

Pipeline Safety Update - Issue No. 145

Tuesday, February 19, 2019

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by DOT modal agencies, including the Pipeline and Hazardous Materials Safety Administration (PHMSA), that should be repealed or revised.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of an October 2017 notice requesting input on regulations and other agency actions that should be suspended, repealed, replaced or modified because they impose unnecessary burdens on the use of domestically-produced energy resources.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



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Report since November 2018.

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 Advanced Notices of Proposed Rulemakings

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

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.

To download a full text PDF, which includes Dates of Interest, upcoming PHMSA State Seminars, and State Specific Association Meetings, [please click here](#).

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