



Dates of Interest

July 2019

31 Comments due on [RRC Informal Working Draft](#)

August 2019

20-21 [Western Regional Gas Conference](#), Tempe, AZ

23 Comments Due on [DOE Request for Information](#)

September 2019

3 Comments due on [TSA Information Collection Renewal](#)

9-13 [NAPSR National Meeting](#), South Portland, ME

11-12 [NGA LNG/LP Safety and Emergency Response Training](#), Stow, MA

17-20 [AOPL Annual Business Conference](#), San Antonio, TX

October 2019

16-17 [API 2019 International Pipeline Security Forum](#), Chicago, IL

17-18 [NGA Fall Operations Conference](#), Hartford, CT

21-23 [GPA Midstream Fall Technical Conference](#), Oklahoma City, OK

21-23 [North American Gas Forum](#), Washington, DC

November 2019

6-7 [PLC Pipeline Leadership Conference](#), Houston, TX

7-8 [Pipeline Safety Trust Annual Conference](#), New Orleans, LA

December 2019

3-5 [APGA Pipeline Safety and Operations Seminar](#), Montgomery, AL

Pipeline Safety Update

ISSUE NO. 151 – JULY 19, 2019

[Susan Olenchuk](#), [Bryn Karaus](#), and [Marco Bracamonte](#)

Updated PHMSA Rulemakings Chart. PHMSA has posted the voting slides from the June 25-26 GPAC Meeting. House members request GAO to examine BSEE's safety oversight of offshore oil and gas pipelines. DOE seeks information on methods to strengthen resilience of oil and gas infrastructure against cyber and physical threats and severe weather. TSA seeks comment on extending collection of information regarding pipeline security practices. Updates from Select States.

Updated PHMSA Rulemakings Chart. The chart below shows the status of PHMSA's pending pipeline safety rulemakings as reflected in (1) DOT's June [Significant Rulemaking Report](#), (2) PHMSA's status [Chart](#) of legislatively mandated actions, and (3) the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions. The Unified Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#).

PHMSA recently announced that the Gas Transmission Final Rule (Safety of Gas Transmission Pipelines MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments) and Valve Installation and Minimum Rupture Detection Standards notice of proposed rulemaking have been transmitted to OMB. 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 analyses in support of the proposals. The EO sets out deadlines for OMB evaluation, but review periods are often extended.

Pending Final Rules

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Emergency Order Procedures	August 1, 2019	May 2019	July 26, 2019
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	August 30, 2019	July 2019	August 30, 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	June 26, 2020	December 2019	Not Listed
Safety of Onshore Hazardous Liquid Pipelines	June 28, 2019	December 2018	July 29, 2019
Underground Natural Gas Storage Facilities	September 30, 2019	July 2019	October 22, 2019

State-Specific Association Meetings

July 2019

29-8/1 [LGA Pipeline Safety Conference](#), New Orleans, LA

August 2019

12-14 [TGA Safety Summit](#), Burns, TN

20-21 [RRC Regulatory Conference: Oil & Gas and Pipeline Safety](#), Austin, TX

28-29 [Gas Pipeline Safety for Small Operators, Conference](#), Marion, IL

September 2019

16-20 [Operators of natural Gas and Liquid Pipeline Facilities](#), Cooperstown, NY

October 2019

8-9 [South Carolina Pipeline Safety Seminar](#), Columbia, SC

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Environmental Cost Recovery
Unit

Recognizing client demand for efficient environmental cost recovery strategies particularly tailored to today's challenging business conditions, Van Ness Feldman has established an environmental cost recovery unit (CRU) that enables clients to maximize use of customized fee structures and insurance assets for environmental cost recovery. The CRU team is comprised of former government enforcement attorneys and insurance recovery specialists to support clients in prioritizing, funding, and maximizing environmental cost recovery efforts.

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Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Amendments to LNG Facilities	September 2, 2019	October 2019	September 2, 2019
Class Location Requirements	November 15, 2019	November 2019	Not Listed
Gas Pipeline Regulatory Reform	September 30, 2019	August 2019	Not Listed
LNG by Rail	July 29, 2019	Not Listed	Not Listed
Liquid Pipeline Regulatory Reform	Not Listed	June 2019	Not Listed
Periodic Standards Update	Not Listed	April 2020	Not Listed
Repair Criteria for Hazardous Liquid Pipelines	June 26, 2020	Next Action Undetermined	Not Listed
Valve Installation and Minimum Rupture Detection Standards	September 27, 2019	August 2019	September 27, 2019

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Coastal Ecological Unusually Sensitive Areas	Not Listed	April 2020	April 13, 2020

Other PHMSA Updates

PHMSA has posted the voting slides from the June 25-26 GPAC Meeting. PHMSA has [posted](#) the voting slides from the January 25-26 meeting of the Gas Pipeline Advisory Committee (GPAC) addressing PHMSA's notice of proposed rulemaking to amend the federal safety regulations applicable to gas gathering pipelines. The voting slides contain the language approved by GPAC.

Updates from Capitol Hill

House members request GAO to examine BSEE's safety oversight of offshore oil and gas pipelines. On July 9, Representatives Raúl M. Grijalva (D-AZ), Alan S. Lowenthal (D-CA), and Joe Cunningham (D-SC) submitted a [letter](#) to the U.S. Comptroller General requesting that the Government Accountability Office (GAO) examine the Bureau of Safety and Environmental Enforcement's (BSEE) oversight of offshore oil and gas pipelines and facilities. The congressmen are concerned about BSEE's ability to ensure the integrity of older oil and gas pipelines in federal offshore waters and the risk of leaks caused by hurricanes, corrosion, accidental damage and other factors. Representatives Grijalva and Lowenthal are the Chairs of the House Natural Resources Committee and House Subcommittee on Energy and Mineral Resources, respectively.

Updates from other Federal Agencies

DOE seeks information on methods to strengthen resilience of oil and gas infrastructure against cyber and physical threats and severe weather. On July 9, the Department of Energy (DOE) issued a [notice](#) of request for information (RFI) encouraging stakeholders in the pipeline industry to submit information on current consensus-based codes, specifications, standards, and informal guidance that improve the resilience of oil and natural gas infrastructure with respect to both system design and operation. DOE is



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– June 10, 2019

[Washington State's New Clean
Energy Legislation Has Far](#)

[Reaching Impacts](#) – May 23,
2019

interested in technical design standards and requirements for system components, corporate business practices, and analytic methods and tools for estimating economic benefits from strategies, investments or initiatives. DOE plans to catalogue and synthesize existing expert knowledge and make it available to interested policy officials and decision-makers. Comments are due August 23.

TSA seeks comment on extending collection of information regarding pipeline security practices. On July 3, the Transportation Security Administration (TSA) issued a [notice](#) that it intends to request OMB to approve renewal of an existing information collection regarding pipeline security practices through TSA's Pipeline Corporate Security Review (PCSR) program. Under this program, TSA collects data and assesses the physical and cyber security practices of pipelines. Comments are due to TSA by September 3.

Updates from Select States

Alabama: [Act 2019-407](#) (S.B. 315), which becomes effective January 1, 2020, contains numerous changes to the state's One-Call Notification System. Among other things, the act creates a new Underground Damage Prevention Authority; establishes a procedure for enforcing notification requirements and penalty provisions; revises civil penalties for violations; and amends substantive requirements.

Texas: The Texas Railroad Commission (RRC) has released [informal working drafts](#) of possible amendments to its pipeline safety regulations (Chapter 8) pertaining to unregulated intrastate gas gathering and hazardous liquid gathering pipelines. The working draft describes a number of possible regulatory changes, including requiring that operators of unregulated onshore natural gas gathering pipelines located in Class 1 areas and unregulated rural hazardous liquid pipelines comply with regulations pertaining to corrosion control for steel pipelines, damage prevention, public education programs, maximum allowable operating pressure (gas pipelines), maximum operating pressure (hazardous liquid pipelines), line markers and leakage surveys for gas gathering and right-of-way inspections for liquid pipelines.

In addition, Class 1 onshore natural gas gathering lines greater than 12.75 inches in diameter with MAOPs that produce a hoop stress of 20 percent or more of specified minimum yield strength (SMYS) would be required to comply with Part 192 of the federal pipeline safety regulations, except for integrity management and requirements for inline inspection. The working draft also would require such pipelines to comply with requirements pertaining to incident and accident reporting, inspections, and enforcement. Among other things, the working draft reflects revised definitions of incidents and accidents and a shortened time for reporting an incident or leak from 2 hours to 1 hour after discovery. The working draft also includes record-keeping requirements for plastic pipelines.

The RRC is convening a [public workshop](#) in Austin on July 24 and is requesting comments no later than July 31.

HB 864: On June 14, the Governor Abbott signed [H.B. 864](#), directing the RRC to require that distribution pipeline operators provide notification of an incident within 1 hour after the operator discovers it and describing the information to be provided. This legislation becomes effective September 1.

HB 866: On June 2, Governor Abbott signed [H.B. 866](#) which prohibits operators of gas distribution pipelines from installing underground cast iron, wrought iron or bare steel pipelines and requires the RRC to implement a risk-based program for removing or replacing underground distribution gas pipelines, annually removing or replacing at least 8 percent of underground distribution gas pipelines posing the greatest risk, and removing underground cast iron pipelines by December 31, 2021.

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.