

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

+ + + + +

GAS PIPELINE ADVISORY COMMITTEE (GPAC)
TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

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WEDNESDAY
JANUARY 11, 2017

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The GPAC met at the Hilton Arlington,
950 North Stafford Street, Arlington Virginia, at
8:30 a.m., Paula Gant, Chair, presiding.

MEMBERS PRESENT:

PAULA A. GANT (Government), Chair, Principal
Deputy, Assistant Secretary, Office of
International Affairs, U.S. Department of
Energy

STEPHEN E. ALLEN (Government), Director,
Pipeline Safety Division, Indiana Utility
Regulatory Commission

MARK BROWNSTEIN (Public), Associate Vice
President & Chief Counsel, U.S. Climate &
Energy Program, Environmental Defense Fund

CHERYL F. CAMPBELL (Industry), Vice President,
Gas Engineering and Operations, Xcel
Energy Incorporated

J. ANDREW DRAKE (Industry), Vice President
Operations and EHS, Spectra Energy

Transmission, LLC

SUSAN L. FLECK (Industry), Vice President, Gas
Pipeline Safety & Compliance, National
Grid

SARA ROLLET GOSMAN (Public), Assistant
Professor, University of Arkansas School
of Law

ROBERT W. HILL (Public), County Development,
Department Director & Emergency Manager,
Brookings County Zoning & Drainage

ROBERT KIPP (Public), President, Common Ground
Alliance

RICHARD F. PEVARSKI (Public), Chief Executive
Officer, Virginia Utility Protection
Service, Inc.

TERRY L. TURPIN (Government), Deputy Director,
Office of Energy Projects, Federal Energy
Regulatory Commission

CHAD J. ZAMARIN (Industry), President, Cheniere
Pipeline Company

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1 P-R-O-C-E-E-D-I-N-G-S

2 8:35 a.m.

3 MR. MAYBERRY: All right. Well, good
4 morning, everyone.

5 (No audible response.)

6 MR. MAYBERRY: All right. Let's try
7 that again. Good morning.

8 ALL: Good morning.

9 MR. MAYBERRY: That's --

10 (Simultaneous speaking.)

11 MR. MAYBERRY: My name is Alan
12 Mayberry. I'm an associate administrator for
13 Pipeline Safety. I'd like to welcome you to the
14 meeting of the Gas Pipeline Safety Advisory
15 Committee.

16 PARTICIPANT: Can't hear you.

17 (Simultaneous speaking.)

18 MR. MAYBERRY: How is that? Is that
19 better?

20 (Simultaneous speaking.)

21 MR. MAYBERRY: All right. Try that
22 again? Okay. We're good. You know who I am.

1 (Laughter.)

2 MR. MAYBERRY: But here's my role:
3 Under the Federal Advisory Committee Act I serve
4 as the designated federal officer, or DFO, and as
5 such I'll be the presiding official at this
6 meeting.

7 I'm joined today by our chair,
8 Chairman Dr. Paula Gant with the Department of
9 Energy. Paula represents -- she's the Government
10 on our advisory committee. And with that, I will
11 -- it's kind of an important date for us because
12 -- it keeps going off.

13 PARTICIPANT: Here, try this one.

14 MR. MAYBERRY: Okay. How about
15 stereo?

16 PARTICIPANT: Okay. Maybe try the
17 other one.

18 MR. MAYBERRY: I should just try
19 another one.

20 Okay. It's an important day for us
21 for many reasons. Of course the topic at hand
22 which -- as represented by the audience -- this

1 is more like a public meeting that we have where
2 we get 150 or so attendees. I think today we had
3 159 sign up and we're probably over that with the
4 people that may have -- the walk-ons that we got
5 today. But certainly interest in the topic at
6 hand.

7 But it's also important for the --
8 we've actually filled all the vacancies on our
9 advisory committee.

10 (Simultaneous speaking.)

11 MR. MAYBERRY: I'm not sure what the
12 issue is, and I have a hard enough time
13 multitasking looking at that little light there.

14 (Laughter.)

15 MR. MAYBERRY: But, so anyway, we have
16 filled the vacancies on the Committee. So I'd
17 like to introduce -- and we'll get into further
18 introductions of the whole Committee, but I'd
19 like to introduce the new members starting with
20 Mr. Steve Allen. He's the Director of the
21 Pipeline Safety Division with the Indiana Utility
22 Regulatory Commission. He's one of the

1 government representatives. So, Steve is back
2 there on the corner.

3 Not with us today is Mr. David Danner.
4 He's the Chairman of the Washington Utilities and
5 Transportation Commission. Dave was unable to
6 join us, but he sends his regards.

7 And then Mr. Terry Turpin. Terry's
8 the Deputy Director, Office of Energy Projects
9 with the Federal Energy Regulatory Commission.

10 Welcome, Terry. So we're glad to have
11 you and thanks for joining us.

12 I must add, too, we also added a
13 public representative, Ms. Sara Gosman, who's an
14 assistant professor at the University of Arkansas
15 School of Law. And she's also representing the
16 Pipeline Safety Trust as vice-president.

17 So, Sara, welcome.

18 So with that, I announced that we have
19 filled the vacancies. If you fast forward about
20 a week, we're going to have some vacancies.
21 We're going to create some vacancies. So
22 starting with Dr. Paula Gant, our chairman today,

1 who will be leaving us after next week.

2 So appreciate your service and we hate
3 to see you go. You're -- I've have relied on you
4 as our chairman for a couple of times here, and
5 you've done -- you've performed admirably and
6 hate to see you go, but you -- and you will be
7 missed.

8 And then Sue Fleck with National Grid
9 representing the industry will be leaving later
10 this year.

11 Hopefully we'll get you for a couple
12 more meetings after today.

13 MEMBER FLECK: I'm here until June.

14 MR. MAYBERRY: Until June? Okay.

15 Well, that gives us a good timeline to work with.

16 Okay. Wrap this thing up in June. Okay.

17 Let me go through some housekeeping
18 items. So again, we'll go through further
19 introductions as we go forward.

20 Okay. So if I let this go out for a
21 lengthy time, just point it out to me as -- but
22 I'll try to be mindful of that until we get a

1 permanent fix here with the microphone.

2 As far as restrooms go, you may have
3 seen them. They're out these doors to my right.
4 The men's room is to the left, to the far left;
5 the ladies' room is straight back closer to the
6 elevators.

7 Emergency exits. We have two options
8 here: One is to go out these double doors to my
9 left here and then down the stairs, probably the
10 stairs you came up. And then the other option is
11 to go out to my right here and take another right
12 down that hallway. And at the end you'll find
13 another set of stairs. So that's the emergency
14 exits.

15 I think it's obvious to please silence
16 your mobile devices just to help minimize
17 disruptions. And we do expect that everyone will
18 conduct themselves in a professional manner, and
19 anyone who acts unprofessionally will be asked to
20 leave the meeting.

21 We do -- and I'll go through a little
22 bit more detail. I will repeat this, but as we

1 conduct the business of the day, and particularly
2 the briefings, please hold your comments until we
3 open the floor for public comments. This is
4 especially -- I mean it's really for the public.
5 We will have a part of the meeting where we open
6 the floor to public comments. And I'll get into
7 the order here in a minute on that.

8 We do ask that if you do comment or
9 choose to comment, please keep your comments
10 brief, concise. And if it's a repeat of a
11 comments that have already been made, please
12 refrain from that, because we already have a
13 record of that comment. But we will try to
14 police that. I know with the large presence here
15 there's a high interest in the rule, but -- that
16 we are talking about, but we do -- we will try to
17 reign that in a bit so we can keep things moving
18 efficiently.

19 We will have the written comments, or
20 if there are written comments, they should be put
21 on the docket, and we'll have the docket number
22 -- actually it's up on the screen there right

1 now.

2 As far as other introductions, I
3 wanted to include -- or right now introduce the
4 PHMSA staff that's present here today. So could
5 the PHMSA staff please stand and introduce
6 yourself?

7 (Off microphone staff introductions.)

8 MR. MAYBERRY: Okay. And at this
9 point I'd like to hand off to our chairman, Dr.
10 Paula Gant, who will call the meeting to order.

11 Dr. Gant?

12 CHAIR GANT: Thanks, Alan.

13 Thank you all for making time to be
14 here today. I observe, as Alan has, a great deal
15 of interest in this rule and the discussion we're
16 going to have today. And I hope to make very
17 productive and efficient use of that interest.

18 So I want to call the -- serving as
19 chairman I want to call this meeting of the Gas
20 Pipeline Advisory Committee to order.

21 I want to remind you that this meeting
22 is being recorded and a transcript will be

1 produced for the record. The transcript and
2 presentations will be available on the PHMSA web
3 site and on the eDocket, eGov docket at
4 www.regulations.gov. And the docket number for
5 this meeting is as appears on the PowerPoint
6 here. PHMSA-2016-0136.

7 So I'd like to start with
8 introductions around the table, and also ask you
9 to -- to remind you that when you make comments
10 during the comments during the course of the
11 meeting to identify yourself and your
12 affiliation. And that goes for members of the
13 Committee as well as members of the public when
14 you speak.

15 For those at the table, I'd ask that
16 when you would like to comment that you set your
17 tent card to the side and I'll note the order of
18 that and call on you in that order. And I know
19 that based on previous experience this group is
20 very well familiar with that protocol and very
21 well behaved, so I'll try not to do anything to
22 disturb your performance in that regard.

1 So the staff has already introduced
2 themselves, so I'd like to start with around the
3 table asking the Committee members to make
4 introductions starting here on the right, and
5 again noting your affiliation. Thank you.

6 MEMBER ALLEN: And I'm Steve Allen,
7 Director of Pipeline Safety for the Indiana
8 Utility Regulatory Commission and past chair of
9 the National Association of Pipeline Safety
10 Representatives.

11 MEMBER KIPP: I'm Bob Kipp, President
12 of Common Ground Alliance.

13 MEMBER BROWNSTEIN: Mark Brownstein,
14 Vice President of Climate and Energy for the
15 Environmental Defense Fund. I have
16 responsibility for all of the organizations, oil
17 and gas work.

18 MEMBER ZAMARIN: Chad Zamarin,
19 President of Cheniere Energy's Pipeline
20 Administering Companies representing the gas
21 industry.

22 MEMBER TURPIN: Terry Turpin, Deputy

1 Director of the Office of Energy Projects at the
2 Federal Energy Regulatory Commission.

3 MEMBER DRAKE: Andy Drake, Vice
4 President of Operations for Spectra Energy
5 representing the gas transmission industry.

6 MEMBER GOSMAN: Sara Gosman. I'm at
7 the University of Arkansas School of Law and Vice
8 President of the Pipeline Safety Trust.

9 MEMBER FLECK: Good afternoon. This
10 is Sue Fleck. I'm the Vice President of Gas
11 Pipeline Safety and Compliance for National Grid.

12 MEMBER CAMPBELL: Cheryl Campbell,
13 Senior Vice President of Gas for Xcel Energy
14 representing the industry.

15 MEMBER HILL: I'm Robert Hill from
16 Brookings County, South Dakota. I'm a county
17 development director and emergency manager. I'm
18 representing the public.

19 MEMBER PEVARSKI: Rick Pevarski. I'm
20 the President of Virginia 811 and I represent the
21 general public.

22 CHAIR GANT: Thank you, all. I'll note

1 that we do have a quorum for this meeting.

2 And, Cheryl, I think someone has been
3 taking roll and recording it? That's correct?

4 Okay. Great. Thank you very much.

5 We'll start with an overview of the
6 agenda here. We're going to have opening remarks
7 by administrator Dominguez as well as Alan. And
8 then we're going to move into a discussion of the
9 rulemaking that's going to be led by Steve Nanney
10 and Chris McLaren. Then we will have a break at
11 some point in the morning.

12 We will do our best to keep lunch on
13 schedule for noon. We currently have an hour-
14 and-a-half set aside for lunch. I'll think we'll
15 take a vote or some sort of straw poll at that
16 time to see if you might want to shorten that to
17 an hour so we can accelerate our progress to the
18 afternoon. So keep that in mind. And then we'll
19 come back and we'll continue briefings on the
20 notice.

21 So before we get into the agenda I
22 would just like to take the Chair's prerogative,

1 because I have the microphone, to acknowledge the
2 -- what I have observed as an outside party, if
3 you will, not being in the industry and not being
4 a part of this regulatory staff, over the past
5 couple of years and the tremendous effort that
6 has been put into thinking about how we all
7 together ensure the public safety.

8 And what I have observed in this
9 process is that there's a great deal of common --
10 I'll use "common ground," if you will, in -- we
11 -- everyone here seems to really at the forefront
12 of your mind and in your actions have the public
13 interest at front of mind and in mind, and in
14 doing so, in a very thoughtful way, to ensure
15 that the actions being taken and the policies
16 being developed best meet the public interest,
17 which includes continued development and
18 operation and expansion of natural gas pipeline
19 and distribution infrastructure, understanding
20 we're focused on the pipeline piece of it here
21 today.

22 But that to me is -- has been very

1 impressive, that there's an understanding that
2 the public interest is served, not only by the
3 safe and efficient operation of these systems,
4 but also by the very operations of the system and
5 how they underpin our quality of life and our
6 economic growth and prosperity.

7 So I hope to maintain that momentum
8 that you've built up together here over the
9 course of the next couple of days, particularly
10 with regard to the dialogue that you've been
11 having around this transmission rule. What my
12 observation is, and I will act on as chair, is
13 that there has been a very strongly manifest
14 desire to work on the aspects of this rule has
15 been proposed and to move it towards a resolution
16 that is agreeable to the stakeholders involved
17 this year.

18 And I think that's really, really
19 important that we focus on that today because I
20 understand there -- this rule is very large. As
21 someone said, we could have had 16 rulemakings or
22 something, but it's 1. It's a lot rolled in and

1 there are some areas where I think we probably
2 have very strong alignment already, some areas
3 where stakeholders would like to see some
4 continued work.

5 I will ask you to focus your attention
6 and your energy on that collective work together
7 and remain committed to that today so we could
8 identify areas where -- efficiently where we have
9 agreement, and then identify and really focus on
10 a constructive conversation of coming together
11 around areas where we don't and maintain that
12 focus.

13 I will again remind you that -- to
14 again announce who you're speaking on behalf of
15 when you do speak.

16 I will also just close my remarks
17 before I hand it over to Administrator Dominguez
18 by saying as I transition out of my federal
19 service the last three-and-a-half years have been
20 an honor and a privilege. It has been the most
21 extraordinary professional experience of my life
22 and I hope that I will be able to continue this

1 work somehow in the private sector, but I am --
2 have really been honored by this opportunity to
3 serve in the Federal Government. I am impressed
4 daily by the passion for the mission that federal
5 staff have and the intention they bring to
6 identifying ways to improve our quality of life
7 and ensure our national security.

8 So thank you, Alan and Cheryl and
9 others, for the opportunity to participate in
10 this way as well.

11 So with that, I would like to turn the
12 mic over to Administrator Dominguez.

13 MS. DOMINGUEZ: Thank you, Dr. Gant.
14 I couldn't agree with you more on your opening
15 comments, and I want to thank you for your
16 incredible service to this Committee, not only
17 while you've taken on your duties and
18 responsibilities at the Department of Energy in
19 very important roles that you've played there
20 over the course of the last eight years, but also
21 taking on the work of this advisory committee.
22 It really does advance not only our safety in so

1 many different ways, but your knowledge, your
2 skills, your ability to convene folks have truly
3 been an asset. So thank you very, very much for
4 your service.

5 Thank you all very much for joining us
6 all today. Those of you that are serving on the
7 Committee as well as those of you that are here
8 participating, whether you're members of the
9 public or representing various interests, the
10 fact that you're participating in this forum
11 today couldn't be more important. It's been
12 fabulous for me to work with you all over the
13 course of the last year-and-a-half.

14 I really have found that your input to
15 be extremely valuable to our entire rulemaking
16 process and over the years I know that this
17 Committee has helped shape some of our most
18 significant rulemakings and you've had a huge
19 impact on safety. And just to name a few rules
20 that we've done over the course of this last
21 year, our Excess Flow Valve Rule, which was
22 issued as a final rule in October, is an example

1 of some of the great work that's been done, not
2 only by the PHMSA Team, but through this
3 Committee as well.

4 We also worked to finalize the OQ Rule
5 and our Plastic Pipes Rule, which you are
6 currently awaiting final action on that right
7 now. But the bottom line is is that taking on
8 this Gas Rule is significant, and I'll go into
9 more of that in a minute.

10 But first I wanted to say a big
11 congratulations and please join me in welcoming
12 Alan Mayberry. This is actually his first time
13 serving as a Gas Pipeline Advisory chair in his
14 new role as Associate Administrator for Pipeline
15 Safety at PHMSA.

16 So congratulations, Alan.

17 (Applause.)

18 MS. DOMINGUEZ: As many of you know,
19 Alan's been serving as our Acting Associate
20 Administrator since -- for a few months now. One
21 thing that I would be able to reform is the
22 federal hiring process. I'll take that on next.

1 But over that time he's led
2 significant efforts in addressing some of our
3 challenges over the course of this past year,
4 including working very diligently with our entire
5 team at PHMSA on successful reauthorization of
6 our Pipeline Safety Program and the passage of
7 the PIPES Act last June. He really played a
8 significant role in that.

9 And he's also helped lead an
10 Interagency Task Force on Underground Natural Gas
11 Storage, which we co-chaired with the Department
12 of Energy that led to the interim final rule
13 which we just issued on natural gas storage, all
14 in a very short amount of time addressing a
15 significant safety issue that identified itself
16 through the methane release at Aliso Canyon last
17 year.

18 He's also done a good amount of work
19 serving as a key player in developing some of our
20 strategic operational and organizational changes
21 that we've undertaken at PHMSA over the course of
22 this last year, really driving at improving our

1 business processes across the board. His
2 knowledge, his expertise, both in the private and
3 the public sector, have been -- and his
4 leadership at PHMSA have been very much
5 appreciated.

6 So in taking on all of this work as
7 the Associate Administrator for Pipeline Safety,
8 I think Alan will not only continue to invest in
9 our team at PHMSA, but also to lead the Pipeline
10 Safety Program into new and exciting areas, I'm
11 sure.

12 So thank you again, Alan.

13 We've had a chance -- I greatly
14 appreciate the opportunity for all of you that
15 are new members and existing members. Thank you
16 very much for your service. As you know, this is
17 our first Gas Advisory Committee meeting that
18 really represents a new procedure that we've
19 undertaken at PHMSA. It's our hope to be more
20 transparent in our process for soliciting
21 nominations for service on this advisory
22 committee.

1 As many of you know, we started the
2 year with a number of vacancies. We've been
3 working to try and fill them. And in that effort
4 we instituted a new process that included notice
5 in the Federal Register, a significant amount of
6 outreach to numerous communities and the public
7 with an intent to making the process more
8 transparent and really securing a larger number
9 of applicants to serve.

10 I recognize that you do this on top of
11 your existing duties, but it actually is
12 incredibly important, and especially those of you
13 that are members of the public that serve that
14 really do do this on top of your otherwise
15 significant and important jobs that you
16 undertake.

17 The response that we had to our
18 Federal Register notice was quite significant.
19 We got a number of very qualified applicants. We
20 had a very rigorous process that we undertook at
21 DoT screening for diverse and qualified pool of
22 candidates to serve, and the Secretary selected

1 those appointments. And all are here today with
2 the exception of Mr. Danner, who I know would
3 have loved to have been here had his governor not
4 called him to service.

5 So thank you all very much. Greatly
6 appreciate this. And I know that your service --
7 and I know that in the future I think the process
8 that we've undertaken will lead to us not only
9 being able to draw on an existing pool of
10 candidates, but serve the vacancies that have
11 already been identified coming up.

12 Sue, thank you for your service. I
13 know you've served the Gas Committee for a number
14 of years. Very much appreciate it. Sorry to see
15 you leave, but congratulations on your impending
16 retirement. And it will give us another
17 opportunity again to fill a vacancy on this
18 important advisory commission.

19 Because the bottom line in all of it
20 is is that we really -- the more people that we
21 have in service, the more we're able to fill out
22 these positions, the better off this Committee

1 does its work, right, which is to actually help
2 advise the agency on its rulemakings.

3 So I'm very pleased to welcome all of
4 you that are new members. Thank you again.

5 And again, thank you, Paula, for your
6 service. We couldn't -- you've been a great
7 leader in this entire process.

8 These committees are really critical
9 to our regulatory development process, and I
10 think as we move forward you all will help
11 develop the safety requirements that offer the
12 best possible protections for the nation's
13 natural gas and/or hazardous liquid systems
14 across the board.

15 I couldn't underscore what Dr. Gant
16 noted earlier, which is that it's important that
17 we keep moving forward on this Gas Rule. I do
18 realize that it is a very significant rulemaking.
19 Coming on board 19 months ago it was -- it's been
20 -- people have worked very long and very hard on
21 this rule.

22 The fact that we were able to move it

1 forward out for notice and comment was a
2 significant step forward, and we received a
3 number of very informed comments through that
4 notice and comment period. With the publication
5 of the NPRM the comments that we received back
6 led us to being able to hold this meeting today
7 to actually talk through a number of the issues
8 that were raised during notice and comment.

9 This is the process. It gives
10 visibility to the rulemaking process. It gives
11 us a chance to make sure that we understand what
12 constituents' concerns are and how best to
13 address them because it really is how we advance
14 pipeline safety in this country. But it also
15 addresses a number of mandates. This rule
16 couldn't be more significant. While it's large
17 and it's complex, it's a significantly important
18 rule and it addresses a number of congressional
19 mandates that have been out there.

20 It also incorporates some significant
21 lessons learned from some accidents that have
22 occurred, some tragic, some extremely tragic

1 accidents. And it also represents some work that
2 has been gleaned from the work that PHMSA has
3 done as a result of the investigations that have
4 been conducted. And it also takes into account a
5 number of best practices and some other
6 information that have come to light as the
7 industry moves forward in its operations.

8 So thank you very, very much for your
9 service in not only serving the public by your
10 service on the advisory committee, but also in
11 taking on this rule. This process is meant to be
12 deliberative, open, inclusive, and I'm confident
13 that you're going to provide very good advisement
14 to the agency.

15 And while this is my last meeting in
16 services as administrator, I wanted to take the
17 opportunity to say what an honor and a privilege
18 it's been to work with the team at PHMSA.

19 Federal service is difficult and we have an
20 especially wonderful great team that are really
21 dedicated to making sure that public safety is
22 top of mind and that we execute everything as

1 best we possibly can. And they do that day in
2 and day out. So thank you very much to the PHMSA
3 Team.

4 I also want to express my thanks
5 because it's been a real honor to serve as
6 administrator at PHMSA. And as you go through
7 the day keep in mind that while the work is
8 difficult, there are ways that we can work
9 through these issues. And as Dr. Gant pointed
10 out, they might be complex, but we're all here
11 for a reason, and that is to really advance
12 public safety and serve the American public and
13 make sure that we have -- advance our economy in
14 doing so by making sure that we have goods and
15 services that are able to contribute well and
16 safely to the work that we do across the board.

17 So thank you all again. And with
18 that, I'll turn it over to our Associate
19 Administrator for Pipeline Safety, Mr. Alan
20 Mayberry.

21 MR. MAYBERRY: Okay. Thank you,
22 administrator.

1 And I'd like to say thank you for --
2 really for two things: One, for your leadership
3 over the last couple of years as administrator.
4 I think you've brought a lot of positive changes,
5 a visionary leadership style that has set us up
6 for success as far as moving rules as we have a
7 very busy agenda. I think we've seen a lot of
8 progress on a number of fronts and I think that's
9 due to your leadership that's really helped us
10 move the safety ball forward.

11 But anyway, thank you. And as you go
12 on to new endeavors I know you'll be local and I
13 know you'll come back and haunt me if I don't
14 live up to those expectations. But I appreciate
15 the confidence you've placed in me and I know --
16 I only hope to meet the expectations and exceed
17 them. I find federal service as you -- that you
18 were referring to very rewarding. It's
19 fascinating to deal with the issues that we deal
20 with that really impact lives. I think there's,
21 I don't know, something that gets in your system
22 that gives you the passion that this is really

1 important stuff. And that's where we -- it's
2 important too to deal with people like you that
3 really -- it's important that we get your input
4 as the advisory committee. It's an important
5 data point to us as we land this very complex
6 rule where it needs to be.

7 And now I also wanted to say if you
8 look at what we're trying to accomplish here, in
9 the next two days we're looking at nine topics,
10 and we decided to pick some of the lower-hanging
11 fruit, if you will some of the less controversial
12 topics. We'll get into that list here in a
13 minute, but we teed the two days up to really
14 sort of warm up for a more robust discussion we
15 expect at the next meeting.

16 I imagine tomorrow we'll probably be
17 fairly good discussion on the record keeping, but
18 for today we're leading it -- easing into the
19 topics with a number of fairly lesser
20 controversial issues, but nonetheless hoping for
21 a robust conversation and some great input that
22 we can take to move forward with that we can

1 develop into a final rule.

2 If you look at what we're trying to
3 accomplish here, we're here to talk about the
4 Notice of Proposed Rulemaking on gas transmission
5 and gathering. And it's really the culmination
6 of a lot of work of many people. I'd like to
7 recognize John Gale and Cameron Satterthwaite,
8 who lead our Standards and Rulemaking Programs,
9 for their leadership and getting us to this day
10 today to where we're in a place to discuss it.
11 And of course the technical work of Steve Nanney
12 and Chris McLaren and countless others on our
13 staff that prepared the materials for today.
14 Just a lot of good work went into this.

15 But as we get into that and before we
16 talk about it I wanted to just again say we're
17 trying to -- we're dealing with Part 192, the Gas
18 Regulation, and it's a fairly significant change,
19 as you might well know, and it's been pointed
20 out. We're dealing with a grandfather clause in
21 particular, which for whatever reason something
22 we know -- many of the reasons for back when the

1 code was developed in 1970 it was decided to have
2 a grandfather clause. But nonetheless it's time
3 now -- fast forward to 2016 -- 2017. It's time
4 to address the grandfather clause. So that's
5 probably a big -- as we know, a big part of the
6 rule.

7 But that's not the only part of the
8 rule. There's also the record keeping part.
9 There's also other -- many other parts of the
10 rule that we'll list in the briefing that Steve
11 Nanney will get into here in a moment. But if
12 you take a step back and look at what we're
13 trying to do, regardless of who is in charge in
14 Washington, there's still a number of issues that
15 we need to deal with from congressional mandates
16 to recommendations from the National
17 Transportation Safety Board, the Inspector
18 General, the Government Accountability Office.
19 But then there's also the results of our
20 investigations and inspections which have
21 informed this rule.

22 PARTICIPANT: Stand by.

1 MR. MAYBERRY: Do I sound better?

2 PARTICIPANT: See for how long.

3 (Laughter.)

4 MR. MAYBERRY: Okay. Yes, so anyway
5 to -- where was I? As far as -- there are a
6 number of data points before us: the mandates,
7 the recommendations. But then also are
8 investigations.

9 Uh-oh. I'd like to switch -- let me
10 switch to -- okay.

11 So there -- our own investigations and
12 inspections that have informed this. And that's
13 why I would say that the backdrop of this rule is
14 certainly notable as we point out San Bruno, we
15 point out Marshall, Michigan, we point out other
16 incidents that many people haven't even noticed.
17 But it goes beyond that. It goes prior to that.
18 I mean, I'd say this work started back in 2006,
19 2007 based on observations that we've seen in the
20 industry to construction and the like.

21 And that's why we get into some of the
22 issues related to corrosion protection and the

1 like, but -- so the backdrop of -- and the data
2 that went into developing why do we need what we
3 put into this rule, it goes beyond just these
4 incidents that we're talking about today. But
5 certainly they mark -- they had a certain impact
6 on the rule for sure.

7 And as Dr. Gant had mentioned in the
8 -- at the beginning, certainly we all agree that
9 safety is paramount, and that's non-negotiable.
10 As we find as we deal with these policy issues --
11 and this is where the fun really is as a policy
12 maker. The devil is in the details. We'll agree
13 on the end point. We agree that zero is the
14 right number for accidents. We strive for zero.
15 We agree that we need to keep product in the
16 pipe. We agree that we need to maintain the
17 system and protect lives and protect the
18 environment. But the devil is in the details.

19 And that's what we'll be getting into
20 a bit here over the next two days is where do we
21 land this thing? We think we are in a good spot
22 as we go into it, but as we know and as we've

1 seen in the comments there are a number of
2 factors that can play into where we end up with
3 the rule. And I will say that we appreciate the
4 comments. We appreciate the length of many of
5 the comments. I think they competed for the
6 length of the rule, but they're very good
7 comments. And we do note that there were some
8 solutions provided.

9 And I think as we discuss and we have
10 the briefing on where we go with this, I think
11 you will find that we are trying to find the
12 common ground and find the right solution that
13 preserves safety, but then tries to ensure or
14 strives to ensure that resources are put where
15 they're most needed to protect the public.

16 A lot of what we're talking about are
17 performance-based regulations. Certainly when we
18 talk integrity management a lot of the changes in
19 the rule are performance-based. There are some
20 changes related to more prescriptive regulations.
21 But I would add that where we are -- maybe I
22 should just switch places. I don't know if I can

1 keep going or not.

2 (Laughter.)

3 MR. MAYBERRY: Okay. I'll tell you,
4 I might just -- yes, this is not. All right.
5 Well, this is all right. We'll get it. Let me
6 punch it out here. We're almost at the end.

7 As we talk about performance-based
8 regulations one of the themes of the comments was
9 prescriptive, or we're being too prescriptive.
10 And certainly there might be some --

11 PARTICIPANT: Just in case.

12 MR. MAYBERRY: Okay. That's my
13 backup.

14 PARTICIPANT: It's ready.

15 MR. MAYBERRY: Okay.

16 PARTICIPANT: Okay. It's on.

17 MR. MAYBERRY: It is on? Okay.

18 Retrace. Is this a test for the --

19 (Laughter.)

20 MR. MAYBERRY: Okay. I'll just go up
21 there, do stand-up.

22 (Laughter.)

1 MS. DOMINGUEZ: The test is much more
2 significant.

3 MR. MAYBERRY: Right.

4 MS. DOMINGUEZ: The test is for this
5 Committee to actually move through this entire
6 rule over --

7 MR. MAYBERRY: Right.

8 MS. DOMINGUEZ: -- the course of a
9 series of a meetings and actually move forward on
10 it. So that will be the ultimate test.

11 MR. MAYBERRY: That will be the --
12 right, that will come later --

13 MS. DOMINGUEZ: This is just a
14 minor --

15 MR. MAYBERRY: -- this year. Right.

16 MS. DOMINGUEZ: -- technical glitch.

17 MR. MAYBERRY: Yes. So we're adding
18 -- what I would say is we're adding prescription
19 to performance-based. We're clarifying
20 expectations. So that's a lot of what we're
21 trying to accomplish here and what we do
22 accomplish, because in the aftermath of failures

1 a lot of times we have heard, well, I followed
2 Part 192 and I was in compliance, but, well, the
3 pipe broke and we have an issue. So we're adding
4 prescription on really what it takes to address
5 say record keeping or address corrosion-related
6 issues.

7 Related to performance-based
8 regulations I wanted to put a plug into a study
9 that is currently underway that should wrap up
10 this summer. It's by the National Academies of
11 Sciences on performance-based regulations. And
12 they're doing a lot of work. I know they
13 recently were in the Hague talking to the
14 offshore people in Europe on their use of
15 performance-based regulations, which is a big
16 part of their oversight program overseas. But I
17 would be on the lookout for that later this
18 summer.

19 This Committee will be briefed as we
20 go forward on that report as it comes out, so
21 it's a study really to look at the efficacy, if
22 you will, of performance-based regulations and

1 has a lot of input. I know I briefed the
2 Committee early in the process on our success and
3 challenges with integrity management and I know
4 they've spoken with perhaps some of you in the
5 room to inform that study. But that's on
6 performance-based regulations, and that will be
7 again this summer.

8 For today, like I said, we have nine
9 topics divided over two days. It's hard to gauge
10 the length of time sometimes that it will take.
11 In prior meetings we've thought that certain
12 issues would be like a breeze, but they weren't.
13 We chose nine. We think that will take up to two
14 days, but if we get done earlier; and we could
15 very well, I don't know, we may, we'll wrap up
16 when we're finished. If we wrap up at the end of
17 today; I doubt we will, but we will cut it off
18 and send you guys home. Yes, probably not today.
19 But, yes, let's -- but it just is one of the
20 challenges. It's like driving in D.C. It's --
21 today it took me 45 minutes to get here.
22 Sometimes it might take three hours to get here.

1 You just never know.

2 And then it's in order generally of
3 ease. And like I said, we wanted to start the
4 discussion, warm up the discussion on this
5 lengthy rule today and tomorrow and then come
6 back and -- at the next meeting, which currently
7 is scheduled for early February for further
8 discussions on other aspects of the rule which
9 would have more meaty topics like the integrity
10 verification process.

11 My expectation for today is to inform
12 the Committee, to receive public comments and to
13 have a dialogue on where we need to head. We'll
14 give you perspectives on where we -- our thoughts
15 on each section, each of the nine sections. And
16 then we'll have a discussion. But before we have
17 that discussion I think we'll open it up for
18 public comment. So the sequence will be briefing
19 on the topic, we'll open it up for public
20 comments, and then we'll turn it over to the
21 Committee to discuss.

22 It's a little bit different order than

1 we've done before, but we thought that the
2 Committee -- it would be useful to have that data
3 point with the public input before you start the
4 dialogue. We'll see how that works today, but
5 that's the general order.

6 With each topic we will try -- we will
7 give you a backdrop of the topic and kind of the
8 background behind it and why we're doing it, and
9 then a summary of the comments for that section
10 that we receive, and then our thoughts on the go-
11 forward approach to that.

12 If by chance we have widespread
13 agreement on an issue, on an easy issue, we will
14 -- we're not opposed to taking a vote at this
15 meeting as well and we can move forward. Just
16 deal with that issue and move on.

17 I will say this, that for a vote we
18 would probably -- let's say we're ready for a
19 vote on say an assessment interval. We'll
20 probably talk about it today, but then we'll come
21 back tomorrow and vote, because I think we're
22 going to need a little bit of time to get it teed

1 up to come back to you for that, if we get to
2 that point. So we would vote probably tomorrow.

3 With that, I think I will turn it back
4 over to the chair. But before I do that, the
5 other thanks I wanted to give was to Paula and
6 Sue again. I had mentioned that during the
7 intro, but thank you for your participation in
8 the Committee. I think you've brought an
9 important voice, certainly for your
10 representative groups, but, Sue, representing the
11 industry. I thought you brought an important
12 perspective. Certainly as you deal with the
13 issue that you deal with up in the Northeast and
14 some of the fun issues that you have up there.
15 But I thought that added a great perspective that
16 we needed on the Committee.

17 And then, Dr. Gant, Paula, I can't say
18 enough about how -- you're like a natural
19 chairman for the Committee. So very much
20 appreciate that and you will be missed, and wish
21 you well in your future endeavors.

22 So with that, I will turn it back over

1 to you. Good luck.

2 CHAIR GANT: Thanks, Alan. And I just
3 will note, too, that while I understand the smile
4 on your face is about your upcoming retirement,
5 I'm just going to channel that for the group
6 about how happy you are to be here today, and
7 we'll just all try to mirror that.

8 So I think next we're going to move
9 into a briefing from Steve Nanney and Chris
10 McLaren on the first aspect of this rule that
11 we're going to discuss today. And I assume that
12 the PowerPoint is already teed up and we're ready
13 to roll.

14 Okay. We'll do that. And we'll have
15 this first segment briefing, then we'll have some
16 public comment and discussion among this group.

17 MR. NANNEY: Good morning, Committee.
18 How are you today? And good morning, public. I
19 know we've got 150 or 60 people in the back here.
20 Thank you for all coming also.

21 If I should get to coughing, I may ask
22 the Chairman for us to take a break. Over the

1 past two days I've gotten a head cold, I guess.

2 So anyway, just to go through first,
3 I'm going to go down memory lane just a little
4 bit as far as what's happened to cause the
5 rulemaking. Also, another point since Alan
6 brought up that the easier topics are first, you
7 see I'm going first, so I chose the easier topics
8 to go through. And Chris was -- looked at the
9 slides last, so he got the harder topics.

10 (Laughter.)

11 MR. NANNEY: But with that, we should
12 have a full agenda today and we'll see how it
13 goes today to see how full it is tomorrow.

14 First of all, just a brief history of
15 the rule. When you work for PHMSA, you do not
16 come to the office every day thinking what new
17 rule I can make today. Normally all that I've
18 seen, rulemaking has been driven by incidents, by
19 NTSB recommendations, by congressional mandates
20 and public outcries on issues. It's very, very
21 seldom that PHMSA comes to work and says, hey,
22 we've got a new rulemaking just for the sake of

1 rulemaking.

2 In this particular case; just a brief
3 history of the Gas Rule, as I think we all know
4 here, it started in September of 2010 with the
5 San Bruno, California incident where we had eight
6 people killed and many injured and a lot of homes
7 destroyed. After that PHMSA issued an Advanced
8 Notice of Proposed Rulemaking, and that was in
9 August of 2011. And again, it had 15 topics and
10 122 questions, and we received over 100 comments,
11 as you can see on the bullet. And then NTSB
12 issued recommendations from the San Bruno
13 incident to PHMSA, to the California PUC, to
14 PG&E, AGA and INGAA as far as from their
15 investigation report.

16 Then from that what has PHMSA done?
17 Well, first we got a congressional action, the
18 Pipeline Safety Act of 2011. It was issued on
19 January the 3rd, 2012, and it included many
20 mandates based upon gas pipeline regulation that
21 correlated to the investigation findings from San
22 Bruno.

1 And then later in 2012 we had an
2 incident in West Virginia that shut down I-77.
3 It damaged some homes. And then that led to some
4 other investigations and NTSB recommendations.

5 And then in January of 2015 NTSB
6 issued some more new recommendations on integrity
7 management.

8 And then this spring of 2016 the Gas
9 NOPR that we're talking about here today was
10 issued to the public.

11 As far as the congressional mandates,
12 they were in the Pipeline Safety Act of 2011, and
13 the sections they were in is, you can see here,
14 Section 5(e) and 5(f). And 5(e) was to allow a
15 six-month extension to do reassessments of high
16 consequence areas, while 5(f) was to expand
17 integrity management requirements and principles
18 beyond HCAs. In other words, into non-HCAs.

19 And then Section 21 had to review the
20 gathering line regulations and issue a report to
21 Congress recommending the modification or
22 elimination of these exemptions. It was

1 appropriate to do so.

2 And some additional congressional
3 mandates in the same 2011 PSA was Section 23.
4 Again, it -- this has to do with the grandfather
5 clause. The testing regulations to confirm the
6 material strength of previously untested gas
7 transmission pipelines, and also records
8 verification. Section 29 of the PSA, operators
9 must consider seismicity when identifying
10 pipeline threats.

11 Then also we got NTSB and GAO
12 recommendations that we incorporated into the Gas
13 Rule. The first one was P-11-14, and that was to
14 amend Part 192 to repeal the exceptions from
15 pressure test requirements and require all gas
16 transmission pipelines that were constructed
17 before the code; in other words before 1970, to
18 be subjected to hydrostatic tests. It also
19 incorporated a spike test in that. And again,
20 that was from the findings of San Bruno.

21 And then we got a PL-15 from NTSB, and
22 this had to do with manufacturing and

1 construction-related defects that can only be
2 considered stable if the pipeline has had a post-
3 construction test of at least 1.25 or greater
4 than the maximum allowable operating pressure of
5 that pipeline segment.

6 Then some other NTSB recommendation,
7 P-14-1. Again this came out later and it was to
8 add roadways such as interstates, freeways,
9 expressways, four-lane highways and other
10 roadways that were identified in the Federal
11 Highway Administration list as identified sites
12 to establish them as an HCA. And so we had to
13 look at that and see what we would include in the
14 rulemaking. Because if you go and you look at
15 the Federal Highway Administration list, it would
16 even have two-lane -- a lot of two-lane highways
17 involved, too, if we had incorporated exactly
18 like that stated.

19 Then we went down and we got a P-15-18
20 from NTSB, and that stated to require all gas
21 transmission pipelines to be piggable by
22 configuring the pipeline to accommodate ILI tools

1 or through the use of new technology that would
2 permit inspection of previously un-inspectable
3 pipelines. And of course priority should be
4 given based upon the highest risk of gas
5 transmission pipelines. Consider the age, the
6 pressure, the diameter, the class location and
7 manufacturing things that would be high risk for
8 these pipelines.

9 Also from NTSB we got P-15-20, and it
10 said to identify all operational complications
11 that limit the use of in-line tools in piggable
12 pipelines and develop methods to eliminate the
13 operational complications and require operators
14 to use these methods to increase the use of ILI
15 tools. In other words, some of the other methods
16 that we had in the rules for high consequence
17 areas, they were wanting us to look at other ways
18 to have more in-line inspection and less direct
19 assessment and things such as that.

20 Then going on down to P-15-21, develop
21 and implement and plan for eliminating the use of
22 direct assessment as a sole integrity assessment

1 method for gas transmission pipelines.

2 And then P-15-22, develop and
3 implement a plan for all segments of the pipeline
4 industry to improve data integration, integrity
5 management through the use of GIS.

6 And then last is a GAO recommendation.
7 12-388 was collect data on federally unregulated
8 hazardous liquids and gas gathering pipelines.
9 And so we've handled the liquid with the Liquid
10 Committee in a different Notice of Proposed
11 Rulemaking, but the gas gathering was included in
12 here based upon this recommendation.

13 From that we developed -- and I know
14 the Committee members here today, they've seen
15 this before because we had some briefings in late
16 2016 for this. And also on the rulemaking back
17 in June we used this same slide for a public
18 review of what we're trying to do in the
19 rulemaking.

20 And just a high-level summary of what
21 we're trying to do in the proposed rule is the
22 proposed rule changes for gas transmission and

1 gas gathering was: One, to require assessments
2 for non-HCAs. Two is to strengthen the repair
3 criteria for both HCAs and non-high consequence
4 areas. Three is to strengthen the requirements
5 for the assessment methods. Four was to clarify
6 the requirements for validating and integrating
7 pipeline data. Five was to clarify the
8 functional requirements for the risk assessments.
9 Six was to clarify a requirement to apply
10 knowledge gained through IMP. Seven, strengthen
11 corrosion control requirements. Eight, add
12 requirements for selected P&M measures in HCAs to
13 address internal corrosion and external
14 corrosion.

15 Going to the next slide, then we had
16 management of change. And you'll see that as we
17 go through today. Number 10, require pipeline
18 inspection following extreme external events.
19 This would be like floods, hurricanes,
20 earthquakes, things such as that.

21 Eleven included a six-month grace
22 period to the seven-year reassessment interval.

1 In other words, when you look in the code today
2 it has a seven-year reassessment interval for
3 HCAs. The way this act changes it's a seven
4 calendar year reassessment interval. Plus they
5 can come to PHMSA for an additional six-month
6 grace period if they have complications on
7 running the ILI.

8 Twelve is to require reporting of MAOP
9 exceedance. Thirteen, incorporate provisions to
10 address seismicity. Fourteen, add requirement
11 for safety features on launchers and receivers.
12 Fifteen, gathering lines. Require reporting for
13 all and some regulatory requirements for gas
14 gathering. And then 16 was the grandfather
15 clause, inadequate records, what we've called
16 integrity verification process.

17 So these 16 points is what today,
18 tomorrow and future meetings -- that we will be
19 going through in various sections. And we will
20 be addressing to the best that we can the NTSB
21 recommendations, the congressional mandates, the
22 GAO requirements in there.

1 To go forward, as far as the Notice of
2 Proposed Rulemaking -- I think I skipped a slide.
3 No, let's see. On the comment summary, again
4 that went out on April the 8th, 2016. The
5 comment period ended July the 7th, 2016. And we
6 received about 300 comments from various
7 individuals. And you can see there a list of
8 some of the trade associations, Pipeline Safety
9 Trust, some of the state commissions and
10 regulators. And you can see the others there on
11 here. So we did get a lot of comments. But as
12 we've stated earlier, this was a 500-page rule in
13 Word and it had a lot in it. So we got a lot of
14 comments.

15 As far as the Notice of Proposed
16 Rulemaking, just a summary of it; and I'm not
17 going to read through each one of those, but this
18 will be a public document. And you can see we
19 start out with records, legal IVP and going down
20 through all the various subjects that we will be
21 talking about here today.

22 As far as the topic order for this

1 first meeting on the Gas Rule that we'll be going
2 through is what we plan to do today is again
3 we'll be going through the topics here. This is
4 the topic list for the -- for today and tomorrow.

5 This list here will be either the
6 second and/or the third GPAC meeting. If we're
7 -- if we need a third meeting on this will be a
8 list. And as Alan stated earlier, you can see
9 probably the harder topics are set up for the
10 second meeting or the second and third meeting,
11 however we need those.

12 As far as the agenda for today and
13 tomorrow is again we'll be going through these
14 items that are listed here. The seven-year
15 reassessment, safety features for ILI
16 launchers/receivers, seismicity, pipeline
17 inspections following extreme weather events,
18 management of change, records, corrosion control
19 and integrity management clarifications. So this
20 is the items that we had pinpointed for today and
21 for tomorrow.

22 I guess just to go ahead and jump into

1 the first item is the first one was the six-
2 months grace period to the seven-year
3 reassessment interval. And again, the issue
4 there was we had in the Pipeline Safety Act of
5 2011 in Subsection 5(e) it identified adding this
6 grace period. And that was the basis that we
7 were adding it to the code was the Act in Section
8 5(e). And PHMSA proposed to allow operators to
9 request an extension of the seven-year
10 reassessment interval for an additional six
11 months if the operator submitted in to PHMSA.

12 The grace period for reassessment
13 interval, the comments. Again, we got comments
14 that stated that it should have been seven
15 calendar years for the reassessment interval.
16 And what that would mean is is if you're seven-
17 year period ended in July, you could go the
18 additional six months without a notification in
19 that year and extend it by putting calendar year
20 versus not putting calendar year in front of it,
21 that an operator without any notification could
22 get -- whether that's one month or up to I guess

1 11 months additional time, they would be in
2 calendar year.

3 As far as what is PHMSA's initial take
4 on this? Well, PHMSA planned to update the final
5 rule language to reflect the seven calendar year
6 language in the statute. We plan to insert
7 "calendar" in there is what our plans were. It
8 was an omission. It wasn't that we were trying
9 not to do it.

10 With that, I think we'll opening up
11 for any public comments.

12 CHAIR GANT: So comment from members
13 of the public?

14 And microphone situation?

15 PARTICIPANT: Got you.

16 CHAIR GANT: There we go. Thank you.

17 MS. KURILLA: Am I good? Yes.

18 Erin Kurilla, American Gas
19 Association. I'd like to start us on the right
20 foot. On behalf of the industry, AGA, INGAA, API
21 and their member associations we support PHMSA
22 moving forward as you guys proposed with the

1 modification Steve outlined. Yay.

2 (Laughter.)

3 CHAIR GANT: Okay. Well, that was
4 fast.

5 So comments from around the table? I
6 guess I should ask again if anyone -- I assume
7 someone would be standing behind Erin. And
8 that's a hard act to follow.

9 (Laughter.)

10 CHAIR GANT: So I think you've
11 silenced the room. Or spoken for the room.

12 Any other comments from around the
13 table?

14 (No audible response.)

15 CHAIR GANT: No counteroffer.

16 Excellent. Oh, Alan? Not to leave Erin with the
17 last word.

18 (Laughter.)

19 MR. MAYBERRY: No, I just wanted to
20 test my microphone here.

21 (Laughter.)

22 MR. MAYBERRY: This change is probably

1 more of an administrative change. It was called
2 for in the Act, so it was really self-executing.
3 So it's really an administrative change. So I
4 anticipated with this would be a little
5 controversy on this one, so it is a good way to
6 warm it up. Thanks.

7 CHAIR GANT: Andy?

8 MEMBER DRAKE: I thank you for that
9 introduction, Erin.

10 (Laughter.)

11 MEMBER DRAKE: I think this is -- just
12 for a little bit of background, this is really
13 just a practical issue with the date issue, if we
14 had any issues with tool runs, something came in
15 bad with the run, any kind of issue in delaying.
16 The previous run was dated April 1st, for
17 example. We have to have that run completed and
18 a valid run in place before April -- so if
19 anything happens, we'd be out of compliance if we
20 ran the tool and had to rerun it again and got it
21 back in on April 15th. And that's really what
22 this is about. It's not about extending the

1 inspection interval.

2 I think it is an appropriate
3 adjustment and I think frankly this is an area
4 where we can vote to close this issue. And that
5 would be my recommendation.

6 CHAIR GANT: Other comments from the
7 Committee?

8 (No audible response.)

9 CHAIR GANT: Is there -- would you
10 like to put forward a motion?

11 MEMBER DRAKE: I'm glad to do that,
12 but I think we were given some Roberts Rules of
13 Order that we were going to come back at the end
14 of this discussion to vote on actual sections.
15 So I was just proposing that this would be a
16 candidate to come back to tomorrow, I guess, and
17 vote on at that point.

18 MR. MAYBERRY: Yes, just procedurally
19 I think if we could take the overnight and then
20 we'll come back and present it here in the
21 morning for -- first thing for a vote. And then
22 at that point I think we would call for a vote.

1 CHAIR GANT: Okay. We should have
2 sorted out procedure before we got started. I
3 wasn't expecting voting.

4 What I would like to suggest is a
5 slight modification, Alan. I'd like to see if we
6 could get a motion from the floor to put this to
7 a vote and a second on that, with the vote
8 happening tomorrow. That way PHMSA staff has
9 clear guidance on at the end of the meeting what
10 items might be put to a vote, and we could look
11 at the language then.

12 MEMBER DRAKE: This is Andy Drake. I
13 would so move that we put this one on the list
14 for voting tomorrow.

15 CHAIR GANT: Do I have a second?

16 MEMBER CAMPBELL: Yes, Cheryl
17 Campbell, Xcel Energy. I second that.

18 CHAIR GANT: Excellent. With a little
19 rub there, Alan, but you're okay with that?

20 MR. MAYBERRY: Perfectly fine.

21 CHAIR GANT: Okay. Wow.

22 MR. MAYBERRY: That's your role as the

1 Chair.

2 CHAIR GANT: Progress has taken us by
3 surprise.

4 (Laughter.)

5 CHAIR GANT: I love that.

6 Okay. Moving onto the next item,
7 safety features for pig launchers and receivers.

8 MR. NANNEY: Well, I think I picked
9 the right topic to start off.

10 (Laughter.)

11 CHAIR GANT: Oh, yes. Sorry not to
12 acknowledge that. Well chosen.

13 MR. NANNEY: And I was also able to
14 get some coffee while --

15 (Laughter.)

16 MR. NANNEY: -- Erin was talking,
17 because my throat is a little bit scratchy.

18 But anyway, to get -- to go on forward
19 if my -- well, what's happened here? Hold on one
20 minute. My control was taken away.

21 (Pause.)

22 MR. NANNEY: The next item we were

1 planning to talk about was again additional
2 requirements for safety features on launchers and
3 receivers. And this would be Section -- a new
4 section, 192.750. And the issue there is the
5 current regulations for liquid pipelines, if you
6 go and look at Part 195, it contains safety
7 requirements for launchers and receivers for
8 those facilities, but Part 192 does not address
9 this area.

10 There have been some incidents that
11 have occurred at launchers and receivers, not
12 very recently they have occurred, but they have.
13 So we were proposing to require launchers and
14 receivers to be equipped with a safety valve
15 capable of safely relieving pressure in the
16 barrel before insertion or removal of in-line
17 inspection tools, scrapers or spheres, and also
18 to require the use of a suitable device to
19 indicate that pressure has been relieved in the
20 barrel or must provide a means to prevent opening
21 if pressure has not been relieved.

22 From this the comments that we got, it

1 was supported by citizen and government groups
2 and pipeline safety advocates. One commenter
3 recommended that the phase-in period be 18 months
4 to plan, budget and complete the upgrades. In
5 the proposed rulemaking we had six months, but
6 the six months was if you didn't go and use the
7 launcher or receiver, you only had to do it
8 before you go use the launcher and receiver. So
9 it could go past the six-month period. And then
10 one commenter recommended that the rule be
11 effective prior to the next use of the launcher
12 or receiver. So that was the comments that we
13 got.

14 As far as PHMSA's take on this, again,
15 like I said earlier, PHMSA had proposed that this
16 requirement apply to the launcher or receiver if
17 it is used after -- six months after the
18 effective date of the rule. And this would not
19 require all launchers and receivers to be
20 equipped within six months of the rule, rather
21 that any launcher or receiver be so equipped upon
22 its next use after -- six months after the rule.

1 CHAIR GANT: Okay. Thank you, sir.

2 Comments from the public?

3 MS. SMITH: Good morning. Renée
4 Smith, DTE Energy. We are certainly supportive
5 of the rule here. We did submit written comments
6 to the docket.

7 What we were proposing is that Subpart
8 D -- and design -- that you have design
9 requirements for the receiver and launcher that
10 support it relieving that pressure, and also
11 consider 192.605(b)(13), that in Subpart L you
12 would have required procedures as such. So
13 instead of just doing something and having
14 192.705, we're suggesting that we do that in
15 operations and design. Thank you.

16 MR. KERN: Mike Kern, National Grid.
17 Just one thing to consider with the language
18 there. We're in support of that, but the word of
19 "relief device" or "relief valve," do you -- is
20 it the intent that it provide all pressure relief
21 there or just simply a blowup? So I -- just a
22 clarification of the language we're requesting.

1 CHAIR GANT: Any other comments from
2 the public?

3 (No audible response.)

4 CHAIR GANT: Okay. Members of the
5 Committee? Mr. Brownstein?

6 MEMBER BROWNSTEIN: Hi, Mark
7 Brownstein, Environmental Defense Fund. I have
8 one question. If we could go -- put that
9 definition -- the requirement back up, proposed
10 change? Yes.

11 So if I understand this correctly,
12 what we're basically -- what the rule would
13 basically be saying is is that each launcher or
14 receiver would have to be updated on its next
15 use. And so I was -- what I'm sort of wondering
16 is is; and I apologize for not recalling this,
17 what's the record keeping there for that's going
18 to be attendant with that? Because it seems to
19 me now that you've created a compliance
20 requirement that is really contingent on
21 understanding when each device has been used as
22 opposed to just setting some sort of bright line

1 rule which all devices have to be updated as of a
2 date certain irrespective of their period of use.

3 MR. NANNEY: Well, what we were trying
4 to do with the six months -- in other words, if
5 you used it from zero months to six months you
6 would not have to have it -- after the rulemaking
7 you would not have to have it in service. But
8 after that six months any time you went out to
9 use one that did not have these devices, then you
10 would have to make any changes required to them.

11 As far as record keeping, we don't
12 have any explicit record keeping items, but upon
13 inspections of an operator we would ask the
14 questions, PHMSA would, when we do audits of
15 operators.

16 MEMBER BROWNSTEIN: All right. Maybe
17 I'm not exactly understanding how you're wording
18 this then.

19 MR. NANNEY: Oh, okay. The wording
20 would be that if a rule went into place today, in
21 between now and six months later if you went out
22 and ran an in-line inspection tool, an ILI tool,

1 and you didn't have exactly these modifications
2 made, you would not have to have them made in
3 that six-month period. But after the six-month
4 period if you go out to run, you would have to
5 have the modifications made before you make the
6 ILI run.

7 If it was two years -- like you've got
8 a seven-year reassessment interval for HCAs for
9 integrity management, it could be that it's six
10 or seven years later before you need to run a pig
11 there. So you may -- you would then get a year
12 or two years, or even three years to go make that
13 modification if you haven't made it on those.

14 The other option that we had in one
15 comment is to make the 6 months 18 then just say
16 everybody has to have all of them done 18 months
17 after the rulemaking goes into play was one
18 comment that we had. We thought the way we had
19 it written gave operators a longer time period to
20 make the modification of putting a hard date,
21 because what we were trying to do was just to
22 make sure that if it wasn't safe at one location

1 the -- it was the operator's knew to make that
2 correction before they use it the next time. So
3 that's what we were trying to do.

4 CHAIR GANT: Mr. Drake?

5 MEMBER DRAKE: Yes, I think what I
6 remember from this conversation is a safety
7 issue, and the safety risk is created in
8 accessing the barrel bore. And so the only
9 safety risk is created when you go to run the
10 next tool. So that's all that's being addressed
11 here. And having it required to be addressed
12 before you access the door is really just
13 pragmatically trying to address the safety risk,
14 is that right?

15 MR. NANNEY: Yes, that's correct.

16 CHAIR GANT: Chad?

17 MEMBER ZAMARIN: Chad Zamarin with
18 Cheniere Energy, maybe also just to follow up on
19 Mark's questions.

20 I think that just the nature of having
21 this implemented as a rule, it would require
22 operators to make modifications, document that

1 those modifications are made. And then when we
2 run tools in our lines, that's also documented
3 because we've got compliance requirements around
4 when that happens and we're required to document
5 that. And then in addition there are physical
6 inspection that the regulator can undertake, but
7 I do think that there are -- there will be
8 records of these modifications being made and
9 there are records of when we run tools in our
10 lines.

11 CHAIR GANT: Alan?

12 MR. MAYBERRY: Just to reinforce
13 what's been said, it is a personal safety issue.
14 We've seen incidents. We're trying to address
15 what -- like Steve said, we have it in the Liquid
16 Rule. We've seen some incidents where there have
17 been a fatality or fatalities involved related to
18 these, and this is just a safety device to ensure
19 personal protection so that when they go to
20 remove the enclosure on the launcher that it
21 doesn't just blow off, with pressure is still on
22 it, that you have a safety device that's taking

1 pressure off.

2 Certainly there are other devices on
3 a barrel or a launcher that are there to pull
4 pressure off, but this is just an additional
5 device that helps ensure safety. So it's really
6 about personal protection or personal safety. It
7 doesn't so much deal with pipeline safety per se
8 as far as preventing a rupture, but it's really
9 personal safety about -- when you work on the
10 equipment, is it safe for you to open it and go
11 into -- do the work. So anyway, thanks.

12 CHAIR GANT: Ms. Fleck?

13 MEMBER FLECK: Sue Fleck, National
14 Grid. I think what Mike's comment was all about
15 -- and I think what everybody said is really
16 valid, but I think -- and I'm guessing what Mike
17 was getting at is if you call it a relief valve,
18 then it's going to be subject to the relief valve
19 requirements elsewhere in the code. So you're
20 going to have to do inspections and tests and all
21 those kind of things. So just be careful what
22 you call it and how you identify it, because it

1 will become a different kind of compliance issue
2 for us.

3 I think -- I don't know, Mike, if
4 that's what you meant, but that's certainly what
5 I would be concerned about. Our state inspectors
6 would go out and say show me your relief valve
7 calculations for this. So be careful what you
8 call it.

9 CHAIR GANT: Further comments from the
10 Committee members?

11 (No audible response.)

12 CHAIR GANT: Okay. Back to staff.

13 MR. NANNEY: Sue, we hear you on that
14 and we will double check to make sure there's no
15 safety relief-type language in there like you're
16 talking about.

17 CHAIR GANT: Mr. Drake?

18 MEMBER DRAKE: Recognizing the
19 obvious, I think this is another candidate that
20 we can put on tomorrow's ballot.

21 Steve, you might be batting two for
22 two here.

1 So I would make a motion that we list
2 this for tomorrow's vote on final language.

3 CHAIR GANT: Do I have a second or --
4 Mr. Hill?

5 MEMBER HILL: I would like to second
6 that, ma'am. Robert Hill.

7 CHAIR GANT: Okay.

8 MEMBER HILL: Brooking County for the
9 public.

10 CHAIR GANT: Great. Thank you, sir.

11 So I'll note that this item has been
12 noted as potential for a vote tomorrow afternoon
13 and that staff has acknowledged the distinction
14 between the warning against giving this a
15 regulatory classification of a relief valve.

16 Okay. Moving onto our next item.
17 Thank you very much.

18 MR. McLAREN: Well, good morning. I'm
19 Chris McLaren and I'm going to presenting the
20 next couple of topics and hope I do as well as
21 Steve has done.

22 (Laughter.)

1 MR. McLAREN: And this topic is
2 incorporating provisions to address seismicity.
3 As Steve discussed earlier, it was in a
4 congressional -- it's a congressional mandate
5 included in three areas: the time-independent
6 threats in 917(a)(3), the data integration in
7 917(b), and then measures to address threats in
8 the 935 section.

9 Section 29 of the Act states that in
10 identifying and evaluating all potential threats
11 to each pipeline segment an operator of a
12 pipeline facility shall consider the seismicity
13 of the area. So what we're -- the basis of our
14 proposals are to codify the specific requirements
15 from that Act, Section 29.

16 We propose to include seismicity in
17 evaluating preventive measures and mitigative
18 measures for the threat of outside force damage,
19 a time-independent threat, and include seismicity
20 in the area of data gathering and integration of
21 information about pipeline attributes and other
22 relative information -- relevant information.

1 Some of the comments we received:
2 Most were supportive. One commenter recommended
3 adding requirements to analyze any significant
4 localized threat considering the pipeline
5 operating conditions that could impact integrity.
6 Another was that PHMSA should define seismic
7 event for the purposes of compliance. Another
8 was that PHMSA should clarify whether its seismic
9 risk investigations were a one-time requirement
10 or if there is an expected time table for
11 reinvestigation.

12 So here's our initial take on the
13 comments we received. Data integration and risk
14 analysis requirements of 917 already require
15 seismicity to be analyzed considering operating
16 conditions and any other factor that could impact
17 pipeline integrity through that data integration
18 and risk analysis -- risk assessment piece.

19 PHMSA did not use the term "seismic
20 event" in the proposed regulations. What we said
21 was that operators must consider seismicity as
22 well as other related geotechnical threats such

1 as soil stabilities, landslides, etcetera, any
2 other strains that could be imparted by those
3 geotechnical threats. And this is a broader and
4 more technically comprehensive scope than merely
5 listing seismic events.

6 The existing regulations in 937 for
7 continuing evaluation already require that the
8 analysis required that threat identification
9 Section 917 be performed periodically as needed
10 to assure integrity of the pipeline.

11 And now I'd like to turn it open for
12 public comment --

13 CHAIR GANT: Thank you, Chris.

14 MR. McLAREN: -- or back to our
15 Chairman. And I will ask for members of the
16 public to step forward if you have comments on
17 this.

18 I will note that this administration
19 has given a great deal of attention to these
20 types of matters over the last couple of years
21 certainly, and currently in process of developing
22 policies for a federal infrastructure at all our

1 agencies to further increase our resilience to
2 more severe weather events as well as other
3 natural disasters that we're all observing the
4 impact of. So this seems to be a very pragmatic
5 common sense approach in the rule.

6 Any comments from the public?

7 MS. KELLER: Hi, Heidi Keller with the
8 American Petroleum Institute. I'd just like to
9 offer our support as well as AGA's and INGAA's
10 for the inclusion of seismicity as a potential
11 threat.

12 CHAIR GANT: Thank you, Heidi.

13 Any comments from members of the
14 Committee?

15 (No audible response.)

16 CHAIR GANT: My apologies for the
17 sniffles here, but we're sitting in a wind
18 tunnel, which is exacerbating the colds that we
19 all seem to have here at the table.

20 Okay. Mr. Hill?

21 MEMBER HILL: Yes, ma'am. I'm fully
22 supportive of this. This follows FEMA's

1 guidelines for pre-disaster mitigation planning
2 in other parts of the local communities where we
3 do our jobs.

4 CHAIR GANT: Alan?

5 MR. MAYBERRY: I just wanted to
6 recognize -- I think Steve mentioned this, but I
7 wanted to reinforce it. This is an area where we
8 had a mandate to specifically deal with
9 seismicity, but if you look at that topic, it's
10 really a geotechnical-related issue. And we've
11 seen a number of issues related to soil
12 subsidence and that sort of thing that we needed
13 to -- really needed to make sure that we wrap
14 that up, too, because that has been an issue.
15 Probably we've seen more than seismicity,
16 although we've seen seismicity issues as well and
17 we've seen designs accommodate it, but it wasn't
18 called out specifically. So it really needed to
19 be wrapped up into really the overall
20 geotechnical theme, because that's what we've
21 seen beyond just earthquakes and the like.
22 Thanks.

1 CHAIR GANT: Okay. Sensing Mr. Drake
2 has something to say.

3 (Laughter.)

4 MEMBER DRAKE: Just keep this train
5 running here. I think it's pretty -- this is a
6 very prudent issue for us to be considering. I
7 think the performance language that you've put in
8 here is very appropriate. And again, I think we
9 can probably move to vote on this again tomorrow.
10 I don't think there's any conflict here,
11 significant discussion that needs to be
12 considered. So my motion would be to take this
13 to tomorrow's vote with the other two items.

14 CHAIR GANT: Would anyone else like to
15 throw themselves on the track with Mr. Drake?
16 Mr. Hill? Thank you.

17 MEMBER HILL: Yes, Robert Hill. I'd
18 second that motion.

19 CHAIR GANT: Fantastic. Okay. So
20 noted.

21 Moving onto item No. 4, which is
22 inspections following extreme events.

1 Back over to you, Chris?

2 MR. McLAREN: Yes, the next topic I'd
3 like to introduce is the required pipeline
4 inspections following extreme events. It's in a
5 new part of 192.613, continuing surveillance, a
6 new Section C.

7 The reason for the addition of the new
8 section was the current rules do not address
9 extreme events sufficiently that can damage
10 pipelines or disrupt pipeline operations. And
11 the basis for this inclusion is recent examples
12 that we have of extreme events, one such event
13 being the Yellowstone pipeline scouring caused by
14 flooding, other by ice damming, that resulted in
15 one specific pipeline incident. And there have
16 been several.

17 So what we proposed was to clarify
18 that the inspection of the pipeline and right-of-
19 way for other factors affecting safety and
20 operation includes extreme weather events,
21 manmade, natural disasters and similar events.

22 Within this new 619(c) we specify time

1 frames for performing those inspections once a
2 threshold for an extreme event has been reached,
3 and also some possible remedial actions that the
4 operator would need to take based on what
5 procedural requirements are in there and the
6 thresholds, etcetera.

7 Some of the comments we received were
8 that most supported if certain expectations were
9 clarified such as defining those inspection
10 requirements, defining extreme weather events,
11 clarifying other events, what that might be.

12 Some commented that it was duplicative
13 with the requirement for prompt and effective
14 response to emergency situations within the
15 emergency response requirements.

16 Another commented to change the
17 timeline as soon as practicable or permitted
18 exceptions as inspections within 72 hours may not
19 be always possible or able to be conducted in a
20 safe manner until the situation has stabilized.

21 So our initial take on the comments we
22 received and addressing them is regarding the

1 comment on predefining inspection requirements or
2 events that the focus of the requirement is for
3 operators to inspect the pipeline after any
4 circumstance that has the likelihood of
5 significant damage.

6 Regarding the comment the proposed
7 requirement is duplicative of the emergency
8 response requirements, the requirement for these
9 inspections following severe weather events
10 includes such events that don't rise to the level
11 of a state of emergency. And the example
12 previously used is one of several incident
13 examples, but we'll go back to the one we started
14 with, the Yellowstone River that resulted from
15 scouring due to heavy rains. That was not caused
16 by a weather event characterized as an emergency
17 situation, so that emergency response threshold
18 would not have been reached.

19 So from the comments we'll certainly
20 consider the timeline comments and language to
21 address inspections occurring within 72 hours
22 after the operator judges the conditions to be

1 safe for those response personnel to safely
2 operate and the requirement that within that time
3 following a -- making safe for the situation area
4 that personnel and equipment be available to
5 address -- to inspect the facilities.

6 We'll also consider clarifications
7 that apply to events that have the likelihood of
8 significant damage, not minor damage that doesn't
9 threaten pipeline integrity. Also, that the
10 "facility" term be used as it was commented as
11 being preferable to "infrastructure" since
12 "pipeline facilities" is a defined term in 192.3,
13 staying within the pipeline and pipeline
14 facilities definitions. Thank you.

15 CHAIR GANT: Thanks, Chris.

16 Members of the public?

17 MR. CAREY: Good morning. I'm Patrick
18 Carey from Kinder Morgan.

19 Kinder Morgan strongly supports this
20 incorporation into the rule with the
21 clarifications of the comments that were
22 submitted by the industry that Chris noted under

1 the considerations. I think it was slide 34, the
2 one previous to this.

3 On the considerations that PHMSA was
4 going to take, we really strongly recommend that
5 those considerations be incorporated.
6 Specifically, the infrastructure, the definitions
7 of significant events are important to us in that
8 we're really focusing on the pipeline safety
9 aspects of it.

10 The 72 hours is another issue for us
11 in that we're subject to some strong prescriptive
12 requirements there. If we reach 73 hours, we
13 don't really want to receive a citation over that
14 based off of logistics of getting some of the
15 inspections done.

16 So again, we're in support of the
17 overall rulemaking and strongly recommend that
18 those considerations be incorporated into the
19 rule. Thank you.

20 MS. BYRNES: Corinne Byrnes, National
21 Grid. When speaking about extreme weather events
22 the one event that comes to my mind as an

1 operator in the Northeast is -- was Hurricane --
2 Superstorm Sandy in 2012.

3 Now the event took place probably over
4 one day, however, the impact to the Northeast
5 infrastructure was tremendous. Street lights
6 were out, traffic signs. There were conditions
7 where there were fires in parts of our territory.
8 So this is the type of thing that even 72 hours
9 after the event there would be -- the main focus
10 was to get basic services up and running for --
11 just for basic safety. So this is the type of
12 situation where 72 hours would just not be
13 practical.

14 Also, what we did was we did a
15 complete patrol of our transmission pipeline as
16 soon as was practicable. And we did some follow-
17 up assessment work, not with in-line inspection,
18 but the assessment was -- the assessments that
19 were done were successful.

20 MR. HESS: Reid Hess from Questar Gas.
21 We fully support this initiative as well with the
22 modifications that AGA had suggested.

1 One of the questions that we do have
2 is what is meant -- we'd like the inspection
3 clarified. What is meant by an "inspection?"
4 Does that mean a physical viewing of the pipeline
5 or pipeline facility, or does that mean an
6 intended ILI run? ILI runs would be very
7 difficult to schedule and take place within a 72-
8 hour time limit.

9 We also would request that it is
10 worded "as soon as practical" as opposed to the
11 72-hour time limit. The 72-hour time limit could
12 create some safety for both the public and
13 employees working on these facilities.

14 We have experienced two weather --
15 100-year weather-related events within 15 years,
16 so how they determine what a 100-year event is is
17 interesting. I would point out that in each of
18 these instances both our transmission and
19 distribution systems did receive some damage. In
20 both of those cases we were able to go out and
21 make the inspections, ensure the pipelines were
22 operating correctly and make the repairs that

1 were necessary without the extra added further
2 regulation. So be careful on the verbiage there,
3 please. Thank you.

4 CHAIR GANT: Seeing no other hands
5 raised from the public, I'll turn to members of
6 the Committee. Ms. Campbell?

7 MEMBER CAMPBELL: Thank you, Dr. Gant.
8 Cheryl Campbell, Xcel Energy.

9 I think in general I agree with a lot
10 of what's been said. I think there is some
11 clarification around the 72 hours. I'll provide
12 a little context. We also experienced an extreme
13 weather event. Some called it a 500-year, some
14 1,000-year flood. Significant damage to both our
15 distribution and transmission systems. And
16 frankly, we were in emergency mode for five days.
17 So I'm not sure when that 72-hour should have
18 started in there. We were -- we couldn't get to
19 some of these facilities and frankly couldn't get
20 a chopper up until the FAA allowed us to do so,
21 which was several days after the event started.

22 So I think working on that language

1 about within the 72 hours, I mean, we were all
2 over it. We were trying to get men and equipment
3 and choppers out. And when we realized what the
4 damage was, we had things shut down just as
5 quickly as we could get people to the area.

6 So I think that's the biggest thing is
7 the timeline, is allowing the operator to make
8 good judgment calls on keeping people safe,
9 particularly into areas where you've got the
10 geotechnical movement, or floods, landslides,
11 those types of things. Sometimes trying to get
12 people into those areas is a real problem just
13 from the employee safety aspect as well.

14 CHAIR GANT: Thank you, Cheryl?

15 Mr. Allen?

16 MEMBER ALLEN: Yes, Steve Allen,
17 Indiana Utility Regulatory Commission.

18 I think it's important to recognize
19 that there are an awful lot of very small
20 operators out there throughout the country. Some
21 of the operators that I have jurisdiction over
22 might only have two miles of transmission line.

1 Large organizations have difficulties responding
2 to 72 hours and perhaps need a little extra time.
3 I guarantee you small operators do that as well.
4 They just do not have the resources. They don't
5 have the pockets. They don't have the experience
6 in dealing with some of these things.

7 So I would just suggest that it's
8 important to make sure that we consider any
9 requirements of inspection in a 72-hour time
10 frame because it's just probably not going to
11 happen with small operators out there. Thank
12 you.

13 CHAIR GANT: Professor Gosman?

14 MEMBER GOSMAN: Thanks. I look at
15 this language that you've proposed and to me it
16 seems clear that it's contingent on safely
17 accessed by the personnel and equipment including
18 availability of personnel and equipment. So I
19 think the concerns that people are raising here
20 are actually within the language of the rule. It
21 doesn't just say 72 hours. It says 72 hours
22 after the cessation of the event defined as the

1 point in time when the affected area can be
2 safely accessed, etcetera.

3 To me these concerns are within the
4 proposed rule language, but if we were to make a
5 change based off of it, I would want to see the
6 72 hours retained. I think it's important to
7 have a point in time there where we're saying
8 this is the time that we really want you to be
9 out there, but then maybe say 72 hours or as soon
10 as practicable.

11 CHAIR GANT: Thank you. Chad?

12 MEMBER ZAMARIN: Maybe a bit of
13 reinforcement of what Sara was just saying. I
14 for one want to maybe just say that I think we
15 very much support this.

16 And I also want to say I think in,
17 Alan, your earlier discussion about prescription
18 and performance I actually really like the way
19 this language is drafted. I think we -- you've
20 identified some things that are expected and at
21 the same time haven't tried to prescribe
22 everything that's to be done, recognizing that

1 there are many unique situations.

2 You identify that we need -- we as
3 operators need to determine whether it's
4 significant and could impact our facilities. I
5 don't think I interpret this language to mean
6 that you're telling us what type of inspection
7 method has to be used. We need to tailor it to
8 the specifics of the situation. And you're
9 providing some expectations around time frame
10 within which we have to react.

11 So I actually think this is a great
12 example for how you create a performance-based
13 requirement that has enough prescription to make
14 sure we're going to meet the mark, but also
15 allows for us to adapt and to address each unique
16 situation.

17 So I personally support this
18 requirement. And at the same time I think the
19 way that it's drafted should be a theme maybe for
20 how we look at other parts of the rulemaking
21 where we know the target that we want to hit.
22 It's a very complex issue. And many times we

1 can't define exactly how we're going to get
2 there, but as long as we put the right I think
3 boundaries in place, we know that we can expect
4 to achieve the right results. Thank you.

5 CHAIR GANT: Thanks, Chad.

6 Mark?

7 MEMBER BROWNSTEIN: Mark Brownstein,
8 Environmental Defense Fund.

9 Yes, I actually think you got this one
10 pretty much right.

11 (Laughter.)

12 MEMBER BROWNSTEIN: So, yay.

13 (Laughter.)

14 CHAIR GANT: Staff's supposed to stand
15 up and take a bow at this point, either way.

16 PARTICIPANT: Don't sound so
17 surprised.

18 MEMBER BROWNSTEIN: No, I'm surprised
19 that you're -- I'm surprised actually that -- at
20 the amount of comment on this, actually.

21 I mean, I think as a practical matter
22 you need to put some expectation out there as to

1 when these facilities are going to be inspected,
2 right, understanding that you don't want to put
3 employees or other folks in harm's way. But you
4 have some kind of default expectation out there,
5 right? And as far as articulating what needs to
6 be done, right, there's a danger here in being
7 overly prescriptive and therefore missing some
8 important things, right?

9 I mean, unfortunately -- I think it
10 needs to be said, right, unfortunately these kind
11 of catastrophic events are likely to become more
12 frequent over time as the climate continues to
13 change. So I think we're going to see more of
14 this unfortunately over time. And I also think
15 that the characteristics of these events and what
16 they do to existing infrastructure is not going
17 to be fully know. I think we're going to learn
18 stuff over time. And so this is a place where
19 you don't want to be too prescriptive, right,
20 because we're entering into new territory, again
21 unfortunately, but that's the reality.

22 And so I think you've done a nice job

1 here. And, look, over the course of time, right,
2 as companies respond to these kinds of events and
3 you learn from the inspections that take place,
4 it may suggest that at some future point you come
5 back and take a look at this section in a future
6 rulemaking if you think that there are some
7 things that need to absolutely have to happen,
8 right? Anyway, I think you got it right.

9 CHAIR GANT: Thanks, Mark.

10 Andy?

11 MEMBER DRAKE: I would agree with
12 comments made by Sara and Mark and Chad. I think
13 this is handled very well. The performance
14 language is absolutely appropriate. The guidance
15 is good. And I mean, in that interest I would --
16 again keeping the thing going here, I would move
17 -- make a motion that this issue be added to the
18 list for final vote tomorrow.

19 MR. MAYBERRY: Giving us a lot of
20 homework tonight.

21 CHAIR GANT: Can I ask to hold that
22 motion for just a minute, Andy, because we would

1 benefit from a little bit of discussion on this.

2 As Sara's pointed out, the rule as it
3 -- or as the proposal is stated is --
4 acknowledges that the 72-hours clock -- the way I
5 -- I'm putting this out there for the group. The
6 way one could read this is that once you can
7 safely access the equipment -- the affected area
8 with personnel and equipment, then your 72-hour
9 clock starts.

10 So given the real life experiences
11 noted by Sue and others, if staff confirms that
12 is the reading; let's assume that's the reading
13 for now before we hear from staff, does that
14 begin to address the concerns that you're raising
15 and is there more refinement needed?

16 Sue, can I ask you to respond?

17 MEMBER FLECK: Sue Fleck, National
18 Grid. I'm going to go back to Sara's comments,
19 and I think she hit it right on the head, and
20 probably being a lawyer makes you more able to
21 get the words right. I think --

22 CHAIR GANT: She's smarter than the

1 rest of us.

2 MEMBER FLECK: Well, she's clearly
3 smarter than the rest of us, but I think the
4 words "as soon as practicable" really made me
5 feel much more comfortable with it, because I
6 think Corinne talked about Hurricane Sandy.

7 The piece of this that makes me
8 comfortable is that it says it has to commence
9 within 72 hours. It doesn't say it has to be
10 completed. It says you have to start within 72
11 hours. So that gives you a little bit of
12 flexibility. But again, this is going to be a
13 current -- a constant theme for me. Words
14 matter.

15 The state regulators really care about
16 the words and they hold us accountable to them.
17 So when it says must commence within 72 hours,
18 they're going to come back and say how did you
19 define the event was over? How did you start the
20 clock? When did the 72 hours end? And we could
21 be facing penalties.

22 So with little things like "as soon as

1 practicable but recommended within 72 hours," or
2 something like that, gives us that little tiny
3 bit of flexibility. We know what you want. You
4 want 72 hours or as soon as possible, but it
5 gives you that little bit of an out. Thank you.

6 CHAIR GANT: So, Sue, to just play
7 that back to you, the next level concern is how
8 do you define "safely accessed," that point at
9 which you're starting the clock in a way that's
10 consistent with PHMSA's guidance and state
11 regulatory approval?

12 So can I ask, Chris, PHMSA staff to
13 respond given the comments that have been raised?

14 MR. NANNEY: I'm going to -- it's not
15 Chris. It's Steve Nanney. I'll respond.

16 What we would look at as far as a time
17 period for the remedial action is -- and I'm --
18 give me just one second to look up there.

19 What we would probably be proposing --
20 and I wanted to see if what we've got is
21 different or exactly the same -- is we had "must
22 commence within 72" -- No. 2 up there is what I'm

1 looking at. "The inspection required under the
2 introductory text of paragraph C of this section
3 must commence within 72 hours after the cessation
4 of the event defined as the period of time when
5 the operator determines that the affected area
6 can be safely assessed by personnel and
7 equipment."

8 In other words, if at 72 hours you
9 can't safely do it, I mean, that could be 84
10 hours, it could be 96 hours or it could be a week
11 later.

12 CHAIR GANT: Steve, not to -- sorry to
13 interrupt your flow --

14 MR. NANNEY: Yes.

15 CHAIR GANT: -- but I think the
16 problem here with the language is "after the
17 cessation of the event." That seems to precede
18 the "safely accessed" piece, which it seems to be
19 the conversations are tending towards the
20 emphasis on "safely accessed." When an event
21 ends is very difficult to determine because then
22 you have to define the event itself.

1 MR. NANNEY: Okay.

2 MR. McLAREN: Well, within the
3 procedural documentation an operator would have
4 to meet the procedural requirements of the new
5 613(c) those types of decisions should be
6 outlined for those different events for their
7 personnel to make that determination.

8 CHAIR GANT: So can you explain to me
9 how that relates to this particular requirement?
10 Because again, I think there's some ambiguity.
11 It seems to me that some of the dis-ease here is
12 coming from the ambiguity and understanding the
13 end of an event. And are you suggesting that "an
14 event" is defined elsewhere in the regulation
15 very clearly?

16 MR. McLAREN: No, but the operator
17 would determine this is the end of the event from
18 hence my 72 hours begins based on these criteria.

19 MR. NANNEY: Right.

20 CHAIR GANT: Okay. So the definition
21 is the event ends when the operator determines
22 that the facility can be safely accessed?

1 MR. McLAREN: Yes.

2 MR. NANNEY: Yes.

3 MEMBER BROWNSTEIN: That -- if I may?

4 CHAIR GANT: Mark, please.

5 MEMBER BROWNSTEIN: I mean, I think
6 there's -- what this conversation is highlighting
7 is is that there are really two issues here,
8 right? How do you define the end, the cessation
9 of the event and who gets to define it, right?
10 In this conversation we just slipped in the idea
11 that it's the operator that's going to make that
12 determination, right?

13 MR. McLAREN: That's correct.

14 MEMBER BROWNSTEIN: Well, that's not
15 clear here, right? And that may be part of what
16 -- if I may, that may be part of what the anxiety
17 that Sue is reflecting, right, because the
18 operator's going to as a practical matter make a
19 determination as to when it's safe to send his or
20 her people in there to take a look and doesn't
21 want to be second-guessed by someone else that
22 they made a wrong decision if it's clear that the

1 operator gets to make that determination.

2 MEMBER FLECK: Yes, this is Sue and I
3 think --

4 MEMBER BROWNSTEIN: Then you don't run
5 the risk that a third party; a state public
6 safety official for example, would say, well, no,
7 no, no, I think you could have got them in there
8 12 hours earlier.

9 CHAIR GANT: Thanks, Mark. Sue and
10 then Chad.

11 MEMBER FLECK: Yes, this is Sue Fleck
12 from National Grid.

13 He's right on point, because when you
14 read the words on the board, it says "defined as
15 a period of time when the affected area can be
16 safely accessed." When Steve said it, he said
17 when the operator determines the area can be --
18 and I think he said it the way we wanted to hear
19 it, but that's not what the words are on the
20 page. So I think if we correct the words to what
21 Steve said, we're probably at a good place.

22 And I'll give you a really good

1 example. During Hurricane Sandy, right, the
2 flood came in. And then the next day or some
3 later period of time a whole neighborhood burned
4 down. Well, was the event the flood or was the
5 event the flood followed by the neighborhood
6 burning down? And when did -- those are two
7 different events that happened concurrently.
8 They were related. But if you started a 72-hour
9 clock when the flood was over, I still couldn't
10 get into Breezy Point, right? So it's
11 complicated.

12 So if the operator is making that
13 decision; and it can be informed with
14 conversations with the state regulator, there's
15 no question about that, it's a little bit safer
16 than just saying when the event is over.

17 CHAIR GANT: Thank you, Sue.

18 Chad and then Steve, Professor Gosman
19 then Mr. Allen after Chad.

20 MEMBER ZAMARIN: Chad Zamarin,
21 Cheniere Energy.

22 I -- not to speak for Steve, but I

1 assume that they were working on language to
2 clarify this. I think the intent -- and I don't
3 want to over interpret things, but it would seem
4 like the intent has been that we have to make --
5 when I look at performance language; and this is
6 a code that regulates operators, I interpret it
7 to mean that we have -- the onus is on us to
8 comply. The onus is on us to determine when
9 something is safe. That has to stand up to
10 scrutiny. That has to stand up to audit and
11 inspection. But the onus is on us as an operator
12 to determine when it's safe to access.

13 And I think if maybe we let Steve
14 continue, I think the language that he was
15 proposing works to do that, but frankly I already
16 interpreted it that way, that if it's not clear
17 in the code, we're -- the onus is on the operator
18 to in this -- what I like about the performance
19 language, it's we have to determine when it's
20 safe to access. We have to determine the right
21 inspection method, again subject to scrutiny,
22 subject to audit and inspection. But we have to

1 select the right inspection method based on the
2 conditions on the ground.

3 And then based on what we find, we
4 have to implement the right remedial actions,
5 again subject to scrutiny, audit, inspection.
6 But to me that's how I interpreted it. And I
7 think that's what the intent was, so I think
8 we're pretty well aligned. But I think any way we
9 can clarify that is great.

10 But maybe, Steve, if you wanted to
11 finish.

12 CHAIR GANT: Okay. Thanks, Chad.

13 Professor Gosman, then Mr. Allen, then
14 back to Alan and Steve to respond, please.

15 MEMBER GOSMAN: So I was told not to
16 wordsmith and I'm trying not to wordsmith here,
17 but I would say if you say that the operator
18 defines it full stop, I don't know what that
19 leaves for the agency in terms of review.

20 So I guess if you're going to do that
21 direction, I would suggest something like
22 reasonable defines. I mean, some way for you to

1 actually oversee that, because again as a lawyer
2 I would think that that language would say
3 "complete discretion to the operator." We can't
4 say whether they were right or wrong as to what
5 was an emergency. And I think you want a little
6 more oversight than that, recognizing that of
7 course the people on the ground are going to know
8 the circumstances very well.

9 CHAIR GANT: Steve?

10 MEMBER ALLEN: Yes, Steve Allen, IURC.

11 It was mentioned a little bit ago
12 about perhaps an operator working with the state
13 regulator to determine the appropriate course of
14 action. I really like that.

15 And again, I have to go back; being
16 probably the only individual in the room that
17 deals with very small operators, I can tell you
18 if they -- if one of my operators would have an
19 issue, they may not have the resources to jump on
20 it right away, but they will give us a call and
21 say how would you like for us to deal with this?
22 But we can't muster the resources that quickly.

1 So to any extent we can include this
2 rule language that -- it does use the word
3 "practicable." And then based on the judgment of
4 the operator perhaps with consult -- through
5 consultation with the state regulator that might
6 help me out.

7 CHAIR GANT: I didn't see Mark's card
8 earlier, so Mark and then over to Allen.

9 MEMBER BROWNSTEIN: So I think we're
10 -- I think we may be buzzing around the perfect
11 here. I like the idea of the operator doing this
12 in consultation with appropriate public safety
13 officials. And I like Sara's comment as well
14 that introduces an element of oversight. I don't
15 think the "as practicable" adds anything here,
16 but I think that these two suggestions do, and I
17 would suggest that that's the direction that you
18 all go in here.

19 MR. MAYBERRY: Alan Mayberry. I was
20 just going to add first off, I think we've
21 addressed the concerns through what we've kind of
22 drafted already. And I think -- next I think

1 what -- we're testing a new process here, by the
2 way. As far as the issue of wordsmithing, that's
3 the concern when you start wordsmithing the exact
4 reg text and look for perfection. We can really
5 get bogged down. So I think this can be a first
6 test of this process that we're going to look for
7 guidance to address that issue right there.

8 We think we already have it, but we'll
9 look for guidance from you, and maybe that will
10 be in the form when it ultimately gets there as a
11 motion, but specifically outline how it's defined
12 and then who does that and how it -- and then
13 we'll take that to develop our specific rule
14 language after that. But that was -- that would
15 be voted, yes.

16 MEMBER BROWNSTEIN: Well, if -- Madam
17 Chair, if I may, while I am sympathetic to the
18 concern about the Committee wordsmithing, right,
19 I think what you were hearing fairly clearly from
20 the Committee is is that this as drafted is
21 ambiguous and it will be difficult for you to
22 adequately enforce. And so what we're -- what I

1 think the Committee is struggling with, and in
2 fact is -- I don't think is trying to put words
3 in the agency's mouth, but what the Committee is
4 structuring -- struggling with is is how to get
5 the right balance here between specificity --
6 time certain.

7 We want to make sure this stuff gets
8 done, right, but we want to do it in a way that's
9 respectful of the fact that there are public
10 safety concerns. We don't want to put employees
11 in harm's way, all right, and being specific
12 about who makes that determination, right?
13 Because right now it's ambiguous and you'll find
14 that as you try to go to implement this in a
15 year's time or two year's time that you'll be
16 having this argument in the field. And that's
17 now where you want to be having it, right?

18 CHAIR GANT: Okay. Thank you, Mark.

19 I'd like to go to Steve on PHMSA staff
20 to respond and then back to Sue. And then at
21 some point, Andy, I will give you back the mic.

22 (Laughter.)

1 MR. NANNEY: Well, I think what I was
2 going to say has been addressed by everyone
3 that's been talking, but on Thursday when we come
4 back for something to vote on, we hear loud and
5 clear what everyone said here. I think we had
6 considered that based upon public comments. It's
7 just that we were not ready today to put it up on
8 the board. But I think everybody that's been
9 talking -- I may have given an excerpt of a
10 little bit of what we were proposing.

11 So anyway, we will this afternoon,
12 later today consider the additional information
13 we've heard and consider that in any wording that
14 we'll propose on Thursday.

15 CHAIR GANT: Thanks, Steve.

16 Sue?

17 MEMBER FLECK: Sue Fleck. One tiny,
18 tiny point. The last three words, "whichever is
19 sooner," if you leave that in here, it's going to
20 default everything back to 72 hours. So I think
21 you just need to strike those three words.

22 CHAIR GANT: Okay. Thanks, Sue.

1 Any other comments from the Committee
2 before we close out this discussion?

3 (No audible response.)

4 CHAIR GANT: Okay. So to tie this up
5 with a bow, we've had great -- I think really
6 focused good conversation on this topic.

7 Thank you, Professor Gosman, for
8 getting us pointed in a good and production
9 direction. Welcome to the Committee. Thank you.

10 And, Steve, I hear from you that PHMSA
11 is going to continue this along with other
12 comments given and we will see some sort of
13 further evolution of your thinking tomorrow to
14 consider.

15 Okay. Given that we have worked our
16 way through now four topics, I am suggesting a
17 biological break of -- how many minutes?

18 MR. MAYBERRY: Ten minutes?

19 CHAIR GANT: Ten minutes, which means
20 I'll start ringing the bell at nine minutes. So
21 10:45.

22 (Whereupon, the above-entitled matter

1 went off the record at 10:34 a.m. and resumed at
2 10:48 a.m.)

3 CHAIR GANT: Thank you for taking your
4 seats. We're going to get started here. Call me
5 Mussolini. I'm going to make sure that the
6 train's right on time today. Maybe not tend
7 towards the fascist part of that reference. Just
8 stick with the train's running on time.

9 But Administrator Dominguez is about
10 to depart for the day to head back to the ranch
11 for some other pressing business and I wanted to
12 take the opportunity to -- in any event that we
13 speed through today and wrap up before tomorrow
14 when she returns -- to acknowledge her service to
15 the public in her role as administrator.

16 I understand personally who physically
17 taxing these jobs can be as evidenced by us both
18 having a cold right now, but also the tremendous
19 personal dedication that it takes and the
20 commitment to service in what has been an
21 incredibly busy time for this agency and a really
22 big transition for this agency as well and the

1 important mission that it serves.

2 So I wanted to ask you to join me in
3 expressing an appreciation to Administrator
4 Dominguez for her public service.

5 You will be missed and good luck in
6 your next ventures.

7 (Applause.)

8 MS. DOMINGUEZ: Thank you very much.

9 CHAIR GANT: Okay. I guess I can keep
10 the mic. Back to work now. Okay. That was --
11 my stint as a game show host is now over. I can
12 sit back down.

13 Okay. Before moving on to management
14 of change I just wanted to clarify where we ended
15 up on the previous discussion with regard to
16 inspections following an extreme event, and I
17 think that where we ended up was just short of
18 someone making a motion that this come -- be
19 presented to a vote tomorrow. So we have two
20 procedural ways to go here, I think: Someone can
21 make that motion or -- I know Andy's dying to --
22 or we can just say that PHMSA's staff is going to

1 come back with the next round of language to be
2 discussed and then call for a vote to be
3 scheduled.

4 I can -- I have -- I'm getting
5 conflicting signals from around the table.

6 So, Mr. Drake, would you like to make
7 a suggestion?

8 MEMBER DRAKE: Sure, since I have a
9 motion sort of standing. I think that the
10 conversation that we had was very good. It gave
11 good guidance. And I still think that that is
12 appropriate for us to move this issue to tomorrow
13 for final review and vote based on PHMSA's
14 digestion of this conversation that we had. So I
15 would make a motion that we move this issue to
16 join the other three issues tomorrow for final
17 vote.

18 CHAIR GANT: Okay. Thank you, Mr.
19 Drake.

20 Before I go to you, Mr. Hill, can I
21 ask Mr. Allen if he has any comments or concerns
22 to express?

1 MEMBER ALLEN: Yes, with some
2 conversation at the break I think I'd like to
3 kind of clarify something I'd said earlier about
4 having something in there that allows smaller
5 operators to move forward based on some
6 consultation with state regulators if language
7 was put in there that should not be something
8 construed that would require large operators to
9 do so. It's in essence a safe harbor for smaller
10 operators.

11 And the example I used was take a
12 small municipal operator that has transmission
13 properties. A tornado comes through and wipes
14 out half their town, they're going to need help.
15 They're going to be out of compliance almost
16 immediately. So I think there needs to be some
17 recognition of that and I think that if we had
18 some language in there that allowed these smaller
19 operators to consult with the state regulatory
20 body that that would work without placing any
21 sort of additional burden on the backs of larger
22 most sophisticated operators.

1 CHAIR GANT: Thanks, Mr. Allen.

2 Comment noted.

3 Mr. Hill, if you're making a second,
4 could I go to Professor Gosman first?

5 MEMBER HILL: By all means, ma'am.

6 CHAIR GANT: Thank you.

7 MEMBER GOSMAN: I was going to make a
8 second, but I'll defer.

9 CHAIR GANT: Okay. You want to break
10 your streak and let Professor Gosman or do you
11 want to make it?

12 MEMBER HILL: By all means, please.

13 CHAIR GANT: Okay.

14 MEMBER HILL: Please, doctor.

15 CHAIR GANT: Share the glory? Okay.

16 So I'm going to hear Professor Gosman's second.

17 MEMBER GOSMAN: So I'll make a second
18 for the motion.

19 CHAIR GANT: Thank you. What I would
20 suggest is this be recorded as a motion to
21 consider PHMSA's staff's next version of this
22 language tomorrow afternoon for discussion and

1 then potentially a vote to make sure that it does
2 reflect the concerns raised here today. Great.
3 Thank you.

4 Okay. Now moving onto management of
5 change. And will this be Steve or Chris?

6 MR. McLAREN: Steve.

7 CHAIR GANT: Excellent. Back to you,
8 Steve.

9 MR. NANNEY: Okay. Let me get the
10 turner in front of me.

11 On the management of change we will be
12 looking at a code section, so I'm going to start
13 with the back one first. 192.13(d), that was --
14 that's the one that has the requirement. And
15 192.911. And the issue there that we'll be
16 addressing is we're looking at putting a
17 management of change process to put emphasis on
18 the program elements of a management of change.
19 And the basis is to address lessons learned from
20 San Bruno and from Marshall, Michigan with
21 respect to operational and decision making.

22 And what we propose to do is to codify

1 the attributes that are in the management of
2 change in B31.8S Section 11. And if you go to
3 the Section 11 of it, it's got a section of A
4 that's got, "A management of change process
5 includes the following: the reason for change,
6 the authority for approving the changes, analysis
7 of implications, a position of required work
8 permits, documentation, communication of change
9 to affected parties, time limits, qualification
10 of staff."

11 Anyway, it goes through a list of
12 items that should be a part of a management of
13 change process. And also, the last bullet there
14 is to require operators to develop a management
15 of change process per the requirements of Part
16 192.

17 As far as the comments we got is
18 citizen and government groups. And also pipeline
19 safety advocates supported it. We also got
20 comments that these requirements are necessary.
21 They're too broad and would apply to routine
22 activities that have already been established

1 procedures in line with industry standards.

2 Another bullet point we got was that
3 we underestimated the cost of implementing this.
4 And another we got was operators should have one
5 to five years to implement the proposed changes.
6 And also we had some comments that said that it
7 appeared that these changes were retroactive,
8 which was not the intent.

9 What's PHMSA's initial take? Again,
10 as we're stating, the findings from the San
11 Bruno, California incident concluded that the
12 current industry practices are not sufficient as
13 far as management of change.

14 The proposed language aligns with
15 what's in ASME B31.8S and does not propose
16 requirements beyond those in the industry
17 standard. Also, the proposed language is aligned
18 again with B31.8S 2004.

19 The last bullet, the proposed
20 requirement would become effective on the
21 effective date of the rule and nothing in the
22 proposed rule language suggests that it would be

1 retroactive. And again, that is not our intent.

2 Chairman? Chair?

3 CHAIR GANT: Thank you.

4 Comments from --

5 MR. WILLIAMS: Yes, thank you. Chris
6 Williams with Cheniere Energy. We think the
7 language in the regulation is quite close to what
8 it needs to be, however, we'd like to offer some
9 observations based on our efforts to voluntarily
10 adopt a safety management system in concert with
11 API RP 1173.

12 It is a complex process that involves
13 a lot of moving parts and can be quite resource
14 intensive, so we encourage the adoption of a time
15 period for adoption of the management of change
16 process. Also we would encourage you to limit
17 the prescriptive regulation and recognize
18 industry's efforts toward voluntary adoption of
19 safety management systems and management of
20 change for that. So thank you.

21 CHAIR GANT: Thanks, Chris.

22 Others?

1 PARTICIPANT: Hi. There are many
2 situations which -- where an operator will need
3 to make a change on a given process, equipment,
4 operation, etcetera, literally potentially
5 thousands or more of these situations. It's very
6 difficult to account for this wide array of
7 potential for change. And that's one of the
8 things that we're struggling with.

9 National Grid has a procedure in place
10 with how to address management of change, but
11 it's very difficult to disseminate that across an
12 entire organization. How do you get the word out
13 to operating people that make decisions in a day-
14 to-day basis on what should be included as part
15 of this management of change process?

16 And I know that you mentioned ASME
17 B31.8. The current B31.8 language specifically
18 addresses transmission pipelines. So the
19 proposed change is now in the general section of
20 the code, so it will go well beyond just
21 transmission pipelines as written. So I think
22 B31.8 may need to be looked at again as well.

1 They talk about four change types: design,
2 environmental, operational and maintenance. So
3 these are some of the things that we're
4 struggling with as an organization.

5 When you talk about things like
6 training, the cost estimate of something like
7 this, it is very difficult for us to estimate.
8 Just looking at the published prior estimate of
9 2,000 to 9,000 per company, I think that our
10 estimate for this will be much more than that
11 just in consideration of things like training.

12 MR. PARKER: Curtis Parker, Washington
13 Gas.

14 So we support, Washington Gas supports
15 the regulation with the modifications recommended
16 by AGA. We support the development of management
17 of change processes for improving and ensuring
18 pipeline safety. We already do this under the
19 current regulations in the current scope and are
20 voluntary developing management of -- pipeline
21 safety management systems which include
22 management of change.

1 But we do feel like the regulations as
2 proposed, as written expand the requirements for
3 management of change processes and they fail to
4 give us the time that we need to actually
5 implement them effectively.

6 One of the areas that will take time
7 is integrating them in -- integrating management
8 of change processes into our software systems
9 that we have to manage our work and make -- and
10 other systems that are involved in very complex
11 business processes. So one of the --
12 incorporating management of change, new
13 management of change processes into a business
14 that are so broad will likely require the
15 supporting infrastructure software system
16 development that will be needed to do that. And
17 that takes time. And as well, those are where --
18 that's where some of the cost and resource
19 implications will also potentially impact
20 operators.

21 So we recommend and would support that
22 PHMSA provides a five-year period for us to

1 implement the -- any new management of change
2 processes.

3 CHAIR GANT: Any other comments from
4 the public?

5 (No audible response.)

6 CHAIR GANT: Seeing none, I would ask
7 for comments from Committee members. Mr. Hill?

8 MEMBER PEVARSKI: Actually Rick
9 Pevarski.

10 CHAIR GANT: I'm sorry.

11 MEMBER PEVARSKI: Mr. Hill's over
12 here.

13 But my organization is ISO certified,
14 and we've been following change management
15 procedures for about the last four or five years.
16 And a lot of the industry that follow ISO
17 certification have had this. So I'm struggling
18 with seeing where the difficulty in
19 implementation is within the organization, how
20 complex that can be.

21 Once you -- I mean, I think you have
22 to define what qualifies to go into it.

1 Certainly smaller items you would not follow this
2 whole procedure. But once that's defined, it's a
3 very beneficial process, and I know for my own
4 organization relatively simple.

5 CHAIR GANT: Thank you, Mr. Pevarski.
6 Sorry about that.

7 Ms. Campbell?

8 MEMBER CAMPBELL: Thank you, Dr. Gant.
9 What day of the week is it?

10 I mean, I agree. I think that
11 management of change is an important aspect of
12 pipeline safety. And like others, we have begun
13 work on implementing pipeline safety management
14 and have learned quite a bit about ourselves and
15 our culture while we're doing that.

16 I think that a lot of operators -- I
17 mean, it's interesting we were trying to codify
18 it. I'm struggling. I'll admit it. I'm
19 struggling a little bit with codifying it since
20 it's included in the pipeline safety management
21 system and that I think the vast majority of the
22 industry has voluntarily adopted that and has

1 started on that journey.

2 I would agree that we need a phase-in
3 time period, particularly given what we're --
4 what we've learned in the last year as we've
5 attempted to start down that path. And then I
6 agree. I mean, I think we need to say this is
7 what we're going to do management of change
8 around. When you're working within certain
9 aspects of say your Cenergy manual, things like
10 that, it's very difficult for me to imagine that
11 I need that additional -- all that additional
12 process. It seems like it takes a lot of
13 resource time and isn't adding any safety aspect
14 to the work that we're doing.

15 So those would be my considerations
16 and the things that bother me or that I'm
17 concerned about with this particular item.

18 CHAIR GANT: Mr. Drake then Mr.
19 Zamarin.

20 MEMBER DRAKE: Yes, I would agree. I
21 think this is fundamentally an important area of
22 integrity management. It's recognized in ASME.

1 It's recognized inside the new document that was
2 put together in safety management systems with
3 API 1173. It's fundamentally something that
4 we've committed to over time.

5 I think the thing that I sense here;
6 and, Rick, I think your point is exactly on
7 target, and that is the word "qualify." If we're
8 not careful, it can be everywhere all the time on
9 everything. And that's where it becomes not
10 helpful. It reaches a point of diminishing of
11 returns and becomes an administrative burden.

12 And I think the word "significant" is
13 relevant here. I don't want to get into
14 wordsmithing, but I appreciate what Sue said
15 earlier. The devil is in the details. Sometimes
16 it is about words. If we don't get something in
17 there to help qualify this, it becomes everywhere
18 on everything: personnel changes, very small
19 minutiae changes, vendor changes on things that
20 are immaterial, but they're changes. And all of
21 a sudden we have to start tracking those with
22 great ferocity on documentation.

1 I think if we can recognize the need
2 to get started in this more formally, get a
3 process in place, provide some qualification to
4 words like "significant," I think that will help
5 us get this moving. It is going to be -- in my
6 opinion I think this is where 1173 is going is it
7 is a point of continuous improvement. We're
8 going to constantly be revisiting this and
9 pushing it to greater detail and more application
10 on a broader bases, but we need to create a rule
11 that allows that to happen. And that is the
12 challenge that's in front of us I think right
13 here.

14 So I think if we can look at -- I
15 don't think anybody's arguing thematically,
16 conceptually, directionally how important this
17 is. The issue is how do you play it? I do think
18 a ramp-up period helps people that are coming
19 into this game. A lot of people are right on the
20 track, as Cheryl is talking about. They've got
21 the process. They're there. They're working on
22 it. They're doing the qualified significant

1 things. Others are not. They're going to need a
2 ramp-up period. The process takes a little bit
3 to get kind of that bolted down and how to apply
4 it.

5 And I think some language around how
6 to start. Some kind of qualification language.
7 Something significant or something in there that
8 will help us. And then I think we're going to
9 keep pushing this over time. So those are really
10 the comments that I would offer here.

11 CHAIR GANT: Chad?

12 MEMBER ZAMARIN: Chad Zamarin,
13 Cheniere Energy. I would just also add that this
14 is back to maybe the discussion around
15 performance and prescriptive regulations.

16 The whole purpose of management of
17 change is not to check the box. It's not to go
18 through a programmatic process. When we
19 developed ASME B31.8S and then we developed
20 safety management systems. It's really about
21 driving culture and behavior. It's about having
22 a process that encourages people to think about

1 the things that they're doing and how those could
2 have impact on the system, on other people, on
3 the safety of our operations.

4 So I think again this is a good
5 example where you have to be careful. You want
6 to drive behavior and you don't want to make it
7 just a check-the-box kind of process.

8 And so I think I fully support the
9 idea that you want to maybe add some color around
10 this is a process that's intended to apply to
11 significant issues. And in some respects you
12 don't want to define what those are because it's
13 all about creating a culture where people think
14 about what they're doing. They think about
15 whether or not they're doing something that could
16 have impact on people or systems or safety and
17 they communicate what they're doing. They
18 incorporate feedback.

19 And so I think we're in very much
20 alignment on implementing this. And I do think
21 though that maybe adding that it's really
22 intended for significant issues for it to be a

1 documented process. But I will just say that our
2 intent I think in both B31-8S and safety
3 management systems and in us implementing this
4 process is to drive behavior throughout our
5 organizations.

6 CHAIR GANT: So as chair I'd like to
7 play back what I think I've heard and then get
8 next level comments from the Committee.

9 There seems to be consistent requests
10 for some clarity around time for implementation
11 of this with the suggestion being five years, as
12 needed.

13 Second, there seems to be some pretty
14 consistent concern with the scope within which
15 this management of change requirement is applied.
16 And as I understand from reading the Federal
17 Register notice, I want -- this is what -- the
18 part I want to play back: There's an ANSI ASME
19 process that defines four aspects of management
20 of change in this space. And the rule appears to
21 add additional aspects: procedural, physical and
22 organizational aspects.

1 Is -- and I'm trying to play this back
2 so I understand what -- how to get this concern
3 narrowed down and the scope of the rule. Is what
4 the Committee and others are suggesting that if
5 management of change relative to the risk that
6 we're trying to address here and the behavior and
7 practices that need to be changed as defined in
8 the ASME ANSI standard an appropriate -- the
9 right boundary here? Is the concern that it goes
10 beyond what -- the standard that's already been
11 developed voluntary through the industry?

12 And I'd ask for any comments the
13 Committee has on that. And then I'd like to ask
14 for PHMSA staff to respond to the concerns that
15 have been raised.

16 Chad, were you still having your card
17 up or not?

18 MEMBER ZAMARIN: Yes. No, just to
19 respond to that. Yes, I think it is important to
20 clarify that this is not intended to be every
21 change. This is intended for operators to
22 identify changes that could have an impact on

1 safety. So that's a very important distinction,
2 because you do see kind of misfires where we get
3 into form over substance or process over
4 performance. And so, yes, I do think that -- I
5 think the intent is there. I'm confident the
6 intent is there.

7 But if you read it just on its face,
8 you might think that every change requires a --
9 every organizational change, physical change,
10 environmental change requires a management of
11 change process. I think more importantly it
12 requires an evaluation of whether that change is
13 significant. And if it's significant or could
14 impact safety, then it requires that formal
15 process. And so I think that differentiation is
16 important.

17 CHAIR GANT: Okay. Professor Gosman,
18 then over -- back to Steve on staff, and then to
19 Mark.

20 MEMBER GOSMAN: So this is a question
21 about the ANSI standard. Well, maybe I'll make a
22 comment first.

1 I'm really pleased to see that you are
2 both referencing the standard here and pulling
3 out pieces of it that are important to the
4 regulation, because from my perspective I would
5 like to be seeing more text from PHMSA that's
6 specific to the issues rather than just a
7 reference to the industry standard. So thank you
8 for that. I think one of the things that makes
9 of course referencing an industry standard
10 difficult for say a member of the public to
11 understand is I don't know what's in that
12 industry standard.

13 So my question is is -- does the
14 industry standard contain any limitations in
15 terms of the types of changes that this process
16 would address? And if it does, are you
17 incorporating those within your proposed text
18 here?

19 CHAIR GANT: Steve?

20 MR. NANNEY: I think we got it almost
21 verbatim the same wording that's in it. If you
22 look up under D is -- I'm going to read from the

1 B31.8S, Section 11(a). And what it says is:
2 "Management of change shall address technical,
3 physical, procedural and organizational changes
4 to the system whether permanent or temporary."

5 And if you look up I think we've
6 pretty well got in the second sentence under D --
7 I think that's what we've got in there. So I
8 think the answer is yes, we tried to do that.

9 MEMBER GOSMAN: Okay. Thank you.

10 And then just another brief point. On
11 the question of retroactivity, from my
12 perspective I think it's pretty clear that this
13 proposed regulation is a regulation of operation
14 and I don't see it as a retroactive rule.

15 CHAIR GANT: Okay. Mark?

16 MEMBER BROWNSTEIN: So two things:
17 First of all, I would just note that I'm not
18 sure, Chad, if what you were suggesting is is
19 that this language here that talks about
20 technical, design, physical, environmental,
21 procedural, operational, so on and so forth needs
22 to be reduced down to one word: safety. Or -- I

1 -- so I wasn't quite sure of your comment, the
2 scope of it. If the intention was to distill
3 that down, I would argue that that might be
4 misplaced, but I don't want to put words in your
5 mouth.

6 My other comment is there's been a lot
7 of sort of casual reference here to like we need
8 five years to implement this. And I'm not so
9 sure what's driving five. How about three,
10 right? Why not 18 months? I mean, so -- right,
11 so five sounds like a nice round number. You got
12 five fingers on a hand, that sort of thing. But
13 I just don't understand what the magic is about
14 five and I would appreciate maybe someone
15 addressing themselves to that.

16 CHAIR GANT: Thanks, Mark. Sue?

17 MEMBER FLECK: I had a question. You
18 said there were two places where this was
19 identified: 921.13(d) and 911(k). Can you show
20 the language on 911(k), too, so we can make sure
21 that -- or am I wrong?

22 MR. McLAREN: Well, it just says, you

1 can see -- it just says instead of per B31-8S, it
2 says it says per 13(b).

3 MEMBER FLECK: So it's the same words
4 in both places?

5 MR. NANNEY: He's going to put it on
6 the board.

7 MEMBER FLECK: Okay. So it flips you
8 right back?

9 MR. McLAREN: It used to say per
10 B31.8S.

11 MEMBER FLECK: So the only language
12 we're concerned with is (d). So if you put that
13 back up there --

14 MR. McLAREN: Yes.

15 MEMBER FLECK: -- I'll take another
16 quick look.

17 MR. McLAREN: Yes.

18 MEMBER FLECK: I want to make sure.

19 MR. NANNEY: Chairman, can I say
20 something while everyone's reading it?

21 CHAIR GANT: Absolutely.

22 MR. NANNEY: Just one comment is PHMSA

1 would expect under integrity management that
2 operators should already have this in place. So
3 it would just be a migration from HCAs to non-
4 HCAs.

5 CHAIR GANT: Chad?

6 MEMBER ZAMARIN: Chad Zamarin,
7 Cheniere Energy. Maybe just to respond to Mark,
8 no, my intent was not to distill this down or --
9 in fact all I was proposing is that something
10 like that sentence be enhanced by saying whether
11 it's -- addresses technical, design, physical,
12 etcetera, changes to the pipeline process,
13 whether permanent or temporary that may have the
14 -- an impact on safety or that have a significant
15 impact, or you put significant changes.

16 I mean, I guess my point is you could
17 read this and interpret it that every change --
18 and I think that were -- those were the comments
19 that we were hearing, that every single change
20 within an organization goes through a formal
21 process. And I think you very quickly lose the
22 value of management of change if that's how it is

1 unintentionally interpreted, that it's really
2 about identifying what changes could have an
3 impact on safety and those changes being subject
4 to a process.

5 CHAIR GANT: A question, if someone
6 has the text that might be responsive to the
7 point raised by Professor Gosman and the flag
8 that Mark raised, is how does the standard
9 actually define the areas on which it applies?
10 And that would be useful language for us to see,
11 I think, because it might shed some light on this
12 question right here.

13 Mr. Drake?

14 MEMBER DRAKE: When the S document was
15 written, I was the chairman of ASME. And I think
16 we have to remember that ASME is not a
17 regulation. It is a standard. It was defining
18 how to do this and where -- and how to apply it,
19 how to do the processes, what to do with it. It
20 wasn't defining a regulation of how to -- under
21 what conditions to apply it. That was left
22 intrinsically, in the writing of the document, to

1 the discretion of the operator or the user.

2 And that's where my comment goes back
3 to significant, because it was fundamentally
4 intrinsic to the development of the S document
5 that this would be applied to where it is
6 relevant. And I think that's the point Chad is
7 making. And that's what kind of misses as we
8 lift it right out of S. It's that context that's
9 missing. It wasn't written as a regulation, but
10 it becomes a regulation.

11 So we have to give some context on how
12 to apply it, because it was never written with
13 that. It was fundamentally written with the
14 intrinsic understanding that it would be applied
15 as necessary to where it is relevant. And that
16 piece kind of falls out as it comes across as a
17 regulation. Does that help?

18 CHAIR GANT: Yes, you've more clearly
19 defined the gap for us. Thank you, Mr. Drake.

20 Sue, and then back to Mark.

21 MEMBER FLECK: Sue Fleck, National
22 Grid.

1 I think the differences between this
2 and the actual language; somebody just texted me
3 a very tiny thing, so I'm trying to read it, is
4 the words that were added were "environmental,
5 operational and maintenance." So it says
6 technical, design, physical, procedural,
7 organizational. It's got that in there, but it's
8 adding O&M and it's adding environmental. And do
9 we understand what that really means and how
10 that --

11 I mean, maintenance in and of itself
12 is you have to go out, you have to look at what's
13 going on and you have to respond accordingly. So
14 that's managing change. I mean, so in other
15 words, every time you go out to do maintenance
16 you're going to be documenting some stuff. That
17 could be a little bit -- just a little bit
18 difficult, but worth consideration.

19 And the five years, Mark, that's in
20 there more for IT system support and adjustment.
21 For the larger companies that track all of their
22 work in IT systems, you got to do RFPs, you got

1 to go out, you got to get systems enhanced. It
2 takes many, many years. If you were documenting
3 change on a piece of paper, you could implement
4 it tomorrow, but with systems -- I mean, we have
5 an SAP system. God knows if we'll even be able
6 to do it in five years. It can be difficult. So
7 I think that's probably where that comes from.
8 I'm guessing for everybody else, but I know for
9 us that's what it's coming from.

10 CHAIR GANT: Okay. Back to Mark.

11 MEMBER BROWNSTEIN: So, Sue, I -- so
12 Mark Brownstein, EDF. So, Sue, I -- that's a
13 very helpful comment. Five years, it sounds like
14 an awful long time. And without creating
15 additional burdens on the entities that would be
16 required to live underneath this, it would seem
17 to me that if that long window of time were
18 afforded, that there -- along with that would
19 come some level of obligation, right, to report
20 back to PHMSA as to where you are in process,
21 right?

22 Because I've got a high school senior

1 at home and if you give him a deadline, he's
2 going to be up at midnight, right, doing it. And
3 so, there needs to be some accountability there
4 in that window that you're making steady
5 progress, right? So that's one thought.

6 With regard to the -- sort of the
7 context setting -- and that was a very helpful
8 comment that was made. And so I agree with the
9 fact that you probably want to say something
10 about the context of, right, the standard is just
11 basically a process. and it's a process to do
12 what? I would say that it's not just safety,
13 though. It's safety and environment, right,
14 because that is consistent with PHMSA's statutory
15 authorities and requirements, right?

16 And so environment maybe is misplaced
17 in where it's put here because it's really not a
18 process. It's process -- it's significant
19 changes that affect safety and environmental
20 operations, right? And then I think you've got
21 it.

22 CHAIR GANT: Professor Gosman?

1 MEMBER GOSMAN: So two thoughts: The
2 first is that particular section begins with "the
3 operator must evaluate, mitigate as necessary
4 risks to the public and environment." And I
5 wonder whether it makes sense to read that
6 requirement for management of change within that
7 particular context. That is, what the operator
8 is doing is evaluating and mitigating risk
9 through this management of change, and it's as
10 necessary. Not to do the management of change.
11 That's required. But in terms of what the change
12 are necessary to address the risks to the public
13 and environment.

14 And then the other part about timing
15 here, I'm sympathetic to the issue of putting
16 into place any management process. I think
17 what's confusing to me is if this is already
18 required under IM for HCAs as a process, it would
19 seem to me that would have been the bulk of the
20 work. And now we're extending it out to areas
21 that are not in HCAs, but to have that be over
22 five years when the requirement is already in

1 place for HCAs seems to be a long time.

2 CHAIR GANT: Mark is your card up
3 anew?

4 MEMBER BROWNSTEIN: No, sorry.

5 CHAIR GANT: Okay. So in looking at
6 this text, one of the things that occurs to me is
7 that the first sentence ends with "including
8 management of change," and a suggestion might be
9 to strike that and begin the next sentence with
10 "acknowledging the context set forward in the
11 first sentence management of change processes
12 should be implemented as outlined in ASME and
13 ANSI standard." Because it seems to me the first
14 sentence is taking a -- takes a good stab at
15 setting the context that is being discussed here,
16 that the purpose of implementing management of
17 change process is to address the public safety
18 and environmental risks associated.

19 So given that bit of fodder for the
20 group to consider, Steve, any thoughts from PHMSA
21 staff? Or Alan?

22 MR. MAYBERRY: Seems like -- I guess

1 to break it down into two buckets where we need
2 some guidance, one is I think it is a very good
3 point about how it would be a change that impacts
4 safety in the environment. I think we can wrap
5 it up into that. I think that would help. The
6 other is related to the time frame. We need
7 guidance on that. I think other than that we're
8 fairly much there.

9 And I did want to add that -- just a
10 side note that we are talking about gas
11 transmission. We're not talking about
12 distribution, just to be clear. Notwithstanding
13 what section this will be in, we do assert that
14 it does apply to gas transmission, but not
15 distribution.

16 PARTICIPANT: (Off microphone.)

17 MR. MAYBERRY: Right, onshore. Right.
18 So just want to be clear about that.

19 But anyway, guidance on those two
20 areas. The time frame and then we can work -- I
21 think the wording on the safety and the
22 environment, that's an easy one to deal with.

1 But then the others, the time frame. I think
2 I've heard everything from, well, some
3 organizations are already doing this to, yes,
4 there are systems that need to be updated.

5 And then this does dovetail nicely
6 into SMS, and appreciate that, which deals with
7 the organization at large and decision making
8 that happens there. So anyway, those two areas.
9 One I think we have. The other is the timing.
10 And then we can take that and develop something
11 to bring to you. I'm not saying we'll do that
12 tomorrow, but -- because I'm not sure we're there
13 yet. But anyway, that's it.

14 CHAIR GANT: Cheryl?

15 MEMBER CAMPBELL: So I'm just going to
16 ask a question. As I -- and I hear what
17 everybody's saying about the timing and I just
18 think about an organization with people who are
19 trying to do the right thing, trying to get out
20 there and follow the rules. And I'm sensitive to
21 the issues around the IT.

22 I hear what you're saying, Mark. Five

1 years seems like a long time. It does to me,
2 too. But I also knows that it goes in a
3 nanosecond from what I can tell.

4 And so, how do you -- and it's -- I
5 think it's very difficult to codify some of this
6 stuff, right? I mean, you want companies to be
7 making some progress, but you don't want to be
8 administratively burdensome. So how do you show,
9 right -- so I'm just thinking about our last year
10 of dealing with safety management systems and the
11 things we learned about ourselves in that, right?
12 And how do you show progress?

13 So for instance, it might not look
14 like a lot of progress from the outside looking
15 in, but companies -- I think if they're truly
16 embarking on these journeys and truly working
17 through this, they're learning some fairly
18 significant things about themselves and their
19 culture and they're realizing that they've got to
20 go back and do some more fundamental work in some
21 cases that might not be very visible on the
22 outside, but is having a positive impact, right,

1 on their culture, their safety culture within
2 their company.

3 So I'm struggling a little bit with
4 how do you show progress and how do we -- right?
5 I mean, how do we -- we don't want to -- you
6 don't want to slap a company for starting down
7 the path and trying to work their way through it.
8 And the reality is as much as I wish I could tell
9 you I could go like this, (snaps fingers), and
10 tell tomorrow it will all be perfect, it won't
11 be. It just won't be. So and that's true of a
12 lot of operators across the country despite the
13 fact that they all want to do the right thing.

14 So I'm trying to figure out how do you
15 say, yes, we got to give people some room to take
16 that journey, but we also -- I hear you. We got
17 to be able to say, yes, people are making
18 progress and we're working on it, right, and
19 we're putting the time and effort into it and
20 actually showing that we're making some progress.
21 So I don't know where that compromise or that
22 balance point is, but it's not trivial, because

1 we're dealing with real human beings and we're
2 dealing with these very large structures and some
3 very small companies as well that have some
4 different challenges

5 CHAIR GANT: Mr. Brownstein?

6 MEMBER BROWNSTEIN: So Mark
7 Brownstein, EDF.

8 One of the ways -- so another way that
9 you could do this -- and this falls in the
10 category of thinking out loud a little bit, but
11 one of the ways in which you could do this is you
12 could set a narrower time frame, right, but then
13 allow the company an opportunity to demonstrate
14 to PHMSA that it needs more time, right, and in
15 doing so would have to be pretty specific at that
16 point as to why, right? Okay. We're having
17 problems with our IT systems and it's going to
18 take us another 18 months. Okay. But at least
19 there's a -- you could do it like that, right?

20 The burden then falls on the company
21 to sort of be succinct about what the problem --
22 what the issues are, and there's an expectation

1 though that it needs to get done. So that's
2 another way to handle it as opposed to giving you
3 a wide window but with a lot of interim reporting
4 requirements.

5 Because I hear what you're saying,
6 like it -- and it could become a whole exercise
7 in and of itself, right? Your interim
8 milestones, your one-year report, your two-year
9 report, your three-year report, right? It
10 becomes a headache. And it might just be simpler
11 to say, look, you're going to get this done in 18
12 months. And if you can't get it done in 18
13 months, you're going to be very specific as to
14 what things you're working on and why.

15 CHAIR GANT: Chad?

16 MEMBER BROWNSTEIN: Just a thought.

17 MEMBER ZAMARIN: Chad Zamarin,
18 Cheniere Energy.

19 I hear the discussion around timeline
20 and I would only offer that management of change
21 is a lot like other parts of safety management
22 systems. It's really a journey. It's not a

1 destination. It's not something that you
2 implement and you're done. You have the system
3 that you need and now you're compliant. And
4 that's the challenge of a performance-based
5 safety management system and management of
6 change.

7 I think what -- there are varying
8 degrees of, I mean, I think of people
9 interpreting what achieving compliance may mean.
10 And I think it will be really -- I'm willing to
11 take the leap of faith and trust in the alignment
12 of our interests. And I think we saw it in
13 integrity management that we put a process in
14 place and then it's a journey to achieve that
15 process in the best form possible.

16 And whether initially it's manual and
17 it's the most -- the easiest things to address.
18 And then we're phasing it into a more advanced
19 system and we're implementing technology to
20 support it. I mean, I guess my only comment is I
21 agree. And I like the idea of, hey, adopt by a
22 time and if you can't, make a reason for it. But

1 I just want to caution maybe the group that when
2 we developed B31-8S, when we develop safety
3 management systems, it's really not meant to
4 mean, hey, you're done. It's going to take you a
5 year to implement and then you're done.

6 This is a journey we want you to be
7 embarking on and we want to see you making
8 progress. It's very hard to prescribe exactly
9 what that looks like for every operator every
10 year or in five years. It's going to be
11 different for each of us. So this is a tough
12 issue, but I think we all recognize it's
13 important to do. We need to get on with
14 implementation. And as long as that
15 implementation is underway and we're meeting the
16 goals that maybe are established, I think we're
17 on track.

18 So I agree it takes time to phase in,
19 but at the same time I don't think we should
20 interpret that to mean that within a year or
21 within five years you're done. So, thank you.

22 CHAIR GANT: Thanks, Chad.

1 Alan, over to you.

2 MR. MAYBERRY: I'm just going to throw
3 out a proposal and also acknowledging that we
4 dealt with this issue when we issued the
5 Integrity Management Regulations. There was an
6 implementation period of what, 18 months or --

7 PARTICIPANT: Something like that.

8 MR. MAYBERRY: Something like that.
9 But anyway, so here we are today talking about
10 this issue to apply to the other 93 percent of
11 what's out there. I would just -- why not --
12 let's say two years with the ability, if that's
13 not doable, to petition the
14 administrator/associate administrator for a
15 variance, just like we've handled that in other
16 areas. So that's just a thought to throw it for
17 discussion.

18 CHAIR GANT: Mr. Drake?

19 MEMBER DRAKE: I think that's
20 reasonable for the process part. I think it's
21 fair to give a target for people to have a
22 process in place. And then I think it switches

1 over to what Chad's saying. Now it's a constant
2 effort to apply it and deploy it.

3 And I would like to circle back. I
4 know we've spent a lot of time talking about
5 times to ramp up. And two years I think is
6 appropriate. Get a process in place. Get
7 started. But I haven't heard how we were
8 thinking about providing that context of
9 relevance.

10 And I think frankly that's the biggest
11 concern that most people I talk to have about
12 this is that we got to get the words right here
13 or some provision right to apply it to things
14 that are significant, because this is a big deep
15 pond. If we don't get that in there, we're going
16 to have cat fights forever about how much of this
17 we're going to try to do. And that's -- once you
18 get the process placed, then there's this
19 discussion that comes of you're not doing enough,
20 which I think we need to figure out how to manage
21 that part, which goes back to Rick's comment.

22 CHAIR GANT: So to repeat back what

1 has been suggested by Mr. Drake, it would insert
2 in here at the appropriate place the requirement
3 that an operator within two years develop and
4 follow a management of change process, whatever
5 that process is, setting aside the point we
6 haven't defined comfortably the area of what that
7 applies to.

8 Okay. So putting that out on the
9 table as a point of consideration. Two years to
10 develop and follow a management -- to begin to
11 follow. I don't know if it's -- begin to
12 "follow" is the right word, but follow a
13 management of change process with the opportunity
14 to petition the agency for additional time with a
15 specific explanation.

16 Second matter that Mr. Drake has
17 raised is what areas are the focus of this
18 management of change requirement? Going back to
19 the focus of the rule, this aspect -- the
20 standard and this aspect of the rule is the
21 public safety and the environment and addressing
22 the risks presented by these operations.

1 And as Mr. Zamarin has noted, the idea
2 being that what you're seeking to do with this
3 particular provision is ensure the entities are
4 taking the appropriate steps to change behavior
5 and culture that involves people and happens over
6 time, that this standard doesn't capture all the
7 specific technical ways that you're going to do
8 that. What it does is help begin to standardize
9 the way you deal with identifying those actions
10 and making the changes necessary to ensure the
11 public safety and the environment.

12 Steve from the PHMSA staff, an
13 opportunity to respond.

14 MR. NANNEY: Yes, we will consider
15 that. We're definitely in agreement of trying to
16 do something in light of that. I do not have the
17 wording in front of me to be able to respond that
18 we would do this or that, but principle, we will
19 look at it and try to do it.

20 CHAIR GANT: Okay. Any other comments
21 from the Committee? Sue?

22 MEMBER FLECK: Yes, real quick with --

1 for Steve. And we'll align the words with ANSI
2 B31.8S so they're more the same? Or consider
3 that?

4 MR. NANNEY: Well, we will leave the
5 environmental, operational, maintenance, because
6 those do affect the integrity and people working
7 on the pipe. We'll look at design and some of
8 those type things, yes.

9 MEMBER FLECK: Okay. Thank you.

10 CHAIR GANT: So just to make sure this
11 point is clearly understood, what I understand,
12 the concern with the reference that follows ASME
13 ANSI B31.8S Section 11 is that the things that
14 are called out after that as being contained in
15 that standard are not necessarily all part of
16 that standard.

17 MEMBER FLECK: Right.

18 CHAIR GANT: So I think -- I don't
19 know that, Steve, your comment reflected that.

20 MR. NANNEY: It wasn't intended to
21 reflect that, because the --

22 (Laughter.)

1 MR. NANNEY: -- maintenance and
2 operation affect the integrity of the pipe, and
3 we would definitely -- even though it's not
4 exactly stated that in B31.8S, it implies that
5 greatly, since that what B31.8S was written for.
6 So that's why what Sue said I didn't quite say I
7 -- we would do that. And I said we would do
8 design and the things that I'd call one-off-type
9 things that I think is what she was trying to get
10 at.

11 CHAIR GANT: Okay. So then I just
12 want to make sure that we're getting this clear.
13 So you're saying what follows Section 11, that
14 listing does not apply to the standard but
15 modifies the management of change process
16 instead?

17 MR. NANNEY: I didn't quite catch
18 what --

19 CHAIR GANT: So you could read this
20 two ways: You could say all those things that
21 you list are outlined in the standard, or you
22 could read this to say all of those things that

1 you list there: technical, design, physical,
2 environmental and the like, apply to a management
3 of change process.

4 MR. NANNEY: Yes, so --

5 CHAIR GANT: Which one is it?

6 MR. NANNEY: Well, they all apply to
7 the management of change process. When you say
8 "technical and design," are they the same, well,
9 "design" is not in B31.8S. We will definitely
10 consider taking "design" out and some of the
11 other words. And I think that's what Sue was
12 wanting. But the words like "operational" and
13 "maintenance" we cannot take out because that's
14 the intent of B31.8S even though it's not
15 specifically stated in this Chapter 11.

16 CHAIR GANT: Cheryl and then Professor
17 Gosman.

18 MEMBER CAMPBELL: Thank you. Cheryl
19 Campbell, Xcel Energy.

20 I understand what Sue's saying and I
21 guess my only caution is; and I'm going to go
22 back to what Andy said before, this is a big deep

1 pond, right? So to the extent that this
2 continues to expand, the burden, right, becomes
3 greater and greater for the operators and hence
4 for the customers.

5 So I think we need to be thoughtful
6 and careful about that line of what is
7 significant. And then I would suggest that the
8 estimate for the impact on the industry that was
9 put forth in the original regulation is too low.
10 So I would ask that we think about it from that
11 aspect as well.

12 You want to get the things that are
13 significant, that are impacting safety and
14 environment, but we also want to be cognizant of
15 what the cost is to do that.

16 CHAIR GANT: Professor Gosman?

17 MEMBER GOSMAN: So as I read this
18 language, the -- what we're doing here is adding
19 triggers to what -- a change process that's in
20 ANSI. And if that's the way to read it, then I
21 would think design would be important, because if
22 you make a design change, you would want to then

1 follow the impacts of that through.

2 And the other thing is I'm just trying
3 very fast and have not accomplished it to look
4 back at the Integrity Management Rules to see how
5 that particular requirement, which is a
6 management-based requirement as well -- how it
7 was articulated to address this question of
8 significance.

9 So maybe just a suggestion to go back
10 and look at the rule to see if there's any
11 language you can pull from there that would be
12 helpful. Same issue, right? Had a big
13 management-based requirement, needed to look and
14 see how to -- not everything was going to be
15 included in that, right? How was that framed up?

16 CHAIR GANT: Steve?

17 MR. NANNEY: We will go back and look
18 at that based upon your suggestion. And if we
19 have to backtrack what we've said, we will
20 explain when we bring that up tomorrow, that if
21 we made a mistake, we'll tell you.

22 CHAIR GANT: I think that was sort of

1 a motion by staff.

2 Any other comments from the Committee?

3 (No audible response.)

4 CHAIR GANT: Ready to wrap this one up
5 for today and move on?

6 (No audible response.)

7 CHAIR GANT: Okay. Let's see. How
8 are we on time? Would -- I have a feeling
9 records is not going to take 15 minutes.

10 (Laughter.)

11 CHAIR GANT: So how about if we go
12 ahead and break for lunch? I would ask Committee
13 members if -- I'd like to suggest that we try an
14 hour for lunch and reconvene at 12:45, or do our
15 best to do so. Is that acceptable? Any
16 opposition?

17 (No audible response.)

18 CHAIR GANT: Excellent. 12:45 it is.
19 See you back here.

20 (Whereupon, the above-entitled matter
21 went off the record at 12:44 p.m. and resumed at
22 12:51 p.m.)

1 CHAIR GANT: Good afternoon. Welcome
2 back. Thank you for all returning in a timely
3 manner. Hope you're filled up with caffeine so
4 we can charge through this afternoon. And to
5 keep everybody on their toes, I know that we'll
6 have lots of comments on records.

7 So moving to the next item on our
8 agenda, will that be Chris? Or Steve? Okay.
9 Steve. It's the Steve Show.

10 MR. NANNEY: Well, give me just one
11 minute. I'm --

12 CHAIR GANT: Oh, took Steve by
13 surprise.

14 MR. NANNEY: I'm still enjoying lunch,
15 I believe, so --

16 (Laughter.)

17 CHAIR GANT: So to give Steve a couple
18 of minutes, one of the questions that was raised
19 to me --

20 MR. NANNEY: Just give me about a
21 minute.

22 CHAIR GANT: -- before we started was

1 to confirm where we left things on the last
2 matter, and that was on management of change.
3 And just to confirm the Chair's understanding of
4 where we left things is that the PHMSA staff is
5 going to take the comments received, do their
6 best to come back with a response that this
7 Committee might look at tomorrow. And if we seem
8 to have achieved some deal of consensus, we would
9 then move to a vote.

10 Okay. And Alan has something to say.

11 MR. MAYBERRY: Just might add another
12 procedural-type thing. If -- as we're teeing --
13 since we've teed these items up, if we get
14 finished today say around 3:30, a little bit
15 early, that would be good and that will just --
16 in fact, we may want to make a point of doing
17 that so we have some time to -- staff discuss it
18 and huddle up here. And then so we'll be ready
19 for tomorrow. So that's --

20 (Simultaneous speaking.)

21 CHAIR GANT: Okay. So we will move
22 forward with that in mind, the idea if we break a

1 little earlier today staff has time to work on
2 the input they've received so that we may have
3 something actionable for tomorrow. I think
4 that's something that -- I'm seeing nodding heads
5 around the table support for.

6 So I can do an interpretive dance here
7 or -- Steve, are you ready?

8 MR. NANNEY: I think I'm ready.

9 CHAIR GANT: Okay. That was your one
10 moment. No interpretive dance on the schedule
11 for the rest of the day.

12 (Laughter.)

13 CHAIR GANT: I mean, yes, you can hang
14 around after 3:30 and see.

15 Okay. Steve, over to you.

16 MR. NANNEY: Well, I hope everyone
17 enjoyed lunch. I sure did. So I hope you did.

18 The next topic, just before I get into
19 just going through this, is I just want to give
20 you a little explanation of what PHMSA's intent
21 was on records, of putting in an Appendix A.

22 What we found in just looking at what

1 happened at San Bruno and some of the issues
2 there, we thought records was a big issue. And
3 we didn't think it was a big issue that it wasn't
4 covered in the code. We thought it was a big
5 issue that it -- was spots all over the code
6 where it had -- you had to do it here and here
7 and various places.

8 So our intent was to put Appendix A to
9 where we put everything that's required as far as
10 documentation in one section for gas transmission
11 so that you could go -- one spot to go look at
12 what we thought the code said and everything as
13 far as documentation. Now there's a few areas;
14 and I'll explain that as we go through, that we
15 actually added in some wording that we realized
16 was not in the code, some of it on MAOP
17 verification of materials. We added it in some
18 sections that it wasn't in before because we
19 thought it needed to be in those sections so that
20 if you were just looking at 619(a)(1) or 619, you
21 could easily forget when you're designing it that
22 you need to be getting records for these

1 materials.

2 So you'll see as we go through -- like
3 192.67 and some of those, we added wording so
4 that it tied in to 192.619(a) that, hey, when
5 you're doing this before you get to operations
6 and maintenance you'd better be keeping these
7 records as you go. We did not think that was a
8 new requirement because it was already required
9 after the code to supplement your MAOP. So as I
10 go through, keep this as a backdrop as what I'm
11 talking about in going through the records review
12 today and all.

13 So just to start out is we felt
14 192.13(e) -- but as we go through I'll point out
15 some other sections that you'll see that's really
16 where we have put new wording in. But the issue,
17 as I've said earlier, is immediately after the
18 San Bruno incident NTSB issued three
19 recommendations to PG&E. And PG&E conducted
20 immediate search for these missing records and
21 could not find the records. And then we got a
22 congressional mandate required that all operators

1 report pipeline mileage that did not have
2 adequate records.

3 And again, the basis was that the lack
4 of records that -- at San Bruno that they had to
5 verify the HCAs. And then when we went out for
6 an information request, operators reported about
7 5,000 miles of pipe in Class 3 and 4 locations
8 and HCAs that had inadequate records to confirm
9 their MAOP. And that's about 13 percent of HCA
10 mileage.

11 And then the proposal again is we
12 decided we needed to clarify what records were
13 needed for Part 192. And if you find that we had
14 a retention or something that was incorrect,
15 we'll get that corrected. That's -- our intent
16 wasn't to -- if it was a -- had a five-year life
17 versus a life of the pipeline, it wasn't to come
18 up with a new requirement there. We may have
19 just made a mistake, if you find that on the
20 appendix. But anyway, it was to document
21 reliable, traceable, verifiable, complete
22 records. And again, we summarized what was

1 required in the retention period in this new
2 Appendix A.

3 Going to the next slide, again, what
4 did we propose? Well, we did add language for
5 class locations in 192.5; I think it's .5(d),
6 when you go look, is that class location
7 determination records must be kept for the life
8 of the pipeline. And that was new. But if you
9 just go back and look is if you go to 619(a),
10 that is already a requirement, because how can
11 you establish an MAOP without knowing your class
12 location? So it was already required even though
13 it -- the exact wording wasn't in 192.5. But it
14 is in some other code sections.

15 The next bullet was each operator must
16 make and retain records that demonstrate
17 compliance with this part. And that's 192.13(e).
18 And that was new. And then some other new ones
19 that we had was each operator of gas transmission
20 pipelines must acquire and retain records for
21 materials, which is 192.67. Pipeline design,
22 which is 192.127. And that's new. Pipeline

1 components, again which would be pressurized-type
2 components, 192.205.

3 And this is a new welder
4 qualification, 192.227. And the reason we added
5 that is we got a requirement that you got to test
6 welders and you've got to have records is -- in
7 going through and looking at it, we said, well,
8 we don't have any kind of retention time is --
9 and I don't think in any inspections we've ever
10 found this to happen, but could an operator weld
11 up a pipeline today and next month throw the
12 records away? Should we have -- isn't it prudent
13 to have a retention time to keep that
14 documentation?

15 Now, I would bet that the prudent
16 operators are probably keeping it for the life of
17 the pipeline, now or some period, but there's
18 nothing in the code that states that.

19 And then going down to the next was
20 plastic pipe joining qualification. And this is
21 for gas transmission pipeline, so 192.285.
22 Installation in a ditch; in other words, depth of

1 cover, 192.319(d). And then MAOP verification,
2 192.624(f). And this is the MAOP verification
3 that's a part of the integrity verification
4 process. And again -- and then we put all of
5 those in Appendix A. These plus others that are
6 already in the code, that's been in the code for
7 many, many years.

8 As far as retention time, when we went
9 through looking at the code, it is -- basically
10 the code has, in our viewpoint, four different
11 criteria for retention time for documentation.
12 Life of the pipeline, five years, three years.
13 And then there's one item -- I think it's on -- I
14 don't -- on control management or some -- is
15 there that's got such a -- it's got a one-year or
16 the last two periodic tests that you got to keep.
17 So anyway, along this line is what's already in
18 the code for retention time for documentation.

19 And then the effective date for
20 retention time, when we went through and wrote
21 this, we did not put in a retention time -- I
22 mean, an effective date for the retention time is

1 -- but we've gotten comments asking for that type
2 effective date. But in looking at it and
3 realizing it is we were considering that.

4 And what we would look at would be
5 pre-code or pre-March the 13th, 1971, or December
6 1970, whatever in that time frame you want to say
7 the code came into effect. Then post-code. In
8 other words, once the code was in fact. And then
9 final rule or other time intervals. And when I
10 say "final rule," that would be this rule that
11 we're talking about now.

12 But the post-code, some of the
13 requirements did not just take effect in 1970.
14 When you go back and look, there may be some that
15 was 1979 or some other time periods, but we were
16 not trying to change any of those time periods
17 that were already in the code or -- and based
18 upon when that was placed in the code.

19 The key part that we were trying to
20 do, going to the next bullet, is MAOP, is what we
21 were trying to do is, one, we were trying to keep
22 up with materials, test pressure, class location

1 and construction records that are needed to
2 document your MAOP is what the main thing we were
3 trying to do. Now, I realize some of the O&M
4 records that were already inherent in the code
5 may not explicitly be for keeping up with the
6 MAOP itself, but it is maintenance items that you
7 have to have a retention period for documents.

8 And that's what I've got -- the next
9 bullet is operations and maintenance including
10 operator qualification, integrity management and
11 corrosion control. Those subparts, L, M, N, O
12 and I already have retention times, if you go in
13 and you read the actual code section. So again,
14 all we were trying to do there was put in
15 Appendix A those time periods that were already
16 in there.

17 Just to put up on here -- and this is
18 just a records retention. And I just wanted to
19 give everybody a view and a Saylor's got it here
20 on the right hand side, too, that's got more
21 detail, just like how we went out in the Notice
22 of Proposed Rulemaking.

1 But if you just look at the subparts,
2 most of the subparts, or all of the subparts in
3 the code have some type record keeping. And
4 they're in various parts. If you look as we go
5 through, there's Subpart A, general; Subpart B,
6 materials. There's some -- we added that new.
7 Subpart C, pipe design. Then there's design of
8 pipeline components, welding of steel in
9 pipelines, joining. There's a few items there.

10 You go on down as far as records
11 retention is general construction requirements.
12 Some of those were already in. Some were --
13 we've added. Subpart I, all of those in -- for
14 corrosion control were in there before this
15 Appendix A.

16 Going on down, this is more in the
17 corrosion control section. Going on down you'll
18 see the test requirements, Subpart J. Those have
19 been in the code since the code was established.
20 Subpart K is up-rating where you up-rate the
21 pressure of your pipeline. Those have been in
22 there prior.

1 And then going to the operations, if
2 you go to the operations section, all of these
3 were already in the code. And the same thing on
4 maintenance. Going down to the last two, the OQ
5 part for pipeline personnel is one that was in
6 there. And integrity management. That was put
7 in when Subpart A became a portion of the code.

8 Again, our intent was to put these
9 where we and -- the industry and the public had a
10 one-stop place to go to find these. Now, if we
11 missed a time interval, a retention time or
12 something, we can correct that. That's not -- I
13 would not doubt if we don't have one wrong.

14 But the intent was to get it to where
15 everyone was on the same page of what records we
16 needed to keep because we saw the records from
17 San Bruno being part of the issue of the
18 incident. And you probably are wondering, well,
19 why is he saying that? Well, one reason is is I
20 think they were using ECDA there and they had
21 said the pipe was seamless and the pipe wasn't
22 seamless, realizing at the diameter it may not

1 have made a difference, but if you don't get the
2 attributes of the pipe correctly, you can have
3 issues there. So we were trying to make sure of
4 all these processes that we had the retention
5 times and what the documentation should be.

6 As far as comments that we received,
7 they were supported by citizen and government
8 groups and pipeline safety advocates. We did
9 have a comment on 13(e) that had -- the way it is
10 applied. It's an unfeasible standard that
11 appears to be retroactive. Another comment we
12 had was reliable, traceable, verifiable and
13 complete. They oppose inclusion of this. We had
14 several, or a number of comments wanting us to
15 eliminate "reliable."

16 And just a side comment there is I
17 didn't understand either way of -- that it made
18 that big of a difference whether it was in there
19 or not when I looked at it. That's just a side
20 comment is if we kept it or we deleted it. I
21 personally didn't know if it made that much
22 difference.

1 The last bullet is require verifiable
2 in accordance with the 2015 Advisory Bulletin
3 after San Bruno that we sent out only if any
4 single record is not traceable or complete.

5 Other comments received as Appendix A.
6 It appears to introduce new recording and
7 retention requirements. Also it should be non-
8 retroactive and PHMSA needs to clarify what
9 applicability to pipelines other than
10 transmission lines. And just to comment there is
11 the -- I think the heading of it was for
12 transmission pipelines, so it -- we thought that
13 was pretty well telling you that it wasn't for
14 distribution and all by the title of it.

15 Specific concerns was pipeline
16 component requirements should be removed and
17 those smaller than two-inch diameter should be
18 exempt, which seems like a good comment. Welders
19 and joiner qualification records should not need
20 to be retained for the life of the pipe. And
21 PHMSA should clarify that some records only apply
22 to transmission pipelines.

1 What's PHMSA's initial take? Well,
2 PHMSA feels like based upon the congressional
3 directives, NTSB directives that we've gotten,
4 that we've got to address the records issue,
5 especially in regard to establishment of
6 documentation for MAOP. And the reason, like
7 I've stated before, if you look at Section 23 of
8 the Pipeline Safety Act of 2011, if you look at
9 what we've got from the NTSB on the PG&E incident
10 -- and then last is in response to the Act
11 operators had to report mileage in HCAs and Class
12 3 and 4 locations where they did not have records
13 to establish MAOP. So we thought we had three
14 directives to do something about this. And
15 that's what our take was and what we were trying
16 to implement.

17 Also operators have been required to
18 have sufficient records in compliance with Part
19 192 in the U.S. Code 607.117(b). And Part 192
20 requires operators to have MAOP records. If you
21 look at 192.603(b), it says that each operator
22 shall keep records necessary to administer the

1 procedures established under 605. And if you
2 look at 605(b) as an example, starting up and
3 shutting down any part of the pipeline in a
4 manner designed to assure operation within the
5 MAOP limits prescribed of this part plus to build
6 up allowing for operation of pressure-limiting
7 and control devices. In other words, the MAOP
8 has to be established.

9 Other items is records to demonstrate
10 MAOP involve more that pressure test records. If
11 you look at 619(a), it has to be the lowest of
12 the following: Looking at 619(a)(1), the design
13 pressure, the components that have be included
14 there is wall thickness, diameter, seam type has
15 to be included in that, and also class location
16 in accordance with 192.5.

17 As far as a pressure test, we realize
18 that that is part of the review as far as
19 establishing an MAOP, which is in 619(a)(2), and
20 that you have to have pressure test records. And
21 that is a requirement of Subpart J. And knowing
22 the class location in accordance with 192.5 to

1 know if you got the correct pressure test would
2 be a requirement.

3 Then some of the other parts of 619(a)
4 would be the prior operating pressure history.
5 And last, the pressure determined by the operator
6 to be the maximum safe pressure after considering
7 the history of the segment.

8 Some other comments that we have there
9 is regarding the maximum safe operating pressure.
10 You got to consider the condition of the line and
11 the actual operating pressure, defects and
12 anomalies that can compromise pipeline safety and
13 make it unsafe to operate. If you look at
14 619(a)(4), it requires that MAOP consider the
15 condition of the pipe. And then determining a
16 safe operating pressure under integrity
17 management or even whether it's in an HCA or non-
18 HCA. And you're using any of the evaluation
19 equations. You got to know pipe wall thickness.
20 You need to know specified minimum yield
21 strength, those types items as far as being able
22 to come up with a safe operating pressure.

1 Going on further, PHMSA's initial
2 take. For segments that operate without adequate
3 records to establish MAOP, PHMSA has proposed a
4 192.607 to create both a destructive and a non-
5 destructive standards by which operators could
6 reestablish and document a technically sound
7 basis for material properties to use in
8 reestablishing the MAOP.

9 And we sought this and we put this in
10 as part of the Notice of Proposed Rulemaking to
11 set a standard where you could substantiate the
12 MAOP using these alternative test methods and not
13 necessarily require operators to perform
14 extensive cut-outs with any destructive testing
15 of the pipeline, which could be interpreted -- if
16 you go and look at some of the design sections
17 like 192.107(b) for pipe strength, or 109(b) for
18 wall thickness, or even 192.213 for seam type.

19 And again, also if you go down to the
20 last bullet for integrity management, if you go
21 look at 192.917, it requires data gathering and
22 integration of the pipe attributes, which would

1 be wall thickness, seam type, grade, all of those
2 type attributes for a high consequence area to be
3 able to establish safe pressures.

4 Additional initial take for PHMSA.
5 PHMSA had proposed to clarify or elaborate on
6 related records requirements where needed. And
7 the intent was not to establish new requirements,
8 as I've stated before, but just to make existing
9 requirements -- regulations clearer.

10 Appendix A was proposed as a source
11 for operators, the public, PHMSA to look at these
12 records requirements. And we've put those in
13 Appendix A. And again, there were some cases
14 where PHMSA proposed retention periods when no
15 explicit retention period exists in the current
16 regulations. If we'd done that, we will discuss
17 that today and if we need to make any
18 corrections, we'll do so. And again, that was
19 our take on this.

20 Also, when operating in maintenance
21 records, in general if you go look at 192.709, it
22 specifies the records retention periods for all

1 records required in Subpart L or operations and M
2 for maintenance. Appendix A again was attended
3 -- was intended just to be consistent and put
4 those in -- those retention periods in one
5 document.

6 In addition, if you go look at
7 192.603(b), it requires that an operator shall
8 keep records necessary to administer the
9 procedures established under 192.605. And again,
10 existing 605(a)(1) requires procedures for
11 operating, maintaining and repairing the
12 pipeline. And again, that equates back to
13 Subpart L and M, which includes MAOP.

14 As far as what's PHMSA's take on
15 design records, we sought to more explicitly
16 clarify the records needed to support the maximum
17 allowable operating pressure, the MAOP. For
18 example, if you look at 192.105, which has the
19 design formula or Barlow's formula, it requires
20 information on pipe specifications such as I've
21 repeated before, diameter, wall thickness, pipe
22 grade, seam type to determine the pipe MAOP. In

1 the records to design the pressure are required
2 because MAOP depends upon the design pressure for
3 619(a) and MAOP records are required for 603(b)
4 and 605(b)(5).

5 As far as what we added for welding
6 and construction is if you look at the existing
7 regulations, they require welding and other
8 construction records, but are silent on the
9 retention period, whether you keep it one day
10 after construction or one year or five years. If
11 you look at -- on some of the workshops and
12 things we've had is one of the key parts is what
13 I'd call -- what I think a lot of the trades and
14 PHMSA and others is the bath tub effect as far as
15 incidents.

16 When you have a new pipeline one of
17 the issues are you're more likely to have more
18 incidents in the early years than as you get on
19 out in operations. So we think we need to add
20 something into the code. We're not trying to
21 make this retroactive. But on some of these type
22 records, some of them it may be we keep them five

1 years, some life of the pipeline, but we think we
2 need to add that to the code. And that's why
3 we've proposed these.

4 Again, that's PHMSA's take and we're
5 open for comments.

6 CHAIR GANT: Thank you, Steve.

7 Members of the public?

8 MR. EBLOSS: Rick Ebloss, Spectra
9 Energy.

10 Spectra Energy supports including in
11 the code explicit requirements for records. I
12 think that clarity helps us all, especially as we
13 go forward. Making some of these requirements
14 retroactive is concerning because if we didn't
15 capture the records at the time or we had a
16 retention period that was less than life of
17 pipeline, then we simply won't have those. So
18 it's really important I think to get this right,
19 that this has far-reaching implications in all of
20 the sections of the code going forward in the
21 next meetings. So it's really important to get
22 the records piece right. Otherwise, we can

1 unintended -- have an unintended consequence of
2 really expanding the scope of the pipelines that
3 are included in this.

4 As far as the MAOP records, Spectra
5 really does support having traceable, verifiable
6 and complete records to reconfirm our MAOP. And
7 most operators have been diligent doing that for
8 the last five or six years. There are concerns
9 with making some of the provisions here
10 retroactive because we may have very good records
11 to define those attributes that are needed to
12 calculate MAOP, but there are other things here
13 that are required now in 619 that we simply won't
14 have, even though we have good records for that.

15 One example of that is 619 now
16 requires construction records. Well, that
17 doesn't go into MAOP calculation.

18 Steve, you said that's not
19 retroactive, but in 619 it would make it
20 retroactive. And what do you mean by
21 construction records would be the concern. So
22 the retroactivity part of it is a concerning

1 piece. Thank you.

2 MR. HITE: Hi, my name's Matt Hite.
3 I'm with the GPA Midstream Association, and we
4 had a question in our comments that we posted to
5 PHMSA in regards to the costs applicable to
6 gathering operators that really weren't
7 associated and we would like to see an estimate
8 or PHMSA to respond to that. And we put that in
9 our comments. Thank you.

10 MR. CARNEY: Hello, my name is Joe
11 Carney. I'm from Northwest Natural in Portland,
12 Oregon.

13 Northwest Natural agrees that a clear
14 understanding of the record keeping requirements
15 in important. We do -- as an LDC we're concerned
16 about them as they're written in 192.13(e) and in
17 Appendix E. We think the documentation retention
18 requirement should align with the purpose and
19 importance of the record and the Section 23 of
20 the Pipeline Safety Act.

21 We appreciate PHMSA's efforts to
22 provide clarity through Appendix A, but it's

1 confusing and not helpful as is, especially when
2 it introduces new regulations that are not in the
3 body of 192. If we can get it right, it could be
4 a good resource for us.

5 We were concerned that 192.13(e) and
6 Appendix A as written applies to distribution
7 pipelines, contradicts other language in 192, can
8 be interpreted as retroactive with words like
9 "make" and "acquire," and adds the RTVC and
10 changes it to all records and changes it from TVC
11 that we've been working on for the last several
12 years.

13 I've got two examples: One, I've got
14 a six-year-old daughter and I've got bushels of
15 art and homework and projects at my house. And
16 if there was a requirement to keep everything for
17 the -- forever, I'm going to lose under all this
18 -- with all this mountain of stuff the important
19 documents: her birth certificate, her Social
20 Security card.

21 If I take that analogy and take it to
22 an example at Northwest Natural, is when we

1 looked at our MAOP records for the 2011 Advisory
2 Bulletin, we were able to validate 97 percent of
3 our pressure test records to the TVC standards.
4 And this was possible due to clear direction from
5 the State of Oregon when the pipelines were
6 installed and them not being buried under surveys
7 and patrol records and corrosion records from the
8 '50s that could have got them lost or buried or
9 misplaced.

10 As a sidebar we're worried that the
11 project is at risk and we'll have to redo it if
12 the standard evolves and changes with the final
13 regulation.

14 So this is a big topic. It covers a
15 lot of the stuff we'll talk about today, tomorrow
16 and the next time, next couple times we meet, but
17 if -- we feel as an operator if the regulation is
18 clear on what records need to be kept, how long
19 they need to be kept, what the standard is, and
20 that the changes are for items moving forward, it
21 will be effective. Thank you.

22 MR. CLYDE: Hello, I'm Peter Clyde

1 with Louisville Gas & Electric.

2 It's clear that PHMSA staff has spent
3 a tremendous amount of time and effort in
4 developing this proposed rulemaking, and I'd like
5 to thank the individuals involved for their
6 efforts to increase pipeline safety and deliver a
7 positive rule.

8 Operators implement a variety of
9 actions to obtain missing information to support
10 pipeline operations such as performing
11 assessments, using in-line inspection tools and
12 other assessment technologies. PHMSA's proposal
13 should support the use of these actions in lieu
14 of retroactive records requirements.

15 Louisville Gas & Electric Company
16 aggressively began modifying its roughly 400-mile
17 gas transmission system to make it piggable in
18 2008. The system is now over 70 percent
19 piggable, including over 97 percent of HCA and
20 over 87 percent of Class 3 and 4 pipe outside of
21 HCAs. Louisville Gas & Electric has also co-
22 sponsored two joint industry projects which

1 researched in-ditch testing methodologies to
2 obtain pipe attributes. In addition, we have
3 spent over \$200,000 having laboratory analysis
4 and destructive tests completed on over 50 pipe
5 samples, thus documenting pipe properties.

6 We believe PHMSA's proposal which
7 defines requirements applicable when previously
8 in-service pipe is destructively tested would
9 inappropriately disallow use of valid laboratory
10 data to satisfy records requirements.

11 In closing, Louisville Gas & Electric
12 has aggressively pursued initiatives to ensure
13 the safety of its gas system. We ask PHMSA to
14 ensure the final rule allows flexibility, does
15 not implement retroactive records mandates and is
16 not more complicated than necessary. Thank you.

17 CHAIR GANT: Any other comments from
18 the public? Ma'am, proceed.

19 MS. HAGER: My name is Carol Hager.
20 I work at Dominion East Ohio. I apologize for
21 the scratchy voice. I think I'm fighting the
22 same cold that all of you are.

1 I have two comments. One is in
2 relation to the retroactivity piece. I've heard
3 Steve say several times that this was not meant
4 to always be retroactive. And our concern is
5 with where it's placed in the code. Being in
6 Subpart A I think is generally understood to be a
7 retroactive subpart, and we're concerned with how
8 our state regulators will interpret that.

9 So we'd ask that in this case and in
10 all the other cases where you're not thinking
11 that something needs to be retroactive that you
12 please take a look at where it's placed in the
13 code.

14 And my other comment, I know gathering
15 is another topic for another day, but it does
16 come up here. With the gathering lines not being
17 specifically exempted in 192.9, we're concerned
18 that these records would also apply there, and
19 that is not necessarily included in your cost
20 estimate. Thank you.

21 CHAIR GANT: No further comments from
22 the public, I'll move to comments from members of

1 the Committee. And I believe Mr. Drake had his
2 card up first.

3 MEMBER DRAKE: Thanks. I think the
4 last point is very relevant here, and that is I
5 think this is a great idea fundamentally. We
6 need to be basing our decisions on facts and
7 conservative assumptions.

8 I think that the key here is we need
9 to distill what is the issue that's in front of
10 this group? It's not records for MAOP, because
11 that's a sub-topic discussion next time. It's
12 not records really about remaining strength for
13 anomalies. That's a discussion when we get to
14 that sub-topic. This is a discussion about do we
15 put in a broad records guidance to the code at
16 the front end? And I'm not a constructionist.
17 I'll defer to others that have that expertise.
18 But I think the point about where this is placed
19 in the code is relevant.

20 This is a general duty clause and when
21 we put this provision up front, this provision
22 provides guidance broadly across all of the code,

1 all of the subparts, and it overrides every
2 single requirement in the subpart. I think this
3 is a great idea. It's a great intent. I think
4 it's an issue of how. How we're doing this may
5 be created more drag than value. We're going to
6 solve the records issues in the subpart sections
7 subpart by subpart. That's in front of us.
8 That's the problems.

9 The question is is are we creating
10 another problem that's bigger than the problem
11 we're solving with how we're solving this here.
12 If we -- and we're not going to talk about MAOP
13 records here. That's next time. We're not going
14 to talk about some of these other things. Those
15 are the next couple meetings. Here we're talking
16 about do we want a comprehensive records guidance
17 in the general duty clause that overrides all the
18 other records requirements in the rest of the
19 code?

20 And I think just thematically that
21 causes me a lot of anxiety. There was a lot of
22 thought and deliberation over retention periods,

1 specific records and what those things are in
2 each subpart when the subparts were developed.
3 To just put this front end on here dominoes all
4 of that work, if we're not careful. And I think
5 is there another way to solve this problem? I
6 think it just can create some unintended
7 consequences that we need to think through. I
8 think that's really kind of my opening thought
9 here.

10 If we can -- and I don't -- I think
11 this conversation can actually be kind of tidy if
12 we don't start talking about do we want MAOP
13 records? The answer is yes. And how we're going
14 to do that is next meeting. Do we want remaining
15 strength records? Yes. That's in the next
16 meeting. This is just a discussion about do we
17 want a clause in front of everything that's a
18 general duty clause?

19 Is that fair? I mean, that's what I
20 heard your intent was. And I think that's right
21 on. It's also what the impact will be that we
22 have to manage.

1 CHAIR GANT: Thanks, Andy.

2 Chad?

3 MEMBER ZAMARIN: Chad Zamarin,
4 Cheniere Energy.

5 Maybe just first start with, Steve, I
6 appreciate your comment about "reliable" being
7 added to the TVC definition and maybe just not
8 apparently being something that's significant.
9 But I will say that; I think it was mentioned by
10 a couple of the folks in the public comments, we
11 didn't sit on our heels when San Bruno happened,
12 when the NTSB came out with their
13 recommendations, when several industry efforts
14 came together to try to solve this particular
15 gap.

16 I can speak just for my company. At
17 the time we had over 50 people in an off-site
18 facility going through records for several years
19 and we developed a standard for how to do that
20 around the definition of traceable, verifiable
21 and complete. And I think the concern is that it
22 might be -- it might appear to be a change in

1 that standard that was issued by NTSB and then a
2 lot of meat put around it by operators working
3 with various different stakeholders. So I think
4 there's just a concern that the work that we've
5 done might be called into question because we're
6 now further modifying potentially that TVC
7 standard that we were all working towards. So
8 just some thoughts there to maybe consider.

9 I think to follow up on the comments
10 around prospective and retroactive, the only
11 comment that I would make watching the
12 presentation is that I think we have to be
13 careful not to assume that we can apply the same
14 standards retroactively that we apply
15 prospectively. I think you've referenced a lot
16 of things here about why we might want certain
17 data elements and how we might go about getting
18 them, but it's much different when we're talking
19 about infrastructure that's already in the
20 ground.

21 One of the themes that we commented on
22 when we provided our comments was I think we need

1 to be very careful in this rulemaking in ensuring
2 that we're moving forward, we're driving for
3 advancements in technology and we're not actually
4 hindering that from happening.

5 I think we need to be very cautious
6 about requirements that would increase
7 excavations and service outages because we know
8 those are the largest contributors to methane
9 emissions and to ensuring that we have a reliable
10 system.

11 So I think that's the main comment
12 that I would make is as we start looking at --
13 prospectively we can do a lot and we can do it I
14 think very easily. Retroactively we viewed the
15 priority being that if there's untested pipe,
16 we've got to get it tested or we've got to
17 confirm the MAOP of the pipe. That process may
18 need to look different than how you would
19 document the condition or the characteristics of
20 a new pipeline.

21 And then finally, I think it relates
22 to the design pressure and the pressure test. I

1 think it makes perfect sense again on a go-
2 forward basis, but when we look at existing
3 pipelines, we were looking for those kind of --
4 there are -- it would seem like we're kind of
5 taking a broad brush trying to collect everything
6 when at some point I think on the aging or
7 vintage infrastructure -- I think we've got to
8 identify what's important? What can be that
9 element that tells us that we have safety or
10 don't?

11 And if we don't or if we can't confirm
12 it, then maybe we have to go further. But if we
13 can confirm a pressure test or we can confirm
14 that we -- or we can go out and test a pipeline
15 with an advanced technology, then that should be
16 adequate for an existing pipeline. Thank you.

17 CHAIR GANT: Thanks, Chad.

18 Sara?

19 MEMBER GOSMAN: I'd like to comment
20 first on the retroactivity part. So if the point
21 is that PHMSA doesn't have authority under the
22 statute to do this, I think it does. That is, I

1 don't think that anything here is requiring a
2 particular type of design, a particular type of
3 installation, a particular type of construction,
4 a particular type of initial inspection or a
5 particular type of initial testing. What it's
6 requiring is records in order to be able to
7 currently operate, records that are relevant
8 because of how we might operate.

9 So I'm going to start there. I'm
10 learning a lot as everybody's talking about the
11 purpose of these records. Maybe I'll just make
12 one more point, which is I think for me the
13 question is what are we asking operators to do if
14 they don't have these records? And that seems to
15 me to be part of the concern. And I'm still
16 trying to figure that out myself. So maybe I
17 could ask that of PHMSA.

18 CHAIR GANT: Steve?

19 MR. NANNEY: Well, it would depend
20 upon what record. But let's -- since -- the
21 elephant in the room I think is the MAOP record,
22 so let's just start there. And this will be --

1 as Chad and Andy have said earlier, it's really a
2 topic for not today, but another day. But I can
3 give a few specifics to answer that.

4 Is we do have in Section 192.607 where
5 if you've got a pipeline that's been pressure
6 tested and if you have an issue, an anomaly that
7 you have to go out and investigate and you do not
8 have these material properties, the way 607 is
9 written you would need -- on an interval you
10 would need to verify those properties. You would
11 not have to do it every time you go do a dig, but
12 if it was within a certain spacing or outside of
13 a certain spacing, you would have to verify that
14 material.

15 But if you had pipe that was pressure
16 tested and no anomalies and you weren't digging,
17 you would not have to go out and dig to verify
18 anything, if you already -- if you didn't have
19 an issue. In other words, if you ran an ILI tool
20 and you did not have to go excavate, you would
21 not have to go do the testing until you have to
22 go excavate. But it's set up to where if you got

1 an MAOP established based upon a particular seam
2 type, wall thickness, grade and diameter, that
3 you confirm those properties.

4 MEMBER GOSMAN: Dr. Gant, can I follow
5 up? So I understand that, and thank you. In
6 terms of the breadth of the reporting, though, I
7 mean, are there particular types of information
8 here that would not relate to MAOP? And then
9 what happens if an operator doesn't have that
10 information?

11 MR. NANNEY: Well, the breadth of the
12 operations and maintenance, that is like if you
13 go out and do a periodic survey or test that's
14 set up in there either three years or five years
15 for keeping, as you go past those intervals you
16 would just create new documents. As far as --
17 those requirements in the O&M sections have been
18 in the code way before Appendix A was ever
19 developed, so we did not see that that was
20 creating any new rulemaking. It was just putting
21 it in one section for everyone to go see.

22 Now, if we have comments that say we

1 put one in there and we added one that we
2 shouldn't have, then we'll look at that and
3 adjust it accordingly. Our intent wasn't to make
4 new requirements there. It was just to put in
5 there what the code presently says. And if we
6 missed that, we will correct it.

7 CHAIR GANT: Andy and then Chad,
8 please.

9 MEMBER DRAKE: Yes, I think this
10 conversation is actually quite illustrative about
11 what the concern is about being in the general
12 duty section. Because of the unintended
13 consequence how do you remediate? Well, that's
14 going to be specific to the item. But you can't
15 address that in a general duty clause. So you
16 need to almost take them issue by issue by issue.
17 And I think that's -- no one's opposed -- I don't
18 really hear a lot of people saying you're
19 creating new regulations. I think what we're
20 worried about is that where this sits it creates
21 consequences about authority and construction.
22 Which one takes precedence and how do you

1 remediate unknowns and conflicts and things like
2 that?

3 I think where the people that I've
4 been getting counsel from in a lot of
5 conversation with is that we'd do better to put
6 this in a -- out of the general duty section
7 somewhere and deal with it topic by topic in each
8 subpart. And that's much tidier because it does
9 exactly what you're saying. What do you want to
10 happen on MAOP should be addressed in the MAOP
11 section because it's different than how you want
12 to handle anomaly. Remaining strength
13 calculations is different than welder
14 qualifications. Those -- each one is unique and
15 they need to be dealt with in the respective
16 subpart. That was the original construction of
17 some of the code, and we're kind of fighting that
18 tide with this specific issue.

19 And I do want to try to parse this
20 conversation out. We're really not talking about
21 do we want records from MAOP? We do, back in the
22 MAOP section. We do want records on remaining

1 strength, back in remaining strength. It's just
2 this particular proposal is about a general duty
3 clause. And that's really I think where
4 everybody's anxious is the unintended consequence
5 of the general duty provision.

6 MEMBER ZAMARIN: Chad Zamarin,
7 Cheniere Energy.

8 I agree I think with Andy that we do
9 want to be cautious about having this in the
10 front end. And in an attempt not to go too far
11 down the rabbit hole I would just say maybe -- so
12 to give a little bit of context of where I think
13 our concerns and thoughts are more thematically
14 as we go through each of the issues; and it was
15 reflected in our comments, we fully support the
16 idea of collecting information and closing the
17 gaps on in particular infrastructure that doesn't
18 have MAOP records, infrastructure that might have
19 been grandfathered.

20 And I think our hope and our approach
21 has been to try to do that in a surgical way, not
22 do that in a very broad-based kind of shotgun

1 approach where we go out and just collect
2 everything that we would have for a modern
3 pipeline. We collect just what's necessary while
4 also supporting an investment in technology to do
5 things in a more advanced way.

6 There are several places throughout
7 the code where we end up I think relying on some
8 of the old comfortable tools that we have,
9 whether it's pressure testing, whether it's going
10 out and cutting out pipe to confirm the records
11 of that pipe. Those are processes that will
12 increase outages, increase blowdowns, expose
13 people to risk by getting in -- by performing
14 excavations and doing at-risk work along the
15 pipeline.

16 So I just think thematically as we
17 think about this our main concern is that there
18 are different ways I think to try to tackle this
19 issue. And if we're both aligned -- I think
20 everyone is aligned on the idea that we want to
21 learn more about our pipes and we want to confirm
22 the safe pressure of our pipes is the best way to

1 do that to apply a significant data collection
2 effort that -- in the traditional way that could
3 lead to significant outages, blowdowns and risks
4 to employees and the public, or should we be
5 driving for tactical collection of finding the
6 right piece of information to confirm what you're
7 trying to learn and driving new technology like
8 we're -- the industry is working with the
9 regulators and others on tools that we could run,
10 in-line inspections that would tell us more about
11 the properties of the pipelines, indirect surveys
12 that would tell us more information about the
13 integrity of the pipe, alternatives to pressure
14 testing.

15 So we're going to get into a lot of
16 those topics, I agree, and I think those are
17 oftentimes for a later discussion. But to put a
18 little bit of context around this issue, I think
19 the concern is that there's a broad kind of push
20 to go collect a lot of information that I think
21 could have the unintended consequence of
22 increased outages, increased excavations and an

1 actual net increase in risk by putting people in
2 harm's way.

3 CHAIR GANT: Thanks, Chad.

4 Sara, is your card up anew?

5 MEMBER GOSMAN: Yes. So it seems to
6 me that the only -- the main reason then to have
7 this particular provision at the front of the
8 rules is to reference then Section 192.607
9 generally. And as I read it, that's what
10 happens. You sort of -- if you're -- if you
11 don't have these records, then you get put to
12 607. And I right in reading it that way? That
13 was the intent?

14 MR. NANNEY: Yes, that would be the
15 intent. If it was in an HCA Class 3 or 4, you
16 could use the 607 provisions to document the
17 material.

18 MEMBER GOSMAN: Okay. But only for
19 those particular areas?

20 MR. NANNEY: Yes, because that's what
21 the Pipeline Safety Act was directing --

22 MEMBER GOSMAN: Right.

1 MR. NANNEY: -- to do.

2 MEMBER GOSMAN: Right. Okay. So that
3 I think would be the reason to have it be all
4 together, but let me just propose another piece
5 of it. If we're not talking about necessarily
6 the content here as much as the question of where
7 it goes, it seems to me that you could have an
8 appendix that collected all of the information
9 record provisions without adding a new
10 requirement on top of the existing requirements.

11 Again, if there's value in having that
12 particular requirement up front in order to move
13 us to 607 for a particular set of actions, then I
14 understand why it would be there. So, or maybe
15 there's a way to slice that a little bit.

16 I'll just add on the reliable piece.
17 So when I do a dictionary search for "reliable,"
18 what it tells me is that reliable records are
19 trustworthy. It seems to me that we would want
20 records to be trustworthy and that while that's
21 consistent with the other pieces of it, like
22 verifiable, traceable, I think it's a good

1 addition to have in there and I think I would be
2 surprised if it presented new issues for
3 operators beyond what the other pieces of the
4 requirement are for the validity of these
5 records.

6 CHAIR GANT: Thanks, Sara.

7 Other comments from Committee members?

8 Back to Mr. Drake.

9 MEMBER DRAKE: I just -- from the
10 operator side on that added word, I don't think
11 the word is really anxiac. I think it's a --

12 CHAIR GANT: And that's not a word
13 either.

14 (Laughter.)

15 MEMBER DRAKE: I created that. But I
16 think that it's what are we trying to accomplish?
17 For the last three years we've been working on
18 TVC, and it seems like we're kind of coming on a
19 glide path and getting very clear on what the
20 objective is there and what we're trying to do,
21 and we're trying to come into alignment. Are we
22 now on a different landing path because we've

1 added this word? Is there something else we're
2 trying to accomplish that wasn't being
3 accomplished before? If not, it's no big deal.

4 I mean, I think it's just a question.
5 Why? For three years we've been talking about
6 TVC. It's just been almost ingrained in the
7 conversation. Now we're going to have RTVC.
8 Kind of what happened? That's really it. I
9 don't think there's a big deal. It's just
10 clarifying intent.

11 CHAIR GANT: Thanks, Andy.

12 Steve or Alan, back to you for
13 response to the discussion.

14 MR. MAYBERRY: Yes, I was just going
15 to add on the TVC or traceable, verifiable,
16 complete, we're at the point -- looking at the
17 comments, I think we're good with keeping it that
18 way. I think as we introduced reliable, that
19 created some confusion. It appears looking at
20 the comments we already had a lot of traction
21 with the TVC, so I think we're looking at
22 possibly as we go forward looking at keeping it

1 at that and dropping the reliable, just to
2 clarify that.

3 I think we had a lot -- like I said,
4 we'd already institutionalized that -- those
5 three words, if you will. And then in the NOPR
6 we added the -- we brought in the reliable, so I
7 think we're going to drop back to that as we look
8 forward.

9 On the subject of placement, is that
10 really -- no, we're not going to get into the
11 details of each record because that will be
12 covered under each section, but does it really
13 matter the location? I mean, I'm having a little
14 bit of issues for --

15 (Simultaneous speaking.)

16 MR. MAYBERRY: Yes, for --

17 (Simultaneous speaking.)

18 MR. MAYBERRY: Yes. Yes. Okay. I
19 hear a chorus, so, yes.

20 (Laughter.)

21 MR. MAYBERRY: Okay.

22 MR. NANNEY: Just to make sure we're

1 all clear on which -- you're talking about
2 192.13(e). The general sections are the ones.
3 And we'll have to look at those. We're not ready
4 to say yes or no today on what we would do.

5 MR. MAYBERRY: Okay. So I'm clear,
6 we're going to go back and take a look. And
7 we're talking like for the next meeting, though,
8 as far as where we have that and the direction,
9 the location.

10 CHAIR GANT: Chad?

11 MEMBER ZAMARIN: Just maybe to get a
12 -- as a question, because I'm like Andy; I'm not
13 a constructionist. I think -- and I'm not sure
14 to me it matters where things are other than what
15 we're trying to understand is is the intent to go
16 down the record rabbit hole for each of these
17 issues today or are these issues that we will
18 take on in each of kind of the relevant areas?
19 Like MAOP records, is that a discussion to be had
20 when we talk about IVP and MAOP records, or is
21 that something that you intended to cover in this
22 section of the discussion? And I do think it

1 makes it cleaner to have it in its respective
2 place, but that's what I think the question is.
3 Are we meant to go down that rabbit hole today or
4 are those discussions to be had in those
5 particular areas?

6 CHAIR GANT: So I would as the chair
7 repeat back some of these things that I've heard.

8 I think somebody's mic's on.

9 It seems that what I'm hearing around
10 the table is that there are some -- there's a
11 collective will to make sure that there are
12 appropriate records in place, that what is
13 appropriate -- and I'm using the word
14 "appropriate" without definition here, it's not
15 -- the word has not been defined in the setting
16 -- needs to -- is best determined relative to the
17 goal that you're in pursuit of, whether it's
18 related to MOP, MAOP or welds or something else,
19 and that that would be important, that the
20 members of the Committee feel that would be
21 important discussion has -- as -- the Committee
22 have as you work through those aspects of the

1 rule. So it may be -- and also hearing that
2 placement of any general provisions around record
3 keeping in the rule matters quite deal, quite a
4 great deal.

5 So what I would also suggest is maybe
6 placement of the discussion about the general
7 requirements matters a great deal, and maybe it
8 makes sense to delay returning to this discussion
9 until after you've worked through the various
10 aspects of MAOP and others to see then what rises
11 to the level that it might be captured in an
12 appendix, or at that time there may be something
13 that's overarching that would be best reflected
14 up front, that it may just be too early to tell
15 because you haven't worked through the details.

16 So PHMSA staff, I'm seeing nods around
17 the table and no one throwing anything at me, so
18 could I get a response from you on that concept?

19 MR. MAYBERRY: We defer to the
20 Committee. I'm trying to find the choice words.
21 But we look for guidance from the Committee and
22 it seems like the consensus is to maybe come back

1 to you. And we'll get into the details though at
2 each section.

3 CHAIR GANT: Okay. So to wrap that up
4 -- Mark? Excuse me. Yes, Mark.

5 MEMBER BROWNSTEIN: Yes, Mark
6 Brownstein, EDF.

7 As you do that though the thing that
8 I would be very interested in making sure that
9 you're always sort of cross-referencing is is you
10 have the National Transportation Safety Board
11 provide a set of recommendations to you all in
12 this regard. I'd like to make sure that whatever
13 we're doing here crosswalks back to those
14 recommendations so -- because, right, they have
15 spent a fair amount of time thinking about this
16 and looking at it. And so, let's make sure that
17 we cover their issues. I think that would be in
18 the public interest.

19 CHAIR GANT: Okay. Sue?

20 MEMBER FLECK: Sue Fleck, National
21 Grid.

22 Could we pull up 192.13(e) again just

1 so I can see what it says? Is that right in
2 front of us?

3 PARTICIPANT: Yes, this one --
4 (Simultaneous speaking.)

5 MEMBER FLECK: 192.13(e). And we're
6 sure this doesn't apply to distribution? It
7 can't be construed as to apply to distribution?

8 MR. NANNEY: Operator transmission
9 line.

10 MEMBER FLECK: That's at the top of
11 it?

12 PARTICIPANT: We can put it at the
13 top, yes.

14 MEMBER FLECK: It refers to
15 transmission.

16 MR. NANNEY: I mean, you may have a
17 point there, Sue, that we might need to put it in
18 (e).

19 MEMBER FLECK: Yes.

20 MR. NANNEY: I mean, we put it in one
21 because that was -- transmission was the intent,
22 but I see your point there.

1 MEMBER FLECK: Yes, because it -- when
2 the first line says you have to keep these
3 records and then one says, sort of says but
4 transmission people need to keep it per Appendix
5 A, it sort of kind of defaults to distribution
6 people have to keep it per something else. So
7 just as long as that's clear, because we just
8 don't want to go down having to create -- because
9 we have to create these kind of records for
10 distribution. I mean, it's a huge burden. So as
11 long as that's straightened out I would
12 appreciate it. Thank you.

13 MR. NANNEY: Okay. Can -- Chair, I'd
14 like to ask the Committee a -- from what I'm
15 hearing from the comments is the Subpart A, the
16 general, is -- I think I'm hearing that you would
17 like for us to consider removing at least 13(e)
18 is what I think I'm hearing, which we're not
19 ready to say we can or can't do today, but we
20 will look at it.

21 The thing I'd like to hear some input
22 back is the -- again the other -- if we did that

1 -- and again, any input -- if on what we went
2 out, if we had life of the pipeline or five years
3 or three years or anything, if anyone had any
4 comments, maybe not today but later, that you
5 wanted to give back to us, we would gladly
6 welcome those comments.

7 Again, the intent -- and I understand
8 your comments on A, but on the others we were
9 again trying to make sure we had a consensus
10 document on the rest, because we think with --
11 after what's happened with San Bruno and some
12 incidents and the directives we've gotten from
13 Congress and NTSB we need to get this clear, that
14 we're all on the same page and we're all doing it
15 very similar to where if we're all gone and
16 there's a new group here or new group at your
17 company they understand it. And that's the
18 intent.

19 CHAIR GANT: Any further comments from
20 the Committee? Ms. Campbell?

21 MEMBER CAMPBELL: I -- actually,
22 Steve, I mean, I would welcome a nice clean

1 summary, but if we put it in the right place,
2 right -- because I think it would make it -- it
3 would be a great tool for the operators, too,
4 right? Just a reference document to say, okay,
5 I've got this kind of record. I can see what
6 needs to happen to it. And then maybe the code
7 reference back, right, where you can get more
8 details.

9 I think a nice summary like that would
10 be a welcome tool for a lot of operators,
11 particularly -- I'll admit it, I have a very
12 young technical team, so training becomes a real
13 challenge, but I think what's important is where
14 we place it so that there's no ambiguity around
15 what it applies to, what types of assets it
16 applies to and what types of records it seems to
17 apply to.

18 MR. NANNEY: Okay.

19 MEMBER CAMPBELL: Yes.

20 CHAIR GANT: Okay. Great. I'm going
21 to try to summarize where I think we ended up.
22 Top line is placement matters of this issue,

1 whether it's where it appears in the text of the
2 regulation or whether -- or where it is sequenced
3 in the course of this Committee's discussion.

4 That what I'm hearing is the plan
5 forward is to deal with the details around record
6 keeping in each section of 192 as you work
7 through it over the course of the next meetings,
8 get these rights relative to the goal of each
9 section and in context of the NTSB
10 recommendations and making sure that they are --
11 the outcome is reflective of those
12 recommendations and findings.

13 Then come back to this matter at the
14 end after you work through all of those to
15 potentially see if there is any commonality that
16 might be reflected among record keeping
17 requirements and/or to see if there is a helpful
18 way to collect all the requirements in something
19 potentially like an appendix that could be used
20 as a tool for operators to ensure compliance.

21 Any addendums to that summary, if any?

22 Yes, ma'am?

1 MEMBER FLECK: Yes, Sue Fleck,
2 National Grid again.

3 Yes, the only other one was what Steve
4 just said, you're going to take another look at
5 whether 13(e) is needed or not. I think that was
6 the only thing that was missing from that.

7 CHAIR GANT: Yes, I forgot to say that
8 out loud. Thank you, Sue.

9 Okay? Good with PHMSA staff? Okay.
10 Excellent. Moving along to corrosion control.
11 And that would be Chris?

12 MR. McLAREN: Yes.

13 CHAIR GANT: Excellent. Thank you,
14 sir.

15 MR. McLAREN: The next topic to
16 present to the Committee and the public would be
17 a group of amendments structured under
18 strengthening corrosion control. Those -- the
19 current rules for external and internal corrosion
20 need strengthening, and we've seen that because
21 of -- from our incidents investigations, NTSB's
22 investigations and our inspections. This bonded

1 coating and corrosion we're seeing as significant
2 contributors in the Marshall, Michigan, in the
3 Sissonville, West Virginia incidents, as well as
4 others.

5 We look towards 192.319 for a new
6 subsection on installation of pipe-in-ditch in
7 the construction piece, and then within Subpart I
8 under corrosion for 461 for -- also similar to
9 that for coating surveys of those repairs that
10 are made to ensure that they're -- that the
11 coating is performing as expected and meets
12 inspection requirements.

13 In 465 for that monitoring and then in
14 473 for interference currents and ensuring that
15 they're tested for, as well as a new section 478
16 on internal corrosion for looking at the
17 monitoring and mitigation of internal corrosion,
18 a new section 478, as well as Appendix D where
19 we've removed one avenue for determining criteria
20 compliance that was not in use, a minor
21 modification to Appendix D on that cathodic
22 protection criteria.

1 So again, to recap, we've proposed
2 those expansion of corrosion control required as
3 well as some specific preventive and mitigative
4 measures for HCAs to address external and
5 internal corrosion also.

6 The comments we received were
7 supported by citizens and government groups and
8 pipeline safety advocates. There was some
9 opposition within those groups to exemptions for
10 certain gathering lines. Gathering lines are a
11 topic for another day.

12 Some exposed -- opposed expanding the
13 corrosion control requirements saying the
14 proposed rule was burdensome and existing
15 practices are sufficient and that was some
16 misalignment with NACE standards and what we were
17 incorporating. Certainly we don't intend to do
18 that.

19 Clarifying applicability to
20 transmission, distribution and gathering was one
21 comment, and we are looking to address those
22 comments and ensure that this is transmission.

1 Coating surveys are not always
2 feasible and PHMSA should limit the tools for
3 performing those -- should not limit the tools
4 for performing those surveys. In other words,
5 utilizing other CIS, close interval survey, or
6 ILI tools or other methodologies rather than
7 those that were discretely provided which have
8 been part of our tool kit that we've had success
9 with in our experience with ECDA.

10 Looking specifically at those two: the
11 DCVG and the ACVG, comments were that the direct
12 current voltage gradient and the alternating
13 current voltage gradient may not address issues
14 related to coatings impeding cathodic protection
15 and PHMSA should not set specific thresholds in
16 the code.

17 The comment also was to increase the
18 timeline from three months to one year to match
19 requirements from the installation of cathodic
20 protection following that coating in the ditch
21 such as with a repair or with a new installation.

22 Under interference currents comments

1 were may not be feasible depending on what
2 information operators can get from electricity
3 transmission companies, should not be required
4 for lines subject to straight current risk,
5 should only be required for lines subject to
6 straight current risk, and that the compliance
7 should be phased in over 12 to 18 months.

8 One of the comments on internal
9 corrosion was that they felt that it was already
10 adequately addressed by existing regulations in
11 Subpart I and O, that the proposed monitoring
12 timeline is unreasonable and should only be
13 required for lines identified as carrying
14 corrosive gas.

15 With regards to Appendix D comments
16 were that the criteria for determining adequacy
17 of CP is too narrow and that PHMSA should follow
18 the standards set in NACE SP0169 and be
19 consistent with 195.571 in the Liquid Code. And
20 further that impact to distribution operators was
21 not justified or analyzed and therefore
22 distribution lines should be excluded.

1 Our initial take is that gathering
2 line would be required to have corrosion control,
3 just not the enhanced requirements proposed in
4 the NPRM for transmission lines. And based on
5 our experience and in light of recent instances
6 -- incidents existing requirements and industry
7 practices do not appear to be sufficient. We
8 believe that the proposed rule language clearly
9 states that the new requirements are applicable
10 to onshore transmission pipelines and do not
11 apply to distribution pipelines.

12 And we have several initial take
13 slides.

14 The purpose of 319 is not to assess
15 the adequacy of cathodic protection in this case
16 for installation of pipe in a ditch. It's rather
17 to identify if the coating was damaged during
18 construction or backfill. And that was with
19 regards to doing the ACVG or DCVG surveys. And
20 we propose three months so that damage can be
21 promptly repaired while construction crews were
22 still deployed or in the area and possibly even

1 under -- yes.

2 PHMSA will consider modifying language
3 to clarify requirements for when interference
4 surveys are appropriate to address those comments
5 about interference curve surveys and lines
6 susceptible to straight currents.

7 On internal corrosion we will consider
8 relaxing the proposed internal corrosion
9 monitoring requirement from twice per year to
10 once per year, not to exceed months. And we may
11 clarify that certain proposed internal corrosion
12 language is based on suggestions from the
13 commenters that we received comments on for
14 internal corrosion.

15 On Appendix D the criteria for
16 determining adequacy of CP has been in place for
17 decades, and Appendix D has always applied to
18 distribution pipelines where applicable.

19 Public comment?

20 CHAIR GANT: Thanks, Chris.

21 Comments from the public, please?

22 MR. MENOS: Lou Menos, NiSource. Like

1 many of the operators here in the room NiSource
2 is very supportive of the work that's being done
3 around improving integrity management. Chris
4 touched upon a number of the points that I'll
5 raise here, but maybe with a little bit more
6 information as well for consideration by the GPAC
7 members.

8 In regards to the coating,
9 specifically around the coating survey
10 requirements in 319 and 461, they specifically
11 point to two specific coating evaluation tools,
12 and I would recommend that from an operator
13 perspective that not to limit the tools available
14 to the operator. There are a couple other
15 recognized coating survey techniques that's
16 currently allowed, including in the current ECDA
17 documentation, a process that's identified there.
18 So we just ask that again not to limit the types
19 of tools to be used. Leave that up to the
20 operator based on the conditions, because we all
21 recognize not every single pipeline that's
22 installed or that's in the ground is exactly the

1 same.

2 Associated with that, run the
3 thresholds. Again, currently in Part 192.925
4 when performing external corrosion direct
5 assessment processes that utilize coating
6 techniques the current regulations; even in the
7 proposed rule, allows the operators to establish
8 the thresholds on how they go about defining the
9 severity of those classifications of a coating
10 indication, and ask again to PHMSA consider to
11 allow the operator to determine what those
12 severity classifications to be based on their
13 experiences and through their operating
14 procedures and not force the operator to live by
15 specific guidance that's being proposed, a
16 specific threshold that's being proposed by
17 what's contained in the rule.

18 In regards to the time frame around
19 the coatings, again boast on -- both on 319 and
20 461 requirements is the three months. It's been
21 our experience that, yes, we do agree certainly
22 based on the work shop that was conducted a

1 number of years ago that there are opportunities
2 to ensure that coatings that are -- whether it be
3 new construction or replacement construction,
4 opportunities to improve to ensure that the
5 coatings are -- on the pipeline are in good shape
6 when the construction crew leaves.

7 However, it's implied within the rule
8 that while the construction crews are there that
9 they would in essence be the ones maybe
10 performing the surveys. In reality it's a
11 completely different mix. We have to bring in
12 qualified personnel, typically contract
13 personnel, in order to perform that specific type
14 of coating surveys.

15 Concerns around the technical issues,
16 around the coating surveys, around this three
17 months. Well, that could mean up to three months
18 or that could mean someone could go in a week
19 after the pipes and so on and conduct the coating
20 survey or up to three months. We feel, at least
21 I feel that the three months is maybe not an
22 adequate time for the conditions of the backfill,

1 of the proper moisture, the -- typically what the
2 pipeline will see on an average year basis.

3 So I think more time is needed to
4 allow the operator -- and suggest up to 12 months
5 -- allow the operator to perform the survey so
6 that through soil sediments -- settlement and the
7 like, as well as moisture content is what the
8 pipeline's going to -- typically going to see.
9 Because if you do it sooner, the fear is you may
10 get results that may be not indicative of the
11 true condition of the coating. So that's a key
12 issue there.

13 In regards to -- so again, from that
14 I'd ask PHMSA to consider the various industry
15 comments associated with the appropriate time
16 frames to conduct as well as to remediate those
17 coating anomalies found.

18 In regards to Appendix D, it's getting
19 back to some of the other discussion language,
20 Appendix D does -- as Chris mentioned, does apply
21 to distribution pipelines. However, with the
22 rule and what's so forth -- set forth in the

1 proposed rule, this only applies to gas
2 transmission. But Appendix D and the current
3 Subpart I applies to distribution. Therefore, as
4 all distribution operators who don't have
5 transmission lines do not have the opportunity to
6 comment or even review it.

7 They saw -- this only -- this proposed
8 rule only applies to transmission lines, so as a
9 distribution operator who doesn't have
10 necessarily transmission lines, they may not have
11 taken any effort because they felt it did not
12 apply. In reality if it does go through that
13 Appendix D that does apply to distribution, there
14 is no means for them to even comment on what
15 other criteria that they may be using.

16 As Chris mentioned, Appendix D has
17 been around for decades, does allow for various
18 again tools for the operator to use, and would
19 ask that if PHMSA decides to move forward, that
20 at a minimum they consider modifying for
21 transmission lines to be consistent, even on the
22 liquid size, to follow the appendix -- the

1 cathodic protection criteria as set forth in Part
2 195 for transmission lines. Thank you.

3 MR. HITE: Hi again. My name's Matt
4 Hite with GPA Midstream, and really to make the
5 following: Each of these corrosion control
6 proposed rules are proposed in PHMSA's mind as
7 applicable to transmission pipelines only,
8 however, gas gathering lines must follow the
9 requirements applicable to transmission lines.
10 There's no exception provided for gathering.

11 PHMSA did not include the impact to
12 gathering in the cost benefit analysis and GPA
13 Midstream respectfully requests that either an
14 exception should be provided or PHMSA should
15 revise the cost benefit to include this
16 additional affected mileage.

17 MR. SHAFER: Thank you. My name is
18 Jim Shafer. I'm with Dominion Transmission. And
19 as an operator I can say that we strongly support
20 the proposed language and the regulatory text in
21 the NPRM.

22 I'm not a corrosion engineer or an

1 expert in corrosion, so I would like to say a
2 couple things.

3 One is probably reiterating what
4 you've already heard. One part is on the three-
5 month time frame for surveys. Three months is
6 not enough time in many cases to have adequate
7 settlement of the backfill material and to allow
8 polarization of the cathodic protection.
9 Sometimes it takes much longer. And even though
10 we want to do things expeditiously, we need to do
11 things accurately.

12 The second comment is on remediation
13 time frames. I think that every operator wants
14 to remediate as expeditiously as possible,
15 however, six months does not always give you time
16 to obtain the permits you need, especially if
17 it's in an environmentally-sensitive area or has
18 an endangered species located nearby. The
19 permits themselves will take over six months and
20 sometimes up to a year to acquire.

21 When we look at the proposed language
22 for mitigation of AC straight currents, due to

1 high-voltage power lines many power companies are
2 reluctant to share the parameters associated with
3 their overhead lines as they consider that
4 proprietary information. It has often taken much
5 longer than six months to receive the design
6 parameters such as you can adequately design your
7 mitigation strategy. Once you do figure out what
8 mitigation you need, mitigation is both costly
9 and a tedious process. I think that operators
10 need time to budget accordingly.

11 And also once again the issue of
12 permits arises. If it's -- if mitigation takes
13 place in a wetland or an endangered species area,
14 it will take up to a year to get the
15 environmental permits necessary to complete the
16 action plan.

17 With all due respect to the Committee
18 what I would suggest, being this is a very
19 technical issue, is maybe getting a small team of
20 subject matter experts from industry and others
21 that have knowledge in past projects that can
22 utilize their experience and knowledge and

1 propose reasonable time frames that make the
2 intent of the regulatory language such that
3 operators have a chance at succeeding in
4 completing the required remediation. I think
5 that's an opportunity where subject matter
6 experts could also open the doors for -- as you
7 heard, for other assessment methodologies using
8 the right assessment tool to the right anomaly or
9 the right condition. We always want to keep the
10 door open for technology. And I thank you for
11 your time.

12 MR. BENNETT: I'm Frank Bennett with
13 UGI Utilities, a local distribution company. We
14 also support the improvement in safety and
15 corrosion environment.

16 My biggest concern deals with the
17 internal corrosion and the implication that we
18 need to have monitoring equipment or gas quality
19 monitoring equipment at our supply stations.
20 Currently we look at our suppliers and their web
21 sites, look at their gas quality reports. If
22 they don't have that, we take periodic gas

1 samples. If there are supplier's wells, we have
2 corrosion probes in there. And we have probably
3 over 40 locations where we'd have to install this
4 monitoring equipment, probably costing maybe \$2
5 million. That's a big expense for us that will
6 show no safety improvement in our system.

7 The other concern I have is with the
8 requirement in 192.465 for close interval surveys
9 whenever there's a low CP read. It doesn't take
10 into account what the cause of that CP read is,
11 if it's a short in the system or maybe a
12 rectifier that's out of -- that has a blow fuse
13 that's down. You fix that, you fix the problem.
14 And it's okay for the operator to then determine
15 how they want to -- what the extent of the system
16 was, take another -- CP reads at other test
17 stations, but the close interval survey doesn't
18 seem to be any benefit.

19 MS. BYRNES: Corinne Byrnes, National
20 Grid.

21 I appreciate the -- just a brief
22 comment. I appreciate PHMSA's comment earlier

1 that -- stating that gas contaminant monitoring
2 only needed to take place either twice a year or
3 once a year. The big cost there is actually in
4 installing the equipment, installing and in
5 maintaining the equipment. The equipment may
6 need to me -- be maintained on a periodic basis
7 anyway, so there really would not be much cost
8 savings whether we're required to check this
9 equipment once a year or twice a year.

10 Also, I think that in this section and
11 in the next coming section on P&M measures this
12 comes up again. And I think one of the decisions
13 that needs to be made is which locations will
14 require gas monitoring? Is it only locations
15 where there's a known history of contamination or
16 is it going to be more -- in more frequent
17 locations than that? That's another big concern
18 for operators. Thank you.

19 MR. NEWTON: John Newton, DTE Energy.

20 I've worked 15 years in corrosion
21 control. Part of that had to do with mitigation
22 of induced ACN and transmission corridors. And

1 it's been my experience, at least through DTE
2 Energy, that it's not so much; to piggyback on
3 what this gentleman was saying, about the time it
4 takes to get into permitting, but some of the
5 grounding systems that are used to bleed of
6 induced AC requires additional land acquisition
7 to put the proper grounding systems in, whether
8 it be ground grids or even sections of pipe to
9 use with the de-coupling devices to bleed this
10 induced AC to ground.

11 So it's been my experience doing
12 multiple induced AC projects that six months is
13 -- just seems -- I wouldn't dare say
14 unreasonable, but it's unlikely in many instances
15 that it can be performed in such a quick fashion,
16 though we do fully support the effort of
17 mitigating induced AC. So I just wanted to put
18 that on record. Thank you.

19 MR. JOHNSON: Dave Johnson with Energy
20 Transfer.

21 On the subject of the post-
22 construction or replacement coating surveys, we

1 certainly support thinking a bit more about the
2 timing. And while we're thinking about that, I'd
3 also suggest thinking about the threshold
4 pipeline length that is prescribed for -- that
5 triggers this. Right now it's proposed at 1,000
6 feet. And I think maybe a somewhat longer length
7 to initiate this may be in order, maybe something
8 around a mile, because typically the shorter
9 replacements are done by smaller crews. It's
10 different construction techniques than mainline
11 piping, likely to have more consistent and
12 inspection presence. So the likelihood of
13 coating damage is probably lower for these
14 shorter replacements and it may be a better use
15 of resources to lengthen that to a mile.

16 CHAIR GANT: Seeing no further
17 comments from the public, open the floor to
18 comments and observations by Committee members.
19 Chad?

20 MEMBER ZAMARIN: Chad Zamarin,
21 Cheniere Energy.

22 Just in general I'd maybe start by

1 saying that I think there were only a couple of
2 places in the entire NPRM where I thought we
3 might have some challenges, and this one jumped
4 out to me. It felt like it didn't come from
5 something that we could cite in an NTSB
6 recommendation, in the reauthorization, and it
7 kind of hit the opposite end of the spectrum from
8 what we talked about earlier with the inspections
9 after extreme events, that being I think
10 something that worked very well for what we share
11 as a common goal.

12 And I think in particular in -- and
13 for example, on surveys after construction I
14 think we share the goal that we have a good
15 coating system and we have assurance of integrity
16 of the pipeline, but here we've gotten very
17 prescriptive on how to determine that. We've
18 picked a winner as far as technology. We've
19 tried to identify criteria for making a decision
20 around whether or not something is adequate or
21 not.

22 And so, if -- and I would say where I

1 was most surprised is I don't think that that was
2 based on any consensus process or of -- informed
3 by a broad stakeholder group like NTSB
4 recommendations have been, like reauthorization
5 has been, like industry joint efforts that -- and
6 regulatory efforts that we go through to develop
7 good processes. So I personally kind of thought
8 this was an outlier within the NPRM and was a bit
9 concerned with the -- kind of the specificity.
10 And I'm not sure this is the right way to manage
11 integrity following installation of a system.

12 For example, we've picked a single
13 technology and we're going to drive decision
14 making based on that one data point. And what we
15 know about corrosion, what we know about
16 integrity management is that it's a complex
17 process. And I know for a fact that if we go out
18 and we start excavating things based solely on
19 ACVG or DCVG, we will not be excavating the
20 highest priority issue on a pipeline. We know
21 that. It's a blunt indirect tool.

22 We have tools that provide much better

1 information about the integrity of the pipeline
2 and we're going to now start introducing a new
3 process that will have us out doing activities
4 that don't -- that I don't think fit within the
5 idea that we want to address the issues that are
6 real threats to the pipeline.

7 So I would just start by saying that.
8 So apologies that I kind of had a bit of a
9 negative reaction to this particular section, but
10 I would just say that be careful not to be too
11 prescriptive on the type of survey method, on the
12 criteria. Putting it into the code basically
13 means we found the answer. I think again we want
14 to promote the idea that we ensure the integrity
15 of our systems once installed and beyond and I
16 think we want to drive for advancing technologies
17 that will continue to do that.

18 I think that the idea of -- we've
19 heard from the public I think is very valid. For
20 the most part what we do to ensure that we have
21 good corrosion control following installation of
22 a pipe is we allow that system to settle and we

1 allow some time for it to settle after
2 construction and then we come and verify that the
3 corrosion prevention systems that have been put
4 in place are working adequately. And we then,
5 once we've done that, make corrections to the
6 system if it's found to not be adequate.
7 Oftentimes that's at least a season after
8 installation because we allow for weather, rain,
9 for settlement, for things to allow the
10 environment to settle out to something that would
11 allow us to make good decisions.

12 So I think I'd support the idea that
13 the timelines here were a bit arbitrary and maybe
14 didn't think -- didn't take into consideration
15 the idea that you need some time to make sure
16 that you have the right systems. But I think
17 more broadly I was a bit concerned that this
18 section seemed like it was kind of plucked out of
19 a couple of maybe different parts of different
20 experiences, but what didn't really capture that
21 holistic approach to managing integrity. Thanks.

22 CHAIR GANT: Thanks, Chad.

1 Andy next and then over to Cheryl.

2 MEMBER DRAKE: Yes, I think the think
3 that strikes me here is that this is a place for
4 us to be really intentional and pause. I think
5 the thing that strikes me, maybe similar to Chad,
6 is are we going after the most significant
7 issues, issues that have caused failures, issues
8 that are some sort of prioritized risk that we
9 need to address, or are we just doing stuff?

10 And some of this strikes me as just
11 doing more stuff, and that's not well founded and
12 not helpful. I think we're close to getting the
13 cart and the horse in the right order. I think
14 there are some things we need to distill here
15 though. Which are the pressing ones and which
16 are the ones that we need to get -- or collected
17 on so that we don't just do more stuff. These
18 developmental areas need to be coordinated so
19 that they're synchronized with other areas.

20 I think one that I think makes sense
21 to move forward on is AC mitigation. I think it
22 is an issue. We've seen problems with this area.

1 We should be moving forward with clarity on this.
2 I do think we need some provisions for
3 appropriate time frames to respond given the
4 complexity of the issue you're dealing with with
5 design, permits and those kind of things. But I
6 think this is a solid area for us to make a
7 marked improvement.

8 Internal corrosion, I think this area
9 strikes me as we're going about this backwards.
10 We're trying to monitor every single input on
11 every single pipeline everywhere to decide what
12 kind of constituents are going into the pipe
13 stream to see if we have any internal corrosion.
14 That isn't going to solve this problem, and I
15 think we all know it.

16 We need to back away from the tree and
17 look at what is the risk we're trying to deal
18 with, fingerprint the bad guy and come up with a
19 screening tool. We won't catch Carlsbad doing
20 this, and I think we all know it. And that was
21 the last really significant internal corrosion
22 anomaly failure I can remember.

1 If our goal is to prevent these
2 failures, then we got to get away from let's do
3 everywhere, everything all the time, all -- that
4 isn't going to solve the problem. We got to look
5 at the risk and screen it so that we marshal our
6 energies more effectively into the areas where
7 the threats are.

8 When we got to the coating surveys, I
9 think Chad was right on target. To me that just
10 strikes me as a little too prescriptive. It
11 seems this is a place where maybe we need to do
12 some workshops, get in sync with NACE, which
13 we're not in sync with NACE on this particular
14 requirement. Doesn't make sense why we're out of
15 sync with them. I think it seems like a blunt
16 instrument to me. I think that we need multiple
17 tools, we need data integration, we need to make
18 really good decisions. This is very, very
19 prescriptive and very, very myopic and it takes
20 off the table a lot of the things we're trying to
21 accomplish with looking at a host of tools and
22 integrating the data there to make those better

1 decisions.

2 I think that that might be a good area
3 for us to distill and post -- get ourselves
4 collected with a workshop. That doesn't seem to
5 be a pressing issue. It seems to be an
6 opportunity to get in sync and make sure what we
7 do actually provides good guidance on risk
8 assessment to the operating community, which is
9 what we're trying to do. And I think being out
10 of sync with the standards organizations is not
11 helpful. So that's really my comments.

12 CHAIR GANT: Thanks, Andy.

13 Cheryl, over to you.

14 MEMBER CAMPBELL: Thank you. First of
15 all, I agree that solid corrosion control is
16 really important in a steel system, and happy to
17 say that that is my number one risk, and I'm well
18 aware of that. I can't help but wonder if the
19 issue is -- I'm struggling, right? I mean, I
20 have ILI'ed downstream of almost all my inlets
21 and I haven't found any internal corrosion. So
22 -- and I could prove it, right?

1 So I mean, is the issue more of we're
2 not training our inspectors to ask some of the
3 right questions for the operators to support
4 their corrosion control programs and the
5 mitigations that they have installed? If I were
6 to find internal corrosion, evidence of internal
7 corrosion and I did nothing about it, any
8 operator in the room, then, yes, I think there's
9 plenty of provisions in the code to do something
10 about that.

11 So I struggle with that part of it.
12 So I mean, I just ask is it an issue of just some
13 -- we need to improve the way that we're doing
14 some of our inspection work on operators to
15 ensure that they have this? Because it is a
16 risk. It's listed as a risk in the Integrity
17 Program.

18 I agree that -- I agree with Andy and
19 others that we should be in alignment with NACE.
20 And I know you said, Chris, I think that it
21 wasn't the intention to be out of alignment with
22 NACE. So I mean, I would very much agree that we

1 need to be in alignment with that. But I also
2 agree that, I mean, it does feel like this is
3 incredibly prescriptive and sort of narrows an
4 operator's choices on how to deal with corrosion
5 issues on their system.

6 So I'd like to see us leave a lot of
7 tools in the tool box for the operators to deal
8 with specific issues on their systems.

9 CHAIR GANT: Mark?

10 MEMBER BROWNSTEIN: So, no question
11 this gets to be a critical set of issues, sort of
12 the heart of what fundamentally this rule is
13 trying to get to. So it's worth spending some
14 time.

15 One in other contexts, in other
16 regulatory contexts that I've been familiar with,
17 right, I've seen agencies list a set of specific
18 requirements that a company is required to do,
19 but with an opportunity for the regulated entity
20 to come back to the agency with an alternative
21 path forward that on a case-by-case determination
22 can be considered to be equivalent or better than

1 what the regulations, the specific regulations
2 require.

3 I suggest that because that may be one
4 way to address what I'm hearing from the
5 operators, which is we're not so sure that if you
6 require us to do all these things that we're
7 necessarily going to be: (A) focused on
8 everything that we need to be focused on to
9 assure our systems have integrity; and (B) we may
10 be locking in a set of steps that are outdated
11 over time and it stymies the opportunity for
12 innovation and for advancing sort of the state of
13 the art, so to speak.

14 And that's always the risk when you
15 any kind of regulation like this, right, that you
16 sort of enshrine the state of the art as you
17 understand it today and it winds up being
18 concrete shoes, right, both for the regulated and
19 the regulator.

20 And so I don't know whether PHMSA
21 looked at this idea at all or whether it's
22 feasible, right, because other agencies -- I'm

1 also cognizant of the fact that other agencies
2 have more resources and are in -- or may be in a
3 better position to do the kind of case-by-case
4 come-show-us-that-you've-got-a-better-mousetrap-
5 and-if-you-do-we'll-let-you-do-it. But I would
6 suggest that maybe that is one way to think about
7 it, at least in theory, one way to think about
8 what we've been hearing with this conversation.

9 CHAIR GANT: Thanks, Mark.

10 Chad and then Sara?

11 MEMBER ZAMARIN: Yes, Chad Zamarin,
12 Cheniere Energy.

13 I think Mark raises good points. And
14 I think we've had challenges. I think there are
15 resource limits on case-by-case kind of going
16 through and relying on the ability to present
17 alternatives. I really liked the way the
18 inspections after extreme events was worded and
19 kind of drafted. I think it was a good marriage
20 of prescription and at the same time allowed for
21 the ongoing advancement -- well, it allowed for
22 tailoring your techniques to the specific

1 conditions and issue at hand and it I think
2 allowed for the ongoing evolution and advancement
3 of technology.

4 And so I think there may be a way to
5 do it that somehow fits with the resources and
6 the practicality of how things get down, or
7 alternatively this may just need more work
8 collectively. But I struggle with this one in
9 that it just feels like we've kind of picked a
10 tool and it's -- and I think Andy used that
11 myopic term. It's going to drive a very myopic
12 process and decisions are going to be made based
13 on a single data point and not made based on
14 integrating all of the unique issues and
15 tailoring the work as such.

16 So I think you're right, we need to
17 figure out a way to codify the fact that we need
18 to be able to verify the integrity of our
19 installation once it's in the ground, but trying
20 to prescribe how to do that with a single tool I
21 think is tricky.

22 MEMBER GOSMAN: So according to the

1 Notice of Proposed Rulemaking there have been 206
2 incidents caused by internal corrosion between
3 2002 and November 2012. That number surprised
4 me. And I think that what I see here is an
5 attempt to go in a slightly different direction
6 where a management-based system is not addressing
7 the risk as much as we would like.

8 I think a prescriptive approach when
9 used thoughtfully; and it seems to me that it's
10 been used thoughtfully here, is an answer to a
11 situation where we're just not seeing results out
12 of a very flexible management-based program.

13 I like Mark's amendment because I
14 think it gives us still the ability to be very
15 specific about possible answers here, but also
16 allow for changes in technology. And I think
17 that maps on actually very well to other
18 environmental regulatory programs that I know
19 about as well. So I think that might be a nice
20 compromise.

21 But I would say that we shouldn't be
22 scared about prescriptive regulations. They can

1 be useful. They can be particularly useful when
2 we're stymied a bit by the current flexible
3 program.

4 CHAIR GANT: Okay. Thank you, Sara.

5 As you all can tell, my ears are
6 starting to fill up, so if I start to yell, it's
7 because I can't hear myself. I'm not yelling at
8 you.

9 How about if we -- we've gotten a lot
10 of input on a variety of aspects of this
11 particular section. How about if we take some of
12 these things one by one and see if we can get to
13 a next level of understanding and steps forward
14 on it? So how about we start with AC mitigation
15 and see if we can get a sense of what would be
16 the right thing to do on this and the appropriate
17 time frame and steps.

18 And I don't know if, Alan and Steve,
19 you want to take a shot at that based on the
20 conversation and your thoughts.

21 MR. MAYBERRY: Yes, this is Alan.
22 Just if I interpreted what I heard, there's

1 probably less concern over the AC mitigation, but
2 I might take a step back and say that this
3 section, or these items really didn't -- they
4 weren't really created out of a vacuum. And I
5 sure don't mean to imply that there is a
6 perception that these kind of came out of
7 nowhere. But they did have a basis. And this is
8 where I was really talking earlier today that you
9 really look back 10 years on where the origins of
10 some of the things that are in our rule, and this
11 is based on observations in construction.

12 So we had a workshop back in what,
13 2008 or so, 2007 where we talked about
14 construction issues. One of the big issues was
15 coating-related. There are other issues as well.
16 But coating certainly. And that was probably --
17 that is the origins of some of this certainly
18 related to coating issues on projects, certainly
19 as it relates to DCVG.

20 To look at the other issues, we'll
21 talk about AC interference. We've seen in
22 accident history related to lines where there are

1 -- there's corrosion very quickly, soon after a
2 line is put into service. We're talking like 50
3 percent wall loss after a year of operation. So
4 and certainly the regulations don't -- the intent
5 is not to allow for that. The intent is to
6 ensure that you -- the expectation is you protect
7 the pipe, the pipe is protected, but yet we felt
8 the need to add a bit of prescription there to
9 address that.

10 And that's again based on the
11 experience we see related to others. Certainly
12 at Sissonville. And then we had a shielding
13 issue there. We've seen other shielding. Good
14 old-fashioned corrosion where you have a
15 shielding of CP from the pipe. So we've seen
16 issues there. And I think that's informing some
17 of why we're here talking about this today.

18 But that's -- so it's beyond really
19 the mandate. We don't -- we're not just really
20 dealing with a mandate. We're dealing also with
21 what our observations are just in carrying out
22 our authority to act on those observations and

1 propose a change.

2 That said, I think there's been some
3 great input on technology that's maybe allowing
4 for other technologies and the like, so I think
5 we're all ears. And again we're here to be
6 informed on this to see where we need to go on
7 it. So I guess with that we'd tee it up to AC
8 interference initially.

9 CHAIR GANT: Yes, I was trying to go
10 for something that seemed like it was more
11 straightforward --

12 MR. MAYBERRY: Yes.

13 CHAIR GANT: -- out of all of them,
14 the AC inference detection and mitigation. It
15 seems like of the ones we've discussed that that
16 one might be a smaller bite to take first.

17 Chad, are you on topic because I'm not
18 going to recognize you --

19 MEMBER ZAMARIN: Yes.

20 CHAIR GANT: -- if you're not.

21 (Laughter.)

22 MEMBER ZAMARIN: Yes, the only -- I

1 think the only comment I would have on that is we
2 typically try to identify pipelines that would be
3 at risk of AC interference prior to implementing
4 a survey. And so we try to filter and focus our
5 energy. And so, I think that would be our only
6 comment. I think we agree with the concept of
7 having it covered, but the idea that typically we
8 would implement these if there were collocation
9 of power lines or there were other utilities that
10 could interfere with the pipeline. You're trying
11 to be more surgical about applying this medicine.
12 You're not just treating everything because you
13 can. So that's my only comment on the
14 interference surveys.

15 CHAIR GANT: So it seems to me in my
16 reading this that the interference surveys
17 requirement; and so, staff, I'm asking you if I'm
18 reading this correctly, apply where you have --
19 the pipeline is collocated with an HVAC power
20 line. So if you've located a pipeline not --
21 that's not near one of those, then this wouldn't
22 apply, but if at some point an HVAC line is built

1 to intersect or -- in some way, then you would be
2 required to do this. Is that the correct read of
3 this, Steve?

4 MR. NANNEY: Yes.

5 CHAIR GANT: With that read, Mr.
6 Drake?

7 MEMBER DRAKE: I like the approach of
8 breaking these down. I think we're kind of
9 mixing apples and pears up a little bit here.

10 But, yes, AC mitigation is
11 particularly of concern because the rate at which
12 the corrosion can grow can be exacerbated by the
13 power --

14 CHAIR GANT: Yes.

15 MEMBER DRAKE: -- the influence. And
16 I think that the wording that's in here is good.
17 I think we can work with that. I think it's
18 appropriate. I think the only caution that I
19 would have; and it came up a couple times, is the
20 response times. I think it should be ASAP, so to
21 speak, and maybe the P should be practicable
22 based on design and permitting and the ability to

1 implement the controls, because you may be
2 leaving your property to put these controls into
3 place.

4 But I think getting it in front of
5 people and being clear what it is is good because
6 it can be very a rapid growing threat, and I
7 think that's prudent to flare that for people.

8 CHAIR GANT: Okay. Request for
9 clarification. So generally, Andy, what you're
10 suggesting is the language is okay but you're
11 raising a concern with the no later than six
12 months? Are you -- and, staff, do you feel like
13 you understand the request that's been made there
14 sufficiently to respond?

15 MR. NANNEY: I'm not sure on the
16 timing I'm quite understanding that. The one
17 thing on -- if you've got high-voltage power
18 lines that you're paralleling and you do have a
19 short and it's going through the line, the arcing
20 and the wall loss is normally very quick. In
21 fact, it's what we've seen on your pipelines
22 built around this if it's not done properly.

1 It's in two months, one month, three months. Six
2 months is probably giving too long to install it.

3 So we'd be open to different wording,
4 but I'm not sure trying to say six months is not
5 a reasonable time to get out and identify that,
6 because if you're -- especially on a newer line
7 that should be installed in part of your design.
8 It shouldn't be done a year after the design. It
9 should be done as you put the pipeline in the
10 ground.

11 MEMBER DRAKE: I think Mark had some
12 language that was used earlier that might be
13 appropriate here, and that is six months, as soon
14 as possible, six months, unless the operator
15 solicits some extraordinary event that requires
16 -- but I think it's just a matter of pragmatism.
17 I mean, there -- you get in certain environments
18 where you can't control that. The permits won't
19 allow it. You can't get the property. You have
20 to do something. You may lower the pressure. I
21 don't know what you'll do, but you may not do
22 this. But that should be an exception.

1 MR. MAYBERRY: Yes, I might add, just
2 looking in our existing code, we do have six
3 months for the alternate MAOP rule for doing an
4 interference survey. So that would line up with
5 that.

6 CHAIR GANT: So I think just to
7 capture the request is that that be subject to
8 extension should there be intervening
9 circumstances beyond the operator's control. So
10 noted.

11 MR. MAYBERRY: Yes, I was just
12 chatting with Steve. We also have in our special
13 permit process where we were looking at this
14 topic. We had some wording that -- around the
15 six-month provision, but then also a provision if
16 there's an issue that precludes that time frame
17 that it could be approved, an alternate could be
18 approved.

19 CHAIR GANT: Chad?

20 MEMBER ZAMARIN: I think I heard it.
21 I just want to confirm, because maybe I'm not
22 reading the right language or in the right

1 location, but are we saying that inference
2 surveys are only required for pipelines that are
3 collocated with power lines? Because I don't
4 know that it's entirely clear in the language.

5 MR. MAYBERRY: Interference can come
6 from a variety of sources. Power lines I think
7 has been our example here, but it could be the
8 Metro system. It could be another pipeline.

9 MEMBER ZAMARIN: Understood. I guess
10 what I --

11 MR. MAYBERRY: Yes.

12 MEMBER ZAMARIN: I read this to
13 potentially mean that all pipelines should be
14 subject to interference surveys. And I'm just
15 trying to understand again if that's the case.
16 That's how now we do it today. We filter out
17 those that we think could have a foreign utility
18 or some other cause for interference.

19 MR. NANNEY: No, it's based upon
20 putting the filter that you're talking about,
21 Chad.

22 MEMBER ZAMARIN: Okay.

1 MR. NANNEY: The key part of putting
2 this in is we were seeing new pipelines being put
3 -- paralleling these high-voltage power lines,
4 because let's -- if it was a gas or even a crude
5 oil pipeline, the power line grid is where now a
6 lot of them are paralleling. And we were seeing
7 pipelines that were put in the ground and the
8 operator had not even thought about that high-
9 voltage power line they were paralleling until
10 they got it in the ground. Well, that should
11 have been part of their permitting and part of
12 their design before they ever got out on the
13 right-of-way. And they weren't do that.

14 MEMBER ZAMARIN: Yes.

15 MR. NANNEY: So what this has set up
16 is that when you're designing a pipeline, you
17 need to put that into your plan, just like buying
18 pipe. And that's the intent of this.

19 MEMBER ZAMARIN: Okay.

20 CHAIR GANT: Or as in this -- or as
21 it's worded. If those facilities subsequently
22 became collocated to your pipeline. And there's

1 a list of facilities in here that --

2 MEMBER ZAMARIN: Right.

3 CHAIR GANT: -- could cause this
4 issue. And it only applies where you have
5 collocation.

6 MEMBER ZAMARIN: Okay. Thank you.

7 CHAIR GANT: Okay. So shall we move
8 onto the next little strand of spaghetti here in
9 this pasta bowl?

10 Do we -- well, so this is the
11 question: Do we need a break, or do we want to
12 forge through for another 45 minutes or so and
13 give staff time to digest all of the lovely
14 feedback that we've given?

15 (Simultaneous speaking.)

16 CHAIR GANT: Say keep going?

17 (No audible response.)

18 CHAIR GANT: Of course everyone is --
19 you have free will to get up and take your
20 biological break if you need it. And we'll do
21 all the interesting stuff while you're gone.

22 (Laughter.)

1 CHAIR GANT: Let's try to forge
2 through and give staff some time to work tonight.
3 I think that will increase our effectiveness
4 tomorrow.

5 Okay. I'm going to suggest that we
6 next take up the matter of internal corrosion
7 control as relates to gas constituent monitoring.
8 And I would ask the question for the chair's
9 edification of how this is meant to be different
10 from the gas quality specifications required by
11 FERC in the tariffs that transmission operators
12 have with their suppliers so that I could -- so
13 that would help me guide this discussion more.

14 Could PHMSA staff help me understand
15 that?

16 MR. NANNEY: We don't know where you
17 are.

18 CHAIR GANT: 192.478. This is on
19 internal corrosion, onshore transmission
20 monitoring and mitigation. So this is the
21 monitoring and mitigation program to identify
22 potentially corrosive constituents. That's the

1 next one in my list. Did I -- it's on the next
2 page after interference currents.

3 PARTICIPANT: I'm not sure I know
4 where you're -- could you repeat the question,
5 please?

6 PARTICIPANT: Yes, we're not sure
7 what --

8 CHAIR GANT: Okay. So this is
9 192.478, internal corrosion control on short
10 transmission monitoring and mitigation. This is
11 the requirement to develop and implement a
12 monitoring and mitigation program to identify
13 potentially corrosive constituents in the gas
14 being transported and mitigate the corrosive
15 effects.

16 MR. NANNEY: Okay. This is on the
17 internal -- what's the question on it now that I
18 know what section?

19 CHAIR GANT: Okay. Sorry about that.
20 Sorry. My question is, so I can help guide us
21 through the next bit of the discussion, how is
22 this intended to be different from the existing

1 FERC requirements to have gas quality
2 specifications established between the pipeline
3 and shippers?

4 MR. NANNEY: Well, I'm not sure I've
5 looked at the FERC requirements. I don't know --
6 I've looked at them in the past, but that's been
7 many years ago.

8 So just to tell you, I mean, what this
9 is set up for is for there to be a monitoring and
10 mitigation to make sure if you got corrosive gas
11 coming into your system to monitor it. If you
12 look at 478(a), it's got here for onshore
13 transmission pipelines each operator must develop
14 and implement a monitoring and mitigation program
15 to identify potential corrosive constituents in
16 the gas being transported and mitigate the
17 corrosive effects.

18 And then potentially corrosive
19 constituents should include but now are limited
20 to carbon dioxide, hydrogen sulfide, sulfur,
21 microbes, free water either by itself or in
22 combination. And each operator shall evaluate

1 the partial pressure of each corrosive
2 constituent by itself or in combination to
3 evaluate the effect so the corrosive constituents
4 on the internal corrosion of the pipe and
5 implement mitigation measures.

6 So it's basically to set it up if you
7 have a corrosive gas. So I don't know of the
8 FERC -- offhand if it's -- it's probably set up
9 for 16 parts per million on H₂S. It could be
10 eight parts per million and then based -- but I
11 haven't -- like I said, I haven't looked at it to
12 answer your question. Some of the gas company
13 reps may know, but I haven't, like I said, looked
14 lately.

15 CHAIR GANT: Okay. Thanks, Steve.
16 What I'm trying to understand is there have been
17 several comments that this particular aspect of
18 the regulation duplicates either other PHMSA
19 regulations or other regulatory requirements.

20 MR. NANNEY: Oh, that duplicates it?

21 CHAIR GANT: Right. So that's one of
22 the things I'm trying to understand starting with

1 shippers on these pipelines. Off-takers have
2 requirements for the quality of gas they receive.

3 MR. NANNEY: Okay.

4 CHAIR GANT: And that's part of these
5 -- pipeline operators also maintain -- I mean,
6 part of maintaining the integrity of the system
7 is to not have a gross of materials in your
8 system. So I'm trying to back into what's
9 causing the concern that these requirements
10 duplicate other requirements so we can pull that
11 apart.

12 MR. NANNEY: I haven't -- I missed the
13 comment. I haven't looked at the comment. If I
14 have, I've forgotten it. And so I'm not sure who
15 the comment's coming from and what they're
16 referencing. So I hear you, but we'll have to
17 look at it. But I just don't know it right now.

18 CHAIR GANT: Steve?

19 MEMBER ALLEN: Steve Allen, IURC.
20 Wouldn't this deal with integrity management? I
21 mean, from the standpoint that if you have
22 corrosive material entering into your system,

1 it's a threat you have to deal with anyway. So
2 perhaps that's the duplicate nature we're talking
3 about here.

4 Secondly, it seems to me that this is
5 kind of a -- I don't want to say a ready, fire,
6 aim approach, but it seems to me that -- and I
7 think I read somewhere that perhaps this standard
8 should -- or this rule should apply only to those
9 pipelines that have some history of internal
10 corrosion because of corrosive material. There's
11 an awful lot of pipelines out there that don't
12 have internal corrosion as well.

13 So anyway, to answer originally, I
14 think the duplicate nature is probably related to
15 some of the integrity management threat analysis
16 for this one.

17 CHAIR GANT: Cheryl?

18 MEMBER CAMPBELL: Thank you. Just a
19 couple of things, and I think one of what's
20 driving this issue of looking -- I mean,
21 obviously if you're operating a steel system, you
22 should be analyzing the threat of corrosion under

1 your integrity program.

2 I think what a lot of the LDC
3 operators struggle with is there is sort of a
4 natural -- well, I shouldn't say short of -- sort
5 of. There is, right? I mean, there are tariff
6 requirements for the interstate pipeline system
7 with limits to the constituents that you're
8 talking about. And that might be what you're
9 trying to get at, Paula, is a lot of that stuff
10 is taken care of well upstream. And a lot of the
11 LDC operators struggle with saying, all right,
12 why do we need to monitor it again?

13 For what's worth, I mean, we have
14 interconnects. We also connect to some
15 processing plants and we do watch the lines that
16 are downstream of processing plants more
17 carefully because of exactly the reasons that
18 you're talking about, Steve.

19 I say again though is this an issue of
20 training and making sure that we are inspecting
21 fully and asking operators how they're evaluating
22 the threat of corrosion and are they fully

1 evaluating that threat?

2 The other thing I guess I'd like to
3 ask PHMSA to do before we meet again is to bring
4 the data and the statistics on what has been
5 caused by internal and external corrosion. I
6 heard what Sara said, but the data that I just
7 got sent was there's been about two a year over a
8 20-year time period.

9 So I think some data to say how
10 serious of a threat is this, how big of an issue
11 is it, where we might need to add some additional
12 specificity to the code, because operators aren't
13 responding. I would absolutely agree with that.
14 If that's really what's going out there, we --
15 and we need to poke and prod and get people
16 moving, but let's clarify the data and understand
17 the magnitude of the problem. I, too -- the last
18 one of any significance that I recall is
19 Carlsbad. And certainly a horrific accident, but
20 I'm struggling with any additional ones with IC.

21 So I think that's why people are
22 saying it's duplicative is there's things that

1 already say we should be evaluating the threat,
2 we should be doing something about it when we
3 find it. And you're probably going to hear me
4 say this a lot as we go through this -- Alan, I
5 think you've heard it from me one on one before,
6 too -- are we sure we're asking the right
7 questions and pushing the operators, right, and
8 when we're doing the inspections? Writing
9 another rule isn't going to solve that problem
10 because people are still -- if they're not going
11 to do it, they're not going to do it.

12 CHAIR GANT: Thanks, Cheryl.

13 Andy, Chad and then Sara, please?

14 MEMBER DRAKE: I think the issue that
15 really is causing a lot of concern is the must,
16 the word "must," that operators must use gas
17 stream quality monitoring at all points, inlet
18 points on the pipeline. And it talks about shall
19 do these things. And I think that's where it
20 becomes -- it doesn't solve the problem. And I
21 think Cheryl is -- what she's saying is
22 resonating with me is getting people to monitor

1 these things is just going to be more stuff to
2 do. It isn't going to solve the problem.

3 We can go -- dry gas systems. We can
4 put monitors all over it. They're dry gas
5 systems. It isn't helping. Just interesting.
6 What we're trying to do is get folks to be more
7 deliberate about the risk of internal corrosion
8 and actively confirming your status against it,
9 not trying to manage all of the incoming
10 variables that could be driving it. That isn't
11 going to be informative.

12 If you are not in a dry gas system,
13 you should be considering things to do to make
14 sure you don't have this problem actively. And I
15 think maybe switching the language off of "musts"
16 to "shoulds," adding some conditions to qualify
17 -- I think what we're trying to do is help give
18 guidance to operators about what is the screening
19 tools to define where you should be looking and
20 what you should be doing to make sure you don't
21 have this problem, not just looking for
22 variables. Get more on toes, not on your heels.

1 And I think that provides more clarity
2 that's useful to people. And that would be my
3 recommendation is come off of this must, provide
4 some qualification language about conditions
5 where you're worried and then list tools that
6 they can use to confirm the integrity of the
7 system, not just tracking more and more data.
8 That's just -- that's a distraction in my
9 opinion.

10 MEMBER ZAMARIN: Chad Zamarin, Cheniere
11 Energy. I think we should probably follow up on
12 the data. I like Sara's comment around the
13 incident statistics because I think it helps
14 frame the issue. I wonder if maybe that included
15 offshore incidents where internal corrosion has
16 been more of an issue. And this requirement is
17 focused on onshore gas transmission, so I do
18 think we should make sure we're talking about the
19 right data and putting it in the right context,
20 because I do think our experience is that this
21 has been an issue that has not been as
22 significant.

1 And following San Bruno, which was 17
2 years ago, 16 years ago, we've done a lot of work
3 on internal -- I'm sorry, Carlsbad. Following
4 Carlsbad; that was 16 years ago, we've done a
5 tremendous amount of work on internal corrosion
6 monitoring and mitigation.

7 I echo Andy's comments. I think one
8 thing about gas monitoring that you have to be
9 careful of: One, input does not define the
10 aggregated product within our pipelines. We have
11 this issue all the time where we look at not
12 necessarily just for internal corrosion issues,
13 but we look at single data points, and they're
14 not representative of the kind of commingled gas
15 stream. So you have to be careful that that is
16 not a panacea for identifying whether or not you
17 have a potentially corrosive environment.

18 So like Andy, I like the idea of
19 saying you should be monitoring and monitoring
20 should consider or may include, but having this
21 must requirement I think is what's raising the
22 concern. Thank you.

1 CHAIR GANT: Thanks, Chad.

2 Sara?

3 MEMBER GOSMAN: So just to follow up
4 on the data, yes, I'd love to see the breakdown
5 on that, because again it was very surprising to
6 me, that number.

7 I'm looking at this section -- and by
8 the way, thank you for going section by section,
9 because it's -- I think it's very much focused
10 the discussion and gotten past generalities.

11 I think that this section actually
12 gives a lot of discretion to the operator to
13 create this program, this monitoring and
14 mitigation program. You certainly do have to
15 create it and you do have to use monitoring
16 equipment, but once you do that, the question of
17 how you mitigate is left up to the operator
18 evaluating coupons or other suitable means -- I'm
19 just pulling this language from the proposed
20 rule.

21 I think a lot of this actually -- I
22 recognize that the word "must is in here, but I

1 think "must" can and should be used in
2 regulations. The question is is how much
3 flexibility do you have if you have say this
4 other great technology? It seems to me that that
5 is built in at least partly here. And if there
6 are places where it isn't and we need to, I think
7 that would be a great thing to do. But as a
8 concept having this type of program to
9 essentially, right, try to move forward on
10 corrosion seems to me a very good policy idea.

11 CHAIR GANT: Sue?

12 MEMBER FLECK: Hi. Could you pull this
13 section up? I don't have a copy of the code with
14 me, so I'm getting a little confused. Thanks.

15 CHAIR GANT: Cheryl, did you have a
16 comment now or do you want to wait?

17 MEMBER CAMPBELL: I actually did want
18 to follow up on -- I think there are ways to
19 monitor for internal corrosion in a way other
20 than the monitoring equipment that is specified.
21 I mean, I agree with you that we should be paying
22 attention and we should be watching for it, but

1 installing monitoring equipment at inlet points
2 is not the only way to do that. And I think
3 that's the point.

4 And I think that my gas transmission
5 friends who mostly have done ILI on their entire
6 systems would say they know where they've got
7 those problems and where they don't. And I feel
8 like I do as well without installing that
9 monitoring equipment that I then have to maintain
10 and take care of.

11 So the point being, right, I mean,
12 there are different ways to do it and are you
13 actually engaged in monitoring and watching for
14 this threat on your system? And if you find it,
15 then doing something about it.

16 And, Alan, I got to believe that's
17 really what you want the operators to do is --
18 are you really monitoring it? Use a method that
19 works, right, that you can defend. And then when
20 you do find it, do something about it. I think
21 that's your point.

22 CHAIR GANT: So to summarize, to play

1 back before PHMSA staff responds on what I'm
2 hearing as the chair, that there is an agreement
3 that you want to be on top of internal corrosion
4 and that there are a number of ways to get
5 information that allows you to understand where
6 internal corrosion may be occurring in your
7 system, that focusing on a particular data point
8 or set of data around gas quality may generate a
9 lot of data that doesn't necessarily give you the
10 most useful or full range of useful information.

11 Second; and this is why I asked my
12 question about the gas quality specifications, is
13 there was a great deal of work done by the
14 industry in the years following Carlsbad and a
15 very open process to examine this matter of gas
16 quality. And my observation has been that
17 parties involved in moving gas and purchasing gas
18 to move, transmission service, have reflected the
19 learnings from that process in the tariffs that
20 you've negotiated over the years. So there's a
21 great deal of information that's been integrated
22 into the commercial arrangements in this sector

1 based on the understanding of gas quality and
2 what it does to these physical systems.

3 So I think that's an important
4 triangulation to get at what are we trying to
5 solve for here? We're trying to make sure, I
6 think, that we understand where internal
7 corrosion is happening in the system first. And
8 that's the emphasis here, as Sara's noted. This
9 doesn't even really address the mitigation
10 aspects of it in this particular section. How do
11 you best stay on top of where it's happening?

12 Alan?

13 MR. MAYBERRY: Well, a couple points.
14 First, Cheryl, I would agree. I mean, we need to
15 ask the right questions and we need to clarify
16 the expectations. And that helps both us as the
17 regulator and the operator.

18 And I agree with the point that -- I
19 think next time we can come back with some data
20 and talk -- further talk about this one here and
21 see where we need to go on it.

22 It is a risk that's out there. It's

1 an area that we have seen a history with. Not a
2 significant history like some other areas, but
3 it's an area that we -- at least in doing this we
4 thought we would identify -- add a little more
5 prescription to the expectation of do you really
6 know what you're getting? You have a contract
7 that limits hydrogen sulfide or CO2, but you
8 always get that. Or do you know that -- I know
9 during upset conditions you probably don't get
10 that, that those are rare for it, hopefully. But
11 anyway, that's -- pass it on to -- that's all I
12 had for now, yes.

13 CHAIR GANT: Sara, is your card still
14 up? Okay. Sorry.

15 MEMBER GOSMAN: Sometimes I leave it
16 up.

17 Well, yes, just to respond, I mean, I
18 think if there's a better way of handling it, of
19 identifying it than what's in this particular
20 rule, that should be built into the rule. I just
21 don't want to get rid of this entire section
22 because of that particular issue. I think it can

1 be drafted in such a way that we still get at the
2 issues.

3 I guess I'd make sort of a systems
4 point, which is that throughout this conversation
5 I'm hearing but we can do this better, right?
6 Just let us do it better. And it strikes me that
7 I don't know that much about the special permit
8 or whether there's another process like that out
9 there, but I think particularly when you get into
10 prescriptive requirements everybody feels better
11 if you have a system where you can go in and say
12 I have this equivalent way of doing it. Let me
13 prove to you.

14 And you put the burden on the operator
15 in that system because that's the way it goes,
16 right, at that point. But the operator who has
17 that burden shows you that there's a better way
18 of creating this kind of monitoring and
19 management plan. You approve it. And I think
20 that's a fair tradeoff to again more prescriptive
21 requirements that may not allow for the latest
22 and greatest.

1 CHAIR GANT: Thanks, Sara.

2 Those cards popped up while I wasn't
3 looking. Ms. Fleck?

4 MEMBER FLECK: Snuck up on you. Sue
5 Fleck, National Grid.

6 I guess the only issue I have with
7 this -- I'm not a -- I'm really not a corrosion
8 expert, but I'm paranoid enough to worry about
9 how the regulators might deal with it, my state
10 inspectors. The word "potential" is a little bit
11 scary, because they could just turn around and
12 say we have a potential for it everywhere, so
13 install the equipment everywhere.

14 So, because they don't like to make --
15 the state inspectors don't like to make
16 judgments, so it's easier for them to have a --
17 well, just do it everywhere and then I'm safe.
18 I'm covered. I never have to make that kind of
19 -- and I'm not trying to be disrespectful or
20 anything, but it's going to open us up to having
21 to install the monitoring equipment at every
22 single take-on point. So just through that out

1 there. "Potential" is a scary word.

2 CHAIR GANT: Cheryl?

3 MEMBER CAMPBELL: Just -- you made a
4 comment earlier, Paula, about the commercial
5 arrangements with the tariffs, and we -- I am
6 convinced, right, as gas and electric come
7 together, we're going to see yet another national
8 conversation on gas quality, and in fact have
9 asked ourselves internally within our company if
10 it's time to start that conversation. Because
11 the turbines, right, once you get them tuned,
12 right -- I mean, there's all kinds of issues.
13 And we have quite a few generators behind our
14 system, and so we're dealing with that today.

15 But I think that's only going to
16 spread, and it's going to spread upstream to the
17 transmission lines as well. At some point we are
18 going to have to have tighter controls on the
19 quality to make all that stuff work the way that
20 it needs to work in the -- on the path that we're
21 all on.

22 So I think you're going to see this

1 sort of convergence, right? Now that doesn't
2 mean that as an operator we shouldn't be prudent
3 and responsible and be monitoring and mitigating
4 where we should, but I do think that the
5 commercial side of this is going to continue to
6 drive this conversation perhaps even faster than
7 what we're doing.

8 So that's just a statement. I mean,
9 I don't think it changes what we need to be doing
10 here, but I do think we're going to keep seeing
11 that change.

12 CHAIR GANT: Steve?

13 MR. NANNEY: Just one thing for the
14 Committee to consider. Gas is bought and sold
15 and paid for based upon the composition of it.
16 And I would be very surprised at where the
17 ownership of this gas is being measured and being
18 transferred and being paid for. What we're
19 requesting here to be looked at monitored is not
20 being done today at any of these places where
21 it's being changed, because that's how you get
22 paid for your gas.

1 I would also be -- if you've got in
2 your tariff of any amount, I would not -- I would
3 be very surprised if H2S, CO2, all the issues for
4 corrosive gas are not being monitored, because
5 that also has to do with how much you pay on the
6 cash register.

7 So I would recommend that the industry
8 folks go back and check with their measurement
9 and be sure that -- I'm hearing that we're asking
10 for too much, but I'm not sure if we're not
11 asking for what you're probably already getting
12 and looking at anyway.

13 CHAIR GANT: So, Steve, I think some
14 of that applies in the intro to this section,
15 that there are different ways by which the
16 companies understand what's going through their
17 system. I think what becomes a bit more
18 problematic is how detailed the specifications
19 are on how they will know what's in their system
20 and the methods by which that -- this would not
21 sync up with the way it is currently, that they
22 are aware what's in their systems.

1 So that may be something for future
2 discussion between --

3 (Simultaneous speaking.)

4 MR. NANNEY: That's what I'm asking is
5 come back and tell us how you're getting what
6 you're getting. It would be good to know that.

7 CHAIR GANT: Sue?

8 MEMBER FLECK: Yes, I can give you one
9 example. In some of our transfer points we --
10 the equipment is owned by the supplier and we go
11 and we witness the test while they do it. And we
12 look at the constituents and we see what they're
13 doing. So we would be out of compliance with
14 this because we don't have our own monitoring
15 equipment that we're looking at, that we're
16 taking care of.

17 But we do get the information and we
18 validate it in other ways. Or take an occasional
19 sample, send it to the lab and have it tested. I
20 mean, there's lots of ways we can do it without
21 having monitoring equipment running around the
22 clock at every input station. So just a couple

1 of examples.

2 CHAIR GANT: Alan?

3 MR. MAYBERRY: I think that got
4 brought up earlier though is you may not have
5 online monitoring at every station. I mean, do
6 you measure H2S at every gauge station? Probably
7 not. Do you?

8 (No audible response.)

9 MR. MAYBERRY: So, but it's something
10 -- you have a contract that says you'll limit it
11 to this amount, you know, CO2, water. But, and
12 you're -- maybe you have a program. I think
13 we're talking about a program to monitor for that
14 that may involve online and it may involve
15 periodic checks depending on your level of risk
16 for that.

17 CHAIR GANT: Okay. So I think that
18 PHMSA staff has received some interesting
19 observations on this to continue to digest. It
20 sounds like there is some room for understanding
21 -- mutual understanding about what information
22 that operators already have about gas quality.

1 But also the second point of -- is a focus on gas
2 quality appropriate for informing your
3 understanding of internal corrosion?

4 So we'll leave that to rest with PHMSA
5 staff and get onto the next fun part of this.

6 So I think that it might be time for
7 us to take the hill on external corrosion
8 control, protective coating. Is everyone up for
9 this? That means we might not make 3:30. Is
10 there one that you think we could make 3:30 with?

11 (Simultaneous speaking.)

12 CHAIR GANT: I think we need to have
13 a discussion about the protective coating and the
14 requirement around DCVG.

15 (Simultaneous speaking.)

16 CHAIR GANT: Yes, this is 461(f),
17 right?

18 (Simultaneous speaking.)

19 CHAIR GANT: Okay. You have the
20 numbers better than I do.

21 MR. McLAREN: Yes, I think 319 is
22 where it starts, isn't it?

1 CHAIR GANT: Protective coating.

2 Could someone find that?

3 MR. McLAREN: Yes, if you go to 319,
4 installation of pipe in a ditch.

5 We certainly received a lot of good
6 comments regarding both 319 and 461 regarding the
7 specificity of the criteria and the desire for
8 use of additional technology or not being so
9 prescriptively set for these two coating survey
10 techniques. And we hear -- we've heard that both
11 from the public and from the Committee.

12 PARTICIPANT: We can't hear you, Chris.

13 MR. McLAREN: We've heard from the
14 public and the Committee the desire for the --
15 more leeway on the specificity of the criteria to
16 be more married to performance-based and NACE
17 standards, as well as the request to utilize more
18 inspection tools other than the two prescribed.

19 CHAIR GANT: And what I -- I think a
20 suggestion was made earlier I believe by Andy was
21 that this may be an area where a workshop might
22 be useful to better understand the state of

1 technology and practice at NACE to get everyone
2 on the same page with a goal of providing useful
3 current -- useful guidance to operators based on
4 current standards and technologies, and the array
5 of them.

6 Does that sound like something that
7 someone said previously?

8 (No audible response.)

9 CHAIR GANT: Okay. Good. So I'm
10 recalling it correctly.

11 Any modifications, additions to that
12 suggestion from around the table for -- so that
13 PHMSA staff can consider it and respond?

14 Mr. Drake?

15 MEMBER I'll give you some very
16 specific language, or guidance. I think Appendix
17 D should be made consistent with 195.571, the
18 Liquid Code, and paragraph 6.2 and 6.3 of NACE
19 SP0169 for gas transmission pipes, that Appendix
20 D should not be changed for the distribution
21 pipelines. I think that was really some comments
22 that the AGA and INGAA tried to provide to PHMSA

1 that were very specific.

2 CHAIR GANT: Chad?

3 MEMBER ZAMARIN: Chad Zamarin with
4 Cheniere.

5 And just maybe to reiterate since
6 we're now talking on this specific area about
7 ACVG and DCVG, I again just want to comment that
8 the idea of verifying the integrity of the
9 installation of a pipe I think we fully support
10 and agree with. And I know, Alan, you mentioned
11 some support for why this ended in the code.
12 There are various tools that we use to try to
13 verify integrity that I think can solve the same
14 challenge.

15 I think of Sissonville, and that was
16 a line that hadn't been pigged. And if it had
17 been pigged, I don't think we would have had that
18 incident. I think that would have been a better
19 tool than an ACVG or a DCVG, which would have
20 only given us a very limited amount of data and
21 wouldn't have given us the condition of the pipe
22 at a much more granular level.

1 So I just think that kind of like what
2 was done in the inspection after extreme events,
3 if you can outline the expectation that you have
4 to verify the integrity of the installation, and
5 these are some ways that you might do that, I
6 think you get a lot of -- you start -- you move
7 the ball forward, you identify the target. But
8 you don't necessarily prescribe how you have to
9 get to the target, but you've made it clear what
10 the expectation is. Thanks.

11 CHAIR GANT: Thanks, Chad.

12 Andy, back to you, or was that
13 previous?

14 MEMBER DRAKE: (No audible response.)

15 CHAIR GANT: Okay. PHMSA staff, is
16 that enough for you to respond to?

17 MR. MAYBERRY: Well, before I turn it
18 over to Steve, I -- we have some experience with
19 this area, with a special permit process, and
20 then currently it's in our code in another
21 section, but we'll take the input and come back
22 to you next time on that, the input, considering

1 other technology and that. I think we have
2 enough to go by to move forward on that.

3 I think I would handle the issue of
4 the workshop -- I mean, we'll take that under
5 consideration. I'd actually considered that very
6 thing for this one in addition to LNG, which I
7 think we're going to be doing later this year.
8 But the one on corrosion, potentially doing that
9 later this year to really bring to the forefront
10 what the technology is on that. So we'll take
11 that under advisement as we go forward. But to
12 handle it separately, though.

13 CHAIR GANT: Chad?

14 MEMBER ZAMARIN: Just because I want
15 to try to prevent us from making 3:30, I --

16 (Laughter.)

17 MR. MAYBERRY: One thought. And
18 again, I don't want to -- not to tell anyone
19 what to do, but it didn't feel like this was a
20 section that had to be done to meet an NTSB -- to
21 check an NTSB recommendation off, to address a
22 mandate from the legislation. So it did feel

1 like an area where -- I know I gave some of my
2 feedback where we could do some more work
3 together and not miss closing out those
4 recommendations, closing out those mandates. So
5 I think that's where when we've talked about is
6 there a subgroup of the advisory committee like
7 we've done on the -- some of the midstream issues
8 or other issues.

9 I don't know what the right answer is.
10 It just felt like -- and I get it, this was --
11 we've seen this before in corrective action
12 orders. We've seen it in special permit
13 requirements. But we -- those are -- we elect to
14 do some of those corrective action orders we
15 don't elect to do. But we elect to do those.
16 And they're very specific considerations that we
17 go through to verify whether that makes sense for
18 that specific case.

19 And now we're talking about broadly
20 implementing it across all of our installations.
21 So I just think that was a bit of a surprise to
22 us, not having seen it in NTSB recommendation or

1 in an mandate, seeing it pulled from the special
2 permits or other areas and put out broadly. We
3 just felt like this might be an area where
4 there's more work to do. Thanks.

5 CHAIR GANT: Sara?

6 MEMBER GOSMAN: In general I'm in
7 favor of workshops, but I just want to say I
8 guess on the record that I worry a little bit
9 about pushing these types of requirements off.
10 This rule has been in the works for a long time.
11 We will be talking about other aspects of it.
12 And we could be back here 5 or 10 years still
13 talking about the best technologies for
14 corrosion.

15 So I assume that the -- part of what
16 goes into this kind of rule is the staff very
17 seriously considering the technologies that are
18 out there and choosing the ones they think work
19 best. And so that's why I go under the
20 assumption, that that's what's happening. Unless
21 there are specific ones that come up through say
22 the public comment period, that could be

1 incorporated.

2 But again, I wonder whether going back
3 to the drawing board completely on this type of
4 topic, when people have thought about it, is
5 really the right way to go.

6 MR. NANNEY: Just to add to that is
7 whether it was the public comment or the
8 Committee, we hear the part of looking at other
9 coating surveys. If there is some other
10 technology that we don't know about that's
11 happened since 2012 that we should be
12 considering, we'd appreciate anyone from the
13 Committee; maybe not today, but as we go through
14 this, bringing it up, because we won't be
15 finished with this today or tomorrow. And we
16 would appreciate that.

17 The other point is the threshold,
18 whether it's some percentage DCVG or we reference
19 a NACE standard that may or may not have been out
20 when we originally started this, we'll go back,
21 just like what we told the public that we would
22 do.

1 The other thing on the time frames,
2 whether it's 3 months, 6 months or 12 months,
3 we'll go back and look at that and everything.

4 So we hear. And even the other public
5 comment of running DCVG, if it -- a 1,000 feet
6 versus a mile versus some number in between,
7 we'll look at that and come back.

8 CHAIR GANT: So I'm not going to try
9 summarizing that again. I think we're good.

10 PARTICIPANT: No, we're good. We're
11 good.

12 (Laughter.)

13 CHAIR GANT: Okay. We are at 3:30,
14 but I want to look at this section and see if
15 there is any other piece of this that we still
16 could tidy up today or if we are in a good place.

17 Any comments from Committee members?
18 Andy?

19 MEMBER DRAKE: Maybe while we're in
20 the tidying up mode I can give Steve an answer a
21 little bit on gas quality.

22 I think that when we look at internal

1 corrosion, yes, you're right, we have tariffs and
2 we have all kind of controls in the system, but
3 more than half the meter stations in the United
4 States are considered dry gas. They're downstream
5 of filter-seps, they're downstream of producer
6 intakes.

7 This rule doesn't recognize that. And
8 I think that's what you're hearing back is is
9 somewhere we're just measuring stuff. We know
10 the upset condition isn't here, but we don't get
11 a provision to say I am three filter-seps
12 downstream of all intakes to the system, but
13 because I gave gas to you, you now need to
14 monitor it and do all this stuff and install all
15 this equipment.

16 It's like, well, why are we doing
17 this? I think that just helped frame the
18 conversation. It's not -- certainly we're not --
19 we have monitoring equipment all over the place,
20 but there's a place where we're downstream of
21 equipment that we think the risk is waned, and I
22 think this rule just needs to pick that up.

1 MR. NANNEY: And I heard that --

2 MEMBER DRAKE: Okay.

3 MR. NANNEY: -- but also I thought I
4 was hearing that you didn't have the equipment or
5 the monitoring, and I pretty well knew better
6 than that.

7 CHAIR GANT: Sara, did you --

8 MEMBER GOSMAN: I didn't know if we
9 had talked about the P&M aspect of corrosion.
10 That was the part that --

11 MR. NANNEY: That's the next session.

12 MEMBER GOSMAN: That's next session?
13 Okay.

14 CHAIR GANT: Sue, did you have
15 something on this particular section?

16 MEMBER FLECK: Yes, there was one area
17 we talked about really briefly, but I'm not sure
18 if we ever kind of said whether we were going to
19 move forward thinking about it or not, and that's
20 Appendix D and whether it applies to distribution
21 or -- I mean, we talked about that briefly and
22 then we just kind of dropped it and moved onto

1 other topics, so I just wanted to make sure it
2 wasn't lost in the shuffle.

3 MR. McLAREN: Appendix A does apply to
4 distribution. We heard the reiteration of the
5 INGAA AGA comment to reconsider some of their
6 comments with regards to criteria and
7 applicability.

8 CHAIR GANT: So I understand, Chris,
9 the recognition is that -- by staff is that while
10 Appendix D does apply to distribution companies,
11 it will not be changed as it impacts distribution
12 companies?

13 MR. McLAREN: Maybe Steve can help me
14 here, but the changes to Appendix D were very
15 minor in terms of cleaning up the removal of the
16 method for the log EI, which nobody was using
17 that we could find. And I don't know if any of
18 the other changes -- I'm not aware of any other
19 changes in it.

20 Steve, can you help me out there?

21 MR. NANNEY: What changes are you
22 talking about, let me just ask, to make sure I

1 understand what you're -- a specific change?

2 MEMBER FLECK: I'm not sure --

3 (Simultaneous speaking.)

4 MR. NANNEY: All we were doing was
5 cleaning up on some sections were -- it was the
6 300 millivolt drop that no one -- that's not
7 used. We were planning to put back the E-log I
8 in case it's used, they need one at a well or
9 something on underground storage.

10 MEMBER FLECK: I think the concern was
11 about CP programs, and it gets sort of our
12 ability to use galvanic systems. Possibly. Is
13 that --

14 MR. NANNEY: I didn't know we had any
15 wording that -- you might show me --

16 MEMBER FLECK: Yes, let me take a look
17 at that.

18 MR. NANNEY: -- specifics that are
19 there.

20 MEMBER FLECK: I'll show you, yes.

21 MR. NANNEY: Because I don't think our
22 intent was to do that. If that's the case, just

1 show us.

2 MEMBER FLECK: Okay.

3 CHAIR GANT: Okay. So on that matter
4 there will be subsequent discussion and maybe
5 brought -- if it needs to be brought back here
6 tomorrow that just clarifies what the
7 inconsistency here that is a concern. It sounds
8 like it's pretty far down into the details.

9 So we'll get Sue some sleep and some
10 coffee and we know she'll take that hill
11 tomorrow.

12 Okay. Any other comments on this
13 section, acknowledging that that, the
14 applicability of Appendix D, bar any changes to
15 it, may need to be further noodled a bit?

16 (No audible response.)

17 CHAIR GANT: Okay. I think that
18 probably makes for a very productive day, and I'm
19 ready to call it.

20 All righty then. So we covered a lot
21 of ground today. My math's pretty bad, but I'm
22 looking at a pretty good average here, I mean, a

1 pretty good ratio we've conquered today. So by
2 my count we have corrosion prevention and
3 mitigation measures and integrity management
4 clarification to tackle tomorrow.

5 We're going to wish PHMSA staff well.
6 More caffeine required to digest all of the input
7 they've received.

8 And I believe that we will be back
9 here at the same time tomorrow morning for an
10 8:30 kick-off. So lots of sleep everyone.
11 Bright-eyed and bushy-tailed tomorrow. Thank you
12 for --

13 PARTICIPANT: Remember don't forget to
14 leave your name tags on the table.

15 CHAIR GANT: Yes, please leave your
16 name tags on the table. Excellent.

17 Thank you, all. Thank you, members of
18 the public for patiently sitting back there and
19 staying awake through this wild ride. We'll see
20 you tomorrow.

21 (Whereupon, the above-entitled matter
22 went off the record at 3:34 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee

Before: US DOT/PHMSA

Date: 01-11-17

Place: Arlington, VA

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