal Guidance on Section 404 Permitting Under Development](#) – February 14, 2019

[Van Ness Feldman Launches Environmental Cost Recovery Unit for Energy, Industrial, and Government Clients](#) – February 1, 2019

[Critical Infrastructure: 2018 Cybersecurity Year in Review/2019 Year Ahead Analysis](#) – January 24, 2019

[Emerging Technologies Update](#) – January 23, 2019

[BSEE Requests Comments on Deepwater Decommissioning-in-Place Policies](#) – January 2, 2019

Pending Final Rules

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's 2016 PIPES Act Chart
Enhanced Emergency Order Procedures	December 7, 2018	October 2018	December 24, 2018
Plastic Pipe Rule	Issued November 20, 2018		
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	April 4, 2019	March 2019	March 14, 2019
Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	December 20, 2019	December 2019	Not Listed
Safety of Gas Gathering Pipelines	December 20, 2019	December 2019	Not Listed
Safety of Onshore Hazardous Liquid Pipelines	March 15, 2019	December 2018	January 7, 2019
Underground Natural Gas Storage Facilities	January 21, 2019	December 2018	January 21, 2019

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's 2016 PIPES Act Chart
Class Location Requirements	Not Provided	September 2019	Not Listed
Gas Pipeline Regulatory Reform	May 10, 2019	May 2019	Not Listed
Liquid Pipeline Regulatory Reform	Not Listed	February 2019	Not Listed
Periodic Standards Update	Not Listed	April 2020	Not Listed
Repair Criteria for Hazardous Liquid Pipelines	Not Listed	Next Action Undetermined	Not Listed
Valve Installation and Minimum Rupture Detection Standards	March 29, 2019	January 2019	January 14, 2019

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication
Coastal Ecological Unusually Sensitive Areas	Not Listed	April 2020



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OTHER PHMSA UPDATES

PHMSA seeks comments on several expiring information collections. On February 5, PHMSA issued a [Notice and Request for Comments](#) on several information collections that PHMSA intends to request that OMB extend without modification. The information collections expire April 30 and relate to gas transmission pipeline integrity management, control room management, gas distribution integrity management and response plans for onshore oil pipelines. Comments must be submitted to PHMSA by April 12.

UPDATES FROM INDUSTRY

Natural Gas Council issues report on pipeline cybersecurity. The Oil and Natural Gas Sector Coordinating Council of the Natural Gas Council (NGC) issued a report entitled "[Cybersecurity in the Natural Gas & Oil Industry](#)." The report describes how owners and operators pipelines communicate and collaborate with the U.S. intelligence community, other governmental organizations, and each other to bolster cybersecurity of the nation's oil and gas pipeline infrastructure. Given increased sophistication and adaptiveness of cyber adversaries, the report urges that industry be allowed continued flexibility and agility to respond effectively and that government and industry continue their partnership in sharing cyber threat intelligence and strengthening cyber defenses.

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.

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