

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION (PHMSA)

OFFICE OF PIPELINE SAFETY

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LIQUID PIPELINE ADVISORY COMMITTEE (LPAC)

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PUBLIC MEETING

+ + + + +

FRIDAY

JUNE 3, 2016

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The Advisory Committee met in the
Gallery Ballroom, Hilton Arlington, 950 North
Stafford Street, Arlington, Virginia, at 8:30
a.m., Vice Admiral Brian Salerno, Chair,
presiding.

PRESENT

VADM(R) BRIAN SALERNO, U.S. Department of the
Interior; Chair
LANNY W. ARMSTRONG, City of Pasadena (TX) Fire
Services Department

C. TODD DENTON, Phillips 66 Pipeline

TIMOTHY C. FELT, Colonial Pipeline Company

RICHARD B. KUPREWICZ, Accufacts, Inc.

RON McCLAIN, Kinder Morgan Energy Partners

CRAIG O. PIERSON, Marathon Pipe Line

CARL M. WEIMER, Pipeline Safety Trust

STAFF PRESENT

ALAN MAYBERRY, Designated Federal Official

JOHN GALE

ARTEALIA GILLIARD

DAVE LEHMAN

SAYLER PALABRICA

CAMERON SATTERTHWAITE

ROBERT SMITH

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Call to Order

Alan Mayberry 4

Committee and Staff Introductions. 5

Opening Remarks

Brian Salerno10

Briefing: NAS Study on Rulemaking

Robert Smith.11

Briefing: Oil Spill Response Plans

Dave Lehman23

Briefing: Stakeholder Engagement

Artealia Gilliard58

Wrap-up

Alan Mayberry 101

Adjournment

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

2 8:32 a.m.

3 MR. MAYBERRY: All right. Good
4 morning, everyone. Good morning. I'd like to
5 welcome you to the Liquid Pipeline Advisory
6 Committee meeting. My name is Alan Mayberry.
7 I'm the Acting Associate Administrator for
8 Pipeline Safety.

9 Just to get started, the Liquid
10 Pipeline Advisory Committee is a statutorily-
11 mandated advisory committee that advises PHMSA on
12 proposed safety policies for hazardous liquid
13 pipelines. It's established under the Federal
14 Advisory Committee Act, or FACA, and under FACA
15 I'll serve as the designated federal official.

16 Chairing today's meeting will be
17 Admiral Brian Salerno. He's the Director of the
18 Bureau of Safety and Environmental Enforcement.
19 And before I turn it over to Brian, I thought I'd
20 go through a few housekeeping items and
21 introductions.

22 First off, our emergency exits. If

1 we're evacuating the room, they'll be to my left
2 through those doors there that you came in, most
3 of you came in, down the stairs and out through
4 the front of the hotel, or to my right. If you
5 take a right going out of those doors, there's a
6 stairwell at the end of the hallway. So that's
7 how we would evacuate.

8 Let's see. On phones, if you'd mute
9 your phones, make sure they're muted, we'd
10 appreciate that.

11 And then we'll start with staff
12 introductions. Again, I'm Alan Mayberry, Acting
13 Associate Administrator. And then we'll start to
14 my left.

15 Robert Smith?

16 MR. SMITH: Good morning. I'm Robert
17 Smith with Engineering Research.

18 MR. LEHMAN: Dave Lehman. I'm with
19 the Office of Pipeline Safety, Emergency Security
20 and Support Division.

21 MR. SATTERTHWAITE: Cameron
22 Satterthwaite, Standards and Rulemaking.

1 MR. GALE: John Gale, Standards and
2 Rulemaking.

3 MR. PALABRICA: Sayler Palabrica,
4 Standards and Rulemaking.

5 MS. BALDWIN: I'm Kristin Baldwin,
6 Office of Chief Counsel.

7 MR. MABRY: Steve Mabry, Engineering.

8 MR. WILLIAMS: Kenneth Williams,
9 Engineering.

10 MR. MAYBERRY: Okay. Thanks. Then
11 also we'll go with the Committee introductions.

12 CHAIR SALERNO: I'm Brian Salerno.
13 I'm a government member of the Committee. I'm
14 the director of the Bureau of Safety and
15 Environmental Enforcement.

16 MEMBER DENTON: Todd Denton, Phillips
17 66, pipeline industry.

18 MEMBER KUPREWICZ: Rick Kuprewicz
19 representing the public.

20 MEMBER PIERSON: Craig Pierson,
21 Marathon Pipeline representing the industry. And
22 I wanted to publicly thank whoever provided the

1 doughnuts.

2 (Laughter.)

3 MEMBER ARMSTRONG: Lanny Armstrong
4 representing the public.

5 MEMBER McCLAIN: Brian McClain with
6 Kinder Morgan representing industry.

7 MEMBER FELT: Tim Felt, Colonial
8 Pipeline with industry.

9 MEMBER WEIMER: Carl Weimer, Pipeline
10 Safety Trust, representing the public.

11 MR. MAYBERRY: Okay. Thank you very
12 much.

13 I had mentioned this to the Gas
14 Committee. As you know, the last person serving
15 in this role was Jeff Wiese. I did speak with
16 Jeff yesterday and actually before the Gas
17 Advisory Committee. He does send his regards.
18 He mentioned that one of his fondest memories of
19 working at PHMSA was working with this group
20 right here. He misses working with you, but he
21 has found memories.

22 I'm sure we'll see him back at some

1 point. I think he wanted to come here today, but
2 he thought, well, it might be too soon after his
3 departure. But I think you'll probably see him
4 here in the future. But, yes, it was good to
5 talk to him. He is doing well. I think he's
6 taking up -- he's doing more exercise these days,
7 but has a lot more free time. But we do wish him
8 well.

9 Today we changed our agenda slightly.
10 We have it up on the screen here, but just
11 briefly we will probably get you out of here at
12 least on time, maybe a tad earlier. We'll first
13 have the National Academy of Sciences Study on
14 Rulemaking, or Performance-Based Rulemaking.
15 That will be Robert Smith followed by Dave
16 Lehman, who will talk about our Oil Spill
17 Response Plan Review Program. And then we'll
18 wrap it up with a pretty healthy discussion by
19 our Artealia Gilliard. She's our Director of
20 Governmental Affairs at OPS. And then that will
21 wrap up the agenda today.

22 There are no items for voting today.

1 It's really briefings on some of the programs
2 that are going on and updates of interest to the
3 Committee.

4 And just an update on the -- since the
5 last time we met you'll recall that we had
6 briefed you on the hazardous liquid rule. That
7 is still in the final touches or the final stages
8 of being worked on within our office. I hope to
9 get that out of our office in the next week or
10 two and hopefully on its way over towards OMB.
11 But that's kind of our top priority these days as
12 far as rulemaking followed by a number of others
13 that we're working on such as the gas
14 transmission rule that you heard about yesterday.

15 There's a valve and rupture detection
16 rule that's in the final stages to being vetted
17 as well. That's probably close to being turned
18 over toward OMB. A number of other initiatives
19 going on. So quite a busy time. So we'll be
20 coming back to you again on some of these other
21 rulemakings as we move forward.

22 I think with that, that covers all the

1 introductory business. I'll turn it over to our
2 Chair today, Admiral Brian Salerno.

3 Thanks, Brian.

4 CHAIR SALERNO: Morning, everybody.
5 Again, my name is Brian and I will be your
6 Chairman today. And I thank you for a relatively
7 easy agenda. No wordsmithing, no rules to vote
8 on. So I did draw the easy day, for which I am
9 very grateful. Thank you.

10 There are a couple of administrative
11 notes that are necessary, so let me start with
12 those before we launch into our agenda.

13 The meeting is being recorded. A
14 transcript will be produced for the record. Both
15 the transcript and the presentations that will be
16 given today will be available on the PHMSA web
17 site and also on the eGov docket at
18 www.regulations.gov. The docket number for this
19 meeting is PHMSA-2016-0032.

20 I would ask that everyone please mute
21 your phones or any other electronics that may
22 have with you. And when you do speak, please

1 introduce yourself so that the comments can be
2 acknowledged on the meeting transcript.

3 For those of you at the table, if you
4 have a question or comment, please set your tent
5 card on its side so that we can recognize you.

6 So with that, we'll officially call
7 the meeting to order and we'll launch into our
8 agenda. And the first item on the agenda is the
9 National Academy of Science study on rulemaking
10 to be presented by Robert Smith.

11 Robert?

12 MR. SMITH: Thank you, Brian and Alan,
13 and thanks to the Committee for the opportunity
14 to brief you today about this study.

15 I'm Robert Smith. I'm the Project
16 Manager on this award to the Academy on
17 performance-based safety regulations, not
18 necessarily a study on rulemaking. It's a study
19 on the type of regulatory program you could have
20 as a safety agency.

21 Let me begin to attempt to convey what
22 Jeff Wiese, who was the subject matter expert,

1 really the visible face of the agency
2 representing us with the Committee -- that now is
3 going to be Alan. Alan's going to represent for
4 us standing in for Jeff here.

5 Jeff many times awarded studies to
6 produce knowledge, and in this case and in many
7 cases it's knowledge to try to educate all the
8 stakeholders. Now we deal with a lot of
9 different stakeholders, whether it be the
10 industry, the public, standard developing
11 organizations, and sometimes it's very difficult
12 to move forward on an idea when there are so many
13 different levels of understanding on an issue.

14 So Jeff deemed it very important to
15 try to do studies like these sometimes, not
16 always with the Academy. We funded many other
17 studies through other contract vehicles and just
18 to produce that type of knowledge so we can begin
19 to all have a common reference point to talk
20 about a subject like performance-based
21 regulation, for instance.

22 So what kind of study is this? This

1 is not a congressionally-mandated study. We've
2 had a few in the past that we have had
3 congressional mandates on. This one's an
4 opportunity for us to try to look at how we could
5 move to performance regulations. The project is
6 going to look at advantages and disadvantages to
7 the use of prescriptive and performance-based
8 regulation, understand where there's
9 opportunities to expand upon performance
10 regulation approaches and to understand some of
11 the barriers against it.

12 It's a 21-month study. It was awarded
13 just late last year in September. It runs
14 through May of 2017. It's still in its early
15 stages. They only had one public meeting so far
16 on April 14th. The next one is July 12th. These
17 meetings are public. There are public meetings
18 and there are private meetings for the Committee.
19 The next public meeting is July 12th. The URL on
20 the one-pager that once again will be available
21 from the docket -- there's information there
22 about where the next meeting will be held. It

1 will be posted there. I urge you to participate
2 if you're interested.

3 The way the study runs is just like
4 all of them. It's been a lot of time pulling
5 together a committee of subject matter experts
6 interested in this area, and overall the
7 committee the hear subject matter experts from
8 the industry, from regulators. We have
9 significant interest with BSEE with Brian Salerno
10 I would almost say co-chairing the study with
11 Jeff.

12 The agendas are going to be an
13 opportunity to inform the Committee about those
14 pros and cons that I mentioned before and that
15 they'll reach a decision probably sometime late
16 in 2016 into 2017, which I think we'll try to get
17 them back on the agenda to brief you more with
18 more details.

19 So with that, I don't think I have
20 more to say. It's a 21-month study. It's just
21 basically gotten started. It's been a lot of
22 time pulling the committee together. And the

1 next public meeting is on the 12th of July.

2 I want to thank the industry trade
3 organizations who have participated so far. The
4 meeting on the 12th will continue that with a lot
5 of gas transmission and gas distribution
6 representation. And once again, the agenda for
7 that meeting on the 12th will be posted to the
8 study's web page.

9 MR. MAYBERRY: Thanks, Bob.

10 Some other feedback on this: As you
11 well know, our code, both 195 that is of interest
12 to this group, and 192, it's a mix of
13 performance-based and prescriptive regulations
14 each one of which are interdependent. We've seen
15 in the aftermath of high-consequence, low-
16 probability accidents that there's a -- as we
17 look for lessons learned, there's always the
18 discussion on the effectiveness of performance-
19 based regulations and the amount of latitude that
20 they give or provide for the operator to develop
21 or maintain the appropriate program to ensure
22 safety. So the idea here is to look at the

1 effectiveness of performance-based regulations.

2 But typically our conversation on the
3 aftermath is do we need to dial it up? How more
4 prescriptive do we need to be? And typically we
5 do. We'll clarify the requirements, the
6 performance-based regulations. We'll add more
7 specifics. We may even add prescription. But
8 moving that dial between flexibility and
9 prescription is adjusted as we work in the
10 aftermath of these accidents. So it's a common
11 discussion, not just in the pipeline industry,
12 but in others. It's just what level of
13 prescription do you provide versus what level of
14 flexibility to determine the right outcome?

15 I think in doing this we're not saying
16 that -- we're not questioning the effectiveness
17 of it. We think they're appropriate because
18 pipelines are different, whether you're operating
19 one on the North Slope of Alaska or in San Juan,
20 Puerto Rico. There are different threats that
21 need to be accounted for. And to write a
22 prescription for all those, it would be quite

1 difficult. But to write a prescription that
2 really allows or provides the framework for
3 managing threats, risks, that seems to be the
4 more effective way, and it has worked.

5 But anyway, the study will explore
6 that and we look forward to the results of it, so
7 stay tuned.

8 CHAIR SALERNO: Okay. Well, we'll
9 open the floor for comment. Craig?

10 MEMBER PIERSON: Craig Pierson,
11 Liquids. To what extent is enforcement strategy
12 included in the study? Is it silent to
13 enforcement or is it included?

14 MR. MAYBERRY: Bob, do you want to
15 take that?

16 MR. SMITH: That's a good question.
17 On the one pager, they just recently tried to
18 revise the scope a little bit. I have the
19 original scope listed there and the revised scope
20 on the handout, and there's not really much
21 difference on that. That might be something I
22 have to try to get an answer back to you on that,

1 but I can't answer that now.

2 MR. MAYBERRY: Craig, and I would say
3 that I would look for that to be part of the
4 review, because when we're looking at enforcing
5 performance-based regulations, they can be more
6 difficult. When you're talking about looking --
7 taking a critical look at say an integrity
8 management plan versus looking at an operator,
9 how an operator takes test station readings that
10 are pretty prescriptive, the requirements are,
11 there's a difference in the skill set needed. So
12 to that extent I -- and we've actually been
13 looking at that at PHMSA anyway as far as the
14 changing skill set that we see that's needed to
15 better look at and take a critical look at
16 performance-based regulation implementation.

17 CHAIR SALERNO: Ron?

18 MEMBER McCLAIN: Thank you. Ron
19 McClain with industry. I think you can certainly
20 get better performance with this kind of
21 regulation. It takes everyone to buy in, but
22 even look at what we wrestled with a lot today

1 was the conflict -- or yesterday was the conflict
2 between prescriptive and performance.

3 And as an example; I'm not trying to
4 re-trade on what we voted, but in OQ a lot of
5 discussion that we have to have training records,
6 and certainly you could be trained and not
7 qualify, but if you're qualified, it implies
8 you're trained. And so, really the goal is from
9 a performance base would be to be qualified. And
10 training is a step, but it's not really the end
11 results you want. So I just hope as we keep
12 working through these things that the performance
13 side of what you really want wins out.

14 And then I think the SMS effort is the
15 ultimate performance-based rule where people will
16 be on different tracks and different places of
17 maturity, depending on where they were when they
18 started. So I think it's a huge task for you to
19 shift gears for that kind of thing, and I think
20 this is a good way to get a perspective on it.

21 CHAIR SALERNO: And if I may, too,
22 just offer a comment or two or three on this,

1 because as Alan mentioned, I am involved with the
2 study. I became very interested in it after a
3 number of discussions with Jeff because we were
4 both wrestling with some of the same types of
5 problems as we go about our business of creating
6 meaningful and achievable regulations.

7 I think philosophically, at least as
8 a regulator, there's a lot of agreement with many
9 voices in industry that performance-based
10 regulations have a lot of value, and particularly
11 in highly technical fields of work. The more
12 prescriptive you become in very technical areas,
13 the more likely you are to lock in today's
14 technology for the future. So nobody really
15 wants to do that. You want technology to
16 continue to improve and you want to have
17 regulations that encourage that. So there's a
18 benefit there.

19 On the flip side, however; and Alan
20 alluded to this, whenever there is a large
21 incident, the natural tendency is to become more
22 prescriptive. There will be pressures from

1 Congress, from the public for tightening up of
2 standards. So there's that balance that has to
3 be maintained. And so, realistically we're
4 probably looking at some combination of
5 prescription and performance-based.

6 The public is critical in this as
7 well, because there are very different views of
8 the role of the regulator, but by and large the
9 expectation, at least in our country, is the
10 regulator is a watchdog and is there to make sure
11 that industry achieves a certain standard of
12 safety and thereby protects lives, property, the
13 environment.

14 So when you look at all of these
15 competing forces, it also brings in some of what
16 we talked about yesterday with safety culture and
17 this whole approach of how do we share
18 information and data? So a lot of these things
19 are bound together.

20 It sounds like this would be an easy
21 project. I think it's actually very difficult to
22 get to the right balance, and that's why this

1 study was established to take a look at what
2 works, including what's worked in other countries
3 and what can we adapt from what's worked overseas
4 to our unique culture and society and public
5 expectations and have a formula for creating
6 regulations that make sense, that are achievable
7 and have a measure of accountability in them.

8 Somebody mentioned enforcement. I
9 think that's a really good question, because as I
10 look at this as a regulator, it raises the
11 question that, or the problem that we cannot even
12 regulate in quite the same way if we go to this.
13 I need a different set of skills among my
14 inspection workforce because they can't just go
15 around with a clipboard and check boxes and look
16 at components and items of equipment and make an
17 assessment, because it may vary depending on the
18 unique situation of the operator.

19 So how do we train a workforce that
20 can do that, make those good value judgments and
21 assessments consistent with the intent of a
22 performance-based regulation? Again, not an easy

1 thing to solve and it requires a lot of
2 rethinking.

3 So those are all questions. There's
4 no answers in any of that, but it is absolutely
5 worth the exploration that a study like this
6 would provide. Okay. My two cents.

7 Any other comments from around the
8 table?

9 (No response.)

10 CHAIR SALERNO: Okay. At this point
11 let me invite any comment from the public.

12 (No response.)

13 CHAIR SALERNO: Okay. Everybody's
14 anxious to make that 12 o'clock deadline. Okay.

15 (Laughter.)

16 CHAIR SALERNO: All right. I guess we
17 can close off on that topic then.

18 Okay. We'll move into our agenda item
19 No. 2, which is oil spill response plans, and
20 presenting is Dave Lehman.

21 Dave?

22 MR. LEHMAN: Thank you very much.

1 It's been a year-and-a-half since I've been here
2 and hopefully you'll see that there's been a lot
3 of progress in this program.

4 You've seen this slide before. This
5 is actually something that I put together with
6 Jeff Wiese. His name keeps popping up here. But
7 what's different on this slide is everything
8 tends to be in -- the tenses have changed.

9 Before we were going to revisit, we were going to
10 revitalize, we were going to reengage. Well, I'm
11 here to tell you that we have.

12 We've looked at the program. We've
13 reviewed and re-engineered the program in the
14 sense that we now have standard operating
15 procedures, we have dedicated staff, we've
16 incorporated this into other aspects of the
17 program to include the Liquid Pipeline Mapping
18 System, we've revised our enforcement and we've
19 reengaged with not only our federal partners such
20 as BSEE, but with the Coast Guard, EPA, NOAA and
21 the entire National Response Team. We've also
22 reengaged with industry groups. We're working

1 with the APIs and the Spill Advisory Group and
2 also with the Spill Control Association, which is
3 an association with works with -- that represents
4 oil spill removal organizations nationwide.

5 So I'm going to touch on some of those
6 areas today as to where we've gone and also then
7 I'm going to tell you where we're looking to go
8 in the future.

9 Some of the key accomplishments. As
10 I mentioned earlier, we standards processes or
11 procedures for the program. One of the things
12 that I've looked at with, we've looked at looking
13 at the plan, do, check, act. So we're looking at
14 putting SMS into this process here. And we've
15 come with that in mind as we put this together.

16 When I last spoke to you we had a
17 large backlog of plans that needed reviewed.
18 That backlog has been eliminated. And I'll give
19 you some statistics in a few moments as to where
20 we are on the program. The last time I spoke
21 with you, when I took over this program in
22 October of 2013, there were 385 plans that needed

1 to be reviewed. That's the backlog I'm talking
2 about here. All those plans have been reviewed.

3 We also hosted a public workshop just
4 this past April, April 12th on the oil spill
5 response plans. And we had broad participation
6 with that. There were several focuses of that
7 workshop. One was to let people know some of the
8 common errors that we found when we reviewed
9 plans. Also to encourage people not to look at
10 plans as a regulatory check mark. It's not a
11 check mark. The plan is really a culmination of
12 the planning and the preparedness that goes into
13 being prepared for an oil spill. So it should be
14 the culmination of all that activity, not check
15 -- it's a regulatory check mark.

16 We also looked at some of the
17 challenges that are coming up. So we did discuss
18 the National Academies of Science on diluted
19 bitumen as part of that workshop. Responding to
20 oil spills under ice was a topic area. We've
21 also had EPA, Coast Guard and BSEE, who also have
22 regulatory authorities with oil spill response

1 present there and showing how we are working to
2 harmonize together.

3 One of those harmonizations was an
4 NTSB recommendation that we harmonize better with
5 the other agencies. And we are working towards
6 that. In that area I would say that we have
7 harmonized in practice, but now we need to get it
8 into the regulatory arena as well.

9 Focused on re-engagement with our
10 federal partners, as I had mentioned. I
11 mentioned some of the organizations that I've
12 worked with. And I'll briefly mention later, but
13 I'll kind of -- I am now the Department of
14 Transportation's representative to the National
15 Response Team, which is 16 agencies with oil
16 spill response responsibilities under the
17 National Contingency Plan. And I'll speak to
18 that a little bit later.

19 And then we reengaged in the
20 participating in exercises. So some of these
21 were full-scale exercises. Others were table
22 tops. And those are being conducted by industry,

1 but with representations of PHMSA, whether they
2 are our enforcement staff, our CATS staff, or my
3 staff participating in those exercises.

4 We also have engaged with our partner
5 agencies. BSEE has invited us to participate in
6 several of their government-initiated unannounced
7 exercises. Those operators that have facilities
8 that are regulated by both agencies, such as the
9 offshore comes onshore, then at that point we
10 will -- because they have the same oil spill
11 removal organizations, they have the same QIs,
12 they have the same equipment and processes and
13 procedures. So when we participate in that, we
14 are also looking at our plans as well. So we
15 found that to be very successful. And we've
16 conducted -- been part of GIUE exercises both in
17 the Gulf of Mexico and off California.

18 So this is what the program looks like
19 now. We have the review process. That's
20 primarily done by my staff. And in some of the
21 literature that's been out there it says we look
22 for completeness, and that was a little bit of a

1 misnomer. Yes, we make sure that all plans meet
2 the requirements of 49 C.F.R. Part 194 and the
3 Oil Spill Pollution Act of 1990, but we're also
4 looking at the accuracy of the plan. So if the
5 calculations or the methodology for the worst
6 case discharge were wrong, we're there verifying
7 that. And we are also requiring that information
8 to be incorporated into the plan so that it can
9 be verified.

10 We check response resources. And
11 that's one of the areas that the NTSB said that
12 we needed to harmonize with. What we use, there
13 is a National Response Resource Inventory. It is
14 mandated by the Oil Pollution Act of 1990. It is
15 maintained by the Coast Guard and it identifies
16 oil spill removal organizations that are capable
17 of removing oils nationally. So we look at that.

18 The Coast Guard also under 33 C.F.R.
19 has a tool for which to identify what are the
20 appropriate amount of resources that are
21 required. So when we get a plan in, we look for
22 Coast Guard-classified OSRO for all areas of

1 operation where the pipeline is within the
2 response zone as designated by the operator
3 making sure that they can meet the tier response
4 requirements, Tier 1, Tier 2 and Tier 3. They
5 have different time requirements as a spill would
6 escalate.

7 Tier 1 for high-volume areas, the
8 response resources need to be -- a certain of
9 response resources need to be available within
10 six hours. And if it's not a high-volume area,
11 then it would need to be 12 hours. So we use the
12 Coast Guard OSRO classification systems under the
13 Response Resource Inventory and their tool set to
14 make sure that the response resources are
15 available to meet those tier time frames if it's
16 in a high-volume or other area. And so we do
17 check that.

18 And if we identify deficiencies, we
19 require to operator to correct them. And right
20 now -- I'll have a little bit of statistics
21 later, but roughly 50 percent of the plans I get
22 do not get approved the first time out. We find

1 problems. And we require them to fix those
2 problems before we do that.

3 So once they are found in compliance,
4 we approve the plan. There's a little bit of a
5 regulatory ease, if you will, There's something
6 called Significant and Substantial Harm Plans and
7 there are Substantial Harm Plans, and there's
8 regulatory caveats on that, but the bottom line
9 is we use the same process for reviewing
10 Significant and Substantial Plans or Substantial
11 Harm Plans. For us they need to have all the
12 regulatory requirements, so there is no
13 difference in the way we review those plans.

14 The last time I briefed you we
15 mentioned that we did have enforcement
16 capability. That was added under Part 190 so
17 that we could enforce OPA 90. And so what we did
18 under the Facility Response Plan is -- what we're
19 looking for is completeness and accuracy. So
20 we're making sure the paperwork is correct, if
21 you will, and that the response resources during
22 the inspection and enforcement is where we

1 actually verify and validate that information is
2 accurate and correct.

3 So if when we look at -- for instance,
4 during the review process we make sure that they
5 have current contracts with an oil spill removal
6 organization. During an inspection they will go
7 and make sure that they still have that contract,
8 so they didn't cancel it since they had that
9 approval or change their resources. So that is
10 being verified.

11 We're also looking at -- they're
12 verifying other information in the plan such as
13 detection and shutdown times. So in the plan
14 detection and shutdown times are very important
15 in determining worst case discharge. And so, if
16 -- we'll look at to say if they have anomalies in
17 their -- through looking at their SCADA or other
18 information that's available, do they have
19 detection and shutdown times that are greater
20 than what was in their worst case discharge
21 calculations? So once again, verifying the
22 plans. And then if we do identify inaccurate

1 information, then we can require them to correct
2 that because under the regulations it says you
3 must implement according to this plan.

4 Drills and exercises is kind of like
5 the third leg of the stool. Right now we are
6 participating in both operator and government-
7 initiated drills and exercises, and we provide
8 feedback to those operators.

9 So that's the Spill Response Program.
10 One thing that is not up here is my staff does
11 work with our field staff. If a spill actually
12 does occur, we have deployed staff to incident
13 commands and we've become liaisons to the
14 incident command and the Federal On-Scene
15 Coordinators so that we can communicate with them
16 as to what Pipeline Safety is doing. And some
17 recent ones.

18 Before correction action orders were
19 issued, they were briefed to the Federal On-Scene
20 Coordinators and an incident command leadership
21 before they were issued so that they'd understand
22 what was happening, what we were doing, because

1 we were working in the same space, if you will.
2 They're looking at responding to the incident;
3 we're still working on the safety and
4 understanding what went wrong side. And we're
5 also looking in there as to how well did that FRP
6 or Oil Spill Response Plan work? So that's some
7 of the things that we're doing if something
8 really does happen.

9 You've seen this slide a little bit
10 before, and it was more of a notional standpoint.
11 Now it's reality. This is what we do. We in-
12 process plans and then we check them for
13 completeness. And the completeness is not what
14 I'd mentioned earlier. The completeness is if it
15 says it has nine chapters, does it really have
16 nine chapters? So do we have everything we can
17 review? And then we assign it a priority.

18 Plans that are new are the highest
19 priority. Ones that have been previously
20 approved and did not have changes to response
21 resources, qualified individuals or new units are
22 the lesser of the priorities so that we do have a

1 pecking order, if you will, because the goal is
2 also to make sure that an appropriate plan is in
3 place.

4 We modeled our review process after
5 the Coast Guard's where they have a two-stage
6 review process. Very simply put, we call it the
7 primary and secondary review. Two separate
8 individuals and the first individual will go
9 through. And it is more of a completeness check.
10 Yes, they had the worst case discharge
11 calculation that's located here. Their
12 calculations appear to be correct. Then the
13 secondary review is the quality assurance that we
14 have to make sure that the primary found it right
15 and that they did it correct.

16 Once the reviews are done, we document
17 what we found in it and then the secondary
18 reviewer will make a recommendation to me as to
19 whether or not it should have an approval or if
20 it needs to have some corrections made before an
21 approval is made.

22 During that review process if

1 corrections had been made and come in, then what
2 we do is we look for those. We also do look for
3 other key information, so we want to make sure
4 that something didn't inadvertently get deleted
5 or removed from a plan from what was previously
6 reviewed. So it's not a full review, but we do
7 make sure that some of the critical elements:
8 qualified individual, worst case discharge,
9 incident command, structure and such is still in
10 the plan. So we want to make sure that they
11 didn't -- you know, oops, we forgot this. And
12 we've actually found some plans that, oops, they
13 took something out that they didn't mean to take
14 out.

15 The disposition phases, there's where
16 we coordinate correspondence with the operators
17 and say here's what needs to be fixed. And then
18 we prepare the documentation. All of our plans
19 are electronic, so they're all available. And we
20 maintain them sequentially as they come in.

21 And if we do get a request under FOIA
22 or under the federal law that says these plans

1 must be made available upon written request, then
2 our staff is the one that redacts them. And we
3 have redaction guidelines as to what we would
4 redact, both personally identifiable information
5 and also any sensitive security information or
6 security-sensitive information. There is a
7 distinction between the two. And that is in the
8 policy that is posted online. And then we
9 monitor for resubmissions.

10 And I should put another bullet in
11 here. We're also looking at other activities
12 that are happening in the sense that we are now
13 watching notifications. So under the regulations
14 operators are required to notify us if there's
15 construction or other activities, purchases,
16 divestitures. So if an operator builds a
17 pipeline and/or is going to add to it, make some
18 changes to it, they make a notification. We
19 monitor that.

20 And under the regulations for an Oil
21 Spill Response Program they must submit a revised
22 plan if they have new pipelines. So if we have a

1 notification that a new pipeline is complete, but
2 I don't have a new FRP, well, then I turn it over
3 to our field operations for enforcement. So we
4 are looking to make sure that these are
5 maintained by the operators.

6 So here are some statistics. As I
7 mentioned, when I took over the program we had
8 385 plans roughly. Currently today we have 488.
9 And why the big increase? One of it is the
10 Bakken Region. The energy renaissance has -- I'd
11 say probably 50 percent of the increase is from
12 that area. Some of them are also operators have
13 changed and operators have changed the way they
14 designate the response zones.

15 We've had one operator totally redo
16 all their plans. Based on some of the feedback
17 we provide them we -- my feedback to them was I
18 don't understand even what your plan means. So
19 they revamped the entire -- their whole FRP
20 process and much better plans, but that increased
21 our number of plans from that operator. So
22 that's why you see the increase.

1 Up until December of 2015 we were
2 actually averaging about a 30-day turnaround. So
3 from the time someone submitted us an update or a
4 new plan we could get them reviewed and a letter
5 to them saying either it's approved or fix this
6 within 30 days. As you can see, we've had up
7 uptick in submissions and resubmissions. And
8 really what we've learned is our regulations
9 state that they must do it every five years as a
10 minimum.

11 Really the average life span of a plan
12 is probably two to three years. So what we're
13 seeing is that time frame is recycling on us. So
14 I'm not saying we have a backlog right now, but
15 it's just taking them -- because of the influx of
16 plans really since January, our time has taken a
17 little bit longer to review them at this time.

18 And we do review them. We throw them
19 through the whole process again if it's a new
20 plan to us, or a resubmission. So if it's part
21 of their five-year resubmission, it goes through
22 the whole process again, because we have found

1 that are chances that we could have missed
2 something.

3 We find that we have a pretty high
4 success rate, especially when you sit there and
5 say you have a primary, a secondary reviewer.
6 And then I check their work. So really you have
7 three people's eyes on these plans, but you still
8 might miss something. And our staff is better
9 trained, too, so we'll find more problems, too.

10 So here are some of the -- as I
11 mentioned, 50 percent of our plans require some
12 type of correction before approval. These are
13 the top five that we sent back.

14 Worst case discharge calculations.
15 The biggest one there is show us the math. How
16 did you come up with this? Some of them are also
17 math errors. They calculated drain-down volume
18 incorrectly. When you put all the variables
19 together and you put it in an equation and it was
20 wrong. Also they apply some of the other -- like
21 prevention credit for breakout tanks incorrectly.

22 With the response resources

1 availability, there it's really -- there's kind
2 of several things it could be. One is they
3 didn't have current contracts. With an OSRO
4 they'll give me a contract that expired last year
5 or is no longer there or if is not a Coast Guard-
6 classified OSRO. They did not provide sufficient
7 evidence that they had the response resources.
8 So they will need to provide us a list of the
9 response resources or the like.

10 Qualified individual. All of the
11 plans have had qualified individuals, but we also
12 require them to provide an alternate and also a
13 24-hour contact number. So normally they'll have
14 a qualified individual, but they won't have all
15 the information that's required by the
16 regulations. So they will get a letter of
17 correction from us for that.

18 Federal, state, local contacts is one
19 of the -- really the biggest piece there is the
20 local contacts. We make sure we go through. We
21 look at their plans. We look at what counties
22 they go through. We verify that with the

1 National Pipeline Mapping System. And if they
2 don't have all the local contacts for the
3 counties and locales that the pipeline is
4 operating in, then we will ask them to provide
5 that information, specifically fire and emergency
6 response.

7 And we'll also kick it back if they
8 just give us 9-1-1 as the phone number. As we
9 all know, 9-1-1 in Houston doesn't get the
10 emergency people up in Wyoming. So there we
11 require the 10-digit number before we'll approve
12 it. And we've had one operator, only one thus
13 far, that really, really pushed back. And my
14 answer to them was, well, your next letter of
15 correction is going to your CEO, not to you. So
16 that's important. You need to have that contact
17 information for the locals.

18 Environmentally-sensitive areas. They
19 did not identify them. That is an interesting
20 subject, because one of the topics that came up
21 in our public workshop -- environmentally-
22 sensitive areas are determined by the government.

1 Okay. They are located in Area Contingency
2 Plans. So one of the things that we've had to
3 educate people on is there is a difference
4 between HCAs under 195 and environmentally-
5 sensitive areas under 194. One ninety-four gets
6 its authority from OPA 90, and it goes from the
7 National Contingency Plan to the Region
8 Contingency Plan to Area Contingency Plans and
9 then to the Oil Spill Response Plans or FRPs.

10 So it's a totally different structure.

11 So having people understand that -- so if they
12 tell us, oh, these are our HCAs, but they didn't
13 identify the environmentally-sensitive areas that
14 are in the Area Contingency Plan, then we will
15 kick it back to them and correct that.

16 So we revise what our inspectors will
17 look at when they review FRPs or that -- really
18 once again the verification and validation aspect
19 of it. So first of all, is an FRP required? We
20 believe we have high compliance that operators
21 that need a plan have one, but so what we're also
22 really looking for is do they have the required

1 -- if they've added line sections, breakout tanks
2 and something like that, are they covered by a
3 plan?

4 The qualified individual, are they
5 current? So since we approved the plan did they
6 change the QI and the plan's not accurate at this
7 time? So check that.

8 Worst case discharge, I mentioned that
9 earlier. We are looking at specifically -- we're
10 looking at two things: One is the detection and
11 shutdown time, but also our regulations allow
12 operators to have prevention credits, so if they
13 have secondary containment for a breakout tank,
14 they can reduce their worst case discharge
15 calculation.

16 So if they sit there and said I have
17 all of the prevention credits, do they? So do
18 they really have tertiary containment? Do they
19 really have secondary containments, like that?
20 So we are verifying that that information is
21 correct. Also, requirements in 194 require
22 operators to have their personnel trained in the

1 FRP. So we're checking that.

2 And then the response resources, are
3 they available to respond? And there we're
4 looking at and say if they sit there and stated
5 that they have a trailer at a location, is it
6 there? So we're looking at that type of
7 information.

8 And the biggest one here is oil spill.
9 Not the biggest one, but one of the ones that
10 seems to be an emerging item that -- keeping an
11 eye on are drills and exercises properly
12 documented and are they really doing drills and
13 exercises? And if they're not performing drills
14 and exercises, then they are not meeting the
15 requirements. Ninety-nine-point-five percent of
16 our plans, if not higher, state that they will
17 follow the PREP guidelines. And I'll be talking
18 about the PREP guidelines here. And if they're
19 not following -- PREP guidelines are very
20 specific as to what they're supposed to document,
21 what they're supposed to do. And if they're not
22 doing it, they are not implementing their

1 response plan as approved.

2 The PREP guidelines is the next one.
3 These were just published. So this was several
4 years in the making. We worked with the Coast
5 Guard, EPA, BSEE to update the guidelines. The
6 effective date is June 10th, next week. And some
7 bigger changes. I'm going to talk about that
8 with that, but this was a long process. It was
9 in the Federal Register notice. It was open for
10 comment.

11 And for pipeline operators, what's
12 kind of the big takeaways? First of all, the
13 previous PREP guidelines stated that you had to
14 exercise your worst case discharge. Well, if
15 your worst case discharge is a breakout tank at a
16 specific location, exercising against that one
17 breakout tank over and over and over again just
18 doesn't make sense.

19 So what we said is we encourage people
20 to look at alternate response worst case
21 discharge for a line segment. So if you find an
22 area that -- a water crossing or a high-volume

1 area, that makes more sense than continuing going
2 back to the breakout tank. So that's one of the
3 things we've changed. An EPA had a similar thing
4 for their changes. Also, we encourage operators
5 to notify PHMSA's regional offices one month in
6 advance of conducting a PREP exercise so that we
7 can participate and observe that.

8 And the last bullet probably was one
9 of the more contentious of them. In the past the
10 government-initiated unannounced exercises for
11 the pipeline operators that stated that we'll
12 give you 10 days advance notice. Now there is no
13 advance notice warning, otherwise it wouldn't be
14 an unannounced exercise, would it? So that was
15 probably one of the biggest changes that you
16 would see. That, and also probably the first
17 bullet. I think the first bullet is -- I saw a
18 lot of heads nodding around the table here
19 saying, yes, that makes sense.

20 So I think it was a very arduous
21 process updating the PREP guidelines. I think
22 some really good things came out of it and we're

1 looking forward to moving forward with that.

2 I mentioned earlier I'm now the
3 representative to the National Response Team.
4 There are two pieces to the National Response
5 Team. Any time there's an oil spill or a
6 hazardous substance spill, the National Response
7 Team has a National Contingency Plan that
8 dictates the actions..

9 If there is a Stafford Act declaration
10 for something in the United States, there are
11 very emergency support functions. An emergency
12 support function is oil. No. 10 is oil and
13 hazardous substance. They go back to the
14 National Response Team to implement that under
15 the Stafford Act. So there are two pieces here.
16 There's both the OPA 90 and CERCLA activities
17 that support the National Contingency Plan, but
18 there's also -- if there's national declarations,
19 you would use the same structure. Why have two
20 structures to do the same thing? It's just
21 different context.

22 One of the biggest things, and this is

1 more recently, we've really worked hard with the
2 Coast Guard. The Coast Guard has made a big
3 initiative to look at a national-level
4 architecture for Area Contingency Plans. So this
5 should be very near and dear to this group's
6 heart, because what this does is -- each Area
7 Contingency Plan might look a little different,
8 and they should look a little different. But do
9 they have the same information in them? Do they
10 have that architecture, if you will? For an
11 operator that crosses and probably has multiple
12 Area Contingency Plans that would affect their
13 operations, you would want this type of
14 consistency across the Area Contingency Plan.

15 So we've really pushed hard for this
16 and this also would have implications for our
17 brethren in the HAZMAT Program for the rail, but
18 we are very supportive of this and we're on the
19 work group to develop that national architecture.
20 And that also will help us meet the NTSB
21 recommendation for harmonizing with the other
22 agencies.

1 So the path forward. Right now we are
2 looking at -- so now that the PREP guidelines
3 have changed and also there tends to be a -- we
4 are looking to have a more robust exercise
5 program to include GIUEs. One of the other items
6 in the PREP guidelines, which I did not consider
7 to be significant, was before we'd sit there and
8 say we would conduct no more than 20 GIUEs in a
9 year. We didn't put that artificial number in
10 there, so we don't have a cap, if you will, but
11 we're also looking at what are the response
12 resources and training needs? And we'd still
13 follow the PREP guidelines and in the sense of
14 what we would be doing in a GIUE, but we are
15 looking at that now.

16 One of the items coming out of the
17 public workshop is -- we learned an awful lot.
18 So what we're working on is to publish good
19 practices that we've seen both in operators and
20 also some of the items that we've learned; under-
21 ice recoveries, like that, and putting those in a
22 good practices guideline and publish that. Put

1 it through the Federal Register notice, let
2 people know it's out there so that we can
3 improve.

4 And that's something that we can do
5 relatively quickly. We already have that in
6 initial draft form. And that will also help
7 guide us as we look at updating Part 194 to
8 improve the overall quality of the response
9 plans. So then we will continue to engage with
10 the National Response Center, the other agencies,
11 industry groups and the like.

12 So with that, that concludes my
13 presentation. Thank you.

14 CHAIR SALERNO: Okay. Thank you,
15 Dave. That was very thorough. Good
16 presentation. And, yes, I'm really happy to hear
17 about the efforts you're putting forward on that
18 harmonization. It is important. As everybody
19 here can appreciate, pipelines do traverse
20 multiple regulatory jurisdictions, as well as on-
21 shore various state jurisdictions. So to the
22 extent that there's a common framework and

1 everybody understands that, that's a good thing
2 and certainly enhances preparedness all around.

3 How about we open up to the floor.

4 Any questions? Looks like we have one over here.

5 Craig?

6 MEMBER PIERSON: Dave, how do you
7 characterize the status of, I think, your
8 authority to approve response plans for inland
9 offshore pipelines, that that authority was
10 challenged? And I think I'm saying that right.
11 And what's the status of that challenge?

12 MR. LEHMAN: Well, I cannot speak to
13 ongoing litigation right now. I did recently see
14 that the litigation hadn't changed from that
15 issue at all. And if I recall, the litigation is
16 now focused on whether or not the Secretary has
17 authority to approve plans or has delegated it to
18 PHMSA.

19 So as far as -- I can speak to what we
20 consider. We have an MOU with the Department of
21 the Interior and basically we say anything inward
22 of the coast is under our jurisdiction. That is

1 also our understanding. Under OPA 90 it
2 delegated it to the President and then the
3 President through an executive order delegated
4 responsibilities to the four agencies that I
5 mentioned: the EPA, Coast Guard, BSEE and us, to
6 implement that. And we see that the regulations
7 apply for anything inward of the coast.

8 CHAIR SALERNO: We have two here.
9 How about we go to Carl first, then we'll come
10 over to Todd.

11 MEMBER WEIMER: I just wondering, I've
12 always been a little confused because under OPA
13 there's kind of parallel authority given the
14 states, and some states have taken that on. How
15 is that coordinated with PHMSA when states have
16 different requirements for FRPs in contingency
17 plans?

18 MR. LEHMAN: Well, under our
19 regulations we state that you must meet our
20 regulations. So we do accept plans that have
21 been submitted to states provided that they meet
22 all of our requirements. There are several

1 states that do have OPA requirements. And
2 Alaska, Washington, California and -- I believe
3 those are the three main ones that have them.
4 And if they have a Washington-approved plan, they
5 submit that to us and we make sure that it still
6 complies with our regulations as well. So I see
7 it as very complementary, not adversarial, if you
8 will.

9 We do recognize that the different
10 states have different processes. For instance,
11 Alaska has -- they have a comment period for
12 their plans. And so, we recognize that if we sit
13 there and require them to make a change, they
14 will most -- if it's a significant change and
15 it's not -- then that will most likely -- there
16 could be a delay in them responding to us. So we
17 do recognize that.

18 In California they require modeling
19 capabilities for determining the worst case
20 discharge. They should take into account the
21 terrain and -- so the drain-down volumes would be
22 different because of the modeling. We accept

1 that modeling as provided they provide a
2 description of how that modeling was created. So
3 we see it at as complementary, not as
4 adversarial, if you will, or in conflict.

5 CHAIR SALERNO: Todd?

6 MEMBER DENTON: Todd Denton, industry.
7 First, I appreciate the more thorough reviews and
8 the feedback. Obviously, a cold-eye review,
9 especially by your regulator, is always good.
10 And then also the improved turnaround times on
11 approvals.

12 You mentioned new pipelines and
13 response plans for those. And I'm assuming that
14 FRPs need to be in place before operation
15 commences online, but do they need approval by
16 PHMSA before operation starts?

17 MR. LEHMAN: The answer would be yes.
18 They would need to update -- under the
19 regulations, 194.121 has specific items that the
20 states that must -- would constitute a
21 significant change. New pipeline would be that,
22 whether or not it affects the worst case

1 discharge. So because there would be response
2 resources. It could affect -- could create a --
3 you could be crossing a high-volume area where it
4 didn't before. So those are why we do look at
5 those.

6 There has been a little bit of debate
7 as to when those would be. My understanding is
8 as yours that prior to operation that the plan
9 must be submitted and approved before operation.
10 There's typically enough time that that would
11 happen, but -- so breaking ground in of itself is
12 that -- it says -- because the wording in the
13 regulations are -- can be approved in my opinion,
14 because basically it says the construction of a
15 pipeline. Well, really it's the completion of
16 construction of a pipeline.

17 CHAIR SALERNO: Okay. If there are no
18 other questions from the table, let me -- oh, I'm
19 sorry. Rick?

20 MEMBER KUPREWICZ: Rick Kuprewicz.
21 Not so much a question. More of a commentary.
22 I'm glad to see the emphasis or apparent shift on

1 the worst case scenarios away from the breakout
2 tankage. How many times I've seen -- it's a
3 quick calculation. It definitely is a worst case
4 scenario, but it's not the most expensive case
5 scenario for the poor pipeline operator. So I
6 think that's positive. And I think a lot of
7 companies now are starting to look at this a
8 little more carefully as a result. That's a good
9 thing. Thank you.

10 CHAIR SALERNO: Okay. I'd like to
11 invite any comments from the general public.

12 (No response.)

13 CHAIR SALERNO: Okay. We're a little
14 bit ahead of schedule, so how about we take a
15 short break, roughly 10 minutes? Reconvene at
16 9:45? Thank you.

17 (Whereupon, the above-entitled matter
18 went off the record at 9:33 a.m. and resumed at
19 9:54 a.m.)

20 CHAIR SALERNO: Okay. I think we're
21 ready to resume with our third agenda item, which
22 is about stakeholder engagement. And to present

1 for us this morning is Artealia Gilliard. Did I
2 pronounce that correctly?

3 MS. GILLIARD: Well, it's Gilliard.

4 CHAIR SALERNO: Gilliard? I'm sorry.

5 MS. GILLIARD: But you said it the
6 right way.

7 CHAIR SALERNO: Okay.

8 MS. GILLIARD: That's the way it's
9 supposed to be said. We're from the South.

10 CHAIR SALERNO: Okay. All right.
11 Artealia, we'll turn the mic over to you.

12 MS. GILLIARD: Thank you. And then I
13 will immediately turn this over to the Secretary
14 of Transportation, virtually, a very short video
15 that I think will set the tone for the
16 conversation today about our focus in the
17 department on opportunities. And so we'll just
18 give a second for that to get cued up.

19 And this is the start of a longer
20 documentary series, but this a two-and-a-half
21 minute video on bridging the divide.

22 (Video played.)

1 MS. GILLIARD: Thank you for cuing
2 that up. I think that sets a good tone for what
3 we're going to talk about today, and I do have
4 some slides. Slides don't contain a lot of
5 information, but it has some visuals to kind of
6 help us follow along. I have a short talk that I
7 will go through and then we're going to have a
8 group exercise. And I have flip charts and
9 colorful markers. So I'm saying this for the
10 benefit of any introverts in the room that need
11 some warning that you're going to have to talk to
12 people soon. So you've got about 10 minutes
13 while I go through my spiel to think about it.

14 Now I'm going to mess this up. Okay.
15 So the DOT Opportunities agenda is about looking
16 at how transportation connects communities and
17 how it brings opportunities into communities or
18 not. And I think that if we all sit down and
19 think about it, you can think of the way that
20 transportation had an impact on your life.

21 For me, I think about being 15 years
22 old and having my first mentorship that turned

1 into a paid job, and it was at a marketing firm
2 and it was in downtown San Antonio and I lived
3 directly across the highway from the office where
4 I worked in downtown San Antonio, but I had to
5 take a bus and an hour-and-a-half each way in the
6 San Antonio heat to get to that job. And so, I
7 had to go all the way down the side of the
8 highway, transfer across the highway and then
9 come back up to basically get to a building that
10 I could see from my house.

11 And so, transportation definitely
12 affects our communities and it can create
13 divisions or it can create opportunity. And
14 within the larger scope of DOT's mission PHMSA is
15 in a special area of transportation that really
16 does have an impact on local communities from a
17 safety perspective and from an economic benefit
18 perspective. And I think that's the difference
19 that we bring in that conversation to DOT.

20 The areas where DOT is focused is
21 looking at work, how infrastructure investment
22 creates jobs and paves the way for businesses,

1 especially small and disadvantaged businesses, to
2 participate in the economy, how it connects
3 communities, but also how it revitalizes
4 communities.

5 And I think the reason that we're here
6 today is because the main way that we can think
7 about opportunity or that we can start the
8 conversation about opportunity is by engaging
9 stakeholders. What was highlighted in that video
10 is that as some of our transportation
11 infrastructure was built, as it came on line,
12 local communities didn't have a say in that. And
13 in some cases there were impacts to local
14 communities that were unintended because they
15 didn't have a seat at that initial table when
16 projects were being planned, when highways were
17 being built, when infrastructure was being
18 developed for the first time. And that is
19 something that we definitely want to look at as
20 we move into the future and it's something that
21 we can impact on a daily basis by thinking about
22 who our stakeholders are and engaging them.

1 And I put this up there because this
2 is the definition that -- when I went and talked
3 to our public engagement officer, who's Bryna
4 Helfer, Dr. Helfer -- and she gave me this
5 definition and said here's the definition of
6 "stakeholders." And I think it's striking
7 because it's true, these are our stakeholders,
8 but how do you start to segment that? How do you
9 take that broad idea and actually collaborate
10 with people and work together to build solutions?

11 And so here's a sample of how PHMSA
12 has started to do that, or how we have done that
13 all along.

14 And so, this is a list of how we
15 normally segment our stakeholders, and we segment
16 them by what they do or who they represent. And
17 even as you look at this list, you start to see
18 that the more detailed you get in trying to
19 figure out who your stakeholders are, inevitably
20 it gets more detailed, it gets more down in the
21 weeds and there's always someone that maybe is
22 not represented or who could be represented more.

1 So part of what we're trying to do is
2 just, like the quote in the video said, look at
3 our process for engaging stakeholders and seeing
4 how we can build on that process and add more
5 integrity to the process to have a better
6 structure for how we engage our stakeholders.

7 So here are the principles of
8 engagement that DOT is committed to. Everything
9 from planning. So the idea that you have to plan
10 your stakeholder engagement before you ever start
11 a project and it has to be a coordinated and
12 well-thought out process. It can't be, hey, we
13 should go talk to this person now. So everything
14 from starting with the planning process.

15 Dependability so that stakeholders
16 feel they understand your process, how that
17 process works and they know where and when they
18 will be engaged as part of that process so that
19 engagement starts early, it's often. But it's
20 also consistent so people understand when there's
21 time to add to the conversation, when there's
22 time to provide input and when we're moving

1 forward through these stages. It's about
2 transparency and dependability.

3 Diversity. And this is what I was
4 getting at earlier. The idea that we have our
5 traditional stakeholders who are at the table
6 every time and then we also have non-traditional
7 stakeholders who we can focus on and try to do a
8 better job of bringing those stakeholders to the
9 table and giving them the opportunity to really
10 weigh in on decisions.

11 And the next thing is exploration. So
12 trying to build steps into the process that are
13 more than just one-way communication. It's not
14 just telling people what you're going to do and
15 saying what do you think about that, but actually
16 giving them the opportunity to weigh in, to share
17 what they know, to provide insight and to really
18 add value to that process versus we're just going
19 to go tell you this is what we think.

20 The next thing kind of gets at the
21 same idea. The value exchange. So you as an
22 agency start out a process and you have goals,

1 you have objectives, you have stuff that you want
2 to get done. We have to make sure that the
3 process has built-in mechanisms to add different
4 perspectives, not just did we consider this
5 person or the impact on that person, but also did
6 we think about the fact that our goals might need
7 to be broadened, might need to be shifted to meet
8 mutual goals? Are there values here at play that
9 we haven't considered that could be brought into
10 the conversation?

11 And then the last thing is
12 sustainability. And this gets at the culture of
13 engagement. It can't just be for big high-
14 profile things. It has to be a part of
15 everything and it has to -- it's like a muscle
16 and in an organization you can build that
17 capacity and make it such a strong part of your
18 culture that you do it the same way every time.

19 This is what we consider to be the
20 continuum of stakeholder engagement. You have
21 kind of your -- it's very similar to the
22 continuum of communication, but you have your

1 101, which is that you share information, you
2 provide it one way and then you start to build
3 onto that process and you make it more
4 collaborative. And you go from sharing
5 information that you have to actually gathering
6 insights, gathering knowledge, gathering
7 expertise and experiences, inviting input.

8 And then the last stage is what I was
9 talking about before of actually building things
10 together and collaborating. And your core values
11 as you move through that process is consistent
12 communication, accountability, accessibility,
13 bringing non-traditional stakeholders, people in
14 groups who are not necessarily -- don't know the
15 issue impacts them unless you tell them or don't
16 know how the issue might impact them.

17 And then diversity. Thinking outside
18 of the box, not just thinking about the groups
19 that you always engage, but trying to think about
20 how can we add new people, new ideas, new
21 perspectives, even learning from other industries
22 or other similar efforts moving forward.

1 And this is just a shock and awe
2 chart. I don't expect you to be able to read
3 that. And if you can, I will give you some of
4 this candy over here. But basically looking at
5 that continuum we have already built in very
6 robust mechanisms to do each of those things.
7 And as we talked about stakeholder today, I
8 didn't want to imply that we don't engage our
9 stakeholders.

10 You can't read it, but everything in
11 here, including the Committee that we are here
12 today talking to, is built into the stakeholder
13 process. But I think that you all have had the
14 opportunity to hear from the administrator about
15 PHMSA 2021 and where PHMSA and where PHMSA is
16 going.

17 And we have set some very bold goals.
18 We have a very bold vision for our agency that
19 we'd be the most innovative transportation safety
20 organization in the world. We have restated and
21 strengthened our mission statement that we would
22 protect people and the environment by advancing

1 the safe transportation of energy and hazardous
2 materials that are essential to our daily lives.
3 And so, that mission and that vision is built on
4 the idea that we can always improve and that we
5 should always be working to improve.

6 Cameron, I'm going to call on you.

7 No, just kidding.

8 He's talking about my graphics, I
9 think.

10 And these are our strategic goals and
11 objectives as part of PHMSA 2021. And I want to
12 point out that I did try to get them to do PHMSA
13 2020, because I could have done a lot more with
14 that from a communications perspective, but they
15 insisted that it be a five-year strategy. So
16 fine. So we had to find a way to brand PHMSA
17 2021.

18 So these are our strategic goals and
19 objectives: Promoting continuous improvement,
20 investing in safety innovation, building greater
21 public and stakeholder trust, and then
22 cultivating organizational excellence, our safety

1 culture and pursuing operational excellence into
2 everything that we do as an organization.

3 The first three are definitely
4 external goals, and the second two are more
5 internal-focused, but we all know that a well-run
6 organization -- when an organization is well run,
7 when there's a strong safety culture, that is
8 obvious to your external partners and it's
9 something that they can see, the efficiency and
10 the operational excellence of the organization.

11 And there are four major initiatives,
12 and I think that the -- or I know that the
13 administrator spoke about this a little bit
14 today. These are the main four initiatives that
15 are coming out of PHMSA 2021, even though there's
16 more work to be represented for the agency.

17 Everything from the data assessment where we've
18 looked at our systems, how we visualize data, how
19 we use data to develop rules, how we use data and
20 display it on our web site and provide it to
21 external stakeholders, to our Agency Safety
22 Action Plan, which is a proactive look.

1 It's using the expertise that exists
2 within our organization to say how can we
3 improve, where do we see areas where safety can
4 be improved and how can we use that expertise to
5 drive a safety culture and a culture of
6 continuous improvement to our organizational
7 assessment, which is a review of our operating
8 models, our structure, our processes, and again
9 looking at our culture?

10 And last but not least, looking at
11 safety management systems, both within the
12 organization and also promoting the broad
13 implementation of SMS within the industries that
14 we regulate. And all of these initiatives have a
15 very strong stakeholder engagement implication.

16 So data assessment. One of the major
17 findings of our data assessment was our web site.
18 Our stakeholder communications web site left some
19 things to be desired, and that was feedback that
20 we got from stakeholders and it's an action that
21 we've taken on to try to see what we can do to
22 make our web site more reliable, to make the data

1 visualization, the data tools that are available
2 on our web site more accessible to people and to
3 make that data talk.

4 So it's not just raw information that
5 people can download and put into a program, but
6 that anyone could look at safety statistics or
7 other data that we collect and use it or
8 understand how it impacts them.

9 The Agency Safety Action Plan has huge
10 stakeholder engagement components. As we look to
11 implement SMS, stakeholder engagement will be a
12 huge part of that because this is not something
13 that we can do alone. There's already great work
14 that's been done by the industry and there are
15 consensus standards that exist for safety
16 management systems that we can leverage and we
17 can work hand-in-hand to promote the
18 implementation across industry.

19 And so, we have started the kickoff of
20 our SMS work by developing a brand new
21 stakeholder map. So trying to take a fresh look
22 at our stakeholders, who they are, how we engage

1 them, what they already know about SMS, what we
2 want them to know about SMS and what we want them
3 to know about PHMSA in a lens of SMS. And the
4 organizational assessment as well.

5 As I mentioned one of the major or
6 core goals of that initiative is to build greater
7 stakeholder collaboration and trust. And so,
8 stakeholder engagement plays a huge role.

9 There's also other things that we've
10 taken on. I'm not sure if you've got a
11 presentation of it this week or during the
12 meetings this week, but we're looking at our
13 CATS, our Community Assistance and Technical
14 Services team and looking at how they're
15 structured, where they're located, who they
16 report to and how they can be more effective in
17 being our boots-on-the-ground support for local
18 communities where local governments and other
19 people can engage directly with PHMSA.

20 We've also -- you may have noticed it
21 this week, and last week we started to advertise
22 an open nomination process for vacancies on the

1 Technical Advisory Committees. And we want to
2 invite more people to apply to serve on these
3 advisory committees to make sure that we have the
4 ability to fill vacancies when they exist and to
5 balance the input that we receive from the
6 Committee as they consider rulemaking and other
7 policies. And I understand that you guys have
8 had some robust discussions this week, and that's
9 exactly what we want to happen. We want it to be
10 a balance in diverse perspective.

11 Another thing that we're doing is
12 working with the Department of Transportation to
13 review our tribal consultation policy. And so
14 the department has a department-wide policy and
15 we're working as part of that, but also to
16 develop step downs where they occur. And it's
17 everything from what's PHMSA's obligation to
18 consult with tribal governments and tribal
19 organizations and to recognizing the fact that
20 our inspectors interact with tribal communities
21 as they go out and do their inspection work and
22 work with local communities. So the broad

1 spectrum of tribal consultation.

2 I mentioned that we're looking at our
3 web site and looking at the platform under which
4 it operates, looking at should it be cloud-based
5 or server-based, those types of initiatives.

6 And last but not least, we're looking
7 at our rulemaking process and we're actually
8 within the organization developing a standard
9 process for stakeholder engagement as part of
10 rulemaking and trying to revitalize that process.

11 And something that ties directly to
12 the video that we started with is looking across
13 the department at our Title 6 policies. And so
14 it's recognizing that DOT and also PHMSA awards
15 grant federal dollars to organizations and we
16 have an obligation to ensure that those
17 organizations and those entities are fully
18 compliant with Title 6 regulations and that any
19 organization that receives federal funding is
20 above reproach in that area.

21 And so, that's kind of an overview of
22 what we're doing and how we're focusing on

1 stakeholder engagement.

2 And to practice what we preach or to
3 put it into action, now's the group activity. So
4 what we are doing is taking four questions that
5 were actually talked about during the
6 presentation today and we're going to break into
7 four smaller groups. And you'll have a flip
8 chart and some colorful markers. And I'm setting
9 this up as a fun exercise.

10 Some people are getting really
11 excited. You guys just wait one second.

12 I'm setting this up as a fun exercise,
13 but I don't want to make light of the questions
14 that we're asking. These are very important
15 questions that we are considering as part of the
16 organizational assessment, as part of our work
17 moving forward with PHMSA 2021, and we thought
18 that this was too good of an opportunity to pass
19 up to have you all in one room to think about
20 these issues that we've been thinking about as a
21 leadership team and as an organization.

22 And so, I'll read through the first

1 question and the considerations and then I'll
2 explain a little bit more how the exercise will
3 work.

4 So the first question is how does
5 pipeline safety impact local communities? And in
6 part of that question we want you to consider
7 both the positive and negative impacts to local
8 communities, especially traditionally underserved
9 communities. And that's from an opportunities
10 and challenges perspective. How does it impact
11 communities when it's safe or when there's an
12 incident? I think we could develop a robust list
13 around that question.

14 The second question is how can PHMSA
15 promote continuous improvement in the safety
16 performance of regulated communities? And as
17 part of that we want you to consider ways that we
18 can collaborate with stakeholders and build
19 solutions together. That's our industry
20 partners, that's academic institutions, that's
21 the public and other groups that might have a
22 role in that area.

1 The third question is how can PHMSA
2 work with stakeholders to gather insights,
3 knowledge, expertise and experiences when
4 developing regulations, policies and programs?
5 And this question does feed directly back into
6 what we're doing around stakeholder engagement
7 related to rulemaking. So how could we be more
8 effective in getting information that other
9 people have and building that into our rulemaking
10 process from the beginning? And we want you to
11 consider who are non-traditional stakeholders
12 that could play a bigger role in the development
13 of rules and regulations?

14 And the fourth question is how can
15 PHMSA build greater public and stakeholder trust?
16 And this is a meta-question. The considerations
17 are what are barriers that prevent collaboration
18 now and how can we remove them? But something we
19 were also thinking about is how much do we think
20 that the public knows about PHMSA's role and how
21 we work with other entities and stakeholders to
22 improve safety?

1 So those are the four questions. And
2 what we'll do is split you up into four groups.
3 You'll have a flip chart and markers and you'll
4 consider that question and kind of write your
5 responses on the flow chart.

6 There's this continuum that you can
7 use on a one to four. So looking at the big
8 question would you say that we have not started,
9 that we need significant work, that we need some
10 work, or that this concern is fully addressed,
11 but, hey, we can always improve?

12 So the first step is to kind of rate
13 the organization. And we want everyone to vote
14 on that part of it, so it's like a dot exercise.
15 So when you have your marker, everyone will put a
16 little dot next to the number they think that --
17 where we're at in the scope of the question. And
18 then you kind of brainstorm underneath that.

19 And so, you'll have about 10 minutes
20 to do that. And then you'll actually rotate to
21 the next chart so you'll have the opportunity to
22 see what the group before you did and to build on

1 those ideas. And ideally you'll work through all
2 four charts and go back to your own chart. And
3 then we will have a brief discussion about what's
4 on the charts. And then we're going to take
5 these charts back and provide them back out to
6 the group and feed them into the processes that
7 we're doing right now. So, yay.

8 So we'll break up. I think that we
9 can count off here at the table, but we'll also
10 invite members of the audience to join a group.
11 So we'll just start here.

12 All right. And then, so we'll break
13 up into four groups there and then if others want
14 -- we're not going to force you to participate,
15 but if you'd like to participate, just pick a
16 group that doesn't have a lot of people and join
17 that group.

18 Questions?

19 MEMBER PIERSON: Craig Pierson,
20 Liquids. In the first question you use the term
21 "underserved." I didn't know what you mean. You
22 mean underserved from a pipeline perspective or

1 underserved from some other perspective?

2 MS. GILLIARD: And that's an excellent
3 question. So when I say "traditionally
4 underserved," that is a term that we use in the
5 Title 6 framework. So this is a community that
6 is -- it can be a lot of things, but the main
7 drivers would be low-income, mainly minority or
8 other factors. So they consider it to be a
9 traditionally underserved community. It could
10 also be rural communities because they're
11 disconnected from the grid.

12 So when we say "traditionally
13 underserved" in that question, we're talking
14 about communities that are not like a big major
15 metropolitan area. Traditionally underserved
16 from a financial perspective or from a location
17 perspective. Okay? Does that clarify? Any other
18 questions before we get started?

19 (No response.)

20 MS. GILLIARD: All right. Thanks,
21 guys.

22 (Whereupon, the above-entitled matter

1 went off the record at 10:21 a.m. and resumed at
2 10:50 a.m.)

3 MS. GILLIARD: So I think we'll wrap
4 up by going through the questions. We'll let the
5 spokesperson for the group kind of present a
6 summary, a very brief summary of what your
7 conversation was around this objective, what are
8 the main ideas? And then also, feel free to jump
9 in if you have something to add to that, if you
10 were either on the team or as you were moving
11 through the questions you felt like you had
12 something that you wanted to make sure was heard
13 today.

14 So Group 1. Which group started with
15 how does pipeline safety impact local
16 communities?

17 CHAIR SALERNO: Okay. I was
18 unanimously elected to speak for Group 1.

19 MS. GILLIARD: Voluntold?

20 CHAIR SALERNO: Voluntold. And the
21 question of course, how do pipelines affect local
22 communities? We decided to organize our thoughts

1 into two columns, pluses and minuses.

2 And just to give you a flavor for
3 what's on the plus side, we noted that pipelines
4 are the safest mode of transportation. It's low-
5 cost. Pipelines themselves offer a source of
6 jobs and income for local communities. They
7 provide tax revenues to local communities. The
8 environmental impact when things are running
9 right are relatively low. And one of the other
10 groups even added that they're also very low-
11 visibility, and many pipelines are and can be
12 even compatible with many other uses including
13 recreational uses.

14 On the negative side there is the
15 potential for environmental impact if things
16 don't go so well, and that of course has impacts
17 on infrastructure, on human beings that happen to
18 live in close proximity of those events. It
19 could have effects on other public services and
20 infrastructure. If you've got a fixed pipeline,
21 it may restrict what else can happen in that
22 area. So that may negatively affect other

1 development.

2 There's also right-of-way issues, potential
3 effects on real estate values, encroachment into
4 communities that may have some limiting factors.
5 So that's the flavor of it.

6 For an overall score on this it came
7 out looks like predominantly in the needs some
8 work area.

9 MS. GILLIARD: Okay. Thanks.

10 CHAIR SALERNO: Okay. That's Group 1.

11 MS. GILLIARD: How about group -- does
12 anyone have any thoughts to add there or any
13 insights?

14 (No response.)

15 MS. GILLIARD: Okay. Question 2: How
16 can PHMSA promote continuous improvement in the
17 safety performance of regulated communities? And
18 I know we had lots of conversation about
19 regulated communities and basically entities that
20 PHMSA directly oversees or the industry -- who is
21 the spokesperson for Group 2?

22 MEMBER ARMSTRONG: That would be me.

1 Lanny Armstrong representing the public on the
2 Liquid Committee.

3 Our group inherited question 2
4 initially. The overall vote was needs some work,
5 the third bullet.

6 There was reference to safety
7 management systems. Also reference to safety
8 management systems being the new child in the
9 house. I'm not sure where that came from, but
10 improved communication and transparency with
11 industry and the public access via the web to
12 promote continuous improvement in safety
13 performance.

14 PHMSA ensures operators fulfill
15 regulatory requirements that impact the
16 communities. Some increased community engagement
17 to educate about the existence of pipelines and
18 PHMSA. Continue to emphasize safety management
19 systems as voluntary as long as possible. PHMSA
20 should partner more and better with industry in a
21 strategic and transparent way.

22 Communicate what continuous

1 improvement is to the public and recognize some
2 stakeholders are not focused on safety. Other
3 uses: Anti-infrastructure, using safety as an
4 organization and incentivize safety. Use
5 carrots, not just sticks. So a pretty diverse of
6 bullets.

7 MS. GILLIARD: How about Group 3? How
8 can PHMSA work with stakeholders to gather
9 insights, knowledge, expertise and experience
10 while developing regulations, policies and
11 programs?

12 MEMBER DENTON: Todd Denton
13 representing the industry.

14 And so, the overall rating was kind of
15 in between the needs significant work and needs
16 some work, leaning more towards significant work.

17 So how can PHMSA work with
18 stakeholders? We had get of Washington,
19 exclamation mark. I think we might have wrote
20 that on all of them.

21 (Laughter.)

22 MEMBER DENTON: Meet with people

1 outside of business hours. So dinners, non-
2 traditional-type meetings, for example, during
3 the week, weekends, things like that.

4 Engage people that are interested or
5 participating but still may not understand
6 industry or the regulatory agency. Really it's
7 about education, right?

8 And then the last four really are all
9 around communication. So it's really about
10 communicating with the public, a phone number for
11 people to ask questions, establish an ombudsman,
12 strengthening CATS, figure out how to allow
13 anonymous inputs on PHMSA areas for improvement
14 from the industry and the public.

15 Non-traditional stakeholders, there
16 are several here, but one was people that don't
17 know anything about pipelines but just want to
18 drive their cars and have their lights on, which
19 is the vast majority of the public, right? But
20 again, that's about communication and education.

21 Industry is often ignored as a
22 stakeholder. I thought that one was interesting.

1 Insurance companies. Thought that one
2 was interesting as well.

3 Local Governments, tribes, the unions,
4 building trades and the non-represented
5 workforce. They don't really have a collective
6 group necessarily, but obviously they're a huge
7 stakeholder in big projects and getting maybe
8 better communication or some kind of
9 representation there would be great.

10 MS. GILLIARD: Thank you. Okay. How
11 about Group 4? How can PHMSA build greater
12 public and stakeholder trust?

13 MR. HILL: Good morning. I'm Robert
14 Hill from the Gas Pipeline Committee. And on
15 ours, we'll start with the rating. And we say
16 that to build trust we need more significant
17 work, and that ranged all the way from a number
18 four, the deputy administrator said, all the way
19 down to a couple of people said not even started
20 yet. But the average was needs significant.

21 Our biggest issue was transparency.
22 When it comes to building trust with the public,

1 transparency, even though it's negative, some of
2 the stuff that has to go out, transparency builds
3 trust with the community, because even -- we just
4 felt that after -- you've got to give the bad
5 with the good. It's nice to only give the good
6 stuff, but you got to be willing to give up the
7 bad stuff at the same time.

8 Open communications. Plain language.
9 Public awareness of the PHMSA operations mission.
10 And that may be some of the stuff that you're
11 working on. And another good bullet was tell the
12 positive story of PHMSA and the industry and how
13 well the process is. So some of that you may
14 already be working on.

15 Talks about needing a better web site
16 and media channels. The get of D.C., I don't
17 where that comes from.

18 (Laughter.)

19 MR. HILL: And timely and broad
20 notices. Sometimes it's difficult to get a -- it
21 appears to the outside people that PHMSA is --
22 and it may be a Department of Transportation

1 issue. It's such a monster to try to get
2 something -- by the time you schedule a meeting
3 and get all the public notices out, sometimes the
4 information don't even get out to the Committees,
5 let alone the public in a timely manner.

6 And last, the only negative that we
7 found was needs a consistent enforcement across
8 all regions.

9 MS. GILLIARD: Well, I thank you all.
10 I don't know if anybody has any -- I don't want
11 to cut off any conversation if anyone has the
12 insight to add -- go ahead.

13 MEMBER DENTON: Todd Denton, Liquids.
14 Just one comment, I guess, and kind of the
15 elephant in the room that we didn't really talk
16 about is that -- and agree with all of your
17 stakeholders and who's there, but there's a very,
18 very small subset of one of those stakeholders
19 groups that it's not going to matter, right? I
20 mean, they're dead set against our industry.
21 They're dead set against progress. The keep-it-
22 in-the-ground-type movement. But what all of

1 this can help do is keep others that aren't
2 educated from joining that movement, right?
3 Because we have a good story to tell. And I
4 think PHMSA is a good regulator. They've got a
5 good story to tell. We just have to keep getting
6 that message out. That's it.

7 MS. GILLIARD: And something that I
8 really benefitted from when I was getting my
9 Stakeholder Engagement 101, there's actually
10 training that's available. And Interior has a
11 big organization around this, I guess, and it's
12 the alternative dispute resolution process.

13 And it's the idea that the first step
14 is to make people feel like they have a voice in
15 the process, not just feel it, but to actually
16 have a voice in the process. And that can go a
17 long way to moving groups that we might perceive
18 as being just never going to be productive or
19 never going to be part of a conversation, that
20 there's ways to engage certain groups and bring
21 them into the process, and that in and of itself
22 helps remove some of the conflict.

1 Being more transparent, being more
2 open and being more willing to have those
3 conversations. And that's definitely something
4 that the government can do to help resolve
5 conflict. And it definitely is the first step.
6 And you're right, some folks you'll never change
7 their opinion, but I think what's important is
8 having those views represented even if we don't
9 all come away with a consensus at the end of it
10 of what should happen next. But definitely
11 creating those opportunities as part of the
12 process.

13 MR. MAYBERRY: I was just going to say
14 I was on Group 4 and that last one, or the rating
15 I struggled with a bit. We certainly need some
16 work on the stakeholder trust, public trust. I
17 feel like we're an agency of really incredible
18 professionals that really do some good work. And
19 I think that we need to focus on that and focus
20 less on the negative, which is a minority, but
21 tends to be amplified quite a bit with using
22 information that's marginally accurate, that we

1 really need to just focus on the positive and
2 just keep the eye on the ball of safety, but
3 understand that we will be criticized. That's
4 our role. We're the regulator. Understand that
5 and just put it into perspective that there are a
6 lot of people doing a lot of good work. Thanks.

7 MEMBER PIERSON: Craig Pierson,
8 Liquids. Apologize a little bit about continuing
9 to beat the drum, but I think that our trust and
10 credibility is undermined by choosing this older
11 threshold of \$50,000 to call NRC and then we
12 double down on it when we use \$50,000 as a
13 significant incident threshold. And that's a
14 choice. And I'd urge you to think about that.
15 One of them probably involves rulemaking; one of
16 them probably doesn't. And it gets in the way of
17 telling what I think is a better story that's out
18 there. So one more drum beat.

19 MR. MAYBERRY: Thanks, Craig. Point
20 well taken.

21 MS. GILLIARD: But I do agree that --
22 I don't know all the technical details of how we

1 report incidents and things like that, but I do
2 think that that's part of the process is looking
3 at your systems and are there any inherent
4 barriers or things that create a bias in the way
5 we collect data or display data or report data?
6 So I think that's a very important point to
7 consider.

8 CHAIR SALERNO: Okay. Artealia, that
9 was great. Thank you very much. A very thought-
10 provoking session, and I'm sure you'll be
11 gathering up these charts and take them home and
12 let us know in a future meeting how things are
13 moving along the chart.

14 Any comments from the floor?

15 (No response.)

16 CHAIR SALERNO: Okay. That concludes
17 the agenda items that we had scheduled for today,
18 but we still have a few minutes left. And Alan
19 and I were talking. We thought we might just
20 solicit any input that you have regarding the
21 functioning of this group, anything we can do
22 procedurally to make the group run a little more

1 smoothly or become more effective.

2 And I'm probably not stating that
3 accurately, but, Alan, why don't you convey a
4 little more depth on that?

5 MR. MAYBERRY: I appreciate it, Brian.
6 We've tried to make some and have made some
7 improvements in how we prep for these meetings.
8 And just sort of the seed of the conversation.
9 We don't have to talk at great length. I know
10 perhaps you can think about it and send some
11 comments to me after the meeting, but just ways
12 we could improve the process here.

13 I've already noted some and I know
14 staff and I will be meeting in the coming week to
15 just do an after-action kind of look at how
16 things went this week. I know for one, just for
17 example, just on how things run I think with --
18 certainly as we're going through the rules and
19 things like that, it might help to have two
20 screens and two computers just to kind of
21 facilitate things. I think as we get ready for
22 the rule that we talked about yesterday, the gas

1 transmission rule, that might be something that
2 we'd want to do and consider more than a half day
3 for that rule, probably. Maybe two hours.

4 I think we've made a good start on
5 prepping you the Committee members for these
6 meetings as far as the briefings that we have
7 before that, I think, so that you come ready to
8 discuss the issues, the policies that we're going
9 to be -- you'll be voting on. So we've started
10 that. I think there are ways we'd like to
11 improve that just to make sure that you get a
12 plain English discussion of what we're planning
13 to discuss, or thorough, and just kind of give
14 you the tools you need and the materials you need
15 to come here armed, ready for good robust
16 discussion.

17 Regardless of that, we still had a
18 great discussion yesterday, but if there are ways
19 we can kind of get you thinking about these
20 things so that you come here and -- yesterday I
21 think it worked out well, I think, as far as we
22 ended up in a good place, but maybe if there's a

1 way to kind of provoke the thought beforehand so
2 it kind of facilitates, kind of gets you closer
3 to where you may end up being, we may end up
4 being, it might help there.

5 I know we've had discussions like at
6 -- I don't know, two briefings ago, we -- there's
7 kind of a limitation on how we can deliberate on
8 a conference call with you just because the
9 rules, the law, but I don't know, to the extent
10 we can just deliver the information soon, sooner,
11 I think that will help. But I don't know, any
12 other thoughts would be welcomed, if you want to
13 say it now or just send me an email. That would
14 be great.

15 MEMBER PIERSON: Craig Pierson,
16 Liquids. And I do appreciate the continuous
17 improvement loop you're trying to go through.
18 The part that probably was the hardest for us to
19 swallow quickly was the PHMSA response to -- you
20 were trying to accommodate the comments, and
21 seeing those and trying to appreciate them in
22 that short time is probably the hardest thing, so

1 that those proposed rulemaking, we're all well-
2 prepared for all that.

3 And then trying to appreciate what
4 you're trying to accommodate was -- if there was
5 a way to get more notice; and I don't know
6 whether you can or not, but that would make it a
7 little bit smoother. But I do recognize you're
8 trying to get out in advance and get more stuff
9 to us, and I appreciate that.

10 MR. MAYBERRY: Yes, Carl?

11 MEMBER WEIMER: Yes, I think one thing
12 that would help, especially yesterday when we
13 were trying to edit by Committee, which is always
14 an exciting adventure, would be if there was some
15 mechanism so at least a few days beforehand we
16 could get what the major issues that are coming
17 up, because you walk in the room and then it
18 becomes apparent that some segment of the
19 industry has major issues and we're going to
20 spend a lot of time on certain things. If we
21 kind of got that heads up, or even the wording
22 that they would like ahead of time, you could

1 wrap your head around it instead of trying to
2 draft things on the fly.

3 MR. MAYBERRY: John?

4 MR. GALE: Yes, thank you. I know a
5 common issue that's been raised, Alan, is the
6 timing we give members for scheduling the
7 meetings. Can they get more notice? Can they
8 get it on their calendars earlier? It is a
9 challenge when it comes to rulemakings because
10 usually we're being pushed to schedule the
11 meeting soon after the comment period ends, but I
12 think maybe we can try to look at how we could
13 maybe -- Rich Worsinger gave me an idea of maybe
14 scheduling three or four in a given year. And
15 maybe if we have to cancel them, maybe we cancel
16 one or two, with adequate notice, obviously, but
17 so that all the members can get these meetings on
18 their calendars earlier. They're very busy
19 people and I think it would be very helpful to
20 the process.

21 CHAIR SALERNO: Just in case anybody
22 has any recommendations from the floor, I'd

1 invite you to share those with us.

2 (No response.)

3 MR. MAYBERRY: Okay.

4 CHAIR SALERNO: All right.

5 MR. MAYBERRY: I think we're good.

6 CHAIR SALERNO: I think that's good.

7 Okay.

8 MR. MAYBERRY: And I appreciate that.

9 Craig?

10 MEMBER PIERSON: I don't know when
11 it's appropriate, but I've got like two quick
12 general comments. So I don't know when you what
13 that.

14 MR. MAYBERRY: If there are no other
15 comments on that, by all means now is a good
16 time.

17 MEMBER PIERSON: Craig Pierson,
18 Liquids. I'd like to publically recognize Jeff
19 Wiese's contribution. I echo Alan's remark. And
20 Jeff was tireless and relentless in pursuing good
21 and I always admired his resiliency and
22 willingness to listen and try to find good

1 solutions. So I wanted to publically thank him.

2 And the other one quick comment that

3 I -- little dimwitted in realizing the effect.

4 So as we went year after year with being stymied

5 on rulemaking, we're now seeing the dam open and

6 here comes all this rulemaking. And it's hard on

7 PHMSA and it's hard on the industry. It makes it

8 harder to do all those things in parallel that we

9 could have been doing in a more rateable way.

10 And I didn't realize that when it was happening,

11 or kind of lamented not being able to move

12 forward, but I didn't realize the effect when the

13 dam gates come open, the D-A-M gates come open.

14 (Laughter.)

15 MEMBER PIERSON: Thanks.

16 MR. MAYBERRY: Thanks. We can

17 appreciate that. Mind you, we're thinking, too,

18 as these things do come out; the liquid rule will

19 be out certainly we're anticipating this year,

20 there's a lot of work to be done on our side just

21 to implement it. It's one thing to write them

22 and write a final rule, but there's guidance to

1 be developed, there's inspection protocol,
2 there's enforcement protocol, not to mention what
3 you have to do as an operator to implement those.
4 So, yes, we certainly appreciate that.

5 And appreciate your remarks on Jeff.
6 I know, again, like I'd said, I'm learning, but
7 Jeff was always I know the great communicator. I
8 think he had a great way of communicating our
9 mission and was passionate about it. So he's
10 definitely missed and big shoes to fill for
11 whoever does that.

12 CHAIR SALERNO: Okay. Well, I think
13 we're at the point where we can adjourn the
14 business portion of the meeting.

15 And, Alan, if you have any final
16 comments for wrap-up, we'll do that and then
17 close.

18 MR. MAYBERRY: And we'll close. Yes,
19 I think I've said about all I have to say. I
20 want to get you back to wherever you go on time.
21 Certainly if you're going to Houston, you have
22 some rain to worry about. Hopefully you can get

1 an earlier flight, perhaps. But I appreciate
2 everyone's participation. I think we had a great
3 two days for this group, three days overall, but
4 wish you safe travels and look forward to seeing
5 you next time. Take care. Meeting adjourned.

6 (Whereupon, the above-entitled matter
7 went off the record at 11:13 a.m.)
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13
14
15
16
17
18
19
20
21
22

A

a.m. 1:19 4:2 57:18,19
81:1,2 102:7
ability 73:4
able 67:2 100:11
above-entitled 57:17
80:22 102:6
absolutely 23:4
academic 76:20
Academies 26:18
Academy 8:13 11:9,16
12:16
accept 53:20 54:22
access 84:11
accessibility 66:12
accessible 71:2
accidents 15:16 16:10
accommodate 96:20
97:4
accomplishments 25:9
account 54:20
accountability 22:7
66:12
accounted 16:21
Accufacts 2:7
accuracy 29:4 31:19
accurate 32:2 44:6
91:22
accurately 94:3
achievable 20:6 22:6
achieves 21:11
acknowledged 11:2
act 4:14 25:13 29:3,14
48:9,15
Acting 4:7 5:12
action 33:18 69:22
70:20 71:9 75:3
actions 48:8
activities 37:11,15
48:16
activity 26:14 75:3
adapt 22:3
add 16:6,7 37:17 63:4
63:21 64:18 65:3
66:20 81:9 83:12
89:12
added 31:16 44:1 82:10
addressed 78:10
adequate 98:16
adjourn 101:13
adjourned 102:5
Adjournment 3:22
adjusted 16:9
ADMINISTRATION 1:2
administrative 10:10
administrator 4:7 5:13
67:14 69:13 87:18
Admiral 1:19 4:17 10:2

admired 99:21
advance 47:6,12,13
97:8
advancing 67:22
advantages 13:6
adventure 97:14
adversarial 54:7 55:4
advertise 72:21
advises 4:11
advisory 1:5,16 4:5,10
4:11,14 7:17 25:1
73:1,3
Affairs 8:20
affect 49:12 56:2 81:21
82:22
after-action 94:15
aftermath 15:15 16:3
16:10
agencies 27:5,15 28:5
28:8 49:22 51:10 53:4
agency 11:20 12:1
64:22 67:18 69:16,21
71:9 86:6 91:17
agenda 8:9,21 10:7,12
11:8,8 14:17 15:6
23:18 57:21 59:15
93:17
agendas 14:12
ago 96:6
agree 89:16 92:21
agreement 20:8
ahead 57:14 89:12
97:22
Alan 2:15 3:3,20 4:6
5:12 11:12 12:3 20:1
20:19 93:18 94:3 98:5
101:15
Alan's 12:3 99:19
Alaska 16:19 54:2,11
allow 44:11 86:12
allows 17:2
alluded 20:20
alternate 41:12 46:20
alternative 90:12
amount 15:19 29:20
amplified 91:21
and/or 37:17
anomalies 32:16
anonymous 86:13
answer 17:22 18:1
42:14 55:17
answers 23:4
Anti-infrastructure
85:3
anticipating 100:19
Antonio 60:2,4,6
anxious 23:14
anybody 89:10 98:21

anyway 17:5 18:13
APIs 25:1
Apologize 92:8
apparent 56:22 97:18
appear 35:12
appears 88:21
apply 40:20 53:7 73:2
appreciate 5:10 51:19
55:7 94:5 96:16,21
97:3,9 99:8 100:17
101:4,5 102:1
approach 21:17
approaches 13:10
appropriate 15:21
16:17 29:20 35:2
99:11
approval 32:9 35:19,21
40:12 55:15
approvals 55:11
approve 31:4 42:11
52:8,17
approved 30:22 34:20
39:5 44:5 46:1 56:9
56:13
April 13:16 26:4,4
architecture 49:4,10,19
arduous 47:20
area 14:6 26:20 27:6
30:10,16 38:12 43:1,8
43:14 46:22 47:1 49:4
49:6,12,14 56:3 60:15
74:20 76:22 80:15
82:22 83:8
areas 20:12 25:6 29:11
29:22 30:7 42:18,22
43:5,13 60:20 70:3
86:13
arena 27:8
Arlington 1:17,18
armed 95:15
Armstrong 2:3 7:3,3
83:22 84:1
Artealia 2:17 3:17 8:19
58:1,11 93:8
artificial 50:9
asking 75:14
aspect 43:18
aspects 24:16
assessment 22:17
69:17 70:7,16,17 72:4
75:16
assessments 22:21
assign 34:17
Assistance 72:13
Associate 4:7 5:13
association 25:2,3
assuming 55:13
assurance 35:13

attempt 11:21
audience 79:10
authorities 26:22
authority 43:6 52:8,9
52:17 53:13
availability 41:1
available 10:16 13:20
30:9,15 32:18 36:19
37:1 45:3 71:1 90:10
average 39:11 87:20
averaging 39:2
award 11:16
awarded 12:5 13:12
awards 74:14
awareness 88:9
awe 67:1
awful 50:17

B

B 2:7
back 7:22 9:20 14:17
17:22 40:13 42:7,13
43:15 47:2 48:13 60:9
77:5 79:2,5,5 101:20
backlog 25:17,18 26:1
39:14
bad 88:4,7
Bakken 38:10
balance 21:2,22 73:5
73:10
Baldwin 6:5,5
ball 92:2
Ballroom 1:17
barriers 13:11 77:17
93:4
base 19:9
based 15:19 38:16
basically 14:21 52:21
56:14 60:9 67:4 83:19
basis 61:21
beat 92:9,18
beginning 77:10
beings 82:17
believe 43:20 54:2
benefit 20:18 59:10
60:17
benefitted 90:8
better 18:15,20 27:4
38:20 40:8 63:5 64:8
84:20 87:8 88:15
92:17
bias 93:4
big 38:9 46:12 49:2
65:13 78:7 80:14 87:7
90:11 101:10
bigger 46:7 77:12
biggest 40:15 41:19
45:8,9 47:15 48:22

87:21
bit 17:18 27:18 28:22
 30:20 31:4 34:9 39:17
 56:6 57:14 69:13 76:2
 91:15,21 92:8 97:7
bitumen 26:19
Bob 15:9 17:14
bold 67:17,18
boots-on-the-ground
 72:17
bottom 31:8
bound 21:19
box 66:18
boxes 22:15
brainstorm 78:18
brand 68:16 71:20
break 57:15 75:6 79:8
 79:12
breaking 56:11
breakout 40:21 44:1,13
 46:15,17 47:2 57:1
brethren 49:17
Brian 1:19 2:2 3:8 4:17
 4:19 6:12 7:5 10:2,3,5
 11:12 14:9 94:5
bridging 58:21
brief 11:14 14:17 79:3
 81:6
briefed 9:6 31:14 33:19
Briefing 3:10,13,16
briefings 9:1 95:6 96:6
briefly 8:11 27:12
bring 60:19 90:20
bringing 64:8 66:13
brings 21:15 59:17
broad 26:5 62:9 70:12
 73:22 88:19
broadened 65:7
brought 65:9
Bryna 62:3
BSEE 14:9 24:20 26:21
 28:5 46:5 53:5
build 62:10 63:4 64:12
 65:16 66:2 72:6 76:18
 77:15 78:22 87:11,16
building 60:9 66:9
 68:20 77:9 87:4,22
builds 37:16 88:2
built 61:11,17 67:5,12
 68:3
built-in 65:3
bullet 37:10 47:8,17,17
 84:5 88:11
bullets 85:6
Bureau 4:18 6:14
bus 60:5
business 10:1 20:5
 86:1 101:14

businesses 60:22 61:1
busy 9:19 98:18
buy 18:21

C

C 2:5,6
C-O-N-T-E-N-T-S 3:1
C.F.R 29:2,18
calculated 40:17
calculation 35:11 44:15
 57:3
calculations 29:5 32:21
 35:12 40:14
calendars 98:8,18
California 28:17 54:2
 54:18
call 3:2 11:6 35:6 68:6
 92:11 96:8
called 31:6
Cameron 2:20 5:21
 68:6
cancel 32:8 98:15,15
candy 67:4
cap 50:10
capabilities 54:19
capability 31:16
capable 29:16
capacity 65:17
card 11:5
care 102:5
carefully 57:8
Carl 2:10 7:9 53:9 97:10
carrots 85:5
cars 86:18
case 12:6 29:6 32:15,20
 35:10 36:8 40:14 44:8
 44:14 46:14,15,20
 54:19 55:22 57:1,3,4
 98:21
cases 12:7 61:13
CATS 28:2 72:13 86:12
caveats 31:8
Center 51:10
cents 23:6
CEO 42:15
CERCLA 48:16
certain 21:11 30:8
 90:20 97:20
certainly 18:19 19:6
 52:2 91:15 94:18
 100:19 101:4,21
Chair 1:19 2:2 6:12 10:2
 10:4 17:8 18:17 19:21
 23:10,13,16 51:14
 53:8 55:5 56:17 57:10
 57:13,20 58:4,7,10
 81:17,20 83:10 93:8
 93:16 98:21 99:4,6

101:12
Chairing 4:16
Chairman 10:6
challenge 52:11 98:9
challenged 52:10
challenges 26:17 76:10
chances 40:1
change 32:9 44:6 54:13
 54:14 55:21 91:6
changed 8:9 24:8 38:13
 38:13 47:3 50:3 52:14
changes 34:20 37:18
 46:7 47:4,15
changing 18:14
channels 88:16
chapters 34:15,16
characterize 52:7
chart 67:2 75:8 78:3,5
 78:21 79:2 93:13
charts 59:8 79:2,4,5
 93:11
check 22:15 25:13
 26:10,11,14,15 29:10
 30:17 34:12 35:9 40:6
 44:7
checking 45:1
Chief 6:6
child 84:8
choice 92:14
choosing 92:10
City 2:3
clarify 16:5 80:17
classification 30:12
classified 41:6
clipboard 22:15
close 9:17 23:17 82:18
 101:17,18
closer 96:2
cloud-based 74:4
co-chairing 14:10
coast 24:20 26:21
 29:15,18,22 30:12
 35:5 41:5 46:4 49:2,2
 52:22 53:5,7
code 15:11
cold-eye 55:8
collaborate 62:9 76:18
collaborating 66:10
collaboration 72:7
 77:17
collaborative 66:4
collect 71:7 93:5
collective 87:5
Colonial 2:6 7:7
colorful 59:9 75:8
columns 82:1
combination 21:4
come 8:1 25:15 36:1,20

40:16 53:9 60:9 91:9
 95:7,15,20 100:13,13
 100:18
comes 28:9 87:22
 88:17 98:9 100:6
coming 9:20 26:17
 50:16 69:15 94:14
 97:16
command 33:14,20
 36:9
commands 33:13
commences 55:15
comment 11:4 17:9
 19:22 23:11 46:10
 54:11 89:14 98:11
 100:2
commentary 56:21
comments 11:1 23:7
 57:11 93:14 94:11
 96:20 99:12,15
 101:16
committed 63:8
committee 1:5,16 3:5
 4:6,10,11,14 6:11,13
 7:14,17 9:3 11:13
 12:2 13:18 14:5,7,13
 14:22 67:11 73:6 84:2
 87:14 95:5 97:13
committees 73:1,3 89:4
common 12:19 16:10
 26:8 51:22 98:5
communicate 33:15
 84:22
communicating 86:10
 101:8
communication 64:13
 65:22 66:12 84:10
 86:9,20 87:8
communications 68:14
 70:18 88:8
communicator 101:7
communities 59:16,17
 60:12,16 61:3,4,12,14
 72:18 73:20,22 76:5,8
 76:9,11,16 80:10,14
 81:16,22 82:6,7 83:4
 83:17,19 84:16
community 72:13 80:5
 80:9 84:16 88:3
companies 57:7 87:1
Company 2:6
compatible 82:12
competing 21:15
complementary 54:7
 55:3
complete 38:1
completeness 28:22
 31:19 34:13,13,14

35:9
completion 56:15
compliance 31:3 43:20
compliant 74:18
complies 54:6
components 22:16
 71:10
computers 94:20
concern 78:10
concludes 51:12 93:16
conduct 50:8
conducted 27:22 28:16
conducting 47:6
conference 96:8
conflict 19:1,1 55:4
 90:22 91:5
confused 53:12
Congress 21:1
congressional 13:3
congressionally-man...
 13:1
connects 59:16 61:2
cons 14:14
consensus 71:15 91:9
consider 50:6 52:20
 65:4,19 73:6 76:6,17
 77:11 78:4 80:8 93:7
 95:2
considerations 76:1
 77:16
considered 65:9
considering 75:15
consistency 49:14
consistent 22:21 63:20
 66:11 89:7
constitute 55:20
construction 37:15
 56:14,16
consult 73:18
consultation 73:13
 74:1
contact 41:13 42:16
contacts 41:18,20 42:2
contain 59:4
containment 44:13,18
containments 44:19
contentious 47:9
context 48:21
contingency 27:17 43:1
 43:7,8,8,14 48:7,17
 49:4,7,12,14 53:16
continue 15:4 20:16
 51:9 84:18
continuing 47:1 92:8
continuous 68:19 70:6
 76:15 83:16 84:12,22
 96:16
continuum 65:20,22

67:5 78:6
contract 12:17 32:7
 41:4
contracts 32:5 41:3
contribution 99:19
Control 25:2
conversation 16:2
 58:16 60:19 61:8
 63:21 65:10 81:7
 83:18 89:11 90:19
 94:8
conversations 91:3
convey 11:21 94:3
coordinate 36:16
coordinated 53:15
 63:11
Coordinators 33:15,20
core 66:10 72:6
correct 30:19 31:20
 32:2 33:1 35:12,15
 43:15 44:21
correction 33:18 40:12
 41:17 42:15
corrections 35:20 36:1
correctly 58:2
correspondence 36:16
cost 82:5
Counsel 6:6
count 79:9
counties 41:21 42:3
countries 22:2
country 21:9
couple 10:10 87:19
course 81:21 82:16
covered 44:2
covers 9:22
Craig 2:9 6:20 17:9,10
 18:2 52:5 79:19 92:7
 92:19 96:15 99:9,17
create 56:2 60:12,13
 93:4
created 55:2
creates 60:22
creating 20:5 22:5
 91:11
credibility 92:10
credit 40:21
credits 44:12,17
critical 18:7,15 21:6
 36:7
criticized 92:3
crosses 49:11
crossing 46:22 56:3
cued 58:18
cuing 59:1
culmination 26:11,14
cultivating 68:22
culture 21:16 22:4

65:12,18 69:1,7 70:5
 70:5,9
current 32:5 41:3 44:5
Currently 38:8
cut 89:11

D

D-A-M 100:13
D.C 88:16
daily 61:21 68:2
dam 100:5,13
data 21:18 69:17,18,19
 69:19 70:16,17,22
 71:1,3,7 93:5,5,5
date 46:6
Dave 2:18 3:14 5:18
 8:15 23:20,21 51:15
 52:6
day 10:8 95:2
days 8:6 9:11 39:6
 47:12 97:15 102:3,3
dead 89:20,21
deadline 23:14
deal 12:8
dear 49:5
debate 56:6
December 39:1
decided 81:22
decision 14:15
decisions 64:10
declaration 48:9
declarations 48:18
dedicated 24:15
deemed 12:14
deficiencies 30:18
definitely 57:3 60:11
 61:19 69:3 91:3,5,10
 101:10
definition 62:2,5,5
delay 54:16
delegated 52:17 53:2,3
deleted 36:4
deliberate 96:7
deliver 96:10
Denton 2:5 6:16,16
 55:6,6 85:12,12,22
 89:13,13
department 1:1 2:2,4
 27:13 52:20 58:17
 73:12,14 74:13 88:22
department-wide 73:14
departure 8:3
dependability 63:15
 64:2
depending 19:17 22:17
deployed 33:12
depth 94:4
deputy 87:18

description 55:2
designate 38:14
designated 2:15 4:15
 30:2
desired 70:19
detailed 62:18,20
details 14:18 92:22
detection 9:15 32:13,14
 32:19 44:10
determine 16:14
determined 42:22
determining 32:15
 54:19
develop 15:20 49:19
 69:19 73:16 76:12
developed 61:18 101:1
developing 12:10 71:20
 74:8 77:4 85:10
development 77:12
 83:1
dial 16:3,8
dictates 48:8
difference 17:21 18:11
 31:13 43:3 60:18
different 12:9,13 16:18
 16:20 19:16,16 21:7
 22:13 24:7 30:5 43:10
 48:21 49:7,8 53:16
 54:9,10,22 65:3
difficult 12:11 17:1 18:6
 21:21 88:20
diluted 26:18
dimwitted 100:3
dinnets 86:1
directly 60:3 72:19
 74:11 77:5 83:20
director 4:17 6:14 8:19
disadvantaged 61:1
disadvantages 13:6
discharge 29:6 32:15
 32:20 35:10 36:8
 40:14 44:8,14 46:14
 46:15,21 54:20 56:1
disconnected 80:11
discuss 26:17 95:8,13
discussion 8:18 15:18
 16:11 19:5 79:3 95:12
 95:16,18
discussions 20:3 73:8
 96:5
display 69:20 93:5
disposition 36:15
dispute 90:12
distinction 37:7
distribution 15:5
diverse 73:10 85:5
diversity 64:3 66:17
divestitures 37:16

divide 58:21
Division 5:20
divisions 60:13
docket 10:17,18 13:21
document 35:16 45:20
documentary 58:20
documentation 36:18
documented 45:12
doing 8:5,6 16:15 33:16
 33:22 34:7 45:12,22
 50:14 73:11 74:22
 75:4 77:6 79:7 92:6
 100:9
dollars 74:15
doors 5:2,5
dot 59:15 60:19,20 63:8
 74:14 78:14,16
DOT's 60:14
double 92:12
doughnuts 7:1
download 71:5
downs 73:16
downtown 60:2,4
Dr 62:4
draft 51:6 98:2
drain-down 40:17
 54:21
draw 10:8
drills 33:4,7 45:11,12
 45:13
drive 70:5 86:18
drivers 80:7
drum 92:9,18

E

earlier 8:12 25:10 34:14
 44:9 48:2 64:4 98:8
 98:18 102:1
early 13:14 63:19
ease 31:5
easy 10:7,8 21:20 22:22
echo 99:19
economic 60:17
economy 61:2
edit 97:13
educate 12:7 43:3
 84:17
educated 90:2
education 86:7,20
effect 100:3,12
effective 17:4 46:6
 72:16 77:8 94:1
effectiveness 15:18
 16:1,16
effects 82:19 83:3
efficiency 69:9
effort 19:14
efforts 51:17 66:22

eGov 10:17
either 39:5 81:10
elected 81:18
electronic 36:19
electronics 10:21
elements 36:7
elephant 89:15
eliminated 25:18
email 96:13
emergency 4:22 5:19
 42:5,10 48:11,11
emerging 45:10
emphasis 56:22
emphasize 84:18
encourage 20:17 26:9
 46:19 47:4
encroachment 83:3
ended 95:22
ends 98:11
energy 2:8 38:10 68:1
enforce 31:17
enforcement 4:18 6:15
 17:11,13 22:8 24:18
 28:2 31:15,22 38:3
 89:7 101:2
enforcing 18:4
engage 51:9 63:6 66:19
 67:8 71:22 72:19 86:4
 90:20
engaged 28:4 63:18
engagement 3:16 57:22
 62:3 63:8,10,19 65:13
 65:20 70:15 71:10,11
 72:8 74:9 75:1 77:6
 84:16 90:9
engaging 61:8,22 63:3
Engineering 5:17 6:7,9
English 95:12
enhances 52:2
ensure 15:21 74:16
ensures 84:14
entire 24:21 38:19
entities 74:17 77:21
 83:19
environment 21:13
 67:22
environmental 4:18
 6:15 82:8,15
environmentally- 42:21
 43:4
environmentally-sen...
 42:18 43:13
EPA 24:20 26:21 46:5
 47:3 53:5
equation 40:19
equipment 22:16 28:12
errors 26:8 40:17
escalate 30:6

especially 40:4 55:9
 61:1 76:8 97:12
essential 68:2
establish 86:11
established 4:13 22:1
estate 83:3
evacuate 5:7
evacuating 5:1
events 82:18
everybody 10:4 51:18
 52:1
Everybody's 23:13
everyone's 102:2
evidence 41:7
exactly 73:9
example 19:3 86:2
 94:17
excellence 68:22 69:1
 69:10
excellent 80:2
exchange 64:21
excited 75:11
exciting 97:14
exclamation 85:19
executive 53:3
exercise 8:6 46:14 47:6
 47:14 50:4 59:8 75:9
 75:12 76:2 78:14
exercises 27:20,21
 28:3,7,16 33:4,7
 45:11,13,14 47:10
exercising 46:16
exist 71:15 73:4
existence 84:17
exists 70:1
exits 4:22
expand 13:9
expect 67:2
expectation 21:9
expectations 22:5
expensive 57:4
experience 85:9
experiences 66:7 77:3
expert 11:22
expertise 66:7 70:1,4
 77:3 85:9
experts 14:5,7
expired 41:4
explain 76:2
exploration 23:5 64:11
explore 17:5
extent 17:11 18:12
 51:22 96:9
external 69:4,8,21
eye 45:11 92:2
eyes 40:7

F

FACA 4:14,14
face 12:1
facilitate 94:21
facilitates 96:2
facilities 28:7
Facility 31:18
fact 65:6 73:19
factors 80:8 83:4
far 9:12 13:15 15:3
 18:13 42:13 52:19
 95:6,21
federal 2:15 4:13,15
 24:19 27:10 33:14,19
 36:22 41:18 46:9 51:1
 74:15,19
feed 77:5 79:6
feedback 15:10 33:8
 38:16,17 55:8 70:19
feel 63:16 81:8 90:14,15
 91:17
felt 2:6 7:7,7 81:11 88:4
field 33:11 38:3
fields 20:11
figure 62:19 86:12
fill 73:4 101:10
final 9:7,7,16 100:22
 101:15
financial 80:16
find 30:22 40:3,9 46:21
 68:16 99:22
findings 70:17
fine 68:16
fire 2:3 42:5
firm 60:1
first 4:22 8:12 11:8
 30:22 35:8 43:19
 46:12 47:16,17 53:9
 55:7 59:22 61:18 69:3
 75:22 76:4 78:12
 79:20 90:13 91:5
five 39:9 40:13
five-year 39:21 68:15
fix 31:1 39:5
fixed 36:17 82:20
flavor 82:2 83:5
flexibility 16:8,14
flight 102:1
flip 20:19 59:8 75:7
 78:3
floor 17:9 52:3 93:14
 98:22
flow 78:5
fly 98:2
focus 58:16 64:7 91:19
 91:19 92:1
focused 27:9 52:16
 60:20 85:2
focuses 26:6

focusing 74:22
FOIA 36:21
folks 91:6
follow 45:17 50:13 59:6
followed 8:15 9:12
following 45:19
fondest 7:18
force 79:14
forces 21:15
forgot 36:11
form 51:6
formula 22:5
forward 9:21 12:12 17:6
 48:1,1 50:1 51:17
 64:1 66:22 75:17
 100:12 102:4
found 7:21 26:8 28:15
 31:3 35:14,17 36:12
 39:22 89:7
four 53:4 69:11,14 75:4
 75:7 78:1,2,7 79:2,13
 86:8 87:18 98:14
fourth 77:14
frame 39:13
frames 30:15
framework 17:2 51:22
 80:5
free 8:7 81:8
fresh 71:21
FRIDAY 1:11
front 5:4
FRP 34:5 38:2,19 43:19
 45:1
FRPs 43:9,17 53:16
 55:14
fulfill 84:14
full 36:6
full-scale 27:21
fully 74:17 78:10
fun 75:9,12
function 48:12
functioning 93:21
functions 48:11
funded 12:16
funding 74:19
future 8:4 20:14 25:8
 61:20 93:12

G

Gale 2:16 6:1,1 98:4
Gallery 1:17
gas 7:13,16 9:13 15:5,5
 87:14 94:22
gates 100:13,13
gather 77:2 85:8
gathering 66:5,6,6
 93:11
gears 19:19

general 57:11 99:12
getting 64:4 75:10 77:8
 87:7 90:5,8
Gilliard 2:17 3:17 8:19
 58:1,3,3,4,5,8,12 59:1
 80:2,20 81:3,19 83:9
 83:11,15 85:7 87:10
 89:9 90:7 92:21
GIUE 28:16 50:14
GIUEs 50:5,8
give 15:20 25:18 41:4
 42:8 47:12 58:18 67:3
 82:2 88:4,5,6 95:13
 98:6
given 10:16 53:13
 98:14
giving 64:9,16
glad 56:22
go 4:20 6:11 20:5 22:12
 22:14 25:7 32:6 35:8
 41:20,22 48:13 53:9
 59:7,13 60:7 63:13
 64:19 66:4 73:21 79:2
 82:16 88:2 89:12
 90:16 96:17 101:20
goal 19:8 35:1
goals 64:22 65:6,8
 67:17 68:10,18 69:4
 72:6
goes 26:12 39:21 43:6
going 5:5 9:2,19 12:3,3
 13:6 14:12 24:9,9,10
 25:5,7 37:17 42:15
 46:7 47:1 59:3,7,11
 59:14 64:14,18 67:16
 68:6 75:6 79:4,14
 81:4 89:19 90:18,19
 91:13 94:18 95:8
 97:19 101:21
good 4:3,4 5:16 8:4
 17:16 19:20 22:9,20
 47:22 50:18,22 51:15
 52:1 55:9 57:8 59:2
 75:18 87:13 88:5,5,11
 90:3,4,5 91:18 92:6
 95:4,15,22 99:5,6,15
 99:20,22
gotten 14:21
government 6:13 42:22
 91:4
government- 33:6
government-initiated
 28:6 47:10
Governmental 8:20
governments 72:18
 73:18 87:3
grant 74:15
graphics 68:8

grateful 10:9
great 71:13 87:9 93:9
 94:9 95:18 96:14
 101:7,8 102:2
greater 32:19 68:20
 72:6 77:15 87:11
grid 80:11
ground 56:11
group 7:19 15:12 25:1
 49:19 59:8 75:3 78:22
 79:6,10,16,17 81:5,14
 81:14,18 83:10,11,21
 84:3 85:7 87:6,11
 91:14 93:21,22 102:3
group's 49:5
groups 24:22 51:11
 66:14,18 75:7 76:21
 78:2 79:13 82:10
 89:19 90:17,20
Guard 24:20 26:21
 29:15,18 30:12 46:5
 49:2,2 53:5
Guard's 35:5
Guard- 41:5
Guard-classified 29:22
guess 23:16 89:14
 90:11
guidance 100:22
guide 51:7
guideline 50:22
guidelines 37:3 45:17
 45:18,19 46:2,5,13
 47:21 50:2,6,13
Gulf 28:17
guys 73:7 75:11 80:21

H

half 95:2
hallway 5:6
hand-in-hand 71:17
handout 17:20
happen 34:8 56:11 73:9
 82:17,21 91:10
happening 33:22 37:12
 100:10
happy 51:16
hard 49:1,15 100:6,7
harder 100:8
hardest 96:18,22
Harm 31:6,7,11
harmonization 51:18
harmonizations 27:3
harmonize 27:2,4 29:12
harmonized 27:7
harmonizing 49:21
hazardous 1:2 4:12 9:6
 48:6,13 68:1
HAZMAT 49:17

HCAs 43:4,12
head 98:1
heads 47:18 97:21
healthy 8:18
hear 14:7 51:16 67:14
heard 9:14 81:12
heart 49:6
heat 60:6
held 13:22
Helper 62:4,4
help 49:20 51:6 59:6
 90:1 91:4 94:19 96:4
 96:11 97:12
helpful 98:19
helps 90:22
hey 63:12 78:11
high 40:3 43:20
high- 65:13
high-consequence
 15:15
high-volume 30:7,10
 30:16 46:22 56:3
higher 45:16
highest 34:18
highlighted 61:9
highly 20:11
highway 60:3,8,8
highways 61:16
Hill 87:13,14 88:19
Hilton 1:17
home 93:11
hope 9:8 19:11
hopefully 9:10 24:2
 101:22
hosted 26:3
hotel 5:4
hour-and-a-half 60:5
hours 30:10,11 86:1
 95:3
house 60:10 84:9
housekeeping 4:20
Houston 42:9 101:21
huge 19:18 71:9,12
 72:8 87:6
human 82:17

I

ice 26:20 50:21
idea 12:12 15:22 62:9
 63:9 64:4,21 68:4
 90:13 98:13
ideally 79:1
ideas 66:20 79:1 81:8
identifiable 37:4
identifies 29:15
identify 29:19 30:18
 32:22 42:19 43:13
ignored 86:21

immediately 58:13
impact 59:20 60:16
 61:21 65:5 66:16 76:5
 76:10 81:15 82:8,15
 84:15
impacts 61:13 66:15
 71:8 76:7 82:16
implement 33:3 48:14
 53:6 71:11 100:21
 101:3
implementation 18:16
 70:13 71:18
implementing 45:22
implication 70:15
implications 49:16
implies 19:7
imply 67:8
important 12:14 32:14
 42:16 51:18 75:14
 91:7 93:6
improve 20:16 51:3,8
 68:4,5 70:3 77:22
 78:11 94:12 95:11
improved 55:10 70:4
 84:10
improvement 68:19
 70:6 76:15 83:16
 84:12 85:1 86:13
 96:17
improvements 94:7
in- 34:11
in-the-ground-type
 89:22
inaccurate 32:22
inadvertently 36:4
incentivize 85:4
incident 20:21 33:12,14
 33:20 34:2 36:9 76:12
 92:13
incidents 93:1
include 24:17 50:5
included 17:12,13
including 22:2 67:11
 82:12
income 82:6
incorporated 24:16
 29:8
incorrectly 40:18,21
increase 38:9,11,22
increased 38:20 84:16
incredible 91:17
individual 35:8 36:8
 41:10,14 44:4
individuals 34:21 35:8
 41:11
industries 66:21 70:13
industry 6:17,21 7:6,8
 12:10 14:8 15:2 16:11

18:19 20:9 21:11
 24:22 27:22 51:11
 55:6 71:14,18 76:19
 83:20 84:11,20 85:13
 86:6,14,21 88:12
 89:20 97:19 100:7
inevitably 62:19
influx 39:15
inform 14:13
information 13:21
 21:18 29:7 32:1,12,18
 33:1 36:3 37:4,5,6
 41:15 42:5,17 44:20
 45:7 49:9 59:5 66:1,5
 71:4 77:8 89:4 91:22
 96:10
infrastructure 60:21
 61:11,17 82:17,20
inherent 93:3
inherited 84:3
initial 51:6 61:15
initially 84:4
initiated 33:7
initiative 49:3 72:6
initiatives 9:18 69:11
 69:14 70:14 74:5
inland 52:8
innovation 68:20
innovative 67:19
input 63:22 66:7 73:5
 93:20
inputs 86:13
insight 64:17 89:12
insights 66:6 77:2
 83:13 85:9
insisted 68:15
inspection 22:14 31:22
 32:6 73:21 101:1
inspectors 43:16 73:20
instance 12:21 32:3
 54:10
institutions 76:20
Insurance 87:1
integrity 18:7 63:5
intent 22:21
interact 73:20
interdependent 15:14
interest 9:2 14:9 15:11
interested 14:2,6 20:2
 86:4
interesting 42:19 86:22
 87:2
Interior 2:2 52:21 90:10
internal-focused 69:5
introduce 11:1
introductions 3:5 4:21
 5:12 6:11
introductory 10:1

introverts 59:10
Inventory 29:13 30:13
investing 68:20
investment 60:21
invite 23:11 57:11 73:2
 79:10 99:1
invited 28:5
inviting 66:7
involved 20:1
involves 92:15
inward 52:21 53:7
issue 12:13 52:15 66:15
 66:16 87:21 89:1 98:5
issued 33:19,21
issues 75:20 83:2 95:8
 97:16,19
item 11:8 23:18 45:10
 57:21
items 4:20 8:22 22:16
 50:5,16,20 55:19
 93:17

J

January 39:16
Jeff 7:15,16 11:22 12:4
 12:5,14 14:11 20:3
 24:6 99:18,20 101:5,7
job 60:1,6 64:8
jobs 60:22 82:6
John 2:16 6:1 98:3
join 79:10,16
joining 90:2
Juan 16:19
judgments 22:20
July 13:16,19 15:1
jump 81:8
June 1:12 46:6
jurisdiction 52:22
jurisdictions 51:20,21

K

keep 19:11 90:1,5 92:2
keep-it- 89:21
keeping 45:10
keeps 24:6
Kenneth 6:8
key 25:9 36:3
kick 42:7 43:15
kickoff 71:19
kidding 68:7
kind 9:11 12:22 18:20
 19:19 27:13 33:4 41:1
 46:12 53:13 59:5
 64:20 65:21 74:21
 78:4,12,18 81:5 85:14
 87:8 89:14 94:15,20
 95:13,19 96:1,2,2,7
 97:21 100:11

Kinder 2:8 7:6
know 7:14 15:11 26:7
 36:11 42:9 51:2 63:17
 64:17 66:14,16 69:5
 69:12 72:1,2,3 79:21
 83:18 86:17 89:10
 92:22 93:12 94:9,13
 94:16 96:5,6,9,11
 97:5 98:4 99:10,12
 101:6,7
knowledge 12:6,7,18
 66:6 77:3 85:9
knows 77:20
Kristin 6:5
Kuprewicz 2:7 6:18,18
 56:20,20

L

lamented 100:11
language 88:8
Lanny 2:3 7:3 84:1
large 20:20 21:8 25:17
larger 60:14
late 13:13 14:15
latitude 15:19
Laughter 7:2 23:15
 85:21 88:18 100:14
launch 10:12 11:7
law 36:22 96:9
leadership 33:20 75:21
leaning 85:16
learned 15:17 39:8
 50:17,20
learning 66:21 101:6
left 5:1,14 70:18 93:18
leg 33:5
Lehman 2:18 3:14 5:18
 5:18 8:16 23:20,22
 52:12 53:18 55:17
length 94:9
lens 72:3
lesser 34:22
lessons 15:17
Let's 5:8
letter 39:4 41:16 42:14
level 16:12,13
levels 12:13
leverage 71:16
liaisons 33:13
life 39:11 59:20
light 75:13
lights 86:18
limitation 96:7
limiting 83:4
line 2:9 31:8 44:1 46:21
 61:11
liquid 1:5 4:5,9,12 9:6
 24:17 84:2 100:18

Liquids 17:11 79:20
89:13 92:8 96:16
99:18
list 41:8 62:14,17 76:12
listed 17:19
listen 99:22
literature 28:21
litigation 52:13,14,15
little 17:18 27:18 28:22
30:20 31:4 34:9 39:17
49:7,8 53:12 56:6
57:8,13 69:13 76:2
78:16 92:8 93:22 94:4
97:7 100:3
live 82:18
lived 60:2
lives 21:12 68:2
local 41:18,20 42:2
60:16 61:12,13 72:17
72:18 73:22 76:5,7
81:15,21 82:6,7 87:3
locales 42:3
locals 42:17
located 35:11 43:1
72:15
location 45:5 46:16
80:16
look 20:13
long 46:8 84:19 90:17
longer 39:17 41:5 58:19
look 13:4,6 15:17,22
17:6 18:3,7,15,15,22
21:14 22:1,10,15 26:9
28:21 29:17,21 32:3
32:16 36:2,2 41:21,21
43:17 46:20 49:3,7,8
51:7 56:4 57:7 61:19
62:17 63:2 69:22 71:6
71:10,21 94:15 98:12
102:4
looked 24:12 25:12,12
26:16 69:18
looking 18:4,6,8,13
21:4 25:7,12,13 28:14
29:4 31:19 32:11,17
34:2,5 37:11 38:4
43:22 44:9,10 45:4,6
48:1 50:2,4,11,15
59:15 60:21 67:4 70:9
70:10 72:12,14 74:2,3
74:4,6,12 78:7 93:2
looks 28:18 52:4 83:7
loop 96:17
lot 8:7 12:8 14:4,21
15:4 18:22 19:4 20:8
20:10 21:18 23:1 24:2
47:18 50:17 57:6 59:4
68:13 79:16 80:6 92:6

92:6 97:20 100:20
lots 83:18
low 82:9
low- 15:15 82:4,10
low-income 80:7
LPAC 1:5

M

M 2:10
Mabry 6:7,7
main 54:3 61:6 69:14
80:6 81:8
maintain 15:21 36:20
maintained 21:3 29:15
38:5
major 69:11 70:16 72:5
80:14 97:16,19
majority 86:19
making 30:3 31:20 46:4
management 18:8
70:11 71:16 84:7,8,18
Manager 11:16
managing 17:3
mandated 4:11 29:14
mandates 13:3
manner 89:5
map 71:21
Mapping 24:17 42:1
Marathon 2:9 6:21
marginally 91:22
mark 26:10,11,15 85:19
marker 78:15
markers 59:9 75:8 78:3
marketing 60:1
materials 1:2 68:2
95:14
math 40:15,17
matter 11:22 14:5,7
57:17 80:22 89:19
102:6
maturity 19:17
Mayberry 2:15 3:3,20
4:3,6 5:12 6:10 7:11
15:9 17:14 18:2 91:13
92:19 94:5 97:10 98:3
99:3,5,8,14 100:16
101:18
McCLAIN 2:8 7:5,5
18:18,19
mean 36:13 79:21,22
89:20
meaningful 20:6
means 38:18 99:15
measure 22:7
mechanism 97:15
mechanisms 65:3 67:6
media 88:16
meet 29:1 30:3,15

49:20 53:19,21 65:7
85:22
meeting 1:7 4:6,16
10:13,19 11:2,7 13:15
13:19,22 15:1,4,7
45:14 89:2 93:12
94:11,14 98:11
101:14 102:5
meetings 13:17,17,18
72:12 86:2 94:7 95:6
98:7,17
member 6:13,16,18,20
7:3,5,7,9 17:10 18:18
52:6 53:11 55:6 56:20
79:19 83:22 85:12,22
89:13 92:7 96:15
97:11 99:10,17
100:15
members 79:10 95:5
98:6,17
memories 7:18,21
mention 27:12 101:2
mentioned 7:13,18
14:14 20:1 22:8 25:10
27:10,11 31:15 34:14
38:7 40:11 44:8 48:2
53:5 55:12 72:5 74:2
mentorship 59:22
mentor 59:14
message 90:6
met 1:16 9:5
meta-question 77:16
methodology 29:5
metropolitan 80:15
Mexico 28:17
mic 58:11
mind 25:15 100:17
minimum 39:10
minority 80:7 91:20
minuses 82:1
minute 58:21
minutes 57:15 59:12
78:19 93:18
misnomer 29:1
missed 40:1 101:10
misses 7:20
mission 60:14 67:21
68:3 88:9 101:9
mix 15:12
mode 82:4
modeled 35:4
modeling 54:18,22 55:1
55:2
models 70:8
moments 25:19
monitor 37:9,19
monster 89:1
month 47:5

Morgan 2:8 7:6
morning 4:4,4 5:16
10:4 58:1 87:13
MOU 52:20
move 9:21 12:12 13:5
23:18 61:20 66:11
100:11
movement 89:22 90:2
moving 16:8 48:1 63:22
66:22 75:17 81:10
90:17 93:13
multiple 49:11 51:20
muscle 65:15
mute 5:8 10:20
muted 5:9
mutual 65:8

N

name 4:6 10:5 24:6
NAS 3:10
national 8:13 11:9
24:21 26:18 27:14,17
29:13 42:1 43:7 48:3
48:4,6,7,14,17,18
49:19 51:10
national-level 49:3
nationally 29:17
nationwide 25:4
natural 20:21
near 49:5
necessarily 11:18
66:14 87:6
necessary 10:11
need 16:3,4,21 22:13
27:7 30:8,9,11 31:11
41:8 42:16 43:21
55:14,15,18 59:10
65:6,7 78:9,9 87:16
91:15,19 92:1 95:14
95:14
needed 18:11,14 25:17
25:22 29:12
needing 88:15
needs 35:20 36:17
50:12 83:7 84:4 85:15
85:15 87:20 89:7
negative 76:7 82:14
88:1 89:6 91:20
negatively 82:22
never 90:18,19 91:6
new 34:18,21 37:22
38:1,2 39:4,19 55:12
55:21 66:20,20,20
71:20 84:8
nice 88:5
nine 34:15,16
ninety-four 43:5
Ninety-nine-point-five

45:15
NOAA 24:20
nodding 47:18
nomination 72:22
non- 86:1
non-represented 87:4
non-traditional 64:6
66:13 77:11 86:15
normally 41:13 62:15
North 1:17 16:19
noted 82:3 94:13
notes 10:11
notice 46:9 47:12,13
51:1 97:5 98:7,16
noticed 72:20
notices 88:20 89:3
notification 37:18 38:1
notifications 37:13
notify 37:14 47:5
notional 34:10
now's 75:3
NRC 92:11
NTSB 27:4 29:11 49:20
number 9:12,18 10:18
20:3 38:21 41:13 42:8
42:11 50:9 78:16
86:10 87:17

O

O 2:9
o'clock 23:14
O-F 3:1
objective 81:7
objectives 65:1 68:11
68:19
obligation 73:17 74:16
observe 47:7
obvious 69:8
obviously 55:8 87:6
98:16
occur 33:12 73:16
October 25:22
offer 19:22 82:5
office 1:3 5:19 6:6 9:8,9
60:3
officer 62:3
offices 47:5
official 2:15 4:15
officially 11:6
offshore 28:9 52:9
oh 43:12 56:18
oil 3:13 8:16 23:19 25:4
26:4,13,20,22 27:15
28:10 29:3,14,16 32:5
34:6 37:20 43:9 45:8
48:5,12,12
oils 29:17
Okay 6:10 7:11 17:8

23:6,10,13,14,18 43:1
51:14 56:17 57:10,13
57:20 58:7,10 59:14
80:17 81:17 83:9,10
83:15 87:10 93:8,16
99:3,7 101:12
old 59:22
older 92:10
OMB 9:10,18
ombudsman 86:11
on- 51:20
On-Scene 33:14,19
once 13:20 15:6 31:3
32:21 35:16 43:18
one's 13:3
one-pager 13:20
one-way 64:13
ones 33:17 34:19 45:9
54:3
ongoing 52:13
online 37:8 55:15
onshore 28:9
oops 36:11,12
OPA 31:17 43:6 48:16
53:1,12 54:1
open 17:9 46:9 52:3
72:22 88:8 91:2 100:5
100:13,13
Opening 3:7
operates 74:4
operating 16:18 24:14
42:4 70:7
operation 30:1 55:14
55:16 56:8,9
operational 69:1,10
operations 38:3 49:13
88:9
operator 15:20 18:8,9
22:18 30:2,19 33:6
37:16 38:15,21 42:12
49:11 57:5 101:3
operators 28:7 33:8
36:16 37:14 38:5,12
38:13 43:20 44:12,22
46:11 47:4,11 50:19
84:14
opinion 56:13 91:7
opportunities 13:9
58:17 59:15,17 76:9
91:11
opportunity 11:13 13:4
14:13 60:13 61:7,8
64:9,16 67:14 75:18
78:21
OPS 8:20
OQ 19:4
order 3:2 11:7 35:1 53:3
orders 33:18

organization 32:6
65:16 67:20 69:2,6,6
69:10 70:2,12 74:8,19
75:21 78:13 85:4
90:11
organizational 68:22
70:6 72:4 75:16
organizations 12:11
15:3 25:4 27:11 28:11
29:16 73:19 74:15,17
organize 81:22
original 17:19
OSRO 29:22 30:12 41:3
41:6
outcome 16:14
outside 66:17 86:1
88:21
overall 14:6 51:8 83:6
84:4 85:14 102:3
overseas 22:3
oversees 83:20
overview 74:21

P

P-R-O-C-E-E-D-I-N-G-S
4:1
page 15:8
pager 17:17
paid 60:1
Palabrica 2:19 6:3,3
paperwork 31:20
parallel 53:13 100:8
part 18:3 26:19 28:16
29:2 31:16 39:20 51:7
63:1,18 65:14,17
68:11 71:12 73:15
74:9 75:15,16 76:6,17
78:14 90:19 91:11
93:2 96:18
participate 14:1 28:5,13
47:7 61:2 79:14,15
participated 15:3
participating 27:20
28:3 33:6 86:5
participation 26:5
102:2
particularly 20:10
partner 28:4 84:20
partners 2:8 24:19
27:10 69:8 76:20
Pasadena 2:3
pass 75:18
passionate 101:9
path 50:1
paves 60:22
pecking 35:1
people 19:15 26:7,9
42:10 43:3,11 46:19

51:2 59:12 62:10
63:20 64:14 66:13,20
67:22 71:2,5 72:19
73:2 75:10 77:9 79:16
85:22 86:4,11,16
87:19 88:21 90:14
92:6 98:19
people's 40:7
perceive 90:17
percent 30:21 38:11
40:11 45:15
performance 13:5,9
18:20 19:2,9,12 76:16
83:17 84:13
performance- 15:18
performance-based
8:14 11:17 12:20 13:7
15:13 16:1,6 18:5,16
19:15 20:9 21:5 22:22
performing 45:13
period 54:11 98:11
person 7:14 63:13 65:5
65:5
personally 37:4
personnel 44:22
perspective 19:20
60:17,18 68:14 73:10
76:10 79:22 80:1,16
80:17 92:5
perspectives 65:4
66:21
phases 36:15
Phillips 2:5 6:16
philosophically 20:7
PHMSA 1:2 4:11 7:19
10:16 18:13 28:1
52:18 53:15 55:16
60:14 62:11 67:15,15
67:15 68:11,12,16
69:15 72:3,19 74:14
75:17 76:14 77:1,15
83:16,20 84:14,18,19
85:8,17 86:13 87:11
88:9,12,21 90:4 96:19
100:7
PHMSA's 47:5 73:17
77:20
PHMSA-2016-0032
10:19
phone 42:8 86:10
phones 5:8,9 10:21
pick 79:15
piece 41:19
pieces 48:4,15
Pierson 2:9 6:20,20
17:10,10 52:6 79:19
79:19 92:7,7 96:15,15
99:10,17,17 100:15

- Pipe** 2:9
pipeline 1:2,3,5 2:5,6
 2:10 4:5,8,10 5:19
 6:17,21 7:8,9 16:11
 24:17 30:1 33:16
 37:17 38:1 42:1,3
 46:11 47:11 55:21
 56:15,16 57:5 76:5
 79:22 81:15 82:20
 87:14
pipelines 4:13 16:18
 37:22 51:19 52:9
 55:12 81:21 82:3,5,11
 84:17 86:17
place 35:3 55:14 95:22
places 19:16
plain 88:8 95:12
plan 8:17 18:8 25:13
 26:11 27:17 29:4,8,21
 31:4,18 32:12,13 33:3
 34:6 35:2 36:5,10
 37:22 38:18 39:4,11
 39:20 43:7,8,14,21
 44:3,5 46:1 48:7,17
 49:7,14 54:4 56:8
 63:9 69:22 71:9
plan's 44:6
planned 61:16
planning 26:12 63:9,14
 95:12
plans 3:13 23:19 25:17
 25:22 26:2,5,9,10
 28:14 29:1 30:21 31:6
 31:7,10,11,13 32:22
 34:12,18 36:12,18,22
 38:8,16,20,21 39:16
 40:7,11 41:11,21 43:2
 43:8,9 45:16 49:4,12
 51:9 52:8,17 53:17,20
 54:12 55:13
platform 74:3
play 65:8 77:12
played 58:22
plays 72:8
please 10:20,22 11:4
plus 82:3
pluses 82:1
point 8:1 12:19 23:10
 28:9 68:12 92:19 93:6
 101:13
policies 4:12 73:7
 74:13 77:4 85:10 95:8
policy 37:8 73:13,14
Pollution 29:3,14
poor 57:5
popping 24:6
portion 101:14
positive 57:6 76:7
 88:12 92:1
possible 84:19
posted 14:1 15:7 37:8
potential 82:15 83:2
practice 27:7 75:2
practices 50:19,22
preach 75:2
predominantly 83:7
prep 45:17,18,19 46:2
 46:13 47:6,21 50:2,6
 50:13 94:7
prepare 36:18
prepared 26:13 97:2
preparedness 26:12
 52:2
prepping 95:5
prescription 16:7,9,13
 16:22 17:1 21:5
prescriptive 13:7 15:13
 16:4 18:10 19:2 20:12
 20:22
present 2:1,13 27:1
 57:22 81:5
presentation 51:13,16
 72:11 75:6
presentations 10:15
presented 11:10
presenting 23:20
President 53:2,3
presiding 1:20
pressures 20:22
pretty 8:18 18:10 40:3
 85:5
prevent 77:17
prevention 40:21 44:12
 44:17
previous 46:13
previously 34:19 36:5
primarily 28:20
primary 35:7,14 40:5
principles 63:7
prior 56:8
priorities 34:22
priority 9:11 34:17,19
private 13:18
proactive 69:22
probability 15:16
probably 8:3,11 9:17
 14:15 21:4 38:11
 39:12 47:8,15,16
 49:11 92:15,16 94:2
 95:3 96:18,22
problem 22:11
problems 20:5 31:1,2
 40:9
procedurally 93:22
procedures 24:15
 25:11 28:13
process 25:14 28:19
 31:9 32:4 34:12 35:4
 35:6,22 38:20 39:19
 39:22 46:8 47:21 63:3
 63:4,5,12,14,16,17,18
 64:12,18,22 65:3 66:3
 66:11 67:13 72:22
 74:7,9,10 77:10 88:13
 90:12,15,16,21 91:12
 93:2 94:12 98:20
processes 25:10 28:12
 54:10 70:8 79:6
produce 12:6,18
produced 10:14
productive 90:18
professionals 91:18
profile 65:14
program 8:17 11:19
 15:21 24:3,12,13,17
 25:11,20,21 28:18
 33:9 37:21 38:7 49:17
 50:5 71:5
programs 9:1 77:4
 85:11
progress 24:3 89:21
project 11:15 13:5
 21:21 63:11
projects 61:16 87:7
promote 71:17 76:15
 83:16 84:12
promoting 68:19 70:12
pronounce 58:2
properly 45:11
property 21:12
proposed 4:12 97:1
pros 14:14
protect 67:22
protects 21:12
protocol 101:1,2
provide 15:20 16:13
 23:6 33:7 38:17 41:6
 41:8,12 42:4 55:1
 63:22 64:17 66:2
 69:20 79:5 82:7
provided 6:22 53:21
 55:1
provides 17:2
provoke 96:1
provoking 93:10
proximity 82:18
public 1:7 6:19 7:4,10
 12:10 13:15,17,17,19
 15:1 21:1,6 22:4
 23:11 26:3 42:21
 50:17 57:11 62:3
 68:21 76:21 77:15,20
 82:19 84:1,11 85:1
 86:10,14,19 87:12,22
 88:9 89:3,5 91:16
publically 99:18 100:1
publicly 6:22
publish 50:18,22
published 46:3
Puerto 16:20
pulling 14:4,22
purchases 37:15
pursuing 69:1 99:20
pushed 42:13 49:15
 98:10
put 24:5 25:15 35:6
 37:10 40:18,19 50:9
 50:22 62:1 71:5 75:3
 78:15 92:5
putting 25:14 50:21
 51:17
-
- Q**
-
- QI** 44:6
QIs 28:11
qualified 19:7,9 34:21
 36:8 41:10,11,14 44:4
qualify 19:7
quality 35:13 51:8
question 11:4 17:16
 22:9,11 56:21 76:1,4
 76:6,13,14 77:1,5,14
 78:4,8,17 79:20 80:3
 80:13 81:21 83:15
 84:3
questioning 16:16
questions 23:3 52:4
 56:18 75:4,13,15 78:1
 79:18 80:18 81:4,11
 86:11
quick 57:3 99:11 100:2
quickly 51:5 96:19
quite 9:19 16:22 22:12
 91:21
quote 63:2
-
- R**
-
- rail** 49:17
rain 101:22
raised 98:5
raises 22:10
ranged 87:17
rate 40:4 78:12
rateable 100:9
rating 85:14 87:15
 91:14
raw 71:4
re-engagement 27:9
re-engineered 24:13
re-trade 19:4
reach 14:15
read 67:2,10 75:22

readings 18:9
ready 57:21 94:21 95:7
 95:15
real 83:3
realistically 21:3
reality 34:11
realize 100:10,12
realizing 100:3
really 9:1 12:1 17:2,20
 19:8,10,13 20:14 22:9
 26:11 34:8,15 39:8,11
 39:16 40:6 41:1,19
 42:13,13 43:17,22
 44:18,19 45:12 47:22
 49:1,15 51:16 56:15
 60:15 64:9,17 75:10
 86:6,8,9 87:5 89:15
 90:8 91:17,18 92:1
reason 61:5
recall 9:5 52:15
receive 73:5
receives 74:19
recognize 11:5 54:9,12
 54:17 85:1 97:7 99:18
recognizing 73:19
 74:14
recommendation 27:4
 35:18 49:21
recommendations
 98:22
Reconvene 57:15
record 10:14 57:18 81:1
 102:7
recorded 10:13
records 19:5
recoveries 50:21
recreational 82:13
recycling 39:13
redact 37:4
redaction 37:3
redacts 37:2
redo 38:15
reduce 44:14
reengage 24:10
reengaged 24:19,22
 27:19
reference 12:19 84:6,7
regarding 93:20
Regardless 95:17
regards 7:17
Region 38:10 43:7
regional 47:5
regions 89:8
Register 46:9 51:1
regulate 22:12 70:14
regulated 28:8 76:16
 83:17,19
regulation 12:21 13:8

13:10 18:16,21 22:22
regulations 11:17 13:5
 15:13,19 16:1,6 18:5
 20:6,10,17 22:6 33:2
 37:13,20 39:8 41:16
 44:11 53:6,19,20 54:6
 55:19 56:13 74:18
 77:4,13 85:10
regulator 20:8 21:8,10
 22:10 55:9 90:4 92:4
regulators 14:8
regulatory 11:19 26:10
 26:15,22 27:8 31:5,8
 31:12 51:20 84:15
 86:6
related 77:7
relatively 10:6 51:5
 82:9
relentless 99:20
reliable 70:22
remark 99:19
remarks 3:7 101:5
removal 25:4 28:11
 29:16 32:5
remove 77:18 90:22
removed 36:5
removing 29:17
renaissance 38:10
report 72:16 93:1,5
represent 12:3 62:16
representation 15:6
 87:9
representations 28:1
representative 27:14
 48:3
represented 62:22,22
 69:16 91:8
representing 6:19,21
 7:4,6,10 12:2 84:1
 85:13
represents 25:3
reproach 74:20
request 36:21 37:1
require 30:19 31:1 33:1
 40:11 41:12 42:11
 44:21 54:13,18
required 29:21 37:14
 41:15 43:19,22
requirements 16:5
 18:10 29:2 30:4,5
 31:12 44:21 45:15
 53:16,22 54:1 84:15
requires 23:1
requiring 29:7
Research 5:17
resiliency 99:21
resolution 90:12
resolve 91:4

Resource 29:13 30:13
resources 29:10,20
 30:8,9,14 31:21 32:9
 34:21 40:22 41:7,9
 45:2 50:12 56:2
respond 45:3
responding 26:19 34:2
 54:16
response 3:13 8:17
 23:9,12,19 24:21 26:5
 26:22 27:15,16 29:10
 29:13 30:2,3,8,9,13
 30:14 31:18,21 33:9
 34:6,20 37:21 38:14
 40:22 41:7,9 42:6
 43:9 45:2 46:1,20
 48:3,4,6,14 50:11
 51:8,10 52:8 55:13
 56:1 57:12 80:19
 83:14 93:15 96:19
 99:2
responses 78:5
responsibilities 27:16
 53:4
restated 67:20
restrict 82:21
resubmission 39:20,21
resubmissions 37:9
 39:7
result 57:8
results 17:6 19:11
resume 57:21
resumed 57:18 81:1
rethinking 23:2
revamped 38:19
revenues 82:7
review 8:17 18:4 28:19
 31:13 32:4 34:17 35:4
 35:6,7,13,22 36:6
 39:17,18 43:17 55:8
 70:7 73:13
reviewed 24:13 25:17
 26:1,2,8 36:6 39:4
reviewer 35:18 40:5
reviewing 31:9
reviews 35:16 55:7
revise 17:18 43:16
revised 17:19 24:18
 37:21
revisit 24:9
revitalize 24:10 74:10
revitalizes 61:3
Rich 98:13
RICHARD 2:7
Rick 6:18 56:19,20
Rico 16:20
right 4:3 5:4,5 7:20
 16:14 21:22 23:16

30:19 33:5 35:14
 39:14 50:1 52:10,13
 58:6,10 79:7,12 80:20
 82:9 86:7,19 89:19
 90:2 91:6 99:4
right-of-way 83:2
risks 17:3
Robert 2:21 3:11 5:15
 5:16 8:15 11:10,11,15
 87:13
robust 50:4 67:6 73:8
 76:12 95:15
role 7:15 21:8 72:8
 76:22 77:12,20 92:4
Ron 2:8 18:17,18
room 5:1 59:10 75:19
 89:15 97:17
rotate 78:20
roughly 30:21 38:8
 57:15
rule 9:6,14,16 19:15
 94:22 95:1,3 100:18
 100:22
rulemaking 3:10 5:22
 6:2,4 8:14,14 9:12
 11:9,18 73:6 74:7,10
 77:7,9 92:15 97:1
 100:5,6
rulemakings 9:21 98:9
rules 10:7 69:19 77:13
 94:18 96:9
run 69:6 93:22 94:17
running 82:8
runs 13:13 14:3
rupture 9:15
rural 80:10

S

safe 68:1 76:11 102:4
safest 82:4
safety 1:2,3 2:10 4:8,12
 4:18 5:19 6:14 7:10
 11:17,20 15:22 21:12
 21:16 33:16 34:3
 60:17 67:19 68:20,22
 69:7,21 70:3,5,11
 71:6,9,15 76:5,15
 77:22 81:15 83:17
 84:6,7,12,18 85:2,3,4
 92:2
Salerno 1:19 2:2 3:8
 4:17 6:12,12 10:2,4
 14:9 17:8 18:17 19:21
 23:10,13,16 51:14
 53:8 55:5 56:17 57:10
 57:13,20 58:4,7,10
 81:17,20 83:10 93:8
 93:16 98:21 99:4,6

101:12
sample 62:11
San 16:19 60:2,4,6
Satterthwaite 2:20 5:21
 5:22
saw 47:17
saying 16:15 39:5,14
 47:19 52:10 59:9
 64:15
Sayler 2:19 6:3
says 28:21 33:2 34:15
 36:22 56:12,14
SCADA 32:17
scenario 57:4,5
scenarios 57:1
schedule 57:14 89:2
 98:10
scheduled 93:17
scheduling 98:6,14
Science 11:9 26:18
Sciences 8:13
scope 17:18,19,19
 60:14 78:17
score 83:6
screen 8:10
screens 94:20
seat 61:15
second 58:18 69:4
 75:11 76:14
secondary 35:7,13,17
 40:5 44:13,19
Secretary 52:16 58:13
sections 44:1
security 5:19 37:5
security-sensitive 37:6
see 5:8 7:22 8:3 18:14
 24:2 38:22 39:6 47:16
 52:13 53:6 54:6 55:3
 56:22 60:10 62:17
 69:9 70:3,21 78:22
seed 94:8
seeing 39:13 63:3
 96:21 100:5 102:4
seen 15:14 24:4 34:9
 50:19 57:2
segment 46:21 62:8,15
 62:15 97:18
send 7:17 94:10 96:13
sense 22:6 24:14 37:12
 46:18 47:1,19 50:13
sensitive 37:5 42:22
 43:5
sent 40:13
separate 35:7
September 13:13
sequentially 36:20
series 58:20
serve 4:15 73:2

server-based 74:5
services 2:4 72:14
 82:19
servicing 7:14
session 93:10
set 11:4 18:11,14 22:13
 30:13 58:15 67:17
 89:20,21
sets 59:2
setting 75:8,12
share 21:17 64:16 66:1
 99:1
sharing 66:4
shift 19:19 56:22
shifted 65:7
shock 67:1
shoes 101:10
shore 51:21
short 57:15 58:14 59:6
 96:22
show 40:15
showing 27:1
shutdown 32:13,14,19
 44:11
side 11:5 19:13 20:19
 34:4 60:7 82:3,14
 100:20
significant 14:9 31:6,10
 50:7 54:14 55:21 78:9
 85:15,16 87:16,20
 92:13
silent 17:12
similar 47:3 65:21
 66:22
simply 35:6
sit 40:4 44:16 45:4 50:7
 54:12 59:18
site 10:17 69:20 70:17
 70:18,22 71:2 74:3
 88:15
situation 22:18
six 30:10
skill 18:11,14
skills 22:13
slide 24:4,7 34:9
slides 59:4,4
slightly 8:9
Slope 16:19
small 61:1 89:18
smaller 75:7
Smith 2:21 3:11 5:15,16
 5:17 8:15 11:10,12,15
 17:16
smoother 97:7
smoothly 94:1
SMS 19:14 25:14 70:13
 71:11,20 72:1,2,3
society 22:4

solicit 93:20
solutions 62:10 76:19
 100:1
solve 23:1
Somebody 22:8
soon 8:2 59:12 96:10
 98:11
sooner 96:10
sorry 56:19 58:4
sort 94:8
sounds 21:20
source 82:5
South 58:9
space 34:1
span 39:11
speak 7:15 10:22 27:17
 52:12,19 81:18
special 60:15
specific 45:20 46:16
 55:19
specifically 42:5 44:9
specifics 16:7
spectrum 74:1
spend 97:20
spiel 59:13
spill 3:13 8:16 23:19
 25:1,2,4 26:4,13,22
 27:16 28:10 29:3,16
 30:5 32:5 33:9,11
 34:6 37:21 43:9 45:8
 48:5,6
spills 26:20
split 78:2
spoke 25:16,20 69:13
spokesperson 81:5
 83:21
staff 2:13 3:5 5:11
 24:15 28:2,2,3,20
 33:10,11,12 37:2 40:8
 94:14
Stafford 1:18 48:9,15
stage 66:8
stages 9:7,16 13:15
 64:1
stairs 5:3
stairwell 5:6
stakeholder 3:16 57:22
 63:10 65:20 67:7,12
 68:21 70:15,18 71:10
 71:11,21 72:7,8 74:9
 75:1 77:6,15 86:22
 87:7,12 90:9 91:16
stakeholders 12:8,9
 61:9,22 62:6,7,15,19
 63:3,6,15 64:5,7,8
 66:13 67:9 69:21
 70:20 71:22 76:18
 77:2,11,21 85:2,8,18

86:15 89:17,18
standard 12:10 21:11
 24:14 74:8
standards 5:22 6:1,4
 21:2 25:10 71:15
standing 12:4
standpoint 34:10
start 5:11,13 10:11
 58:19 61:7 62:8,17
 63:10 64:22 66:2
 79:11 87:15 95:4
started 4:9 14:21 19:18
 62:12 71:19 72:21
 74:12 78:8 80:18
 81:14 87:19 95:9
starting 57:7 63:14
starts 55:16 63:19
state 39:9 41:18 45:16
 51:21 53:19
stated 45:4 46:13 47:11
statement 67:21
states 48:10 53:14,14
 53:15,21 54:1,10
 55:20
stating 94:2
station 18:9
statistics 25:19 30:20
 38:6 71:6
status 52:7,11
statutorily- 4:10
stay 17:7
step 19:10 73:16 78:12
 90:13 91:5
steps 64:12
Steve 6:7
sticks 85:5
stool 33:5
story 88:12 90:3,5
 92:17
strategic 68:10,18
 84:21
strategy 17:11 68:15
Street 1:18
strengthened 67:21
strengthening 86:12
striking 62:6
strong 65:17 69:7 70:15
structure 36:9 43:10
 48:19 63:6 70:8
structured 72:15
structures 48:20
struggled 91:15
studies 12:5,15,17
study 3:10 8:13 11:9,14
 11:18,18 12:22 13:1
 13:12 14:3,10,20 17:5
 17:12 20:2 22:1 23:5
study's 15:8

stuff 65:1 88:2,6,7,10
97:8
stymied 100:4
subject 11:22 12:20
14:5,7 42:20
submissions 39:7
submit 37:21 54:5
submitted 39:3 53:21
56:9
subset 89:18
substance 48:6,13
Substantial 31:6,7,10
31:10
success 40:4
successful 28:15
sufficient 41:6
summary 81:6,6
support 5:20 48:11,12
48:17 72:17
supportive 49:18
supposed 45:20,21
58:9
sure 5:9 7:22 21:10
29:1 30:3,14 31:20
32:4,7 35:2,14 36:3,7
36:10 38:4 41:20 54:5
65:2 72:10 73:3 81:12
84:9 93:10 95:11
sustainability 65:12
swallow 96:19
System 24:18 42:1
systems 30:12 69:18
70:11 71:16 84:7,8,19
93:3

T

T-A-B-L-E 3:1
table 11:3 23:8 27:21
47:18 56:18 61:15
64:5,9 79:9
tad 8:12
take 5:5 17:15 18:15
22:1 36:13 54:20
57:14 60:5 62:9 71:21
79:4 93:11 102:5
takeaways 46:12
taken 39:16 53:14
70:21 72:10 92:20
takes 18:9,21
talk 8:5,16 12:19 46:7
59:3,6,11 63:13 71:3
89:15 94:9
talked 21:16 62:2 67:7
75:5 94:22
talking 18:6 26:1 45:17
66:9 67:12 68:8 80:13
93:19
Talks 88:15

tank 44:13 46:15,17
47:2
tankage 57:2
tanks 40:21 44:1
task 19:18
tax 82:7
team 24:21 27:15 48:3
48:5,7,14 72:14 75:21
81:10
technical 20:11,12
72:13 73:1 92:22
technology 20:14,15
tell 24:11 25:7 43:12
64:19 66:15 88:11
90:3,5
telling 64:14 92:17
tendency 20:21
tends 24:8 50:3 91:21
tenses 24:8
tent 11:4
term 79:20 80:4
terrain 54:21
tertiary 44:18
test 18:9
thank 6:22 7:11 10:6,9
11:12 15:2 18:18
23:22 51:13,14 57:9
57:16 58:12 59:1
87:10 89:9 93:9 98:4
100:1
thanks 6:10 10:3 11:13
15:9 80:20 83:9 92:6
92:19 100:15,16
they'd 33:21
thing 19:19 23:1 33:10
47:3 48:20 52:1 57:9
64:11,20 65:11 73:11
96:22 97:11 100:21
things 19:12 21:18
25:11 34:7 41:2 43:2
44:10 47:3,22 48:22
65:14 66:9 67:6 70:19
72:9 80:6 82:8,15
86:3 93:1,4,12 94:16
94:17,19,21 95:20
97:20 98:2 100:8,18
think 8:1,3,5 9:22 14:16
14:19 16:15,17 18:19
19:14,18,19 20:7
21:21 22:9 47:17,20
47:21 52:7,10 57:6,6
57:20 58:15 59:2,13
59:18,19,19,21 60:18
61:5,6 62:6 64:15,19
65:6 66:19 67:13 68:9
69:12 75:19 76:12
77:19 78:16 79:8 81:3
85:19 90:4 91:7,19

92:9,14,17 93:2,6
94:10,17,21 95:4,7,10
95:21,21 96:11 97:11
98:12,19 99:5,6 101:8
101:12,19 102:2
thinking 61:21 66:17,18
75:20 77:19 95:19
100:17
third 33:5 57:21 77:1
84:5
thorough 51:15 55:7
95:13
thought 4:19 8:2 75:17
86:22 87:1 93:19 96:1
thought- 93:9
thoughts 81:22 83:12
96:12
threats 16:20 17:3
three 19:22 39:12 40:7
54:3 69:3 98:14 102:3
threshold 92:11,13
throw 39:18
tier 30:3,4,4,4,7,15
ties 74:11
tightening 21:1
Tim 7:7
time 8:7,12 9:5,19 14:4
14:22 25:20 30:5,15
30:22 31:14 39:3,13
39:16,17 44:7,11 48:5
56:10 61:18 63:21,22
64:6 65:18 88:7 89:2
96:22 97:20,22 99:16
101:20 102:5
timely 88:19 89:5
times 12:5 32:13,14,19
55:10 57:2
timing 98:6
TIMOTHY 2:6
tireless 99:20
Title 74:13,18 80:5
today 8:1,9,21,22 10:2
10:6,16 11:14 18:22
25:6 38:8 58:16 59:3
61:6 67:7,12 69:14
75:6 81:13 93:17
today's 4:16 20:13
Todd 2:5 6:16 53:10
55:5,6 85:12 89:13
tone 58:15 59:2
tool 29:19 30:13
tools 71:1 95:14
top 9:11 40:13
topic 23:17 26:20
topics 42:20
tops 27:22
totally 38:15 43:10
touch 25:5

touches 9:7
tracks 19:16
trade 15:2
trades 87:4
traditional 64:5
traditional-type 86:2
traditionally 76:8 80:3
80:9,12,15
trailer 45:5
train 22:19
trained 19:6,8 40:9
44:22
training 19:5,10 50:12
90:10
transcript 10:14,15
11:2
transfer 60:8
transmission 9:14 15:5
95:1
transparency 64:2
84:10 87:21 88:1,2
transparent 84:21 91:1
transportation 1:1
58:14 59:16,20 60:11
60:15 61:10 67:19
68:1 73:12 82:4 88:22
Transportation's 27:14
travels 102:4
traverse 51:19
tribal 73:13,18,18,20
74:1
tribes 87:3
tried 17:17 94:6
true 62:7
trust 2:10 7:10 68:21
72:7 77:15 87:12,16
87:22 88:3 91:16,16
92:9
try 12:7,15 13:4 14:16
17:22 64:7 68:12
70:21 89:1 98:12
99:22
trying 19:3 62:18 63:1
64:12 66:19 71:21
74:10 96:17,20,21
97:3,4,8,13 98:1
tuned 17:7
turn 4:19 10:1 38:2
58:11,13
turnaround 39:2 55:10
turned 9:17 59:22
two 9:10 19:22 23:6
35:7 37:7 39:12 44:10
48:4,15,19 53:8 69:4
82:1 94:19,20 95:3
96:6 98:16 99:11
102:3
two-and-a-half 58:20

two-stage 35:5
TX 2:3
type 11:19 12:18 40:12
 45:6 49:13
types 20:4 74:5
typically 16:2,4 56:10

U

U.S 1:1 2:2
ultimate 19:15
unanimously 81:18
unannounced 28:6
 47:10,14
under- 50:20
undermined 92:10
underneath 78:18
underserved 76:8
 79:21,22 80:1,4,9,13
 80:15
understand 13:8,10
 33:21 38:18 43:11
 63:16,20 71:8 73:7
 86:5 92:3,4
understanding 12:13
 34:4 53:1 56:7
understands 52:1
unintended 61:14
unions 87:3
unique 22:4,18
United 48:10
units 34:21
update 9:4 39:3 46:5
 55:18
updates 9:2
updating 47:21 51:7
uptick 39:7
urge 14:1 92:14
URL 13:19
use 13:7 29:12 30:11
 31:9 48:19 69:19,19
 70:4 71:7 78:7 79:20
 80:4 85:4 92:12
uses 82:12,13 85:3
usually 98:10

V

vacancies 72:22 73:4
VADM(R) 2:2
validate 32:1
validation 43:18
value 20:10 22:20 64:18
 64:21
values 65:8 66:10 83:3
valve 9:15
variables 40:18
various 51:21
vary 22:17
vast 86:19

vehicles 12:17
verification 43:18
verified 29:9 32:10
verify 32:1 41:22
verifying 29:6 32:12,21
 44:20
versus 16:13 18:8
 64:18
vetted 9:16
Vice 1:19
video 58:14,21,22 61:9
 63:2 74:12
views 21:7 91:8
Virginia 1:18
virtually 58:14
visibility 82:11
visible 12:1
vision 67:18 68:3
visualization 71:1
visualize 69:18
visuals 59:5
voice 90:14,16
voices 20:9
volume 40:17
volumes 54:21
voluntary 84:19
Voluntold 81:19,20
vote 10:7 78:13 84:4
voted 19:4
voting 8:22 95:9

W

W 2:3
wait 75:11
walk 97:17
want 15:2 17:14 19:11
 19:13 20:15,16 36:3
 36:10 49:13 61:19
 65:1 67:8 68:11 72:2
 72:2 73:1,9,9 75:13
 76:6,17 77:10 78:13
 79:13 86:17 89:10
 95:2 96:12 101:20
wanted 6:22 8:1 81:12
 100:1
wants 20:15
warning 47:13 59:11
Washington 54:2 85:18
Washington-approved
 54:4
watchdog 21:10
watching 37:13
water 46:22
way 9:10 14:3 17:4
 19:20 22:12 31:13
 38:13 58:6,8 59:19
 60:5,7,22 61:6 65:18
 66:2 68:16 84:21

87:17,18 90:17 92:16
 93:4 96:1 97:5 100:9
 101:8
ways 76:17 90:20 94:11
 95:10,18
we'll 5:11,13 6:11 7:22
 8:12,17 9:19 11:6,7
 14:16 16:5,6 17:8
 23:18 32:16 40:9 42:7
 42:11 47:11 53:9
 58:11,17 78:2 79:8,9
 79:11,12 81:3,4 87:15
 101:16,18
we're 5:1 9:13 16:15,16
 18:4 21:3 24:22 25:7
 25:13 29:3,6 31:18,20
 32:11 34:3,4,7 37:11
 39:12 43:21 44:9 45:1
 45:3,6 47:22 49:18
 50:11,18 57:13,20
 58:9 59:3,7 61:5 63:1
 63:22 64:18 72:12
 73:11,15 74:2,6,7,22
 74:22 75:6,14 77:6
 78:17 79:4,7,14 80:13
 91:17 92:4 94:18 95:8
 95:12 97:1,19 98:10
 99:5 100:5,17,19
 101:13
we've 13:1 15:14 18:12
 24:12,12,15,18,18,21
 25:6,12,14 26:20
 28:15 33:13 36:12
 38:15 39:6,8 42:12
 43:2 47:3 49:1,15
 50:19,20 69:17 70:21
 72:9,20 75:20 94:6
 95:4,9 96:5
web 10:16 15:8 69:20
 70:17,18,22 71:2 74:3
 84:11 88:15
weeds 62:21
week 9:9 46:6 72:11,12
 72:21,21 73:8 86:3
 94:14,16
weekends 86:3
weigh 64:10,16
Weimer 2:10 7:9,9
 53:11 97:11
welcome 4:5
welcomed 96:12
well- 97:1
well-run 69:5
well-thought 63:12
went 34:4 57:18 62:2
 81:1 94:16 100:4
 102:7
Wiese 7:15 11:22 24:6

Wiese's 99:19
Williams 6:8,8
willing 88:6 91:2
willingness 99:22
wins 19:13
wish 8:7 102:4
wondering 53:11
wording 56:12 97:21
wordsmithing 10:7
work 16:9 20:11 33:11
 34:6 40:6 49:19 60:21
 62:10 69:16 71:13,17
 71:20 73:21,22 75:16
 76:3 77:2,21 78:9,10
 79:1 83:8 84:4 85:8
 85:15,16,16,17 87:17
 91:16,18 92:6 100:20
worked 9:8 17:4 22:2,3
 27:12 46:4 49:1 60:4
 95:21
workforce 22:14,19
 87:5
working 7:19,19,20
 9:13 19:12 24:22 27:1
 27:5 34:1,3 50:18
 68:5 73:12,15 88:11
 88:14
works 22:2 25:3 63:17
workshop 26:3,7,19
 42:21 50:17
world 67:20
worry 101:22
Worsinger 98:13
worst 29:5 32:15,20
 35:10 36:8 40:14 44:8
 44:14 46:14,15,20
 54:19 55:22 57:1,3
worth 23:5
wouldn't 47:13
wrap 8:18,21 81:3 98:1
wrap-up 3:19 101:16
wrestled 18:22
wrestling 20:4
write 16:21 17:1 78:4
 100:21,22
written 37:1
wrong 29:6 34:4 40:20
wrote 85:19
www.regulations.gov
 10:18
Wyoming 42:10

X

Y

yay 79:7
year 13:13 41:4 50:9
 98:14 100:4,4,19

year-and-a-half 24:1	385 25:22 38:8	
years 39:9,12 46:4 59:21	4	
yesterday 7:16 9:14 19:1 21:16 94:22 95:18,20 97:12	4 3:3 87:11 91:14 488 38:8 49 29:2	
Z	5	
zone 30:2	5 3:5	
zones 38:14	50 30:21 38:11 40:11 50,000 92:11,12 58 3:17	
0		
1	6	
1 30:4,7 81:14,18 83:10	6 74:13,18 80:5	
10 3:8 47:12 48:12 57:15 59:12 78:19	66 2:5 6:17	
10-digit 42:11	7	
10:21 81:1		
10:50 81:2	8	
101 3:20 66:1 90:9	8:30 1:18	
10th 46:6	8:32 4:2	
11 3:11		
11:13 102:7	9	
12 23:14 30:11	9-1-1 42:8,9	
12th 13:16,19 15:1,4,7 26:4	9:33 57:18	
14th 13:16	9:45 57:16	
15 59:21	9:54 57:19	
16 27:15	90 31:17 43:6 48:16 53:1	
190 31:16	950 1:17	
192 15:12		
194 29:2 43:5 44:21 51:7		
194.121 55:19		
195 15:11 43:4		
1990 29:3,14		
2		
2 23:19 30:4 83:15,21 84:3		
20 50:8		
2013 25:22		
2015 39:1		
2016 1:12 14:16		
2017 13:14 14:16		
2020 68:13		
2021 67:15 68:11,17 69:15 75:17		
21-month 13:12 14:20		
23 3:14		
24-hour 41:13		
3		
3 1:12 30:4 85:7		
30 39:6		
30-day 39:2		
33 29:18		

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This is to certify that the foregoing transcript


In the matter of: Liquid Pipeline Advisory Committee

Before: US DOT

Date: 06-03-16

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