

DEPARTMENT OF TRANSPORTATION
OFFICE OF PIPELINE SAFETY

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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GAS PIPELINE ADVISORY COMMITTEE

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TUESDAY,
JUNE 6, 2017

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The Gas Pipeline Advisory Committee met in the Westin Arlington Gateway, F. Scott Fitzgerald Room C, 801 North Glebe Road, Arlington, Virginia, at 8:30 a.m., The Honorable David W. Danner, Chairman, presiding.

MEMBERS PRESENT:

DAVID W. DANNER (Government), Chairman,
Washington Utilities and Transportation
Commission

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

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

J. ANDREW DRAKE (Industry), Vice President
Asset Integrity and Technical Services,
Enbridge Gas Transmission and Midstream

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

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

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

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

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

STAFF PRESENT:

ALAN MAYBERRY, Designated Federal Official,
Associate Administrator for Pipeline
Safety, Office of Pipeline Safety

AMAL DERIA, Assistant Counsel, Office of Chief
Counsel

JOHN GALE, Director, Standards & Rulemaking
Division, Office of Pipeline Safety

STEPHEN GORDON, Assistant Chief Counsel,
Regulatory Affairs, Office of Chief
Counsel

ROBERT JAGGER, Technical Writer, Standards &
Rulemaking Division, Office of Pipeline
Safety

HOWARD MCMILLAN, Executive Director, PHMSA

STEVE NANNEY, General Engineer, Engineering and
Research Division, Office of Pipeline
Safety

SAYLER PALABRICA, Transportation Specialist,
Standards & Rulemaking Division, Office of
Pipeline Safety

MARK SANBORN, Director, Governmental,
International and Public Affairs, Office
of Pipeline Safety

CAMERON SATTERTHWAITTE, Transportation
Specialist, Standards & Rulemaking
Division, Office of Pipeline Safety

CHERYL WHETSEL, Advisory Committee Manager,
Standards & Rulemaking Division, Office of
Pipeline Safety

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

2 (8:33 a.m.)

3 MR. MAYBERRY: Good morning. I would
4 like to welcome you to the Gas Pipeline Advisory
5 Committee meeting. Thank you for joining us.
6 Under the Federal Advisory Committee Act, I serve
7 as the designated federal official. As such, I'm
8 the presiding official. And by the way, my name
9 is Alan Mayberry, I'm the Associate Administrator
10 for Pipeline Safety.

11 I would also like to introduce our
12 Chairman today, it's Chairman David Danner from
13 the Washington Utilities and Transportation
14 Commission.

15 Dave is being baptized by fire today,
16 it's his first advisory committee meeting after
17 being recently appointed. And he's also chairing
18 the meeting today. So welcome, Dave. And Dave
19 is also a, he represents the Government on our
20 committee.

21 Just a few housekeeping items.

22 Restrooms, I'm not sure if you know, are if you

1 go out the doors behind here to the right you'll
2 see a group of restrooms around the corner.
3 Also, if you go down the other way and around the
4 horn, there are also restrooms located in that
5 direction as well.

6 As far as emergency exits go, you go
7 out these doors behind me again and to the left,
8 and you can go downstairs that way, is the way to
9 get out of here. Also, I reference the, there's
10 a diagram located at the table.

11 This is an Advisory Committee meeting
12 and as such, you know, we expect our, obviously
13 the members and participants to conduct
14 themselves in a professional manner.

15 And if anyone acts unprofessionally,
16 you'll be asked to leave the meeting. I don't
17 think I need to say that, but just in case anyone
18 has any other thoughts.

19 As far as the business and
20 participation and the presentations today, we do
21 ask that parties hold their comments until we
22 open the floor. And I'll run through the order

1 in a bit as far as how we'll go through that.

2 Also, please keep your remarks brief,
3 to less than five minutes. I may have to ask you
4 to cut your comments short just to keep the
5 agenda moving.

6 I will say related to the agenda, we
7 have a robust agenda, however we're not planning
8 to rush through anything. I want to have a
9 robust dialogue, in particular on, you know, some
10 of the issues that are fairly technical.

11 So we do want to have a robust
12 conversation. So while you may have seen an
13 agenda that's quite heavy in topics, we don't
14 expect to be rushing through it by any means.
15 And then written comments should be submitted to
16 the docket which is PHMSA-2016-0136. That's
17 PHMSA-2016-0136.

18 Again, this is a Federal Advisory
19 Committee meeting and we ask that, you know,
20 members and also members of the public that we
21 just preserve order and decorum during this
22 meeting.

1 And I think with that I will hand off
2 to Chairman Danner who will officially call the
3 meeting to order. Chairman Danner?

4 MR. DANNER: All right, thank you very
5 much, Alan. As Alan said, this is my first
6 meeting. And obviously then that means my first
7 time at the chair. And my job is to officially
8 call the meeting to order. And so I call this
9 meeting, the Gas and Pipeline Advisory Committee
10 to order.

11 I have a few notes. This meeting is
12 being recorded and a transcript will be produced
13 for the record. The transcript and the
14 presentations will be available on the PHMSA
15 website and on the egov docket. And that's
16 www.regulations.gov.

17 That's www.regulations.gov. And the
18 Docket number for this proceeding is PHMSA-2016-
19 0136. Again, that's P-H-M-S-A, -2016-136. So
20 this meeting is being recorded, so it's important
21 to introduce yourselves each time you speak so
22 your comments can be acknowledged in the meeting

1 transcript.

2 I'm going to try and keep order here
3 today, so if you want to speak, please set your
4 tent card on its side and I will call on you.
5 And with that, I would like to then take roll and
6 acknowledge the members of the Committee who are
7 here, and the Staff.

8 And so again, I'll introduce myself.
9 I'm David Danner, I'm Chair of the Washington
10 Utilities and Transportation Commission and a
11 member of the Committee. And why don't we start
12 down at your end of the table and work around.

13 MR. TURPIN: Terry Turpin with the
14 Federal Energy Regulatory Commission.

15 MS. GOSMAN: Sara Gosman with the
16 Pipeline Safety Trust.

17 MR. ALLEN: Steve Allen, Indiana
18 Utility Regulatory Commission.

19 MR. PALABRICA: Sayler Palabrica,
20 Office of Pipeline Safety.

21 MR. JAGGER: Robert Jagger, Pipeline,
22 Safety, Standards and Rulemaking Division.

1 MR. GALE: John Gale, Office of
2 Pipeline Safety.

3 MS. DERIE: Amal Deria, Office of
4 Chief Counsel.

5 MR. GORDON: Stephen Gordon, Office of
6 Chief Counsel.

7 MR. NANNEY: Steve Nanney, PHMSA.

8 MR. MAYBERRY: Alan Mayberry,
9 Associate Administrator, PHMSA.

10 MR. WORSINGER: Rich Worsinger, City
11 of Rocky Mount, North Carolina.

12 MS. FLECK: Sue Fleck, National Grid.

13 MS. CAMPBELL: Cheryl Campbell, Xcel
14 Energy.

15 MR. ZAMARIN: Chad Zamarin, Cheniere
16 Energy.

17 MR. DRAKE: Andy Drake, Enbridge Gas
18 Transmission and Midstream.

19 MR. HILL: Robert Hill, Brookings
20 County, South Dakota representing the public.

21 MR. DANNER: All right, thank you very
22 much. And just a reminder, please when you

1 speak, make sure you speak into the microphones
2 so that it can get recorded. Okay, that's my
3 responsibility this morning. I'm now going to
4 turn it back to Alan.

5 MR. MAYBERRY: Let' see. Cheryl, did
6 we, I know we went around the room, but we have a
7 roll call?

8 MS. WHETSEL: Sorry, Mr. Chairman.
9 Okay, official roll call. If you could just say
10 here. Steven Alan?

11 MR. ALLEN: Here.

12 MS. WHETSEL: Diane Burman?

13 PARTICIPANT: She will not be here
14 today, but tomorrow.

15 MS. WHETSEL: Dave Danner?

16 MR. DANNER: Here.

17 MS. WHETSEL: Terry Turpin?

18 MR. TURPIN: Here.

19 MS. WHETSEL: Cheryl Campbell?

20 MS. CAMPBELL: Here.

21 MS. WHETSEL: Andy Drake?

22 MR. DRAKE: Here.

1 MS. WHETSEL: Sue Fleck?

2 MS. FLECK: Here.

3 MS. WHETSEL: Richard Worsinger?

4 MR. WORSINGER: Here.

5 MS. WHETSEL: Chad Zamarin?

6 MR. ZAMARIN: Here.

7 MS. WHETSEL: Mark Brownstein is not
8 here. Sara Gosman?

9 MS. GOSMAN: Here.

10 MS. WHETSEL: Robert Hill?

11 MR. HILL: Here.

12 MS. WHETSEL: Robert Kipp is not here,
13 and also Richard Pevarski. They will not be
14 attending. Thank you, all.

15 MR. MAYBERRY: Just so Cheryl, I take
16 it we have a quorum today?

17 (No audible response.)

18 MR. MAYBERRY: Okay, just a couple of
19 other items. We're shifting the agenda today a
20 bit. We, as far as opening remarks, if you saw
21 the agenda we had Todd Inman with the Office of
22 the Secretary. Todd will be here tomorrow

1 actually. And then Mac will probably just
2 handle, Mac McMillan, our acting Deputy
3 Administrator, when he arrives.

4 And before I get to my remarks, just
5 related to the agenda, like I said, we had
6 submitted a fairly robust agenda, perhaps not as
7 precise as some may wish as far as the exact
8 agenda. But it's kind of hard to gauge these
9 things because it depends a lot on the level of
10 conversation.

11 But like I had mentioned before, we do
12 plan to have a thorough discussion on each topic.
13 If we see that we're not making progress, we may
14 table a topic and come back to it later, but our
15 goal here is to at least catch up on the
16 unfinished business that we had from last time.

17 We'll have a vote on those items, and
18 then move on to new business which will be issues
19 such as material verification and integrity
20 verification process again, to really have the
21 dialogue on those and the socialization of those
22 topics and others, but not necessarily have a

1 vote on those. I anticipate that the vote on
2 those will not happen until the next time.

3 Also, related to the number of
4 meetings, you've probably heard me mention that
5 we'll have at least two meetings. That also has
6 been hard to gauge because it depends on our
7 level of progress, you know, here today.

8 Today we're delivering on the second
9 installment of what I expect to be multiple
10 meetings. I expect at least one more meeting.
11 In particular, next time we will be covering the
12 topic of gathering.

13 But gathering as far as the new
14 business and the new part of the regulation
15 related to extending to currently unregulated
16 gathering will not be a topic of this meeting
17 today. That will be covered, I expect, at the
18 next meeting.

19 So we could, after today, have two,
20 maybe one or two additional meetings. I guess
21 with that I've bought enough time. I think I
22 will turn it over to my boss, the Acting Deputy

1 Administrator, Mac McMillan. And welcome, Mac.

2 MR. MCMILLAN: Thank you. Okay, so
3 well, I would like to welcome all of you to our
4 conference today, or next two days. I am Mac
5 McMillan. As Alan said, I am the Acting Deputy
6 Director, or administrator, Acting Deputy
7 Administrator for PHMSA, as well as the Executive
8 Director.

9 And I've been on board now for about
10 five and a half months, and I consider it a real
11 blessing to be a part of this organization. But
12 in terms of your business here for the next two
13 days, I've got a few things to say.

14 Probably everyone is a little curious,
15 so I'll start with, and it seems strange I'm
16 talking, you know, to the back. I typically walk
17 around, but okay.

18 Well, a little bit about me. I got
19 here after I spent about 30 years in the
20 military. I was a county administrator at one
21 time. I served with the Internal Revenue Service
22 about six and a half years, with Department of

1 Homeland Security for about eight and a half
2 years, and finally I got the perfect job.

3 You know, you keep looking until you
4 get the perfect job, and that brings me here.
5 But I have this strong calling for public
6 service, and that's what makes this job so
7 important.

8 And what we do with 2.7 million miles
9 of pipes running around the country, it's
10 important that we make sure that the environment
11 stays safe, and that the energy products can get
12 to the market without incidents.

13 Oh, and then one other thing, I spent
14 a little time in the private sector as well. So
15 I tried that, made a complete 360 in that regard.
16 But public service is the way to go.

17 My main job as the executive director
18 as well as the acting deputy administrator is to
19 ensure that we maintain consistency in our
20 program execution. And in the last five and a
21 half months, I've had a chance to meet many of
22 the operators of our pipelines, and they've

1 expressed their concerns about where they think
2 we ought to be, and I concur in those regards.

3 And so, you know, the gas transmission
4 and gathering pipelines, obviously a big rule.
5 And the idea here is to dissect that and to make
6 sure we parse it out so that we walk away with
7 something that's very, very helpful to the
8 industry because that's what we're all about,
9 making sure that you, the operators and the
10 associations that represent the operators are in
11 fact helping us maintain a safe environment.

12 I would like to welcome, I guess, new
13 Committee members, especially Mr. David Danner
14 who is the Chairman of the Washington State
15 Utilities and Transportation Committee, who's
16 joining us in person for the first time.

17 MR. DANNER: Thank you.

18 MR. MCMILLAN: Yes, well we're here
19 together for the first time. All right, and you
20 will serve as the Committee Chairman, I'm sure
21 Alan covered that before I got in.

22 And also is the Honorable Diane

1 Burman, Commissioner of New York State Public
2 Service Commission who has recently been
3 appointed to the GPAC. Was she able to make it?

4 Oh, tomorrow, okay. So we'll welcome
5 her tomorrow. She was just confirmed, or
6 selected by our secretary, Secretary Elaine L.
7 Chao. And so we're glad that Diane has been
8 added to the Commission.

9 And the sad part as we always say,
10 always we have to say farewell to our Dr. Paula
11 Gant who left us I guess in December. And we
12 will be publishing soon in the Federal Register
13 notices to replace her as well as other notices
14 to make sure that we have a full committee in the
15 future.

16 So for those who are able to pass
17 word, look for the notices, and certainly we will
18 always accept people who are qualified to help us
19 to the important job that we do.

20 You've been a vital part of the
21 regulatory development process. And many of you
22 provided input for our most recent rules, our

1 operator qualification final rule was published
2 in January, and our excess flow valves final rule
3 was published last October.

4 And the diverse experience and points
5 of view that you've been able to bring to bear in
6 terms of those rules would help to ensure that
7 our regulations are passed with increased safety
8 and efficiency of the natural gas pipelines in
9 our nation that are so essential to our daily
10 lives. So thank you very much.

11 As we move forward, I certainly
12 appreciate your input. And in that regard, the
13 rule that we're going to be discussing here in
14 the next few days, and I'm told this will only be
15 one of many since it's such a large rule that we
16 have to work through, the rule will help us
17 improve gas pipeline safety by meeting the needs
18 of our growing gas pipeline system by expanding
19 risk-based safety practices.

20 Many of these proposals address the
21 root causes of major incidents. We want to
22 approach safety proactively and not reactively.

1 The rule will also address many of our
2 outstanding mandates and recommendations.

3 It didn't take me long as I look in my
4 email box to see the input about you're not
5 meeting a certain mandate that was passed in two
6 thousand and pick-a-year, or that we've got
7 another incident.

8 And incidents, I tell you, are taken
9 very seriously by our secretary. When I meet
10 with her usually once a week on Tuesdays, I
11 always like to start off with the good news,
12 ma'am, is that I don't have an incident to talk
13 about. That's good news.

14 Obviously the antithesis of course is
15 whenever there has been a release someplace, and
16 she certainly takes an interest in that, and then
17 there's follow up. So I just want to let you
18 know that it does get the attention of the
19 Secretary of Transportation when we have
20 incidents or releases somewhere in the system.

21 This is a very complex rule. I think
22 this is the one we call, what, the mega rule,

1 Alan?

2 MR. MAYBERRY: Some people call it the
3 mega rule.

4 MR. MCMILLAN: Yes, okay, yes. As
5 I've had, as I've gone through many meet and
6 greets throughout my time here, some come in and
7 say well, we're here to talk about that mega
8 rule, that big rule that you're talking about.
9 So that's, I guess, the laymen's term, the mega
10 rule.

11 But it's a complex rule. And I know
12 that it's going to take a lot of hard work. And
13 I want you to know that we will continue to hold
14 meetings and have robust discussions. We want to
15 make sure that we hear all of your
16 recommendations on how to proceed, and I am
17 committed to making PHMSA the best it can be.

18 And your expertise and insight is an
19 important part of our Agency's legacy as we move
20 forward. So thank you very much. I'm sorry that
21 I was running a little late, but timing is
22 everything and it looks like I was right on time,

1 Alan. Thank you.

2 MR. MAYBERRY: All right, thank you
3 very much, Mac. And again, thank you for being
4 here to the Committee members. I know all of you
5 have day jobs, and so this is a critical function
6 that you serve on this committee for us.

7 And there's a lot involved in doing
8 that because, you know, we want to get these
9 policies that we're talking about right. And to
10 do that, especially the one we're dealing with
11 today, it takes careful thought and attention.

12 Of course, I think we all come here
13 together, or you come here together representing
14 the different aspects of the stakeholder
15 community, from the government to the industry to
16 the public stakeholders.

17 I think we have a common goal of
18 safety. Certainly, obviously, you know, the path
19 to that often is different. We have different
20 thoughts on that. But our goal here today is to,
21 you know, get the advice of you, the Committee
22 members, to see which way we need to go forward,

1 moving beyond the proposed rule that we published
2 last year for gas transmission.

3 Like I said, I think it will take
4 multiple meetings. It's hard to gauge for it
5 now, but I would expect one, maybe two additional
6 ones. But one thing for sure, and I know in my
7 discussions with our leadership at the department
8 that we do, we are confident that we will land
9 where we need to land with this rule through this
10 deliberative process that we have with the
11 advisory committee.

12 So I look forward to reaching, you
13 know, working with you to that end and certainly
14 getting your advice as we move forward.

15 Just a couple of other items related
16 to, you probably know that we have, so a couple
17 of vacancies at the administrator level and the
18 deputy administrator level, although Mac is
19 filling in as the Acting Deputy Administrator.

20 I fully expect that if you look at the
21 timing involved to move through this process
22 today, the subsequent meetings, that by the time

1 we, or well before we wrap up any discussion on
2 this rule, that we will have an administrator
3 that we will be, of course, running by the
4 recommendations of this committee as we move
5 forward toward a final rule. So I expect that to
6 happen.

7 Certainly, the challenge is, you know,
8 as we deal with important policy makings, we're
9 dealing with additional requirements that the
10 goal of which is to make sure that whatever
11 requirements that come out in the form of a new
12 policy or a new rule, have them putting the
13 resources of the regulated community where
14 they're most effective to, you know, helping
15 ensure public safety.

16 So certainly that's what we're after,
17 to hit the sweet spot in having the biggest
18 impact to improve safety because just, you know,
19 reflect on why we're here is, you know, reaching
20 back to 2010 and the unfortunate San Bruno
21 incident and then subsequent incidents.

22 Lessons learned from our inspections

1 really culminated in the rule that got fairly
2 large that involves everything from dealing with
3 the grandfather clause, dealing with mandates,
4 dealing with recommendations from the National
5 Transportation Safety Board, and of course
6 dealing with certainly the findings that through
7 our inspection process.

8 Our approach today will be similar to
9 the meeting we had in January. We had the
10 briefing that will occur first by staff. And for
11 that we have Steve Nanney who will be starting
12 off. We also, we were going to do a tag team
13 between Steve and Ken Lee, our Director of
14 Engineering.

15 Ken unfortunately is sick today, so I
16 think we're going to be leaning on Steve to cover
17 the day today. But hopefully Ken will be back
18 tomorrow and be able to, will actually be able to
19 do a tag team as far as for the briefings and
20 give Steve some relief.

21 But anyway, we'll have the briefing
22 followed by the Chairman will open it up for

1 public comments. Again, that's where I said if
2 you have comments, please keep them concise,
3 limit them to no more than five minutes,
4 preferably shorter in light of the number of
5 people that are here.

6 I would implore you to keep them short
7 and concise. And then also if they, you know, if
8 the issue's already been made readily apparent by
9 others or by another speaker, there's no need to
10 repeat a comment that's already made.

11 But if there's a desire to reinforce
12 a comment that perhaps is out there or is on
13 public docket, that's certainly, I think that
14 would be appropriate as well.

15 So we'll have the comment period, and
16 that is really helpful for the Committee to
17 consider, you know, all the input, not just the
18 briefing but also to get the public comments
19 before we go into the Committee deliberations.

20 And then the first topics up front
21 that we'll get into which is carry over from last
22 time, the topics that were tabled, we'll be

1 having a briefing on each topic and then
2 hopefully having a vote. But we'll see where we
3 head on that.

4 Then as far as the new business goes,
5 as we bring up the new topics I don't expect
6 we'll have a vote on those. For instance, IDP or
7 material verification.

8 The goal there is to really have a
9 dialogue on that, deliberation much like we did
10 last time and then come ready at the next meeting
11 to possibly have a vote on those items. So no
12 votes other than I think. Today up to about noon
13 we'll probably have a vote.

14 I just want to call your attention
15 that the Department of Transportation plans to
16 publish a notice here in the coming days. It's
17 in part to, or really largely to implement two
18 executive orders.

19 And they'll be, the notice will be
20 seeking public input, but they're relevant to two
21 executive orders, one on regulatory reform and
22 the other on energy independence.

1 We don't have the publication date
2 yet, but I would encourage you to keep, be on the
3 lookout for that, monitor the federal register
4 website, and please provide comment where
5 appropriate. But that's part of the regulatory
6 reform agenda. But seeking public comment.

7 And of course, that's a Department
8 level notice, so it's going out through all the
9 modes of from, on behalf of all the modes of
10 transportation.

11 I think with that, that concludes my
12 introductory remarks. I think I'll yield back to
13 the Chair who will introduce our first briefing.
14 Briefer.

15 MR. DANNER: All right, so I'm going
16 to turn it over then to Steve Nanney. Let's see,
17 do we have a, yes I think we have filing. No.
18 I'll let Steve introduce himself. And basically
19 he's going to talk about safety of transmission,
20 of gas transmission in gathering pipelines. So
21 Steve?

22 MR. NANNEY: I'm going to yield the

1 first seven or eight slides to John Gale. So go
2 let John go first.

3 MR. GALE: Thank you, Steven. My name
4 is John Gale, I'm the Director of Standards and
5 Rulemaking for the Office of Pipeline Safety.
6 What I'm going to do today, just real quick, is
7 clarify a little bit more what Alan eluded to
8 earlier is kind of set the stage, where we've
9 been and where we're trying to go to, at least
10 for these two days.

11 To remind everybody, we've already
12 finalized and passed on certain areas of the
13 rulemaking, including the six month grace period
14 for calendar rule reassessments, a seven calendar
15 year reassessment provision.

16 The safety features for ILI launches
17 and receivers, the mandate related seismicity and
18 the provisions related to inspections following
19 extreme weather events, and the proposals related
20 to management of change.

21 We've already been able to finalize
22 those and move past those. At the last meeting

1 we had discussions on three areas where we didn't
2 get a vote on. And that was on corrosion
3 control, records, and IM clarifications.

4 And today is Steve's going to give you
5 a presentation where we're going to get into
6 those areas, remind everyone of the discussion
7 that occurred, that what we heard, kind of a
8 summary of what we've heard and some of our
9 responses on that. And hopefully, like Alan
10 said, is that we can get to a vote on those
11 specific areas.

12 Kind to get into a little bit more
13 detail in corrosion control, the goal here, we
14 think the best plan is to actually have votes in
15 these five areas and to separate them out because
16 it can get a little complicated otherwise.

17 We've broken it out into insulation of
18 pipe in a ditch in 192.319 and 461, the external
19 corrosion monitoring and remediation requirements
20 in 465 in Appendix D. The external corrosion
21 interference currents in 192.473. And 192.478 in
22 our internal corrosion provisions. And then our

1 requirements in 192.935 on P&M measures for
2 internal and external corrosion.

3 So again, our hope here is to be able
4 to get to a vote in those areas and be able to
5 kind of check the box, so to speak and be able to
6 move on towards some of the other areas of this
7 rule we have.

8 If we get through corrosion control
9 the hope is that we can move on to records, and
10 to have a discussion. And hopefully again we'll
11 summarize what we've already heard, what we've
12 heard from the public, what we've heard from the
13 Committee.

14 And just to be clear, when we go
15 through these different steps, we will provide
16 the not only the, of course the members to have a
17 discussion but we'll also provide the public an
18 opportunity to come to the microphone and give us
19 their thoughts and their comments on what our
20 proposals are.

21 But of course with records we're
22 looking at 192.13(e) which there was a lot of

1 discussion at the last meeting on. And then
2 there's some of the more specific record
3 provisions in 192.127, 205, et cetera.

4 And some discussion of Appendix A
5 which we will continue to review, we believe, in
6 the third meeting, in our next meeting where
7 we'll kind of compile all the requirements into
8 one appendix as a guidance document so to speak.

9 And if we get through records, our
10 next hope is to get into IM clarifications.
11 Again, what we're hoping, what we're recommending
12 to the committee is that we break it up into
13 these sub-components and have separate votes in
14 these individual areas such as thread
15 identification, risk assessments, threat
16 assessments for plastic pipe, cyclic fatigue, M&C
17 defects and ERW pipe, and of course P&M measures.

18 If we get through, when we get through
19 those three areas, we're then going to bring up
20 the topic of reporting of MAOP exceedance. This
21 is not that we don't believe that controversial a
22 topic.

1 We believe we can get to closure on
2 that topic and get to a vote. It's a self-
3 executing statutory provision in the first place.
4 There's some nuances that we need to clarify, but
5 we think we can get there.

6 Then the remaining topics, what we're
7 really looking for is really just a discussion,
8 just like we had last time. As Alan mentioned,
9 we're not trying to get to a vote. We want to
10 have the discussions that are necessary, take the
11 time that is necessary to have a thorough vetting
12 of these topics such as material documentation
13 and especially integrity verification process, or
14 IVP, basically the process we're looking at for
15 addressing things like the grandfather clause and
16 folks that don't have good test pressure records.

17 And then if time permits, and if not
18 you will just table these items for later
19 meetings, but we have to address the proposals
20 related to strengthening and assessment
21 requirements, and assessments of outside of HCAs.

22 And of course then we have a repair

1 criteria provisions that we also need to address.
2 And there's other requirements and proposals too
3 that we haven't even added to this part of the
4 agenda such as issues related to gathering lines
5 that as Alan mentioned is not going to be part of
6 this discussion but will be part of maybe the
7 next meeting or the meeting thereafter, before we
8 get to it.

9 But the fact it's not listed there
10 doesn't mean we're not going to eventually get to
11 it in one of the next meetings. But with that
12 being said, I'm going to turn it over to my
13 esteemed colleague, Mr. Nanney.

14 MR. NANNEY: My name's Steve Nanney
15 and I work in PHMSA's engineering group. I'm a
16 project manager/senior engineer. Before we get
17 started for the Committee, I just want to thank
18 you for being here, and also for the people in
19 the public that are here to be a part of this.

20 What I plan to go over today will be
21 a more extensive review than what we went over
22 with the committee a week ago or a week and a

1 half ago when we did that. You will see as we go
2 through that there's more detail here, mainly
3 because our call in was an hour, so we didn't
4 have very long to go through slides.

5 Also, just one other thing. I live in
6 Houston, and yesterday when I was flying up here
7 I was flying to the airport and they had flash
8 floods in Houston. So I was able to make it
9 through that and get here.

10 Well, this morning if you noticed, I
11 had to get up and leave. When I got here ready
12 to give this, I realized I wear contacts, that I
13 had two right contacts in. And it's very hard to
14 read anything when you've got two right contacts
15 and you've got a left one and a right one and
16 they're at two different powers.

17 And also, the other thing is I had two
18 gentlemen that were supposed to help me. One of
19 them is in Europe and the other one was sick
20 today. So anyway, I don't know if that's an omen
21 or what. So anyway, just to give you a little
22 background and everything.

1 Just to get started, as we left off at
2 the last meeting, we do plan to go over again the
3 topics we discussed last, what we heard as being
4 the committee's input, and that is from going
5 back and looking at the notes that we had from
6 the meeting. And so we've tried to sum those up.

7 That doesn't mean you can't have
8 additional comments, or even new comments. It's
9 what we heard at the last meeting. So with that,
10 starting with the Slide 9, the first item was
11 installation of pipe in the ditch and protective
12 coating.

13 And again, that was in two different
14 code sections, 319 and 461. And it was damaged
15 coating during construction. PHMSA proposed to
16 require above ground coating surveys within three
17 months of placing the pipeline in service to
18 repair moderate and severe coating damage within
19 six months after the assessment.

20 This was learned from problems that we
21 have seen from past construction projects. We
22 had also discussed it in a public workshop in

1 Fort Worth in 2009. Did I go too far? Okay.

2 Slide 10, to just do an overview of
3 the Committee comments, DSVG and ACV surveys may
4 not address issues related to coatings, impeding
5 cathodic protection was one comment we got.

6 PHMSA should to assess specific repair thresholds
7 in the notice.

8 Increase the timeline from three
9 months to one year to match the requirement to
10 install a cathodic protection. It does not align
11 with the current NACE international standards was
12 another.

13 Going to the next listing of comments,
14 clarify the applicability to transmission,
15 distribution, and gathering. In other words,
16 which one does it apply to.

17 Coating surveys are not always
18 feasible. PHMSA should not limit the tools for
19 performing these surveys. We were asked to look
20 at close interval surveys and ILI, and then apply
21 our greater than 1,000 foot criteria for 319
22 similar to 461.

1 Based upon what PHMSA heard, PHMSA
2 suggests that the Committee consider the
3 following. The proposed rule is to verify
4 coating integrity after installation, is what 319
5 and 461 were about.

6 Cathodic protection is required under
7 465. Integrity assessments would be required
8 under proposed 710. Neither CP or ILI assess the
9 adequacy of pipeline coatings.

10 Previous versions of the NACE
11 standards included specific repair thresholds.
12 The most recent version of the NACE standard
13 deleted all objective repair thresholds from it.
14 PHMSA believes it is necessary to retain
15 objective repair criteria in the rule, and
16 supports a recommendation to raise the repair
17 threshold from moderate to severe indications.

18 Also, PHMSA suggests the following.
19 The proposed rule clearly states that it applies
20 to transmission pipelines. PHMSA will clarify
21 the gathering line exclusion when proposed in
22 192.9.

1 Also in 319, we would propose to
2 modify the segments to greater than 1,000 feet to
3 be consistent with 461. Also, in 319 and 461, we
4 want a link from the assessment timeframe to six
5 months after the pipeline is placed in service,
6 and that would be for giving time to get permits
7 and things like that, plus an additional six
8 months to complete the repairs.

9 Also, in 319, PHMSA suggests that the
10 Committee consider modify the record's
11 requirements as follows, make and retain for the
12 life of the pipeline records documenting the
13 indirect assessment findings and remedial
14 actions. John?

15 MR. GALE: Thank you, Steve. At this
16 point, Alan, what we would like to do is open it
17 up for any public comment that we may have on
18 this topic before we -- then we'll follow up with
19 a quick overview of the GPAC voting process, and
20 then have obviously discussion of the GPAC
21 members themselves before we move to any actual
22 vote.

1 MR. MAYBERRY: Just if I may,
2 Chairman, to clarify, I know the Committee is
3 getting up to speed and warming up. But Steve,
4 just to clarify, you had given a summary of the
5 comments from the Committee last time, and then
6 the approach to go forward based on those
7 comments.

8 Were you going to give a Delta between
9 say what we did accept or didn't, or is it
10 possible to summarize that before we head to
11 public comment?

12 MR. NANNEY: Yes. The summary would
13 be what we're recommending from a PHMSA
14 standpoint is that the coating surveys be on pipe
15 links where you go and replace the pipe is 1,000
16 feet or greater. Also, we had in to conduct the
17 survey within three months of completing the
18 work.

19 We're recommending that we would give
20 up to six months for permitting, and then an
21 additional six months to finish the work after
22 you get the permit. So that was what PHMSA was

1 suggesting.

2 We also were suggesting that we had in
3 the regulation, the proposed regulation before
4 that any coating holidays found or coating issues
5 found that were moderate or severe would have to
6 be looked at and evaluated.

7 What we're proposing here would be
8 severe and greater, and also we would leave in
9 the actual, we had an actual amount when you ran
10 the survey which we would leave in for severe.
11 Before we had the moderate numbers in, we would
12 change that to the severe.

13 We were not recommending to use close
14 interval surveys because that is for seeing how
15 adequate your CP is. We wanted this to be a
16 coating remediation, in other words to find
17 damage to the coating and actually repair the
18 coating.

19 MR. DANNER: All right, at this time
20 I would like to ask if there's any members of the
21 public who have comments that they would like to
22 share this morning? Okay, there's a hand held

1 microphone, Cameron is going to find anyone who
2 wishes to share their thoughts. Anyone? And
3 please remember to identify yourself.

4 MR. REYNOLDS: Thank you. Good
5 morning, all. My name is Lee Reynolds. I work
6 for NiSource Manager Standards. And NiSource
7 operates in seven states. We own and operate
8 about 1,000 miles of transmission line across the
9 seven states.

10 We approximately serve close to four
11 million customers, natural gas customers within
12 our footprint. We, out of the 1,000 miles we own
13 and operate about 17 percent, or about 168 miles
14 of our transmission mileage in HCAs.

15 And this is in somewhat a little less
16 than what the industry has as far as the LDC.
17 You know, we're a member of AGA with, although I
18 think the Staff's call that AGA operates, our
19 members, the primary members of AGA operates
20 about 18 percent or own about 18 to 20 percent of
21 the mileage within the industry on transmission
22 lines, but has nearly 40 percent of the HCA.

1 So as an LDC operator, you know, this
2 particular rule is very important and very
3 impactful to the LDC operators who own and
4 operate transmission pipelines.

5 In regards to the corrosion control at
6 the NiSource comment that was part of the docket
7 comments originally on the NPRM as well as at the
8 first GPAC meeting, spoke on the issue about the
9 need that was reflected, I guess, in the follow
10 up with the AGA comments that was submitted after
11 the first GPAC meeting in January.

12 And we just strongly recommend that
13 PHMSA take heed of those comments in its process
14 because it is a very, like I said, this whole
15 rule dealing within our seven states or seven
16 commissions, it's very impactful, you know, to us
17 as an LDC operator.

18 We do support along with AGA and the
19 member companies what PHMSA is proposing to do
20 overall to improve integrity management within
21 our operations. But we ask that as a stakeholder
22 in the process, appreciate that PHMSA takes due

1 consideration of our industry comments because
2 they, although AGA represents, they are the voice
3 of approximately 200 member companies.

4 And we work very hard as operators to
5 prepare very thoughtfully a consideration of what
6 PHMSA's intent is trying to do in improving
7 pipeline safety. And so those 200 members have a
8 voice and appreciate these HCAs having a voice
9 within this process. Thank you.

10 MR. DANNER: All right, thank you. So
11 we have a couple of tent cards up already with
12 the Committee members. Do you want to speak
13 before the public speaks?

14 MR. WORSINGER: Rich Worsinger, City
15 of Rocky Mount. We just had a simple request.
16 Put the slides back up with the proposed changes
17 so we can be reviewing them.

18 MR. DANNER: That's a very good idea.

19 (Off microphone comments.)

20 MR. DANNER: Cameron, go ahead.

21 MR. HEVLE: Hello, good morning. My
22 name is Drew Hevle, I am manager of corrosion

1 control for Kinder Morgan. I am also a member of
2 the public. I am also Chair of NACE's technical
3 activities committee, TCC, and I wanted to make a
4 couple of comments about the information we've
5 just reviewed.

6 Certainly in NACE's response to the
7 NPRM in INGAA's response and in Kinder Morgan's
8 response, we pointed out a number of technically
9 invalid issues relating to prescriptive criteria
10 for coating surveys as they were applied.

11 Certainly coating surveys are not
12 quantitative tools, they are qualitative. There
13 are conditions, normal conditions based on salt
14 resistivity where the criteria would never be
15 met, regardless of the size of the coating
16 holiday.

17 So the coating defect is not
18 proportional to the criteria you're proposing.
19 And certainly, addressing pinhole coating
20 holidays is not going to improve pipeline safety
21 because cathodic protection is designed to
22 address coating holidays.

1 The process of excavating and back
2 filling pinhole coating holidays will create more
3 pinhole coating holidays as part of the process.
4 And so I think an unintended consequence of this
5 requirement will actually reduce the coating
6 integrity overall.

7 I think that ILI and CIS are more
8 technically valid approaches to going towards
9 pipeline safety and ensuring that we have
10 adequate cathodic protection, and ensuring that
11 we don't have external corrosion.

12 And one more point that the timelines,
13 we certainly support extending the timelines.
14 There are reasons why three months is not
15 sufficient for backfill to settle and to actually
16 get a valid coating survey. Six months,
17 depending on conditions, may not be sufficient.

18 And just one more point regarding the
19 NACE criteria. NACE never had a criteria for
20 moderate or severe results from coding surveys.
21 They provided some examples in the SP-0502
22 related to integrity assessments in integrating

1 different data sets and prioritizing them for
2 excavation.

3 So there's never been a criteria
4 within a NACE standard to say this level of
5 result from a coating survey is something that
6 needs action.

7 MR. DANNER: All right, thank you.
8 Anyone else wish to make a public comment?

9 MR. MORTON: This is Jeff Morton with
10 Enterprise Products, and I agree with my
11 colleague from Kinder Morgan. I also want to
12 point out we have some concern of the, the rule
13 is very prescriptive with the technology to be
14 used, ACVG to DCVG. Over the years, technology
15 is going to change, and if this is in the rule,
16 we'll be boxed in with that technology.

17 MR. HITE: Hi, Matt Hite with GPA
18 Midstream association and we represent the
19 gathering and processing industry. And GPA
20 midstream is concerned that PHMSA did not account
21 for the actual costs of performing certain
22 coating assessments and remediation activities

1 for all on shore gas transmission lines.

2 Section 192.319(d) of the then PRM
3 would require operators to perform a coating
4 assessment using direct current voltage gradient
5 or alternating current, voltage gradient no later
6 than three months after placing a new on-shore
7 transmission line into service and repair any
8 moderate or severe coating damage within six
9 months of completing the assessment.

10 Section 192.461 of the NPRM would
11 require each operator of an offshore transmission
12 line to perform similar coating assessment and
13 remedial measures. If all that repair or
14 replacement results in 1,000 feet or more of
15 backfill along the length of the pipeline, the
16 PRIA did not account for the actual cost of
17 complying with either of these requirements.

18 PHMSA assumed that the cost of
19 performing coating assessments or remediation for
20 new installations under Section 192.319(d) would
21 be insignificant. PHMSA estimated that coating
22 assessments required under Section 192.461 would

1 cost around \$200 per occurrence for gas
2 transmission lines in class one locations.

3 However, GPA Midstream contacted a
4 cathodic protection survey provider who estimated
5 that the actual cost would be approximately
6 \$8,000 per occurrence, or nearly 40 times the
7 amount that PHMSA assumed in preparing the NPRM.

8 The Committee and PHMSA must consider
9 the actual cost of performing coating assessments
10 and remediation of gas transmission lines in
11 determining in whether the proposed addition of
12 sections 192.319(d) and 192.461(f) are
13 reasonable. Thank you.

14 MR. DANNER: All right, any other
15 comments this morning on this matter? All right,
16 before we turn to the Committee members, I would
17 like to turn the microphone back to Alan.

18 MR. MAYBERRY: Yes, thanks. I was
19 remiss this morning in introducing another member
20 of our team, and one of our newest members
21 actually. I would like to introduce Mark
22 Sanborn, he's our new Director of Government

1 International Public Affairs.

2 Mark is our first political appointee
3 actually, and was also on the landing team and
4 was, or is currently continues fair liaison with
5 the department. So welcome, Mark. I just wanted
6 to make sure everyone knew that Mark was here.
7 I'll turn it back over to the chair.

8 MR. DANNER: And I would like to open
9 it up to the Committee, if there's anyone on the
10 Committee that has comments that they would like
11 to make this morning.

12 MR. ZAMARIN: Thanks. Chad Zamarin
13 with Cheniere Energy. Just a couple of quick
14 comments. One, the comment that was made about
15 close interval survey and inline inspection not
16 being tools to assess coating adequacy, I think -
17 -

18 Is everybody awake? All right.

19 MR. DANNER: Go ahead, Chad.

20 MR. ZAMARIN: The dogs are now running
21 down the hallway towards us. I personally have a
22 bit of an issue with that position, and I think

1 it comes to a broader theme. You know, we can
2 myopically look at issues and try to address
3 coating condition with a single tool, and I think
4 we lose the forest for the trees.

5 Inline inspection is by far, you know,
6 our most useful tool for assessing the integrity
7 of a pipeline, and the integrity of a pipeline is
8 dependent upon the coating quality and many other
9 factors.

10 When we start peeling out a single
11 factor and try to assess the integrity of a
12 system based on that single factor, we lose sight
13 of what the most important integrity risks are
14 many times.

15 If we just used coating surveys to
16 manage the integrity of our pipelines, we would
17 never find the most imminent threats to our
18 pipelines. We use much more holistic, more
19 advanced systems.

20 And I think that, you know, saying
21 that an inline inspection or a CIS survey does
22 not assess the adequacy of a coating system is

1 just flat-out wrong. If you have inline
2 inspection that's demonstrating that there is no
3 corrosion, you by default have adequate
4 protection.

5 So I just think we need to be careful
6 that we don't kind of try to, because what ends
7 up then happening is we're taking a shotgun
8 approach and we're playing whack-a-mole. We're
9 picking, you know, elements instead of looking at
10 the bigger picture and trying to, you know,
11 attack the primary goal which is overall
12 integrity of the system.

13 And then the only other comment I
14 would make is I think that there are a lot of
15 good changes that obviously the committee
16 comments were heard at the last meeting. I
17 appreciate that.

18 I do still think that picking winners
19 is something we have to be careful of. I think
20 that comments were made from the public that when
21 we pick a specific technology. You know, this is
22 not just a specific technology, it's a specific

1 technology with specific criteria.

2 When we do that, you know, we have to
3 be careful. We have to make sure that we don't
4 limit ourselves or that we don't apply the wrong
5 tool for what oftentimes are very unique and
6 veritable situations.

7 So with that, I do think though that
8 it looks like a lot of good progress was made
9 since the last meeting. So thanks for that.

10 MR. DANNER: All right, thank you.

11 Mr. Drake?

12 MR. DRAKE: Thank you. Andrew Drake
13 with Enbridge. First of all, I would like to say
14 thanks. I think that it was apparent that the
15 comments that were made in the last meeting were
16 heard, and a lot of those things were addressed
17 here. I appreciate that.

18 I think just one point of comment for
19 clarity. A lot of changes were made about
20 permitting and access and things like that, and I
21 appreciate them. We had a conversation last
22 night to that regard.

1 And the point of the conversation last
2 time was not to try to kick the can down the road
3 and make this go as long as possible, and we
4 don't want to try to manage to the greatest
5 common denominator or the biggest problem we
6 might possibly encounter someday in one isolated
7 spot.

8 But it wasn't to regulate so tightly
9 that we couldn't make it practical. And I think
10 if we could just, the wording, I'm actually quite
11 fine with the wording there. But I do think if
12 there was some provision noted more than just in
13 the notes from this meeting that if an operator
14 encountered a permit, a challenge to get a permit
15 or the site was inaccessible, that that would be
16 given consideration in the scheduling of the
17 remediation.

18 I think that's really the problem that
19 is mostly driving the timeframe. Most people are
20 going to try to get out there as quickly as
21 possible. It's in our best interest. But there
22 are certain situations where you cant.

1 And I think if we could just create
2 that caveat, then you would get the right accent
3 on the right syllable about getting out there as
4 quickly as possible. But if you have a bona fide
5 situation that could be recognized and create
6 that caveat for compliance.

7 The other comment I had would be very
8 similar to Chad's, and that is I think we have to
9 be careful not to look too myopically at these
10 tools. I think we want to look at corrosion
11 management as an integrated solution.

12 I think particularly not supporting
13 close interval survey as a tool for this is not
14 appropriate. I understand inline inspection
15 tools look for metal loss, and that that can be a
16 little bit reactive.

17 But I also think the technologies are
18 developing on that platform that will allow us to
19 look at the effectiveness of the CP and the
20 cathodic protection systems.

21 And I think we should not preclude
22 them from use. When we come out with very

1 specific solutions in a rule, it is the only
2 option we have. It is defined that we must use
3 those tools, and I think we need to be a little
4 bit more open minded about how to solve those
5 problems.

6 And the last comment I would make is
7 I do think just for the record, when we dismiss
8 the use of an industry standard, that should get
9 everybody's attention around the table. The
10 industry standards and these national consensus
11 standards are, first of all they're sat on by
12 many of the folks around this room, including
13 PHMSA.

14 They're deliberated over, they have
15 particular rules of order about how to approve
16 and how to incorporate technology. I really
17 would like to see us looking to them very
18 carefully for their use.

19 When we just say we're not going to do
20 that, I think we really, the burden of proof is
21 on us to not use them, not the other way around.

22 MR. DANNER: All right, thank you.

1 May I ask on the timelines, did you have specific
2 suggestions of language?

3 MR. DRAKE: I'll think of some
4 specific language. But it was really, the
5 language that was there was actually very good.
6 And I'm actually very supportive of the language
7 that I saw on all of the changes.

8 I would just add a caveat in there
9 that if a permit, a challenge was, if an operator
10 experienced a challenge in getting a permit
11 inside this timeframe or access to the site was
12 not accommodating or couldn't access the site
13 physically, that that would be given
14 consideration for compliance.

15 MR. DANNER: Thank you. Steve, did
16 you want to respond?

17 MR. NANNEY: Yes. I think what Mr.
18 Drake's talking about is putting some language,
19 or as soon as practicable after obtaining
20 necessary permits. That's probably part of our
21 recommendation. It's just that it's not up on
22 the board.

1 Also, just one other thing is when I
2 said on moderate/severe, if you go back and you
3 look at the standard that we were talking about
4 when it was a recommended practice, it did have
5 levels in there. When it went from a recommended
6 practice to a standard, the Committee took those
7 out.

8 MR. DANNER: All right, thank you. I
9 see a tent card down here, I can't see.

10 MS. FLECK: Sue Fleck, National Grid.
11 I'll be brief because I'm really just supporting
12 what Chad and Andy said from a distribution
13 industry perspective.

14 I have to share the feeling that, you
15 know, boxing us in on what technologies to use is
16 very short sighted. We need to leave an opening
17 to be able to allow new technologies to evolve
18 and give us some different opportunities, and I
19 would like to see that.

20 Around the timeframe, if you add some
21 language about as soon as practical, I think that
22 makes, that makes an improvement. Again, from a

1 distribution perspective, if you look at the
2 northeastern states, there's construction
3 moratoriums for five or six months out of the, in
4 the winter months.

5 If you don't get your timing just
6 right, I know it's going to push you past a year
7 on a pretty regular basis. So six month for an
8 assessment and six month to repair.

9 Obviously we all want to do that, but
10 if we get the assessment done by October, I can't
11 get the repair done in time because I'm not going
12 to be able to do the work.

13 So if you add, give us some
14 flexibility around technology and a little bit of
15 some language change around timeframe, then I
16 appreciate all the changes that you've made.
17 We're getting to a better place here, thank you.

18 MR. DANNER: All right, thank you.
19 Steve, you want to?

20 MR. NANNEY: Can I say one other thing
21 is we are in the regulation in all of these,
22 making sure that where, if we did not have

1 transmission in anything, in each one of these
2 we've got transmission in the paragraph three,
3 four, five, six times. So anyway, it's more than
4 once in every section of the rule.

5 MR. DANNER: All right, Sara?

6 MS. GOSMAN: Thanks. This is Sara
7 Gosman. I have just a clarifying question first
8 and then a couple comments. So when you go from
9 moderate to severe, can you give me a sense of
10 how that changes the percentage here that you've
11 proposed in the rule?

12 That is what are we looking at in
13 terms of -- so we have a voltage drop greater
14 than 35 percent currently in the proposed rule.
15 What are you moving to when you move to severe?

16 MR. NANNEY: When you go to severe it
17 would be 60 percent. And also, when you look at
18 the definition of severe, it says that you almost
19 immediately or very quickly need to go make a
20 repair to that coating if you go look at the
21 present section of the standard practice.

22 MS. GOSMAN: Okay, thanks. So I

1 really like the way that the proposed rule was
2 drafted. I feel like it's very specific, it's
3 very enforceable. It has a set of timelines and
4 it has a particular process and it has a
5 particular threshold for repair.

6 So I think in terms of my perspective
7 on this regulatory system, I would like to see
8 rules drafted like this, and I think they are
9 helpful. There are places for discussion. I
10 think this rule is a nice example of where we can
11 do prescriptive rules well.

12 On the timelines issue, it seems to me
13 a little unclear why we would move, say on the
14 assessment side, from three to six months.

15 If there's some question about whether
16 it can be done within that period of time, it
17 seems to me that you hold the line on the
18 particular timeline to encourage operators to
19 assess early, and then you make a process for
20 them to come to you for an exception if
21 necessary. And maybe that's some of this is as
22 soon as practicable language.

1 But rather than going to sort of the
2 pushing out the timeline for everyone, if people
3 can do this within three months, I think it's
4 better to keep it at three months.

5 And not being an expert here on this
6 particular technology, it seems to move from
7 moderate to severe, from going from a drop from
8 35 percent to 60 percent is significant.

9 And I wonder whether that is the right
10 call here. It seems to me we would want to move
11 for more of a precautionary approach and to take
12 repairs when there's moderate loss as opposed to
13 waiting until there's a real severe problem.

14 Thank you.

15 MR. DANNER: Mr. Zamarin?

16 MR. ZAMARIN: Thank you. Chad Zamarin
17 with Cheniere Energy. Just two comments on one
18 thing to offer maybe to Sara on timeline. One
19 thing we do try, look, three months is not, you
20 know, a very long time.

21 And one of the things we oftentimes
22 try to do with electrical surveys like an ACVG or

1 DCVG or close interval survey, we oftentimes wait
2 until soil conditions have normalized, until
3 settlement has occurred.

4 You know, these are techniques that
5 utilize current that's passed through the soil to
6 analyze the pipe itself. So oftentimes, for
7 example, when we install a new pipeline, we don't
8 perform a close interval survey until 12 months
9 after the installation because the conditions
10 haven't normalized and you're not going to get
11 accurate readings.

12 So I would just offer that it wasn't
13 part of our discussion, but oftentimes we like to
14 see a cycle of whether we would like to see a
15 renormalization of soil conditions before we do
16 assessments so we get what we think are the most
17 accurate results. So just something to think
18 about there.

19 And the only other thing that I would
20 mention is again, when we start talking about
21 ACVG and DCVG, for those who aren't familiar with
22 it, finds incredibly small coating defects which

1 is great. But we have to also recognize that the
2 pipe has now been put in the ground.

3 And I think what we're accomplish is
4 the right thing. We're trying to make sure that
5 the primary corrosion protection system is
6 intact. But when the pipe is put in the ground,
7 before it's put in the ground we put an
8 electrical system over the pipe to check for any
9 discontinuities in the coating, we call it
10 jeeeping the pipe.

11 So we look at, we have to test the
12 entire pipeline to make sure that the coating is
13 intact when we put it in the ditch. What the
14 ACVG or the DCVG is looking for is in the
15 backfilling process if something had, a rock had
16 fallen on to the pipe and it caused a minor
17 defect in the coating, that would be detected
18 during an ACVG or DCVG. It detects very small
19 coating defects.

20 But recognize that those very small
21 coating defects are not the most imminent threat
22 on our pipeline when they occur. We have

1 secondary protection systems, cathodic protection
2 systems that are designed to protect the pipe in
3 the event that those happen.

4 And all I'm advocating for is the way
5 we've designed integrity management is to
6 continuously be looking for that next most
7 imminent threat.

8 And if we spend all of our resources
9 looking for the very small, you know,
10 imperfection in the coating system when we have a
11 secondary cathodic protection system, and we have
12 an inline inspection system, and we have other
13 systems designed to account for those that are
14 less intrusive, that don't require excavations
15 and exposure of workers to safety issues, we
16 start to get down a very slippery slope.

17 You know, I think perfect coating is
18 a great concept, but it's something that in
19 attempting to achieve may result in other issues
20 that are unforeseen, and there may be better ways
21 to address that particular issue.

22 So just, I think some food for thought

1 that we're trying to find that balance between
2 what we can do from a practical perspective and
3 then how much we might do that might actually not
4 contribute to putting our resources in the places
5 where we get the biggest safety bang for our
6 effort. Thank you.

7 MR. DANNER: All right, thank you.

8 Steve?

9 MR. NANNEY: By making the criteria
10 the severe, what PHMSA was doing was making sure,
11 number one, that we were catching damage like
12 what we've seen where it's actually been missed
13 in putting it in the ditch process.

14 Or a piece of equipment has actually
15 damaged the pipe and the coating. Severe would
16 not be pinholes. It would be bigger flaws in the
17 pipe. And that's what we've seen that these type
18 surveys find.

19 You have to remember the ILI surveys
20 aren't required for seven years out. So it's not
21 like you'll be running one the first year or the
22 second year. So it is set up to find the damage,

1 installing the pipe in the ditch and burying it.

2 And by severe, you would expect that
3 the pipeline would be so padded that it wouldn't
4 be showing up six months later. It would
5 probably be done at the time of installation.

6 MR. DANNER: Yes. Sorry, can't ready
7 your card from here. Oh, it's Terry. Thank you.

8 MR. TURPIN: Terry Turpin with FERC.
9 So I know we're not wordsmithing it in these
10 meetings. But just sort of advice building on
11 something Sue had pointed out and Steve, you
12 said.

13 In looking at the allowance for
14 delayed permitting, it's just not the receipt of
15 the permits that you need to be worried about. I
16 mean, as Sue mentioned, there are species windows
17 that will prevent construction for six months or
18 more after you've received the permit.

19 So sort of as you look at whatever
20 wording you're going to use to say, you know, a
21 timeframe after obtaining the permit, it also
22 needs to be in accordance with the conditions of

1 that permit, if there's a timeframe built into
2 it.

3 MR. DANNER: So, there was a
4 suggestion for a process for exceptions. Is
5 there a process that could be expedited in this
6 case so that if something like that came up, one
7 could simply notify PHMSA and PHMSA could give it
8 a review that it had some issue like that?

9 MR. TURPIN: And again, from an
10 operational standpoint, FERC's not usually
11 involved. A lot of this is more of an issue when
12 you have new pipeline. But certainly if you're
13 doing stream crossings on a maintenance, the
14 activity, then it's going to be a concern for the
15 operators.

16 And so I think that's more of a
17 question does that work for them because our
18 regulations would allow them to move forward with
19 it.

20 MR. DANNER: Okay. Well, Steve has
21 his tent up. Yes, go ahead.

22 MR. NANNEY: What we had planned to

1 do, and it just wasn't up on a slide, is we were
2 planning to give the operator the option as soon
3 as practicable after obtaining the permits. We
4 would not expect for them to send anything in to
5 PHMSA.

6 That would be handled on a normal
7 inspection if they were complying. It would be
8 no event. If they weren't complying, then we
9 would see what we needed to do going further. We
10 were not expecting operators to have to give
11 PHMSA notice.

12 We were letting them do what was
13 practical based upon the permitting process is
14 how we were planning to write it up.

15 MR. DANNER: Yes, Sue Fleck?

16 MS. CAMPBELL: Thank you. Cheryl
17 Campbell, Excel Energy. Just, and thank you by
18 the way for, I like the idea of adding the
19 language as soon as practicable. It can be
20 tricky at times getting to different areas for a
21 variety of different reasons. So appreciate
22 that.

1 I want to add my voice to support on
2 not picking the technology that's the winner
3 here. We've seen, we've been running ILI tools
4 and CIS and DCG, all this stuff since probably
5 about 2008 or earlier.

6 And we've seen just a tremendous
7 amount of change and advancement in the
8 technology over that timeframe. So I am
9 optimistic that the tools and the equipment will
10 continue to evolve and evolve quickly to help us
11 assess the health of these pipelines. So I would
12 strongly encourage not picking the technology,
13 but really focus on what it is we're looking for.

14 As far as just the, I understand your
15 point around the severe and the moderate. I
16 guess my comment would be that we already have
17 quite a few, I'll call them belts and suspenders
18 around corrosion management for pipelines.

19 I'm a big believer, by the way, in put
20 the pipeline in perfect, and then I never want to
21 see it again. I mean, that's my goal. Every
22 construction project that we have is get it in

1 perfect.

2 I am a realist, though. I can't get
3 the coating perfect with everything that happens.
4 So we do the best we can. And then as I said, we
5 have belts and suspenders in the rule and in our
6 own processes that make sure that corrosion
7 doesn't take hold.

8 So I like the change from, I'm
9 actually quite comfortable with the moderate to
10 severe. The next time we run a tool in it we're
11 going to see, we're going to be monitoring that
12 stuff and make sure that it doesn't get bad and
13 we can get it.

14 And Steve, to your comment about hey,
15 they're only required every seven years, I think
16 I know a lot of operators, and I know it's not
17 required in the code, but I know a lot of
18 operators that do it more frequently than that.

19 I also know a lot, including us, that
20 do a baseline after construction on transmission
21 pipe so that we have a starting point and we know
22 what the health of that pipe is after

1 construction.

2 So I think you'll find that that's
3 going to become a more common practice within the
4 industry because it does give you something to
5 start from and to compare to as you're doing
6 assessments over time and understand what you've
7 got.

8 So again, I mean, I would encourage us
9 to look at corrosion prevention and corrosion
10 management in a whole, just like we look at leak
11 management and a number of other things as a
12 whole. I think that helps, and then leave the
13 technology side open and focus on the goal that
14 we have, and that's not allowing corrosion to get
15 a foothold on your system.

16 MR. DANNER: All right, thank you.
17 Sara Gosman.

18 MS. GOSMAN: So just a quick idea. I
19 understand the point about regulatory
20 obsolescence, I suppose, in terms of technology.
21 The way that I've seen this done in other rules
22 is to be specific about the requirement and the

1 technology, and then have a particular statement
2 after it saying or an equivalent technology as
3 determined by PHMSA.

4 And that allows for, you know, the
5 change in technology over time, but it doesn't
6 mean that you don't have something specific in
7 the rule which is I think what I like about the
8 text right now. So that's just a suggestion.

9 MR. DANNER: All right, any other
10 comments? Okay, Alan, where do we go from here?

11 MR. MAYBERRY: We should call for, is
12 there interest in calling for a vote?

13 MR. GALE: John Gale. Yes, real
14 quick, we're about to pull up some language. You
15 know, we've been listening obviously to the
16 dialogue and we have some vote language that may,
17 you know, at least start the conversation on
18 where the vote could go.

19 Obviously at the end of the day it's
20 the Committee's language, but it's just something
21 to kind of facilitate your conversation.

22 But real quick, I'm sorry, we would

1 like, Alan, if it's okay we would like to go
2 through the voting protocol. It's a short
3 presentation that we try to do at each meeting.
4 And Cheryl Whetsel will lead that conversation.

5 MR. MAYBERRY: That sounds good. And
6 just if you will indulge me, yes typically at
7 this point we would call for a, there might be a
8 call for a vote in the form of a motion and then
9 a second, obviously through Robert's Rules of
10 Order.

11 But Cheryl's here to keep us straight
12 on that and kind of go through the protocol that
13 we would go through for that.

14 MS. WHETSEL: We just want to make
15 sure you get this technical language in here from
16 the statute. Okay, just to clarify, next slide,
17 I guess. Okay, we're just going to go over the
18 items for voting this meeting.

19 Corrosion control, installation of
20 pipe and ditch coating protection, external
21 corrosion monitoring and remediation, external
22 corrosion interference currents, internal

1 corrosion, P&M measures for internal and external
2 corrosion, and then the second item would be
3 records and IM clarifications throughout
4 identification data collection and integration,
5 risk assessment functional requirements, thread
6 assessment for plastic pipe, cyclical fatigue,
7 M&C defects, and ERW pipe, prevention, and
8 mitigative measures.

9 Okay. And just as a reminder, the
10 verbatim meeting transcript does serve as a
11 Committee report, unless another document is
12 provided by membership. And there's the Docket
13 number for this meeting, generally just for your
14 review as we have a docket for each year.

15 So the Committee action for this
16 meeting is to vote on the gas, the safety of gas
17 transmission gathering line pipelines. As
18 published in the federal register on April the
19 8th, 2016, and we are reviewing it for their
20 technical feasibility, reasonableness, cost
21 effectiveness, and practicability.

22 So the Chairman's role is when a

1 decision or recommendation of the Committee is
2 required, the Chairman will request a motion for
3 a vote. And then any member, including the
4 Committee Chair may make a motion for a vote. A
5 quorum is required for a vote, and we did
6 determine that there is a quorum at this meeting.

7 So under the statutory language, the
8 Committee action is that members consider each
9 proposed rule and the draft regulatory
10 evaluation. The motion should include the
11 terminology from the statute to indicate the
12 Committee has carried out its responsibilities.

13 And motions must originate from and be
14 seconded by members of the Committee. Options
15 for calling a motion, you can agree as proposed,
16 or you're not in agreement, or propose a change.

17 And I might recommend that, you know,
18 you all remember that if you want to propose a
19 change, somebody has to step up to the plate and
20 pull together some language in order to do so. I
21 know that's tough.

22 So here's the sample language. The

1 proposed rule as published, or the proposal that
2 we're discussing, so it doesn't have to be the
3 rule itself, it could be the item that we're
4 discussing on the table, as published in the
5 federal register and the draft regulatory
6 evaluation are technically feasible, reasonable,
7 cost effective, and practical.

8 And the items in the red are what is
9 actually in the statute. If you're not in
10 agreement, you could propose that the proposed
11 rule is not or cannot be made technically
12 feasible, reasonable, cost effective, or
13 practical.

14 And then the third option is that the
15 rule could be technically feasible, reasonable,
16 cost effective and practical if the following
17 changes are made. And this is where members need
18 to come up with some kind of language that they
19 want to propose. So here we are at the first
20 item, 1A, installation of pipe.

21 MR. DANNER: All right, so just
22 something for, I wanted to get my own

1 clarification because we said we're not
2 wordsmithing here. So what we're going to be
3 asked to vote on this morning is not specific
4 language. It's something at a higher conceptual
5 level. Alan, do you want to clarify that?

6 MR. MAYBERRY: Yes. You may recall in
7 prior meetings we've done some wordsmithing.
8 We're trying to, you know, we have a lot to get
9 through. And I think the intent of getting the
10 advice of this committee is not to provide
11 specific regulation language, but to provide
12 input and guidance on the direction we go.

13 So to that end, we're looking for
14 really the concept, the themes that we need to
15 address as we develop a final rule, and your
16 recommendation for that that takes into account,
17 you know, the points that we just discussed.

18 I think we do have John --

19 (Simultaneous speaking.)

20 MR. GALE: Yes, Alan. It's about the
21 comment that's on the screen right now.

22 MR. MAYBERRY: -- that will help seed

1 the conversation and be a factor for calling the
2 motion, I believe.

3 MR. DANNER: Before we do that we have
4 a couple of tents up. So it looks like, is that
5 Ms. Fleck? Oh, okay.

6 MR. DRAKE: I was going to take a shot
7 at a proposal, but I'll hang back.

8 MS. FLECK: Yes, let me have, I have
9 two, a question and a comment. First question is
10 when, and it's sort of a general procedural
11 question.

12 So now that we've come close to
13 approving the language, and there was a comment
14 from the public around this, how does the cost
15 benefit analysis get updated, because I believe,
16 and I think others believe that the cost may be
17 understated.

18 But even whether they're understated
19 or overstated or whatever, once you get to the
20 final language, now you've really set what's
21 going to happen so you could more accurately
22 calculate what the costs are of the rule.

1 So I'm a little uncomfortable saying
2 something is cost effective if I really don't
3 know what the cost structure is. So how is that
4 addressed? The second comment, so that's a
5 question.

6 And then my comment is I understand we
7 can't wordsmith here, but I will always be
8 uncomfortable voting for something when I don't
9 see the language. And I just want to be on the
10 record with that because as I've said in the
11 past, words really do matter in a regulation
12 because we're held accountable to it.

13 So we're voting on concepts, and then
14 we're trusting that you will get the words right
15 so that the concepts are properly incorporated
16 into the code. Thank you.

17 MR. DANNER: You want to respond to
18 that, Alan?

19 MR. MAYBERRY: Yes, just to clarify.
20 And Sue, I know we've had other conversations
21 about this. But to answer a couple of your
22 questions, really as we go from here, as we

1 develop the final reg text it would be costed out
2 again. So we would go through another cost
3 benefit. So yes, that's definitely a step.

4 And the processes are in place, the
5 controls are in place to accomplish that. So
6 that would definitely happen. And really you're
7 voting on, you know, we need to consider, in
8 light of what we had in the final rule, this will
9 be fine if we make these changes and deal with
10 these.

11 So, and that's what our plan is to do
12 that and take the advice, and of course present
13 it to the, you know, leadership as we move
14 forward.

15 MR. DANNER: So let me follow up with
16 a question on that, though. If what we're
17 approving today is concepts and we're trusting
18 that those concepts will be reflected in the
19 final product, will, I mean, if there are future
20 meetings of this Committee, would we have an
21 opportunity to see more final language and
22 perhaps respond to that at a later date if

1 there's a feeling among the committee that those
2 concerns were not reflected in the language?

3 MR. MAYBERRY: Yes, I think actually
4 our, and this is Alan Mayberry again just for the
5 court reporter, if you need that. But our plan
6 would be to vote on this and move forward. So we
7 wouldn't necessarily come back to this at a
8 future meeting, but let's, would be to get the
9 vote, to gain the vote and then we would move
10 forward.

11 And for as far as taking this into
12 account, you'll just have to trust the staff of
13 PHMSA to, you know, to carry out the desires of
14 the Committee. And you know, I offer as the head
15 of the agency my commitment that we'll do that to
16 the best of our ability to really, and do it in a
17 way that's in the spirit of what the desires of
18 the Committee.

19 Ultimately, as you know, it's the
20 prerogative of the administration, the
21 administrators far as how the rule is finalized.
22 So, but this is a major data point for that. But

1 I just offer my commitment that we will do
2 everything we can to make sure that we, you know,
3 that the desires of this Committee are taken into
4 account and considered as we develop the final
5 rule.

6 MR. DANNER: All right. Andrew,
7 Richard, and then Sara. Andy?

8 MR. DRAKE: I'm prepared to make a
9 motion. But I'm looking at all these tent cards
10 that just came up, so I'm going to pause and let
11 them go.

12 MR. DANNER: Okay, so all right. All
13 right, so we will move past you.

14 MR. WORSINGER: Rich Worsinger, City
15 of Rocky Mount. Alan, appreciate your comments.
16 Understand the need not to wordsmith. What would
17 be helpful, obviously the information that's up
18 on the slides, you've had at least before this
19 morning probably for a number of weeks.

20 It would help us, it would help all
21 the members of the Committee if that could be
22 provided to us as soon as it's available instead

1 of waiting for meetings such as this. That way
2 we can have a chance to really evaluate it, chew
3 on it, and be more prepared. So I make that
4 request. Thank you.

5 MR. DANNER: All right, Sara?

6 MS. GOSMAN: Just another procedural
7 question from a person interested in procedure.
8 So when we make this motion and a vote, you've
9 indicated on the record that you're planning to
10 make some changes to the rule already.

11 And I wonder whether those are
12 incorporated in the, in what we're voting on
13 initially or we go back to the proposed rule as
14 in the federal register because if you as an
15 agency have moved already on your policy
16 position, I wonder whether it makes sense to vote
17 on the original or whether it makes sense to vote
18 on what you are currently planning to do.

19 MR. MAYBERRY: So may I? I think
20 that's, what we're trying to avoid, like, in the,
21 to the end of avoiding wordsmithing and getting,
22 you know, asymptotic as we get to the right

1 planning spot, you know, really you're making,
2 proposing changes to the current rule, the
3 current proposed rule.

4 And then we'll take that into account
5 as we vote for the final rule. Yes, so I think
6 that's, so we're at the point of really you're
7 commenting on the proposed.

8 MS. GOSMAN: Okay, thank you.

9 MR. DANNER: All right, Mr. Allen?

10 MR. ALLEN: Steve Allen, Indiana
11 Utility Regulatory Commission. Could you blow
12 that screen up a little bit so I can --

13 (Off microphone comments.)

14 MR. ALLEN: Yes, I even have my
15 glasses on. Thank you. That very last bullet
16 point on providing flexibility for technology as
17 approved by PHMSA, I have a lot of questions on
18 that and I'm not quite sure where to begin.

19 You know, I think the discussion was
20 don't box us in as far as the technology. I
21 think that's a fair characterization of what some
22 of my colleagues were concerned about. Would

1 language that would address this, would that
2 satisfy those concerns I guess, number one.

3 And number two, I also I think am a
4 little concerned about the cost benefit analysis.
5 You know, being a numbers guy, you know, I look
6 at this and the pipe is already in the ground.

7 If there are some requirements out
8 there that suggest hey, you know, we need to dig
9 this back up again, we need to repair a severe
10 fault or whatnot, if there are other mitigating
11 measures available to the operators, I would
12 probably prefer that so long as they're proven
13 mitigative measures.

14 This all costs money. And being a
15 state regulator, you know, I also have to look
16 out for the rate payers of the State of Indiana.
17 And I'm a little concerned of that. So I guess
18 with that, just curious if a language like this,
19 I'm not sure how it would work but would language
20 addressing flexibility and technology address
21 some of the concerns raised?

22 MR. DANNER: Chad, do you want to

1 respond to that?

2 MR. ZAMARIN: Chad Zamarin, Cheniere
3 Energy. I think it does, I think, find the
4 balance between being specific and, you know,
5 identifying a technology that is currently
6 proposed and allowing for ongoing development in
7 advancement.

8 So I think it was Sara's comment, I
9 think it strikes the right balance between having
10 some specificity but also allowing for ongoing
11 development. I think there are a lot of places
12 in the code that are good reference points where
13 that type of language exists that can be used.

14 MR. DANNER: I have a question I would
15 like to put out there, and that is basically can
16 somebody walk me through the process after this
17 advisory committee gives its advice to the
18 Agency, the Agency will do, I assume the new
19 administrator will look at this, the secretary
20 will look at this, will OMB look at this. What
21 are the steps this goes through from here?

22 MR. MAYBERRY: Yes, just briefly.

1 This is Alan Mayberry. And we'll take input say
2 specifically on this issue and we'll develop a
3 final rule which means we'll revise the
4 regulatory text to address the points that were
5 brought up here.

6 Along with that, we'll revise the
7 regulatory impact analysis, the cost benefit.
8 And then the complete package, or the rulemaking
9 package, what we'll call a proposed final rule
10 would be run to our process within PHMSA. It was
11 reviewed by our what we call regulatory steering
12 committee that will vote and approve it.

13 And then of course it's ultimately
14 approved by the leadership within PHMSA, the
15 administrator.

16 At that point it heads over to the
17 Office of the Secretary for vetting and then
18 ultimately over to the Office of Management and
19 Budget where ultimately after that's approved by
20 OMB then it has ultimately will get to go for
21 publishing of final rule. But that's in a
22 nutshell the process.

1 MR. WORSINGER: Should we mention the
2 impact of the President's executive order?

3 MR. MAYBERRY: Yes, to the extent, I
4 might add that -- and I had alluded to the
5 Federal Register notice that's coming out that
6 part of the process as well, the delivery of
7 process internally, is making sure we're
8 consistent with the executive orders that are out
9 there, specifically on regulatory reform, and
10 energy independence, and, you know, very
11 specifically the provision for every regulation
12 we issue we withdraw two.

13 And this will be in the mix for that,
14 to make sure that we are efficient in the
15 regulations we issue, that we have to look, to
16 the extent this creates a cost burden, that we
17 look to areas where perhaps we could have some
18 savings through reduced burdens.

19 And that's really part of the process
20 that we go through as well, that will ultimately,
21 you know, determine how this comes out. But it's
22 definitely part of the mix. Because this will

1 come into play with other rules that we have or
2 other potential policies like the plastic pipe
3 rule or other provisions, other parts of this
4 rule. Thanks. Yes, Mark?

5 MR. SANBORN: Yes, I want to -- Mark
6 Sanborn, PHMSA -- just add a couple of points.
7 Alan alluded to it, but the two main provisions
8 in the President's executive order are the two
9 for one. So for every rule you add you have to
10 eliminate two and the pay for. So for every new
11 regulation, you have to find other regulatory
12 burden reduced. So we're getting further
13 explanations from that from OMB, but they've come
14 out with a lot of guidance.

15 The other thing I want to just point
16 out for folks, who are familiar with how regs and
17 rule making went through DOT previously, is one
18 of the things that's been instituted at all the
19 departments is a reg reform committee.
20 Basically, the Office of the General Counsel or
21 chief counsels in all the departments have put
22 together a team.

1 So there's a little bit more review at
2 the department level on all regs because of the
3 emphasis in this administration of regulatory
4 reform. So that will all happen with every reg
5 moving forward, at least currently in this
6 administration.

7 MR. DANNER: So I don't want to get us
8 too far off topic, but I do want to ask you, I
9 mean, we are going to have a cost benefit
10 analysis of this rule. If this rule is to go
11 forward, it means some other rules must go away.
12 And how does that impact the cost benefit
13 analysis? Is the cost benefit analysis done on
14 three rules or just one rule at a time? And how
15 does that work out?

16 Because we could find a benefit in our
17 going forward, but if that's weighed against the
18 loss of benefits from other rules going away, how
19 do we assess that in our work?

20 MR. SANBORN: So, and Stephen, if I
21 said anything wrong tell me, because I'm not a
22 lawyer. But basically the guidance we've gotten

1 from OMB is that, on both the two for one and the
2 pay for, it's within the department.

3 So all the modes, the regs that have
4 been eliminated or dereg'd, all go into kind of a
5 bucket for DOT from both regulatory, the reg
6 itself and then the cost saving. So basically,
7 OGC, the DOT's Office of General Counsel is
8 responsible with OMB for keeping a tally of both
9 how many regs have been reduced and how much has
10 been saved. And as new regs are going forward,
11 that's balanced against that.

12 MR. DANNER: So we're only going to
13 look at the costs and benefits of what's before
14 us now. And the other rules that will go away,
15 if they have costs that result from them going
16 away that's simply outside of our portfolio here.
17 That's what you're saying.

18 Any other comments before we start --
19 Yes, Sue.

20 MS. FLECK: Sue Fleck, National Grid.
21 Are you going to work off of that and make the
22 additional changes that are needed?

1 Because one of the things that
2 concerns me is just that last bullet as approved
3 by PHMSA. I'm just afraid that's going to
4 generate a special permit process. It's not
5 really approval. I think we need to worry about
6 the language in that last bullet.

7 I just don't want to get to the point
8 where a new technology comes out and we have to
9 go through a year-long approval, a special permit
10 process. Because then we're going to miss all
11 those other six-month deadlines around assessment
12 and repair. So, you know what I'm saying? That
13 language, as approved by PHMSA, is problematic.

14 MR. DANNER: All right, Alan?

15 MR. MAYBERRY: Just if I may, Sue, to
16 address your comment there, I think the process
17 we'll be looking at, or you may even add it here,
18 it's like a no objection process as opposed to a
19 right approval which is done in other areas.

20 MR. DANNER: Okay. Andy, I guess we
21 can now turn to you for a motion.

22 MR. DRAKE: Okay. I'll give this a

1 shot. I'd like to make a motion, this is Andy
2 Drake with Enbridge, that the proposed rule as
3 published in the Federal Register and the draft
4 regulatory evaluation, with regard to the
5 provisions for the installation of pipe in a
6 ditch and coating protection, are technically
7 feasible, reasonable, and cost effective, and
8 practical if the following changes are made.

9 These are recognizing the discussions
10 that we've had here this morning. That the
11 repair threshold be moved from moderate to severe
12 indications to avoid the excavation of pinholes
13 and trivial anomalies. That we modify the
14 applicability of this requirement to segments
15 greater than 1,000 feet to be consistent with
16 192.461. That we lengthen the assessment
17 timeframe to six months and the remediation
18 timeframe accordingly after the pipeline is
19 placed in service to provide greater allowance
20 for permitting delays. That we modify the
21 records' requirement as follows, that we make and
22 retain for the life of the pipeline records

1 documenting the indirect assessment findings and
2 remedial actions, and that we provide flexibility
3 for technology by objection with PHMSA.

4 And I don't know if I got that last
5 piece right there, about how to word that
6 alternate technology, but the recognition of
7 alternate technologies be included in this
8 provision.

9 MR. DANNER: So you said unless
10 objected to by PHMSA?

11 MR. DRAKE: Yes.

12 MR. DANNER: So procedurally, I think
13 we take a second, and then we discuss. Is there
14 a second?

15 MR. WORSINGER: Second.

16 MR. DANNER: All right. It has been
17 seconded. So discussion? Sara?

18 MS. GOSMAN: Can you give me more
19 information on the no objection process? What
20 does it mean to have it be -- I sense that the
21 burden is on the Agency then to object when a
22 particular technology is to be used.

1 And I wonder how you find out that
2 that particular technology is to be used and
3 what's the basis of that decision? Does the
4 operator have a particular responsibility to
5 demonstrate to you that it's equivalent?

6 MR. DANNER: Yes. Especially since
7 you just said you don't want a notice to PHMSA.

8 MR. NANNEY: The no objection route
9 would be that, if they wanted to use other
10 technology or new technology, it would be a
11 submittal into PHMSA.

12 And then PHMSA would either have to
13 respond in, whether it's 90 days or 180 days,
14 some timeframe. We would need to give them an
15 objection or no objection. It's how that process
16 -- it's a process that's already in sub-part O,
17 in Part 192. And operators do that all the time,
18 like, Guided Wave UT, to use it today, it's the
19 objection/no objection process.

20 MR. DANNER: Sara?

21 MS. GOSMAN: And in terms of the
22 burden on who's actually demonstrating the

1 equivalency, is it your burden or the operators'?

2 MR. NANNEY: The operators' burden.

3 MS. GOSMAN: Okay, thank you.

4 MR. DANNER: Okay, so I'm still
5 unclear how -- all right, so PHMSA is notified
6 that a new technology is being used. So there is
7 actually a notice.

8 MR. NANNEY: Yes.

9 MR. DANNER: Okay. Any other
10 discussion? All right, we have a motion before
11 us. The motion has been seconded. I think at
12 this point we're ready to take a vote. Shall we
13 do it? Yes, Sue?

14 MS. FLECK: Sorry, Sue Fleck, National
15 Grid. I guess there was other conversation we
16 had about six months, or until permit was
17 required, or some language about within the
18 stipulations of the permit. We had talked about
19 -- it wasn't just a flat six months. I thought
20 we had -- is that in there?

21 MR. DANNER: Yes. The language, as I
22 recall, is unless delayed by --

1 MS. FLECK: No, the way it's written
2 says six months to allow for. And I think what
3 we had -- the conversation we were having was
4 that there needed to be, you know, unless you get
5 the permit and it says you can't start for 30
6 more days or something like that, you'd be stuck.
7 So subject to the permit stipulations, I think.

8 MR. DANNER: Okay, Alan has a fix for
9 that.

10 MS. FLECK: Okay.

11 MR. MAYBERRY: I would just change
12 that. I think in Step 2 it should be "and".

13 (Off microphone comments.)

14 MR. MAYBERRY: Here we are, a
15 wordsmith.

16 MR. DANNER: Okay. So I think we need
17 not deem that a formal amendment which would
18 require a separate vote, do we? We can just go
19 ahead and deem that part of the original motion.
20 Okay. In that case, I think we can take a vote.
21 Cheryl, do you want to take a roll call vote?

22 MS. WHETSEL: Yes. Thank you all very

1 much. That was a great proposal there. Andy,
2 good job. So we'll take a roll call vote, yea or
3 nay please. Steve Allen?

4 MR. ALLEN: Yea.

5 MS. WHETSEL: Diana's not here. Dave
6 Danner?

7 MR. DANNER: Yea.

8 MS. WHETSEL: Terry Turpin?

9 MR. TURPIN: Yea.

10 MS. WHETSEL: Cheryl Campbell?

11 MS. CAMPBELL: Yea.

12 MS. WHETSEL: Andy Drake?

13 MR. DRAKE: Yea.

14 MS. WHETSEL: Susan Fleck?

15 MS. FLECK: Yea.

16 MS. WHETSEL: Rich Worsinger?

17 MR. WORSINGER: Yea.

18 MS. WHETSEL: Chad Zamarin?

19 MR. ZAMARIN: Yea.

20 MS. WHETSEL: Mark Brownstein is not
21 here. Sara Gosman?

22 MS. GOSMAN: Yea.

1 MS. WHETSEL: Robert Hill?

2 MR. HILL: Yea.

3 MS. WHETSEL: Okay, Bob Kipp is not
4 here, and Rich Pevarski is not here. So the
5 motion passes.

6 I just want to -- a couple of
7 administrative things. I wanted to let you know
8 that during the lunch break I'm going to have
9 some adjustments made the mics. Because I see
10 everybody struggling to lean over, especially
11 Dave and Alan over there.

12 And then also, for anybody who made
13 comments in the public, would you please either
14 provide your card to me or to the court reporter
15 so we can be sure and get your names correct in
16 the transcript. And that's it for now. Thank
17 you.

18 MR. DANNER: All right, thank you. So
19 I need to state for the record that the motion
20 passes. And --

21 (Off microphone comments.)

22 MR. DANNER: Yes, we shall. And I was

1 going to propose that this is a great breaking
2 point. So it is now 10:15. All right, let's
3 take a ten minute break. We'll be back at 10:25,
4 and we'll start promptly. Thank you.

5 (Whereupon, the above-entitled matter
6 went off the record at 10:15 a.m. and resumed at
7 10:36 a.m.)

8 MR. DANNER: Okay, we're back on the
9 record. And for those of you who thought we were
10 done with corrosion, you were wrong. So Steve,
11 why don't you tee up the next issue please.

12 MR. NANNEY: Okay. 1B, the next item
13 we're going through will be 192.465 and Appendix
14 D. The issue there was that the current
15 requirements are not always effective in
16 eliminating cathodic protection deficiencies.

17 PHMSA proposed to require close
18 interval surveys in response to items identified
19 by CP as being monitoring deficiencies. And the
20 basis, again, is lessons learned from pipeline
21 failures in construction problems discussed at a
22 public workshop in Fort Worth.

1 At the last meeting, we heard
2 committee comments. And to summarize them, one
3 was the impact of distribution was not justified
4 or analyzed, and therefore distribution lines
5 should be excluded.

6 The next item was the timeframe for
7 remediation doesn't take into account obtaining
8 permits. Disagreed with the proposed revisions
9 to Appendix D criteria, and always requiring
10 close interval surveys does not take into account
11 the cause for low CP readings. And in fact, in
12 some cases, close interval surveys may be of
13 little or no benefit.

14 Going to the next item, based upon
15 what PHMSA heard from the committee, PHMSA
16 suggests that the committee consider, number one,
17 clarify that the new requirements in Paragraph
18 465(d) apply to only gas transmission pipelines.

19 And two, address comments on the
20 timeframe by modifying 465(d) to require a
21 remediation action plan, and apply for necessary
22 permits within six months, and to complete the

1 remedial action within one year, not to exceed 15
2 months, or as soon as practical after obtaining
3 the necessary permits.

4 The next item that PHMSA would suggest
5 that the committee consider is, in addressing
6 situations where CIS may not be effective, to
7 modify or propose Paragraph 465(f) to require
8 that operators investigate and mitigate any non-
9 systemic or location-specific causes and that
10 close interval surveys would only be required to
11 address systemic causes.

12 Also to address comments on proposed
13 revisions to Appendix D, PHMSA would propose,
14 rather than making changes to Appendix D, to
15 withdraw any revisions to Appendix D in the final
16 rule.

17 Okay, discussion and vote, John?

18 MR. DANNER: All right. Was there any
19 members of the public? Oh, okay, excuse me.
20 John?

21 MR. GALE: Yes, Mr. Danner, we're
22 ready for public comment.

1 MR. DANNER: All right. So, Cameron,
2 you have the microphone. Is there anyone who
3 wishes to comment on this item? John, can we
4 have the slides back up.

5 MR. MURK: Good morning. My name is
6 Dave Murk. I'm with the American Petroleum
7 Institute. And I actually wanted to make more of
8 a general comment this morning, I missed the
9 opportunity in the earlier public comment
10 session, related actually to gathering lines.

11 I know the gathering lines topic and
12 issue related to the rule is going to be pushed
13 to the next, I believe, the next meeting. But we
14 have some concerns from API's standpoint, and
15 member companies, with respect to how all of
16 these provisions today, and over the next two
17 days that we're going to be discussing,
18 potentially get pulled into these various
19 provisions.

20 I wanted to first thank Alan and the
21 GPAC for holding these meetings, I think they're
22 very important, and to have multiple meetings

1 like this. And hopefully we can continue to have
2 the dialogue that's needed as the new regulations
3 move forward and we really talk about the
4 regulations being fit for purpose and truly
5 improving pipeline safety. And thanks for the
6 opportunity to comment, have the public comment
7 as well.

8 So on behalf of API and its member
9 companies, with gathering lines, I wanted to say
10 some of the ongoing concerns that we've expressed
11 in the past through comments and through our
12 public webinars related to the applicability,
13 again, of many of the provisions that we're going
14 to be talking about today to un-federally
15 regulated gathering line operations.

16 Although PHMSA acknowledged during the
17 public webinars that you stated your intent was
18 not to extend to gathering operations, and we're
19 going to be moving that broader discussion to
20 meetings three and four, the current rule
21 proposal is related to but not limited to the
22 topics we're discussing today, including IVP,

1 Integrity Management outside ACA's strength
2 assessments, material documentation, MAOP
3 exceedance reporting, corrosion control records,
4 and IM clarifications.

5 It's still not clear to us whether the
6 previous unregulated gathering lines would be
7 excluded from these provisions in the rulemaking.

8 And additionally, and it was recorded
9 in the January meeting of the group, that the
10 Management of Change provision would be exempt
11 from gathering as well. And representatives of
12 the industry also previously requested that
13 proposals pertaining to gathering lines be
14 addressed in a separate dedicated GPAC meeting.
15 So again, thank you to PHMSA for doing that and
16 moving it to the next two meetings.

17 API is appreciative of PHMSA's
18 statements, related conversations, and votes
19 previously taken by the advisory committee.
20 However, although gathering was not being
21 discussed as part of this meeting, there's a lack
22 of clear exemptions for gathering overriding

1 virtually every proposed provision being
2 discussed today, which could result in
3 significant confusion as the new proposed rules
4 that would be applicable to the various
5 categories of regulated gathering lines.

6 We'd also offer that to date no
7 additional data -- additional gathering data, has
8 been collected, which was a Congressional
9 mandate, as a means of evaluating the necessity
10 for adding or expanding to gathering and
11 gathering regulations.

12 Industry, recognizing the importance
13 of data supported regulations, stands ready to
14 support an appropriate data collection effort
15 and, if needed, work with PHMSA on further
16 regulations. This should be apart from the
17 ongoing work to modify the transmission rules.
18 Thank you.

19 MR. DANNER: All right, thank you.

20 MR. OSMAN: My name is C. J. Osman.
21 I'm with INGAA. Just wanted to say, with regards
22 to the proposed modifications to 192.465 and

1 Appendix D as we understand them, reading them
2 quickly here, it seems like PHMSA did an
3 excellent job considering the feedback from the
4 GPAC at the January meeting. And we support
5 these proposed changes and the proposed 192.465
6 and Appendix D as outlined on these slides.

7 MR. DANNER: All right. Are there any
8 other comments from the public? Okay, I'll turn
9 to committee members. Are there any observations
10 that committee members would like to make?

11 (No audible response.)

12 MR. DANNER: All right, I guess we
13 have a motion. Oh, excuse me. Sara, you have a
14 comment?

15 MS. GOSMAN: Just a brief comment,
16 because I know we're going to go through these
17 timeline issues again and again. And I'm a bit
18 concerned, I guess, about pushing the timelines
19 on all of the proposed rules. So as I understand
20 this, we're pushing it to 15 months, is that
21 right, at the outside, rather than 12 months?

22 MR. DANNER: Yes.

1 MS. GOSMAN: And the rationale for
2 that is --

3 MR. NANNEY: In most cases in the
4 code, where we have 12 months or six months, we
5 will give a grace period in case there's issues
6 that an operator runs into. Normally when it's
7 12, we give 15, so we tried to keep it in that
8 type timeframe where you will see, in other areas
9 of the codes, we've done the same thing.

10 And again, as we talked before, as
11 soon as practical after obtaining necessary
12 permits, we would expect the operator, if they
13 had a permit that went past that 12 months or 15
14 months, enough to delay them six months after
15 they got their permit, but as soon as they got
16 them, in a prudent manner, going out and doing
17 it.

18 If they did that, PHMSA, when they did
19 an inspection of that new construction or of that
20 existing line, it would just be part of the
21 overall enforcement inspection process.

22 MR. DANNER: Steve, do you -- I'm

1 sorry, go ahead, Sara.

2 MS. GOSMAN: I think, that as I read
3 this text more, I actually get more confused. So
4 can you -- perhaps it's only me, but I'm not
5 sure. So you say within six months and complete
6 the action within one year, not to exceed 15
7 months, whichever is less, okay?

8 MR. NANNEY: Yes.

9 MS. GOSMAN: So --

10 MR. NANNEY: The point of the language
11 and how it's used in other areas of the code,
12 they couldn't just drag it out to 15 months just
13 for the sake of dragging it out, but to do it as
14 close as possible to 12 months or less.

15 And that's what we find, in almost all
16 the cases, the operators do. It may be that the
17 12 months ends on a Saturday or Sunday, and
18 they're doing it the next week or something like
19 that.

20 We do not see those type issues that
21 are going on, or maybe it's a flood has come, or
22 it's real wet, and they're going to tear up a lot

1 of right of way going out and doing it, and they
2 wait a month to go do it due to that.

3 MR. DANNER: So I'm just -- as I read
4 this, okay, so first you've got to apply for the
5 necessary permits within six months. Then you've
6 got to complete the remedial action within one
7 year, not to exceed 15 months, whichever is less,
8 which would be one year.

9 So I think this is one where we may
10 have to wordsmith this. And then my question to
11 you is this language, as soon as practicable, do
12 you have experience with that language? And how
13 do you make determinations that the operator is
14 acting expeditiously?

15 MR. NANNEY: Well, of course that
16 would be a judgement call. But if you went out
17 and an operator had gotten a permit last month,
18 and then a month later they had not done any work
19 on it, and conditions had been fine, then PHMSA
20 would expect there to be issues.

21 If it had been real wet, and they
22 couldn't get out there and do it, or some other

1 type item going on that would cause a delay, then
2 you have to use reasonable judgement and give
3 them a timeframe. So that would be how PHMSA
4 would look at it.

5 MR. DANNER: I don't know who had the
6 card up first. Susan?

7 MS. FLECK: I just think, this is Sue
8 Fleck, National Grid, I just think that whichever
9 is less is what's making this sentence confusing.
10 And I don't think it's necessary.

11 The 12 months or the one year, not to
12 exceed 15, is generally, at least on the
13 distribution side, is enforced by the state
14 regulators who hold you accountable for the one
15 year. And if you go beyond that one year, and
16 you get into that grace period for the reasons
17 that were identified, you need to support that,
18 and document it, and have those conversations
19 with your state regulator before they'll allow
20 that.

21 So that's where that ends up being
22 captured. We consider that 12 months is the

1 regulatory requirement. And that extra, and this
2 is all over the code, this not to exceed, it's
3 all over the code, it's really for those
4 extenuating circumstances. And the state
5 regulators definitely hold us accountable to
6 that.

7 MR. DANNER: Okay. So speaking as a
8 state regulator though, I would tell you that I
9 would see this as this is the federal language,
10 so my discretion, basically, is limited. And 15
11 months is the default timeline.

12 So I don't see this as giving me the
13 ability to limit it to one year unless there are
14 extenuating circumstances. I would see this as a
15 15 month period. But, I mean, other state
16 regulators may treat this differently. But
17 that's how I look at it.

18 Okay, so let's hear from, well, I
19 think Chad had his tent up first. And then
20 Steve.

21 MR. ZAMARIN: Yes, Chad Zamarin,
22 Cheniere Energy. Just to focus in, I do wonder

1 if the "whichever is less" is just a holdover
2 from the language that was originally proposed.
3 And it isn't necessary now. So that may help
4 with the confusion. Thank you.

5 MR. DANNER: Okay, Steve?

6 MR. ALLEN: Hi, Steve Allen, Indiana
7 Utility Regulatory Commission. You know, this
8 language, as a state regulator, the one year is
9 really, it's typically one calendar year not to
10 exceed 15 months. I mean, that really does make
11 a big difference. You need to do this each and
12 every calendar year, not to exceed 15 months. So
13 not once a year, once every calendar year. And
14 that's a key point in that. So I think that
15 might be what --

16 MR. DANNER: Okay.

17 MR. ALLEN: -- is confusing folks a
18 little bit.

19 MR. DANNER: Yes, that is. Because I
20 read as within 12 months, not to exceed 15
21 months.

22 MR. ALLEN: And you're talking --

1 MR. DANNER: Calendar year.

2 MR. ALLEN: That's not, okay, the
3 calendar, that does clear things up a little bit.

4 MR. DANNER: All right. Thank you.
5 Chad, you have your tent up again? Oh, all
6 right. Okay, is there any other discussion on
7 this? So is there a motion? Are we ready to
8 entertain a motion?

9 MS. FLECK: Sure.

10 MR. DANNER: All right, Sue. Oh,
11 Cheryl.

12 MS. CAMPELL: Okay. I'm likely going
13 to botch this, but we'll give it a shot.

14 MR. DANNER: Okay, identify yourself
15 for the record.

16 MS. CAMPELL: Cheryl Campbell, Xcel
17 Energy. Oh, look, you've got it up there. Okay.
18 The proposed rule, as published in the Federal
19 Register and the draft regulatory evaluation with
20 regard to the provisions for external corrosion
21 monitoring and remediation, are technically
22 feasible, reasonable, cost effective, and

1 practicable if the following changes are made.

2 Clarify that the new requirements in
3 Paragraph 192.465(d) only apply to gas
4 transmission lines. Address comments on
5 timeframes, require a remedial action plan and
6 apply for any necessary permits within six
7 months, and complete remedial action within one
8 calendar year, not to exceed 15 months, or as
9 soon as practicable after obtaining necessary
10 permits.

11 Address situations where CIS may not
12 be an effective response to require that
13 operators investigate and mitigate any non-
14 systemic or location-specific causes and that
15 close interval surveys would only be required to
16 address systemic causes and to address comments
17 on proposed revisions to Appendix D. Withdraw
18 the proposed revisions to Appendix D from the
19 final rule.

20 MR. DANNER: All right. Thank you.
21 Is there a second?

22 MR. HILL: I'll second that, Robert

1 Hill.

2 MR. DANNER: All right. Thank you.

3 Well, we have a motion and a second. Is there
4 any discussion before we take a vote?

5 (No audible response.)

6 MR. DANNER: All right, hearing none,
7 Cheryl, do you want to call the role?

8 MS. WHETSEL: Okay. Steve Allen?

9 MR. ALLEN: Yea.

10 MS. WHETSEL: Diane's not here. Dave
11 Danner?

12 MR. DANNER: Yea.

13 MS. WHETSEL: Terry Turpin?

14 MR. TURPIN: Yea.

15 MS. WHETSEL: Cheryl Campbell?

16 MS. CAMPELL: Yea.

17 MS. WHETSEL: Andy Drake?

18 MR. DRAKE: Yea.

19 MS. WHETSEL: Sue Fleck?

20 MS. FLECK: Yea.

21 MS. WHETSEL: Rich Worsinger?

22 MR. WORSINGER: Yea.

1 MS. WHETSEL: Chad Zamarin?

2 MR. ZAMARIN: Yea.

3 MS. WHETSEL: Mark Brownstein is not
4 here. Sara Gosman?

5 MS. GOSMAN: Yea, with a clarification
6 on the calendar year.

7 MS. WHETSEL: Thank you. Bob Kipp,
8 not here. Sorry. Robert?

9 MR. HILL: Yea.

10 MS. WHETSEL: And Bob and Rick are not
11 here. Okay, and the motion passes, unanimous.
12 Thank you.

13 MR. DANNER: All right. Thank you.
14 Steve, do you want to tee up the next issue?

15 MR. NANNEY: The next item we'll go
16 over will be interference currents which is in
17 192.473. And the issue there is the code
18 requirements are not always effective in
19 interference currents which is areas where you're
20 around high voltage fire lines and other
21 pipelines.

22 PHMSA proposed to require interference

1 surveys in the Interference Remediation Program.
2 The basis is lessons learned from pipeline
3 failures. Also two operators have mitigated
4 interference induced corrosion based on
5 requirements and special permits that are
6 comparable to what's proposed in 473.

7 Some of the committee comments.
8 Should only be required for lines subject to
9 stray current risk. Interference surveys are not
10 -- may not be feasible depending upon what
11 information operators can get from electricity
12 transmission companies. Phase-in compliance over
13 12 to 18 months. And the timeframe for
14 remediation does not take into account
15 difficulties in obtaining permits.

16 What does PHMSA suggest based upon
17 what we heard from the committee? We would
18 suggest that we consider clarifying that surveys
19 are required for lines subject to stray current.
20 That we clarify that remedial action be required
21 when the interference is at a level that could
22 cause significant corrosion.

1 And also, third on the slide is we
2 would update the timeframe for remediation to
3 require a remediation plan, an application for
4 necessary permits within six months, and complete
5 the remediation within one year, not to exceed 15
6 months, with allowance for delayed permitting.

7 MR. DANNER: All right, with that are
8 there public comments on this item? No, no. All
9 right.

10 MR. REYNOLDS: Lee Reynolds with
11 NiSource. Following up on the last bullet in
12 regards to the timeframes, I want to make sure
13 that we don't confuse, on the remediation with
14 typically, like, inspection, typically
15 inspection, once each calendar year, not to
16 exceed an interval of 15 months.

17 But we're talking about remediation.
18 So if I have an issue within -- find in November,
19 if we use the calendar year it's not likely I'm
20 going to be able to remediate by December 31st.
21 So the issue is around, once you find the issue
22 to remediate is to give us the year to complete

1 but not to exceed that, maybe a flexibility
2 around that 12 to 15 months.

3 And for operators, that's very
4 important to allow us that flexibility versus,
5 typically, the 12 months, for example. It's
6 usually date-specific. So if I find something on
7 June 15th of one year, I have to get it
8 absolutely remediated by June 15th or June 14th,
9 by the following year. It's very date-specific.
10 So allowing flexibility like they do on this
11 inspection side would also be very beneficial for
12 us as operators.

13 Because although this is kind of,
14 like, singular events, as an operator we are
15 doing so much around doing work on our facilities
16 that allowing us that flexibility gives us the
17 best ability to assign resources where they need
18 to go based on prioritization needs. So again, I
19 just wanted to point that out. Thank you.

20 MR. DANNER: All right, thank you.
21 Before we go to the next one, Alan, you want to
22 respond?

1 (Off microphone comments)

2 MR. DANNER: Oh, okay.

3 MS. BYRNES: Thank you. Corinne
4 Byrnes, National Grid. We operate in three
5 states, and we have over 700 miles of
6 transmission pipelines, right now about 400 of
7 which is HCA.

8 To follow-up on Lee Reynolds'
9 comments, you know, the challenge here for this
10 type of assessment is the diagnostics required in
11 determining, you know, what the root cause of
12 interference might be. That could, you know,
13 very well take more than six months or even a
14 year.

15 You know, as an example, you have
16 straight current, and you have a railroad. You
17 know, many times you'd have to coordinate with
18 the railroad to shut down so you can do your
19 testing. You know, that takes time.

20 I'm just saying, you know, it's not
21 that simple. You know, sometimes it is, but
22 there's no guarantee. And if you can't do it

1 within the timeframe, you know, we're concerned
2 that we would be in violation.

3 MS. KURILLA: Just for clarity, so
4 that we're all on the same page, this comment
5 being made about 12 calendar months that was
6 added to 465 is actually kind of confusing.

7 MR. DANNER: So can you identify
8 yourself?

9 MS. KURILLA: Oh, sorry. Erin
10 Kurilla, American Gas Association.

11 MR. DANNER: Thank you.

12 MS. KURILLA: Absolutely. Like Lee
13 said, 12 calendar months, not to exceed 15
14 months, makes perfect sense when we're talking
15 about inspection intervals. When we're talking
16 about how long an operator has to remediate an
17 action, it probably should just say 12 months.

18 And I think, to someone else's point
19 earlier, if we're going to say 12 months, not to
20 exceed 15 months, for how long I have to
21 remediate, why not just say 15 months. Either
22 it's 15 months or 12 months, I think either/or,

1 I'm going to go out on the limb and say industry
2 supports. But let's just, for clarity, either
3 pick 12 months or 15 months and be done with it.

4 MR. WEIMER: Hi, Carl Weimer with the
5 Pipeline Safety Trust. To that last point about
6 whether to go with 12 or 15 months, I guess since
7 we're adding the allowance for delayed
8 permitting, I think it's fine just to leave it
9 with 12 with that allowance for the delayed
10 permitting.

11 To the second bullet point there, we
12 actually liked the original language better.
13 Because now we've introduced in there the cause
14 would be significant corrosion. And I guess my
15 question to PHMSA would be is there a definition
16 of significant, or are we allowing each operator
17 to determine which is significant? In which
18 case, we're going to get different
19 interpretations of what is and isn't.

20 MR. REYNOLDS: Lee Reynolds with
21 NiSource. On the last bullet, another point is
22 updating the timeframe for remediation to require

1 a remediation plan, which I don't think the NPRM
2 required that type of a written or a remediation
3 plan directly. So I just wanted to make sure
4 that is brought out as well.

5 MR. LONN: Thank you. Richard Lonn
6 with Southern Company Gas. We serve seven LVCs,
7 and 4.5 million customers, and about 2,600 miles
8 of transmission line.

9 As it relates to the first bullet
10 point on clarifying that surveys are required for
11 lines subject to straight current, I would
12 suggest to the group that we should consider some
13 sort of level setting in that area. All lines
14 are subject to straight current, some at very,
15 very minor levels, some at significant levels.
16 So you might consider subject to significant
17 straight current just like you have significant
18 corrosion. Thank you.

19 MR. DANNER: All right, any other
20 public comments. I see none. Alan?

21 MR. MAYBERRY: Yes. I just wanted to
22 add some, I guess, context to address some of the

1 comments. First off, obviously we've seen
2 straight currents to be, or interference
3 currents, you use that term interchangeably, to
4 be an issue that certainly we've seen out there
5 in levels that occur, you know, even within the
6 first year of operation.

7 So I think, you know, there's a need
8 to address it. I think that -- and furthermore,
9 this is a language that, kind of, the committee
10 settled on at the last meeting. I'm not sure if
11 the comments today might reflect on that any.

12 But, you know, it is, I think -- and
13 I recall last time that there was discussion on
14 this timeframe. And we decided or you decided
15 really to keep it the way it is and rather to
16 lean into it as opposed to give more flexibility
17 on the timing, just because it can be an issue.
18 When it's an issue, it really needs to be dealt
19 with in a timely manner. And we really can't let
20 it wait.

21 I would add, too, that, well, one is,
22 okay, we have seen incidents related to this

1 occurring quite quickly. So I would, you know,
2 recommend that operators who haven't had it to
3 always be vigilant to it, regardless of the
4 outcome of this policy.

5 Two is our experience in working with
6 operators who have specifically been under a
7 special permit where we had requirements for
8 this, I can tell you, I can attest to the fact
9 that we made believers out of the operators that
10 this is important.

11 Because I think some issues were
12 discovered that wouldn't have been discovered
13 without having this as a requirement, in that
14 case the special permits. So I think they
15 definitely drank the Kool-Aid on this and would
16 probably be good people to talk with as far as
17 recommending this for transmission pipelines.
18 But anyway, that's it. Thanks.

19 MR. DANNER: All right. Thank you.
20 Committee members, anybody wish to start the
21 discussion? Sara?

22 MS. GOSMAN: I'd like to hear from

1 PHMSA about the use of the word significant.

2 MR. NANNEY: If you go back, there are
3 some other sections of the code where we had
4 looked at having some more restricted criteria.
5 And what we thought we had heard from the
6 committee last time is to use, in this particular
7 case, to use more performance-driven language.
8 And that's the reason we used significant.

9 I mean, we can put some parameters on
10 it as far as current loss and things like that,
11 that I think we had for high consequence areas.
12 But we were really trying to leave it up to the
13 operator to put a remediation, to run the
14 surveys, to put together a remediation plan, and
15 to conduct it without being, from a PHMSA
16 standpoint, being specific, you've got to do A,
17 B, C, D. We were trying to say, hey, this is
18 what we want in your performance plan. We expect
19 you to go implement it.

20 MR. DANNER: Did you have a follow-up?

21 MS. GOSMAN: Yes, thank you. So with
22 these changes it seems to me what we're doing is

1 we're focusing on significant corrosion, the
2 worst case corrosion. And we're giving more time
3 for remediation. And that seems to me a
4 contradiction.

5 That is, if we're going to focus on
6 the worst case corrosion, I would want us to
7 stick with a fairly short timeline. And if we're
8 going to be considering a broader range of
9 corrosion issues, I think I would be more
10 comfortable with an expanded timeline. But
11 together it seems to me like we're identifying
12 the worst problems, but then we're not doing
13 anything about them for a longer period of time.

14 MR. DANNER: You want to respond?

15 MR. NANNEY: The reason we left the
16 wording the way the committee had recommended was
17 if you have an interference, and let's say it's
18 from high voltage power lines, your anode beds,
19 some you will put -- can be in the ditch, some is
20 going to be actually perpendicular from the
21 pipeline. And they could go out several hundred
22 feet. And you might even have to drill and put

1 an anode in, anode beds in for that, which would
2 require additional permitting, even buying
3 additional right-of-way from landowners.

4 So even though it's serious, and an
5 operator has to be prudent in dealing with it, in
6 a lot of cases they may not be able to do
7 everything right there on the existing right-of-
8 way. And we were trying to put words taking that
9 into account.

10 MS. GOSMAN: Sorry, can I just -- and
11 I'll be done, I promise.

12 MR. DANNER: You may.

13 MS. GOSMAN: All right, thank you,
14 Chair. So I think there's a difference in my
15 mind between moving out the fundamental timeline
16 and giving the ability to respond to a question
17 of permits.

18 So if the issue is one of not being
19 able to complete the work because of other
20 requirements, like permitting requirements, I
21 completely understand the need for that language.
22 But then I think we shouldn't also be expanding

1 out the fundamental timeline too. That is, we've
2 handled that through this particular exception
3 process. So that's what, in my ideal world, I'd
4 like to see.

5 MR. DANNER: So, Chair's prerogative,
6 I'm going to ask a question out of order. But,
7 Steve, when you are -- let's say an operator
8 can't get the remediation done within one year
9 for legitimate reasons. Is that simply a rule
10 violation, or is there a process in which they
11 can go to you and say, look, under this set of
12 circumstances, I need more time. What do I do?

13 MR. NANNEY: Well, the way, I think,
14 PHMSA would propose, based upon what we've heard
15 in the committee, again like I've explained on a
16 couple of the others, the operator would be able
17 to take the extra time as long as they were
18 prudently implementing it. They would not have
19 to give notice. We were not proposing that they
20 would have to give PHMSA notice if they go past
21 it.

22 MR. DANNER: So how would you know

1 then that the work was not being done?

2 MR. NANNEY: Well, we conduct periodic
3 inspections on all operators, and so it would be
4 during a normal inspection process.

5 MR. DANNER: Okay. Thank you for that
6 clarification. I believe, Chad, you're --

7 MR. ZAMARIN: Oh, I'm sorry.

8 MR. DANNER: Andy, were you next or --

9 MR. ZAMARIN: Chad Zamarin, Cheniere
10 Energy.

11 MR. DANNER: All right, Chad.

12 MR. ZAMARIN: Thanks. I --

13 (Microphone interference.)

14 MR. DANNER: So mine is working.
15 Sometimes they don't work if people --

16 (Off microphone comments.)

17 MR. ZAMARIN: All right. I would just
18 note that, again, you were talking about a
19 technology that's more of an indirect tool, so we
20 don't have specific data that helps us to
21 quantify response times.

22 But, you know, for example, we have

1 ten years on certain corrosion anomalies that we
2 detect through inline inspection to respond to.
3 So I just want to keep this level set.

4 When we start about introducing in
5 this rule, like we've done, some very aggressive
6 timelines on technologies that aren't precise, we
7 start to create activity and work that oftentimes
8 is not as productive and isn't as well planned
9 out.

10 So it's a bit of a surprise to, I
11 think, operators when we see six-month response
12 timelines on indirect, kind of less quantifiable
13 data. We're out making very aggressive response
14 to things that aren't as precise as, for example,
15 we have inline inspection data where in cases,
16 you know, within the code, we have up to ten
17 years to respond to corrosion.

18 I think the point is that, you know,
19 standard corrosion we tend to believe, you know,
20 takes a relatively slow process to degrade the
21 pipe. In interference situations, that can be an
22 accelerated process.

1 But it still requires, I think, the
2 time to analyze the information, to integrate it
3 with all the other data sources in order to make
4 very good decisions.

5 Interference, currents, you know, this
6 is a very complex phenomenon. So we tend to hire
7 companies that analyze that data and integrate it
8 with a lot of other information so that we make
9 good decisions about how we respond to those
10 findings.

11 So I think that the 12 months makes
12 sense. I think we should drop the calendar year,
13 not to exceed 15 months, and just call it 12
14 months. I think it's cleaner and clearer. And I
15 think I heard some consensus maybe around that,
16 maybe not entirely, but I think that, you know,
17 that might clarify it. Thank you.

18 MR. DANNER: So could I ask you about
19 the word significant? I mean, obviously that is
20 -- we don't have a definition of that word. If
21 you took the word out, it could be that, you
22 know, it could cause corrosion that's so minimal

1 it doesn't --

2 MR. ZAMARIN: Yes.

3 MR. DANNER: -- matter or so slow it
4 doesn't matter.

5 MR. ZAMARIN: I think, to Steve's
6 point, at some point you have to hold the
7 operator accountable for determining what could
8 cause a safety hazard. I mean, I know that
9 that's the challenge of performance-based
10 regulation.

11 But when you have such a complex
12 phenomena, it's very hard to say that there is a
13 single criteria that we can apply that says in
14 this case you do this. I mean, there are many
15 different cases. You know, we see situations
16 where there is less interference.

17 But we might have other circumstances
18 that are resulting in higher corrosion rates.
19 We've got a certain type of environment. We've
20 got other factors that we would weigh in to make
21 a decision.

22 So I think it's challenging in these

1 complex -- with these complex threats to
2 oftentimes set a very prescriptive requirement.
3 And that's why we end up with performance based
4 language.

5 I frankly, as an operator, like the
6 onus on us. I like us having to justify what we
7 do and why. And, you know, it's never an
8 operator's goal to not address something that
9 could cause harm to the public or the
10 environment.

11 So I think significant expresses that
12 expectation, that if there is something that
13 could cause an impact to the environment or to
14 public safety, that you have to address it.

15 In the absence of that word, kind of
16 the way the language is currently written, it's
17 hard to understand whether this is just applied
18 to everything, and are we differentiating between
19 what is something that could cause concern and
20 what might not.

21 MR. DANNER: So if I may respond, I
22 think that you see the word significant as

1 putting the onus on you. As a regulator, I could
2 see the word significant as being so imprecise
3 that an operator who is not as responsible as you
4 might use that as a way to wiggle out of a
5 requirement that they act expeditiously.

6 And so I'm trying to figure out if
7 there's a way to get this word to put the onus on
8 you, whether we have to define it or find a
9 different word.

10 MR. ZAMARIN: Yes.

11 MR. DANNER: But I'm worried not about
12 the good players, I'm always worried about the
13 worst players.

14 MR. ZAMARIN: Understood. The only
15 thing I can offer is that this is not, again,
16 we're not talking about a quantifiable technique
17 that, when you don't have black and white
18 results, you know, it's not a go/no go type of
19 analysis, unfortunately.

20 It does require -- I think what we're
21 doing is we're trying to add things to the code
22 that require that next level of protection and

1 sophistication. But it does require analysis, it
2 does require determination. I mean, that's just
3 the nature of these indirect technologies.

4 And so I think, in the code where we
5 can quantify things, you know, we've been
6 specific on timelines and on what constitutes the
7 need for response of a certain level. I do think
8 this is an area where it's very hard to come up
9 with a quantifiable criteria to use to determine
10 what would be significant in every case, in every
11 case.

12 MR. DANNER: All right, Andy and then
13 Steve.

14 MR. DRAKE: It's Andy Drake with
15 Enbridge. I took a little sidebar over there to
16 talk with the folks from NACE. And I think there
17 were some comments that were kind of embedded
18 down in here that we could use as just some
19 mooring lines on this conversation.

20 You know, I appreciate Carl's comment
21 about significant. That's pretty vague. And I
22 respect what Chad's saying about the complexity

1 of this. And I think somewhere maybe there's
2 something we can weave together here.

3 But I think the criteria that NACE
4 would reference is something about 100 amps per
5 square meter of criteria to define significant.
6 I see Steve shaking his head yes. And I think we
7 could add that to this.

8 Or if you wanted to leave performance
9 language in there as an add, you could say
10 something to the effect of a hundred amps per
11 meter squared as the NACE standard or something
12 that's deemed significant as determined by the
13 operator.

14 And then the operator, the onus is on
15 the operator to bear that out against the
16 standard. And I think I would also agree that
17 the 15 months needs to be removed here.

18 When you've solved the problem, I
19 think, with the allowance of delayed permitting,
20 there is a condition state that allows you to --
21 causes you to go along because of a permit, that
22 deals with the issue. But to add the 15 months

1 basically just means the target's now 15 months.

2 I think the standard is 12 months with
3 the burden for permitting as a caveat. And I
4 would recommend you pull the 15 month part out.
5 That would be my recommendation for this
6 discussion.

7 MR. DANNER: All right, Steve?

8 MR. ALLEN: Steve Allen, Indiana
9 Utility Regulatory Commission. Basically, I
10 think I agree with everything Andy just said
11 there, perhaps with the exception of providing
12 some additional prescription on, you know,
13 whatever you said, one milliamp per square foot
14 or whatnot.

15 Because it's my understanding that,
16 you know, that situation may not apply as well in
17 pipeline in New Mexico in the desert as it would,
18 you know, in the Midwest. And for those, I think
19 most everybody on that end of the table are
20 probably pretty well up to speed on that. I'm
21 not so sure that we are down here.

22 I can just tell my cohorts down here

1 that what little bit of training I've received
2 from PHMSA out in Oklahoma City, this truly is
3 voodoo. Corrosion is a very complex, very
4 complicated subject matter that is specific to
5 each and every operator. So I don't think you
6 can necessarily regulate to a degree of
7 specificity that would cover everything.

8 So again, back to what Andy was
9 saying, perhaps 12 months with, you know, some
10 exceptions.

11 And another question, and I guess this
12 is for my colleagues down at the other end of the
13 room here, doesn't some of the integrity
14 management standards or the practices out there
15 call for each operator to explore these sorts of
16 threats and develop their own preventative and
17 mitigative measures? I mean, so this is kind of
18 a redundant sort of a regulation to a certain
19 degree, I guess, but whatever.

20 MR. DANNER: Okay. Steve Nanney and
21 then Sara.

22 MR. NANNEY: Yes, Steve Nanney, PHMSA.

1 From a PHMSA standpoint, from what we've seen, as
2 Andy said, the 100 milliamps would be correct.
3 We also would recommend that -- or if it impedes
4 the operating pressure of the -- the safe
5 operating pressure of the pipeline, that would be
6 a second caveat that we could add in.

7 MR. DANNER: Okay, Sara, and then
8 Steve.

9 MS. GOSMAN: So Sara Gosman. I think
10 that the numeric standard here would be good. I
11 agree with that. And I think that if we're going
12 to put another standard in, performance standards
13 can be very specific. Performance standards
14 aren't necessarily vague. And what we have here
15 is a vague performance standard, and it's unclear
16 who the burden is on.

17 So I think if we want to add something
18 beyond the particular amped number, I would focus
19 the performance on the actual consequence, that
20 is the "could cause harm to the public or to the
21 environment." That is make the calculation
22 there. But I also, I mean, I think Steve's other

1 suggestion was good.

2 In terms of the timeline, I agree that
3 we should get rid of the 15 months. And I should
4 say, while I think that it would be -- I would
5 want to stick with the six months, I actually
6 like this idea of requiring a remediation plan.

7 Because I think it gives the Agency a
8 sense of what the operator is going to do, some
9 oversight of this particular remediation during
10 the process. And that makes me a lot more
11 comfortable with the extension of time here. So
12 thank you for coming up with that as a
13 compromise.

14 MR. DANNER: So you'd be looking at
15 some kind of a, like, almost a reasonableness
16 standard, right, so cause corrosion that a
17 reasonable operator would determine could harm
18 the public?

19 MS. GOSMAN: Yes, yes. And not, just
20 to be clear, a standard that says as determined
21 by the operator. Because at that point, we've
22 given the control entirely to the operator in

1 terms of questions around enforcement. So I
2 don't want this -- I wouldn't want language in
3 there that allowed the operator to determine
4 whether something was significant or not, or safe
5 or not.

6 MR. DANNER: So I'm hearing two
7 different things. Would you be looking to have
8 the numeric amendment or would you be looking for
9 just language that would hold them to the
10 standard of care of a reasonable operator?

11 MS. GOSMAN: Yes. I would be fine
12 with the numeric standard, full stop. But if
13 we're going to include another standard as an
14 alternative, I guess I would say, then I would
15 want the reasonable operator standard as it
16 relates to the consequence.

17 MR. DANNER: Okay. I think Steve
18 Nanney and then Sue. Okay, we can go straight to
19 Sue.

20 MS. FLECK: Sue Fleck, National Grid.
21 I just had one concern about the use of the word
22 plan in here. I think some regulators could

1 misconstrue that and think we need to write-up a
2 written plan for every repair we do. And some of
3 it is really just a repair.

4 So I hear what you're saying, Sara,
5 but I don't like the word plan at all. I think
6 it over-complicates many of the just basic type
7 repairs. I would strike that completely and do
8 something along the lines of update the timeline
9 for remediation to require application for
10 permits within six months and complete
11 remediation within one year.

12 If the job is complicated enough that
13 it needs a plan, we'd make a plan. But requiring
14 one every time seems overkill to me. Just
15 throwing that out there.

16 MR. DANNER: So if I may respond to
17 that, I think that I understand there's often
18 language where an operator in my state feels that
19 we've asked for something formal, and stapled,
20 and bound. And what we're really looking for is
21 documentation in the record so that when we have
22 litigation or questions after the fact we can do

1 a data request and get the records that show that
2 you did what you were required to do by law. So
3 I don't remember the precise language you had,
4 but I think it gets to that.

5 MR. DRAKE: Andy Drake with Enbridge.
6 I have one question and it kind of was in here
7 sort of obliquely. And that was what is the
8 intent to institute this system-wide? Is there a
9 timeframe for us to do these surveys across tens
10 of thousands of miles of pipe?

11 I'm not going to be able to just bang
12 my wand on the table and be done. I mean, it's
13 going to have to -- I'm going to have to start
14 doing this in some sort of -- implement it over
15 some period of time. I don't remember what that
16 was.

17 MR. DANNER: I take it that question
18 is directed at Steve Nanney?

19 MR. NANNEY: We did not have a timing
20 in here, because if you go look at the present
21 code, which is in 473, these type surveys for
22 interference current should already be ongoing.

1 We were just trying to add additional
2 requirements so that all of them would be more
3 like the same so that everybody was working on
4 the same page when they did this. But this is
5 not a new code requirement. Are you suggesting
6 that we put one in?

7 MR. DRAKE: No. I'm just trying to
8 figure out how this connects, this criteria would
9 connect to what we've been doing. So if we've
10 been doing surveys, it wouldn't be retroactive.
11 It would just be, as we continue to do them over
12 time in our normal progress, we would institute
13 this criteria. Because from here going forward,
14 we'd start using this criteria.

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

16 MR. DRAKE: Okay. That's really what
17 I wanted. I'm not going to try to go backwards
18 and look at all this historically.

19 MR. NANNEY: Unless you've never done
20 the survey, you know, if you've got the
21 interference and you've never done it, then you
22 would need to implement it.

1 MR. DANNER: All right, is there any
2 other discussion? Steve?

3 MR. ALLEN: Yes, Steve Allen, Indiana
4 Utility Regulatory Commission. I need some more
5 guidance as to how this relates to, I think, you
6 know, the risk modeling and Integrity Management
7 Programs that operators have in place. It seems
8 to me this is an identified or potential threat
9 that needs to be considered.

10 Now, you know, looking at this
11 proposed rule, I guess, if requiring a survey is
12 something over and above what would be called
13 for, I guess, in the Integrity Management
14 Program, okay. I just need a little more input,
15 I guess, as it relates to risk modeling and
16 integrity management. It seems like this is
17 covered, but perhaps not.

18 MR. NANNEY: I guess the section that
19 it's in is for both in high consequence areas and
20 non-high consequence areas. Because we have
21 pipelines that are paralleling existing pipelines
22 and high voltage power lines, whether they're in

1 an HCA or not, and they're going in and out of
2 HCAs.

3 It's very hard to protect just an HCA
4 by itself without having an overall plan of how
5 you can keep this type of interference currents
6 off the pipeline. We have seen major high
7 pressure, high diameter pipelines, paralleling
8 for tens, maybe hundreds of miles, that did not
9 have an effective plan that we've had them to
10 implement. So we felt like the overall language
11 needed to be strengthened.

12 MR. ALLEN: Okay, Steve Allen, IURC,
13 a follow-up. So I guess the key is there that
14 the integrity management is related to those HCA
15 pipelines rather than -- I mean, you're saying
16 that there could be, you know, stray currents
17 that affect these pipelines outside of an HCA?

18 MR. NANNEY: Inside and outside, yes.

19 MR. ALLEN: Okay.

20 MR. NANNEY: And it's hard just to
21 stop at the HCA.

22 MR. NANNEY: Okay. Thank you for the

1 clarification, Steve.

2 MR. DANNER: All right, is there
3 further discussion? Okay, so I think I am
4 hearing a consensus that we could leave within
5 one year, take out the "not to exceed," all
6 right. Well, let's take a moment to read the
7 motion.

8 Okay, do members have any comment on
9 the language that is up there? Andy?

10 MR. DRAKE: Just one technical
11 correction. It's actually 100 amps per meter
12 squared. That's the NACE standard.

13 MR. DANNER: Okay, Steve?

14 MR. ALLEN: Steve Allen, IURC. And I
15 guess I need some further clarification of
16 something that I had said earlier. I want to
17 know if that's accurate or not. But this, what
18 would you say, 100 amps per square foot, does
19 that matter? Is that impacted because of soil
20 differences, I mean, you know, like I mentioned
21 earlier, pipe in the middle of a desert versus
22 pipe in the Midwest where there's a lot of

1 moisture?

2 Does that, and again I'm not a NACE
3 person, I really don't understand, you know, the
4 intricacies of this, but I'm just curious as to
5 whether or not adding something like that is
6 relevant in all circumstances.

7 MR. DRAKE: Okay, that is the NACE and
8 ISO recognized standard. I think Chad mentioned
9 earlier that the need for operator engineering
10 assessment is also prudent. And I think that
11 Steve has tried to pick that up, or in piece, the
12 safe operating pressure of the pipeline to help
13 recognize that the operator may need to do some
14 engineering critical assessment based on soil
15 type, the water density, things like that,
16 proximity to straight currents, just to take
17 those into consideration.

18 But at least it provides a baseline of
19 reference of what a reasonable standard of care
20 looks like. And it is consistent across the
21 standards bodies, that number.

22 MR. DANNER: Yes. I note the

1 definition of significant here has the word or a
2 couple of times. So there's basically three
3 different standards for the word significant.

4 All right, any further conversation?

5 (No audible response.)

6 MR. DANNER: All right. So we have
7 language before us. Is there a motion? Oh, do
8 you have more discussion? Okay. Is that Andy?
9 Okay.

10 MR. DRAKE: This is Andy Drake with
11 Enbridge. I'll make a motion that the proposed
12 rule, as published in the Federal Register and
13 the draft regulatory evaluation with regard to
14 the provisions for external corrosion
15 interference currents, are technically feasible
16 and reasonable, cost effective and practicable,
17 if the following changes are made.

18 One, clarifying that surveys are
19 required for lines subject to straight current.
20 Two, clarifying that remedial action is required
21 when the interference is at a level that would
22 cause significant corrosion defined as 100 amps

1 per square meter, or if it impedes the safe
2 operating pressure of a pipeline, or that may
3 cause a condition that would adversely affect the
4 environment or the public. And three, updating
5 the timeline for remediation to require
6 remediation plan and application for necessary
7 permits within six months and complete
8 remediation within 12 months with allowance for
9 permitting delays.

10 And the plan, I would say caveated
11 based on the discussions around this table, what
12 that means with a plan.

13 MR. HILL: Robert Hill, second.

14 MR. DANNER: Okay, we have a motion
15 and second. Before we go to a vote, last chance
16 for anyone to -- comments or amendments? Okay?
17 Oh, I do see a tent card up there. Cheryl?

18 MS. CAMPBELL: Yes. And perhaps I kind
19 of lost track of it, Andy, I apologize. But when
20 we were talking about plan, can Chair, or Andy,
21 somebody, summarize for me where we came down to?
22 Because, I mean, you know, there's -- I get it,

1 right. I mean, we have a lot of things that are
2 just standard procedure, right, in our operations
3 manual. So I wouldn't put a plan around it.

4 But I agree that there are, at times,
5 some very significant issues with the currents,
6 and it does take a more well thought out
7 assessment, right. And again, I'm just trying to
8 make sure I understand what we all came down to
9 around this use of remediation plan.

10 MR. DANNER: Now, as I recall, Sue,
11 you had some language for -- substitute language
12 for remediation plan, didn't you?

13 MS. FLECK: I was going to pull it.
14 I was just going to say update the timeline for
15 remediation to require application for permits
16 within six months and complete remediation within
17 12. So I would have just got rid of that
18 completely.

19 And then it's really, it's incumbent
20 upon the utility to either use their existing
21 procedures, as Cheryl said, to do an effective
22 repair, or as Corinne mentioned back here, if

1 it's very complicated and you have to create a
2 plan, then you create a plan.

3 What this does is it holds us
4 accountable for getting the permits and fixing
5 the problem. So whether you need a plan or not,
6 it's up to you to decide. So that's how I would
7 have done.

8 MR. DANNER: Okay, is there any
9 objection to that change in language? Sara?

10 MS. GOSMAN: I like the use of the
11 remediation plan. And I wonder, Sue, if your
12 concern wouldn't be mollified if we could be
13 clear that it's not a formal document, right?

14 I mean, when I think of remediation
15 plan here, what I'm thinking is that the operator
16 indicates to PHMSA where it is in the process.
17 So that 12 months down the road, right, there is
18 -- we're not sort of dealing with it then, but we
19 have a -- the Agency has a sense, over this
20 period of time, if we're moving from the original
21 timeline of six months to one year, that at the
22 end of that initial six months, tell us what

1 you're doing, right.

2 And to me that what that remediation
3 plan -- I don't want to speak for PHMSA here, and
4 maybe they should speak for themselves about what
5 they were thinking. But if that were, in fact,
6 what their idea was, I wonder if you would have
7 an objection to that.

8 MR. DANNER: Sara, would you have some
9 specific wordsmithing that you'd want to throw in
10 here?

11 MS. GOSMAN: Well, to me a remediation
12 plan doesn't -- it seems broad enough to
13 incorporate a lot of different --

14 MR. DANNER: So you would just go back
15 to the language that was there before?

16 MS. GOSMAN: Yes. I would want the
17 language that was in there before. But if PHMSA
18 has, I mean, better language, and maybe would
19 clarify what they were thinking about the plan,
20 that might help the discussion.

21 MS. FLECK: Can I respond?

22 MR. DANNER: Yes, you may, Sue.

1 MS. FLECK: Yes. This is Sue Fleck,
2 National Grid again. We don't notify PHMSA when
3 we're doing something like this. This is, when
4 you're talking from a distribution company or
5 anybody, this is your normal work plan. You go
6 out to do your surveys, you find your problems,
7 you repair them.

8 We would be subject to state
9 regulatory authority. And you don't tell them
10 everything you're going to do and then do it.
11 You do it, and then you're subject to audit after
12 the fact.

13 So what this would -- by putting that
14 language in there it's not accomplishing what you
15 think it is. What it's -- all it's doing is it's
16 forcing us to do some paperwork and keep that
17 paperwork through a management of change process
18 somewhere that could possibly be audited at some
19 point in the future without any potential --
20 without necessarily having a potential positive
21 effect on pipeline safety.

22 So I think what -- I think you're just

1 misunderstanding how the process works. So this
2 whole thing happens without any notifications to
3 any regulatory body, that we found a problem and
4 we're going to fix it. It just gets done, and
5 then it's subject to audit after the fact. I
6 don't know if that would change your opinion on
7 that, but that's how I see it.

8 MR. DANNER: Sara, do you want to --

9 MS. GOSMAN: Maybe I'll let Steve talk
10 for a moment and then respond after that.

11 MR. DANNER: All right, Steve, and
12 then Rich.

13 MR. NANNEY: Steve Nanney, PHMSA. In
14 this rulemaking for 473, what PHMSA would expect
15 and what the operators would have, they'd have an
16 operating procedure that would basically be what
17 this remediation plan is.

18 And it would have wording in it under
19 what conditions they would go out and do the
20 survey. And it would be, like, if they see a new
21 power line being built along the pipeline, if
22 they see new wires, if they run an ILI tool and

1 see unusual corrosion in these areas, that would
2 be part of their plan. Then they'd have items in
3 there.

4 If it's another pipeline or a power
5 company then they would contact them and do
6 certain things. And then from that, they would
7 go and run surveys. From the surveys in their
8 plan, they would have timeframe and everything
9 that they would be doing, whether that's
10 permitting, even looking at safe operating
11 pressures, going back and looking at the ILI tool
12 runs to see if they're seeing unusual corrosion
13 in the place. All of that would be in their
14 procedural or remediation plan. So that's what
15 PHMSA would envision being in there.

16 MS. GOSMAN: Would that be a plan that
17 PHMSA would then see, they would submit to you?

18 MR. NANNEY: They would not submit it
19 to PHMSA. It would be something that, again,
20 under our periodic inspections, we would look at
21 during that timeframe. Now, if it was a new
22 pipeline construction, we would look at it as we

1 go out and do construction survey inspections.

2 MS. GOSMAN: Sorry to keep this
3 conversation going --

4 MR. NANNEY: That's all right, no --

5 MS. GOSMAN: -- but maybe one more
6 question for PHMSA then. So what is the policy
7 purpose for you to require operators to have a
8 plan that they're going to hold onto that you're
9 not going to see until later in inspection? Why
10 would you do that within the middle of this
11 process?

12 MR. NANNEY: I didn't hear the first
13 part of that, Sara. I'm sorry.

14 MS. GOSMAN: That's okay. Just what's
15 the policy reason for having a requirement of a
16 remediation plan halfway through this if it's not
17 going to be submitted to you? I guess that's the
18 question.

19 MR. NANNEY: Well, whether it's called
20 a plan or a procedure, it's for the operator to
21 get it done. If you don't put a plan together or
22 a procedure together, that here's the steps, a

1 lot of times it doesn't happen or it doesn't get
2 followed through.

3 So part of a procedure is that we came
4 and would do an inspection. We would expect to
5 see where you are and what the next steps would
6 be to getting the issue taken care of. And that
7 would be the only reason you would have a plan.

8 MR. DANNER: So, yes, we have about
9 ten -- Alan, let's just -- he's the boss here.

10 (Off microphone comments.)

11 MR. MAYBERRY: Yes, just to clarify,
12 regardless of whether or not it's called a plan
13 or not, Steve would articulate some of the
14 actions we would do. And that's also part of our
15 inspection protocol, that if there's a parallel
16 transmission line we'll see how the operator has
17 managed straight currents. And there are certain
18 things that we look for that's contained in our
19 protocol that go to all those place.

20 So we would expect, if it's called a
21 plan or not, there are certain actions that we
22 look for, that we're used to looking for, to

1 conclude that the operator has addressed that
2 adequately or not. So that's, again, in our
3 protocol to do that.

4 MR. DANNER: Okay. So Rich had his
5 tent up. But, Sue, do you need to --

6 MR. WORSINGER: Rich Worsinger, City
7 of Rocky Mount. You're seeing the pushback from
8 us operators. And that's because we don't just
9 go out and do work and try to stumble along until
10 we fix something. We have plans.

11 And whether it's we're going out for
12 a simple leak investigation and how to fix it,
13 that plan is developed usually by the repair crew
14 in the field. Where it comes to something more
15 technically complicated such as this, we will
16 talk about how we're going to fix this.

17 But what bothers us is having this
18 word plan in here. Because we do plan our work.
19 But we're concerned that this now becomes a
20 document that we've got to go to PHMSA or to our
21 state regulators and have it approved.

22 This is a repair. It's what we do day

1 in, day out. Why to just take this one item and
2 require a plan is what's concerning us. When we
3 have a problem, we're going to find it, and we're
4 going to fix it. I appreciate that it was
5 revised to be within 12 months, an allowance for
6 delayed permitting. We're going to get the work
7 done. I recommend we just take that whole
8 reference to plan out of this.

9 MR. DANNER: All right. Thank you.
10 Sue?

11 MS. CAMPELL: Cheryl Campbell --

12 MR. DANNER: Oh, Cheryl, I'm sorry.

13 MS. CAMPELL: -- Xcel Energy. Sir, I
14 just want to offer up a comment that might help.
15 It might not. But, you know, all operators, we
16 all have operating manuals with -- right. And we
17 do get audited regularly by both the state and
18 PHMSA.

19 I am fortunate, Alan, right, that
20 there's a PHMSA office near one of my operating
21 areas. And I get to see PHMSA regularly which is
22 fine. You know, we don't mind hosting them. But

1 we get -- our operating manuals get audited
2 regularly, also audited by our insurance carriers
3 and a variety of other people.

4 So those plans that everyone's talking
5 about, those standard plans, are embedded in
6 those operating manuals. And those people that
7 are looking at those operating manuals are
8 looking for our plans around, our procedures
9 around these types of frequent and common repairs
10 and issues.

11 And, you know, where it needs to be
12 more complex, where I have a straight current
13 issue, where I need something more complicated
14 around corrosion, we do generate a more detailed
15 engineering analysis and a program to manage.

16 In fact, I was just chatting with one
17 of my folks. We put a big line in a couple of
18 years ago. It is on our transmission right of
19 way. We've been concerned about it, was our AC
20 mitigation adequate? And two years after the
21 initial install, we did do another ILI tool run
22 to ensure that everything looked fine.

1 So, you know, it was critical, right,
2 it was around a lot of homes. I mean, people are
3 actively mitigating that. I get that it's not
4 the people in this room that we're worried about.
5 But, you know, I don't know if it helps you to
6 hear that these plans are audited regularly by a
7 variety of people.

8 MR. DANNER: Steve?

9 MR. ALLEN: Steve Allen, IURC. As a
10 state pipeline safety regulator, I agree with
11 what Steve, Alan, and Cheryl have all said.
12 These procedures are reviewed regularly. There
13 are a number of protocols that go along with that
14 and a lot of things that are looked at.

15 I actually kind of have a little bit
16 of heartburn myself with the word plan. Because
17 I can tell you there's going to be some state
18 regulators out there who say, hey, where's the
19 document? Where is the plan? You know, okay,
20 no. This is a procedure.

21 The procedure is intended to codify
22 with the operators themselves. Here's how we are

1 going to address these issues as they arise. And
2 we have them documented so we can do them
3 consistently.

4 So, I mean, there's a world of
5 difference between a plan and a procedure. And I
6 don't think I want to provide the ammunition for
7 some over-zealous state inspector to say, hey,
8 where's the plan?

9 MR. DANNER: So I'm, Chad, I'm sorry,
10 before I get to you. So again, my concern, I am
11 worried if I saw a remediation plan. That means
12 that somebody is going to submit to me a big,
13 thick binder with appendices. And I'm going to
14 have to read it. And really, what I'm looking
15 for, what I'm looking for is to ensure that
16 there's a paper trail. Now, you're in the
17 trenches in the state. I mean, are there going
18 to be -- is there going to be enough of a paper
19 trail that we can see that this was thought
20 through, that there actually was a work plan?

21 I mean, if we take this out, or call
22 it something else, like a work plan, you know, is

1 that going to -- can you promise me that I'm
2 going to have a -- that there will be a paper
3 trail developed that I can see and I can see
4 they've acted reasonably.

5 MS. GOSMAN: Are you looking at me or
6 Steve?

7 MR. DANNER: No, I was looking at
8 Steve. He had his card up too. But he was
9 nodding.

10 MR. ALLEN: Yes. Yes, there is a
11 documented trail. And we look for that. I mean,
12 here's the procedure. So you look to see if the
13 procedure seems to be adequate. And then you
14 look to see whether or not are they following it.

15 And you determine whether or not
16 they're following it by looking at documentation.
17 You know, if you didn't document it, you didn't
18 do it. You've probably heard that before, and
19 truer words are not spoken when it comes to, you
20 know, evaluating compliance of an operator with
21 their procedures.

22 MR. DANNER: Alan, then --

1 MR. MAYBERRY: Now, herein lies one of
2 the challenges of finding that sweet spot, you
3 know, where we land. But the bottom line, you
4 know, take a step back, what are we after? You
5 know, address interference currents. We're not
6 going to -- we need action, we need performance.
7 And that's our expectation.

8 If that's in a binder with appendices
9 that you have to read or in a laid out plan, a
10 checklist of items that you do, which you do
11 anyway when you deal with interference currents,
12 we're going to be looking for that. And we'll
13 expect to see it, regardless of what we call it.

14 So unless, I mean, I could go either
15 way. We could go either way, whatever the will
16 of the committee is. But we're more about,
17 regardless of what you call it, we're going to be
18 looking for certain things to be done to perform.
19 So that's kind of it.

20 MR. ZAMARIN: Yes. This is Chad
21 Zamarin, Cheniere Energy. I got to be honest. I
22 totally agree with Alan. I thought that Steve

1 provided some very good context around how you
2 can apply this.

3 We have to, I think, I'm going to,
4 again, kind of advocate from the performance-
5 based perspective. The expectation is that you
6 plan your work. The expectation is that you
7 integrate the information that you receive, you
8 make a determination about what response is
9 required, and you make that response in
10 accordance with the timelines that are
11 prescribed. And you've got to document that you
12 do that.

13 I have no issue, frankly. I apologize
14 if I'm kind of, you know, off the reservation.
15 But I have no issue with plan being referenced
16 here, or some other terminology, or develop a
17 plan to remediate within some timeline.

18 But that's what we do. I think
19 expressing it, there's a discipline in what we
20 do. And how we do it is important. I think it
21 projects an expectation that there's
22 documentation, that there's a thoughtful process,

1 that it's -- and frankly, I do think that the
2 onus is on us to do that. I mean, that's what we
3 do as operators.

4 So I frankly agree with you, Alan.
5 Either way, no matter what's in the code, you're
6 going to come out and ask to see how we came to
7 the decisions we made. And it's on us to be able
8 to produce how we did that and why.

9 So I think we need to stay at the
10 concept level. I think we need to all say that
11 the operator's got to properly plan their work,
12 they've got to integrate the results, and they've
13 got to achieve the outcome that we're all looking
14 for.

15 I think this is good discussion. I do
16 think that we're going to probably continue to
17 come back to this concept of what we submit to
18 PHMSA and how we're regulated as operators.

19 I do think that, you know, we do take
20 -- if you come into an operator's office there
21 are, you know, electronically, typically, but
22 there are thousands of pages of standards, and

1 procedures, and documentation about how we do our
2 work.

3 And I think that, you know, in this
4 particular area this is a pretty easy one. I
5 kind of like the motion as it was presented and
6 would support it. And I guess that's it for me.
7 Thanks.

8 MR. DANNER: Okay. I don't know if
9 that addresses the concerns that others have that
10 a remediation plan would turn into a formal
11 document. I think it's clear that the
12 expectation is it would not be.

13 MR. ZAMARIN: Well, I think we have to
14 formally document the work that we do. I mean,
15 if we do an interference survey, we have to
16 document that survey was done. If we analyze
17 those results, we have to reference the standard
18 that we've used to make the decisions that we're
19 making. If we're going to go out and remediate
20 conditions, we have to document those and
21 identify those. When we make those remediations,
22 we have to document the work that was done.

1 I mean, I don't get concerned with the
2 word plan. I think, with the context that Steve
3 put around it, with this understanding that it's
4 just expressing the expectation that you plan
5 your work, you document your work, and you
6 achieve the requirements of the rule.

7 MR. DANNER: Cheryl, if we change that
8 to work plan, would that address your concern
9 about a formal presentation?

10 MS. CAMPBELL: You know, Chair, I'm
11 actually, with the clarification that Steve put
12 around it, I'm actually okay with it the way it
13 is and would be happy to vote on it.

14 MR. DANNER: Okay. All right, Steve
15 Nanney?

16 MR. NANNEY: Yes. I'd like to
17 recommend, from a PHMSA standpoint, if you just
18 change plan to procedure, in the third bullet
19 where you say "updating the timeframe for
20 remediation," to require a remediation procedure
21 instead of plan. And then leave the rest of the
22 wording the same. It would be, from a PHMSA

1 standpoint, we understand what the committee
2 wants. Thank you.

3 MR. DANNER: Okay. That seems to be
4 acceptable to folks. Okay, Andy?

5 MR. DRAKE: Well, that was great
6 discussion on the context of the word plan. And
7 I appreciate that for the record.

8 MR. DANNER: Do we move on to the next
9 word now?

10 MR. DRAKE: The motion actually had in
11 it a bit about in the -- use of the word plan in
12 the context of discussion. I think Steve did a
13 great job providing that context. I'm fine with
14 swapping the word procedure out in there.

15 But there is a motion standing. And
16 so I just wanted to try to connect that together
17 to this discussion. Because I think Steve did a
18 very good job of providing that context.

19 MR. DANNER: Okay. So again, Cheryl,
20 do we have to, now that we've changed the motion
21 after it's been offered do we have to -- can we
22 just pretend that it was -- not amended?

1 MS. WHETSEL: Chair, I'm all for that.

2 MR. DANNER: Okay. So we will

3 consider this the original motion and seconded.

4 And unless there's further discussion, I think we

5 are ready for a vote. So why don't you take the

6 roll?

7 MS. WHETSEL: Okay. Let's take the

8 roll. Steve Allen?

9 MR. ALLEN: Yea.

10 MS. WHETSEL: Diane's not here. Dave

11 Danner?

12 MR. DANNER: Aye.

13 MS. WHETSEL: Terry Turpin?

14 MR. TURPIN: Yea.

15 MS. CAMPELL: Yea.

16 MR. DRAKE: Yea.

17 MR. WORSINGER: Yea.

18 MR. ZAMARIN: Aye.

19 MS. GOSMAN: Yea.

20 MS. WHETSEL: Sorry. Robert, I didn't

21 vote. I did not vote.

22 MR. HILL: Robert Hill, yea.

1 MS. WHETSEL: That was just a little
2 kindness to --

3 (Off microphone comments.)

4 MR. HILL: That was a yippee, not a
5 yea.

6 MS. WHETSEL: That was a yippee, not
7 a yea, yes. Okay, Robert Hill.

8 MR. HILL: Yea.

9 MS. WHETSEL: And Bob Kipp and Rich
10 Pevarski are not here. So it's unanimously
11 passed.

12 MR. DANNER: Okay, and the motion
13 passes. It is now 11:56. You want to push
14 through for one more or is this a good time to
15 break for lunch?

16 (Laughter.)

17 It appears that this is a good time to
18 break for lunch. So we're in recess until 1:30.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:56 a.m. and resumed at
21 1:32 p.m.)

22 MR. DANNER: We are back on the record.

1 Steve, do you want to tee up the next item?

2 MR. NANNEY: The next item we're going
3 to is internal corrosion, 192.478, and again the
4 issue there is the current requirements are not
5 always effective for preventing internal
6 corrosion. The basis is lessons learned from
7 previous incidents. PHMSA's proposing to require
8 a program for monitoring gas streams to identify
9 corrosive constituents and a mitigation program
10 and a periodic program review.

11 Some of the committee comments from
12 the last meeting is that it should only be
13 required for lines carrying corrosive gas, that
14 some distribution operators rely upon the
15 transmission suppliers to monitor the gas
16 quality, they don't do it themselves and they may
17 not own gas monitoring equipment. Monitoring
18 frequency of twice per year is too frequent, and
19 they need to harmonize 192.477 with duplicates
20 the proposed 478(c).

21 What does PHMSA suggest, based upon
22 what we heard at the meeting at the committee?

1 The first item is we heard and are considering
2 is, provide flexibility for our operators to
3 determine the internal corrosion monitoring
4 program by adding, as necessary and where
5 applicable, in paragraph (a), as suggested in the
6 industry letter docketed April 5th.

7 The next item was addressed comments
8 on methodology, and that some distribution
9 operators rely on suppliers for gas monitoring
10 equipment, modifying (b)(1) as follows:

11 At point where gas with potentially
12 corrosive contaminants enters the pipeline, the
13 use of gas quality monitoring methods to
14 determine the gas stream constituents.

15 Number three, address frequency of
16 monitoring by changing the frequency from twice
17 per year to once per year, and then lastly on
18 this slide is delete the proposed paragraph (c)
19 and refer to 477 and 478(a).

20 MR. DANNER: Okay. Let's go to public
21 comments. Are there any public comments on this
22 item?

1 MR. CLYDE: I'm Peter Clyde with
2 Louisville Gas & Electric. We operate 400 miles
3 of gas transmission pipelines and roughly 45
4 miles of high-consequence area. I wanted to point
5 to 192.478, paragraph d(1). As proposed, it talks
6 about at points where gas with potential
7 corrosive contaminants enter the pipeline, that
8 we have to do the gas quality monitoring. Steve
9 just mentioned that he was going to modify
10 paragraph (a) and add "as necessary and where
11 applicable."

12 I just want to make sure that that
13 addresses the situation in gas storage fields. We
14 operate five gas storage fields. One of those
15 fields has over 80 wells in it, and as the rule
16 is written today, it appears that gas monitoring
17 equipment would be mandated to be installed on
18 every single wellhead, and don't feel that that
19 was the intent or was factored into the cost
20 benefit analysis. So I want clarification that
21 the proposed changes of paragraph (a) address
22 that adequately and that will not be required.

1 Thank you.

2 MR. DANNER: All right. Thank you. Are
3 there any other public comments?

4 MR. NOLAN: My name's Mark Nolan with
5 Xcel Energy. I work with Cheryl and we're members
6 of the American Gas Association. We operate 2400
7 miles of transmission lines, about 220 are ACAs.
8 I'd like to maybe reinforce some of these
9 comments. We, in Colorado alone we have 88 entry
10 points or supply points into our system and most
11 of those, 65 or so, are from upstream interstate
12 transmission providers and we also have those
13 situations where in some cases they are providing
14 quality measurements, some cases where we're
15 providing that measurement. We also have storage
16 fields with many wells that we don't believe need
17 individual monitoring.

18 This is something that we, in 2016 we
19 did a lot of in-line inspection, we roughly had
20 300 or so where we excavated our pipeline. Two of
21 those were related to callouts for internal
22 corrosion. Those happened to be on, not active

1 corrosion but pipelines that had previously
2 received gas from storage fields.

3 It doesn't really look like the
4 internal corrosion threat is commensurate with
5 this type of rule-making as originally proposed,
6 so we're happy to see the modifications and get
7 the clarifications in, as we commented.

8 MS. KURILLA: Hi, this Erin Kurilla
9 with the American Gas Association. Just like some
10 of my members just said, we thank PHMSA for
11 taking a look at the comment -- industry
12 consensus comments that were submitted in April.
13 It's very apparent to us that the voices were
14 heard.

15 Just a point of clarification. In the
16 first bullet, the "where applicable and as
17 necessary" makes perfect sense for this
18 regulation. However, in the proposed (b), the
19 sentence that proposed, it states that "the
20 monitoring and mitigation in paragraph (a) must
21 include" and then itemizes out three elements
22 that these internal corrosion programs must

1 include. We just think having that prescriptive
2 actions associated with "where applicable and as
3 necessary" is a bit confusing in regulatory text.
4 We just want to make sure that (b) takes a look
5 at the words "must include."

6 MR. FORET: My name is Francis Foret
7 with Targa Resources in Houston. I understand
8 that we're going to address gathering at later
9 meetings, but to make a point here on
10 clarification, if those parts of gathering become
11 jurisdictional that are contemplated, the number
12 of monitoring points in our gathering systems are
13 going to be in the thousands, not the hundreds.
14 That's just something to consider from a cost
15 standpoint.

16 MS. FARRELL: My name is Lynda
17 Farrell, High Plains Safety Coalition out of
18 Pennsylvania, member of the USEITI
19 Multi-Stakeholder Group. I wanted to ask about
20 the terminology of "internal corrosion monitoring
21 as necessary and where applicable." Seems to be
22 very loose terminology, in light of -- and I'm

1 going to quote this, because I just recently read
2 this: the 2017 API and AOPI Annual Liquids
3 Pipeline Report affirmed that the liquid pipeline
4 incidents have increased over the past five
5 years.

6 And John Stoody, the Vice President
7 for Government and Public Relations, said:
8 there's not a single overarching explanation for
9 the shift, however, he noted issues of welding
10 and corrosion.

11 So I'm wondering, given that industry
12 data, why the language is really very loose and
13 nebulous.

14 MR. DANNER: Right. Other comments?

15 MR. MORTON: This is John Morton,
16 Enterprise Products. Another point of
17 clarification that the rule needs is, it
18 references undefined terms such as micro, sulfur,
19 free water, and vague new requirements to
20 calculate the partial pressures, and you really
21 don't provide any guidance on what all that
22 means.

1 MR. DANNER: Okay, any more comments
2 from behind me? Then I'll turn to the committee.
3 Is there anybody who wants to begin the
4 discussion on this item? No discussion on this
5 item. Oh, I'm sorry, Andy.

6 MR. DRAKE: This is Andy Drake with
7 Enbridge. Thank you. Just to clarify the comment
8 that was made a few minutes ago about the liquids
9 industries having an increase in corrosion rates,
10 that is the liquids industry. I think the gas
11 industry would show that internal corrosion rates
12 are actually declining, and if it helps we can
13 provide a submittal to the docket that would show
14 that trend. I think it's just data. I'm not
15 contesting what you're reading, because I think
16 it's exactly right, I'm just trying to put it in
17 context.

18 MS. FARRELL: It was liquids, but
19 PHMSA's own data actually indicates that the 20-
20 year trend is either flat or rising.

21 MR. DRAKE: If we want, we could make
22 that submittal to the docket. It would at least

1 help to fresh up the data.

2 MS. FARRELL: Thank you.

3 MR. DANNER: Okay. You say you have
4 other data. Would you like to share that in the
5 doc as well? It's in the doc. All right.

6 MS. GOSMAN: Sara Gosman. A couple
7 points on the suggested changes. I'm looking
8 through the "as necessary and where applicable"
9 and trying to see how they modify the various
10 clauses in this. I think it would be helpful for
11 the folks in the industry groups who have
12 suggested this language to give a background
13 about what they're trying to do with this
14 language, because to me it can be read broadly.

15 For example, the first "as necessary."
16 It could modify the fact that you have
17 development and implementation of the monitoring
18 and mitigation program altogether. It seems to me
19 that's a lot of discretion to give an operator
20 and quite different from what the proposed rule
21 was.

22 MR. DANNER: All right, you are invited

1 to comment on this language. Cheryl?

2 MS. CAMPBELL: Cheryl Campbell, Xcel
3 Energies. I'm sorry, sir, I speak in stories, so
4 I offer up an example. I am going to refer back
5 to some comments that Chad made earlier about,
6 you know, corrosion is a real threat to
7 transmission pipeline systems, and operators
8 should have a good corrosion management program
9 and our states should hold us accountable for
10 those corrosion management plans.

11 As Mark stated earlier, we have quite
12 a few inlet points to our system. Many of them
13 are from interstate pipelines who do an excellent
14 job of monitoring the quality of that gas. We
15 just don't see a lot of internal corrosion,
16 hardly any at all as a matter of fact.

17 However, we also have some points, and
18 we would argue that any monitoring to those
19 points doesn't make sense and does not help
20 pipeline safety. It adds cost, but it doesn't
21 help safety. We also have a number of points that
22 come into our system from a local basin that is

1 known to be wet. Those plants occasionally have
2 upsets and issues. Those are point we monitor
3 much more closely and carefully, and we do tend
4 to have equipment on those points to monitor the
5 quality of the gas that comes in.

6 The Integrity Management Program
7 should be taken as a whole, right, and we should
8 be making sure that we have that solid corrosion
9 management plan. So when I read this, and I hear
10 what you're saying, that it feels ambiguous, but
11 what I would expect is that I recognize that I
12 have a difference in some of those inlet points
13 and I'm taking action to differentiate them and
14 my state regulators should be asking me those
15 questions and ensuring that they're comfortable
16 with the actions that I've taken to manage the
17 corrosion. I see Steve is going to, and I welcome
18 your comments, Mr. Regulator.

19 MR. DANNER: Is there anybody else, so
20 that we can avoid having Steve? Okay.

21 MR. ALLEN: Steve Allen, Utility
22 Regulatory Commission. "As necessary and where

1 applicable," I think "as necessary," to me, and
2 Cheryl you mentioned you have points of entry
3 onto your system from an interstate transmission
4 operator that has all the instrumentation and the
5 testing in place to know what the quality of the
6 gas is and what sort of constituents are on
7 board. So if you have an operator that's supplying
8 gas to your system like that, I'd say adding
9 something is not necessary.

10 But like you said, if you have native
11 gas or perhaps gathering lines, underground
12 storage where, you don't know what you don't know
13 unless you actually monitor it. What the right
14 time frame is, I don't know, but to me, "where
15 applicable" is where you simply don't know. If
16 you know you're okay, then you're all right.

17 So I guess I agree with what you're
18 saying, and we actually have a situation back
19 home right now where we have some native gas, and
20 we're struggling to try to find a regulation to
21 hang our hat on. It comes back to, in our case it
22 comes back to the operator that would be

1 accepting the gas and they're perfectly within
2 their rights to say no, we don't want it because
3 we don't want to monitor it and we don't know
4 what's in it.

5 I think that this is a good balance.
6 Perhaps there needs to be some more definition
7 around necessary and applicable, I don't know.
8 Bur in my own mind's eye, I'm good with it.

9 MR. DANNER: Chad, is your card up?

10 MR. ZAMARIN: Maybe you see a little
11 more context. I mean, we have a lot of pipeline
12 mileage and the internal corrosion is, we try to
13 take a fairly surgical approach to identifying
14 where that threat exists. It is not something
15 like external corrosion where the environment
16 exists across the entire pipeline system. I think
17 we're just trying to recognize that "where
18 applicable" means, you know, the majority of our
19 pipelines are dry gas systems, there are tariffs
20 that prevent certain quantities of constituents
21 that could be internally corrosive from getting
22 into the systems but there are unique parts of

1 our system that do have this particular threat.

2 But the key is to make sure we're not
3 implementing something across all pipe, we're not
4 treating all pipe as equally susceptible to this
5 threat, because it's not. This is one of those,
6 in fact if you read the integrity management
7 processes that we developed going back almost 20
8 years, internal corrosion was one where getting
9 to, actually doing something, requires you to go
10 through a series of filtering analyses that help
11 you identify what pipelines would be susceptible
12 to the threat.

13 So the intent of "where applicable and
14 as necessary" was to try to recognize that. This
15 isn't a threat that does exist across all
16 pipelines, and if we put those resources and
17 these activities across all pipelines we spending
18 a lot of useless calories. We need to focus our
19 energy. We need to focus on where the threat
20 actually exists.

21 MR. DANNER: Can I follow up with a
22 question on that? What kind of record keeping do

1 you do when you're saying, okay, it's not
2 applicable here, it's not necessary here, or it
3 is applicable there, it is necessary there. Would
4 there be a way to audit that a decision was
5 actually made?

6 MR. ZAMARIN: Sure. Our interior
7 management process requires us to assess for all
8 the specific threats to pipeline integrity. I
9 think there are nine under ASME B31.8S and
10 internal corrosion is one of those threats. You
11 have a risk management process where you're
12 required to assess your system for the potential
13 for internal corrosion, where you can identify
14 through data regarding the gas composition, where
15 you can identify other variables around the
16 pipeline that the threat does not exist, you
17 focus your energy on those other threats that
18 exist in that particular area.

19 So we have to document that analysis,
20 and we have to do it formally on an ongoing
21 basis. PHMSA comes in and audits that process. We
22 have internal corrosion as one of those threats

1 that we're continually monitoring for on
2 pipelines that typically receive tariff-quality
3 gas. It's a relatively light activity set on
4 pipelines that receive wet gas or gas out of
5 storage, areas where we could find areas -- Our
6 risk assessment also looks for low spots in the
7 pipeline, we look for dead-legs where gas flow
8 may not sweep anything that gets into the
9 pipeline through, so when we go through our risk
10 assessment, we have to identify those area.

11 Those are the areas where we focus our
12 internal corrosion monitoring activities first.
13 If we find activity in those area, we may have to
14 broaden our analysis but it's truly an iterative
15 process. It is codified in our risk management
16 process. The code requires us to consider
17 internal corrosion on all of our segments, and we
18 have to document that analysis.

19 MR. DANNER: Thank you. Any other
20 comments? Steve Nanney?

21 MR. NANNEY: I'd just like give a
22 little food for thought on this. My experience

1 shows that operators, especially the transmission
2 operators, they're getting gas into their system,
3 they are measuring the quality of that gas.
4 They're either paying or getting paid based upon
5 the quality of that gas, so they are monitoring
6 it. So what's up here is taking that into
7 account, that you've got a monitoring system. A
8 prudent operator is not going to be taking H2S or
9 CO2 above a certain level into their system
10 because it is going to create a problem.

11 What this proposed rulemaking and
12 these comments are saying, ensure you're getting
13 that data. If your operations folks aren't
14 getting but your cash register folks, your
15 accountants are, make sure you're getting that
16 question. But I'd say the operational folks are
17 the ones that are getting it for them so they
18 have it.

19 So this is just saying take prudence,
20 get that information and use it, is what I see
21 this as conveying to the operators and to PHMSA.
22 But let me say I would be very surprised if

1 there's gas coming in cold from others to these
2 major transmission companies if they're not
3 measuring the whole gambit from water seal, CO2
4 and H2S, and also the make-up of the gas because
5 that's what that's what they are getting paid is
6 based upon.

7 MR. DANNER: All right, thank you. Sara
8 Gosman?

9 MS. GOSMAN: Thank you, everyone, for
10 helping to understand the background on it. I
11 guess I just read this language differently
12 because it seems to me that to require a
13 "development and implementation of a monitoring
14 and mitigation program to identify potentially
15 corrosive constituents in the gas being
16 transported and mitigate the corrosive effects."
17 By its nature you create a program but you're
18 going to focus on the areas where that
19 potentially corrosive effect is going to exist.

20 To me it adds another level of
21 uncertainty or discretion to a broad-scale
22 management process that's being requested. And I

1 guess the other thing that I think about these
2 particular set of changes, is collective what
3 they're doing is giving a lot more discretion on
4 whether to do this kind of development and
5 implementation, and what we're left with is
6 really a lot of discretion on the front end about
7 the program, one requirement for monitoring
8 methods, no requirements on evaluation or on the
9 actual mitigation, and pushing out from a year to
10 two years the review process. Collectively, to
11 me, that really guts a lot of specifics of this
12 particular policy.

13 MR. DANNER: So you would simply take
14 out the terms "as necessary and where
15 applicable."

16 MR. ALLEN: Steve Allen, IURC. I read
17 this to be really directed more to those
18 operators that have transmissions, not the large
19 transmission operators, they're the smaller
20 transmission operators that might not be
21 operating within an HCA and wouldn't necessarily
22 have some of the integrity management procedures

1 in place or controls in place.

2 I kind of go back to what you were
3 asking about, Sara. There are other regulations
4 out there that would lead an operator to address
5 this from a risk-modeling perspective. The
6 example that I brought up, where we have some
7 native gas there in the state. If an operator
8 chose to go ahead and accept that gas into his
9 system without knowing what was in it, I don't
10 have a regulation to hang my hat on. Okay? I
11 think most operators would not accept that level
12 of risk, but I've got nothing to hand my hat on
13 to say no, you can't do that. So I think that
14 there are other regulations out there that
15 probably address your concerns.

16 This verbiage, especially the "as
17 necessary and where applicable" kind of helps me
18 in that I can hang my hat on it with the smaller
19 operators and say look, you know, if you're going
20 to accept that, you have to be monitoring. You
21 have to know what's in it.

22 MR. DANNER: Other comments? I'm not

1 sure where that left it. Sara Gosman, did Steve's
2 comments resolve your concerns or are your
3 concerns still out there?

4 MS. GOSMAN: Yes, they're helpful. I
5 see the need for an additional set of
6 requirements that can help you clean up in the
7 areas where you don't currently have authority. I
8 guess, again, when I read this language, what I
9 worry about is even those folks, the folks that
10 you're worried about could use this "where
11 necessary and if applicable" to push back against
12 regulation.

13 And I don't know how you enforce that.
14 I'm still struggling with this idea of how are
15 you going to document necessary and applicable,
16 in a way that you can come as a state regulator
17 and say to them, look, we think this is what you
18 should be doing?

19 MR. DANNER: Steve, I kind of heard it
20 as, this is belts and suspenders with the other
21 processes. And yet again the question is, what do
22 we have that's enforceable?

1 MR. ALLEN: Well, if this were
2 codified, my expectation is that the audit
3 protocols would also go along with it. This would
4 something else that we would be auditing, too, to
5 make sure that operators are following this. I
6 don't know if that helps or not. It would be
7 something that we would inspect against and hold
8 operators accountable for.

9 MR. DANNER: And so you believe that
10 with this language you could say, that's not
11 appropriate or that is necessary?

12 MR. ALLEN: I like the way it is, with
13 the applicable and where necessary and
14 applicable. That helps me. And it also prevents
15 requiring operators to do more work than they
16 need to do. Most of the gas that enters Indiana
17 is tariff gas, and there's all sorts of controls
18 on that. It's the underground storage and the
19 gathering lines and the native gas that enters
20 the system that I'm more concerned about.

21 MR. DANNER: Okay. Andy Drake?

22 MR. DRAKE: Yeah, I think that, to

1 respond a little bit to Sara's question, I think
2 a lot of the discussion of the last meeting, that
3 I can remember anyway, was around the open nature
4 of the original language. It could have been
5 read, or would have likely been read, to apply to
6 all meter stations, all the interconnects to all
7 pipes everywhere.

8 That was a lot of the conversation
9 that came in and I think, Steve, the language
10 that went to the front of this wording, this
11 proposal, was, or non-dry gas environments. Which
12 was intended to take a lot of the meter stations
13 out, particularly those that are downstream of
14 all this processing, as we come to city gates and
15 other places, Union connects with other pipes
16 downstream of gathering areas.

17 That's a lot of the gas metering
18 stations, and to be sampling gas there for
19 corrosion constituents and internal corrosion is
20 not helpful. And then as we read the proposal, I
21 think that Steve has referenced it, we can't see
22 all the language, it was really the as

1 necessaries and where applicable, as I was
2 reading them, was in the context of a non-dry gas
3 environment, you will look at these constituents
4 as those constituents are applicable and where
5 necessary, so it was talking not about that the
6 evaluation is discretionary, it was that the
7 details of the analysis was discretionary.

8 That's how this reads, and I can't see
9 that up here, so I'll have to defer to Steve as
10 to how does that fit in context?

11 MR. DANNER: Thank you. Steve, can you,
12 actually I have paragraph (a) in front of me. Can
13 you tell me where the language "as applicable and
14 where necessary," where that would actually go in
15 the sentence?

16 MR. NANNEY: That's why I raise this.
17 What we did, where it says to refer, at the
18 bottom of the bullet, refer to 477, the 477 in
19 the current code is internal corrosion control
20 monitoring.

21 It starts out, "If corrosive gas is
22 being transported," that's the key. We're not

1 using non-dry gas, we were using "If corrosive
2 gas is being transported, coupons or other
3 suitable means must be used to determine the
4 effectiveness of the steps taken to minimize
5 internal corrosion. Each coupon or other means of
6 monitoring internal corrosion must be checked two
7 times each calendar year with intervals not
8 exceeding seven and a half months."

9 So we were tying it in, just like what
10 Andy says, whether you use corrosive or non-dry,
11 it's similar terms.

12 MR. DANNER: I'm still, as I'm looking
13 at 478 (a), where in the sentence they're
14 inserted? I wasn't here at the last meeting. I
15 don't have a context.

16 MR. NANNEY: Of where 477 would be?

17 MR. DANNER: No, where you're adding
18 the language in paragraph (a) where it says, "as
19 necessary." Where in the sentence are you putting
20 "as necessary?"

21 MR. NANNEY: It would be in there where
22 it says, the first sentence, it would be where it

1 says, "and mitigate the corrosive effects as
2 necessary," at the tail end of the sentence. And
3 then in the next sentence it would be,
4 "potentially corrosive constituents include but
5 are not limited to carbon dioxide, hydrogen
6 sulfide, sulfur, microbes and liquid water" was
7 added there, and then the where applicable, "Each
8 operator must evaluate the partial pressure of
9 each corrosive constituent, where applicable by
10 itself or in combination."

11 MR. DANNER: Okay. Thank you.

12 MS. GOSMAN: Sorry, there's an
13 additional "as necessary" at the end there

14 MR. NANNEY: "On the internal corrosion
15 of the pipe, as necessary and implement
16 mitigation measures."

17 MR. DANNER: Thank you.

18 MR. NANNEY: That's at the bottom of
19 (a), if you look where that would be inserted,
20 after 'monitoring.'

21 MS. GOSMAN: Let me make a suggestion,
22 Terrence. Can you put up that language on a slide

1 so we can see it?

2 MR. DANNER: There it is. You still
3 have your card up. Are you ready for --

4 MS. GOSMAN: Thank you for putting this
5 up. I think, again, that the discussion that is
6 being looked for here, it's unclear to me just in
7 terms of the clauses, where these "necessary and
8 applicable" are being put in, exactly what we're
9 trying to get discretion for. Is it the
10 monitoring, is it the fact that we have a program
11 at all, is it the evaluation and particular
12 mitigation approaches, all of those things I
13 think would help me. Because for example, the
14 first one you put "as necessary" at the end, and
15 I'm just unsure what that's modifying.

16 MS. CAMPBELL: I'm not a lawyer, and
17 Alan, I'd direct this at you, but I think the "as
18 necessary" is intended to say where you have
19 corrosive constituents, not whether or not you
20 should have a program. Or have I misunderstood,
21 because I think that's, our point is that happy
22 to do it, right, where I believe I have issues

1 and I have identified I have internal corrosion
2 possibilities, doesn't make sense where I have
3 tariff gas that I already know is well monitored
4 and I do not have that thread.

5 So to your point, Sara, if the "as
6 necessary" isn't in the right place, then, Alan,
7 I think that's what PHMSA was looking for, is
8 where you have this threat. Am I right or wrong?

9 MR. MAYBERRY: Exactly. Here I am, and
10 I've said this before, the latest challenge is
11 developing a national policy that's applicable
12 everywhere and not to be so dogmatic that we
13 write something that may apply to everything and
14 it would be unnecessary, but to apply where it's
15 needed.

16 Here again, and I think Steve, you
17 alluded to this as well, this won't, for myself
18 as a regulator, it still won't impact what I do
19 to see that this was addressed where it was
20 needed. If it's not, we definitely will be
21 talking, but I think that's put the onus on the
22 operator to make sure they're addressing it where

1 applicable, but it's not making me put a policy
2 out there that says, address it everywhere and
3 even in places where it's not necessarily needed
4 to do.

5 MR. DANNER: Okay. Andy Drake?

6 MR. DRAKE: I think for clarification,
7 what was the intent of asking CJ what was the
8 intent of the trades when they wrote this on the
9 behalf of so many other operators, but I think
10 the big issue that was trying to be accomplished
11 was clarifying the non-dry gas applicability of
12 this requirement, and if you'll notice, it's not
13 there but we, I don't know what the "in addition
14 to requirements of Section 477" means, that's
15 back to the corrosive gas part.

16 I think that's the biggest issue that
17 people are having. Without that qualifier at the
18 front, it applies to all meter stations, all gas
19 interconnections, which is not what the intent
20 was. It needed that filter. If we get that filter
21 into place, and I think the as necessaries and
22 the where applicables and other things are not

1 really that significant. It's really the front-
2 end filter that is the big deal, and I defer to
3 the rest of my industry cohorts here.

4 MR. DANNER: Would you be able to
5 address that, by saying that for on-shore
6 transmission pipelines, each operator must
7 develop and implement a monitoring program to
8 identify those pipelines where potentially
9 corrosive constituents in the gas are likely to
10 be transported, and then mitigate those corrosive
11 effects.

12 MR. DRAKE: I think all we would
13 probably add to that is just in front of onshore
14 transmission would be non-dry gas onshore
15 transmission. You put that in there, it separates
16 it. And that's all we're trying to do. If the
17 rest of this is bothering people, I think we can
18 remove that. It's not the intent. It was just to
19 get that differentiation in the front.

20 MR. DANNER: Any comments on that
21 submission?

22 MS. FLECK: Sue Fleck, National Grid.

1 Why not at the beginning of paragraph (a), use
2 the same qualifier you use in 477, and you get
3 right there, so you just say: if corrosive gas is
4 being transported, and then let this go. So
5 there's no confusion and you don't have to go
6 back and read 477, you say it again right here,
7 you cover it and then I think we'd all be in a
8 little happier place. Sue Fleck, National Grid.

9 MR. ALLEN: Steve Allen, IURC. If
10 corrosive gas is being transported, and that's
11 the first part of 477, and I don't know if we
12 could do this, but if corrosive gas were the
13 potential, because you don't know. How do you
14 know it's corrosive gas if you're not monitoring
15 it? Other than the fact that you could have some
16 tariff gas, okay, that's non-corrosive gas.
17 That's fine. It's tariff gas. We know it's okay.
18 But just by saying, if corrosive gas is being
19 transported, well, that would suggest that you
20 know it's corrosive.

21 So I'm saying, or if the potential for
22 corrosive gas being transported, or something.

1 I'm not sure how to work that in there, but the
2 idea is that we don't know if it's corrosive
3 unless you test it or monitor it for, like I
4 said, the gathering lines and native gas and so
5 on.

6 MR. DANNER: All right. Any response to
7 Steve's suggestion? All right, let the record
8 reflect that Andy's shaking his head. I don't
9 know if it's going up and down or sideways. Okay,
10 he's fine with it. Sara?

11 MS. GOSMAN: I think we're on the right
12 track. I feel like if all this discussion is
13 moving towards this question of a category of
14 lines that we can just move out of the picture
15 and we can agree on that, I think that's a much
16 better place to be in. How that language is
17 drafted, I would agree that it's the potential.
18 As I read this, it's about identifying
19 potentially corrosive effects, right? Not -- If
20 you knew it already I think you wouldn't need to
21 identify the potentially corrosive effects. So
22 finding a way to get in there, potential, as the

1 sort of initial evaluation stage, I think is
2 important. But I like this direction, I guess I'd
3 say.

4 MR. DANNER: So is it, could you say
5 something along the lines of, if corrosive gas
6 may be transported, and so if you have a pipe
7 that's just taking tariff gas and it's not likely
8 to have contaminants, then you could exclude
9 that. Would that be tight enough?

10 MS. FLECK: Sue Fleck, National Grid.
11 Then you might as well take the whole thing out,
12 because one of your regulators could say, I need,
13 anything could happen, you know. A meteor could
14 hit the earth, who knows? When you put potential
15 in there or maybe, you've opened it up to every
16 single station again. I'm not comfortable with
17 that.

18 MR. DANNER: Well, yes. I guess that's
19 the way, literally that could be any pipeline
20 that is capable of carrying corrosive gas, which
21 would be everything. But I see the problem with
22 this too, is the problem that if corrosive gas,

1 how do you know? Chad?

2 MR. ZAMARIN: Yeah, I agree with Sue
3 that it causes some consternation, but I think
4 that if the understanding is that by saying
5 potentially corrosive gas is being transported,
6 that it means that the operator has to define
7 what constitutes a potentially corrosive gas,
8 that we have to document that criteria.

9 I think that's how I read the intent
10 of what that's saying, that we have to go through
11 a process to identify what could constitute a
12 potentially corrosive gas and if we've done that,
13 then we've defined a filter, for lack of a better
14 term, that focuses the rest of these requirements
15 on our activities. I'm comfortable with that. I
16 recognize the risk that it creates, but I also
17 sense that we've got to figure out a way to
18 create some form of filter without making it so
19 that it's totally ambiguous.

20 MR. DANNER: Andy had a proposal
21 earlier. He modified the sentence where it said,
22 for onshore transmission pipelines. I think he

1 said, for non-dry gas, or, what was that phrase?

2 MR. DRAKE: Non-dry gas.

3 MR. DANNER: Okay.

4 MR. ZAMARIN: This is Chad Zamarin
5 again. I think that's kind of another way of
6 saying this is a way you determine whether or not
7 you have potentially corrosive gas --

8 MR. DANNER: Well, it is very
9 objective. It doesn't leave a lot of discretion,
10 but is it too narrow?

11 MR. ZAMARIN: At the end of the day,
12 the most important factor for preventing internal
13 corrosion is keeping water out of the pipe. These
14 constituents that are identified here don't pose
15 a threat unless they're in the pipe with the
16 addition of having water in the pipe.

17 You can have carbon dioxide in the
18 pipe, it doesn't cause any problems but as soon
19 as you have carbon dioxide in the pipe in the
20 presence of water, it creates an acid and causes
21 internal corrosion of the pipe. If you never have
22 water in the pipe, you will never have internal

1 corrosion.

2 Hydrogen sulfide requires water in
3 order to create sulfuric acid and so, the concept
4 is, and what we do when we monitor gas coming
5 into our pipeline, is we have a dew point
6 requirement and we have alarms and if gas comes
7 into our system that is water in the stream, then
8 we shut it in or we have to take action. We just
9 lost the language. Could we have the language
10 back? Thanks. I guess they're telling us it's
11 time to move on.

12 What, I'm just wondering if we took
13 out that first clause, "if corrosive gas is being
14 transported," if we took that out is the
15 remainder of that paragraph acceptable to the
16 committee members? Does anyone have an objection
17 to what is left? Sara?

18 MS. GOSMAN: I don't have an objection,
19 but just a clarification. I'm presuming from the
20 technical side here, that we're saying that
21 essentially dry-gas transmission pipelines are
22 not going to have corrosive constituents in them,

1 thus no need for an identification or evaluation
2 of potential corrosive constituents. Does that
3 sort of say that technical fact, that is the
4 case, am I right on that??

5 MR. DANNER: That's the way I would
6 read it.

7 MS. GOSMAN: Okay. With that
8 clarification, I think that's great. And then I
9 would ask for removal of the "as necessary and
10 where applicable."

11 MR. DRAKE: I would offer, the way I
12 read the where applicables, this is important,
13 actually: Each operator must evaluate the partial
14 pressure of each corrosion constituent. If you
15 take where applicable out, we have to evaluate
16 the partial pressure of every single constituent,
17 whether it's there or not, which isn't -- I think
18 the intent was, where applicable, if those
19 constituents are there, then you have to do that.
20 If they're not there, you do the ones that are
21 there.

22 That's the way I think it was intended

1 when it was put in there. It wasn't that the
2 evaluation is discretionary. It's that you do it
3 where the constituents are applied, where you
4 realize those constituents.

5 MR. DANNER: Okay, but we've just
6 limited now only to only non-dry gas onshore
7 transmission pipelines. So we've got the program,
8 the whole program is scoped here.

9 MR. DRAKE: But the constituents are up
10 in front. CO2, hydrogen sulfide, sulfur, microbe
11 liquid, that's the constituents. So you would
12 just do those constituents that are present. Not
13 every single one of them. If that wasn't in the
14 gas stream, why would you be evaluating them? I
15 think that's the way it was intended.

16 MR. DANNER: Chad and then Sara.

17 MS. GOSMAN: So you're saying the rule,
18 as you read it, would just require operators to
19 evaluate the partial pressure of every gross of
20 constituent? Ever. Because --

21 MR. DRAKE: If you took the word
22 applicable out, it would make you do that. If you

1 put it in, then you're just doing the partial
2 pressures for the ones that are present.

3 MS. GOSMAN: Okay. So is there a way to
4 start that, and I will just make an apology here
5 because it's clearly me that's driving this in
6 terms of wordsmithing, and I apologize for the
7 wordsmithing piece of it, it's just that actually
8 these particular words, my mentor when I was
9 first in practice, called wiggle words, are
10 particularly concerning to me in terms of rules.

11 This is why I'm focusing a little bit
12 on this text here. Could we put a phrase at the
13 beginning, or maybe rather than wordsmithing it
14 to PHMSA, maybe just as a point, we can say,
15 where those have been identified, right? Then
16 there's the evaluation. I think just in terms of
17 clarity in what this is doing.

18 MR. DANNER: So in other words, you
19 could take out the word, where applicable, there
20 and put in identified. If each corrosive
21 constituent --

22 MS. GOSMAN: Yes.

1 MR. DANNER: Okay. Steve?

2 MR. ALLEN: Steve Allen, IURC. I'm
3 almost there, but I still get back to at the very
4 beginning where we said, for non-dry gas. As a
5 state regulator, we go out and we are inspecting
6 or auditing an operator, how will we know that
7 they know that they have non-dry gas coming out
8 of an underground storage or native gas? Is there
9 another regulation out there somewhere that would
10 require them to monitor that, or to measure that?
11 I guess perhaps I'm looking for a qualifier here
12 that says for non-dry gas onshore transmission
13 pipelines, where the operator has a basis of
14 knowing it's non-dry gas.

15 MR. DANNER: So what I heard earlier is
16 that you had made an assumption, basically, if
17 it's taking tariff gas --

18 MR. ALLEN: Okay, so that's their
19 basis. That would be their basis for saying it's
20 dry. But I'm saying, absent a basis like that, or
21 something that they can rely on to say, hey, I
22 know that this is dry gas. Without that, I still

1 have issues, because there's going to be gas
2 input into a system that may be corrosive.

3 MR. DANNER: I would suggest that come
4 out, but I don't recall going back why it was
5 added in there, because it seems to be unneeded.
6 And I think we have to come out of this creating
7 some kind of presumption, because otherwise it
8 goes back to the discretion of the operator.

9 MR. ZAMARIN: This is Chad Zamarin,
10 Cheniere Energy. I know we said we weren't going
11 to wordsmith, and we're wordsmithing, but I think
12 conceptually it sounds like there's agreement on
13 what we're trying to achieve, that we're trying
14 to focus on those parts of our systems that have
15 the potential for internal corrosion and we're
16 trying to filter and focus the requirements to
17 those areas that have been deemed as susceptible
18 to that threat.

19 Maybe it's not the best use of our
20 time, and I know words do matter and I know we've
21 got to get it right, but I think we can at least
22 get it on the record that we all agree that there

1 needs to be some lead-in that focuses this and
2 maybe it just requires a little more time for
3 PHMSA to work that, and that maybe in a room like
4 this isn't the best place to do that. It feels
5 like we have alignment, we're just struggling
6 with words.

7 MR. DANNER: Yeah, I, well, this is
8 speaking for myself now, I know what you're
9 saying. This is one, though, where the precision
10 of the words, I think, is so important that if we
11 don't wordsmith here, we're going to endorse this
12 paragraph, it's going to be wordsmithed
13 differently than we think will be satisfactory.
14 So I actually think that this might be one where
15 we should take an extra five, three, fifteen
16 minutes --

17 MR. ZAMARIN: I'm with you, hang in
18 there, we're with you.

19 MR. DANNER: So, all right, I saw a
20 card up. Sue?

21 MS. FLECK: Sue Fleck, National Grid.
22 I'll take a shot at it. If you leave it as we

1 have it up there, with for non-dry gas, then it's
2 incumbent upon the utility to be able to justify
3 to their regulators how we determined it was not
4 dry gas. So if we have tariffs, we have the gas
5 constituent reports we get from the provider from
6 a pipeline, we have all that information, we can
7 show that back to the regulators and say, I don't
8 have to look at this one.

9 If were getting from somewhere that we
10 don't have any information, then we have to
11 monitor it or check it or do something to
12 validate, so I think this is okay because you can
13 come to us and say, how did you make that
14 decision and then you can determine whether
15 you're comfortable with what we say. And for most
16 of the time, we're going to be getting that
17 information from whoever we purchase the gas from
18 and if not, then we have to figure it out.

19 MR. DANNER: Steve?

20 MR. ALLEN: Steve Allen, IURC. Exactly.
21 That is my concern. If we go in and say, oh, no,
22 we have dry gas, okay, tell me more about that.

1 Well, we just have dry gas. How do you know that?
2 We just know it. Well, tell me why. They have to
3 have some basis.

4 MR. DANNER: But that, whether it's in
5 the paragraph or not, they would have to have
6 some basis. I mean, the regulator's going to say,
7 how do you know that was a dry gas pipeline? And
8 they're going to have to come back and say well,
9 all the gas we purchased was off of a tariff.

10 MR. ALLEN: And that gets back to the
11 wordsmithing component of it. If we could come up
12 with, just string together a few words that
13 basically say what Sue just said as a modifier,
14 then I think we're there.

15 MR. DANNER: All right. Again, my own
16 view is that this is going to be a question where
17 the regulator's going to say, tell me why this is
18 a non-dry gas pipeline. I mean, that's not a
19 term, that's not a legal term. That's a term
20 that's going to have to be defined based on the
21 evidence that one is looking at, that the
22 regulator is going to ask for. Would that be

1 sufficient? Anyone else? Andy?

2 MR. DRAKE: Just at the risk of
3 thinking out loud, I think you could pick up some
4 language here. Certainly the value here is that
5 this record does create some, this transcript
6 creates a record for compliance and
7 interpretations. We're trying to give guidance to
8 PHMSA. I think what we have heard is that things
9 like, based on gas tariff standard, based on
10 sampling reports, or based on reports from
11 suppliers, the obligation to prove is on the
12 burden of the operator, that decision. If those
13 three sets of criterial help to do this, I think
14 you could add them here. Or we can give that to
15 PHMSA to consider in how they draft the final
16 language and extricate ourselves a little bit
17 from the wordsmithing. But I think we can give
18 some guidance either in the rule-making directly,
19 or in the record that is the basis behind the
20 rule for enforcing it.

21 I think that's the intent everybody is
22 saying here. I see people out in the audience

1 shaking their head yes too, so that's a good
2 alignment. But if those words help, I think we
3 could put those in there too.

4 MR. DANNER: Okay. So the problem is
5 that we are leaving some ambiguity here? We can
6 tell PHMSA, I think PHMSA has an idea from this
7 what our intent is. It's really going to get down
8 to whether they can draft something that reflects
9 that intent, and around the table here we haven't
10 able to do so so far with perfection, but we've,
11 I think we're getting close. Cheryl, is your --

12 MS. CAMPBELL: I just offer up a
13 potential, and I agree with Andy. I think
14 everybody is in agreement on the intent of what
15 we're trying to do here and we do want to narrow
16 the universe from all meter stations, but a
17 possibility: where the operator has a reasonable
18 basis to determine that the gas being transported
19 is non-dry.

20 So you basically put the onus on the
21 operator to say, and I think that's what we've
22 been trying to say. The operator has to say,

1 yeah, I have a dry gas, here's my lines or my
2 inlet points that are dry, and here's my inlet
3 points that are non-dry, and the non-dry ones are
4 the ones that I need to be -- And then this stuff
5 is all applicable, right?

6 MR. DANNER: Okay. So you're going back
7 to a reasonable standard and --

8 MS. CAMPBELL: I'm not sure how else to
9 do it.

10 MR. DANNER: Yes. And so the language
11 would say: for onshore transmission pipelines for
12 which the operator has a reasonable basis for --

13 MS. CAMPBELL: To determine the gas
14 being transported is non-dry.

15 MR. DANNER: Okay.

16 MS. CAMPBELL: And then you, as the
17 regulator, how did you come to that conclusion?
18 There's a zillion questions around that that the
19 state regulator could be querying, most of which
20 I don't want to answer so I'm not trying to give
21 you any ideas.

22 MR. DANNER: Rich?

1 MR. WORSINGER: Mr. Chairman, I just
2 want to back up and make sure I understand, and
3 if I understand then I'm hoping everybody else
4 will understand. What's at issue is, or what's
5 not at issue, we understand what to do if we have
6 non-dry gas. We're all in agreement to that? And
7 we know what to do if we have gas that is dry
8 gas. What's at issue here is where we're just
9 not sure whether it's dry or non-dry. Is that
10 correct? And we want to make sure we're not
11 treating all gas as if it is non-dry gas. So
12 could we leave this up here and just maybe add
13 something that just says, if the operator cannot
14 confirm if it's dry or non-dry gas, then they
15 have to further investigate and confirm.

16 MR. DANNER: Any response? That sounds
17 reasonable to me. Alan?

18 MR. MAYBERRY: I think we're creating
19 a little bit of an issue getting crossways with
20 477 that's referred to there. First it is, we
21 changed it to non-dry in this excerpt here, but
22 if you go to 477 it's corrosive. And now we've

1 changed it from corrosive to non-dry. It would
2 really make it easier on us as we write this
3 thing to be consistent in our terms. Otherwise we
4 need to deal with 477. So I would prefer to do
5 that, if you guys feel inclined, to change non-
6 dry back to corrosive. Be consistent with 477,
7 which is referenced there, and it just keeps us,
8 you know, okay, we say corrosive here, we say
9 non-dry here, it confuses everyone.

10 MR. DANNER: So you would change the
11 non-dry gas to --

12 MR. MAYBERRY: Corrosive.

13 MR. DANNER: Corrosive onshore
14 transmission pipelines?

15 MR. MAYBERRY: We can deal with exact
16 terminology since we're not wordsmithing, right?

17 (Laughter.)

18 MR. DANNER: Words matter. All right.
19 Is the group okay with that? Sara, your tent is
20 up?

21 MS. GOSMAN: Just a question for you,
22 Alan, I completely understand the need for

1 regulatory consistency here. As I read the rest
2 of this paragraph, what I understand this to be
3 about is identifying potential, right? So when
4 you're think about that initial category of
5 corrosive gas being transported, are you thinking
6 that includes the broader range of gas that's
7 being transported where we would want to see
8 somebody actually evaluate the corrosive
9 potential?

10 MR. MAYBERRY: We'll address that and
11 any other questions that may come up, like it
12 might be generally dry gas but you may have to
13 consider for upset conditions and the like that
14 might be better addressed, really it's difficult
15 to address the whole universe here, but we'll
16 have to give some further clarity and guidance in
17 the material we put out there.

18 MS. GOSMAN: So at this point I'd
19 suggest that we leave it with the agency. I think
20 we're all close to the same place here.

21 MR. DANNER: I agree. So I guess, is
22 there any further discussion on this language, or

1 shall we put a motion in front of us? Does
2 anybody with a working mike want to make a
3 motion? We're not quite ready? Okay, go ahead.

4 MR. ALLEN: In the second line where it
5 says twice per year to once per year, I think
6 that's where that once per calendar year, within
7 15 months should be added.

8 MR. WORSINGER: Within 15 months, not
9 to exceed, yes.

10 MR. DANNER: Is everybody okay with
11 that change? I see a couple of tents up. Sara,
12 your tent's up.

13 MS. GOSMAN: So I don't want to push my
14 luck here but I just have a question about (b) 2
15 and 3 and removing them. I assume the reason here
16 is concern about the specificity of the
17 particular technologies and mitigation
18 approaches. Because I notice that it says, or
19 other technologies, so it seems to open the door
20 to, gives a list but then includes other
21 technologies, so I would read that as being an
22 open-ended response, but just giving some

1 examples of potential mitigation approaches.

2 MR. DANNER: Steve Nanney, do you have
3 a response to Sara's comment?

4 MR. NANNEY: You said (b)2?

5 MS. GOSMAN: Yes, that's right.

6 MR. NANNEY: We were planning to keep
7 (b)2 in. I did not see where we had said we'd
8 keep (b)2 out.

9 MS. GOSMAN: Oh. My mistake. So you're
10 keeping (b) 1, 2 and 3 in and just shifting the
11 language in (b)1?

12 MR. NANNEY: But we were planning to
13 take c) out, is what was recommended. (b)2, we
14 were planning to first, they must include, we
15 heard that comment on (b) the lead in, then (b)1,
16 equipment, we were looking at becoming methods.
17 (b)2 would stay as is, is what we were
18 considering there, and then (b)3 we would make
19 some changes based upon what we heard as far as
20 the evaluation period and how the samples were
21 done, which we referred back to 477.

22 MS. GOSMAN: Okay. Thank you for that

1 clarification. The lead-in on (b) is the same?

2 MR. NANNEY: Yes. So it would be, the
3 monitoring and mitigation program in paragraph
4 (a) of this section must include. And we had
5 some comments on the "must include," and we would
6 take a look at that to see if we could make any
7 adjustments there. I'm not saying we can, but we
8 could look at it.

9 MS. GOSMAN: Okay. I guess I would add
10 my point of view, which is that I like the word
11 must.

12 MR. DANNER: Okay. Is there, Sue?

13 MS. FLECK: Yes, this is Sue Fleck,
14 National Grid. I thought (b) was struck. So going
15 back to it, it could be misread as saying you
16 have to do all of those things. The monitoring,
17 whenever you say must include and then you put a
18 list in, people are going to think you have to do
19 every one of those things. So that (b)2 is
20 problematic, with the lead-in that says, "the
21 monitoring and mitigation program must include"
22 all of those things. I thought you had struck

1 that.

2 MR. DANNER: So, Steve Nanney, you were
3 saying is that it say should include?

4 MR. NANNEY: We haven't said we would
5 change it to should, or we heard must in Sue's
6 comments then and we heard it earlier, we will go
7 back and look at it but we're not ready to say
8 that we would change it to should.

9 MR. DANNER: So (b)2 does say, or other
10 technology to mitigate. It doesn't say you need
11 to consider every one of them, or implement every
12 one. Okay. We have language in front of us and
13 I'm looking for a volunteer to make a motion.

14 All right, I move that we approve the
15 language that is up on the screen right now,
16 which is voting language for closer control of
17 internal corrosion, Section 192.478, the proposed
18 rule as published in the Federal Register and the
19 draft Regulatory Evaluation, with regard to the
20 provisions for internal corrosion are technically
21 feasible, reasonable and cost-effective and
22 practical if the following changes are made.

1 1. Modify (b)1 as follows: at points
2 were gas with potentially corrosive contaminants
3 enters the pipeline, the use of gas-only
4 monitoring methods to determine the gas stream
5 constituents.

6 2. Change frequency of monitoring a
7 program review from twice per year to once per
8 calendar year, not to exceed 15 months.

9 3. Delete proposed paragraph c) and
10 refer to 192.477 in 192.478(a), and,

11 4. Limit the applicability of
12 paragraph (a) to the transportation of corrosive
13 gas. PHMSA will provide additional guidance based
14 on the GPAC discussion.

15 Is there a second?

16 MR. DRAKE: Second.

17 MR. DANNER: Okay, there is a second,
18 by Mr. Drake. Any further discussion? Rich?

19 MR. WORSINGER: I'd like to recommend
20 instead of saying must, we change that to may
21 include at the beginning of (b)1. In general (b).

22 MR. DANNER: In general (b). So

1 monitoring may include --

2 MR. WORSINGER: Instead of must
3 include.

4 MR. DANNER: So, any discussion on that
5 suggestion? One of the things for me, again,
6 speaking for myself, it's a little incongruous
7 here is that you have in paragraph 3 some pretty
8 prescriptive, evaluation twice each calendar
9 year, at intervals of -- this is very
10 prescriptive language, and you're saying, okay,
11 you may do that, it sort of begs the question
12 about why you would be so prescriptive if you
13 don't have to do it.

14 MR. ZAMARIN: I just have a question.
15 I wonder if, would it work for the group if it
16 said must consider instead of must include, and
17 then that requires the operator to go through
18 that list and identify those things that are
19 applicable. I think one of the concerns is, for
20 example, in (b)2, it is a list of potential
21 solutions but not all of them will be
22 appropriate. Does must consider instead of must

1 include work?

2 MR. DANNER: In 2, though, it does say
3 in other technology. I don't see that as an
4 exhaustive list that must be implemented. To
5 choose these or something else. Alan?

6 MR. MAYBERRY: Yes, Alan here, this
7 might be an occasion to use where applicable or
8 as necessary.

9 MR. ZAMARIN: One of the problems is,
10 to give you an example, when you talk about (b)1,
11 you talk about having gas monitoring at every
12 inlet to the pipe, but then in another item you
13 talk about corrosion coupon monitoring, if you
14 have multiple inlets in a storage field, you're
15 not going to put gas chromatographs on every flow
16 line in a storage field. You're going to need to
17 come up with a different way.

18 MR. MAYBERRY: I think we understand
19 that. What we're trying to make sure it's done
20 where worst needed.

21 MR. ZAMARIN: I know. But not where you
22 leave it so wide that there's -- I mean, we have

1 to have some control to it. But there again, we
2 don't want to --

3 MS. FLECK: Alan, this is Sue from
4 National Grid. I think it's the list that bothers
5 us, and if you're saying, or other technology,
6 your list is kind of open anyway, so why even say
7 it? Why can't paragraph 2 or item number 2 just
8 be appropriate mitigating technology. Instead of
9 listing, because it's the list that bothers us.
10 When you put the list in there, somebody might
11 try to hold us accountable to doing every single
12 one of those things, when what you're really
13 trying to do is say, you need to use some kind of
14 technology to mitigate the potentially corrosive
15 gas stream.

16 MR. DANNER: Right. So, on 2, I would
17 actually propose that it would say: Technology to
18 mitigate corrosive gas stream constituents, which
19 may include product sampling -- and so forth.

20 MS. FLECK: That's better.

21 MR. DANNER: Okay. Have you captured
22 that? Would you like it again? Would you like it

1 one more time? All right.

2 Paragraph 2 would read: Technology to
3 mitigate the potentially corrosive gas stream
4 constituents -- capital T on Technology, but then
5 say: Such technologies may include product-
6 sampling inhibitor injections, in-line cleaning
7 pinging, and separators.

8 Okay. Are we there? So we have a
9 motion, and again I'm assuming we can pretend
10 that this is the original motion, without having
11 to vote on an amendment, and we'll just take a
12 roll call on this. You ready for that? Okay,
13 let's take a roll.

14 MS. WHETSEL: We've all agreed, as
15 amended, the original -- Okay. Yea or nay,
16 everybody. Steve Allen?

17 MR. ALLEN: Yea.

18 MS. WHETSEL: Dave Danner?

19 MR. DANNER: Yes.

20 MS. WHETSEL: Terry Turpin?

21 MR. TURPIN: Yea.

22 MS. WHETSEL: Cheryl Campbell?

1 MS. CAMPBELL: Yea.

2 MS. WHETSEL: Andy Drake?

3 MR. DRAKE: Yea.

4 MS. WHETSEL: Sue Fleck?

5 MS. FLECK: Yea.

6 MS. WHETSEL: Rich Worsinger?

7 MR. WORSINGER: Yea.

8 MS. WHETSEL: Chad Zamarin?

9 MR. ZAMARIN: Aye.

10 MS. WHETSEL: Smarty. Sara Gosman?

11 MS. GOSMAN: Yea.

12 MS. WHETSEL: Robert Hill?

13 MR. HILL: Yea.

14 MS. WHETSEL: Okay, and we can say Yea.

15 It's passed.

16 MR. DANNER: All right, that was easy.

17 So it's now 3:00. Let's take a really fast ten-

18 minute break. We're going to be back here and

19 finish up the afternoon's agenda. Thank you.

20 (Whereupon, the above-entitled matter

21 went off the record at 2:58 p.m. and resumed at

22 3:18 p.m.)

1 MR. DANNER: Okay. Steve Nanney, you
2 want to tee up the next item for us?

3 MR. NANNEY: Well, I'm glad we got
4 through with the last one, so. Well with that,
5 we'll go to the next item, which will be 192.935,
6 (f) and (g). And again, we'll be talking about
7 P&M requirements for internal and external
8 corrosion in HCAs.

9 The issue is again, what we're looking
10 at here is prescriptive, preventative and
11 mitigative P&M measures needed to ensure public
12 safety in higher consequence areas. And the
13 basis is again, disbanded coating and corrosion
14 that we've seen in several incidents.

15 What does PHMSA propose to do? One:
16 enhance internal and external corrosion control
17 programs in HCAs, and to consider other measures,
18 such as right-of-way patrols, areas where
19 material has quality issues or lost records.

20 The next item to the next slide, if I
21 did move it; slide 38 is, what did we hear from
22 the committee? On 935 (f) and (g), the comments

1 were, It's too broad and prescriptive. They
2 should not apply to every pipeline segment. The
3 results of the risk assessment should be used in
4 form of which P&M measures should be used for
5 integrity management.

6 Continuous gas quality monitoring
7 should only apply if internal corrosion is a
8 risk. And some distribution operators rely on
9 suppliers to monitor gas quality, and they do not
10 own their own gas monitoring equipment.
11 Monitoring frequency at twice per year is too
12 frequent, and PHMSA should reference ASME
13 standards for P&M measures.

14 What does PHMSA suggest for the
15 committee to consider? Well, PHMSA notes that
16 the proposed changes to subpart I apply to all
17 pipe, both HCA and non-HCA, and it's very similar
18 to the proposed changes in the 192.935.

19 Since the proposed changes in subpart
20 I would apply to all transmission pipelines,
21 PHMSA would support withdrawing the proposed
22 changes to the regulations in 935 (f) and (g) and

1 Appendix E.

2 MR. DANNER: Thank you very much. Do
3 we have public comment on this item?

4 MS. JACKSON: Thank you very much.
5 Good afternoon, my name is Connie Jackson. I'm
6 the City Manager of the City of San Bruno,
7 California. And although I'm honored to be able
8 to speak, I'm sorry to say that I won't be able
9 to speak on some of the details of the issues
10 that you're speaking about today. I won't
11 contribute to your wordsmithing, but I hope to
12 provide a little bit of a framework based on the
13 experience that we in San Bruno had seven years
14 ago.

15 And in that regard, I'm here
16 representing the residents of San Bruno and our
17 commitment and abiding interest to assure, based
18 on our experience, that the safety of our gas
19 pipeline system in our nation is assured.

20 As the name of our town has become
21 synonymous with the need for improvement to gas
22 pipeline safety and system operations, federal

1 pipeline safety regulations and the oversight
2 that is provided by state and federal regulators,
3 we feel it's important to urge you to remember
4 that the rules under discussion today and
5 tomorrow have a profound effect on real people.

6 After a year-long investigation, the
7 NTSB determined multiple causal factors for the
8 explosion and the resulting fire in our town that
9 killed eight people, injured dozens more, and
10 completely destroyed 38 homes.

11 Key among the findings and the
12 recommendations of the NTSB and beyond some of
13 the specific factors related to our local gas
14 company's management of its pipeline system was -
15 - and I'm paraphrasing here -- that the existing
16 provisions in federal law that allowed the
17 operator to avoid pressure-testing on older
18 pipelines also allowed serious defects in the
19 system to remain unnoticed. And the use of
20 direct assessment in this case was an inadequate
21 integrity management practice, and that was
22 allowed to continue.

1 Accordingly, the NTSB recommended that
2 the grandfather clause be repealed and that all
3 pre-1970 pipelines be subjected to a hydrotest.
4 The City of San Bruno continues to very strongly
5 encourage and support this recommendation.

6 As of more recently in 2015, five long
7 years since the explosion in our community, a
8 subsequent NTSB safety study on integrity
9 management found that gas pipeline operators
10 continue to rely primarily on direct assessment
11 as opposed to in-line assessment of their
12 pipelines.

13 The NTSB therefore recommended that
14 PHMSA require all natural gas pipelines be made
15 capable of accepting in-line inspection; and
16 second, the NTSB recommended that PHMSA develop a
17 plan to eliminate the use of a direct assessment
18 as a sole method of integrity management for gas
19 transmission lines. in San Bruno strongly
20 support these recommendations.

21 In general terms, these proceedings
22 and the changes that are necessary to protect the

1 safety and the integrity of our nation's pipeline
2 system have been, for us, extremely long in
3 coming. For our community, rebuilding is still
4 not quite complete. For the families who lost
5 loved ones, the pain is still sharp.

6 And for the operator, Pacific Gas &
7 Electric Company, the consequences of a single
8 catastrophic failure have cost well over a
9 billion dollars in fines, penalties, settlements,
10 and corrective actions; and most recently, a
11 criminal conviction.

12 For them their reputation is at stake
13 and for us, our confidence in the safety and
14 security of our families and our nation's
15 pipeline system is at risk. We appreciate the
16 work that you're doing, and we urge you to take a
17 strong understanding, as I said, of the
18 consequences of even a single catastrophic
19 failure. Thank you very much.

20 MR. DANNER: Thank you.

21 Ms. ANDERSON: Hi, my name is Sarah
22 Anderson. I'm here with EarthWorks. EarthWorks

1 is a non-profit organization dedicated to
2 protecting communities and the environment from
3 the impacts of mineral and energy development,
4 while seeking sustainable solutions.

5 For more than 25 years, we have worked
6 to advance policy reforms, safeguard land and
7 public health, and improve corporate practices.
8 Our oil and gas accountability project works with
9 local communities, partner organizations, public
10 agencies, and elected officials to advance these
11 goals nation-wide.

12 EarthWorks believes that this rule is
13 feasible, reasonable, cost-effective, and
14 practicable for all parties involved. We believe
15 that the public has waited long enough for such a
16 rule. Pipeline explosions hurt workers, people
17 in rural communities, and others each year. In
18 fact, such an event is what led to deliberations
19 of expanding IM considerations in the first
20 place, as we just heard about the tragedy in San
21 Bruno.

22 This rule is a good starting point,

1 but it is still not strong enough to protect
2 those in danger. EarthWorks believes that the
3 industry time line should be left alone to get
4 their repairs done as quickly as possible. We
5 believe that the phase-in periods could be sped
6 up to provide protection to those communities and
7 workers most vulnerable in the timeliest manner
8 possible and it shouldn't be delayed any further.

9 The most vulnerable populations are
10 hurt by delay, and EarthWorks encourages the
11 Board to consider them when talking about timing
12 and time lines. Thank you.

13 MR. DANNER: All right. Thank you.
14 Are there any other public comments this
15 afternoon on this item? Okay. Hearing none,
16 before we go to committee members, Steve Nanney?

17 MR. NANNEY: I'd like, before the
18 committee gets started in this, just to give a
19 little more detail. When you look at 192.935 (f)
20 and (g), (f) is for internal corrosion, which is
21 the subject we just got finished considering for
22 both HCAs and non-HCAs.

1 In the language that we had gone out
2 in the proposed rule-making, we did have more
3 prescriptive requirements as far as the type of
4 corrosive gas and things like that. And in
5 looking at what we heard the committee tell us
6 that they thought it was too broad and
7 prescriptive, you know, we went back and looked,
8 and said, Hey, if you're getting gas coming into
9 the system, it's coming into the HCAs and the
10 non-HCAs.

11 So if you handle it for the non-HCAs,
12 you should have it handled, also, for the HCAs.
13 So in considering that, we went back and we
14 thought it was prudent to only have one section
15 of the code that that's referred to, rather than
16 having one criteria for HCAs and a little
17 different criteria for non-HCAs.

18 So that's why we were proposing based
19 on what we had heard the committee saying, that
20 we would consider withdrawing it if that's what
21 the committee would like for us to do.

22 The second part of it, again, is very

1 similar. It's only on the external corrosion in
2 that part, and the part that we've got in here on
3 interference and everything, where we went in and
4 we put in the 100 amps/meter squared for
5 interference and all; we had in this for HCAs a
6 50 amps/meter squared, a little bit more
7 prescriptive in language, but we went through
8 looking at everything.

9 And looking at what the committee
10 recommended, if they wanted to go with that
11 recommendation, what we wanted to put out front
12 is, we were in agreement that we could do that
13 and put them together. So that's what we're
14 proposing.

15 We think that's what the committee
16 asked us to look at, and we're saying that if
17 that is what the committee was proposing, we
18 think that the wording that we have in the other
19 areas that we could make it work.

20 MR. DANNER: Thank you, Steve. Any
21 discussion on this item? Okay. Oh, Sarah?

22 MS. GOSMAN: So just to be sure that

1 we're clear on the record, when you say the
2 committee had concerns in the last round, I think
3 what you mean is that the industry members as
4 well as perhaps other people had concerns.

5 MR. NANNEY: That's correct.

6 MS. GOSMAN: That it wasn't a -- okay.
7 Because I think, from my perspective, I like the
8 very prescriptive approach taken here. I guess
9 I'm wondering what we're giving up by getting rid
10 of these two sections.

11 Are we giving up substance in terms of
12 what operators are supposed to do, or are we
13 giving up just the details of the actual things
14 that they're otherwise required to do? I don't
15 know if that makes sense to you, but, I'm just
16 trying to see what the -- when we get rid of this
17 for duplication reasons, what exactly are we
18 losing in that process?

19 MR. NANNEY: Well, to answer; part of
20 what we'd be giving up is, we had put some
21 definition on what hydrogen sulfide was. We had
22 actually put some prescriptive numbers out for

1 some of those. In other words, what corrosive
2 gas is; we had put some definition out for that.

3 We also, on the internal part, we had
4 put in some measures like pigging and things like
5 that, that you would need to do to mitigate it.
6 But we also feel like, in the wording that we got
7 in 478, that that would also mean that an
8 operator would still have to do that, whether
9 it's treatment of the gas stopping that producer
10 of putting gas into your system, like what Steve
11 was talking about earlier of his.

12 We felt like, when we went back and
13 looked at it, that 478 would give PHMSA the
14 operator that direction to do that. So we felt
15 like we weren't quite as prescriptive, but we
16 felt like we were getting both done in one. So
17 that's why we were pulling it back.

18 And the same thing on the external and
19 interference coatings. You know, whether we have
20 a 100 ounce/meter squared, whether we have 50;
21 the key part that PHMSA wanted and what we've
22 seen is, we want the operators to go out and do

1 the surveys. To do the surveys when the voltage
2 changes or you have power lines built around your
3 system, and do that evaluation.

4 We feel like that the operators will
5 do the correct thing having the hundred, or even
6 if it's solid, as long as they're doing the
7 surveys and doing an engineering monitor review
8 of the situation. So we felt like combining them
9 with the wording we got in 473 and 478, gives the
10 intent of what PHMSA was trying to do, and also
11 it will help make safety better.

12 MS. GOSMAN: If I could, Chair, just
13 one more question --

14 MR. DANNER: Yes, absolutely.

15 MS. GOSMAN: -- which is, do think
16 that this is equally as enforceable, the broader
17 language as what we're giving up, here in these
18 particular provisions?

19 MR. NANNEY: I'm not an attorney. We
20 will draft language, and with what we've heard
21 the committee say when we go back to look, we
22 will look to make sure the language is set up to

1 be enforceable. That will be something that will
2 be part of our review before it goes out.

3 MR. DANNER: So if I may, I have just
4 a follow-up question, just another re-stating of
5 the question. If we delete this, the practical
6 effect on the ground is that we rely on subpart
7 1. And there's no practical effect in terms of
8 enforcement, there's no practical effect in terms
9 of clarity and direction to the operators. Is
10 that how you see it?

11 MR. NANNEY: I'm not sure I understood
12 what you said. Can you repeat that in --

13 MR. DANNER: Well, I mean, are we
14 simply removing duplication, or is there
15 something more than that?

16 MR. NANNEY: We're basically removing
17 duplication. We are removing a little of the
18 prescriptive part, which we felt like, prudently,
19 based upon what we heard the committee ask us to
20 do. Now, whether that was the full committee or
21 just part of the committee -- I heard what Sayler
22 said.

1 We thought we were pulling back to
2 what I would call reach a happy medium; that we
3 still get the effect of what the intent of the
4 rule was, but trying to hear all parties in what
5 we put in it; that we had something that was
6 enforceable and also would make the pipeline
7 system safer.

8 MR. DANNER: Okay. Thank you. Steve?

9 Mr. ALLEN: Steve Allen, IURC. I
10 agree with what Steve is saying there. I think
11 that the changes that we discussed this morning
12 with 192.473 and 478 basically retain a little
13 bit of more prescriptive regulations, but by
14 removing 935 (f) and (g), it removes that
15 redundancy. From a state pipeline safety
16 regulatory perspective, I feel pretty good with
17 473 and 478. And looking and (f) and (g) of 935
18 is like deja vu all over again. It's like,
19 didn't I just read that? So I'm in support of
20 what PHMSA's trying to do here.

21 MR. DANNER: So I was looking at the
22 subpart 1-I language earlier, and what I just

1 heard is, Yes, we're removing duplication but
2 we're also removing some specificity, but that
3 was a compromise.

4 So that sounds to me like we're giving
5 something up in terms of either process or
6 safety. I'm not sure I'm worried about giving up
7 process, but I am worried about giving up safety.
8 So maybe you can help me there.

9 Mr. ALLEN: Steve Allen, IURC. Yes,
10 I think there may be some sort of compromise, but
11 the fact of the matter is, there are also costs
12 associated with all of these things, and to
13 prescribe, I think, additional measures for
14 larger operators that understand what's going on
15 and have really robust safety programs, this is
16 an added layer of regulation that's not needed.

17 But I think what we've done in 473 and
18 478 provide that additional prescription for the
19 smaller operators that didn't exist before.

20 MR. DANNER: Okay. Chad?

21 MR. ZAMARIN: Chad Zamarin, Cheniere
22 Energy. I would just make the comment that I

1 think being prescriptive doesn't always mean that
2 you're adding additional safety, and I'll give
3 you an example in this section. In this section,
4 it's specific about the power line size that
5 would be specified in order for you to look for
6 interference currents, for example.

7 Whereas I think that the language that
8 we wrote that was more performance-based said,
9 You have to determine whether or not you have the
10 potential for interference to occur. So I think
11 we need to be a little bit careful in believing
12 that more prescription translates into more
13 safety.

14 My belief is -- which is why I'm an
15 advocate for performance-based standards -- is
16 that the more we have to think about what we're
17 doing, we have to have the goal clearly
18 articulated; we have to have the sideboards
19 clearly identified. But we want people to think
20 about all the different things that could factor
21 into whether or not there's a risk, not just
22 check the box and say, okay, that power line's

1 lower than 69 KDA, so I don't have to do any
2 additional work.

3 Well, that's not always the case.
4 Let's make sure you have to go through a more
5 robust process. So just some comments, there. I
6 actually look at this and say, creating some
7 mixture of the two; finding the right sideboards,
8 defining the right goal and outcome, but creating
9 the expectation that you have to think, more than
10 just go through a checklist, I think is actually
11 a good outcome. Thank you.

12 MR. DANNER: So the tension is always
13 that when you don't prescribe, there are those
14 who can't think about everything and those who
15 won't think about everything, and how do you
16 enforce against those who won't?

17 MR. ZAMARIN: No, I agree. I think
18 you've got to set the clear expectations of
19 what's the outcome that you want to achieve, and
20 the outcome is that you want to, in this case,
21 identify and mitigate the potential for
22 interference and corrosion due to interference

1 currents.

2 You want to create the sideboards
3 within which the operator must operate. There
4 are things we can't not consider. But within
5 that arena -- you know, these are very complex
6 conditions, and I hear you. I think there's a
7 middle ground that we've got to find where we
8 don't -- one of the things we struggle with as
9 operators, I'll be honest.

10 In a heavily prescriptive compliance
11 environment, we turn our people into checklist
12 kind of employees. And we are continually
13 advocating that we want people to think about the
14 work that they do.

15 We don't want to just create a work
16 management system that tells a person the 20
17 steps to go through. We want people to use their
18 judgment. We want them to understand what the
19 expectations are, but also understand that we
20 want them thinking about all the other things
21 that you can't put into a prescriptive list of
22 tasks.

1 And so it's a tough balance and I
2 think it's one that we struggle with. But I
3 think the conversation is an important one,
4 because it makes people stop and think, have you
5 thought of everything that could contribute?
6 There's some minimum things you have to think of
7 and go through those. But that's not good
8 enough. There are others that we want you to
9 consider.

10 MR. DANNER: I understand, and applaud
11 that. Not all operators are the same, and some
12 have different management. But I do understand
13 what you're saying. All right, is there any
14 other conversation on this item? Steve?

15 MR. NANNEY: Again, let me just let
16 the committee know too, that in the (a) part of
17 935 (a), it does require that the operators would
18 have to do a risk assessment. And it would be a
19 part of a risk assessment that P&M measures are
20 done.

21 So whatever they're doing, we would
22 expect, in looking at internal and external

1 corrosion, that that would be part of their risk
2 assessment, or risk analysis, whatever term that
3 you want to use.

4 MR. DANNER: All right. Thank you.
5 All right, if there's no further conversation on
6 this item, there is a motion on the screen. Is
7 anyone prepared to make that motion this
8 afternoon? All right.

9 MR. HILL: Yes, Mr. Chairman. I would
10 like to state that my name is Robert Hill,
11 Brookings County. The proposed rule as published
12 in the Federal Register and the draft regulatory
13 evaluation with regard to the provisions for
14 preventative and mitigative measures for internal
15 and external corrosion are technically feasible,
16 reasonable, cost-effective, and practicable if
17 the following changes are made: withdraw all
18 proposed changes to the regulations in 192.935
19 (f) and (g) and Appendix E.

20 MR. DANNER: All right. Thank you.
21 Is there a second? There is a second, Mr. Drake.
22 Thank you. Any conversation on the motion before

1 us? All right. Steve?

2 Mr. ALLEN: Just curious if we get
3 credit for that, with that executive order; two
4 for one. Just saying.

5 MR. DANNER: Well, I'm just saying
6 too. Would PHMSA make a note of that, please? I
7 think we're ready for a roll.

8 MS. WHETSEL: Okay. Yea or nay, or
9 aye if you want. Steve Allen?

10 Mr. ALLEN: Yea.

11 MS. WHETSEL: Dave Danner?

12 MR. DANNER: Yea.

13 MS. WHETSEL: Terry Turpin?

14 Mr. TURPIN: Yea.

15 MS. WHETSEL: Cheryl Campbell?

16 Ms. CAMPBELL: Aye.

17 MS. WHETSEL: Andy Drake?

18 Mr. DRAKE: Yea.

19 MS. WHETSEL: Sue Fleck?

20 MS. FLECK: Yea.

21 MS. WHETSEL: Rich Worsinger?

22 Mr. WORSINGER: Yea.

1 MS. WHETSEL: Chad Zamarin?

2 MR. ZAMARIN: Aye.

3 MS. WHETSEL: Sarah Gosman?

4 Ms. GOSMAN: Nay, and I just want be
5 clear about why I'm saying Nay here. I think we
6 could have dealt with the duplications, but
7 because I think that this also affects the safety
8 level that we're getting at, that's the reason
9 that I'm voting against it. Thank you.

10 MS. WHETSEL: Robert Hill?

11 Mr. HILL: Yea.

12 MS. WHETSEL: Okay. So there's ten
13 yea and one nay, so the measure passes.

14 MR. DANNER: All right. Thank you
15 very much. So where does that take us? All
16 right. We're moving on to records. So Steve,
17 take it away.

18 MR. NANNEY: The next item is records,
19 and we will be going over several sections. The
20 issue is, after the San Bruno accident the NTSB
21 issued three urgent recommendations to PG&E.

22 One was PG&E to conduct an immediate

1 search of missing records, and determined that
2 many records could not be found. Also there was
3 a Congressional mandate that required all
4 operators to report the pipeline mileage that did
5 not have adequate records.

6 And again the basis of this is that
7 the San Bruno incident showed that operators --
8 in this case PG&E --lacked records to verify MAOP
9 of lines. They operate in HCAs, and operators
10 reported approximately 5,000 miles of pipe in
11 class 3 and 4 locations, in HCAs that had
12 inadequate records to confirm MAOP.

13 What does PHMSA propose here, based
14 upon this? One is to clarify records required by
15 part 192, must be documented. Again, you can
16 take the -- we started out with the reliable; I
17 think we're probably proposing to take that out.
18 Traceable, verifiable, and complete records,
19 summarized records required in retention periods
20 and a new Appendix A. When the records are not
21 available, operators must re-establish this
22 documentation.

1 And the next bullet is to require
2 operators to make and retain records that
3 demonstrate compliance with this part. And last,
4 to require the class location determination
5 records must be kept for the life of the pipeline
6 or until the pipe is changed out.

7 Some of the other areas that we were
8 looking at for gas transmission pipelines is to
9 retain records for materials in section 67. Pipe
10 design in 127; pipeline components in 205; welder
11 qualification in 227; plastic pipe joining
12 qualification in 285; installation in a ditch,
13 319 (d); MAOP verification, 624 (f). And also we
14 were adding a new Appendix A that listed the
15 required records and retention times.

16 What were the committee comments?

17 Again, it was to remove the word, reliable, from
18 the standard for records and remain consistent
19 with the traceable, verifiable, and complete
20 standard, including the NTSB recommendation.

21 Two is concerned about having general
22 records requirement in the general duty clause,

1 and that by doing so, the requirement would be
2 retroactively applied and creates unintended
3 consequences with respect to how to rectify past
4 non-compliances.

5 Other committee comments were, exempt
6 small components from the requirement. Welders
7 and joiner qualification records should not need
8 to be retained for the life of the pipe. And
9 last on this page is, applicability to gathering
10 and distribution operators to clarify this.

11 Based upon what we heard, what does
12 PHMSA suggest that the committee consider? One
13 is delete the word, reliable, from the records
14 standard to read, traceable, verifiable, and
15 complete wherever the standard is used. Two,
16 amend proposed 13(e) in reference to the
17 retention periods in Appendix A.

18 Other suggestions is in 5(d) for class
19 locations, clarify that documentation is required
20 for the current class location. Also, revise 67
21 for materials, 127 for pipe design, and 205 for
22 components to clarify the records necessary for

1 both new and pre-existing pipelines for the safe
2 operation of the pipeline systems.

3 Also PHMSA suggests that we consider
4 modifying 205 components to clarify that it
5 applies to components that are greater than 2
6 inches nominal diameter. In 227, for
7 qualification of welders; in 285 for
8 qualification of persons joining plastic pipe, to
9 include an effective date and change the
10 retention period to five years.

11 In proposed Appendix A, to clarify
12 that it does not apply to distribution or
13 gathering lines. And from that discussion we
14 vote.

15 MR. DANNER: All right. Thank you
16 very much. Now we'll take public comment on this
17 proposed rule.

18 MS. KURILLA: Yes, Erin Kurilla,
19 American Gas Association. I just want to recall
20 for the group that we discussed that for 192.13
21 (e), that that would be discussed at the very end
22 of the gas pipeline advisory committee meetings.

1 It was discussed that perhaps we need
2 to talk about each one of these record
3 requirements as we deal with each one of the code
4 sections. For example, the 192.624 and 619(f)
5 should be discussed when we talk about MAOP
6 reconfirmation. I think I'm comfortable with
7 discussing the 67, 127, 205, 227, and 285 now.

8 But those specifically: that 192.13(e)
9 should not be discussed until the end, because
10 it's a general duty clause, and the advisory
11 committee shouldn't be able to really have an
12 opinion on whether that general duty clause is
13 necessary until they understand all the various
14 new record requirements that are being approved.

15 So I'd really encourage PHMSA to
16 consider tabling discussion on 13(e), 619(f), and
17 624(f) until later in the gas pipeline advisory
18 committee meetings. And then -- I think that's
19 all I want to say for now -- yes.

20 MR. KERN: Hello, my name is J. D.
21 Kern, and I'm citizen from Golden, Colorado. For
22 context, I was a former business owner in the

1 pipeline services industry, and spent a 30-year
2 career on the service side. May last business
3 was highly involved in pipeline data and records,
4 and integrity management.

5 I've spent the last year conducting
6 independent research on the gas industry, and
7 I've reached a general hypothesis that we're
8 moving to a natural-gas-based society for a good
9 portion of our energy needs, and with that said
10 that does, I think, increase significantly the
11 stakes in getting reliability and safety right.

12 And my interests in speaking today are
13 all in good science and solid economics that can
14 influence the regulatory process to yield
15 efficient and effective regulations that will
16 spur safe and reliable growth of the industry.

17 So with that up front on the records
18 side, I like the thought that a couple
19 individuals started introducing general themes
20 and holistic thoughts. I mean, when we take a
21 step back, the records we're talking about hold
22 the data that drives, I think most if not all the

1 business processes that we're talking about
2 during these meetings.

3 And they're really a common thread
4 that ties everything together, so critically
5 important. A few observations that I've seen
6 over my years in practice is that dead end
7 records programs can evolve into a life of their
8 own and sometimes lose sight of the goal of what
9 we're trying to achieve: truly reducing risk and
10 increasing pipeline safety.

11 In a four-corners approach is some
12 several of the arguments that have been published
13 can be overwhelming in nature, and I've heard
14 some say they can also be paralysis created in
15 pursuit of perfection. As we've seen in the MAOP
16 program, gaps are a reality, and they do need to
17 be addressed.

18 So some suggestions are there needs to
19 be some risk-based criteria involved in the
20 process. MAOP is common concern for all
21 operators, but as we move into other risks and
22 MAOP data attributes are important, but they're

1 only probably a relatively small portion of the
2 overall risk attributes to assess risk.

3 And those prioritized risks for
4 operators are different operator to operator and
5 system to system. So there needs to be
6 flexibility in the approach to gather data and
7 priority. Otherwise, I've seen efforts diluted
8 and quality compromised. And certainly to
9 engineer preventive and mitigative measures good
10 quality data and records are needed to do that.

11 In the process, how? I've seen the
12 triad of geographic information systems; ILI and
13 records be combined through comparison analysis
14 to yield a statistical toponym on the quality of
15 data. Think if there's just a focus on
16 exhaustive records research, an HCA can be 50 to
17 70 years old. A lot of records can yield more
18 ambiguity than certainty at some times.

19 And lastly, that can be continuous
20 with the risk prioritization, a continuous
21 process through the work management systems and
22 document management systems and geographic

1 information systems, as the operators move
2 forward in addressing this tough and complex
3 issue. Thank you.

4 MS. FARRELL: Hi, Lynda Farrell
5 Pipeline Safety Coalition and Mayors' Council in
6 Pipeline Safety. I must not have gotten the memo
7 that gathering lines were not included in the
8 discussion today, because the agenda that was
9 sent out in the Federal Notice said that this was
10 about gas transmission and gathering pipelines.

11 I'm not sure where that information
12 was communicated to. Someone who was just up
13 from industry was very clear about sections that
14 should not be discussed today. And someone
15 earlier had mentioned sections about gathering
16 lines that should not be discussed today.

17 So I'm just kind of wondering why
18 gathering lines -- I live in Pennsylvania. Since
19 2011, we have amassed over 10,000 unconventional
20 wells; 10,000. Three hundred some-odd
21 unconventional wells and the associated gathering
22 lines in predominantly Class 1 locations that are

1 not regulated.

2 So it seems to me that much of what we
3 are talking about is putting the cart before the
4 horse, because we're saying, We're not going to
5 talk about gathering lines. We've worked with
6 the PUC, the PAPUC. We've worked with
7 Pennsylvania One Call. And those two agencies
8 alone have diligently been trying to get
9 gathering lines to be regulated in the state of
10 Pennsylvania alone.

11 One of the things that Paul Metro, our
12 Chief of Gas Safety, has always said, Gathering
13 line are now the size of transmission lines.
14 That's just the reality. And if it looks like a
15 transmission line and it acts like a transmission
16 line, it should be regulated like a transmission
17 line.

18 So I just have to get that on record,
19 because we are talking about modifying, and
20 repeatedly we see that this does not apply do
21 gathering lines. So I just wonder why that would
22 be the case in this day of unconventional well

1 drilling.

2 And I just would like to make a
3 suggestion to the committee; it's great to have
4 this opportunity to give a public comment, but I
5 personally find I'm learning a lot from you at
6 the table that I might want to comment on, that
7 might actually influence and leave me to be
8 better educated in providing a comment.

9 And so if, in the future, the public is able
10 to perhaps comment before you vote, maybe after
11 your discussions, where maybe we've learned
12 something from you that can help us to provide
13 more comment, that would be appreciated. Thanks.

14 MR. HITE: Hello, my name is Matt
15 Hite. I am with GPA Midstream Association. We
16 represent the gathering and processing industry.
17 And GPA Midstream has concern with the lack of
18 OMB approval for these recordkeeping
19 requirements. PHMSA neglected to include the new
20 recordkeeping requirements in the proposed rule
21 its request to OMB for information collection
22 approval.

1 PHMSA limited the scope of its request
2 for approval to the addition of gathering line
3 operators to existing reporting requirements.
4 The remaining recordkeeping proposals were not
5 included in the agency's request for information
6 collection approval.

7 And to answer your last comment, part
8 of the public comment process is that you're able
9 to comment on the entire rule. And when
10 information's not included in there, it doesn't
11 give us the ability to comment on the actual
12 costs.

13 MR. DANNER: Okay. Another comment?

14 Mr. COYLE: Good afternoon, my name is
15 Keith Coyle, and I wanted to offer some brief
16 comments on behalf of the Marcellus Shale
17 Coalition. The MSC is a trade organization that
18 operates mostly in Ohio, Pennsylvania, and West
19 Virginia.

20 The concern I wanted to highlight is
21 a few things, one on retroactivity. Some of
22 these recordkeeping requirements are included in

1 code parts that, by statute, cannot be applied
2 retroactively to existing pipelines. So when the
3 slide says, clarify the records that pre-existing
4 pipelines need for new regulatory requirements,
5 I'm not really sure what clarification is
6 required, to the extent that those requirements
7 can only be applied prospectively.

8 And then on Appendix A, I know other
9 commenters have pointed this out; but just
10 inconsistencies in the retention time periods
11 that the agency included in Appendix A summary.

12 Mr. CAREY: Good afternoon, I'm
13 Patrick Carey from Kinder Morgan. Just to, I
14 guess, emphasize some of the comments that Erin
15 made relative to the MAOP determinations or re-
16 determinations; that is a very detailed
17 discussion with a lot of items that were
18 specified in the rule-making that go beyond what
19 the advisory had listed.

20 And I think that is an important thing
21 that we need to make sure are discussed in great
22 detail under a separate topic. And I think it

1 warrants it being held separate from the
2 discussion here. There were a lot things that
3 were added to what was in the original advisory.

4 And if we define the TVC as to what
5 was in the original advisory, I think that helps
6 to limit the scope of what work we've been doing
7 to date, rather than expanding that to include
8 toughness and a lot of other items that weren't
9 part of the need to determine the MAOP.

10 Again, a future discussion issue. The
11 other issues that I don't think were adequately
12 discussed here is the matter of one record could
13 really stand alone as a TVC item, rather than
14 having to have a complementary item to that.

15 So I think it's the devil in the
16 details of what we include in the final language
17 of the rule. I believe that's it for my
18 comments.

19 MR. OSMAN: C. J. Osman with INGAA.
20 Just wanted to make one comment around one of the
21 previous slides; I think it was -- there it is,
22 slide 50, there. The revision that PHMSA is

1 proposing includes clarifying that the records
2 are necessary for both new and pre-existing
3 pipelines for the safe operation of a pipeline
4 system.

5 I think we all agree that having the
6 information, the data necessary for safe
7 operation of a pipeline system is an important
8 goal. One thing we have to be careful of is
9 where these requirements are. If an operator
10 doesn't have a record, it may not be possible for
11 them to go back in time and create that record.

12 So it may be another activity that the
13 operator needs to pursue in order to get that
14 information to support the safe operation of a
15 pipeline system.

16 And this gets a little bit to the
17 point that Erin made earlier; there is material
18 verification, 607, that I think is on the agenda
19 for tomorrow. And that gets to the core of this
20 issue; what does an operator do when they don't
21 have the information that they might need for the
22 safe operation of a pipeline, but to require

1 retroactive recordkeeping here may lead to an
2 obligation that an operator simply cannot
3 possibly complete. Thank you.

4 MR. DANNER: We have another comment?

5 MS. KELLER: Thank you, Heidi Keller
6 with the American Petroleum Institute. And I
7 just wanted to add another item for
8 consideration, industry.

9 The API feels that PHMSA did not
10 provide adequate justification for the costs
11 associated with the new recordkeeping
12 requirements, and we would request that PHMSA do
13 so.

14 Maintaining records requires a
15 significant amount of resources, and we just want
16 to make sure it's done appropriately and
17 efficiently, and that the costs are accounted
18 for.

19 MR. DANNER: All right. Are there any
20 other public comments? Okay; hearing none, do we
21 have some discussion here? There's a lot that we
22 have before us. Who wants to start? Shall we --

1 do we want to take this in bite-sized chunks?

2 Okay, so we heard a recommendation
3 that we table 13(e), 619(f) and 624(f) because
4 they deal with general obligations and not just
5 natural gas obligations. Any comment on that
6 proposal?

7 MR. DRAKE: I think 13(e) in
8 particular is probably appropriate to defer,
9 being it is a general duty clause. It's probably
10 important; somebody said earlier to get the cart
11 and the horse in the right order.

12 I think we might go through the these,
13 and then when we get this collected, go back to
14 general duty clause and see how that fits
15 together. We would probably be more
16 constructive.

17 MR. DANNER: Okay. Anyone want to
18 agree or disagree with Andy's statement? Sue?

19 MS. FLECK: Sue Fleck, National Grid.
20 I agree a hundred percent with Andy; I usually
21 do.

22 MR. DANNER: If we tabled this, Alan,

1 when would it come before us?

2 Mr. MAYBERRY: I'm sorry, say that
3 again?

4 MR. DANNER: If we tabled our
5 discussion of 13(e), would we get to that
6 tomorrow?

7 MR. MAYBERRY: Possibly; it may have
8 to -- if we get into IVP, it would probably come
9 up in a later meeting, yes. The next -- yes, it
10 would be the next meeting.

11 MR. DANNER: All right. Okay. Is
12 that all the discussion on that item? Oh, yes.

13 MS. FLECK: Does Appendix A go with
14 that, sort of? Because that's also a general
15 duty and everything all combined. So I think
16 when you move (e) to the end, Appendix A goes
17 with it, I believe. Yes? No? I think they're
18 really connected.

19 MR. DANNER: Steve?

20 MR. NANNEY: All right. We were not
21 planning to talk about what's in A, like we said
22 previously; A would be talked about at the end

1 after we know what goes into A. What we were
2 wanting to table today is just the wording that
3 goes into 13(e).

4 MS. FLECK: Okay.

5 MR. NANNEY: Not A itself; it would
6 just be the referencing of A. I think that was
7 the discussion previous; how that should be
8 referenced.

9 MR. DANNER: All right. Anything else
10 on that item? All right. There was also a
11 proposal, I believe, to table 619(f) and 624(f).
12 Any thoughts on that one?

13 MS. FLECK: Could you show slide 51?

14 MR. DANNER: Yes, Steve.

15 MR. NANNEY: On 619(f), what we had
16 gotten back from the committee previous on it was
17 to take, reliable, out. That was the
18 recommendation there. I think that's an easy
19 recommendation to fulfill. So I don't understand
20 why we would want to wait until some other day to
21 talk about whether we keep, reliable, in or not.

22 MR. DRAKE: And for the record, there

1 wasn't any mischievousness there. It was really
2 just intended to stay in line with the
3 terminology that we've been using about what
4 records are; the appropriate adjective to define
5 appropriate records. It was just to stay aligned
6 with the background of that.

7 MR. NANNEY: In 619(f), what we had
8 from the committee previous was in a sense slide
9 49, was to take, reliable, out. That was all in
10 619(f) we had been asked to do, was to take,
11 reliable, out; to mark it out. We did not have
12 any concerns in doing that.

13 MR. MAYBERRY: Do you want to consider
14 maybe bundling that with a couple of others you
15 might identify, that we could vote on, perhaps,
16 as a group? If that one's not controversial, you
17 might want to consider adding one of the others.

18 What was another one up there, John,
19 that would make --

20 MR. GALE: Alan, I think you could
21 probably get to a vote with the qualification of
22 welders and the joiner POLICE requirements.

1 MR. MAYBERRY: Right, some that are
2 less controversial, and then have one vote
3 overall.

4 MR. DANNER: So if I may -- I was not
5 here in the January meeting, so I was not here
6 for the discussion about deleting the word,
7 reliable. And I guess I would like somebody to
8 explain to me what's objectionable about the
9 word, reliable; don't we want to be able to rely
10 on our records?

11 MR. DRAKE: I can give you a nickel's
12 worth on that. It was really that the term TDC
13 had a long track record and a lot of clarity
14 around what that meant. And as we came into the
15 meeting this extra word was added, and there were
16 a lot of questions. Does that extra adjective
17 provide any more clarity? Does it change the
18 definitions?

19 And the answer was, no. And we said,
20 if it doesn't change the definitions, we've got a
21 track record of five years on TVC. Why don't we
22 keep that? I think that's where the discussion

1 was going. It was really just a point of
2 continuity. There was nothing new that changed
3 between TVC and RTVC, so we just said to leave it
4 the same.

5 MR. ZAMARIN: Maybe -- Chad Zamarin,
6 Cheniere Energy. Just to add a little more
7 background, we talked about this at the last
8 meeting. When the NTSB came out with the
9 guidelines around records, they defined
10 traceable, verifiable, and complete. They did
11 not define, reliable, as a term.

12 And at that time, we were not waiting
13 for new regulations. Operators created their own
14 standards, and we initiated projects to go
15 through all of our records and to establish
16 records to a standard of traceable, verifiable,
17 and complete.

18 For my part, my company had over 50
19 people for over three years at an offsite
20 location, going through every piece of paper we
21 could pull from every field office location.

22 Going through that information; we had

1 to find traceable, verifiable, and complete as
2 our standard by which they were going through
3 those documents to identify the properties around
4 our pipeline infrastructure.

5 So for the past 5-plus years, we've
6 been operating under that guidance that was
7 established by the NTSB. And so we felt like it
8 had met the same intent; that it was a pretty
9 robust and pretty well-vetted definition.

10 In fact we had industry conferences
11 and meetings around traceable, verifiable, and
12 complete. And TVC kind of became the broadly
13 accepted standard.

14 So I think we felt confident that we
15 had covered, reliable, within the work that had
16 been done, but we were concerned that we were
17 changing the target potentially, or could put at
18 risk all the good work that had been done.

19 MR. DANNER: Okay. So the transcript
20 of the last meeting makes clear that this is not
21 intended to make these --

22 MR. ZAMARIN: Absolutely.

1 MR. DANNER: -- records less reliable
2 or anything like that, or less enforceable?
3 Reliable and enforceable? Okay.

4 MR. ZAMARIN: And I would add that
5 even PHMSA had come out with an advisory bulletin
6 not long after the NTSB 2012 edict, and it
7 defined it as traceable, verifiable, and
8 complete. So we've been working under that
9 paradigm, but again, it was not meant at all to
10 diminish the standard.

11 MR. DANNER: No, thank you. I was
12 just curious about the background of the debate.
13 Okay. Any further discussion on 619(f) or
14 624(f)? Do we want to keep those in our package
15 this time for consideration? Yes? All right.
16 Sounds like there is a consensus for that.

17 MS. FLECK: I had a question.

18 MR. DANNER: Yes.

19 MS. FLECK: Sue Fleck, National Grid.
20 So in 619, was anything else changed besides
21 adding the word, reliable?

22 MR. NANNEY: No, that would be the

1 only word. That was the only word we were asked
2 to take out. That was the suggestion of the
3 committee.

4 MS. FLECK: So there was no other --
5 because one of the concerns about 619 is that
6 it's retroactive and that it applies to
7 distribution. So there was nothing else changed
8 that put us there?

9 I think if I go back to my notes, my
10 concerns on 619 were that it applied to
11 distribution and that it was retroactive. So I
12 just want to make sure we haven't missed
13 something, here. But I can't find the language
14 of what 619 looks like now, so I can't verify
15 that.

16 MR. DANNER: Oh, okay. I'm actually
17 satisfied on that debate, so I don't think I need
18 to beat that horse. But I am curious now about
19 the retroactivity. Is it truly retroactive, or
20 is it simply that we are requiring records that
21 currently exist to be kept in a certain way for a
22 certain time line?

1 MS. FLECK: Could you repeat that?

2 MR. DANNER: So, yes. You said that
3 619 is retroactive in nature, and I was just
4 wondering why that is so. What is it requiring
5 operators to do retroactively?

6 MS. FLECK: Everything. It's a whole
7 new section. Paragraph (f); operators must
8 maintain all records necessary to establish and
9 document the MAOP of each pipeline, as long as
10 the pipe or pipeline remains in service.

11 Records that establish pipeline MAOP
12 -- and then it goes on to list them. That was
13 not in the code previously; that's a brand new
14 section.

15 MR. DANNER: So my question is, is
16 that truly doing something retroactively, or is
17 that a requirement to your taking records that
18 currently exist and you must retain them going
19 forward?

20 I'm not looking at anybody in
21 particular. It's a question that's --

22 MS. FLECK: If it already exists, then

1 why did you write the new section of code?

2 MR. NANNEY: Well, again --

3 MS. FLECK: It's either new or it's
4 not. I mean, why put it in --

5 MR. DANNER: Well, the records may be
6 old and may exist, but the obligation to maintain
7 them or retain them for a certain amount of time
8 may be one that can be imposed presently, going
9 forward.

10 MS. FLECK: But this doesn't say it's
11 just going forward, and that's my second concern,
12 here. It's going retroactive. Some of the
13 distribution pipelines in National Grid service
14 territory were installed during the Civil War.

15 I can't go back and recreate those
16 records.

17 MR. DANNER: No; does it call for the
18 re-creation, or does it call for the maintenance
19 of existing records? Because that would be a
20 significant distinction.

21 MS. FLECK: It doesn't say pipeline
22 installed after a certain date. It's just very,

1 very open, here. That's --

2 MR. DANNER: No, but it's not --
3 again. The question is, if there are records
4 that you have in your possession and you're being
5 asked to continue to have them in your possession
6 and maintain them going forward, that's a
7 different thing than saying, retroactively you
8 must go back and re-create Civil War records.

9 MS. FLECK: I agree. No, I agree with
10 what you're saying. But this is not clear.

11 MR. DANNER: Okay. I think we'll have
12 to get some guidance on that. I don't know.
13 Steve, do you have anything or any comments right
14 now, or do we --

15 MR. NANNEY: No, I guess the thing
16 that I'd recommend is that we start at 192.5(d)
17 and talk through it. And go through each, and if
18 there's one we need to table, then table it.

19 MR. DANNER: All right. Yes, that's
20 fine, if that's what the committee wants to do.
21 So Steve is recommending that we just go through
22 this in order; 192.5(d). Any concerns?

1 MR. GALE: Mr. Chairman?

2 MR. DANNER: Yes.

3 MR. GALE: Just a recommendation for
4 a possible way forward is that we have a
5 discussion of 5(d); a discussion of 192.227(c),
6 and a discussion of 192.285(c). And then we then
7 have a possible vote on those three areas if we
8 can move forward.

9 And then we have a separate
10 discussion, maybe further tonight or later on,
11 where we get into the main issue, which is the
12 issue that's been raised by Ms. Fleck, regarding
13 possible retroactivity issues, and what are the
14 record requirements that we want?

15 What records do we want operators to
16 have, to maintain pipeline safety, both for
17 existing pipelines and for future pipeline
18 construction.

19 MR. DANNER: All right. I think we
20 have to slice and dice this some way, because we
21 have too many issues, and it's hard to deal with
22 this in a coherent fashion. I think that would

1 be fine.

2 So why don't we break those down into
3 chunks? I didn't write down those sections that
4 you just mentioned. Could you give those to us
5 again?

6 MR. GALE: The sections again would be
7 192.5(d), 192.227(c), and 192.285(c). That's
8 basically the issues of class location records
9 and welder and joiner qualification records. And
10 that kind of put it into two big buckets, here.

11 MR. DANNER: All right. Discussion.
12 Steve?

13 Mr. ALLEN: Steven Allen, IURC. Just
14 for my clarification, 192.5(d) is new, correct?
15 It did not exist before?

16 MR. NANNEY: Is that 5(d)?

17 MR. ALLEN: Yes.

18 MR. NANNEY: Yes, that's new, brand
19 new.

20 MR. ALLEN: Okay.

21 MR. NANNEY: Let me just give you an
22 answer. Class locations have always been in

1 192.5, that an operator must document and know
2 what the class locations on their systems are,
3 and (d) was added in to make it very clear that
4 you've got to maintain that documentation.

5 And so the conversation at the last
6 meeting was, it wasn't a discussion that you must
7 have the records. The discussion was, should you
8 keep the records from the first time? In other
9 words, do you need to keep the records from 1975
10 versus today?

11 And the wording that we were talking
12 about was current class location; that you have
13 to keep the records for the current class
14 location to document what that class location is.

15 So that was what we had put up, is that you
16 had to retain the current class location; you had
17 to document that. Not what had gone on in the
18 past, but what you had today.

19 What we were planning to change and
20 what the committee had recommended was that it be
21 the current class location, and that's what we
22 were recommending.

1 MR. DANNER: Sara?

2 MS. GOSMAN: So the only thing that I
3 -- I think that makes a lot of sense. So I'm
4 just wondering how that reconciles with retaining
5 them for the life of the pipeline? So I'm
6 assuming that these class locations, the whole
7 point is that they change over time, right?

8 So if we start here at current, are we
9 saying, current plus everything else over the
10 life of the pipeline, or are we saying current
11 until we get the next class location? In which
12 case, this is not really the life of the
13 pipeline, is it? I mean, this is just sort of,
14 at the time of the particular class location.

15 MR. NANNEY: Can I reply back? What
16 you want to know is, as your class location
17 changes, the intent of 5(d) is to make sure you
18 keep the pipe up; design factor, pressure test,
19 whatever monitoring for maintenance you're doing,
20 that you maintain it based upon that current
21 class location.

22 The class locations normally go up,

1 but there could be a deal where your population
2 around that area decreases, and it could go down.
3 And an operator always has the option of keeping
4 it at a higher class location and monitoring it
5 more so.

6 But the key part is, whatever the
7 current class location is, to keep it at that.
8 Now if it's a higher one than it actually is,
9 that's fine.

10 MR. DANNER: And those records will
11 maintained for the life of the pipeline?

12 MR. NANNEY: Until it changes again.
13 Until it changes again. In other words, if it
14 was a class 2 location and it changed to a class
15 3, you would not have to keep the records for the
16 class 2 location.

17 You would have to keep the records of
18 the pipe for the class 3. Now it may be the same
19 records. If you had had a pressure test that
20 validated it for a class 2 and a class 3, you
21 would, of course, keep those same pressure test
22 records.

1 There are some records that you might
2 have to keep when it goes from one to another.

3 MR. DANNER: So what would be some
4 examples of records that you could discard if
5 there was a change in class?

6 MR. ZAMARIN: This is Chad Zamarin.
7 Maybe it will help to just explain how we
8 determine class location. Chad Zamarin with
9 Cheniere Energy.

10 We do class studies on a periodic
11 basis. We count the number of structures along
12 our pipeline routes. We use what we call a
13 sliding mile, is effectively how the rule is
14 written, to assess the number of structures
15 within a corridor along a pipeline.

16 And I think what Steve is saying is,
17 if today I have a class 2 pipeline, then my
18 previous class location study would demonstrate
19 that there were a certain number of structures
20 within that corridor that justify that being a
21 class 2 location.

22 If next year I run my class study

1 again and there have been two more houses added
2 to that subdivision that might be within that
3 corridor, now it qualifies it as a class 3. So
4 I'm going to change that designation to a class
5 3, and that's going to become the defining record
6 that establishes the current class location.

7 So practically, that becomes the
8 official documentation to support the current
9 class location. You wouldn't be destroying any
10 records; it would just be that the previous
11 records are no longer valid because conditions
12 have changed and there's now an updated class
13 designation for that pipeline.

14 That being said, I also wanted to be
15 on the record that I support this language,
16 although I still advocate for removing class
17 locations from the code entirely anyhow.

18 (Laughter.)

19 MR. ZAMARIN: So maybe that's for
20 another day.

21 MR. DANNER: All right. I think
22 John's time is up.

1 MR. GALE: Yes, what I would recommend
2 if it was okay with this section, to move on to a
3 discussion of 192.227(c).

4 MR. MAYBERRY: If I may, I think if
5 there's general agreement on this, we can move on
6 to the next one. I think we've identified that
7 we should have consensus on that.

8 MR. DANNER: Okay, discussion on
9 27(c).

10 MR. GALE: Actually 227 and 285 are
11 covered by the second bullet there on the screen
12 to the right.

13 MR. DANNER: There was no -- I'm
14 sorry. Sara?

15 MS. GOSMAN: Okay. Just a question
16 about why we've moved from lifetime to five
17 years.

18 MR. NANNEY: Well, as far as the
19 actual welder, the individual, the lifetime was
20 for the procedure. If you look in the code, this
21 for the actual person who did the welding,
22 whether it was for joining for plastic pipe or

1 welding for a welder.

2 And more so is where, if you do have
3 an incident after the pipeline has gone into
4 service, that you can go and look at issues that
5 might have been attributed to that welder or that
6 welding process, that particular segment of the
7 pipeline so that if you needed to go back and get
8 those records, you could.

9 And this would be going forward after
10 the rule. This isn't trying to make it
11 retroactive or anything. But going forward, if
12 we did see an issue that might be in other areas
13 of the pipeline attributed to that welder or that
14 group of welders, you can go back and pinpoint
15 it.

16 MS. GOSMAN: But am I understanding,
17 you're moving it from lifetime retention to a 5-
18 year retention?

19 MR. NANNEY: That was not a lifetime
20 retention for the welder themselves; it was only
21 for the welding procedure.

22 MS. GOSMAN: Okay. Okay, thank you.

1 MR. DANNER: The proposal that's in
2 the federal register is life of the pipeline, so
3 okay.

4 MR. NANNEY: But we were proposing to
5 change that to five years.

6 MR. DANNER: Any further discussion on
7 that one? Oh, sorry.

8 MS. FLECK: Sue Fleck, National Grid.
9 Just a minor typo. The 192.285, it's actually
10 (e), not (c).

11 MR. DANNER: All right. Sara, you
12 have a comment?

13 MS. GOSMAN: That's okay. I'm still
14 -- apologies, everyone, it's late. I'm just
15 confused about why we're going from life of the
16 pipeline to five years. And I still haven't
17 figured out the answer to that, although you've
18 explained it to me several times.

19 I assume it's because this information
20 isn't as important over the -- in terms of record
21 retention for -- if an incident occurs in the
22 future, you don't feel like this is the kind of

1 information you want people to keep for the life
2 of the pipeline, because it's just not that
3 critical.

4 MR. NANNEY: That's correct.

5 MR. DANNER: So if you found out after
6 review that a welder who had done the welding
7 more than five years ago may have been
8 responsible for an incident that caused a lot of
9 damage, and that might be relevant information in
10 an investigation, that information would be gone,
11 correct? So how did you choose five years,
12 whoever it was who proposed five years?

13 I mean, the question is, whether it's
14 lifetime or a period of time, I'm curious about
15 how it's five years. Because it does seem that,
16 unless everything gets re-welded after five
17 years, that's still relevant information.

18 MR. NANNEY: Well, from PHMSA's
19 standpoint, as we originally started out we had
20 it for the life of the pipeline. The committee
21 recommended that we consider five years, and we
22 did that.

1 And one of the things that we looked
2 at in agreeing that we would consider going
3 forward with that was, if you look at what we
4 have all termed the bathtub effect; you know when
5 you first put a pipeline in service, you're more
6 likely to have incidents in the first from any
7 missed quality concerns, whether it's welding or
8 other things.

9 And then after you get through that
10 first couple of years of the pipeline, you go a
11 lot of years with no issues on the pipeline, or
12 very minimal issues.

13 So all we were trying to do is, if
14 there was a welding or an X-ray or a UT-type
15 issue on the pipeline, or even welding procedure,
16 that keeping these records, you kept them long
17 enough to identify it.

18 We felt like if there were those type
19 issues, they would be identified early; I think
20 that's what we heard the committee tell us. And
21 we went back and considered it and agreed that if
22 the committee still wanted us to make it five

1 years, we could do that.

2 Ms. CAMPBELL: Cheryl Campbell, Xcel
3 Energy. I think, Steve, my recollection is that
4 this is also tied to OQ, right? I mean, OQ is --
5 I'm supposed to keep an OQ for -- right? What do
6 you quote? Which one? 192.807(b). Five years
7 after the employee is no longer qual?

8 So I think originally when the
9 committee was suggesting five years, I think it
10 was tied to OQ. Just OQ.

11 MR. DANNER: Okay, Rich and then
12 Steve.

13 Mr. WORSINGER: Rich Worsinger, City
14 of Rocky Mount. We're still going to know who
15 the welder was that welded in the pipeline. All
16 we're not going to keep after five years is the
17 record of that welder's qualification.

18 So that would be whatever he did to
19 become qualified. But we'll still know that if
20 Sue Fleck welded on the pipeline eight years ago,
21 we still know it was Sue Fleck, and we can find
22 out where else Sue Fleck welded a pipeline.

1 MS. FLECK: That's a weld record, so
2 that needs to be retained for the life of the
3 pipeline.

4 Mr. WORSINGER: It's just the
5 documentation --

6 MR. DANNER: That would tell me
7 whether she's qualified or not qualified. So
8 this is really more of a redundancy thing than --
9 okay.

10 Mr. WORSINGER: It's kind of like
11 keeping your driver's test for life. You just
12 need to know you have the driver's license, not
13 the records that you took the test and what
14 questions you answered right and wrong.

15 MR. DANNER: Okay. Steve?

16 MR. ALLEN: Steve Allen, IURC. It's
17 kind of coming back to me now. I think that
18 Steve Nanney had mentioned about the bathtub
19 curve, where if there were going to be issues
20 with the welders' work, it's going to show up
21 within five years.

22 But a second thing I wanted to maybe

1 clarify in my own mind, this wouldn't be OQ
2 related; it's new construction, right? Just if
3 it were on in-service pipe? It wouldn't be OQ
4 related? Okay.

5 MR. DANNER: All right. Alan or
6 Steve, do you want to comment?

7 MR. MAYBERRY: Yes, just to make sure
8 it's clear, it may or may not be covered under
9 OQ. If it's new construction it would not be,
10 currently. But if it's a maintenance weld, it
11 would be.

12 MR. DANNER: Okay. John, is your ten
13 up? Okay. All right, is there any more
14 discussion then, on 227 or 285? Okay. Hearing
15 none, what are the next -- John, you had broken
16 them down into groups. What's your next clump?

17 MR. GALE: Yes, Mr. Chairman. We
18 actually have a vote slide on the right side,
19 there, that we think captures the discussion of
20 the areas we're bringing up right now. And the
21 recommendation is if anybody wants, they can move
22 forward with that vote.

1 MR. DANNER: Okay. So then basically
2 at this point, we want to deal with a motion on
3 5(d) 227(c) and 285(e)?

4 MR. GALE: And the issue of reliable.

5 MR. DANNER: Okay, and the issue of
6 reliable. Okay. Is there anyone who wishes to
7 make a motion? Okay, Sue?

8 MS. FLECK: This is Sue Fleck from
9 Nation Grid, and I will make a motion to approve
10 the proposed rule as published in the federal
11 register and the draft regulatory evaluation,
12 with regard to the provisions for records are
13 technically feasible, reasonable, cost-effective
14 and practicable, if the following changes are
15 made.

16 Delete the word, reliable, from the
17 record standard to now read, traceable,
18 verifiable, and complete, wherever that standard
19 is used; in 192.5(d), clarify that documentation
20 will be required for the current class location;
21 and modify 192.227, qualification of welders and
22 192.285, qualification of persons joining plastic

1 pipe to include an effective date and change
2 retention period to five years.

3 MR. DANNER: All right. Is there a
4 second?

5 MR. WORSINGER: Rich Worsinger, Rocky
6 Mount, second.

7 MR. DANNER: All right, thank you very
8 much. All right. Is there any discussion on
9 this item before we go to a vote? Okay. Cheryl,
10 why don't we take a roll call?

11 MS. WHETSEL: Okay. Steve Allen.

12 MR. ALLEN: Yea.

13 MS. WHETSEL: Dave Danner.

14 MR. DANNER: So actually, I'm going to
15 decline to vote on this matter, just because of
16 my lack of fully understanding, and I'm fine with
17 the reliable part of it. The others, I still
18 have some questions.

19 MS. WHETSEL: Okay. Terry Turpin.

20 Mr. TURPIN: Yea.

21 MS. WHETSEL: Cheryl Campbell.

22 Ms. CAMPBELL: Aye.

1 MS. WHETSEL: Andy.

2 MR. DRAKE: Yea.

3 MS. WHETSEL: Sue Fleck.

4 MS. FLECK: Yea.

5 MS. WHETSEL: Rich Worsinger.

6 Mr. WORSINGER: Yea.

7 MS. WHETSEL: Chad Zamarin.

8 MR. ZAMARIN: Aye.

9 MS. WHETSEL: Sara Gosman.

10 MS. GOSMAN: I'm going to decline to
11 vote as well, based on my continued confusion.

12 MS. WHETSEL: Okay, and then Robert
13 Hill.

14 MR. HILL: Yea.

15 MS. WHETSEL: So we have eight yea and
16 two abstentions. Oh, did I get Terry Turpin? I
17 think did.

18 MR. DANNER: Okay. So motion passes?

19 MS. WHETSEL: Motion passes.

20 MR. DANNER: Thank you very much.

21 Now, John, what was your next suggested grouping?

22 MR. GALE: Other than adjournment, sir

1 --

2 (Laughter.)

3 MR. GALE: -- we could continue our
4 discussion on 192.67, 192.127, and 192.205
5 specifically, and have a discussion not just
6 necessarily what records that we want pipeline
7 operators to maintain for those lines that are
8 put in the ground in the ground in the future,
9 but also what records we believe operators need
10 to either have, keep, or to create for those
11 pipelines that are currently in the ground.

12 MR. DANNER: All right. I see some
13 cards up. So, Chad?

14 MR. ZAMARIN: I just have a question;
15 Chad Zamarin of Cheniere Energy. I wonder if
16 it's not possible to handle these as part of the
17 MAOP verification and integrity verification
18 sections. I think that's where we're getting
19 confused.

20 We're talking about records as it
21 relates to MAOP, but then we're talking about, in
22 a separate section, how we reconfirm MAOP,

1 potentially in the absence of records that
2 demonstrate that a pressure test was conducted.

3 So I think what we struggle with is
4 saying all pipes must have these MAOP records.
5 And then there's another part of the code where
6 we're taking on -- in the absence of having a
7 pressure test, this is how we reconfirm the MAOP.

8 And it may be done through a process
9 that doesn't necessarily have these records; it's
10 done through an alternative means of establishing
11 the pressure capacity of the pipe.

12 That's where I'm getting confused, I
13 think. I'm sitting here, wondering if this is
14 relevant as just a records issue, or is it also
15 something that relates to the MAOP?

16 Maybe I'm confused, but it may be
17 easier to just figure out how to address records
18 requirement with the relevant issues that we're
19 trying to address. I think that's a question;
20 I'm not sure.

21 MR. DANNER: Okay. So Alan, do you
22 want to start and we're going to turn to Andy.

1 MR. MAYBERRY: No, I'm okay with
2 tabling that, if we want to come back to it
3 later. We can cover material verification and
4 IVP; it may be better to come back then. So I'm
5 okay.

6 MR. DANNER: All right. Is the group
7 agreed to that? All right. Okay. Andy?

8 MR. DRAKE: Specifically, I think part
9 of the issue, and I'm not a regulatory
10 constructionist, so I acknowledge that right
11 away. But I do think that 619 and 624 in
12 particular need to go after tomorrow or in
13 concert with tomorrow's discussion about MAOP
14 confirmation.

15 They are integral to that
16 conversation, so anything we did today on those
17 would get re-invented tomorrow, or unwound
18 tomorrow, very likely. So I think that would
19 probably be more efficient.

20 And I think it's fair to flag the part
21 of -- I think what Chad said is exactly right.
22 Part of what we're struggling with is the

1 different sections of the code. Some of them are
2 retroactive and some of them are not. But we
3 have sections that are retroactive, that are tied
4 to the MAOP confirmation.

5 And we've added some things in there
6 that are beyond MAOP when we define TVC, and we
7 need to kind of clean that up a little bit. And
8 we've also got some things in the design section
9 that we've added that are now being discussed as
10 being retroactive, but the design section is not
11 supposed to be retroactive.

12 So we've got some convolution we've
13 got to kind of iron out as we go through this
14 conversation. I think that's fundamentally some
15 of the headache everybody's having, here; maybe
16 if we can be out loud about that. Are we
17 violating regulatory construction in the way
18 we've designed this?

19 And I think that's actually going to
20 be a big conversation for tomorrow with IBP,
21 frankly.

22 MR. DANNER: Thoughts? Alan?

1 MR. MAYBERRY: I was hoping we'd do
2 that today, but -- no, I think it's relevant to
3 bring it up after our discussion. Again to yours
4 and Chad's point, I think we will be rehashing
5 similar type issues in that discussion, so we
6 might as well have the robust discussion we were
7 hoping to have on IBP, and then we can move to
8 this after that. I think that would work well.

9 MR. DANNER: All right. Steve?

10 MR. ALLEN: Steve Allen, IURC. I was
11 just telling Sara here that I think we have some
12 homework tonight for some of us, to try to get up
13 to speed a little better on some of these issues.

14 And I was curious as to whether or not
15 we might be able to get ahold of some of the
16 slides for tomorrow this evening to review. I
17 mean, this is going to be a very healthy
18 conversation tomorrow, and I'd like to have an
19 opportunity to digest this in advance.

20 MR. DANNER: So are the -- those who
21 have the documents want to --

22 MR. DRAKE: I'd like to second that.

1 MR. ALLEN: And I don't mean to speak
2 out of turn. I'm very, very serious about this.
3 I'd like to be able to engage in this
4 conversation, but I've got some homework to do,
5 and this would help, be helpful.

6 MR. DANNER: And so the question is
7 whether we can get the slides out to the members
8 tonight.

9 MR. MAYBERRY: Okay. We're going to
10 package something together and give it to the
11 committee members. That should help you for
12 tomorrow. It's just, we're going to have to mark
13 them, and I think they'll obviously be a subset
14 of what we have.

15 I think we have a deck of 300 slides,
16 so I don't think you want -- or maybe you do want
17 those?

18 MR. ALLEN: No, no, no, we don't.

19 (Laughter.)

20 MR. MAYBERRY: Okay. All right. I
21 know my staff's going to kill me, but we'll get
22 something together.

1 MR. DANNER: Thank you very much; I
2 think that will help a lot. Okay, so what does
3 that leave us with this afternoon, then?

4 MR. NANNEY: The next item is going to
5 be data collection, validation, and integration.
6 The issue here is, operators are collecting much
7 information, but an integrated and documented
8 analysis is often lacking.

9 The basis is San Bruno highlighted a
10 weakness in this area, and also the 2011 Act
11 mandated it. And also from the NTSB, their
12 safety study also recommended it.

13 What does PHMSA propose to do? One is
14 to clarify that data be verified and validated;
15 clarify requirements for integrated analysis of
16 data and information; establish minimum pipeline
17 attributes that must be included; require use of
18 validated objective data whenever practical; and
19 address requirements for use of SME input.

20 What were the committee comments at
21 the last meeting? First was the proposed rule
22 does not include an allowance to address lack of

1 availability of some data sets, by assuming the
2 pipe segment is susceptible to the threat
3 associated with the missing data.

4 Also, the committee questioned the
5 purpose of extensive data lists in generating
6 compliance paperwork without a safety benefit.
7 This led to discussion of how the operator
8 demonstrates to a regulator that it is doing a
9 risk analysis that is effective.

10 That you're not just going through a
11 list of things, that you're doing things that are
12 actually appropriate for better safety outcomes.

13 Other committee comments were, the
14 rule has no time frame for implementation of data
15 collection. We need to clarify the meaning of
16 data integration, verification, and validation.

17 Industry commented to remove the
18 requirement to address SME bias; but others
19 commented that SME bias in risk analysis is
20 recognized across different areas and reflects
21 the reality about how humans think about risk and
22 must be addressed.

1 Challenged the zero-cost conclusion in
2 the pipeline risk analysis that data collection
3 was zero cost. There was concern that 917(b)3 is
4 a mandate for using a GIS system, which might be
5 impractical for small operators.

6 Based upon this, what does PHMSA
7 suggest the committee consider? First, the rule
8 includes allowance for missing data by mechanism
9 in 607 to obtain missing information.

10 Number 2: B31.8S section 421;
11 allowance for lack of data only applies to threat
12 identification and applicable threats should be
13 assumed to apply in cases where pertinent data is
14 not available. And that is in B31.8S.

15 Data is used in risk assessment for
16 other purposes, including risk management,
17 identifying preventative and mitigating measures,
18 analyzing interactive threats. And the purpose
19 of the risk assessment cannot be adequately
20 implemented using gross assumptions about threat
21 applicability.

22 Also, B31.8S section 42 requires the

1 operator to have a comprehensive plan for
2 collecting all data sets. And this has been a
3 requirement by reference to B31.8S in 917 since
4 2004.

5 Also, PHMSA suggests the committee
6 consider: one, that the zero cost is based upon
7 917(b), already requires that at a minimum, an
8 operator must gather and evaluate the set of data
9 specified in Appendix A to B31.8S, and consider
10 both on the covered segment and similar non-
11 covered segments past incident history, corrosion
12 control records, continual surveillance records,
13 patrolling records, maintenance history, internal
14 inspection records, and all other conditions
15 specific to each pipeline.

16 Also 917(b)(1) is intended to reflect
17 the set of data specified in Table 1 in Appendix
18 A of B31.8S and existing 917(b)(1), plus the
19 addition of seismicity-related data to implement
20 the Congressional mandate in the 2011 Act.

21 Also PHMSA suggests that the committee
22 consider one; to make minor adjustments to the

1 listing of pipeline attributes in 917(b)(1) to be
2 more consistent with existing regulations in
3 B31.8S.

4 These changes were informed by
5 industry comments in the docket on April 5th.
6 Also to address the topic of SME bias by re-
7 wording 917(b)(2). Also, the proposed rule would
8 not require a GIS system.

9 MR. DANNER: All right. Thank you
10 very much. Let's take some public comment if we
11 have some. Anybody want to speak to this matter?
12 All right then, committee members? Any
13 discussion on this item? Steve.

14 MR. ALLEN: Steve Allen, IURC. When
15 is -- did the result of the risk modeling work
16 group the guidance? We're looking at perhaps
17 having that out later this year, yet this year,
18 is that correct?

19 MR. DANNER: Yes, that will be later
20 this year.

21 MR. ALLEN: Because an awful lot of
22 the things that were discussed up here, have been

1 discussed for the last year and a half or so with
2 that risk modeling work group. And for those of
3 you not involved with it, there's some guidance
4 documents that are supposed to come out.

5 One point I'd like to make up here
6 where the recommendation was to not require GIS.
7 While that might not be practical for some
8 smaller operators, I think that as a
9 recommendation, I think the larger operators
10 should and they probably do have layers of risk-
11 related data layered on top of GIS systems.

12 So I think that is, if not a
13 recommended practice, certainly a best practice.
14 A picture is worth 10,000 words, in that case.
15 So just to kind of go on record, I think that it
16 is important to include GIS, but not make it
17 required for smaller operators.

18 MR. DANNER: Okay. Chad?

19 MR. ZAMARIN: Steve, I'm sorry, I
20 don't have the full code in front of me. In
21 192.607, that's the process for going out and
22 pulling straps and to close record loops? Is

1 that what that is?

2 MR. NANNEY: I didn't hear you.

3 MR. ZAMARIN: Sorry, 192.607; you
4 mentioned in your slides that that allows for a
5 process for collecting additional data. That's
6 to go out and cut straps and do material testing,
7 is that right?

8 MR. NANNEY: It's to go out when you
9 have an integrity issue, and you dig the pipeline
10 up to evaluate that integrity issue by either a
11 destructive or a non-destructive methods, and you
12 determine the wall thickness, the seam type, the
13 grade of your pipeline. That's what 607 is.

14 MR. ZAMARIN: And again, I'm kind of
15 going on the fly; apologies. It's got the
16 sampling requirements? I'm just trying to
17 remember. It's got all the sampling
18 requirements, is that right?

19 MR. NANNEY: Well, 607 has sampling
20 when you do not know what the pipe attributes
21 are, yes.

22 MR. ZAMARIN: I just want to note

1 that, at least in my experience, working on a lot
2 of older systems for a very long time, we've
3 never found 607 as a practical means for
4 establishing records and information. The amount
5 of excavation that you require; the amount of
6 destructive testing and the blowdown of
7 pipelines; the taking of lines out of service;
8 again, I'm kind of going off the cuff, here.

9 But I know there have been many times
10 where it's been referred to as a solution for
11 where there are records gaps, but I'd be
12 interested to hear if there are other operators
13 who find it as a practical means, or even a net
14 safety positive means for filling in gaps with
15 records.

16 I mean, you're talking about
17 excavations; you're talking about putting people
18 in harm's way; you're talking about taking lines
19 out of service and blowing gas to the atmosphere.

20 You're talking about destructive
21 testing of pipelines. I mean, having worked on
22 some of the oldest systems in the industry, we've

1 never used that as a practical means for filling
2 in records.

3 So just to comment; I didn't mean to
4 be careful that we don't think that that's an
5 easy way to fill gaps. It would be a very, very
6 costly and disruptive way to fill data gaps, in
7 my experience.

8 MR. DANNER: All right. Sue?

9 MS. FLECK: Sue Fleck, National Grid.
10 I want to go back to a comment Steve made, and I
11 think philosophically, everybody agrees with the
12 concept of a GIS. But requiring a GIS without
13 defining what it means, what it entails, what's
14 in it, what isn't in it, is just a landmine.

15 So it's something to really think
16 about. You're right; we're probably all moving
17 in that direction. But just requiring it I think
18 would be very problematic without a whole new set
19 of words to explain it.

20 And I think much of what they're --
21 could you flip back to 316? Or back to the slide
22 that shows what you're proposing, because there

1 was one other question.

2 Yes, so you're saying the proposal
3 would not require a GIS. Then the only other
4 question I have is, what's the time frame -- or
5 is there a time frame specified in here when all
6 this integration of data and data collection is
7 to be completed by?

8 MR. DANNER: I think that would be a
9 question for Steve.

10 MS. FLECK: A question for Steve. Is
11 there a timeline for when all this data
12 collection needs to be completed, and the
13 integration completed, or --

14 MR. NANNEY: Well I guess first of all
15 is --

16 MS. FLECK: We should be collecting
17 it.

18 MR. NANNEY: You should be -- you
19 know, you've had 12 years to collect it. You
20 know, it's NHCA's and it's part of B31.8S, 2004.
21 And also, you know, these other areas are in
22 similar areas, so I would expect that the data

1 collection, you probably should have a lot of it,
2 Sue.

3 As far as -- the committee had asked
4 to give three to five years, and we were
5 considering the three years, as the committee had
6 said.

7 The other things is, we had in there
8 like on pipe attributes, we had in there that if
9 you went to repair anomaly, you didn't have the
10 information for those attributes, you could do a
11 destructive or a undestructive test; it was up to
12 the operator.

13 If you already had it for that section
14 of pipeline, you would not have to do it. If you
15 were taking the pipe out of service and doing
16 cutouts like for road crossings for other things
17 that you were taking the pipe; in there it says
18 to take the attributes in, do destructive test or
19 an undestructive; we leave it up to the operator
20 on the type test.

21 But in it, I know I've heard it
22 characterized if you're going to make us go blow

1 down pipe and do destructive tests, it does not
2 say that at all. It's based upon anomalies; it's
3 based upon doing the validation when you have
4 those anomalies to check.

5 And it's also set up that you don't
6 have to go back and keep doing it, if you've got
7 the same vintage pipe in a similar location.
8 It's a one and done, in that area.

9 MS. FLECK: So the timeline is
10 immediate?

11 MR. NANNEY: Well in the rule, it did
12 not have a timeline. The committee had asked us
13 to consider three to five years before; and I
14 think that's part of what the discussion will be
15 today from the committee. Are you recommending
16 that we have it to be when the rule goes into
17 effect for it to be three years after? Five
18 years after? We were expecting a recommendation.

19 MS. FLECK: Okay. Thank you.

20 MR. DANNER: Okay. Andy?

21 MR. DRAKE: Steve, just a point of
22 clarification. I mean, this has evolved,

1 certainly, over the conversations of the last
2 year and a half, to say the least. And I think
3 what I thought I just heard you say -- and I
4 think this is congruent with what we talked about
5 -- there is a long list of attributes that you
6 had defined as things that we needed to have.

7 Some of them were in ASME, some of
8 them were beyond ASME. And what I think what I'm
9 trying to differentiate is, there is a list that
10 is required for MAOP confirmation. Then there is
11 a list of things that we need to have to do risk
12 assessments. Then there's a list of things that
13 we'd like to do for anomaly repair; any other
14 sense of things. That we're trying to parse
15 those different data sets up and we're getting
16 some of that data as we need it.

17 It's not a part of the immediate
18 pressing issue to define the MAOP. Is that kind
19 of what you were saying?

20 MR. NANNEY: Well, I guess there's two
21 different items. What we're talking about here is
22 for the data integration aspect, and what we had

1 in the rule was Table 1, we had a couple of
2 locations, some added explanation.

3 We may have had, when we went back and
4 looked, one or two items additional. And the
5 committee asked us, in this case, to take that
6 out, and we were going to.

7 The second part that Chad brought up,
8 the 607, which is different from 917; 607 is a
9 way of, if you do not have the material
10 documentation; if you don't have the wall
11 thickness, the grade, the seam type; those type
12 of attributes, when did you go get them?

13 You can't got get them all today or
14 tomorrow. But what it was written is, when you
15 have an issue on the pipe such anomaly or
16 something, 607 is set up to where you can either
17 do it for destructive or an undestructive test.

18 And if you've already got some in the
19 vicinity of that same vintage, you don't have to
20 keep doing it every time you go out there. It
21 can be a one and done; that you've verified it
22 and it has a method of how much verification you

1 do or do not need to do is in 607.

2 So 917 on data integration in this
3 Table 1 is totally different than 607.

4 MR. ZAMARIN: I was just referencing
5 because it was on your slide, and I thought it
6 implied that 607 could be -- if you go back a
7 couple slides, it was asking the committee to
8 consider that -- we had the allowance for missing
9 data by mechanism at 92.607.

10 I mean, this is a very exhaustive list
11 of data we use for risk assessment, and 607 is
12 not a tool for filling in all these gaps.

13 MR. NANNEY: No. No, and this was set
14 up going forward. And whether it was one year,
15 three years, five years; we had heard the
16 committee some particular times, and we were
17 expecting to hear here today what those --

18 MR. ZAMARIN: Now that I've had a
19 chance, I've just read through it three more
20 times and I think I've refreshed my memory. I
21 think I recall, now, our conversation from the
22 last meeting, and I do think this does capture

1 what we went through and I for one am good with
2 where we are.

3 But I do just want to note that I
4 think we need to be careful that we're not saying
5 -- this is not saying that we have a data element
6 for every piece of pipe. And I think when we
7 start talking about records, we start talking
8 about MAOP and IVP, we talk about those critical
9 data elements that you must have to in order to
10 do certain analyses.

11 But this is the exhaustive list of
12 what we use to do risk assessment and integrity
13 threat assessment. But I for one, think -- I've
14 run out of steam.

15 MR. NANNEY: Just to answer; what we
16 have gone back and looked at from the last
17 meeting was, the committee had asked us to look
18 at the timing. And the timing was either from
19 now going forward three years or five years.

20 And from a PHMSA standpoint, we think
21 five years is too much. If the committee
22 recommends now or one or three, I think we could

1 work with going forward with that.

2 As far as the other items, where we
3 had added some wording onto some of those items,
4 we went back and marked them out. And so we
5 thought we had done what the committee had
6 suggested other than, we were waiting to see how
7 many years it should be; immediately when it goes
8 out or three or five or some other year on that.

9 We thought we had done what the
10 committee had recommended.

11 MR. DANNER: Okay. Cheryl?

12 MS. CAMPBELL: Thank you, Mr. Chair.
13 So I'm just going to admit I'm being dense, and
14 Steve, I'm looking for some clarification. So
15 I'm going to try it in some more simple language.
16 I admit I get lost in all the dot-6-0-7s, etc.

17 So is what you're saying, here is the
18 data that we defined in 2004 for integrity
19 management. Operators should be integrating that
20 data as they're doing their threat assessments,
21 and bringing it all together to decide how to
22 mitigate a risk.

1 And by the way, it doesn't matter if
2 you think you've got the threat or not; you
3 should be collecting the data and integrating it.
4 And then if you are missing one of these pieces
5 of data, then the next time you are doing
6 maintenance on that section of pipe, you would
7 attempt to collect that data and integrate it
8 into your risk model.

9 So that's kind of what I got out of
10 this. So I'm wondering if I am reading it
11 correctly.

12 MR. NANNEY: Yes, you're summing it
13 overall correctly.

14 MR. DANNER: Okay. Sara.

15 MS. GOSMAN: So I agree with a lot of
16 the points that you've made in your slides. I
17 wanted to ask a question about -- because I
18 couldn't quite tell -- are you proposing to take
19 out some of the categories of the data that are
20 currently in 192.917(b)(1)?

21 Because I know there was a
22 conversation about how that related to the ASME

1 standard. Or did you just want us to have the
2 conversation generally?

3 MR. NANNEY: Well, if you're asking
4 and you'd like me to go through and peel the
5 onion back one more layer, I can do that. On
6 917(b) we had heard the committee want us to, in
7 the actual rule wording, to take out, verify and
8 validate, and put in, gather and integrate.

9 We also had heard the committee want
10 us to put in that you must begin to integrate all
11 data elements specified in this section starting
12 -- and we heard you say you wanted us to put a
13 time in there with all available attributes
14 integrated by a time frame.

15 And I think we were hearing one year
16 for the first one, three years for the second
17 one. The other thing that we were looking at
18 with the attributes in here, we had a reference
19 to Appendix A in B31.8S. We were planning to
20 mark that out, because it's not needed anymore.
21 And the reason we wanted it was to make it very
22 clear what the attributes should be.

1 The other thing that we were looking
2 at under (1); integrate pertinent information
3 just like Chad said earlier. We wanted you to
4 have to integrate pertinent information. It
5 might not be all information if it wasn't
6 pertinent to that particular pipeline, about the
7 pipeline attributes.

8 And I would include information
9 derived from operations and maintenance
10 activities required under this part. We put that
11 in. Then it would go through these attributes,
12 pipe down through wall thickness, grade, seam
13 type, joint factor. Two; the manufacturer,
14 manufacturing date. Three, material properties.

15 That was one we had the discussion and
16 we were planning to put, mechanical properties
17 included but not limited to yield strength and
18 ultimate tensile strength.

19 And of course, if you needed to know
20 hardness, toughness, and the other part, then
21 that would be if you had cracks in your pipeline,
22 things like that; that would be up to the

1 operator to get.

2 Equipment properties, year of
3 installation, bending method, joining method,
4 depth of cover, crossings, casings, and locations
5 of foreign line crossings -- I think that's
6 exactly like what's up there -- and nearby high
7 voltage power lines.

8 Hydrostatic or other pressure test
9 history, including test pressures, test leaks, or
10 failures; failure causes and repairs, which is, I
11 believe you can look; it's up there. Number 11
12 or XI; pipe coating methods and the list of
13 things that go with it; soil and backfill
14 construction inspection reports, and not limited
15 to post-backfill coating surveys, coating
16 inspection reports, the items that I think are up
17 there.

18 Then we go on down; there's some
19 things on coating type, gas quality flow rate,
20 normal maximum and minimum operating pressures.
21 And there's several others going on down. I
22 could be here another --

1 MS. GOSMAN: Yes.

2 MR. NANNEY: What we did mark out was,
3 like, on encroachments. We had, if you were
4 getting information on encroachments, we had
5 added what we thought you would need. We had
6 added encroachments and right-of-way activity
7 including but not limited to One Call data, pipe
8 exposures resulting from encroachments, and
9 excavation activities due to development or
10 planned development along the pipeline.

11 We X'd out in right-of-way activity,
12 we put, encroachments. The one word, that is
13 what's in the B31.8S. And going on down, there
14 were some areas where we had added a XXXVI, and
15 we had other pertinent information derived from
16 operations and maintenance.

17 That was something that was not in
18 B31.8S. We did X that out. In number (2) where
19 we had used, objective, traceable, verified, and
20 validated information; we just put, validated
21 information.

22 And so we tried to go through and

1 look, like I said, and do the intent of what we
2 had talked about at the last meeting. That's
3 what we were looking at considering doing, going
4 forward.

5 MS. GOSMAN: So am I right, then, that
6 you took the suggestions of this industry
7 document that got in the record, here, and
8 basically followed that? Is that --

9 MR. NANNEY: Not totally, but a lot of
10 it, yes.

11 MS. GOSMAN: Okay. And what were the
12 differences? Did you keep depth of cover or not?

13 MR. NANNEY: Yes, we've got depth of
14 cover in there. We kept it in.

15 MS. GOSMAN: Okay.

16 Ms. CAMPBELL: So I have another
17 question, Steve. And again, I apologize. I'm
18 going to have to use an example. I read this, or
19 I'm interpreting it as -- well, let me try it
20 this way.

21 For instance, when we're doing shoring
22 and excavation, we assume the worst. So we

1 assume that everything's type C, right? And
2 shoring is required at X, right? And we just
3 say, this is what our assumption is, and this is
4 the path we're going down.

5 So am I reading this correctly? Or
6 maybe what I'm trying to ask is PHMSA's thoughts
7 on using those conservative assumptions. Because
8 in that case, we don't bother to collect any
9 information or evaluate the soil, right? We just
10 say, it's the worst, and we put a box. We put a
11 shoring box at a certain -- right?

12 And that simplifies everything and
13 assumes it's the worst case scenario and protects
14 our employees. So I think that some operators
15 have chosen to do that for some attributes; just
16 assume some conservative estimates.

17 And as I'm listening and thinking
18 about this, I'm interpreting this as, We don't
19 want you to do those conservative estimates. We
20 would rather you collect the data. And if I am
21 interpreting that correctly, I'm curious as to
22 what additional value it brings, to collect the

1 data over making a conservative assumption.

2 MR. NANNEY: Well, I'm not sure soil
3 and the example you gave would be similar to a
4 pipeline.

5 MS. CAMPBELL: I understand, I
6 understand.

7 MR. NANNEY: The thing that I would
8 ask is, how do you know it's -- I guess, to
9 answer the question, to just say you assume a
10 conservative assumptions; if you don't have any
11 data to go by, how do you know it's conservative?

12 MR. ZAMARIN: Well, maybe I could just
13 to follow on; I don't read it that way, but if
14 that's the intent, then maybe I would have a
15 concern. I mean, one of the things that's good
16 about risk management is, you see the number of
17 variables here. Not every one of those variables
18 has the same influence on whether or not you have
19 a threat.

20 And the beauty of risk assessment is,
21 in the absence of having data, it helps you
22 prioritize what information you're going to

1 collect. What information is pertinent? What
2 information is meaningful in determining whether
3 you have a threat?

4 And so on older pipelines, in a lot of
5 cases you start with a lot of conservative
6 assumptions, and risk assessment tells you that
7 key variables that you may have had to have
8 conservative assumptions on are what are driving
9 you to believe there is a threat.

10 And there's a couple different ways to
11 address it. You can assume you have the threat
12 and manage the threat, or you can get collect
13 better data, learn more about your system, and
14 thereby, in many cases, reduce that threat just
15 by learning more about your system.

16 So I read it to still allow for that,
17 because frankly, that's been one of the beauties
18 of risk assessment. When we started this almost
19 20 ago, we had a lot less data in our systems
20 than we do today, because the algorithms that we
21 developed, the data variables that we identified,
22 risk assessment told us which ones of those were

1 most important.

2 We started collecting those; we
3 learned more about our systems and we kept moving
4 through that kind of evolutionary process. I
5 didn't read it to mean that you have to have a
6 variable populated for every single element and
7 in the absence, you can't make a conservative
8 assumption.

9 MR. NANNEY: That's correct, Chad. I
10 mean, that's what I started out as. Integrate
11 pertinent information about the pipeline
12 attributes, including information derived from
13 operations and maintenance.

14 So the point is, you've got to have a
15 program and you've got to be doing that. You
16 can't just assume that we're doing something
17 conservative every time if no data is being
18 collected based upon this.

19 How do you know that it's ever
20 conservative if you're not getting any data to
21 begin with?

22 MR. DANNER: Okay. Steve Allen, Andy,

1 and then Alan.

2 MR. ALLEN: Steve Allen, IURC. Okay,
3 so this rule really deals mostly with risk
4 management, which we specifically said in the
5 risk modeling work group that we were not going
6 to address. We were going to keep that separate
7 from the risk modeling component.

8 However, it looks like there are
9 certain risk modeling components that would be
10 relevant to this conversation. So I ask you,
11 Steve, since you head that group up, is there a
12 benefit, or should we wait for the results of
13 that risk modeling work group before this is
14 finalized?

15 Would the results of that group be
16 helpful for the committee to review before moving
17 forward with this?

18 MR. NANNEY: Well, to answer, no. You
19 need this data to run the risk models. So it's
20 the chicken and the egg. You need to go ahead
21 and get the data, as you know, Steve, to run in
22 the risk models. So this is the data part for

1 the risk models.

2 And then this data would be used in
3 the risk models. So my answer would be, it's
4 independent.

5 MR. ALLEN: If I may follow up,
6 though; it looks like some of the sections in
7 here talk about trying to calculate potential
8 risks and things of that nature, and that seems
9 like more of a modeling component, as opposed to
10 data integration.

11 MR. NANNEY: Well, it does have some;
12 but the big part of this is getting the data for
13 those risk models in what we're spelling out
14 here. The risk model work group is to give
15 recommendations and guidance that operators who
16 may not be as robust modeling efforts can go look
17 at to use as guidance on future efforts.

18 MR. DANNER: If I may? I just want to
19 remind everybody that according to the agenda, we
20 adjourned 25 minutes ago. Go ahead.

21 MR. NANNEY: So I'll leave it at that,
22 Steve. It sounds like this really is the egg,

1 and risk modeling is the work group. So I'm fine
2 with that.

3 MR. DANNER: Okay. Andy?

4 MR. DRAKE: Andy Drake with Enbridge.
5 I appreciate that we've gone into overtime. The
6 question I have, Steve, is really almost a matter
7 of practicability. You read out an awful lot of
8 data sets here. We tried to highlight the
9 difference between the ones that were in B31.8S
10 and the ones that you're asking for.

11 And not to say that ones that are
12 beyond B31.8S we don't want to get. We're just
13 trying to understand, what's the target? And I
14 think, in the interest of that question, I have
15 just some very practical questions.

16 I'm going to try to give an example,
17 and I think it goes to what Chad and I think
18 where Cheryl were going. Let's just take a look
19 at stress corrosion cracking.

20 If we have pipes that have a coating
21 other than FPE, they're probably exposed to SCC.
22 It would require us to do some calculations; it

1 would require things like hardness and toughness
2 and things like that. Toughness was a property
3 not even tested by manufacturers until the late
4 '70s.

5 So anything built before 1970-
6 something doesn't have toughness values. The
7 test wasn't even invented then. So now I have to
8 go get that data to decide if I have stress
9 corrosion cracking susceptibility. I don't know
10 how to play that out practicably.

11 I don't know how to do that. You're
12 saying I would go get this data; I think what
13 Chad is saying makes more practical sense to me.
14 And that is, if we assume, based on the data that
15 we have -- some conservative sample, which is
16 where ASME was going -- we recognize there are
17 gaps and we're trying to find a practicable way
18 to exist in that interim until we get the data.

19 We try to assume, based data sets that
20 we have and that's where all the vintage
21 materials testing was done; all that big thick
22 report on vintage materials, was trying to give

1 operators some data based on tests that have been
2 done and extrapolate conservatively to fill in
3 those data sets.

4 Are we being given that latitude to do
5 that, or are we being told, assume zero
6 foot/pound, 1 foot/pound; something that's
7 extraordinarily conservative, not lined up with
8 anything in the vintage report. It just assumes
9 the worst possible case, if you basically had a
10 glass pipeline.

11 Are we going -- where are we going
12 with this? I'm trying to figure out how this
13 plays out.

14 MR. NANNEY: Well, just to reply back;
15 we said that we would go back and put this Table
16 1 in there with just a few minor things that I
17 went over earlier. As far as whether it's
18 toughness or Charpy impacts, if you've got
19 cracking and you need to get that data, if that's
20 pertinent, you'll have to come with a way of
21 getting it.

22 That's not what's in here. It's the

1 data we're talking about up here in Table 1.
2 From the last meeting, you all asked us to go
3 back and look -- if we had some items added, to
4 back and look at taking them out.

5 That's what, when Sara had asked a
6 question earlier, there was a few minor things we
7 were going to leave in. And that's what I went
8 through when Sara asked the question earlier.

9 So I hear what you're saying, but we
10 don't have that in there.

11 MR. DANNER: All right. Alan, and
12 then Sara, and then Chad.

13 MR. MAYBERRY: No, I just really
14 wanted to do a temperature check. How are we on,
15 as far as getting some sort of closure in the
16 next few minutes on this?

17 MR. ALLEN: Sounds like that could be
18 a challenge.

19 MR. DANNER: I don't know.

20 MS. GOSMAN: May I make a suggestion?

21 MR. MAYBERRY: I think we're looking
22 at tabling this, perhaps. But just make sure

1 we've --

2 MR. ZAMARIN: I don't know. I mean,
3 at one moment I think we're there. I don't know
4 about others, but --

5 MR. MAYBERRY: I also recognize we're
6 on a roll, and I know everyone's heads are into
7 it. But if we're not getting where we need to
8 be; if we need to come back to you, we can do
9 that.

10 MR. ZAMARIN: I think we're actually
11 closer than it may sound, but I'm just trying to
12 understand. I mean, I want to give one quick --
13 and I don't want to interrupt. Maybe I'll let
14 Sara go.

15 MS. GOSMAN: My proposal -- I'm a text
16 person, so I would love to see the changes to the
17 proposed rule, the text changes so that I can
18 see. You kindly went through the list with me,
19 but I think it's easier for me to see actually
20 what are the categories of data that we're not
21 collecting any longer versus ones that we are.

22 And I'm looking at language proposed

1 in the industry document, and seeing some other
2 language proposed there. I'm wondering whether
3 you're in agreement with that or not. So it's
4 easier for me to be able to just look this text.
5 If I can look at that tonight and then we can
6 return to it tomorrow, that would be really
7 helpful.

8 MR. DANNER: Okay. So there's a
9 proposal that we sleep on it or do our homework
10 tonight; come back and continue the discussion.

11 MR. ZAMARIN: Yes, this is Chad
12 Zamarin with Cheniere Energy. Just looking at
13 the list, I don't think we're far off. But the
14 one concept that I'm struggling with, to just get
15 it over with, I'll give you an example. Pressure
16 fluctuations is up there. We don't collect and
17 analyze data on pressure fluctuations on every
18 pipeline. We only do that where we've analyzed
19 our pipelines and have identified a pipe that
20 might be susceptible to cyclic fatigue.

21 So I think what we're struggling is,
22 I think my understanding is, you're only

1 collecting the data that's pertinent; you can
2 make assumptions around data that may be
3 conservative, but lead you to have to collect
4 more if that is pertinent information.

5 What we're afraid we're hearing is,
6 you have to have every one of the data elements
7 collected for every pipeline segment out there.
8 And that was not our understanding coming out of
9 the last meeting. If we're not in line on that,
10 then maybe we do need to sleep on it.

11 MR. DANNER: Okay. So that is
12 question I believe we'll start with tomorrow
13 morning, then, of that's all right, Alan.

14 MR. MAYBERRY: That sounds good.
15 We're so close, right?

16 MR. DANNER: We are very close. We're
17 also close to 6:00, and the hotel has told us
18 that this room shuts down.

19 MS. WHETSEL: I just wanted to say,
20 administrative concerns. If you made a statement
21 earlier, please give me your cards so we can get
22 your names correct in the record. And everybody

1 that's here may leave their -- whatever they want
2 at the table, as long as it's not valuable.

3 MR. DANNER: All right. So just in
4 case you didn't hear that, anybody who gave
5 public comment today, please leave a card with
6 Cheryl so that she can get the record right. And
7 we will see you tomorrow at 8:30. We are
8 adjourned.

9 (Whereupon, the above-entitled matter
10 went off the record at 5:32 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Pipeline and Hazmat Safety Admin.
Gas Pipeline Advisory Committee

Before: DOT Office of Pipeline Safety

Date: 06-06-17

Place: Arlington, VA

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