

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

OFFICE OF PIPELINE SAFETY

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GAS PIPELINE ADVISORY COMMITTEE (GPAC)

and

LIQUID PIPELINE ADVISORY COMMITTEE (LPAC)

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JOINT MEETING

+ + + + +

WEDNESDAY
 AUGUST 26, 2015

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The Committees met in the Potomac
 Ballroom, Crystal City Marriott at Reagan
 National Airport, 1999 Jefferson Davis Highway,
 Arlington, Virginia, at 9:00 a.m., Massoud
 Tahamtani, Meeting Chair, presiding.

PRESENT

MASSOUD TAHAMTANI, LPAC Member (Government),
 Meeting Chair

MARK BROWNSTEIN, GPAC Member (Industry)

CHERYL F. CAMPBELL, GPAC Member (Industry)

J. ANDREW DRAKE, GPAC Member (Industry)

SUSAN L. FLECK, GPAC Member (Industry)
PAULA A. GANT, GPAC Member (Government)
ROBERT W. HILL, GPAC Member (Public)
ROBERT KIPP, GPAC Member (Public)
RICHARD F. PEVARSKI, GPAC Member (Public)
RICHARD H. WORSINGER, GPAC Member (Industry)
CHAD J. ZAMARIN, GPAC Member (Industry)
LANNY W. ARMSTRONG, LPAC Member (Public)
C. TODD DENTON, LPAC Member (Industry)
TIMOTHY C. FELT, LPAC Member (Industry)
MICHELE F. JOY, LPAC Member (Industry)
RICHARD B. KUPREWICZ, LPAC Member (Public)
CHARLES LESNIAK, III, LPAC Member (Public)
CRAIG O. PIERSON, LPAC Member (Industry)
JOHN D. QUACKENBUSH, LPAC Member (Government)
VICE ADMIRAL (RETIRED) BRIAN SALERNO, USCG, LPAC
Member (Government)
CARL M. WEIMER, LPAC Member (Public)

ALSO PRESENT

JEFF WIESE, Associate Administrator for Pipeline
Safety, PHMSA
KRISTIN BALDWIN
ZACH BARRETT
STACY CUMMINGS
LINDA DAUGHERTY
JOHN A. GALE
KAREN GENTILE
SAM HALL
MIKE ISRANI
ROBERT JAGGER
MAX KIEBA
KENNETH LEE
ALAN MAYBERRY
DAVE MURK
STEVE NANNEY
JIM PATES
ADAM PHILLIPS
CAMERON SATTERTHWAITE
CHERYL WHETSEL

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

2 (9:04 a.m.)

3 MR. WIESE: Good morning, everyone.

4 You know this group has obviously learned how we
5 come to order, and they know that if people don't
6 take their chairs after the initial warning, we
7 start using names. Bob knows this; he sat down
8 right away.

9 All right, well good morning,
10 everyone. Welcome to Day 2. Thank you again for
11 coming. We have got a pretty full roster of
12 folks here.

13 Just to make sure, I know we have
14 different folks in the audience, so I hope you
15 will bear with me. I am going to do
16 introductions again in one more second. It is
17 good for the record, as well.

18 But first of all, I want to start with
19 an apology. Every meeting should start with the
20 safety minutes. We ran in yesterday, not that it
21 is an excuse and I apologize. We were running to
22 try to get here and get it done. So, with that

1 said, should it become necessary to get out of
2 here in a hurry, these exits, I did check them
3 out this time, I walked through there, that we
4 just go through and you will see the exits, the
5 fire signs to the right, the door is alarmed, so
6 I didn't try it, but you can also go through
7 these doors and turn to the left and get to the
8 fire exit that way as well. So, again, apologies
9 for not making that clear to everyone yesterday.

10 The second apology is, for those who
11 work here, you understand that the restrooms are
12 about a half a mile that way. So, you can find
13 them right past the elevators. Those of you who
14 are members of the Concierge Level of the
15 Marriott, probably about the only good thing in
16 this hotel, that will be right across from it.
17 And we usually do meet like in slightly better
18 accommodations.

19 There weren't a lot of places to eat
20 last night. I hope that those of you who were
21 here were able to find something.

22 The other one thing I wanted to do,

1 with your permission, we have a lot of folks from
2 PHMSA here. I am going to ask the PHMSA folks to
3 sort of stand up really quickly and introduce
4 themselves, in case you want to talk them at
5 break.

6 So, the PHMSA folks, particularly not
7 sitting at the table.

8 MR. GALE: John Gale, Records,
9 Standards and Rulemaking.

10 COURT REPORTER: I'm sorry, I don't
11 think your mic is on.

12 MR. WIESE: That's okay.

13 MR. SATTERTHWAITE: Cameron
14 Satterthwaite, Standards and Rulemaking.

15 MR. PATES: Jim Pates, Counsel's
16 Office.

17 MR. JAGGER: Robert Jagger, Standards
18 and Rulemaking, Technical Writer.

19 MS. CUMMINGS: Stacy Cummings, I am
20 the Interim Executive Director of PHMSA.

21 MR. MURK: Hi, I'm Dave Murk, Director
22 of Field Operations, and I work for Rulemaking.

1 MR. WIESE: Welcome.

2 MR. PHILLIPS: Adam Phillips,
3 Counsel's Office.

4 MR. HALL: I'm Sam Hall. I am with
5 the Program Development.

6 MR. WIESE: Anybody else over there?

7 MR. NANNEY: Steve Nanney,
8 Engineering.

9 MR. LEE: Kenneth Lee, Engineering and
10 Research Director.

11 MR. BARRETT: Zach Barrett, Director
12 of State Programs.

13 MS. GENTILE: Karen Gentile, PHMSA
14 Eastern Region.

15 MR. WIESE: Okay, that's very good.
16 Thank you so much for doing that. Now, will all
17 the ex-PHMSA employees stand up? No.

18 (Laughter.)

19 MR. WIESE: There are quite a few
20 former PHMSA employees in the crowd, too. We are
21 glad to have you back. And just remember PHMSA
22 is recruiting. So, you can see us at the break.

1 I also want to take this moment before
2 we get going to welcome in three members who
3 couldn't be with us yesterday.

4 First of all, Mark Brownstein,
5 Environmental Defense Fund. Thank you Mark. I
6 appreciate your being here.

7 Brian Salerno; Brian is with BSEE,
8 part of the former MMS and our offshore partner.
9 Brian and I will be talking to a little later in
10 the day about some work that we are spooling up
11 at the National Academy I think you will find
12 interesting.

13 And Bob Kipp; we welcome Bob. So, I
14 was telling him this morning from the Common
15 Ground Alliance, Bob has how many of his Board
16 members here? At least four or five of your
17 Board members are here, Bob, so be on your best
18 behavior. That is all I know.

19 We have a fairly full agenda today.
20 The agenda is in front of you and on the board
21 but I wanted to give -- I gave the members an
22 opportunity to talk yesterday and since they

1 couldn't be here and Bob is on the agenda, Mark,
2 I thought I would offer you, if you wanted to
3 take a few minutes to kind of give us an update
4 on what EDF is up to.

5 MR. BROWNSTEIN: Yes, thank you for
6 that. And I apologize to everyone for not having
7 been able to make it down here yesterday. My
8 colleague, Jonathan Peress has been here and he
9 has given me a full briefing on everything that
10 was discussed. It sounds like it was an
11 interesting part of the meeting and I am sorry to
12 have missed it.

13 I just wanted to tee up two issues
14 that are front and center for EDF, as it relates
15 to why we are here.

16 The first is, as you know, we have had
17 a series of ongoing studies looking at methane
18 emissions across the natural gas supply chain.
19 And I think at the last committee meeting, I had
20 a chance to give you all a little bit of a
21 briefing on that, particularly as it relates to
22 the local distribution system and the work that

1 we have been doing with Google to actually go out
2 and map emissions across the local distribution
3 system. And we have a tremendous partnership
4 with National Grid and Xcel and a number of other
5 companies in that and we are very grateful for
6 the utilities that have partnered with us on
7 that.

8 We continue to do that mapping work
9 and Google, we just had meetings with them a few
10 weeks ago and they continue to be enthusiastic
11 about the work. And so that work will continue
12 and, over the course of the year, you will see
13 more maps from more utilities around the
14 companies around the country being presented.

15 But beyond raising awareness of the
16 issue, what we are now in the process of doing is
17 again working with a number of utilities to
18 figure out how do we take what we have learned
19 and incorporate it into the safety programs, the
20 pipeline repair and replacement programs that the
21 utility industry has.

22 And I am pleased to say that a number

1 of companies have stepped forward now to work
2 with us in that effort. One company has even
3 gone so far as to share with us their safety
4 algorithm and we are actively looking at how we
5 incorporate the techniques that we have
6 developed, one that allows us to size leaks, as
7 well as detect them, and figure out how to use
8 that information in a constructive way to make a
9 utility pipeline repair and replacement programs
10 that much more effective and efficient. And our
11 own believe is is that if we can make that much
12 more effective and efficient, it makes it easier
13 to make the argument in front of public service
14 commissions that this is money well-spent and,
15 hopefully, we can convince public service
16 commissions to accelerate these programs and do a
17 much better job of getting to the biggest
18 problems sooner. That is the first thing.

19 The second thing is no doubt many of
20 you were aware of the EPA's announcement of new
21 methane standards for new and modified sources in
22 the oil and gas industry. What also happened on

1 the day of that announcement was the release of
2 the last of our major studies that was focused on
3 the gathering and processing sector. And if you
4 had a chance, there was a study done by Colorado
5 State University, and if you haven't had a chance
6 to see it, I can certainly make sure that the
7 committee gets a link to the study.

8 One of the things that we have learned
9 is that emissions, particularly from the
10 gathering sector are much higher than what EPA
11 has currently been estimating and that is, in
12 large measure, due to two basic factors. The
13 first is is that emission rates from gathering
14 facilities, particularly compressors, are much
15 higher than what has been estimated and there are
16 many more of these compressors out there that are
17 currently in EPA's emissions inventory.

18 And this begins to highlight a topic
19 that I have brought up in committee meetings in
20 the past and, frankly, I will continue to harp on
21 it, we don't really have a very good inventory of
22 gathering infrastructure in the United States.

1 We certainly don't have a national inventory and
2 when I talk to states, many states don't have the
3 inventories. And the gathering infrastructure is
4 not inconsequential in terms of its environmental
5 impact, nor, I would argue, its safety impact.
6 And I think that we, collectively, can do a much
7 better job of better understanding where this
8 infrastructure is, what condition it is in, and
9 that is going to be good from both safety and
10 environmental points of view.

11 So the study, you will note, the study
12 does not make any representations about what
13 emissions are coming from the pipeline system
14 itself because the researchers didn't have good
15 enough data to be able to make those estimates.
16 But when you do look at the study, you will see
17 quite a bit of information on the compressors and
18 associated equipment. And again, the message
19 there is, is we have got a lot of work to do.
20 Gathering and processing, actually, as it turns
21 out, is the single largest fraction of methane
22 missions coming from the oil and gas sector,

1 bigger than production. And EPA's new rules do
2 affect that to some degree but, clearly, this is
3 going to be an area of focus for us and for
4 policymakers going forward.

5 MR. WIESE: If you'll allow, before I
6 call to order and turn it over to Massoud,
7 though, you may have mentioned early on when I
8 was chatting here, but I know that the next step
9 for EDF was putting together a synthesis of all
10 the studies. Can you give us a little insight
11 into the timing on that study?

12 MR. BROWNSTEIN: Sure. So, we are
13 working with NETL on that and our hope is to have
14 something in the next several months.

15 We have a little bit of a window into
16 what that synthesis might tell us because we did
17 a sort of a pilot exercise, where we looked at
18 emissions in the Barnett region, which is North
19 Texas, and we used a similar technique to what we
20 are going to use to synthesize the data overall.

21 In North Texas, in the Barnett, what
22 we learned from both our ground-level

1 measurements and then the measurements that we
2 did using aircraft overflights is that emissions
3 in the Barnett are probably 50 percent higher
4 than what EPA emissions inventories are
5 estimating.

6 You will note that about a year and a
7 half ago, Stanford University did a study in
8 which they thought emissions were about somewhere
9 between 25 and 75 percent higher than what EPA's
10 emissions inventory was reporting. The Barnett
11 suggests it is about 50 percent higher. So, we
12 don't know what the full synthesis is going to
13 tell but we can definitely see a direction here.

14 And it underscores the value of the
15 rulemaking that EPA is engaging in, as of last
16 week.

17 MR. WIESE: Great. Okay, thank you,
18 Mark. And, hopefully, we can count on you when
19 you are done with the synthesis study. Next time
20 we meet, we can ask you to present the findings
21 of that. Okay, thank you so much.

22 So with that, maybe I will go back to

1 a formal meeting and turn it over to my esteemed
2 colleague, Massoud. To you, sir.

3 MR. TAHAMTANI: Thank you, Jeff. This
4 is a joint meeting of the Gas and Hazardous
5 Liquid Pipeline Advisory Committees. And again,
6 I have to -- Cheryl tells me I have to say all
7 these things. So, turn your cell phones off. If
8 it rings, you will be asked to leave. That is
9 not in the notes. If you wish to speak, you know
10 this now, you put your card up and I will try to
11 recognize you and you will speak. State your
12 name and speak for the record loudly and clearly.
13 If you are in the audience and want to speak
14 again, let me recognize you and I will give you
15 the opportunity to speak.

16 Now, agenda for the second day, we are
17 starting with the briefing by Dr. Paula Gant, who
18 is the Deputy Assistant Secretary with US DOE.
19 Are you ready?

20 DR. GANT: Yes, sir, I am. Thank you
21 for the opportunity. And I think there are some
22 slides that are going to get cued up.

1 MR. WIESE: You'll just have to wing
2 it.

3 DR. GANT: Well, first, just thanks
4 for the opportunity to participate on this
5 committee and to be here today and to share some
6 things that are going on at the Department.
7 Also, I want to introduce Marni Lenahan, who is
8 making sure the slides are loaded -- yes,
9 excellent -- and who recently joined our team and
10 is one of our lead points of contact on the work
11 we are doing around methane emissions in the
12 stream infrastructure. So, excellent! We have
13 slides.

14 So, I am going to start -- there are
15 more slides here than I am going to speak to but
16 we put a good bit of content in here because we
17 knew you would have these slides afterwards. But
18 I always start with this slide, no matter who I
19 am talking to or where I am because it perfectly
20 captures to me the incredibly fortunate and
21 unexpected place we find ourselves as a country
22 that even many of us in this room did not foresee

1 certainly ten years ago but even eight years ago,
2 probably. And we have an incredible abundance of
3 hydrocarbons that we are able to produce very
4 efficiently, very effectively. And the story
5 that many people do not focus on, outside of
6 people like you in this room is that the reason
7 we are able to turn this into almost immediate
8 economic value and enhance our national security
9 is because we have a robust infrastructure to
10 deliver these hydrocarbons where we need them and
11 no one else in the world has this.

12 Not only do we have the resource, we
13 have the infrastructure and companies like you
14 and interests like you continue to build on an
15 infrastructure and ensure not only is it safe but
16 it is resilient and it is efficient and that is
17 what allows us to really capitalize on this
18 incredible abundance. We get it where we need
19 it.

20 So, at the Department, this, of
21 course, was not lost on Secretary Moniz, who is
22 very well aware of the importance that this

1 infrastructure plays. So, when the President
2 directed the Secretary to conduct a Quadrennial
3 Energy Review, the Secretary made the decision
4 that the first one would focus on transmission,
5 storage, and distribution infrastructure and
6 really shine a spotlight on the role that it
7 plays in meeting the needs of our economy.

8 And particularly at a time where
9 people are talking about aging infrastructure
10 overall, as a country, we have a tremendous need
11 to invest in infrastructure and there has been a
12 lot of attention paid to roads and bridges and
13 increasingly ports. But energy-delivering
14 infrastructure generally goes unseen, unheard.
15 It works. It works really well and it is sort of
16 invisible. And so the QER was an opportunity to
17 bring people together to spotlight the role that
18 it plays, talk about things that have gone well
19 and why they have gone well. For example, why
20 have we seen an incredible build-out of
21 transmission and storage infrastructure,
22 particularly for natural gas over the last

1 decade? The regulatory structure has been very
2 supportive of that and there has been an
3 evolution of that, that it was important to call
4 out the success of that. Where do we see
5 opportunities and challenges going forward and
6 what can the federal government do across the
7 board?

8 So the QER wasn't just focused on
9 pipelines and traditional storage. It was also
10 focused on rail and particularly ports. And I
11 think one of the things that came out of the QER
12 was a greater appreciation more broadly for the
13 role that ports play in our energy security and
14 our energy deliverability and things like
15 dredging matters if we are going to move
16 hydrocarbons around between different points,
17 much less if we are moving them out of the
18 country.

19 So, the QER, many of you I know
20 participated in public meetings. It was a wild
21 and interesting ride. It delivered a very
22 prolific amount of information and documentation.

1 I am going to go through some of the results from
2 the QER but first I want to put that in a little
3 bit broader context and talk about the other
4 efforts that the administration has going on
5 around infrastructure and how some of them
6 relates to the President's Climate Action Plan.
7 Out of that, came a directive to reduce methane
8 emissions across the U.S. economy and the to
9 develop a federal strategy for that that was
10 interagency, which was released last summer, a
11 little over a year ago.

12 As part of that, DOE has initiated, at
13 the Secretary's direction, a natural gas
14 modernization initiative, which is focused on the
15 downstream production infrastructure because
16 others are focused upstream of processing.

17 We also have a very robust and long-
18 standing, increasing reinvigorating our long-
19 standing collaboration with PHMSA around R&D and
20 we have the Quadrennial Energy Review that we
21 just finished.

22 So, the President's Climate Action

1 Plan, I am not going to spend a lot of time on
2 this but it is an important guide for us and the
3 emphasis on our work on infrastructure. It is
4 not just about efficiency and resilience, it is
5 also particularly with regard to natural gas
6 delivery systems, making sure that we are making
7 the investments and implementing the policies
8 that will allow us to maximize the climate
9 benefits of expanded use of natural gas across
10 our economy. There are tremendous benefits,
11 particularly electricity and switching away from
12 dirtier fuels to natural gas. But to the extent
13 that we can reduce methane leakages along the
14 natural gas value chain, we will only enhance the
15 climate benefits of that expanded use. So, that
16 is an important driver for our work on our
17 Midstream Infrastructure Program.

18 I can't miss an opportunity to share
19 a picture of our Secretary and his amazing hair
20 that gets so much excitement and interest. I can
21 tell you having the opportunity to serve is an
22 incredible pleasure and honor and the pleasure

1 comes, in great part, from being able to work
2 with Dr. Moniz and Secretary Moniz. He is an
3 amazing leader and, I think, a very capable one
4 for the Department. I think, as a country, we
5 are very fortunate to have him in this position.

6 He convened, as part of the
7 President's Methane Strategies, a series of
8 roundtables over the course of last spring and
9 the summer. Some of you here participated in
10 those conversations. Again, the intention was to
11 focus on where voluntary action could be taken
12 and where federal support could be provided to
13 reduce methane leakages downstream of production
14 on storage, transmission, distribution
15 infrastructure. And out of that discussion, one
16 of the things that I think that became clearly
17 apparent to people that hadn't thought -- that
18 weren't necessarily familiar with natural gas
19 system operations and processes is that to the
20 extent that you are focused on reducing leakages,
21 safety is the driver and it guides, certainly,
22 all of your actions around the table but it is

1 the first and foremost thing on your mind, the
2 regulator's mind, the public's mind. And if we
3 are doing a good job around safety and
4 approaching those investments smartly, then we
5 are also getting the associated methane leakage
6 emissions reductions benefits.

7 So, it is important that we, I think,
8 the team understands or the group that was
9 convened understands more fundamentally how
10 safety is the driver and, therefore, that factors
11 into the work plan that we have developed.

12 So, the modernization initiative, what
13 we are calling the Natural Gas Modernization
14 Initiative, the wording here is conscious as
15 well, that we have this tremendously abundant
16 resource, we have a 21st century economy. The
17 question is, do we have a natural gas delivery
18 infrastructure that is 21st century and that is
19 going to service for decades to come and where
20 can we add DOE help.

21 And I am going to talk about --
22 highlight some of the things we are doing. Later

1 on in the deck there is a list of these and how
2 they apply, how they were reflected in the QER
3 but I wanted to spend the time on the actions we
4 are taking and leave the QER reading for later.

5 ARPA-E, which is our Advanced Research
6 Projects Agency focused on energy innovation
7 issued a solicitation last year and 11 projects
8 were chosen this summer to focus on low-cost
9 methane sensing for the oil and gas sector.

10 Importantly, this isn't just about a low-cost
11 sensor. It is also about developing neural
12 networks so those sensors talk to one another and
13 you can get a sense of what is going on in the
14 facility or along a pipeline. And then the next
15 step will be turning that into useful information
16 that give you some sort of predictive analytics
17 and ability to make smarter investment decisions,
18 ultimately.

19 Also, FERC issued a policy statement
20 addressing alternatives for cost recovery for
21 midstream natural gas infrastructure upgrades
22 that reduce leakages and emissions. We hosted

1 last year a roundtable to get a sense from many
2 of you and others about what the gaps are on
3 methane remote detection and measurement and
4 where we can focus. The results from that can be
5 integrated into our FY16 and 17 budget request
6 for the office that I manage, which is the Office
7 of Oil and Gas at DOE, and we have initiated a
8 partnership with NARUC.

9 I'm not going to spend a lot of time
10 on this, other than to say that this is the data
11 that we are building on and figuring out where we
12 need to focus.

13 As Mark said, there are a good bit of
14 emissions from natural gas processing that
15 haven't got a lot of attention and that people
16 are starting to focus on more. We are interested
17 in ways that we can continue to integrate new
18 information into our life cycle analysis and
19 modeling, as well as contribute to R&D
20 developments in this area.

21 These I want to quickly hit because I
22 know I am sort of short on time, Mark. I mean I

1 know Mark -- he has already had his time. Right,
2 he went before me.

3 So, the QER, there is a couple of
4 buckets of QER recommendations that we wanted to
5 spotlight again. The document is very voluminous
6 and there is a lot of recommendations. But with
7 regard to -- we pulled out some that were related
8 to pipeline infrastructure.

9 And there was an observation that
10 there is a need to improve the quantification of
11 emissions from natural gas infrastructure. And
12 particularly how this translates through to our
13 program is that there is a need expressed by
14 industry and others to update emissions factors
15 that are then relied upon in developing the EPA's
16 greenhouse gas inventory. Any of you who know
17 what it takes to update an emissions factor, the
18 amount of field work to know that \$10 million is
19 a drop in the bucket but we think it is an
20 important start and something that industry has
21 said to us would be very useful.

22 Also, on our expanded -- and I guess

1 going back up to the emissions data piece, the
2 other thing that Mark alluded to that we are
3 working on is through our National Energy
4 Technology Lab, NETL, which leads the intra-lab
5 working group among the federal labs on lifecycle
6 analysis for greenhouse gas emissions. We are
7 looking and we have one of our scientists
8 engaged, actually in the synthesis work that Mark
9 referenced to develop a framework to help people
10 understand the difference between the top-down
11 and bottom-up measurements of greenhouse gas
12 emissions, which are done for different purposes
13 and often generate different results and have
14 created quite a lot of confusion in the press and
15 in the public about why these measurements
16 differ.

17 So, one of the things that we are
18 focused on is providing frameworks, our
19 information to help people understand what the
20 differences are between those types of analysis
21 and how to think about them at the same time.

22 So, we are very excited about the work

1 that we are engaged in with EDF on this synthesis
2 project as well as other work we have going on in
3 this space.

4 When it comes to our R&D program, we
5 are still refining exactly the types of projects
6 that we are going to focus on. These types of
7 input sessions are very useful for us in thinking
8 about where exactly the Office of Fossil Energy
9 can help, what the federal role is. But out of
10 the roundtables that the Secretary held last
11 year, one of the things that was highlighted was
12 the need to have an alternative to hydrostatic
13 testing when smart pigging is not an option. And
14 that is why I was interested in the work that was
15 referenced at the API group yesterday because,
16 ultimately, we want to make sure that we are
17 additive to efforts that you have underway and
18 not duplicating them. But that certainly seems
19 to be an area where there is an opportunity,
20 whether it is through new technologies or simply
21 through thinking about the available technologies
22 and practices in a different way in having

1 decision tools to know when they apply so that we
2 can reduce the significant methane losses that
3 occur when systems have to be evacuated and blown
4 down.

5 With regard to demonstrating and
6 deploying continuous emissions monitoring and
7 equipment, another recommendation from the QER,
8 this is where the ARPA-E projects are really
9 focused. And again, across the Department we are
10 trying to make sure that our different programs
11 are lined up in different pieces of this problem,
12 that we are not duplicating. So, we have ARPA-E.
13 We have our Advanced Manufacturing Office looking
14 at next generation compression technologies. We
15 have our program in fossil energy. And then we
16 have an \$8 billion fossil fuel solicitation out
17 through the Loan Program Office, which projects
18 like this in new technologies would qualify for.

19 And then there is also an appreciation
20 that to the extent that we want to accelerate
21 replacing aging infrastructure, particularly in
22 urban areas where there is a high incidence of

1 low-income populations, that some rate relief may
2 be useful.

3 The other bucket of recommendations
4 that we wanted to point to around the QER relates
5 to improved data collection, analysis, and
6 coordination. I would be preaching to the choir
7 if I said much more about this. Obviously, you
8 all spent a lot of time thinking about this. The
9 application here and representation is focused a
10 bit on environmental applications or insights but
11 it is what you all do every day.

12 Jeff and Linda and I and our team have
13 an ongoing conversation about how we can be
14 collaborative and support the efforts that PHMSA
15 has here. For example, through the work that we
16 do in our national labs on big data analytics
17 and, like I like to say, our super computers
18 because we have a super computer in our office
19 and that is totally awesome and I just want to
20 have reason to say I am using it.

21 (Laughter.)

22 DR. GANT: And so we are very excited

1 about the sort of what I would say the next phase
2 of our R&D, which I have talked to many of you
3 around the room about, which is really taking all
4 the data -- we are a data-rich society right now
5 across the board. The challenge is for us to
6 turn that into value. And so how do we turn all
7 the data that you are collecting from your
8 operations, whether it is safety-driven or
9 environmentally driven into better decision
10 tools. How do we turn it into information that
11 provides some predictive analytics for you, so
12 that you can make better risk-based decisions on
13 where you are going to invest your time and your
14 energy, whether it is around DI and M4
15 compressors, whether it is about when to use
16 smart pigging when you can't, when do you need
17 hydrostatic testing, or it is about meter
18 replacement for distribution utilities or how you
19 think about maximizing the dollars that we are
20 spending on upgrades, repair, and replacement.

21 So, this is sort of the next level of
22 thinking that we are doing about our program and

1 very interested in what I am hearing around this
2 table today to feed into our thinking on that.

3 And with that, I am going to quickly
4 end with slide 11, just to say that our office
5 also has responsibility for authorizing the
6 imports and exports of natural gas. A lot of
7 focus has been paid to large-scale natural gas
8 liquefaction capacities and exports opportunities
9 but increasingly, we have seen a number of small-
10 scale applications come before us for exporting
11 CNG, our ISO container LNG, which, in addition to
12 the safety responsibility that PHMSA has for the
13 facility, there is also the transport piece of
14 that. So, it is an area where we will have
15 increasing collaboration. And for our team, this
16 is the first time we are responsible for doing
17 the environmental assessments for these
18 facilities as well, to the extent that they don't
19 get a categorical exclusion.

20 So, our team, we have issued our first
21 EIS this summer on one of these projects and this
22 will be an area of increasing for us.

1 From a policy perspective, and a
2 regional security perspective, these small-scale
3 facilities also have an important role to play in
4 the Caribbean as we look for ways to move those
5 islands off of dirtier fossil fuels and expensive
6 ones like naphtha diesel, not just from an
7 emissions perspective and an affordability
8 perspective, but also because there is obviously
9 a great deal of concern about stable supplies of
10 petroleum in that part of the world, given other
11 things going on.

12 So, an interesting thing. We are
13 turning from large-scale projects to small-scale
14 projects and because I know everyone always wants
15 to know how much exports we have approved, we
16 have approved for export from the United States
17 to non-free trade agreement countries 9.998 Bcf a
18 day of exports. So, there we go.

19 Thanks for the opportunity to share.

20 MR. TAHAMTANI: Thank you, Paula. Any
21 questions for Paula?

22 Again, to start the blood flowing, I

1 will ask a question. Paula, on one of your
2 slides that is a couple of slides back,
3 recommendations to help produce methane
4 emissions, the last bullet talks about two and a
5 half to two and a half billion competitive
6 funding program to help LDCs achieve dual goals
7 of safety and lower emissions. What do you mean
8 by competitive funding?

9 DR. GANT: So, there are some
10 discussions happening in the process of the
11 energy legislation development around the
12 potential for having some sort of competitive
13 grant or other programs that would be made
14 available to states to offset the impact on low-
15 income customers of accelerating infrastructure
16 replacement programs.

17 And those are -- it is a concept right
18 now that is being developed.

19 MR. TAHAMTANI: Thank you. Jeff?

20 MR. WIESE: Well, first of all, I just
21 wanted to thank Paula both for the presentation
22 but also for her willingness to join in on the

1 group. I have known Paula for a long time and I
2 was really happy to see her get pointed into DOE.
3 We used to have a really strong partnership with
4 DOE and it kind of fizzled over the years when
5 the R&D program kind of went away there. So, we
6 are happy to have a partner in R&D. We have
7 collaborated for a long time. I think having
8 Paula there will reestablish that sort of
9 coordination.

10 We also got to know APRA-E and just
11 see the potential that they can deliver in this
12 equation.

13 So, I think it is probably brutally
14 apparent to everybody but it is my job to
15 underscore the obvious. So, I will just say that
16 Paula and I have talked a lot about this. It is
17 the confluence of all of these things coming
18 together to provide really a prime opportunity in
19 this country to modernize our infrastructure that
20 adds benefits, whether it is methane emissions,
21 whether it is safety, whether it is domestic
22 energy, I just think it is a ripe moment in time.

1 So, anyway, I just wanted to largely
2 thank you for the cooperation and partnership.

3 MR. TAHAMTANI: Thank you very much.
4 Go ahead.

5 MS. JOY: Thanks very much for the
6 report, Paula. Michele Joy, Liquids Group.

7 I just wanted to know if you could
8 give two minutes on the bottoms-up versus tops-
9 down measurement. You just sort of went over it
10 quickly and I don't really know what that is.

11 DR. GANT: Sorry about that. I have
12 been working on these methane issues since the
13 beginning of time, as some of you in the room
14 know, so they are shorthand.

15 So, there are these aerial flyover
16 other atmospheric measurements that are done that
17 give you a regional profile of emissions. And
18 Mark is going to step in here, whenever I
19 oversimplify, I am sure, or Laurie or someone
20 else. And they are done for particular reasons,
21 generally, they have traditionally been done from
22 a sort of atmospheric climate perspective and

1 they give you a sense of you, of what an
2 emissions profile is for a region or an area.

3 The other way to go at it is bottom-
4 up, by source, by point source and build a
5 picture from the ground up, either by direct
6 measurements or extrapolation from emissions
7 factors or activity factors of what the emissions
8 profile is for a particular area.

9 When you build bottom-up or top-down,
10 you get to different results and so that then, is
11 reported as well, this analysis that is a bottom-
12 up analysis says emissions for this type of
13 activity are X and the top-down approach says it
14 is X plus. Why is that? Who is hiding the
15 walnut and where are they hiding it? And it has
16 generated a lot of confusion.

17 And what our office is trying to do,
18 working with many of you around the room is
19 minimize the bounds of uncertainty. So, we are
20 actually focusing our efforts on this issue on
21 constructive action, rather than a debate about
22 exactly what the number is.

1 MR. BROWNSTEIN: Yes, and if I may
2 just jump in here. Mark Brownstein with EDF.

3 Since we have been doing a lot of
4 these both bottom-up and top-down, invariably the
5 top-down, the overflight work, and sometimes it
6 is meteorological towers, too, it is not always
7 aircraft, but invariably, the top-down work shows
8 higher numbers, as Paula implied in her example.

9 The Barnett study that I mentioned a
10 few minutes ago was a first effort to try to
11 reconcile these two different methodologies and
12 it is a series of papers that were published
13 about a month ago. And the researchers were able
14 to reconcile the top-down and the bottom-up
15 numbers. In practical terms, there are at least
16 a couple of reasons why the numbers differ. One
17 is because a characteristic that we see
18 throughout our studies are that in every study
19 that we have done, a significant fraction of
20 emissions tends to come from a relatively small
21 number of sources that are, for lack of a better
22 term, sort of randomly distributed. They

1 typically are system upsets of one form or
2 another or malfunctioning equipment. And this is
3 not something that traditional emissions
4 inventories capture very well, nor is this
5 something that we have enough data to be able to
6 predict the incidents of this or the magnitude of
7 this.

8 There is also some reason to believe
9 that, at least in the Barnett, you are not
10 capturing abandoned wells accurately. And also,
11 there are some issues with inventory around
12 things like storage tanks. And again, this goes
13 back to if you have better information about the
14 number of pieces of equipment on the ground, it
15 may be possible to do a better job of reconciling
16 what the top-down and the bottom-up are telling
17 you.

18 DR. GANT: So as a project example, in
19 addition to some of the analytical work we have
20 going on, we are in the middle of a two-year
21 analysis of the Marcellus, where we have
22 measurement by flyover, by tower, we have a

1 trailer driving around so we can contribute a
2 picture of what is happening in the Marcellus.
3 Abandon wells, people think are likely an issue
4 in the Marcellus, for example, but we need to be
5 able to separate out sort of fact from hyperbole
6 here and that is what the analysis is trying to
7 do and put the results of all this analysis in
8 context, which I think is really important.
9 Everyone is busy generating results and we are
10 trying to help focus on what do these results all
11 tell us about the larger picture. What are we
12 actually learning and where should we focus?

13 MR. TAHAMTANI: Thank you. Rich.

14 MR. WORSINGER: Thank you and thank
15 you, Paula. Rich Worsinger, City of Rocky Mount.

16 Paula, first let me say thank you for
17 your presentation and I am glad to hear that DOE
18 and EPA are going to work together to update the
19 quantification of emissions from the natural gas
20 infrastructure because both as you and as Mark
21 pointed out, it is so important to know exactly
22 where those emissions are coming from. It is

1 important for us in industry, so that we are
2 devoting our dollars, our resources towards
3 eliminating those leaks and I would just like to
4 urge you to, as you work through that, to involve
5 industry, involve AGA, involve APGA because we
6 want to work with you to make sure that the
7 assumptions that are being made are correct.

8 One assumption that has been made is
9 that lost and unaccounted for gas is all leakage.
10 And unfortunately, that is not true. The
11 difference between the gas we receive from our
12 supplier and then summing up all the meters that
13 we register what we bill to our customers, those
14 meters, unfortunately, are not that accurate.

15 And I always liken it to people. As
16 I get older, I realized I am getting a little bit
17 slower and the same thing happens to our gas
18 meters. They are mechanical devices and as they
19 get older, they get a little bit slower and we
20 are allowed that plus or minus two percent in the
21 accuracy of those meters.

22 So, again, I just urge you, as you

1 work on this, get with industry. Let us help you
2 evaluate those numbers and let's make sure we are
3 getting those assumptions correct.

4 DR. GANT: Thanks, Rich. With regard
5 to any efforts to update emissions factors, it
6 will absolutely require the engagement of
7 industry because it is based on actually going
8 out into the field. It is quite complicated, I
9 know from my work previously. As you know, if
10 you find a leak, the job is to fix it, not to
11 call some researchers in to come measure it.
12 Right?

13 So, these things take an incredible
14 amount of coordination and collective will to get
15 this work done. So, appreciate your interest and
16 we will certainly need to call on it.

17 I would also say that in the issue of
18 LUIAF, EPA and DOE understand very well that that
19 is not an indicator of emissions. That doesn't
20 mean that it doesn't surface occasionally by
21 people that don't know what LUIAF is, lost and
22 unaccounted for gas.

1 But the people that are working on
2 this at a regulatory level understand that. So,
3 we can just keep focused on -- you know, take
4 some comfort in that knowledge.

5 MR. TAHAMTANI: Thank you, Paula,
6 great discussion. We will just move on to our
7 next briefing, which is by representative of a
8 subcommittee of the committee here on midstream.
9 And it is done by Linda, Chad, and Todd. Who is
10 going first?

11 MS. DAUGHERTY: I am.

12 MR. TAHAMTANI: You are.

13 MS. DAUGHERTY: But that is not what
14 my agenda says.

15 MR. DENTON: Did Chad agree to that?
16 Yes, he did. Okay.

17 (Laughter.)

18 MR. TAHAMTANI: What does your agenda
19 say, Linda?

20 MS. DAUGHERTY: I think I have an old
21 agenda.

22 MR. TAHAMTANI: I think you do.

1 MS. DAUGHERTY: So, I had the pleasure
2 of working with a number of people on what
3 originally arrived at our doorstep as a
4 challenging situation. The industry had
5 approached PHMSA over a year ago -- when was
6 that, about a year and a half? Yes. Time flies
7 when you are having fun, doesn't it -- about a
8 situation which there appeared to be overlapping
9 regulations midstream facilities, processing
10 facilities. And at our last advisory committee
11 meeting, we gave you an update on where we were
12 and the advisory committee sponsored a
13 subcommittee to look at the issue and see if we
14 could come up with some good solutions or
15 proposal.

16 So, the representatives for the
17 subcommittee are Todd Denton and Chad Zamarin,
18 who are currently will be speaking on the
19 presentation here. I was the PHMSA
20 representative in the working group.

21 We had a number of people on our small
22 committee. We kept it fairly small so we could

1 have good tight discussions. We had industry
2 representatives. We also had OSHA
3 representatives. And we had a healthy discussion
4 on how we could address overlapping jurisdictions
5 and the best way to achieve a common safety goal.

6 We had the charter, and Jeff actually
7 came up with this at the very beginning, he said,
8 look, our goal is safety. When you have a
9 facility that has overlapping regulations with
10 another federal facility, you want to end up with
11 no gaps, no overlaps. It is not good government
12 to send out federal regulators for multiple
13 agencies to check safety regulations that are
14 basically equivalent, where you can avoid it. It
15 is a waste of resources, both on the federal side
16 and, therefore, the taxpayer or the funding side,
17 but also on the company side as well and
18 oftentimes, overlapping regulations can create
19 confusion and contradictions among the people who
20 are trying to operate a safe facility. So, our
21 goal was to come up with clarity and look at no
22 gaps or no overlaps.

1 Through our discussions, we did
2 identify that both PHMSA and OSHA have
3 regulations that apply to these midstream
4 processing facilities, both gas and liquid. We
5 looked at various ways of seeing if we could cut
6 the baby in half and, in the end, determined that
7 the best way to do this would be to develop
8 guidance that PHMSA would issue to its staff that
9 would say here is a policy on how we will
10 approach midstream processing facilities.

11 It's very important that everyone
12 understand that the guidance that we propose is
13 not legally enforceable. This is not a change in
14 our jurisdiction or our statutory authority. It
15 is a policy. It is not implying a change in our
16 regulation. We did originally pursue an option
17 which would have created an agreement between
18 OSHA and PHMSA relative to our formal regulatory
19 oversight but soon ran into legal issues where we
20 could not do that because of the statutory
21 authorities. So, we decided to end up with a
22 next best solution, which was policy guidance.

1 The goals of the committee, as we
2 established, were pretty clear. We decided that
3 we first needed to evaluate the net safety
4 equivalency of the regulatory oversight for these
5 facilities between PHMSA and OSHA. In other
6 words, if PHMSA stepped back from their oversight
7 inspections on these facilities, were we assured
8 that OSHA inspections provided the equivalent
9 safety, the equivalent net safety.

10 A lot of times when people think of
11 OSHA inspections, they think only of personnel
12 safety and so that was one of the first questions
13 that PHMSA had to look at. We look a lot at the
14 processing safety, the how things are done, the
15 procedures, the physical safety. Would be OSHA
16 requirements meet that need? And by doing a
17 side-by-side comparison and going through those
18 items, we were able to determine that the net
19 overall safety was equivalent. Therefore, we
20 were comfortable with the idea of PHMSA stepping
21 back an saying okay, OSHA would take the
22 inspection authority for these facilities in this

1 area.

2 We also had to identify where we would
3 have the handoff point. We talked about
4 situations in which a transportation pipeline
5 might cross through a facility but not actually
6 interact with the processing facilities. Would
7 that remain with PHMSA or would it go to OSHA as
8 far as safety inspection oversight? By the way,
9 we are going to cover all of these in subsequent
10 slides but this is just the overview.

11 We also had to look at storage and
12 related piping and that one was a particularly
13 challenging issue simply because PHMSA does have
14 statutory and jurisdictional oversight over
15 storage. OSHA looks at storage as part of its
16 PSM regulations.

17 There are a number of agencies that
18 look at midstream processing facilities. PHMSA,
19 as we mentioned before, which is related to
20 transportation, OSHA and EPA also looks at
21 certain aspects of midstream facilities through
22 its RMP regulations. We did not have EPA at the

1 table. So, we are not really going to talk about
2 EPA's oversight. This is strictly focused on
3 PHMSA and OSHA overlap.

4 And I think this is where I switch
5 over to -- Todd, are you next or Chad is next?

6 MR. ZAMARIN: I'll jump in now. Chad
7 Zamarin with Cheniere Energy.

8 As Linda mentioned, we focused on
9 developing a set of guidance and we have proposed
10 a draft set of FAQs that could be issued by PHMSA
11 to inspection and enforcement staff, as well as
12 to industry stakeholders. And our expectation
13 would be that these would be issued and then
14 operators would be encouraged to identify
15 demarcation points within their drawings to
16 identify demarcation points within their
17 facilities to provide -- these are, you will see,
18 a high level set of FAQs but I think they imply
19 it is a framework, a basis by which operators and
20 inspection and enforcement staff can clarify on a
21 facility-by-facility basis the delineation of
22 OSHA PSM and PHMSA 192, 195.

1 So, we have proposed seven FAQs.
2 Taken together, we think these do a good job of
3 clarifying the understanding of regulatory
4 oversight for inspection staff, inspection
5 enforcement staff as well as operations
6 personnel. I will just jump straight into them
7 and then I am going to hand it off to Todd when
8 we get about halfway through.

9 The one thing, and I said this
10 yesterday, I would just say that from a process
11 perspective, I am going to step back just one
12 second, I think we have presented twice now to
13 provide updates to this group and this is kind of
14 our final presentation. I would say that having
15 been a part of it, there were ups and downs.
16 There were times when we weren't sure we would
17 get to a solution but I think this committee and
18 a subcommittee acting on behalf of this committee
19 really provided a vehicle that allowed us to get
20 through those challenges.

21 So, we have done a lot of things in
22 just a short time that I have been a part of this

1 committee but I think this can be a good example
2 of a way that we can bring different stakeholders
3 together under the support and direction of these
4 joint committees and solve challenges. And these
5 are challenges that aren't trivial. I mean these
6 are issues that are happening every day in
7 facilities across the industry. So, just to
8 point that we had a really diverse group of
9 stakeholders and I think that the process was
10 pretty helpful.

11 The first thing that we did with the
12 FAQs is we needed to define what processing and
13 processing facility was. You will see -- I won't
14 read the details here but effectively, what we
15 said is that we are excluding refining. So,
16 PHMSA does define refining, the chemical
17 conversion of products. We weren't talking about
18 refineries. We are talking about facilities and
19 equipment that you can see treats products,
20 dehydration of products, that blends products,
21 that purifies products and removes condensates.
22 It is a broad definition but you can see here we

1 deliver a definition of processing.

2 We also note that where there is
3 ambiguity, OSHA PSM has an applicability standard
4 for processing facilities. So, that is going to
5 be important for operators to refer to and, in
6 the event that it doesn't apply from an OSHA PSM
7 perspective, then the PHMSA regulatory framework
8 would govern.

9 The second FAQ is how to delineate the
10 boundary and we talked about where that handoff
11 point might be. And Linda mentioned we looked at
12 a lot of different scenarios, we looked at a lot
13 of different facilities for examples and we came
14 up with what we think is a fairly simple
15 delineation and it is that the delineation would
16 occur at the first -- sorry -- yes, the first
17 pressure control device entering the facility and
18 the last pressure control device exiting the
19 facility.

20 So, when you think about how we enter
21 into a processing facility, there is pressure
22 control that protects the pipeline upstream and

1 the facility downstream on either side of the
2 facility. And that would be the delineation
3 point that operators would identify.

4 This is a concept that is, I think,
5 relatable to operators. We do this, though PHMSA
6 regulations traverse through a compressor
7 station, we frequently identify the pressure
8 control that protects the pipeline from the
9 facility so the concept, I think, is something
10 people will relate to.

11 MS. DAUGHERTY: I want to jump in
12 here. The committee debated, at some length on
13 an issue. I guess we didn't debate it. We
14 discussed it. There had been discussions outside
15 of the committee about whether the delineation
16 should be at fence and all three parties, OSHA,
17 PHMSA, and the industry representatives all
18 agreed that fence line boundaries absolutely have
19 -- they are invisible as far as safety oversight.
20 It doesn't matter if there is a fence or not.

21 So, for the purposes of this, we did
22 identify a hard device, as Chad pointed out, that

1 you can identify readily on a map. When an
2 inspector comes in, you can say this is where we
3 are stopping and starting.

4 MR. ZAMARIN: Yes, thanks. And I
5 think, a great point because the concept that I
6 think we landed on is that if there is no device
7 that is protecting the facility from the
8 pipeline, then it is an integrated system and it
9 has to be -- regulatory oversight has to be
10 applied across those consistently.

11 So, I think it is the right way to
12 delineate between the two regulatory oversight
13 frameworks.

14 And then we started to look at,
15 though, different situations where there may be
16 piping, for example. And FAQ 3 is if there is
17 piping that bypasses a pressure control device
18 and facilities have this piping, if we need to
19 perform maintenance or we need to move product
20 past a facility, there is, oftentimes,
21 infrastructure that bypasses those pressure
22 control devices, many times called a bypass line.

1 We introduced this concept of
2 predominate use. We basically said if there is
3 infrastructure that is used to bypass the
4 pressure control on a predominate basis, then it
5 would continue to be subject to the regulatory
6 oversight of PHMSA 192 or 195.

7 Also, if a facility is taken out of
8 service and piping is used to effectively bypass
9 what was a processing facility, it is now in
10 transmission service and it is going to be
11 subject to PHMSA 192 or 195.

12 And I am going to kick it over to Todd
13 to kind of wrap these up.

14 MR. DENTON: Okay, thanks, Chad.

15 As Chad talked about FAQ 2, that was
16 really the easy answer right where you have got a
17 normal situation of piping coming into a
18 facility. You have a pressure control device and
19 there is an easy delineation but we often know
20 that piping can be used oftentimes for both
21 processing and transportation. So, that is where
22 a lot of the conversation tended to focus.

1 So, FAQs 3 and 4 tried to address
2 those and Chad talked about that piece of it.
3 This is kind of the flip side of 3. So, where
4 this FAQ addresses the case where the piping may
5 occasionally bypass a processing unit. So, a
6 good example may be where normally a pipe is used
7 to feed a processing unit, maybe it is down for a
8 turnaround for two or three weeks every 18
9 months, something like that, but during that time
10 it is bypassing the facility. It is going from
11 one regulated pipeline to another regulated
12 pipeline. We are still saying that is an
13 occasional use. It is not predominately used for
14 transportation. That would still be PSM
15 regulated. So, no gap there because, again, it
16 still falls under the PSM regulation.

17 All right, FAQ 5. So, this one deals
18 with inter-facility piping that connects two
19 processing units but stays on the grounds of the
20 facility. And back to what Linda just talked
21 about, this one talks a little bit about fence
22 line but we intentionally stayed away from that

1 term because we really focus more on how the
2 assets are being used.

3 So, in this case, say you have a pipe
4 connecting to processing facilities, it does not
5 leave the grounds of the facility. It may look
6 like a pipeline and it has a pump, pressure
7 control devices, but it would be PSM regulated,
8 again, because it is used for processing and
9 meets the 195 exemptions, essentially.

10 And then as Linda somewhat referred to
11 to save the two most controversial ones for last,
12 storage got a lot of conversation but, in the
13 end, we took a similar approach where it is about
14 how that asset or that facility I used.

15 So, FAQ 6 addresses the underground
16 storage on the grounds of a facility and if the
17 storage is used for the purpose of managing
18 processing inventory for that facility, then
19 piping would be PSM regulated. However, if the
20 storage is even on the grounds of a processing
21 facility, if it is regulated pipeline in and
22 regulated pipeline out and that is a primary or

1 predominate use, then it would be 195. It would
2 be PHMSA regulated.

3 And then FAQ 7 addresses underground
4 storage offsite. And similar story here. If a
5 pipe from cavern to a processing facility is used
6 only for processing but it is off-site and it
7 does not meet the 195 exemptions, then it is 195
8 regulated. If it crosses a roadway, waterway,
9 things like that, then it would be PHMSA
10 regulated, even though it is connecting from
11 underground storage straight to a processing
12 facility, it traverses public lands and crosses
13 roadways then, again, it is PHMSA regulated.

14 So, next steps. You know first we
15 wanted to get input from this broader committee,
16 get your feedback, confirm support for the
17 document. And I believe, Linda then plans to
18 distribute this document, this guidance for her
19 inspection and enforcement staff and we will do
20 the same on the operator's side. And then we
21 will also look to develop guidance for
22 implementation. You know operators should

1 evaluate their facilities using this guidance as
2 whether they feel that they are making the right
3 determination today of whether it is PSM or 195-
4 regulated.

5 And then to back up what Chad said, I
6 think this process was a little frustrating at
7 times and probably very painful for Linda. And I
8 started to say she was outnumbered because it was
9 six or seven to one at times but it was really
10 more of a fair fight. You know if anybody knows
11 Linda, that was probably even odds. Right?

12 So, it was a great discussion and the
13 process worked in the end, I believe, and we got
14 to the right solution. So, I will leave it at
15 that and open it up for questions.

16 MR. TAHAMTANI: Any questions for
17 Linda, Chad, or Todd on this great work they have
18 done?

19 Go ahead, Chuck.

20 MR. LESNIAK: So, Chuck Lesniak,
21 Liquids Committee. At the beginning you talked
22 about one of the things you were looking at was

1 the kind of assumption I think a lot of people
2 have is that OSHA is about personnel safety. And
3 where did you all -- how did you all address in
4 looking at this? Because one of the questions I
5 have got is okay, are we kind of abdicating
6 environmental protection and other issues that
7 PHMSA looks at that maybe OSHA doesn't focus on
8 as much or is that just a misconception on my
9 part?

10 MS. DAUGHERTY: It's a very good
11 question. When we consider that very carefully
12 because we had to look at whether there would be
13 a gap in the safety oversight, relative.

14 PSM, it is a very big picture type of
15 regulation and so they do look at the various
16 aspects. They look at it a little bit
17 differently than PHMSA regulations do but they
18 get to the same safety outcome. We did a line-
19 by-line comparison of the different requirements
20 to make sure that we weren't missing anything
21 major. The question about personnel safety and
22 environmental, the environmental we also have EPA

1 looking at these facilities as well. So, there
2 is actually a three-way overlap, not just a two-
3 way overlap. EPA wasn't at the table for this so
4 we didn't focus on some of the environmental but
5 as far as the PHMSA safety regulations and the
6 regulations that we apply to these facilities, we
7 did believe that the OSHA PSM requirements would
8 address everything that we have in place. They
9 may address it differently but they would address
10 it to the same net safety equivalent.

11 You know it is one of those situations
12 where, just to add on to that, and I failed to
13 mention it early on, one of the reasons we felt
14 that this was important from PHMSA's perspective
15 and OSHA's perspective is that we had different
16 regulations on the same facility. So, we were
17 telling operator personnel that they had to
18 comply with two sometimes contradictory
19 requirements. That is never good for safety.

20 And in one example that we looked at
21 one portion of the facility and certain piping
22 would be under PSM. You would have 100 feet of

1 piping that would be DOT-regulated and then
2 another portion of the facility under PSM. And
3 so the operator personnel had to say, on a daily
4 basis, okay, PSM applies here but for this
5 segment, I have to look at PHMSA regulation and
6 then over here I have to look at PSM, which led
7 to confusion of how you operate those facilities,
8 how you design and maintain them. It just didn't
9 make any sense.

10 MR. LESNIAK: Just a follow-up to
11 that. Did you all talk about if there is an
12 incident at a facility? Because different rules
13 come into play at that point. And did you say
14 okay, there is an incident, this is OSHA lead
15 this point to point, that kind of thing?

16 MS. DAUGHERTY: We did have quite a
17 bit of discussion about incidents. I will tell
18 you that my concern was that PHMSA still has
19 statutory responsibilities. We have statutory
20 authority and jurisdictional responsibilities
21 over these facilities. And through this policy,
22 we are saying that we are going -- OSHA will be

1 filling in that inspection safety oversight and
2 we are vacating the field. Should an incident
3 occur, that does not vacate our responsibilities.
4 So, we understand that OSHA does investigations.
5 We looked at their statistics as far as
6 inspections and investigations and how those
7 would be pursued. The details as far as an on-
8 site investigation still need to be worked out
9 between OSHA and PHMSA.

10 I can tell you that in other
11 facilities that we jointly investigate, we have a
12 very good working relationship. So, I don't
13 think it will be a problem going forward but it
14 is a detail we need to consider.

15 MR. DENTON: Todd Denton, just to
16 follow up. We did have a lot of those
17 discussions and a lot of it at first was
18 education about PSM. Right? And it is less
19 prescriptive but it deals with the same things.
20 For example, an incident that is maybe related to
21 mechanical integrity, that is covered under PSM,
22 just as it would be under 195 or 192.

1 So, we felt like the coverage was good
2 on both sides.

3 MR. TAHAMTANI: Cheryl.

4 MS. CAMPBELL: I'm just interested in
5 a little clarification. When we talk about
6 storage for the processing facilities, are we
7 talking about both liquids and gas? Are we
8 talking about those broader storage fields that
9 some of us use for peak shaving and managing our
10 winter loads? What exactly are we talking about?
11 Or all of the above. I mean, I am just looking
12 for a little clarification around that.

13 MR. ZAMARIN: Yes, I can maybe take
14 first crack at that. It really is storage used
15 to manage inventory inside of a processing
16 facility. And I think in particular there are
17 some processing facilities that use underground
18 storage. And underground storage, traditionally,
19 is thought of as used for the purpose of aiding
20 in transmission, you know storage used for winter
21 service, peak shaving, that kind of stuff. I
22 mean that is the traditional, I think, storage

1 usage that people think about.

2 And I think we didn't address
3 jurisdictional authority of that. That is part
4 of the transmission grid and kind of another
5 issue. This is really, there is some underground
6 storage that is used like a bottle at a
7 processing facility but because it is a large
8 facility, there are underground caverns nearby
9 and it is used for the purpose of inventory
10 management within that processing facility. It
11 is a different purpose and it is governed -- it
12 has been designed and operated and maintained
13 under the OSHA PSM framework. And so that was
14 really the area that we were addressing. I think
15 that when we -- and it is one of the areas Todd
16 mentioned that we think, as an industry, we will
17 do some work to add clarification and definition
18 around how to implement that standard because in
19 an FAQ, we can't go into all the different kind
20 of potential scenarios but for the most part it
21 is to address when you have underground storage
22 that is effectively just serving the same purpose

1 as a tanker or bottle would at a processing
2 facility.

3 MR. TAHAMTANI: Rick.

4 MR. KUPREWICZ: Rick Kuprewicz,
5 Liquids. I have a question and then an
6 observation.

7 First of all, my experience with the
8 OSHA process safety management, which has been
9 quite a few decades, is maybe all the parties in
10 the room understand and tell me if it has
11 changed, but transportation facilities are
12 specifically excluded from OSHA PSM regulations.
13 And so it is important, unless that has changed
14 in lobby land in the last three decades, that is
15 an important factor to understand. Is that the
16 case still?

17 MS. DAUGHERTY: Under the statutory
18 authority given to PHMSA by Congress, some
19 transportation facilities preempt OSHA's PSM
20 requirements. However, the facilities that we
21 were talking about were complex facilities which
22 had both transportation and non-transportation

1 facilities. So, they were intermingled. And
2 that was what we were trying to sort out.

3 MR. KUPREWICZ: And that is important
4 to do because, again, some of the parties may not
5 understand under OSHA PSM regulation there is a
6 thing called a process safety hazard analysis
7 periodically required of a team of individuals
8 with certain minimum qualifications. So, I don't
9 want to take anything away from OSHA here.

10 Now, my commentary to all this is I
11 want to encourage the good work you guys are
12 doing here because from a public perspective, the
13 last thing we want to have is a series of
14 combating regulators trying to figure out who is
15 on first what is on second. And the poor
16 operator is trying to understand who is on third.

17 And so in many situations we have
18 seen, we have actually seen operators paint the
19 boundaries. Okay, this is PSM. You know paint
20 is cheap. Though also I appreciate it is not a
21 yes or no answer here but if you can't get that
22 demarcation straightened out, everybody is going

1 to lose.

2 And so from a public perspective, we
3 do not want competing regulations. We want
4 clarification and simplicity whenever possible
5 that will guide people to effectively implement
6 regulation that will protect the public safety,
7 as well as the processes.

8 Thank you.

9 MR. ZAMARIN: This Chad Zamarin,
10 Engineering. Good point, Rick. And one of our
11 guidance thoughts is to encourage operators to
12 mark on their drawings and then even go out to
13 their facility and paint. We do that in a lot of
14 our compressor stations, where we identify the
15 valves that protect the facility from a blowdown
16 perspective. We paint them red in many
17 facilities. So, we are going to encourage
18 operators. We are going to come up with a -- as
19 an industry, our next step will be to come up
20 with additional implementation guidance and we
21 are going to be doing just as you described.

22 MR. TAHAMTANI: Mark.

1 MR. BROWNSTEIN: So maybe this is a
2 good follow-up to the previous discussion. I
3 guess as someone who is less familiar with the
4 intricacies of operations, how immutable are the
5 various definitions that you are pinning your
6 distinctions on?

7 So for example, right, you are making
8 a distinction between a storage facility that is
9 being used to facilitate interstate transport
10 versus one that is onsite. I guess the question
11 is over a period of time does the status of that
12 facility or that piece of equipment change or
13 could change? Today, it is simply supporting
14 internal operations. Tomorrow, it is interstate
15 transport and the day after tomorrow it goes
16 back.

17 So, it goes back a little bit to the
18 question I think that was just being asked, which
19 is, are you going to have to have sort of
20 philosophical debates every time an inspector
21 shows up on-site or is it going to be relatively
22 apparent and relatively consistent over time?

1 MS. DAUGHERTY: I'll take a stab at
2 that. That was an excellent question because
3 that was another topic of much discussion amongst
4 the committee is if you have a facility and its
5 predominate use is one thing, how do you show
6 that it is predominate use?

7 So, you know we go out and the company
8 says, oh, this is predominately PSM, how do we
9 know that when we leave, forgive me industry
10 representatives, but how do we know as a
11 regulatory agency that when the OSHA inspector
12 comes out they don't say oh, no, no, no, it is
13 predominately PHMSA? So, we are asking that
14 there be records and documentation that would
15 prove that predominate use, that that would be
16 something that would be available that we could
17 use and that we would verify.

18 So, OSHA and/or PHMAS could verify
19 that actual information in the predominate use so
20 it doesn't flip-flop and so that we can verify
21 someone is providing safety oversight to those
22 facilities.

1 MR. BROWNSTEIN: And if I could ask a
2 follow-up question, then. How much communication
3 is there, typically, between OSHA and PHMSA?

4 Because I understand that okay, so documentation
5 will be kept but it seems to me that the lynchpin
6 of this is that the two sets of inspectors are
7 actually talking to each other. Yes, I was out
8 at that facility last week and they said you guys
9 were on it. It seems to me that a certain amount
10 of that kind of communication has to happen in
11 order for this to work well.

12 I will tell you that prior to this
13 discussion, we had quite a bit of communication
14 with those at OSHA because we often jointly
15 investigated incidents. For example, if there
16 was a distribution incident which involve
17 personnel safety and pipeline safety, we would
18 talk to OSHA about who is investigating, who is
19 taking the lead, how we are sharing information.

20 This takes it to a slightly different
21 level, where we have talked to OSHA about some
22 initial joint inspections, where we go out

1 together to a facility and say okay, this is what
2 this facility looks like. Here is what we are
3 talking about. So, we would share that
4 information.

5 Ongoing, I would expect those
6 relationships to develop more but it is a work in
7 progress. This is taking our relationship to a
8 new level.

9 MR. ZAMARIN: I would also add --
10 again, Chad Zamarin with Cheniere, that I think
11 we recognize and will be furthering, as this
12 comes out, that there is a significant burden on
13 the operator. It is the operator's
14 responsibility to take this guidance, to
15 understand the regulations, to understand the
16 delineation of regulatory oversight and clearly
17 define where that occurs. And that needs to be
18 communicated to the PHMSA inspector when the
19 PHMSA inspector is there. It needs to be
20 communicated to the OSHA inspector when the OSHA
21 inspector is there. And records need to be
22 maintained. Drawings need to be provided. So, I

1 think our guidance is going to be not only that
2 it is clear for the agency to understand
3 operationally where that delineation occurs but
4 also that the operator understands it and can
5 communicate it.

6 And even though you need to be able to
7 verify what the operator is saying, there is a
8 significant burden on the operator to take this
9 guidance and properly document and communicate
10 that delineation.

11 MR. DENTON: Todd Denton, I will just
12 add to that. And to your question about things
13 changing, that is a good question because they do
14 change and that goes back to our burden. And
15 that is covered quite a bit, obviously, under
16 PSM, safety management systems with management of
17 change.

18 But for say example, a fractionator
19 shuts down, you change that piping to regulated
20 pipe to regulated pipe. Obviously, that becomes
21 a 195 jurisdiction or 192 but that is a burden on
22 us that we have to defend.

1 MR. TAHAMTANI: Linda.

2 MS. DAUGHERTY: I just wanted to
3 mention a few last things. We have gone through
4 this discussion and the work was challenging
5 because we came in with very different
6 viewpoints. And I think having the diverse work
7 group, having OSHA sit at the table, having
8 industry sit at the table, there was a lot of
9 education involved in this group. But I think
10 that the overwhelming goal was that we get to the
11 same safety goal and singular oversight.

12 You know Rick put it quite eloquently.
13 You can have multiple jurisdictions and you can
14 end up defeating your safety goal if you create
15 confusion and contradictory requirements.

16 So, as Todd mentioned, it wasn't
17 always an easy discussion but good discussions
18 not always are. Sometimes you have to have them.

19 And there were some other people from
20 the subcommittee here. I think Francis Foret is
21 back there. Are there any other people from the
22 subcommittee?

1 I wish our OSHA rep had been able to
2 attend today but I think that good work went into
3 this and I think we should consider it, as other
4 issues arise, in the interest of good government,
5 and trying to reach our safety goals, that we
6 should consider maybe not on a regulatory issue
7 on this but I feel like that having worked
8 through the subcommittee, I did recommend to Jeff
9 that I think that this is a success story as far
10 as of means to resolve safety issues in an
11 innovative way.

12 So, my thanks to the group and I am
13 hoping that the committee will support the
14 recommendations and the work that has been done
15 by the subcommittee.

16 MR. TAHAMTANI: Thank you, Linda. I
17 have asked Jeff to address a couple of points in
18 the slides and he has got some other points to
19 make. So, Jeff.

20 MR. WIESE: Thank you. Well,
21 actually, first of all, I just wanted to thank
22 you all.

1 And I wanted to thank Francis as well.
2 I appreciate your efforts on that and actually
3 they are quite extensive, going over like a year
4 and a half worth of a lot of meetings. And as I
5 have said before and started out the committee
6 meeting, we believe in the power of leadership in
7 the companies and I think that that played out
8 here. And I wanted to thank you all for that,
9 including Francis and Linda. I think Linda can
10 hold her own, so I was okay with putting her in
11 there at six to one.

12 But at any rate, my thanks to you all.
13 I think this is good work, first of all. And I
14 spoke with OSHA and I think, Mark, to your
15 question, there is more to be done there. We
16 have really good relations with OSHA at the top
17 levels; Dr. Michaels and Jordan, his deputy, and
18 some of their people, Solheim, in enforcement.
19 And then some of our regions have pretty good
20 working relationships at a regional level but I
21 think we have more work to do there to make sure
22 that we have got regular communication at a field

1 level.

2 MR. BROWNSTEIN: Let me just also
3 suggest that when you all get together for beers
4 to discuss this, that you maybe invite EPA as
5 well, since the reference was made earlier to the
6 fact that they also have some responsibility
7 here. It seems to me that between the three of
8 you, there should be some communication.

9 MR. WIESE: Yes, I think our focus
10 here was dominant safety but your point is well-
11 taken.

12 The other things I wanted to mention
13 is I am walking a fine line here. I want to have
14 a discussion at the end of the day when we get to
15 the roundtable about broader use of the advisory
16 committee. So, I am trying to take Andy's
17 argument away there. No, actually, I have it on
18 my notes, Andy. So, I have been thinking about
19 this. I think this is a good example of how
20 issues can be brought to the committee and a
21 smaller group can go off and spend more time,
22 bring in other players who are knowledgeable who

1 aren't on the committee to engage, you know
2 wrestle with an issue and come back and report
3 back to the committee.

4 I'm not specifically looking for a
5 vote or anything. This isn't one of those sorts
6 of issues. And the fine line I am walking is I
7 don't think I want to get the point where
8 subcommittees are considered FACA-chartered
9 subcommittees with all of that. We will consider
10 them working groups on issues. You know terms of
11 art and all of that.

12 But I think fundamentally, the same
13 thing is done; bright people in a room working on
14 an issue who have a little more time, come back
15 and report out more broadly, take questions from
16 all the stakeholders here, and then move forward.

17 But I think it has been a very
18 productive exercise. Again, I repeat my thank
19 you to you guys for all the work you did. And
20 Francis, I hope you will share that with the rest
21 of the team as well. And I appreciate your being
22 here as well.

1 So, with that being said, I would ask
2 you between now and the end of the day to be
3 thinking about this. I have got a couple of
4 ideas of my own, which I wouldn't mind throwing
5 out and let's talk about working groups at the
6 end of the day.

7 MR. TAHAMTANI: All right, we are
8 running 25 minutes behind schedule.

9 MS. DAUGHERTY: Whoops!

10 (Laughter.)

11 MR. TAHAMTANI: Thank you, Linda for
12 all of the stories you didn't have to tell. But
13 I will get us back on track.

14 It is close to the break. I
15 understand there are coffees to be disposed of.
16 So I didn't tell you this, but I want to take a
17 break right now but be back at 35 after. A ten
18 minute break. Be back here at 35 after. I will
19 start the gavel at that point.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:26 a.m. and resumed at
22 10:38 a.m.)

1 MR. TAHAMTANI: All right. As soon as
2 we have the committee members that are in the
3 room take their seats and the members that come
4 in late, I want to mention their names and have
5 them stand up for a while. Like yes, Andy Drake,
6 you stand up for a while. You can't have a seat
7 because you are late. Thank you, Paula, for
8 having a seat.

9 In any case, unless you don't have
10 flights this afternoon or a four-hour drive like
11 me back to Richmond to go 100 miles, we can run
12 this meeting to midnight. But I know you have
13 flights to catch and places to see, and I am
14 going to go see my lovely wife.

15 So, with that said, the next item on
16 the agenda is a briefing by Bob Kipp. Everybody
17 knows Bob, President of CGA and Sam Hall with
18 PHMSA. Who is going first? Sam, go ahead.

19 MR. HALL: Thank you. I'm Sam Hall.
20 I'm with PHMSA. I work in Program Development on
21 a variety of topics, damage prevention being one
22 of them, emergency response and public awareness

1 I also contribute to. And I have got a few
2 slides here that I am going to run through. I am
3 going to try to keep my comments brief and give
4 plenty of time for Bob to provide his comments.

5 I don't think that what you will see
6 here is going to be much of a surprise. It will
7 be more of a review than anything else. There is
8 some new information here but I am hoping to tie
9 some things together for you and refresh your
10 memories on a couple of program areas that we are
11 pursuing.

12 I am going to talk about some of our
13 strategies and how we are playing those
14 strategies out, give you some program updates,
15 talk about some new publicly available
16 information that we have posted to the website
17 and, of course, our new enforcement rule was just
18 published in July.

19 Our strategies are listed here. We
20 are trying to influence change at the state
21 level. We are working on transparency. We are
22 serving as a resource to empower damage

1 prevention stakeholders and we are promoting 811,
2 call before you dig.

3 So, when we talk about influencing
4 change at the state level, we are talking about
5 legislation at the state level and rulemaking
6 activity at the state level. We have been very
7 active in supporting legislative efforts and
8 rulemaking efforts at the state level with
9 letters to policymakers, participation in
10 stakeholder meetings. Really, we are pushing for
11 effective, fair and balanced enforcement of
12 damage prevention laws, elimination of exemptions
13 that cannot be supported by data, exemptions that
14 really are arbitrary and can't be supported by
15 data, and then collection and analysis of
16 additional data that can help us make better
17 decisions about how to support states.

18 We are also analyzing PHMSA data and
19 other sources of information to focus our
20 outreach. So, we are looking at things like
21 incidents, leaks caused by excavation damage,
22 damage rates over time, pipeline mileage, those

1 kinds of things.

2 Advocating change through
3 transparency. I have posted a URL here on the
4 slideshow. This is what we call our state pages
5 and there are a variety of links for each state
6 on this page and there is a new link for each
7 state on the page pertaining to damage prevention
8 information. We have taken information from our
9 annual reports and created some very simple
10 visual reports that show things like causes of
11 excavation damage in each state and nationally,
12 damage rates, damages per a thousand One Call
13 tickets in each state, and then trends over time,
14 typically a short period of time, but there is a
15 lot of information there at that URL that I would
16 certainly encourage you to take a look at. The
17 report has been very useful to a lot of our
18 stakeholders and it all comes from our annual
19 reports where we are leveraging our own internal
20 data to create the report.

21 More on transparency. We strongly
22 believe that more state-level data is needed.

1 That can be accomplished in a variety of ways
2 through CGA DIRT database or an equivalent, state
3 reports analyzing the data that states collect.

4 We are very interested in the effects of
5 exemptions. How do we quantify the impact of
6 exemptions? Do exemptions cause pipeline
7 strikes? Are they really the root cause of a
8 pipeline strike or is it something else? And we
9 are also focusing heavily on publicly available
10 information at the state level, where it is
11 appropriate and practical.

12 We, of course, serve as a resource to
13 empower stakeholders, grants to states. We have
14 several long-standing grant programs: our base
15 grant program for pipeline safety; our One Call
16 grant program has been running since the mid-
17 90s; the state damage prevention grants, which
18 have been running since the mid-2000's; and our
19 technical assistance grants for communities and
20 non-profits. And of course, that is in addition
21 to some of the other non-monetary support that we
22 provide to the states. We have got a link there

1 that talks about each of these grant programs. I
2 won't spend too much time on them. And we also
3 support states, like I said, through letters,
4 meetings, calls, briefings. We are out on the
5 road quite a bit. We are working with
6 stakeholders on a regular basis to try to help
7 empower stakeholders to make the right decisions.

8 Promoting broad awareness of damage
9 prevention. Our outreach for 811 continues to
10 grow annually. We are targeting our limited
11 resources, where we can, and where we think we
12 will make the greatest impact. We are looking
13 for new ways, always looking for new ways to
14 support damage prevention awareness across the
15 nation. We have recently been working with the
16 national conference of state legislators. We
17 attended a conference there and talked to state
18 legislators about the importance of 811 and
19 damage prevention. And we are looking at
20 messaging, social media, YouTube, really, any
21 avenue that we can, as many of us in the room
22 already do to spread the word about 811.

1 Briefly, some updates on our programs.
2 We, of course, support CGA's outreach efforts,
3 both financially and in kind. We have recently
4 completed a PHMSA poster contest for kids, in
5 partnership with the National Energy Foundation.
6 That is growing every year. It is really raising
7 awareness, we think, among school-aged children.
8 Earth Day, Take Your Daughters and Sons to Work
9 Day, Fire Department Instructors Conferences,
10 other major conferences.

11 There are a couple here that I would
12 like to highlight. One is the DC Metro
13 advertising campaign. I don't know if any of you
14 had a chance to see the wallpaper of 811 that was
15 in the Navy Yard Metro station over the past
16 month in August. Really, just 811 plastered
17 everywhere. And we got a lot of really good
18 feedback about that. The entire station was
19 loaded with 811. It was almost like it was the
20 only safety message in the station.

21 Social media programs, we have got a
22 paid radio public service announcement that we

1 put out in English and Spanish annually, and
2 then, of course, other events and conferences.

3 You may recall that we wrote an
4 Exemption Study that was required in our most
5 recent reauthorization. That was completed in
6 October of 2014. And really, what we discovered
7 was that we didn't have enough data to satisfy
8 Congress's request for this study. We do need
9 more data to understand the impacts of
10 exemptions. Not in every state. Some states do
11 quite a good job of documenting how exemptions
12 impact pipeline safety and other underground
13 utility safety. But in many states, exemptions
14 are the result of politics and not necessarily
15 the result of sound planning and understanding
16 the impacts of those exemptions on safety.

17 We also believe that we need more
18 targeted education for certain categories of
19 excavators like farmers. There is certainly some
20 opportunity for outreach there.

21 We completed our nine-element
22 characterization the 2014 results are posted to

1 our website. That talks about the nine elements
2 of effect damage-prevention programs. We rate
3 each state's implementation of those nine
4 elements and those results are now posted to our
5 web.

6 This last bullet talks about public
7 awareness. There is a clear tie between public
8 awareness and damage prevention, certainly. And
9 many of you are aware that we created a working
10 group, the Public Awareness Program Working Group
11 to conduct strengths, weaknesses, opportunities,
12 and threats analyses of various elements of
13 public awareness programs. That work has been
14 ongoing. I know that there are many who are very
15 interested in seeing the results of the report.
16 We intend to publish it, I hope, within the next
17 month.

18 The report, I want to warn you, is not
19 groundbreaking. It is kind of like a document of
20 what we all know. It doesn't make
21 recommendations about how to move forward. It
22 doesn't make recommendations about what the

1 government will do. It doesn't make
2 recommendations at all. It is really a summary
3 of findings. It is a summary of what we know.
4 And we hope that it will serve as a foundation
5 for making the kinds of decisions that we need to
6 make about how to improve public awareness as we
7 move forward. So, stay tuned for that report.

8 Annmarie Robertson is on the Cross
9 Bore Safety Association Leading Practices Team.
10 I must confess I don't know a lot about this team
11 and what they are doing. I talked with Annmarie
12 briefly about it yesterday. But it is a broad
13 group of stakeholders focused on reducing cross
14 bores, that is, running a pipe, a distribution
15 line through a sewer line and causing a backup in
16 the sewer line that then can lead to a plumber
17 Roto-Rootering through the gas line and causing
18 an accident. It happens. It is not uncommon.
19 And their goal, this Cross Bore Safety
20 Association Leading Practices' goal is to have a
21 document that addresses some of these issues by
22 the end of this calendar year.

1 PIPA is always on our radar, very
2 important to us, land use transmission around
3 pipelines, still seeking ways to promote
4 awareness. Steve Fischer is back with our
5 office. Many of you will know that name. He has
6 come back to Program Development and is working
7 to head up PIPA and a variety of other tasks.

8 And then lastly, the enforcement
9 rulemaking. This was effective as of January 1,
10 2016. Just to refresh your memory, the
11 enforcement rule creates four major things. One
12 is the criteria that we will use to assess the
13 adequacy of state damage prevention enforcement
14 programs. Again, we have to assess state damage
15 prevention enforcement programs, deem them
16 adequate or inadequate and those that we have
17 deemed inadequate, we can then take federal
18 enforcement action against excavators who damage
19 pipelines in those states.

20 The rule also lays out the
21 administrative procedures that state can use to
22 tests notices of inadequacy. We have created a

1 new Part 196 that is standards for excavators who
2 are digging near pipelines in those states that
3 have inadequate enforcement programs. We have
4 never had a Part 196 in our regs. We now do
5 because we are, in essence, regulating a new
6 sector, that is, excavators who damage pipelines.

7 And then lastly, we address the
8 adjudication process for excavators who are cited
9 by PHMSA in the rule.

10 We are working to implement the rule
11 now. The rule was published in July and there is
12 a lot to do. It goes into effect January 1,
13 2016. So, for example, we are developing our
14 checklists, guidance that expands on the policy
15 documents that are in the preamble that are in
16 the final rule and we are looking to have
17 consistent evaluations of state enforcement
18 programs. We want to make sure that those
19 evaluations are clear and fair. We are
20 developing FAQs, a website. There will be a lot
21 on our web that will simplify the heavy text of
22 the rule, of course. So, stay tuned for that.

1 We are looking to post that information over the
2 next couple of months, as we ramp up toward
3 implementation in January. Our time line and our
4 training is, of course, incredibly important to
5 that effort.

6 This is a quick snapshot of the
7 organizations at the state level that enforce
8 state damage prevention laws. I know that it is
9 difficult to read, so let me talk you through it.
10 The green states and the green states with the
11 yellow hashing, so I am talking about Nevada,
12 Arizona, New Mexico, North Dakota, and then
13 Virginia, North Carolina, Tennessee, those are
14 states with enforcement done by public utility
15 commissions. The ones with the yellow hashing
16 have an advisory board that assists with
17 enforcement.

18 The turquoise states, California,
19 Utah, Wyoming, and others, are states with
20 enforcement through the Attorney General's
21 Office. And the dark blue states, Florida,
22 Louisiana, Kentucky, those are states with

1 enforcement through local law enforcement. So,
2 state police or local police will enforce the
3 laws in those states.

4 And then in red, Colorado, Montana,
5 Alaska, Mississippi, and West Virginia, are
6 states with no enforcement at all. They have no
7 enforcement on the books.

8 I will say that this map has changed
9 pretty significantly since we started the
10 rulemaking process back in 2009. There used to
11 be, I think as of that time, at least nine
12 states, if not ten, that had no enforcement. And
13 in the time between the writing of the advanced
14 Notice of Proposed Rulemaking in 2009 and the
15 publishing of the final rule in 2015, five, six
16 states, five or four states, I should say, did
17 pass laws that created enforcement programs. So,
18 that is a good outcome of the rule, despite the
19 fact that the rule itself had not been published
20 until just recently.

21 We are concerned about those states
22 with no enforcement, of course, and we are

1 concerned about states that have enforcement
2 authority but may not be using it. And I think
3 it is, in some cases, fair to assume that states
4 where enforcement is vested in the Attorney
5 General's Office, enforcement may not be
6 happening. That doesn't mean that it isn't but
7 it is of concern to us. So, we are very
8 interested in focusing our resources on
9 evaluating the states in the higher risk states,
10 obviously, the five where we have no enforcement
11 at all, and then other states where we really
12 don't have a very clear picture of the
13 enforcement landscape in those states.

14 My contact information is there.

15 Annmarie Robertson is also a wonderful resource
16 and really our damage prevention lead. Thank
17 you.

18 MR. TAHAMTANI: Thank you, Sam. Bob.

19 MR. KIPP: Thank you. I think the
20 slides will come up. First, let me apologize. I
21 have got a bit of a cold. So, if I have to move
22 away from the mike for a second, you will

1 understand. Thank you.

2 Okay, horsepower of damage prevention.

3 A lot of luck, a lot of great sponsors. That is
4 our theme this year from the Joey Logano NASCAR,
5 sponsored by Shell, where on five occasions 811
6 will be on Joey's trunk lid and he will speak to
7 811 on Sirius Radio, NASCAR Radio, and is a very,
8 very good spokesperson for 811.

9 3M, on two races, they will put it on
10 the hood. Thanks to the 3M people for that.

11 Again, very good sponsors.

12 The 811 bike, which has been all over
13 the country, and that is One Call Concepts, they
14 had that done years ago by I forget the TV show
15 but it was where they made bikes. And I think he
16 paid \$250,000 to have that bike made and it has
17 been all over the country. He has got Jimmy the
18 Bike Wrangler, who goes from location to
19 location, towing in his trailer and putting it
20 on-site and everyone wants to have a look at the
21 811 bike. So, it is quite good for us.

22 Mason Mingus and the Truck Series.

1 Mason is sponsored by Market Madness, a group of
2 one call centers who fund and put their money
3 together to get 811 in various programs and the
4 Truck Series is where they sponsor Mason Mingus.

5 And then we have got a Bass Boat
6 fisherman on his boat and it has been on TV also.
7 You can see on the right-hand side, gets 811, for
8 those who watch fishing.

9 Interestingly enough, when you combine
10 all of that, that is our target market. If you
11 look at NASCAR alone, about 45 percent of people
12 who dig this year will either watch or attend a
13 NASCAR race. So, when you can get to the person
14 who is digging, this is the kind of event he is
15 looking at. This is what interests him and this
16 is what he does. I will talk to that little
17 fellow in the background a little later.

18 National Safe Digging Month. That, of
19 course, is very April. Very successful again
20 this year. We have got our statistics together.
21 There were 1500 media stories, combined TV,
22 radio, and print online, about 500 million media

1 impressions; 93,000 visits to Call811.com during
2 April, the highest month ever, and about 1.3
3 million combined media value, on par with last
4 year. So, this is everything from one call
5 centers from pipeline companies, telecom
6 companies, excavators, locate companies with the
7 811, all doing a variety of things to get the
8 story out in a month. And, of course, PHMSA and
9 everything PHMSA does with their takeover with
10 the subway stations, and so on and so forth.

11 So, now all good, good things to get
12 the word out and very successful in the month of
13 April, which happens to be the month where there
14 is the most activity in terms of digging in the
15 country.

16 We had Governor Proclamations earned
17 this year. There is a few we don't have. I'm
18 not sure what we can do there but I think we are
19 working hard at trying to get 50 for 50 next
20 year.

21 This young man, Victor Espinoza, that
22 is last year's colors, if you wish, with DAP, the

1 partners who owned California Chrome. And it was
2 really a fluky thing. One of our PR people, if
3 you wish, for USA North 811 public awareness
4 fellows, his stepdad is a trainer, who was
5 training with this other trainer, who said boy,
6 have I got a horse. And the horse was California
7 Chrome. He says you won't believe this horse.
8 This horse is unbelievable. He is going to win
9 everything. So, it all started with a couple of
10 calls there and four different one call centers
11 sponsored Victor during the Derby and, of course,
12 he went on to win. And then Monday after the
13 Derby, his price went up and they called us. And
14 that is the nature of the industry.

15 So, it was very interesting dealing
16 with Victor and we managed to get all of our
17 companies and members to support it. I remember
18 at one point, we gave our companies, we told them
19 we needed, I think, a commitment of \$60,000 in 24
20 hours and we got it. And of course, the payoff
21 was remarkable.

22 It is a different group. If you ever

1 -- it was very interesting. Before negotiating
2 with Victor, I Googled a number of sites but one
3 that I Googled was what do jockeys make and how
4 do they make it. And it is very, very
5 interesting business to, surprisingly to me,
6 anyways, how little they make and how dangerous a
7 sport it is.

8 This is an iconic picture of this
9 year. So, this year we began negotiating with
10 Victor last November and really didn't come to
11 any sort of agreement until march of this year
12 and we got an agreement on -- we had two
13 contracts with them. One on every race but the
14 Breeder's Cup and the Belmont. And the Belmont
15 was quite clear. He says if I win the first two,
16 you aren't going to be able to afford me for the
17 third one, which he was absolutely right. And
18 then we have a separate contract where all of his
19 other races, and he races about anywhere from 15
20 to 20 times a week. They typically race four
21 times a day, four to six times a day, about four
22 days a week. And he is racing in Southern

1 California.

2 So, we got into a deal with Victor,
3 again, separately for the Derby and the
4 Preakness. And it is an interesting industry,
5 again, because in case of the Derby in Kentucky,
6 the trainer has veto rights on what the jockeys
7 wear and it varies from state to state, racing
8 condition to racing condition. And in this
9 particular case, Bob Baffert, the trainer of
10 American Pharaoh was not fond of the trainer of
11 California Chrome and didn't want anything to do
12 with him, so, sort of forbid Victor to wear it on
13 his pant leg. But as you can see, he wore it on
14 the boot and on the hat, and on the turtleneck,
15 and so on and so forth. And that particular
16 picture is after the Preakness. For those of you
17 who watched the Preakness, a major thunderstorm
18 erupted about 20, 25 minutes before the race was
19 to start and it was literally just a pool of mud
20 on the track. And we were sitting there ready to
21 watch this and it was just pouring rain and
22 lightning. We figured they were going to call it

1 off. And he had the pole position, which I am
2 now told is not the greatest position to have in
3 horse racing. But because of the muddy
4 situation, he knew that he had to take the lead
5 right away. And the mud, if you ever notice when
6 they show them in close up, they have got
7 goggles. Well, they have got six sets of goggles
8 and they just keep flipping them off as they are
9 racing. And as they get muddy, they just flip
10 them. You don't even see, their hands are so
11 quick. But the horses don't have goggles.

12 So, you have got the horse running in
13 second place behind the guy in first place and he
14 is getting all this mud. And if you ever get a
15 chance to see the Preakness again in slow motion,
16 as they are coming down the stretch, you can
17 actually see, and the horses typically run with
18 their heads bobbing up and down, and you can see
19 the number two horse actually start to turn its
20 head and start to run sideways and there was no
21 way he was going to catch him, at that point.

22 So, it is a very interesting sport but

1 for us, it was just very -- not only from a
2 standpoint of the media impressions but what it
3 did for the industry. Everybody in the industry
4 rallied around it. There were parties. There
5 were tee-shirts. There were hats. Lots of
6 emails, lots of text messages, and everybody was
7 pretty thrilled with that and, of course, a great
8 value to us.

9 Of course we didn't have him in the
10 last race. I can tell you that he was
11 superstitious because I remember when we were
12 negotiating the first two races, I said -- he
13 said you won't be able to afford me and I said
14 well, I know you are superstitious. And I said
15 if you win the first two, you are going to pay me
16 to wear 811 in the third.

17 (Laughter.)

18 MR. KIPP: And he said, I just might!
19 So, obviously, he didn't. But if you saw before
20 the race he had his goggles on and on the side of
21 his goggles, he said 811. He carried the
22 superstition in. He couldn't afford to not race

1 without some sort of 811 somewhere. So, he had
2 it on his goggles. I didn't charge him for it.

3 (Laughter.)

4 MR. KIPP: So, it was a great success
5 story.

6 The cumulative results for the
7 particular events and what he has done, and he is
8 still racing, by the way, and still wearing it,
9 and he will be for the rest of the year, again,
10 other than Breeder's Cup. I think that American
11 Pharaoh owners have a deal with Monster and he is
12 part of that deal. He did very, very, very well
13 for that third race. So, I am sure he is going
14 to do that similarly in the Breeder's Cup on
15 October 31st.

16 So, those are some of the details of
17 the media value.

18 And of course so the major events, we
19 have got Joey Logano. We have now picked up Indy
20 500 champion. He, apparently, is going to have
21 the 811 logo on a number of races, again, on the
22 Shell car. Victor Espinoza, of course, Triple

1 Crown. And we have a sweepstakes winner, who
2 will get to meet at least one of those people,
3 Joey, and maybe someone else. And that is to
4 increase the number of people who friend us on
5 Facebook. So, there is a sweepstakes going on
6 now. Last year it drove our Facebook likes by
7 tens of thousands and the winners were a couple
8 out of -- it was actually Breakfast with Biffle
9 last year and it was a couple out of Detroit that
10 won.

11 And the year before that, the Joey
12 Logano sweepstakes was a young handicapped fellow
13 out of Georgia. This was the biggest moment in
14 his life when he got to meet Joey Logano. It was
15 just worth it being there to see he had won that
16 with his mother. It was just terrific.

17 DIRT Report. I agree with everything
18 Sam said. We don't have enough data. We need to
19 have more data. We just need to know more to be
20 able to address the problems. We are getting
21 better at it. We are going to see some numbers
22 today. These are general statements from all

1 infrastructure and then I will go into some gas
2 distribution numbers after.

3 Excavation practice is not sufficient.
4 That is just to define what it means when we say
5 that. Notification not made. Locating practices
6 not sufficient. Notification practices not
7 sufficient after and miscellaneous root cause.

8 Now this chart is very difficult to
9 read but it is the most interesting of all
10 charts, from my perspective. It tells us that in
11 2004, when we first started gathering damage
12 data, we took in about 25,000 reports into our
13 database. And the people who do the analysis on
14 this, Ph.D.s and analysis in numbers, and they
15 are all quite good at it and talked some really
16 great language with me, they estimated that at
17 that time, based on everything they had, we had
18 about 700,000 damages in 2004. And these are
19 excavation damages, 675,000 there, quite a band.
20 The vertical bars of the construction spending in
21 the millions in those years. As you can see,
22 they dropped in 2008-2009, 2010, 2011 and start

1 to pick up again in 12, 13, and 14. And then
2 the range of damages. The black line is the
3 number of damages submitted to the DIRT database.

4 We estimate that we had about 349,000
5 last year, which was an increase by about 14,000
6 from the year before. So, damages are going up.

7 On the other hand, the activity was
8 going up. So, our damages per thousand incoming
9 tickets actually came down. We had about 1.84
10 damages per 1,000 One Call transmissions.

11 A lot of these numbers are
12 extrapolations. We get some very good numbers
13 from some states. We get some very good numbers
14 from some stakeholder groups and then we have to
15 try and extrapolate those numbers based on
16 population, based on spending, based on density.
17 So, some of those numbers, obviously, would have
18 a wide variance of accuracy. But by and large,
19 it is consistent and we think we are on the right
20 track.

21 Here, we have, for instance, there are
22 states 1 through 16 where we have a fair amount

1 of damage data submitted to us. So, we feel
2 fairly comfortable in the numbers. And you can
3 see they average about 1.84 damages per thousand
4 tickets. You have one state way on the left,
5 where we have a tremendous number of damages
6 submitted to this, but their rate, based on
7 locate tickets is about average, 1.84. And then
8 you have other states where the damages are
9 fairly low, if you look at number 12, but their
10 damage rate is very high, based on the number of
11 tickets. So, there is not a lot of activity
12 there, yet a disproportionate number of damages.
13 And we are trying to relate some of those and
14 come up with some actions we might be able to
15 take and I will get to some of those conclusions
16 in a bit.

17 To say that the activity increased
18 dramatically in 14, in 2013 we estimated there
19 were about 100 and -- no, I'm sorry, we had about
20 31 -- no, 30 million -- I'm sorry -- 28 million
21 requests coming into the one call centers. That
22 is 28 million requests incoming in 2013. We had

1 about 160 million outgoing tickets. So, for
2 every incoming request we had almost six tickets
3 being issued to various infrastructure owners.
4 That jumped dramatically in 2014 for a number of
5 reasons. More infrastructure on the ground,
6 different mapping but also different ways certain
7 states wanted tickets issued. For instance, in
8 some states, where in the past we would have
9 issued one outgoing ticket to the water and
10 sewer, now we had to issue two; one to the water
11 authority, one to the sewer authority.

12 So, it varied by state but I will say
13 we saw a dramatic jump in 2014. We had about
14 30,300,000 incoming requests and over 200,000,000
15 outgoing requests. That is an awful lot of
16 locate tickets. That is almost a million per
17 business day. So, it gives you an idea the
18 volume of work out there.

19 And here we are again with the causes,
20 the root cause. Basically, notification not made
21 25 percent, excavation practices not sufficient,
22 locating practices 17 percent. That has come

1 down dramatically over the years. And I think
2 the locating industry has gotten much better at
3 what they do. There used to be an awful lot of
4 mom and pop operators across the country. I
5 think, as an industry, we take business an awful
6 lot more seriously than maybe we did in the 80s
7 and 90s and we start to look at people who are
8 very qualified, look at companies who are going
9 to do it right, who are training their people,
10 meeting locate qualification criteria, also
11 better tools.

12 A couple of years ago, we published a
13 report that said that locators who worked for
14 their own company, for instance, if you were
15 PG&E, you have your own locators. But if you
16 were another gas company, you might be hiring a
17 contractor. It could have been UtiliQuest or
18 USIC or one of the other companies.

19 We saw that the numbers for the
20 contractors were better, they were doing a better
21 job, than the companies themselves, if they had
22 their own locators. Well, that spread like

1 wildfire and the following year, those numbers
2 were much, much closer and I think the companies
3 took it seriously. Back to Sam's point, we need
4 more data. We had data there that said maybe
5 when you are doing it yourself, you are not
6 training your people well enough or you are not
7 keeping pace, and I think companies looked at
8 that, reacted to it, and we saw last year that
9 the numbers were almost identical, certainly
10 within the tolerance of the percentage.

11 So, again, numbers really will affect
12 improvement. So, locating practices not
13 sufficient, I can say that generally speaking,
14 the locating industry has improved pretty
15 substantially over the last few years.

16 This is a chart on experience
17 excavator downtime. It is very important for the
18 rest of the industry to understand that the
19 excavator, yes, we are always there when he
20 doesn't call or she doesn't call, and then we are
21 there when they don't obey the tolerance zone or
22 dig appropriately but this is their side of it.

1 This is the downtime side of it. This is what
2 happens when they get there and all of a sudden
3 this line that was supposed to be marked is not
4 there. They now have to wait and this is the
5 cost that they incur. And some of these
6 companies are not big.

7 So, it is important that the groups
8 understand each other, that there is a cost to
9 both sides. And if we all do it right and adhere
10 to the best practices, then all of these numbers
11 will get better and I think there will be a
12 better understanding of what each of us should
13 do.

14 So, there is a cost to the excavator,
15 it is a big one and we have got to be mindful of
16 that.

17 Distribution events by root cause 2009
18 and 14. I bring up that slide because if you
19 look at the excavation practices not sufficient
20 going up and stabilizing 13 and 14, I don't
21 necessarily think that the excavator is going a
22 poorer job. I think the locators are doing a

1 better job and, therefore, some of the result is
2 the percentage has just gone up. It is not a
3 worse job being done. It is the percentage
4 going up because the locator is doing a better
5 job because of tools and, frankly, because it is
6 a function that they should be doing a better job
7 at and they are.

8 So, hats off to them and we just have
9 to keep working all of the other aspects of what
10 we do.

11 Back to a point that Sam made about
12 who enforces. And here we have 16 substantial
13 states in terms of data, damage data, where the
14 public utility commission does the enforcement.
15 And, on average, they had 1.65 damages per
16 thousand tickets.

17 And then we had four states with
18 substantial reporting where it was done typically
19 by another authority, it could be the Attorney
20 General or whatever the case may be, and it was
21 2.41 damages per thousand ticket. And a lot of
22 people will tell you in some states, I know in

1 one particular, it is enforced by the state
2 police. Well, the only time the state police
3 will ever enforce, I am told, is when they see an
4 excavator digging without marks. But if that
5 excavator called and it wasn't located on time,
6 there is no enforcement.

7 So, the enforcement all ends up one
8 way. And Massoud, when that happens, it doesn't
9 work as well, does it? And those of you who have
10 been to see Massoud's method of operation, which
11 is a very fair and balanced method, the results
12 speak for themselves in Virginia. Indiana has
13 copied the model, to some extent, with some
14 variations of what Massoud does in Virginia, and
15 they are starting to see dramatic changes. They
16 saw a 25 percent reduction in damage rates in the
17 second year of their operation. It is a little
18 different but the same type of idea.

19 And there are other states with
20 various different ways of enforcing it. I think
21 when I am asked, and I am not asked, but if I
22 were asked my opinion as to what works, I would

1 say that you don't have to enforce every
2 infrastructure damage in the state. If you pick
3 liquid and natural gas and enforce that
4 infrastructure and enforce it 100 percent, either
5 through the method that Massoud uses, or Indiana
6 uses, if you enforce it 100 percent, everything
7 else gets better at a fraction of the costs that
8 if you try to enforce everything else. At a
9 fraction of the cost. So, I think it is a good
10 model. You can vary it but it does work. And
11 that is public utility commission side there.

12 Gas distribution. Okay, so of the
13 damages we got, and this was prepared very
14 quickly late last night, the report is just being
15 published. We actually don't have the gas
16 distribution report out just yet, there is about
17 20,000 on distribution, 50,000 or so on service
18 drop, and then unknown a variety of different
19 facilities. And then the root cause -- that
20 slide has disappeared.

21 I can tell you that the root cause, if
22 we look at notification not made, for whatever

1 reason that slide is not on here, is about 27 or
2 28 percent, a little higher than the rest but
3 most of the other categories are similar.

4 Then we did some other analysis that
5 is fairly unique and these are busy slides but I
6 think to the point of having more data enables
7 you to really look and see where your problems
8 are. So, we looked at distribution and then the
9 excavation equipment root cause. So, on
10 distribution we had 38 percent of our damage is
11 natural gas. So, we drilled down and we go okay,
12 on the distribution side, it was 38 percent of
13 that. And then we look at those damages and we
14 say 60 percent of them were caused by backhoe or
15 trackhoe. Hand tools were 19 percent. So, we
16 are able to drill down deeper and see where some
17 of the issues are and where we might be able to
18 make some adjustments to improve.

19 On the service excavation side,
20 natural gas 38 percent of the damages. Service
21 drop was about 60 percent. Backhoe/trackhoe was
22 about 48 or 49 percent. And hand tools 34

1 percent and, again, we can drill down and look
2 and see what the other root causes are.

3 This one was a little interesting, I
4 thought initially, a distribution excavation
5 type, again, the 38 percent excavator-type
6 contractor/developer was 73 percent of it on the
7 distribution side.

8 And then when we get to the service
9 side, we see a bigger jump. There is still a
10 high number on the contract side but
11 occupant/farmer goes up to 13 percent.

12 It is interesting, most of our damages
13 are still done on public streets, though in some
14 states where their percent no-call is very high,
15 you will see a jump, a shift from city streets to
16 private land. And I can see that in some of our
17 states which we are working on. We are trying to
18 get permission to publish some of these results.

19 One of the things we are trying to do
20 by year-end is we are going to try and publish
21 three state DIRT reports. We are working with
22 three of the states that hopefully, they will

1 give us permission, the stakeholders, and I think
2 we have got it. And we will publish a report
3 dating two or three years back so they will be
4 able to analyze how are we doing here, and what
5 are we doing different, and did we do anything
6 two years ago which changed the numbers in some
7 way shape, or form.

8 So again, more data, more information,
9 better action.

10 CGA best practices. I am almost at
11 the end here. You know one of the things we got
12 caught up with all the 811 and 811 has been great
13 in bringing the industry together and getting
14 people to call in and reducing damages, but we
15 have forgotten a little bit about the importance
16 of the best practices which is why we were
17 created in the first place.

18 You know when you look at enforcement
19 in the 1999 Common Ground Study of Best Practices
20 in the chapter called "Compliance and
21 Enforcement" there are five practices. They have
22 not changed one iota and we are still sitting

1 there saying you should have state enforcement.
2 There should be enforcement. And by the way,
3 every stakeholder agreed to that. Now, you may
4 have some out there in certain states that will
5 now kick up a storm and say no, we shouldn't,
6 yes, we should but the fact is, everyone has
7 agreed to it. And make no mistake, the
8 excavators are very much in favor of enforcement.
9 You know some people think they are not. They
10 are absolutely in favor of enforcement. They
11 don't like the rogue contractors out there who
12 don't call, who don't obey marks, who don't do
13 the right thing just to get a job and eventually
14 cause a problem and give them a bad reputation.
15 They want a fair and balanced playing field for
16 their people.

17 So, everyone looks at enforcement as
18 being the right thing. The key is to make it
19 fair and balanced. That is just one of the
20 practices. We changed ten practices last year.
21 This is a very hard working committee.
22 Technology is causing a lot of the new best

1 practices in a positive way. So, we are getting
2 a lot of best practices resulting from
3 technology, GPS coordinates, et cetera. It is
4 really critical. And if you have any sort of
5 influence on your state, on your company, I mean
6 the best practices everyone has agreed to. It is
7 a good guide to get back to.

8 My particular emphasis this year will
9 be best practices and enforcement and more damage
10 data. And if we can do all of those three things
11 and keep getting better, I think at the end of
12 the day, we will just keep reducing damages.

13 I think I have got a couple more quick
14 slides. Okay and there is the order of Best
15 Practices, download your copy. Everything is on
16 the website. If you send an email, I will just
17 respond and under my name, I have all of the
18 websites there so you can just click whichever
19 one you would like and go straight to it.

20 We have a Vault -- very quickly, these
21 are more for companies involved in a variety of
22 different aspects of what we do. If they go to

1 our Vault website, they can see a variety of
2 different tools that they can use. They can buy,
3 read some reviews on them, go straight to the
4 companies' websites, and see what might be able
5 to help them.

6 And of course we are on Facebook,
7 Twitter.com.

8 Lastly, I would be remiss if I didn't
9 thank my five board members who are here. One is
10 our current chair, Ron. One is a past chair,
11 Tim. Hello, Tim! Tim's writing. He is ignoring
12 me. He ignored me when he was the chair, so he
13 still ignoring me. Just kidding. And you have
14 got Rick representing One Call and you have got
15 two here, Massoud and Jeff, who are also on the
16 Board.

17 So, we have a got a really good Board.
18 We are changing a number of members this year.
19 We are bringing in different people from
20 different industries. I think we are going to
21 see a lot more support from the equipment
22 manufacturers. I have got to discuss it with the

1 Board yet but we have got a Vice President from
2 AEM who is more than willing to come onboard and
3 is going to be very active. So, there is about
4 five new Board members coming on stream that will
5 help bring a different look on things. So, all
6 good and great.

7 I also want to thank all of our
8 sponsors. We have got over 70 sponsors now.
9 Obviously, we couldn't do without it and we were
10 talking earlier and I think back to Marathon Pipe
11 Line, when I was new in the job and I drove in a
12 rainstorm to your town and talked to the
13 executive team and they were quickly jumped
14 onboard. I remember driving to Explorer
15 Pipeline, not the Colonial, when Tim was with
16 Explorer and he jumped onboard. So, a lot of
17 good history, a lot of good support, and I thank
18 them. And I will answer any questions.

19 MR. TAHAMTANI: Thank you, Bob, I just
20 leaned over to Jeff, and I said every time you
21 have got Bob Kipp on the agenda, just give him
22 about an hour and a half.

1 MR. WIESE: And tell him he has 45.

2 MR. TAHAMTANI: Right. Having said
3 that, he has got so much good information, and
4 again, damage prevention being the highest risk
5 pipeline and pipeline safety, Bob and his group
6 is doing a great job with all of the work that he
7 just described.

8 Now, I have an idea for you guys. I
9 saw some of you eating very big dinners last
10 night, such as Andy Drake. We could really get
11 back on the agenda if we didn't take lunch.

12 I run my meetings, Rick knows, no
13 breaks, bathroom or otherwise. We get through
14 this. But having said that, I know that a lot of
15 you do need lunch.

16 But here is the thing, we have got a
17 very meaty discussion coming up, Safety
18 Management System and reports from the
19 stakeholders. And as you have noticed, that
20 particular subject is very near and dear to a
21 number of the committee members. So, they can
22 start now and go for as long as we need to and

1 take a late lunch. Would that be good? Anybody
2 opposed?

3 So with that, Ron, you are on. And
4 then I believe others have been told by Jeff that
5 they have to provide reports. I don't have the
6 names. So right after -- I have the names.
7 Thank you. So, Ron goes first.

8 Ron, you are on. And if you have any
9 questions for Sam and Bob, please catch them at
10 lunch. Bob may even buy you lunch.

11 MR. MCCLAIN: Thanks, Massoud, and I
12 will move along as quickly as I can but, like
13 Bob, I am pretty passionate about this. So, we
14 won't leave out anything that is important.

15 Okay, I am very pleased to start this
16 with a report that the ANSI/API Recommended
17 Practice 1173 is now reality. It was published
18 in July after over two years of committee work.
19 PHMSA hosted three workshops, having attendance
20 during development and publication. Thirteen
21 revisions. I think we actually had 15. A couple
22 of them were kind of minor revisions trying to

1 resolve comments but, if you can imagine 13
2 revisions, how much the document changed from
3 inception to publication. And we ended up
4 resolving 1400 comments after we published the
5 first ballot. We ended up going through two
6 ballots. The first ballot we had a thousand
7 comments, which we resolved those comments, each
8 and every one. And then we went to second
9 ballot. We had 400 more comments and we resolved
10 all of those. And we ended up with a body voting
11 membership a unanimous acceptance and approval of
12 what the document requires.

13 The NTSB, they, in a way, began this
14 effort by recommending to API that an SMS should
15 be developed specifically for pipeline systems.
16 And in the end, we went back to NTSB. They
17 concurred that this RP satisfied all of their
18 recommendations.

19 And I have a final bullet that is a
20 little different but it outlines that this RP has
21 the potential to impact pipeline safety more than
22 any other. I don't want to be presumptuous or

1 arrogant in saying that but it is because of its
2 very nature that this RP overarches all other
3 processes, whether it is damage prevention,
4 integrity management, other safety parts of an
5 organization. It has the potential for very big
6 and positive outcomes and improvement to safety.

7 Here are the recommendations that the
8 National Transportation Safety Board made to API.
9 This is an exact quote from the Marshall,
10 Michigan incident report and then it was
11 reinforced at San Bruno but there are a number of
12 elements there and specifically, they wanted SMS
13 elevated to this most wanted list. I mean the
14 NTSB had seen in other industries where safety
15 management had really moved the ball for safety
16 and public safety and protection of the
17 environment. And so on its most wanted list, we
18 assembled a team.

19 And I won't go through each of these
20 recommendations but we considered each of these
21 at many steps during the process that we were
22 still on track for what their recommendation was.

1 From the beginning, we believe the
2 prize was improved safety. And we talked about
3 this often that we put together a group of
4 stakeholders, and more on that in a moment, but
5 we developed a comprehensive framework to address
6 each of the recommendations. The result was the
7 RP. And I want to touch on just key components
8 of the RP before I move into other discussion
9 points.

10 But it describes how top management
11 develops processes to reveal and mitigate safety
12 threats and we actually defined top management in
13 the definition section. And I have said this in
14 other meetings, I have actually outlined this
15 internally at Kinder Morgan that top management
16 cannot delegate their responsibilities as
17 required by the RP. They have to participate.
18 And one thing that tends to happen is sometimes
19 things get delegated to EHS professionals or
20 delegated to integrity management professionals
21 and that is not what the RP requires. It
22 actually includes all of those stakeholders

1 throughout different levels and disciplines
2 within companies. They are very important to the
3 process but it is really about top management
4 leadership and commitment and we will see that a
5 couple of times, as I talk.

6 It provides for continuous
7 improvement. Sometimes you will hear, I think
8 rarely, but sometimes you will hear someone say
9 well, we already do that. In actuality,
10 continuous improvement is a moving marker. And
11 when you think you have arrived, the yellow
12 lights should be going off that maybe there is
13 more I should be doing. In fact maybe not maybe.
14 You could be heading for a bruising if one thinks
15 they have arrived. But the theme of continuous
16 improvement goes just page after page in this
17 document.

18 And then I have a comment that that
19 goal is to make compliance. And we have heard
20 from Massoud and Jeff that compliance is a low
21 bar. It is kind of entry to the game. But the
22 document tends to make compliance and risk

1 reduction routine through intentional actions.
2 Often I have talked about how important it is for
3 those really important tasks to become routine to
4 a company. And I stole the word intentional from
5 my friend Andy Drake because we want people
6 charged with safety to act with intentionality.
7 In other words, if you wait to do certain
8 important functions when you think about it or
9 when you have time, you probably will never get
10 to them or you won't get to them with regularity.
11 But if you build systems that force the important
12 things to happen with intentionality, you are a
13 long way down the path of what this document
14 requires.

15 An example is operators should have
16 weekly, monthly, quarterly, and annual processes,
17 depending on how they have set up their
18 management system. One of the things I do, and I
19 don't want to make this about what I do, but I do
20 want to share an example or two, is annually I
21 have all my integrity group come and describe to
22 me all the threats we faced out there and how are

1 those threats mitigated. Are there any threats
2 that are not adequately mitigated with tools. If
3 so, what are we doing about those? And it is a
4 four- or five-hour meeting and I can't imagine
5 how many hours they spend preparing for it. But
6 those kinds of intentional meetings that you
7 document what you found and what your course of
8 action are are just key elements. So, if you
9 think about the document and then think about
10 what is your routine or how do you act with
11 intentionality weekly, monthly, quarterly, annual
12 activities that reinforce all of these things is
13 a system of processes.

14 Here are the team members. Since Jeff
15 asked those from PHMSA to stand, I am going to
16 ask those who are committee members and are here
17 today to just stand for a moment. We had a lot
18 of participation. I know you don't want to but
19 do it anyway. You know I can't say enough. All
20 right, that's good. Thank you very much. But I
21 can't say enough about the team.

22 Two years ago, or better than two

1 years ago, actually we began assembling a team in
2 October of 2013. In my records, we had our first
3 really formal meeting in February of 14 but it
4 was percolating before that with a workshop. But
5 this is a very complicated subject and people
6 came with their own agendas of what safety
7 management meant, as we assembled these folks.
8 And over time, people began to lay aside their
9 agendas and work toward the desired prize, which
10 was improved pipeline safety and that was in one
11 of my previous slides. But it was very
12 gratifying and exciting to see us move beyond
13 what individuals want and work toward what does
14 it take to move the ball significantly for
15 pipeline safety.

16 And you will see here we have all
17 pipelines. We have gas pipelines. We have
18 distribution. We have regulators. We have the
19 NTSB. We have the public. And I can't say
20 enough about how Jeff and Massoud, and Linda and
21 Robert Miller, as regulators, participated. I
22 can tell you they were all passionate about how

1 they viewed it. They spent a lot of time doing
2 homework outside of this and actually before the
3 meeting on safety management systems.

4 The entire team spent a lot of time
5 doing that. We invited people like the FAA and
6 the Railroad and people -- the Chemical Safety
7 Board, who had experience in building safety
8 management systems before us because we didn't
9 want to make mistakes. We didn't want to rebuild
10 the wheel. But I do think that after listening
11 to all of that input, we advanced the ball even
12 further on what these systems require.

13 But an incredible team. They
14 generally spent at least two days a month with
15 travel on top of that and all came prepared and
16 all contributed. You know sometimes in the team
17 environment you see people who contribute and
18 people who sit on the sidelines. And I can say
19 on this team every, every single person
20 participated very heavily.

21 Here are the ten elements required.
22 And of course each of these elements have a lot

1 of things underneath each one of them. We have
2 already focused on how important leadership and
3 management commitment are. Again, it can't be
4 delegated to staff personnel to execute this
5 well. It has to be led from the top and
6 permeating all the levels of the company with
7 feedback coming back to the top and then
8 measuring results. Stakeholder engagement, we
9 spent a lot of time talking about the order of
10 these. Once we settled on how many and what they
11 were, we felt that was a very important element
12 in this. So, it actually moved to number two.

13 And I won't say the others required
14 the same amount of ordering but they are all
15 important and they are all requirements, if you
16 claim compliance with the document.

17 You know within the document, there
18 are introductory pages that are very helpful for
19 people to understand how to approach this. And
20 we outline a plan, do, check, act model and you
21 can tell from the graphic it is a continuous
22 process that when you do those elements and they

1 kind of go around the outside wheel as best we
2 could put them but there may be other models that
3 people want to use. So, the PDCA is not a
4 requirement but it is a good process that are
5 used in others. And, again, a show of the
6 elements, management and leadership are at the
7 center and a casting vision and adding energy to
8 sustain implementation. It is just really,
9 really important in the process.

10 Continuous improvement in system
11 maturity. I mean if you talk about continuous
12 improvement, that implies you never get there.
13 You are never finished. On the other hand, you
14 should be measuring where you are as an operator
15 on maturity. And we describe ways to do that and
16 I think people will have to wrestle with how do
17 they measure each of the elements, how do they
18 prioritize the elements, but operators will never
19 be finished with SMS implementation, as
20 continuous improvement will reveal new
21 possibilities.

22 And I would also say that for your

1 first pass at implementation, I think you could
2 have a visionary and stretch effort toward
3 implementation. Five years later, you should
4 look back at that and decide well, that wasn't as
5 far along as I thought. I have learned enough on
6 the journey that now I am going to push the
7 elements even further.

8 And then just kind of a note on
9 operators should seek to gain conformance with a
10 sense of urgency. If you go back to one of my
11 earlier statements that the prize is improved
12 pipeline safety, well that prize is worth a sense
13 of urgency to pursue. On the other hand, time
14 frames to reach significant and widespread
15 maturity could be measured in years. It is
16 certainly not in days or months. I mean you
17 can't go out and decide I am, on a scale of one
18 to five, I am a five in my implementation because
19 it is going to take more effort than that. But I
20 don't want the sense of growth to, in any way,
21 diminish the sense of urgency that an operator
22 should, and I believe operators will, I think

1 there is a huge enthusiasm built over this, and I
2 think operators will embrace it and move forward
3 quickly. And I will touch on that in a minute.

4 So, what is next? And the committee's
5 intent was to provide a framework that is
6 scalable. So, it should work for small
7 operators. It should work for very large
8 operators. I outlined some steps of how someone
9 might approach implementation. And I want to
10 describe the RP. It is the ultimate performance
11 standard. It is no prescriptive. It is not I
12 have to do this, I did it, I am done. It is
13 constantly assessing risk and processes and how
14 do I reduce risk. How has SMS permeated my
15 organization. Now those aren't on and off type
16 questions. They are yes or no type questions.
17 So, I want to just couch this approach as first
18 easy; on the other hand, incredibly difficult.
19 And what I mean by that, if you want to approach
20 implementation, first I would recommend the
21 operator read the practice several times. It is
22 not a lengthy document but there is a lot of meat

1 in it. So, there is probably 35 pages of meat.
2 And you can read that on a single plane trip but
3 if you just read it and say I got it, really you
4 are going to have to read it and think about this
5 quite a bit.

6 And then, actually, take a pencil or
7 have a team list the requirements of the
8 standard. That is my view of the second step.

9 And there are explicit requirements. And if you
10 claim conformance, you have do these things.

11 And then gather your existing
12 procedures and processes, including your existing
13 management system, if you have already started.

14 Some companies are highly involved in this.

15 Others will start from scratch but every company
16 has O&M procedures, I mean they are required by
17 Code, and construction procedures and risk
18 management procedures.

19 So, as you gather what you already
20 have, a lot of this is done but there will always
21 be gaps. So, you compare what you have to what
22 you have identified as explicit requirements and

1 then set up your prioritization to close those
2 gaps and then repeat. You know you get back to
3 the PDCA. So after you have done this gap
4 analysis and closing the gaps, and
5 implementation, and casting vision, and adding
6 energy, you do it again. And you do it over and
7 over and over with continuous improvement.

8 So, what I mean by these four or five
9 steps, it is easy. I mean it is not difficult to
10 approach implementation. The work is actually
11 quite hard because it is a demanding standard.
12 So, think about it in those terms. Easy to
13 approach. I think it is easy to start. It is
14 easy to do your gap analysis and make changes.
15 But then the work of adding energy throughout an
16 organization and pressing for continuous
17 improvement actually is quite hard.

18 The trade associations, and we will
19 hear from some in a moment, speak to what
20 operators and associations are doing to promote
21 implementation.

22 Before I do that, I did add a couple

1 of bullets to what I wanted to talk about and it
2 came from Jeff and Massoud's early comments. I
3 wasn't going to speak to why isn't it referenced
4 in Code. And the committee spent hours, and I am
5 going to say the committee spent hours talking
6 about each issue in this document. So, when you
7 read something and why would they want to do
8 that. Well, if you read the document in its
9 entirety and think about the philosophy in it, it
10 will begin to make sense, I promise. And
11 certainly the committee members would be very
12 pleased to have a phone call to gain more
13 committee insight to what they meant. But I
14 think the introduction and the conclusion where
15 the elements are tied to safety culture, a lot of
16 these things are very clear. But why not
17 reference it in Code?

18 There are different ways to get things
19 done. You can force certain outcomes. And in
20 our discussion, I am going to be very candid,
21 some believed, and I believe the committee moved
22 to this point, that we don't want operators to be

1 defensive about this Day 1. We want operators to
2 embrace, move quickly down the road with a sense
3 of urgency, rather than having to think about now
4 how do I comply, How do I do this. So, that is
5 the guidance from the committee.

6 Now, we also recognize that there is
7 strength in Code requirements. So, we believe
8 there is a time that the document could and
9 should be recognized in Code. And I will use the
10 example, I said we spent a lot of time assessing
11 how other industries approach this, the FAA, the
12 Chemical Safety Board with responsible care and
13 those kinds of documents. And on that matter,
14 the Chemical Safety Board went ten years before
15 they referenced it in Code. And I am not
16 suggesting ten years but there is that much meat
17 in this thing for operators to wrestle with and
18 move down the road with a sense of enjoyment of
19 benefits. And I think for this document, the
20 ANSI process is to review every five years. So,
21 at five years, that might be a good time to talk
22 about how it is referenced or in ten years.

1 So, I am not setting a standard. I am
2 just trying to provide some insight that the goal
3 of the committee was to let operators, in fact
4 encourage operators to move as quickly and
5 urgently down the road with implementation and
6 documenting their progress, without the Code
7 requirement overhanging them. In time, I fully
8 expect it to be referenced in Code and maybe Jeff
9 and Massoud might speak to that when we are done.
10 But it is a powerful document and I believe it
11 will protect the environment. I believe it will
12 protect assets. And I candidly believe if
13 implemented across industry, it will save lives.

14 So, my enthusiasm couldn't be greater.
15 The enthusiasm I pick up from industry, the
16 operators that I interact with on AOPL, the gas
17 transmission, and the distribution, they have
18 been waiting for this to be published with some
19 constant questions. When are we going to get
20 this to press? Or can I see a copy of it? Can I
21 begin thinking about it? And there is great
22 enthusiasm out there.

1 So, with that, I will conclude. I
2 will be glad to answer questions, maybe at the
3 end, if Massoud allows time. But we have three
4 people who will speak briefly, I think, to
5 different types of pipeline approach to
6 implementation. Rich Worsinger, I think is going
7 to speak, then Craig Pierson, and then Andy
8 Drake. And I think it is an incredible document
9 and, again, I hope people won't -- you know
10 sometimes I have had questions that well why
11 didn't they do this or that. And I said well,
12 did you really read it? No, I haven't read it
13 yet. But it is so important to read and think
14 about the requirements. And it is an incredibly
15 well done document, built on other people's
16 efforts before us and a huge stakeholder group.

17 So, with that, I will give it to --

18 MR. TAHAMTANI: Thank you, Ron. Let
19 me -- why don't we start with Craig, Andy, Sue,
20 and let Rich go last from the large companies
21 down to APGA.

22 So, Craig.

1 MR. PIERSON: Craig Pierson, Liquids.

2 And I am really representing our implementation
3 team, which is our Pipeline Safety Excellence
4 Steering Committee put the responsibility for
5 industry implementation on the Liquid side under
6 the Performance Excellence Team. It is a team of
7 about 25 or 30 senior managers of our operating
8 companies. The implementation, as Michele held
9 up our blue strategic planning document and when
10 we last year said that we want to hit the ground
11 running this year and we have got a team set up
12 that is being led by Shawn Lyon, who is VP of
13 Operations for Marathon Pipe Line and they are
14 working under Ron to get this moving. So, I am
15 representing their efforts.

16 So, with that, let's go -- so, we
17 tried to begin with the end in mind. And the
18 vision here is to float all boats in the liquid
19 pipeline industry. Many of us are in different
20 levels of maturity. I think part of the
21 excitement that we get from this, and I will
22 speak to Marathon Pipe Line, we have had a

1 management system for about ten years. The one
2 that Ron and his team produced is a better
3 mousetrap than what we have had. And it would be
4 a little awkward if I hugged Ron but it would be
5 appropriate.

6 (Laughter.)

7 MR. PIERSON: So, it is a better
8 mousetrap and a lot of folks have management
9 systems and some don't. And what we are trying
10 to do is take a phased approach to this and it is
11 a year's approach. It begins with creating
12 awareness of our P1173 and what is in it,
13 improving the understanding, and then beginning
14 to assist how it gets institutionalized.

15 There is the maturity model, where we
16 know that we need to be able to measure and then,
17 ultimately, enable evaluation. So, I don't think
18 the graphic does this justice. And you will see
19 some other documents that we are already
20 beginning with okay, how do you support
21 measurement and how do you enable? We won't be
22 waiting to years three and four but this is

1 trying to give a sense of this is a journey and
2 we are looking at it from the industry-wide
3 perspective.

4 So, how we are starting. What we have
5 got is a commitment letter. And we are asking
6 for the senior leadership to sign this commitment
7 letter. And when they do that, they can use this
8 logo. And the logo that we have trademarked,
9 there is some method behind that madness. You
10 see the PDCA vision of the processes. You see a
11 series of rings, which is to show that there is a
12 journey and it is aimed upward and to the right
13 that shows progress. And we are aiming it at the
14 pipeline safety management system and really
15 trying to distinguish that is what it is. It is
16 different than process safety management. It is
17 different than responsible care. This is ours.

18 We have some notion of a maturing
19 process and this is a little bit less-baked but
20 the notion that as you measure levels of
21 maturity, you might from bronze, silver, gold.
22 That is a little less-baked but it has a

1 beginning with there is a maturity to this and
2 that folks who make this commitment can use this
3 logo.

4 And the other idea is with a
5 commitment letter it is going to give us a way to
6 enable and track now how many people have
7 committed. We have got about 60 members between
8 API and AOPL and we will be to track that but we
9 are also going to be able to track the folks who
10 take this on who are not members. It is open to
11 members and non-members alike and that is one of
12 the things that we think this commitment letter
13 can help us track that progress.

14 So, what we are working on at the
15 moment are three booklets. One is an
16 introduction to RP1173, which basically describes
17 the why. What are the benefits of the safety
18 management system? Then Ron talked about some of
19 the elements, trying to explain more details
20 about the elements. That is a second booklet and
21 then some tips and tricks and ideas on how you
22 implement. So, those three booklets -- hang on.

1 I will get you there. This is an exciting slide.
2 Okay.

3 So, we are trying to have these
4 booklets ready for our workshop in Houston in Q4
5 and the folks we are trying to attract are the
6 folks that are trying to figure out now what do
7 we do next and how do we do it and trying to
8 share what they are doing. It would be a hands-
9 on workshop and networking and learning for
10 others. So, that is our near-term vision. And
11 as the liquids industry goes through our
12 strategic planning for next year, I would be
13 terribly surprised if you didn't see that this
14 was a big feature of what we intend to accomplish
15 next year as well.

16 And with that, I will move on. Oh,
17 you are kind of the meat between the sandwich
18 here, Ron.

19 MR. MCCLAIN: You know, I had one
20 other comment I wanted to make it and I will
21 insert it before -- this is Ron McClain again.
22 But the last section of this RP is a tie between

1 the ten elements and safety culture. And I don't
2 know of another document that has reach as far
3 into tying safety management and safety culture
4 as this one has. So, it is very good reading. A
5 lot of work went into it. And I did mean to
6 close kind of with that comment.

7 So, go ahead, Andy.

8 MR. DRAKE: Andy Drake with Spectra
9 Energy, on behalf of INGAA.

10 Thanks, Ron. Thanks for your
11 leadership on this. I share you enthusiasm and
12 commitment on this. I know you know that and I
13 know that we are also a member of --

14 MR. TAHAMTANI: Andy, would you hug
15 Ron now?

16 (Laughter.)

17 MR. TAHAMTANI: Come on! You have it
18 within you. I know you do.

19 MR. DRAKE: No, I see that Linda now
20 has her camera. And I think that would be an
21 extraordinarily bad idea. But I really like you.

22 (Laughter.)

1 MR. TAHAMTANI: Remember I told you we
2 could write a book about SMS and pipeline safety
3 with pictures? This picture could be in it.

4 MR. DRAKE: I'm quite certain it would
5 be, actually.

6 Let me get my thoughts back here.
7 When the INGAA Board really revisited our goals
8 after the PG&E incident in San Bruno, fundamental
9 to that was zero. Zero is an incredible
10 challenge and to really own that required that we
11 really re-grip our basic approach. And I think
12 fundamentally, we looked out at a lot of other
13 industries. And when we looked out at the other
14 industries, the nuclear industry, the refining
15 businesses, you know chemical processing
16 companies, we saw that folks that had actually
17 made a huge step change in their safety
18 performance, the airline industry, which by the
19 way is where most of the NTSB members come from,
20 so if you wonder why there is so much ownership
21 about management systems in the NTSB, that is
22 why, but I think when you go and look at these

1 other industries, you see a common fingerprint.
2 And management systems is fundamentally the
3 fabric and the underpinning of the advancements
4 that they made.

5 And I think what I got out of that was
6 it is more than a both/and. It is an all/and
7 approach. You know in the past, we have looked
8 very much at the tactical procedures and you
9 alluded to that. The procedures, ROMS in our
10 operation and management plans, our
11 specifications, our procedures. What this adds
12 to it is programmatic structure, which is really
13 important to be deliberate about how to grow and
14 evolve this thing that is not static. It is not
15 a project. It is a process. To be a process, it
16 is alive. It is moving. It is not a tactical
17 executable. It is much more than that.

18 And also I think the third leg of
19 that, still, you see, is culture. And it takes
20 all three of those coming together to really make
21 the next step change in performance. If you
22 tried the right procedures to make an advancement

1 in safety beyond where we are, you would have to
2 write so many procedures people couldn't read
3 them and you would be right back where you
4 started from.

5 So, you are looking for how do you
6 help provide some structure and some
7 intentionality around making this deliberate
8 gauging of your performance, deliberately
9 engaging and looking for opportunities to grow
10 and improve. How do you look for disconnects in
11 your culture to help eradicate unintended
12 consequences?

13 I think the plan, do, check, act
14 cycle became very much fundamental to where the
15 INGAA Board was trying to go with continuous
16 improvement. The process, the cycle that Ron
17 talks through was very much fundamental to these
18 other industries as well. This is not a new
19 idea. This is a new idea to us. It is a new
20 system and a new thought for us but it has very
21 much been practiced and delivered very
22 successfully in many other industries.

1 I think the safety management system
2 is fundamental to that process. It provides us
3 some structure. It provides us some clarity to
4 the elements that needed to effectively help
5 drive us to be deliberate or intentional about
6 the full cycle. We typically get very focused in
7 doing and that is our strength and that is our
8 weakness. We get very caught up in the tactical
9 executable activities of the day and pretty soon
10 we forget to check on are we on target with our
11 goals, are we making progress. Are we learning?
12 Are we open to learn? Are we changing and
13 improving? And I think with a little bit of
14 effort, we can provide some structure on helping
15 us to do that.

16 Fostering continuous improvement I
17 think is fundamental with that. I think one
18 thing that Ron touched on here is something that
19 resonates with me. This is not really intended
20 to be a regulation but it is a good idea. And
21 you can't downplay the significant improvement in
22 performance that those around us have

1 experienced. It is not anecdotal and it is not a
2 coincidence. It is a process they went through.

3 And I think it is appropriate for us
4 to learn from those and to apply this. I think
5 we can look -- we are, as an operator, very
6 heavily present in both the U.S. and Canada. And
7 the Canadians have had process for a very long
8 time. And those that are laughing, I am sure
9 have experienced that.

10 Projects and processes exist in Canada
11 quite proficiently. But they have a great deal
12 of energy and structure around management systems
13 and have had for a very long time. They are
14 trying to figure out how to regulate that. I
15 think we are seeing some of the struggles. Those
16 of us that are in that environment are seeing the
17 struggles that they are having with how do you
18 regulate culture. And I think it is important
19 for us to pay attention in the U.S. to what is
20 going on there and learn from that.

21 I do agree, Ron, at some point, it
22 will be prudent and appropriate for us to figure

1 out how to require this. But at this stage, I
2 think it is important for us to embrace it, not
3 repel it, learn how to use it and adopt it, and
4 institute it because it is scalable. It can be
5 done big operators all the way down to the very
6 smallest operators. This is just prudent,
7 prudent practice.

8 And then figuring out how to regulate
9 it, we can layer on over time. But I think that
10 one of the things that we have been -- I'm not
11 going to press this too many times or I'll end up
12 back on Ron's presentation.

13 I think one of the things that is
14 fundamental to us is, as with the API group, the
15 INGAA Board is fundamentally supportive of
16 management systems. It is absolutely a platform
17 we need to embrace and sit in to get to our goal
18 of zero and to make progress towards that. It is
19 fundamentally integral to that platform.

20 I think that one of the things we are
21 really becoming quite sensitive to is this issue
22 about culture and how do you actually create an

1 environment. You have got these tactical
2 procedures. You have got these programmatic
3 guidance things like SMS and then you have got
4 this cultural element. How do you get your arms
5 around creating a culture where people want to
6 always err on the side of caution, where there
7 are mixed messages, where you eradicate
8 disconnects and confusion aggressively, so that
9 people stay focused and always are wanting to be
10 pushing safety above everything else.

11 And I think that that is more almost
12 behavioral psychology than engineering and that
13 is a challenge. That is a completely different
14 science, on purpose, and something for us to try
15 to get our heads around. And I think that is
16 another frontier even beyond management systems.
17 And management systems is the next logical step
18 but to really propel it will take sensitivity and
19 awareness about how to get it cultured around
20 this to help move it, a culture that is not
21 resistant to change, a culture that embraces the
22 opportunity to learn and improve and do the right

1 thing, without procedural guidance on every
2 single step.

3 And with that, I will pass it on to --

4 MR. TAHAMTANI: Sue, you are next.

5 MS. FLECK: Hello, Sue Fleck on the
6 Gas Committee, representing AGA. And our lead on
7 this committee was Kate Miller. So, I worked
8 with Kate on pulling together a little bit about
9 what the AGA member companies have begun to do
10 around process safety, safety management systems.

11 Again, a quick reminder. AGA
12 represents 200 local gas distribution companies.
13 So, what the AGA org is doing is taking a multi-
14 faceted approach. You are going to hear some
15 similar themes to what you heard from Craig and
16 Andy.

17 There are essentially four major ways
18 we are going after it. One is a discussion
19 group. Second is piloting implementation, member
20 companies' implementation. There is a workshop
21 plan for 2016 and development of a roadmap
22 guidelines document. So, going into a little bit

1 of detail on each of those.

2 But in addition to that, safety
3 management systems are discussed as a part of the
4 peer review process. They are discussed during
5 all technical committee meetings, workshops, and
6 other events. So, it really is more than just
7 the four-pronged approach.

8 The discussion group has been
9 initiated. It has been up to speed. I listen in
10 on the discussion groups. I know we have had at
11 least two or three meetings so far. It is an
12 initiative that AGA started a few years ago, the
13 discussion group approach. Members meet
14 virtually through conference calls, conferences
15 or web conferences, either on a monthly or a
16 quarterly basis to discuss together issues of
17 concern. The nice thing about it is it is a
18 great opportunity to build awareness, to begin to
19 do some education, and to bring companies
20 together that have like interests. So, safety
21 management system is up and running and will
22 continue through 2016.

1 We are also going through pilot actual
2 implementation with a group of companies. We
3 have identified nine member companies that have
4 volunteered to get started with the program.
5 National Grid is one of those, so we will be
6 implementing it.

7 The kickoff conference call to start
8 that pilot is expected in the next couple of
9 weeks. This will take some time, as some of my
10 predecessors also mentioned. We are not going to
11 get a safety management system implemented in
12 nine companies in a couple of months. It is
13 going to take a little bit of time and effort but
14 we will be sharing lessons learned along the way
15 so that as more companies get interested and
16 decide to join in, we will be able to share the
17 pains and successes of those implementations.
18 So, I am really looking forward to that.

19 I guess the next one is really a
20 workshop and we are still pulling together some
21 speakers and getting some dates and trying to
22 figure out when is the next time to do this.

1 Probably in the first quarter of 2016. And what
2 we will do is we will get regulatory
3 representatives. We will get some of the
4 companies that are piloting to come and talk
5 about their lessons learned. And then some of
6 the development team representatives that we can
7 find to help us with that. So, I look forward to
8 seeing that coming up soon, some dates so that
9 many of you, I am hoping, will attend that
10 workshop. I think it could be quite good.

11 And then the fourth prong of our
12 approach is really developing a guidelines
13 document. Again, similar to what you have heard
14 from others, it is a journey building a safety
15 management system and what we are hoping to do is
16 to build a document that will pull information
17 from the discussion groups, from the volunteer
18 pilot implementations and from the technical
19 committees, operating section managing committee,
20 and those groups to be able to help provide
21 guidance to a company that maybe doesn't want to
22 commit to a full-scale pilot with AGA watching

1 over them but may want to start kind of working
2 on it back home in the privacy of their own
3 companies and it will give them something to
4 start working on. So, hopefully, we will be able
5 to collaborate all four of these efforts along
6 with the other organizations that are talking
7 today and we will have an industry-wide approach
8 that makes sense and is expandable to the
9 different sized companies.

10 MR. TAHAMTANI: Can I just ask a
11 question? Sue, you just talked about the various
12 industry associations collaborating.

13 MS. FLECK: Yes.

14 MR. TAHAMTANI: Is that a formal --
15 have you all talked about collaborating across --
16 I have heard three different approaches or
17 similar approaches in some respects.

18 MS. FLECK: I don't know that there
19 has been any formal collaboration but, as I
20 listen to my colleagues talking, we are all
21 talking about the same thing and moving in the
22 same direction. So, I am hoping that there is

1 going to be an opportunity for collaboration
2 going forward but there is none that I know of
3 previously planned, nothing formal.

4 MR. TAHAMTANI: All right, thank you
5 very much.

6 Rich.

7 MR. WORSINGER: Thank you. Rich
8 Worsinger, Rocky Mountain, North Carolina.

9 I am going to talk about APGA's
10 activities related to pipeline safety management.
11 APGA and its members, as I think everybody in
12 industry has, have strongly supported pipeline
13 safety management systems. We have done this for
14 years. We just didn't know that is what it was
15 called.

16 Public gas, as I mentioned yesterday,
17 is owned by our customers. They are families,
18 they are our friends, they are our neighbors and
19 we want to keep all of them safe.

20 I shared with you yesterday a picture
21 of the 22 employees in our gas division. I know
22 all 22 of those people. I know them by name. I

1 know their families. I see them at the grocery
2 store. I see them at the Little League game. To
3 me, it is very personal to keep them safe because
4 I see them with their wives and sons and
5 daughters.

6 A couple of things we are doing at
7 APGA. First, for over 30 years, APGA has
8 recognized and awarded its Annual Safety
9 Management Excellence Award to the public gas
10 utility that has implemented innovative and
11 effective safety management practices that other
12 APGA members can emulate. The winner is invited
13 to speak at APGA's annual gas utility management
14 conference, explain what they are doing back in
15 their utility. And this encourages other members
16 to adopt these very effective safety management
17 concepts.

18 And at last year's conference, we also
19 had a presentation on RP1173 and the pipeline
20 safety management system concepts.

21 I mentioned yesterday that APGA
22 established our System Operational Achievement

1 Recognition Award and this is to encourage
2 members to strive for excellence in natural gas
3 distribution system operations. Safety
4 management is a big part of judgment members for
5 their achieving this award and many of the
6 criteria for that operational achievement were
7 borrowed from RP1173.

8 As others have emphasized, leadership
9 is critical to fostering a safety culture.
10 Public gas utilities have some unique leadership
11 issues. Yesterday, I showed you a picture of our
12 Mayor and City Council getting the SOAR Award
13 from APGA. Like most APGA members, the mayor is
14 the Chairman of my Board and our City Council
15 members are my Board of Directors. And they came
16 into office, in most cases, with little or no
17 utility background. So, they rely on the utility
18 directors to properly operate their system.

19 But we needed to do something a little
20 more than that. So, APGA has taken management
21 and leadership systems sections of RP1173 and we
22 have rewritten it to address our unique

1 situation. It is to provide guidance to these
2 newly elected officials, as well as to the newly
3 appointed and hired utility managers to emphasize
4 how their words and actions can foster, or on the
5 other hand, inhibit that culture of safety in a
6 utility.

7 One other thing we have recently
8 instituted is something on our -- through the
9 wonders of the internet we have instituted
10 something called the APGA community. This is an
11 online ability for us to ask questions and share
12 solutions. And this is just -- I am amazed, and
13 we just implemented this a month ago, to see the
14 conversations that are taking place between these
15 small system operators that don't have the
16 ability to travel to our conferences or attend an
17 event such as this to ask a question how do you
18 and to see the answers and the sharing of best
19 practices.

20 And advantages of smallness.

21 Listening to the comments by the other operators
22 here today and the challenges you face of

1 communicating to your multiple divisions and your
2 multi-state operations, it strikes me that we do
3 have some advantages being a small operator and a
4 small local public gas utility. Back in Rocky
5 Mount, we have in our break room two picnic
6 tables and that is where the people in our gas
7 division meet every day. That is where they get
8 their work. That is where they discuss issues.
9 They come back there at the end of the day. Our
10 management of change policy is simply to walk
11 down the hall to the break room and talk with the
12 employees, tell them what we are changing and
13 why. But in most cases, that is not necessary
14 because they have already come to me and said
15 this is our concern; we are having this issue; we
16 are running into this. And we discuss what those
17 issues are and how we are going to resolve them.

18 I think the bottom line is that PSMS
19 for public gas systems is going to be very
20 different from what large operators in this room
21 will be implementing because we don't have that
22 multiple operating divisions that are spread out

1 across a state or many states. But the basic
2 elements, especially the importance of leadership
3 and fostering a safety culture will be the same.

4 Thank you.

5 MR. TAHAMTANI: Thank you, Rich.

6 Jeff.

7 MR. WIESE: Thank you. And thank you
8 to everyone for their presentations. You know it
9 is funny, Massoud and I said we had been orbiting
10 together too long because he just leaned over and
11 asked me something. And I said the first note to
12 myself, you know one of the principles of SMS, I
13 don't have to tell many of you, is looking beyond
14 yourself to see how can I be better. I am not
15 perfect. I have opportunities to be better but
16 how do I go about that? One is to look at
17 yourself and scratch your navel for a while but
18 other is to look at what other people are doing.
19 So, to that extent, in hearing all of the great
20 things that are spooled up, I would really
21 encourage each of the sectors to reach out to the
22 other ones and say hey, we are doing this event.

1 If you want to send somebody along just to pick
2 up ideas, or maybe tell us what you are doing,
3 great because I think everyone will come up with
4 good ideas. Learning from each other, I think
5 the collective whole will be better. So, I
6 wanted to encourage that.

7 You know, honestly, I couldn't have
8 been prouder I think of any exercise I have been
9 involved in in years than this exercise. I think
10 it has such huge upside potential that I don't
11 have to tell Ron and the Committee members that.
12 Everyone on that team, by the end, was extremely
13 committed to the exercise. So, I do want to,
14 again, commend the team, thank them. And
15 ironically, most of the team are saying they are
16 now -- while they complained about monthly
17 meetings, they are now sort of saying that they
18 miss that monthly meeting. It was a great
19 opportunity to argue with intelligent people in a
20 constructive and respectful way towards a common
21 end.

22 You know, it is a journey. It is not

1 an overnight success but we need to jump on it.
2 I think the phrase that I have used a couple of
3 times is probably inappropriate, but it is not
4 uncommon for me, I would say it is watchful
5 waiting. As a regulator, we are sitting back to
6 see. It is not a question of whether -- as I
7 have said, I don't think it is the type of thing
8 maybe that should be, and certainly not
9 immediately, regulated.

10 Our friends at the FAA taught us a
11 good lesson. They, as I think Ron was pointing
12 out, they stayed in a collaborative mode for ten
13 years, just so they can learn from one another.
14 Because sometimes when you go to a regulatory
15 posture, it kind of shuts down those
16 communications. People think they are going to
17 be held accountable for something instead of just
18 talking. So, we are watchful waiting and hopeful
19 it is not necessary but I certainly wouldn't want
20 to do it in the first edition. I think as Ron
21 said, we need to learn a lot, come back, and
22 figure out what to do there.

1 But I am going to segue in a second to
2 Brian Salerno because I think, as you will see,
3 there are converging paths across all sectors,
4 whether it is chemical, nuclear, offshore oil and
5 gas, whether it is Canadian and, ironically, even
6 Mexican. You are seeing converging paths here.

7 NACE presented a kind of high-level
8 summary of this major study they are doing and
9 hope to release in March. I think I told Ron
10 about this. And the punch line on a corrosion, a
11 major multi-year corrosion study, the punch line
12 is management systems. Right?

13 So, I think you will see that a lot of
14 people see that as a path to really step change
15 in performance and moving us towards zero, which
16 is the goal that everyone has shared now for a
17 while.

18 So, we will be keeping a focus on
19 implementation. We will be trying to grow with
20 you. To be honest with you, one of the
21 challenges is to the regulator. How do you
22 oversee something like this? It is not like

1 going out and doing a basic O&M inspection. It
2 is a lot different.

3 So, we have our own activities
4 underway. I have offered to partner with a
5 variety of companies in a very collaborative
6 model. Not a punitive model, a collaborative one
7 to figure out how would we go about that. And
8 so, see me at the break.

9 I did want to, before I turn over to
10 Brian for a second, I wanted to commend to you
11 for those of you that this is relatively new to,
12 my experience is you have to try it on and wear
13 it for a little while before it gets comfortable.
14 Like Ron said, read it several times. You are
15 not going to absolutely absorb it on the first
16 time but you have to play with it a while. But
17 the workshop that we did together in February
18 2014, it is on YouTube, if you just search PHMSA
19 and SMS and then look for February 14. I think
20 the thing that was most remarkable about that
21 workshop was listening to other industries. It
22 wasn't what we were talking about it was what

1 FAA, small operators, you know large operators,
2 chemical, nuclear, their experience and their
3 journey, I think was really sort of inspiring, at
4 least to me.

5 Well at any rate, with that, I want to
6 close by telling you that this is really an
7 example of performance-based regulation, should
8 it ever become regulation. It is not
9 prescriptive that says these are the things that
10 you should do but it doesn't tell you how. It is
11 what you should really do, not exactly the how.
12 There are promises and there are pitfalls in
13 performance-based regulations. I think there is
14 great misunderstanding of what performance-based
15 regulation is.

16 So, my friend Brian Salerno and I were
17 talking about trying to commission a study on
18 safety culture and what is the regulator's role
19 in safety culture. And Brian really, I thought
20 very articulately, convinced me that first we
21 need to help people understand the role of
22 performance-based regulation and achieving safety

1 goals within a regulatory community. I know he
2 is ahead of the curve on many things but Brian
3 has been working SMS issues and cultural issues
4 for a long time. So, Brian, I thought I would
5 invite you to comment on that academy study that
6 we are talking about.

7 VADM. SALERNO: Sure, thanks, Jeff and
8 hello, everybody.

9 It is a topic that Jeff and I have
10 talked about quite a bit and it is one that, at
11 first blush, it looks like it is a fairly simple
12 conversation. Wouldn't it be better to have
13 performance-based regulations, establish a goal,
14 and allow the industry to develop the means to
15 achieve that goal? And there is a lot of
16 benefits to that. First of all, the regs are
17 simpler to write, for one thing. It is easier to
18 come to consensus as to what the goals should be,
19 particularly if it is a safety-related goal. And
20 it also, and this is where the industry really
21 weighs in quite heavily, it eliminate the
22 likelihood that prescriptive regulations will

1 lock in today's technology for the foreseeable
2 future. Regulations, they are hard to develop,
3 they are hard to change and it takes a long time.
4 And what we see in the offshore industry is the
5 pace of technology is so great that regulations,
6 realistically, cannot keep up. So, we do rely
7 very heavily on industry standards and so forth.
8 So, there is a lot to be said for that.

9 On the other hand, having developed
10 some fairly significant regulations over the past
11 year, we are also seeing some real challenges
12 with or attempts at building in performance-based
13 language and not only with the new regulations
14 but with existing ones.

15 And I think what makes it difficult,
16 quite honestly, is public expectations and not
17 just public expectations but political
18 expectations.

19 What we see in controversial areas,
20 let's take the Arctic, which is sort of
21 dominating my summer. We have some very
22 prescriptive regulations on the books relating to

1 things such as oil spill preparedness. Almost
2 every decision we make, every permit we issue is
3 subject to public scrutiny and, in many cases, to
4 legal challenge. And the awkward thing for me,
5 as someone who is a believer that performance-
6 based is good is that the one thing that has
7 saved us in court challenges is the very
8 prescriptive nature of our existing regulations.
9 The courts have looked at it and said well, the
10 Agency did exactly what the regulations, you know
11 they upheld the regulations as written,
12 therefore, we find that they have acted properly.

13 It creates a bit of a tension. There
14 is a desire to go to performance base but a
15 certain degree of prescription actually is
16 helpful and beneficial. So, how do you find the
17 sweet spot with something like that to allow
18 forward thinking, to allow innovation but, at the
19 same time, provide enough assurance and enough
20 clarity to the public that they have a very good
21 robust idea of how the agency will enforce its
22 own standards and what is also expected of the

1 industry and the degree of safety that they will
2 build into their operations. It is a hard
3 challenge.

4 So, Jeff and I have been talking about
5 this issue and we have talked with the National
6 Academies and thought that they might be able to
7 help us with this and maybe benchmark against
8 other agencies in other areas, even
9 internationally, what has happened, and
10 recognizing every national system is a product of
11 its own public expectations, its own political
12 landscape but there still may be lessons that we
13 can learn.

14 So, they are going to undertake a
15 study and I think Jeff has really been the prime
16 mover behind getting them to do this and also the
17 principle funders. But I am excited about this
18 prospect because as we approach the whole
19 question of how does an agency regulate in the
20 most effective way and in a construct that
21 intends to achieve certain safety outcomes. We
22 all, I think, have come to the conclusion that

1 prescriptive-based regulations only get you so
2 far. It really does require involvement, just as
3 we are talking about here with safety management.
4 It requires thought and continuous process that
5 plan, do, check, act loops that we saw displayed
6 here, that has to be built in not only to safety
7 management systems but even into a lot of other
8 aspects of the operation. So, how do we
9 encourage that and have the ability to monitor
10 that and also, at the same time, provide enough
11 public awareness and public trust and confidence
12 in that process? It is a simple question to ask
13 and a very difficult problem to solve.

14 MR. WIESE: Well, thank you, Brian.
15 I just thought I would add that for what it is
16 worth, some of you are regulated by multiple
17 entities. Dr. Michaels, who is a friend of ours,
18 head of OSHA, said he wants in. We have talked
19 to the Coast Guard; they want to participate. We
20 have talked to FAA; they are willing to.

21 So, the reason I wanted to raise it
22 now is to say to you I think you should be

1 thinking about it because the academy process, if
2 you have ever been involved with it, is very
3 predictable. They will have a number of open
4 public workshops, which we'll encourage them to
5 invite you to, particularly, if you can help us
6 focus. Who should we talk to in order to get
7 representation there?

8 I think it is going to be really
9 important to have your voice heard, to have the
10 offshore heard, the OSHA people, and get it out
11 there because, honestly, I think what Brian and I
12 were agonizing over is even though we know it is
13 the right path to pursue, it is really a painful
14 path for us, as regulators because the
15 expectations that are created in certain quarters
16 about what we should be doing and how we should
17 be doing it, I would just say -- let me reverse
18 that to say I think the Academy can shine a light
19 on this. They can probably tell us how to be
20 better but I think they can also help other
21 people understand in a way that we might not be
22 able to do ourselves.

1 So, with that said, I think it is
2 going to be an important study. I am hoping that
3 they will begin to get their organized and maybe
4 go to public meetings by the beginning of the
5 year for sure.

6 So, with that, I think I will stop and
7 turn it back.

8 MR. TAHAMTANI: So, great discussion,
9 comments. Any questions? We have got about four
10 minutes before I give you a break for a one-hour
11 lunch, which starts at 12:30. You have to be
12 back here by 1:30.

13 And when we come back, I would like
14 Zach to go first and Ken will cover both of his
15 issues at the same time.

16 So, any tough questions for Ron
17 McClain? Now, everybody is authorized to hug Ron
18 as you leave for lunch.

19 Any questions for Jeff or me?

20 Let me just make a comment to Ron.
21 Next week, I will be making a presentation on SMS
22 before 80 or so people, state pipeline safety

1 program managers and other officials. And you
2 have heard me say this and Jeff knows this, that
3 some of my audience don't believe that this is
4 going to change anything. But I will take the
5 passion that you have, that you see me have and
6 Jeff to that and I hope that we can show them,
7 especially through AGA, that this is the thing,
8 this is going to change things. This is not a
9 checkbox approach. This is not another set of
10 stuff that we are going to just say yes, Chapter
11 1 says this, and we have done that; Chapter 2
12 says -- and I look forward to working with all of
13 you to figure out a safety culture. How do we
14 assess this thing?

15 I have got some stuff going on in my
16 own state. You have seen some charts and graphs
17 that I have shown but I don't know much about
18 this but I intend to learn.

19 So, here is another proposal. As Jeff
20 said, as Andy and Craig and others talked about,
21 I said what about cross-pollination, about these
22 associations talking? At least for me, I can't

1 speak on behalf of NAPSR, I am interested in
2 coming to your workshops. I am interested in
3 learning from you about how to do this. We can't
4 just sit back and say, as Jeff said, regulate
5 you. I think the public expects us to work
6 together, again, for the main goal of safety. It
7 is no longer acceptable to say we don't have the
8 rules or the rules are not implemented or APGA
9 has got issues with this or that. I am so glad
10 that you have got those picnic tables. I have
11 heard about them a couple of times. I am going
12 to buy one for my office and talk to them at
13 lunch.

14 I know there are different sizes and
15 different complexities with our operations but at
16 least my view is we have to work together, like
17 we are talking in this room to make sure that we
18 don't have another big one.

19 We have another big one and I
20 guarantee you that this guy is going to be pushed
21 by Congress, by NTSB, by the world, to make all
22 these rules. And we haven't quite figured out

1 what it is and how to even audit for it.

2 So, having said that, we are at 12:30.
3 That is why I made the speech here. So, please
4 take an hour and come back here.

5 Again, if you are not here as a
6 committee member and you get here late, I will
7 make you stand up and sing a song or something.

8 (Whereupon, the above-entitled matter
9 went off the record at 12:31 p.m. and resumed at
10 1:32 p.m.)

11 MR. TAHAMTANI: All right, thank you
12 very much. If you are a committee member, please
13 take your seats and if you are not, still take
14 your seat.

15 Back to our agenda, as I indicated, I
16 have asked my good friend Zach Barrett to go
17 first to talk about state programs. Zach, if you
18 would, turn your phone on and --

19 MR. BARRETT: Turn my phone on? I got
20 in trouble for that earlier today already.

21 While we get the presentation up,
22 thank you guys for allowing me to come in and

1 talk about state programs for a little while.

2 Usually, I hit these microphones from a long way
3 off, so I apologize for that feedback.

4 What we are going to hope to do today
5 is to give you just kind of a high-level overview
6 of state pipeline safety programs and answer what
7 any questions that you might have regarding state
8 programs that Robert and Massoud can't answer and
9 that they will let me answer for you to get us
10 back and, hopefully, do this in a fairly brief
11 manner to get us back on schedule, because that
12 makes Massoud feel better all the time.

13 State pipeline safety programs, you
14 might know this, if they were in the business of
15 pipeline safety regulatory issues back prior to
16 1968, where the Natural Gas Pipeline Safety Act
17 gave PHMSA authority over pipeline safety. And
18 due to that, the Act provided for states to have
19 the provision to have authority over intrastate
20 pipeline safety.

21 So, if the state pipeline safety
22 program meets the seven elements in the statute

1 under the certification, they are in for a
2 pipeline safety program, states are PHMSA's
3 closest partners in pipeline safety. We
4 currently have 51 programs in the gas programs.
5 There are eight interstate agents. I will talk a
6 little bit about what that really means for those
7 of you that might not now.

8 There are 14 liquid programs and the
9 states of Alaska and Hawaii do not participate in
10 the pipeline safety program.

11 In the case where a state doesn't
12 participate, in the pipeline safety program, it
13 falls to PHMSA to do the inspection and the
14 enforcement of those intrastate facilities that
15 are not under the state's safety authority. The
16 states of Florida, South Carolina, Arkansas Oil
17 and Gas do not take federal grant funding. The
18 states of California and Arkansas have two
19 programs. There is Arkansas Oil and Gas and
20 Arkansas Public Service Commission. There is the
21 California Public Utilities Commission and the
22 California State Fire Marshal.

1 States are responsible for 80 percent
2 -- this is kind of a take-away and something that
3 I would like for you to remember is that states
4 are responsible for 80 percent of the existing
5 pipeline infrastructure under PHMSA's safety
6 authority.

7 So, the states have a big role in
8 pipeline safety for us. Their primary
9 responsibility is gas distribution. That is the
10 mains and the service lines that are run to your
11 homes and the transmission lines that feed those.
12 And there is approximately 330 full-time state
13 pipeline safety inspectors. And we support those
14 through grant funding. It's what we call the
15 State Base Grant.

16 We use the State Base Grant or grant
17 funding to encourage alignment with the federal
18 pipeline safety program and to encourage
19 participation. It's not new. Since 1971, we
20 have been providing funding to state pipeline
21 safety programs. It allows us to fund
22 approximately 80 percent of the total program

1 costs, the actual total program costs of the
2 pipeline safety program. It is a reimbursement
3 grant, so the states have to spend their funds
4 for the calendar year. And then we reimburse
5 them of those funds the following calendar year.
6 The 2015 grants, around \$54 million and then we
7 think that will get us to about 76 percent
8 federal funding.

9 So, a key point in that is back in
10 2008, the state funding was probably about 60
11 percent. They funded 60 percent of their program
12 costs. At that time, of course, PHMSA funded the
13 other 40 percent, 35 to 40 percent. So, there as
14 a grant increase throughout the years and we are
15 currently looking around 76 percent funding.

16 Again, it is a reimbursement grant.
17 So, the state spends its money. We review those
18 costs and we pay them back based on those actual
19 costs.

20 It is also performance-based. We look
21 at state's performance and we are trying to not
22 only use performance to allocate the grant

1 funding but we are also trying to use our
2 evaluations, our progress report scoring and our
3 program evaluation where we actually take my
4 staff does an on-site evaluation. They come out
5 and visit Massoud for a week or two or a month or
6 two, depending on how he is doing. He usually
7 doesn't take long because Massoud is one of our
8 strong pipeline safety partners and he does well
9 always. But Robert, on the other hand, we might
10 spend more time with. He is our current National
11 Chair and he will get me next week for that,
12 trust me.

13 The program evaluation consists of us
14 looking at their inspection activities for a
15 previous calendar year, looking at their
16 enforcement activities, looking at their training
17 attendance, their incident investigations, the
18 number of inspectors they have, their
19 qualifications. There is a myriad of questions
20 we ask and that is all up on the website. We
21 give our program evaluations, what they look like
22 and the questions there.

1 The progress report, we look at what
2 type of regulatory jurisdiction, safety
3 authorities they have, again, the number of
4 inspection days, based on a formula that we had
5 to look at a base bare minimum number of
6 inspection days a state should have, whether they
7 have adopted all of our federal regulations, what
8 civil penalty authority they have, their
9 qualifications, a myriad of things there. We
10 score all that and mash it together, run the
11 numbers out and then we give them a percentage of
12 the grant funding for that and write letters to
13 the chairman to say hey, we found these areas
14 that we might think about improving and we make
15 them respond back to us with what they are
16 planning to do about that.

17 We also do grant monitoring because if
18 you hand the money out, you should go out from
19 time to time and look to see the money is being
20 spent along the lines that you are asking it to
21 be spent along. So, my staff looks at the grant
22 funding about every three years on a rotation

1 basis. And there are guidelines that we follow
2 with the grant world to make sure the money is
3 being spent and accounted for appropriately.

4 How are states doing? State
5 performance is good. States have reduced the
6 rate of incidence for serious incidents with
7 deaths or injuries on gas distribution by two-
8 thirds over the last 30 years. And that is in a
9 time frame when the distribution infrastructure
10 has been growing by over 50 percent. So, that is
11 a pretty good metric but we can always do better.
12 We are always looking to do better.

13 The serious incidents in 2012 and 2013
14 were the lowest on record at 24 and 21
15 respectively. And in 2014, we had a tick up to
16 26. For transmission lines, states had not had a
17 transmission line incident with deaths or
18 injuries since 2010 until 2014 and there was one
19 in Kentucky and one in Texas involving that.

20 What is coming forward? I don't know
21 if Alan, hopefully yesterday, talked about maybe
22 some of the OIG recommendations, the NTSB

1 recommendations to us and some of those involve
2 state pipeline safety programs. The OIG spent a
3 couple of years with my program looking at our
4 field portion, evaluation portion, and our grants
5 portion of handling the money and how we
6 distribute the money and they came up with seven
7 recommendations. And NTSB, out of San Bruno, had
8 a couple of recommendations for us. And we are
9 in the middle implementing those recommendations,
10 have made good progress towards those. We are
11 trying to bring more transparency to our website,
12 so that you can look and see not only what the
13 questions are but how the states did and how they
14 scored for individual question. We will be
15 bringing that forward and trying to provide more
16 looks. We have some meaningful performance
17 metrics from our NTSB recommendations that
18 already currently posted to our website.

19 We have a mentoring program that we
20 are trying to get some legs under where we pay
21 invitational travel for a state inspector to
22 travel to another state to observe an inspection

1 with an inspector that we believe is a qualified,
2 good pipeline safety inspector so they can watch
3 and see how it is done. It is important for
4 small states, especially, where we have PHMSA is
5 hiring 109, the industry is growing and it is hot
6 with all the construction and that sort of thing
7 going on. So, it is hard to attract good quality
8 inspectors for states.

9 So, one of our challenges is trying to
10 get in small programs where there is a lot of
11 turnover that we may have someone who doesn't
12 have someone there in the program to take them
13 out and show them how the inspection things works
14 and what we are really looking for in these
15 questions. And in the interim, we are trying to
16 provide them an opportunity to go out and sit
17 with Massoud's folks and see how it is really
18 supposed to be done and get a good start on those
19 things.

20 So, we are hopeful to get more takers
21 than that. We have been early in that program
22 and we have a lot of hopes that that is going to

1 help us bring up the qualifications in inspection
2 quality in-depth.

3 We are looking at formalizing a best
4 practices program. I have been visiting with AGA
5 about their best practices program and trying to
6 rob, steal, and take the best I can of that and
7 trying to develop something for states to share
8 best practices among themselves in more a
9 formalized fashion of what we have been doing in
10 the past. Obviously, we are always looking for a
11 better way and these guys have their own NAPSR
12 website and they share information all the time
13 at our NAPSR meetings. There are five of those
14 region meetings a year where we interact with the
15 states and they interact with each other. Our
16 national meeting is next week, where we will be
17 interacting with all the states again.

18 So, it gives us opportunities to talk
19 about improvement and places to go.

20 Part 198 is our grant program and
21 basically how our state program is run. It is
22 the regulation that sets out how pipeline safety

1 programs go. So, we are going to look in this
2 coming year and shortly to formalizing what is
3 currently in the statute, or authorities under
4 the statute and in our current process and
5 procedures in our state guidelines end in Part
6 198. And one of those would be a part that we
7 have been talking about states for the last
8 couple of years about formalizing our
9 decertification program.

10 I talked earlier about Alaska and
11 Hawaii are not in the state programs. Hawaii was
12 in the program at one time, back in 1995-6 era.
13 They stopped doing inspections and we encouraged
14 them, worked with them, and we couldn't get over
15 the funding issue, so we decertified Hawaii back
16 in that time frame. So, we have done it in the
17 past. It is not something that happens very
18 often.

19 It is not something that we have a
20 great need for because, in this next bullet I
21 have here for you, we are always looking to
22 improve training, and the training methodologies.

1 We are looking to try to do some distance
2 learning. Some new things. They have a training
3 facility there in Oklahoma City and we are also
4 always looking to try to develop state inspectors
5 and federal inspectors. State inspectors and
6 federal inspectors sit in the same classes
7 together. They take the same test. They have to
8 have the same qualifications to do the job.

9 So, to try to get Massoud back online,
10 and all that sort of thing, that is the quickest
11 run-through of the state programs I have done in
12 some time. I'm hoping that we haven't bored you
13 to tears with that but I am interested in any
14 questions that you might have about that that I
15 could offer to answer for you or maybe get you an
16 answer if you stump me. It happens sometimes.
17 If Massoud can't answer it, I will get you one.

18 Any questions?

19 MR. TAHAMTANI: Thank you, Zach. Any
20 questions? I realize it is after lunch but
21 please ask him some tough questions.

22 MR. BARRETT: Andy, you don't have any

1 questions? That's as tough as they get right
2 there.

3 Carl! Carl, please.

4 MR. TAHAMTANI: Carl.

5 MR. WEIMER: I understand there is
6 kind of a rumor going around that PHMSA is
7 considering removing the interstate agent for
8 interstate pipelines that some of the states take
9 on. I was wondering if you could talk about that
10 a little bit.

11 MR. BARRETT: Sure. I'm glad you
12 brought that up because I promised you I would
13 tell you what the interstate agent thing was and
14 I skipped right over that I my rush to the
15 questions.

16 Interstate agents for us, PHMSA, under
17 their agreement structure through the statute, we
18 have 60.105a agreements, which gives the state
19 full authority to inspect and enforce against
20 intrastate operators.

21 So, they go out and do the
22 inspections, find the probable violations and

1 they do the enforcement.

2 We have a 60.106 agreement where
3 states that are trying to get their programs up
4 and running and may not have everything in the
5 law which allows them to go out and inspect but
6 turn over the violations that they find in PHMSA
7 for enforcement.

8 We are able to do that through our
9 interstate agent agreement through the 60.106
10 section of the Act. It also gives states the
11 authority to inspect interstate pipelines for us
12 and then turn over the probable violations to us.

13 We are not looking to, anytime soon,
14 to de-structure our current interstate agents.
15 We are certainly look for states to focus their
16 resources because the metrics that I was showing
17 you earlier, all the deaths and the injuries that
18 occurred in 2014 occurred on intrastate
19 facilities under the safety authority of the
20 states. So, we would like states to focus their
21 limited resources on that but, certainly,
22 interface with us on the interstate pipeline

1 systems, where it makes sense for both of us,
2 where maybe there is a construction project going
3 on. We are looking at transitioning maybe to a
4 temporary interstate agent agreement that is
5 time-defined specific for a given project, not
6 for just the existing interstate agents that we
7 have but also allowing other state partners to
8 work with us with that.

9 We are interested in reaching out to
10 the states. If a state was to say hey, look, we
11 are looking at this. We can't get any additional
12 staff. We really do want to apply more resources
13 to the intrastates, we would like to relinquish
14 our interstate agent, our former interstate agent
15 status but we still want to communicate and stay
16 with you in the game, during inspections, and be
17 a part of this. Obviously, we would like to
18 reach out to states and see what they know about
19 their interstate partners, what we are doing with
20 the states, why we are doing inspections, to get
21 that feedback to hear from that.

22 We are onboarding 109 inspectors.

1 That gives us an opportunity -- when I first
2 started with pipeline safety back in 87, I was
3 the third one in the Central Region, the third
4 inspector. So, we used our interstate agent
5 agreements heavily then to leverage state
6 resources to help us. As we grow, obviously,
7 that has an opportunity to change. You know, we
8 don't want to make it something that is not
9 improving safety. We want it to give us more
10 flexibility to give us the tools to work with to
11 improve safety and work together in a more
12 formalized fashion.

13 Again, it will take -- we are not
14 looking to do anything and all the interstate
15 agents, the formal agreements are in place. We
16 do temporary interstate agent status. And for
17 those that are asking, which happens from time to
18 time with the new construction for interstate
19 agent status, we get with the regional director
20 and ask them if they are having any issues and if
21 there are any projects that we could use some
22 temporary help with and we try to work with them

1 to do a temporary interstate agent agreement to
2 do that.

3 Carl, does that help? I know that is
4 a lot of words to try to get to that.

5 MR. WEIMER: Yes, I think that helps.
6 I guess the one question is would you expand
7 interstate agents? Because I know like the State
8 of Michigan just recently had a report that came
9 out that recommended that.

10 MR. BARRETT: Sure. We typically
11 would use temporary interstate agent agreements
12 to expand interstate agents and not the
13 formalized agents that we have in place that
14 basically says for this whole state you will have
15 all of the authority.

16 What we want to do is to set the
17 temporary interstate agent things up an work
18 projects that make sense to both parties that
19 this is a good thing to do, so it isn't a big
20 resource drain but yet it involves states, gets
21 the local knowledge on the ground, and helps us
22 work better together.

1 Any other questions?

2 MR. TAHAMTANI: Thank you, Zach. Any
3 other questions?

4 Zach, you sort of slide over this one,
5 too, distance learning. You are thinking about
6 distance learning for educating the inspectors.
7 Can you comment on that.

8 MR. BARRETT: Sure. Currently, we are
9 doing what we call WBTs to allow an inspector to
10 use their computer to go over the internet to
11 take some training online, basically, for very
12 short specific topics. And we are looking to
13 broaden that base to include more topics to where
14 it makes sense in short segments. And my boss's
15 boss has told me I was going to speak to a
16 greater stretch of that here in a bit. So, I
17 will let him do that.

18 Any other questions?

19 MR. MAYBERRY: Yes, Zach, let me pick
20 up on that, as well. In developing our strategy
21 for training and development of employees, we are
22 taking a look at what is the right mix between

1 classroom and distance learning and other places,
2 perhaps as well, that we are looking at.

3 But yes, right now, we want to point
4 out we do -- last year we did about 1500 courses
5 remotely. We are looking at, as we modify our
6 curriculum going forward to figure out what is
7 the right mix. Which ones are better suited for
8 that? So, stay tuned and we will be reporting
9 out on that on a future date.

10 MR. TAHAMTANI: All right, thank you,
11 Zach.

12 Our next speaker is Mr. Ken Lee, who
13 has got two presentations to make, back to back.

14 MR. BARRETT: Please.

15 MR. TAHAMTANI: Go right ahead.

16 MR. QUACKENBUSH: Yes. I'm sorry.
17 Yes, I just had a question about the classroom
18 training that you mentioned. You had mentioned
19 that there is this large wave of new PHMSA
20 employees that will need to go through training.
21 What does this mean for the training slots
22 available to states and others? Are you

1 expanding the number of classes to accommodate
2 this wave or how should we think about that?

3 MR. BARRETT: Certainly, we are trying
4 to provide more opportunities to our introductory
5 courses, the 1250 courses that are prerequisites
6 to other courses. So, we are providing four
7 opportunities through the year, which there used
8 to be one to do that.

9 We have some TQ staff that we need to
10 hire and to put into place. The distance
11 learning, we are looking at some opportunities,
12 as Alan could probably tell you, too, to work
13 that model. We are also looking at a boot camp
14 to where we could do back to back courses, core
15 back to back courses, around successionally for
16 folks that want to subject themselves to that
17 kind of training.

18 So, we are certainly thinking about
19 it. We are looking at exploring the options with
20 the resources that we have and the abilities we
21 have to move forward as quick as we can.

22 MR. TAHAMTANI: All right, any other

1 questions for Zach?

2 MR. BARRETT: You're going to move him
3 off schedule.

4 MR. TAHAMTANI: All right, thank you,
5 Zach.

6 Mr. Lee.

7 MR. LEE: Good afternoon. My name is
8 Ken Lee. I am Director of Engineering and
9 Research and I would like to give you an update
10 about our Research Development and Technology
11 Program.

12 Our program started in 2002 with the
13 Pipeline Safety Improvement Act. And it focuses
14 mainly on the development part, which is near-
15 term solutions to improve pipeline safety.

16 And the three main goals of our
17 program is to develop new technologies to improve
18 safety, to strengthen consensus standards because
19 many of them are referenced by the Federal Codes,
20 and to promote knowledge.

21 And as you can see on the chart on the
22 bottom, on the bottom right you can see that our

1 funding for the last two fiscal years has
2 increased from about \$7 million a year to \$12
3 million. So, that was the plus-up which we saw
4 in fiscal years 2014 and 15.

5 And we have a pretty rigorous process
6 that is collaborative, where we bring in a lot of
7 stakeholders involved. We reach consensus on
8 what the top issues are. We have a rigorous
9 interagency review and peer review as well. So,
10 this has been audited many times by many agencies
11 and it has withstood all those audits.

12 We have a public web page that tracks
13 many of the performance metrics. And this
14 includes 22 patent applications and
15 commercialization of technologies. Because what
16 we want to see is the real world impact of our
17 program. We want to see the technologies being
18 used in the near-term.

19 And this slide highlights some of the
20 successes of our program. Some of our projects
21 include leak detection. So, on the right-hand
22 side, you see some aerial laser leak detection

1 that can be performed by fixed wing or
2 helicopter. And there are some other leak
3 detection technologies there on the bottom left.

4 We have done work on robot pigs for
5 difficult to inspect pipelines, like what you see
6 in the top left, and also new technologies to
7 inspect pipelines like guided wave for casings
8 and new ILI technologies.

9 And on the top center you see that is
10 some R&D that was done on mechanized pipe welding
11 systems.

12 Some of our other metrics include
13 papers, public events, and we also keep track of
14 the total number of hits on our website, which is
15 now over 100,000 hits per month, and also the
16 number of files downloaded, which has been over
17 one million files since 2008.

18 So, this includes all of our project
19 final report files, quarterly reports, and we
20 have one of the most transparent programs that is
21 out there. You can download all of the final
22 reports and it is free of charge because it is

1 funded with public money.

2 We are making research awards this
3 year. And this process really kicked off in
4 August 2014 with our Pipeline R&D Public Forum.
5 So, this is a public meeting, where we tried to
6 establish our national research agenda and they
7 have identified five key focus areas: damage
8 prevention, anomaly detection and
9 characterization, materials, risk models, and
10 LNG.

11 Earlier this year, we announced for --
12 we made an announcement for papers. And we
13 received 81 white papers, 38 proposals. And we
14 are working on making awards next month for about
15 \$12 million of new research projects.

16 Another program which we have is the
17 Small Business Innovative Research and this was
18 congressionally established and we have had this
19 in place since 2002, where we have awarded a
20 total of 29 grants totaling about \$6 million.
21 And so this is supported by an annual tax from
22 our PHMSA R&D programs and it is ministered

1 through the DOT Volpe Center.

2 One of the most exciting programs that
3 we have now is this new Competitive Academic
4 Agreement Program or CAAP and this was designed
5 to spur innovation. So, we are trying to reach
6 out to bright minds outside of the pipeline
7 industry to drive research, to try to get out-of-
8 the-box ideas.

9 And another goal of this is to expose
10 students, who may not otherwise know the pipeline
11 industry to track bright minds to enter the
12 industry and to enter pipeline safety.

13 So, this was initiated in fiscal year
14 2013, where we first had discussions and we made
15 the first round of awards fiscal year 13. We
16 made eight awards for about \$800,000. In fiscal
17 year 14, we made seven awards for about \$700,00.

18 This year, Congress liked the program
19 so much, they have increased the budget to about
20 \$2 million a year. And so the project size was
21 increased from about \$100,000 two-year to now a
22 \$300,000 three-year projects to accommodate the

1 budget increase. And we received 37 applications
2 and we expect those to be awarded soon.

3 And at our R&D Forum last year, we had
4 a CAAP poster session, where non-universities
5 presented their posters there. And you can see
6 the list of universities there. And there were
7 many people from the pipeline industry and
8 pipeline industry researchers there. And it was
9 an excellent synergy to connect those in the
10 academic world with those in the real pipeline
11 industry.

12 So, we are tracking the performance of
13 CAAP on our website. So, all this information is
14 on our web page, where some of the metrics are
15 the number of students. And so far, we have 73
16 grad students involved, two student internships
17 who are working for pipeline industry companies.
18 And again, we are planting a seed here. We are
19 trying to bring new, bright minds into the
20 pipeline industry. So, we may not realize a lot
21 of the results for many years. But I am thinking
22 this is what we need to really advance the

1 industry and to bring new refreshing ideas into
2 our industry.

3 And these are the contacts here at
4 PHMSA. If you have any questions about our
5 program, contact me, Jim Merritt, or Bob Smith.

6 Thank you.

7 MR. TAHAMTANI: Thank you, Mr. Lee.
8 Any questions on this part of his presentation?

9 MS. JOY: Two questions. This is
10 Michele Joy with the Liquid Group.

11 The first is you get a lot of
12 applications but how do you solicit those
13 applications? Do you say we have this problem,
14 what might you propose to solve it? And a
15 related second questions is how do you go about
16 the award process?

17 MR. LEE: We have our R&D Forum every
18 other year, where we have it as a public event
19 and we try to identify what the biggest research
20 needs are. So, we have government, industry,
21 researchers, and the public there to throw out
22 all the ideas and see what sticks and what rises

1 to the top. Then, we make a broad agency
2 announcement for proposals to address those
3 topics.

4 And as far as reviewing what to award,
5 we have a review panel that comprises of
6 interagency. So, there is a lot of people
7 outside of PHMSA and it includes other
8 government. It includes industry. It includes
9 SMEs in industry. So, we have a panel that gives
10 the proposals scores and then they meet and the
11 decide which projects to award, based on which
12 have received the highest total scores.

13 MS. JOY: Follow-up question. Do you
14 make any effort to reach out to minorities and
15 women and other groups that might not otherwise
16 apply?

17 MR. LEE: Yes. Yes. Yes, we do.

18 MS. JOY: Okay, thanks.

19 MR. TAHAMTANI: Andy.

20 MR. DRAKE: Andy Drake with Spectra
21 Energy. Not too long ago, we were criticized
22 pretty heavily for working together on research,

1 just to be blunt. Well, if you think it is just,
2 then you need to speak up.

3 I think it created a considerable
4 barrier and a huge inefficiency in our ability to
5 solve problems. One, have we worked through that
6 and how we can work together constructively? And
7 two, the related question I think that is more
8 specific, is on the issue of methane reductions.
9 Some of the issues require some significant
10 technology advances. We talk about pigging. It
11 is near state. The concepts are there. The
12 tools are there. But I think to actually put
13 this into commercialization is going require,
14 quite frankly a lot of money. More money than
15 you have got. Maybe more money than I have got.
16 Maybe enough money that if we all pooled our
17 resources, we might actually solve this. And I
18 think that is kind of the essence of the
19 collaboration I think it is going to take to
20 solve that problem.

21 I think we can solve it and I think it
22 is a worthwhile effort. It can make a big

1 difference but it is going to take a concerted
2 effort for us to work together.

3 What are your thoughts on how we can
4 do that with this program?

5 MR. WIESE: Ken asked me if I would
6 like to swing at that one. So, I do recall that
7 time and I think that Congress helped us begin to
8 solve that. As you will recall, the Congress
9 instituted some language in our last
10 reauthorization that said 30 percent had to be
11 co-funded.

12 So, that has actually created a
13 problem for us. There are some things that we
14 will do that we will all inherently governmental.
15 If it focuses on something we need for a
16 particular rulemaking, rightly or wrongly, the
17 perception is that government should solely fund
18 that. But there are a lots of things like you
19 are talking about that really aren't immediately
20 related to the rulemaking.

21 So, a lot of our program is co-funded
22 now. I mean as you probably know, I don't think

1 we have the stats in here, much of it is co-
2 funded.

3 I am with you on that business. We
4 have been wanting to expand the R&D Program for
5 years. Now, we have partners that we have drawn
6 back into our lair on purpose so that it is part
7 of our plan to take over the world.

8 (Laughter.)

9 MR. WIESE: But you know I think it
10 does require a lot more collaboration. I
11 encourage you, if you have not gone to one of our
12 R&D forums to do so. Our methodology is very
13 simplistic. We talk about the challenges that we
14 are facing in this realm, bring in thought
15 leaders to talk about that, and then we bring in
16 all the people with money on the table who can
17 fund R&D and say what are you doing on this, what
18 are you doing on that, to address these
19 challenges. In some cases, you will find there
20 is plenty of money in an area. In other cases,
21 it is underfunded and that is what we really
22 pitch at.

1 I am open to alternative ideas and
2 maybe at the end of the day, as we talk about
3 focus areas, for collaboration in subgroups, that
4 may be a useful topic. But I think we have to do
5 two things. One is we have to expand the pool of
6 funding available to R&D. It just can't be R 12,
7 PRCIs 12, a million from GRI, whatever. You
8 remember the days when it was over \$50 million
9 going into GTI and so do I.

10 So, I mean we have got a long ways to
11 go before we catch up to what it used to be
12 funded at.

13 But anyway, long-winded answer to yes,
14 I think we are very much open. We see the value
15 of collaboration. I think you will find there
16 are some projects that we will see as inherently
17 governmental, not many, though, and we will fund
18 those solely.

19 MR. TAHAMTANI: Tim.

20 MR. FELT: Tim Felt, Colonial
21 Pipeline. Two questions on the CAAP program.

22 I think, from what you said, the

1 objective is improve R&D to improve pipeline
2 safety and the second is to engage bright minds
3 to come into the industry or at least to be into
4 the pipeline field.

5 I was wondering if we have any sense
6 on how successful we have been on either one of
7 those. Have we had the research projects? Do we
8 have a correlation to them improving safety? And
9 out of all the people that have been awarded
10 those grants, do we know how many of them kind of
11 stayed in the industry?

12 MR. LEE: I think it is still too
13 early to tell because the focus on this is more
14 on the research side to get out-of-the-box ideas.
15 And then if there is promise there, it would
16 transition to a Phase 2, which would go into our
17 core R&D Program for more development. So, I
18 mean that is how we are visioning it.

19 MR. WIESE: The only thing, Tim, I
20 would like to add to that is most of these
21 projects haven't even played out yet. So, it is
22 so new. We are very much excited about the

1 potential. I think you can see from the number
2 of students that it is attracting, it is
3 providing funding in an area of common interest
4 to all of us, for a number of years of their
5 graduate work. And so the professors' and
6 students' involvement, I think what we need to do
7 more of is more of the poster sessions. Get more
8 of your folks at these conferences, the R&D
9 conferences talking to them.

10 Actually, at the last one, one of the
11 professors publicly complained because people
12 were talking to his students and he said wait a
13 minute, they need to finish this program before
14 we start hiring them. So, I consider that to be
15 a mark of success. Right?

16 Anyway, we are really optimistic but
17 it is too soon to really say.

18 DR. GANT: Just really quickly to
19 extend on Jeff's comments and in answer to Andy's
20 question. Absolutely, there should be a restored
21 level of some sort of meaningful funding for R&D
22 in this area. I think it sort of is obvious that

1 it has been underfunded.

2 But also, I think it is important the
3 conversation that is happening here about the
4 appropriate way to collaborate. And there are
5 some things that a regulator must necessarily do
6 on their own.

7 And also, one of the things we are
8 conscious of in our role in our office, and the
9 way I talk about it, is we are the office of
10 science for regulators, whether they our federal
11 partners or state regulators, they turn to us to
12 understand what the center of the science tells
13 them. So, there are things that we can do
14 through our work, independently. And we do, we
15 help PHMSA evaluate, for example, projects that
16 are proposed. We participate in PHMSA's forums
17 so we learn and we can integrate the findings and
18 the observations from those forums into our R&D
19 strategy and try to make sure that we are
20 focusing our efforts in a way that is additive to
21 what PHMSA is doing.

22 And in addition to the work we do

1 within our lab, we also have another means for
2 collaborating with industry and other
3 stakeholders in participatory research.

4 So, as I referenced earlier, we are in
5 the stages of beginning to formalize our R&D
6 program, new R&D program in this area and the
7 specific types of projects we are going to focus
8 on. So, it is very timely to hear from folks
9 around here and from PHMSA where we can
10 specifically focus that will be value-added and
11 where there are opportunities for us to
12 collaborate.

13 MR. WIESE: And I would, forgive me,
14 I don't want to box it in but I would say where
15 it worked really well historically was DOE would
16 fund longer term work. We would take it in a
17 handoff from DOE and take it into the development
18 and testing, move it out to commercialization.
19 We are inherently, pipeline safety, we are
20 inherently short- to mid-term focused. We don't
21 go any further than that. You have to have a
22 pipeline of things coming along, ideas that

1 percolate up in the cost share at that phase is a
2 lot lower, when you get to our side. Remember,
3 we used to be a 50 percent cost share. So, at
4 30, I think we are being generous. We think the
5 ideas have real legs under them by the time we
6 take them and run with them.

7 DR. GANT: Right. Just really quickly
8 to add to that, we have talked about some things
9 we are working on. A more leading edge thing
10 that we are working is smart materials. As part
11 of NETL, we have a material science lab in
12 Albany, New York, and so we have a host of people
13 who are ready to get to work on how do you have
14 pipe that tells you something itself. So, to
15 Jeff's point, that is the farther out stuff. But
16 again, we want to make sure that we are working
17 on the things that someone else is not working on
18 and that would actually be useful.

19 MR. TAHAMTANI: Chad.

20 MR. ZAMARIN: Thanks. Chad Zamarin,
21 Cheniere Energy.

22 Ken, I think you mentioned over 20

1 patents and I was just wondering if you could
2 just give a little color. Are those patents
3 that, from a strategy perspective, are held by
4 PHMSA? Are there revenue-generating
5 technologies? I mean what is the color there?

6 MR. LEE: No, they're not held by
7 PHMSA. It is federal government money and -- do
8 you want to?

9 MR. WIESE: Yes, the only thing I
10 would say is I think there ought to be an equity
11 interest here but we have tried to sell that
12 before and have always lost. You know actually,
13 someday, we will have a good talk about R&D and I
14 thought if the federal government could ever make
15 up its investment in the company and then get
16 back and take the money and put it back in the
17 pool. No one is looking to make money here but
18 if we help somebody to make money, let's get back
19 what we gave them and put it back in the R&D
20 pool. But I am pretty darn sure we will lose
21 that one.

22 MR. TAHAMTANI: All right, if there

1 are no other questions on this subject, Mr. Lee
2 has another presentation on LNG. Mr. Lee.

3 MR. LEE: Thank you. Now, I want to
4 give you a brief update about our LNG activities.

5 So, PHMSA we have 49 CFR Part 193.
6 These regulations apply mainly to LNG facilities,
7 if they are connected to a 192 pipeline with some
8 exceptions. And one of the key things to note is
9 it was written back in 1980 when the main use of
10 LNG, at that time, was for peak shaving. So, it
11 did not envision today's LNG world.

12 This is our public NPMS map of LNG
13 plants throughout the country. And you can see
14 almost everything there is peak shaving, except
15 for the blue triangles and the pink pentagons,
16 which are the marine import and export that are
17 located along the Gulf Coast and there is one on
18 the Atlantic Coast.

19 The last time that I spoke about LNG
20 last year, the focus was on marine export, where
21 we are a cooperating agency to FERC, where we
22 perform reviews of Part 193. We are still busy

1 with that and so far, we have issued 14 letters,
2 14 project letters of no objection for marine
3 export.

4 I won't be talking about that this
5 time. I am going to focus on these new different
6 LNG facilities that we are seeing now.

7 So, this is driven by cheap, natural
8 gas and stricter emissions regulations, to
9 encourage people to switch from fuel oils to
10 natural gas. So, the LNG world in the past was
11 peak shaving, which was FERC and non-FERC
12 jurisdictional. That transitioned about a decade
13 ago, I guess to marine import and then export,
14 which is under FERC. And now we are starting to
15 see small-scale LNG, which much of which is non-
16 FERC jurisdictional.

17 So, in the past, I mean the
18 traditional use of LNG is that it came from a
19 natural gas pipeline, gets liquefied in the
20 summer, and then gets vaporized in the winter and
21 it gets put back into the pipeline. So, it I
22 used for storage capacity to meet peak winter

1 demand.

2 What we are seeing now is a lot of
3 plans to use LNG as a fuel or to be transported
4 by trucks, trains, or ships. So, this LNG is not
5 going back into the pipeline. This is a very new
6 use for LNG.

7 We have a public web page with many
8 LNG FAQs. Right now it has over 30 questions and
9 we added a new FAQ for small-scale LNG. Many of
10 these companies don't know that they are
11 regulated or jurisdictional and we wanted to get
12 the word out to them.

13 It also has a link to a seven-page
14 document that talks about what facilities are
15 jurisdictional under Part 193 and you can see
16 small-scale LNG is there. And we describe a lot
17 of different type of facilities and whether they
18 are jurisdictional or not; truck loading, trains,
19 ships.

20 Small-scale LNG often involves
21 different transportation modes like pipeline,
22 truck, train, ships. So, it crosses many

1 jurisdictions and we are trying to coordinate
2 with other agencies like FERC, Department of
3 Energy, Maritime Administration, Coast Guard, who
4 have jurisdiction and, also, a lot of many state
5 and local agencies who have jurisdiction.

6 So, the small-scale LNG world, it
7 crosses many jurisdictions many times so it
8 involves new outreach and coordinating
9 activities.

10 So, 193, one of the biggest issues
11 with our LNG regs is that it references older
12 standards. So, right now, it references the 2001
13 edition of NFPA 59A and that is because we have
14 safety issues with newer editions. This was
15 announced in the Federal Register notice back in
16 2009. And in turn, this 2001 version of NFPA
17 references the 1992 version of the ASME Boiler
18 and Pressure Vessel Code, which the unfortunate
19 thing is pressure vessels are made to the newest
20 edition of ASME and that is mandatory by ASME.
21 Therefore, they do not need Part 193.

22 There are some significant differences

1 between the current ASME Code and the 1992, which
2 includes a higher allowable stress and a lower
3 hydrostatic test pressure. So, I guess you can
4 see in the chart on the bottom there, the newer
5 ASME Code allows you to run at higher stress and
6 allows you to pressure test at a lower ratio than
7 the 1992 edition that is required by Federal
8 Code.

9 So, we have been working with several
10 operators, individually, on finding a resolution
11 to this and we are working on an industry-wide
12 conditions to provide safety equivalency for
13 these ASME tanks that are built to later codes,
14 later editions. And these include conditions
15 like asset integrity management, which is like
16 integrity management for pipelines, additional
17 inspections, corrosion monitoring, and also API
18 510 inspection of these ASME tanks.

19 And this is intended to provide a
20 safety equivalency, essentially meeting the NFPA
21 59A Section 1.2. Because many of these tanks
22 that are built now, it is very difficult or

1 impossible to go back and pressure test those and
2 to go backwards with that or change the maximum
3 allowed working pressure. So, this is a plan for
4 tanks that have already been built and it is a
5 plan to address the safety delta going forward.

6 We have plans to update Part 193 and
7 this includes updating references to older
8 standards, like I have just discussed. And we
9 are going to consider also putting in issues,
10 conditions to address the newer types of LNG
11 facilities like the export with the faction,
12 safety risks, and small-scale LNG to incorporate
13 newer technologies and safety advancements. And
14 we are planning on a public meeting next year to
15 talk about the update to Part 193.

16 So, that is a real brief summary of
17 our busy LNG work that we are doing.

18 MR. TAHAMTANI: Thank you, Ken. Any
19 questions for Ken on the LNG presentation?

20 Apparently you covered it very well.
21 Thank you so much.

22 We could take a very quick break, or

1 we could continue.

2 MR. WIESE: If that didn't generate
3 questions, I'm thinking a break is in order.

4 MR. TAHAMTANI: Maybe there was
5 something in the lunch that did it. You don't
6 have any questions? No questions.

7 We could take a quick break, or we
8 could move on to the next presentation. Any
9 preference? I'm looking at the older people
10 around the table.

11 (Laughter.)

12 MR. TAHAMTANI: But then again, you
13 all don't come back on time. So, no breaks.

14 MR. WIESE: Quick vote. Show of
15 hands. Who wants a break now? Okay, I'd say we
16 take a short one.

17 MR. TAHAMTANI: All right, ten
18 minutes, please.

19 (Whereupon, the above-entitled matter
20 went off the record at 2:24 p.m. and resumed at
21 2:35 p.m.)

22 MR. TAHAMTANI: All right, thank you

1 all very much. Please have a seat, if you are a
2 committee member.

3 All right you know when I made the
4 rules about the committee members going on a
5 break and coming back, that doesn't apply to me.

6 Having said that, we have one more
7 presentation by -- is Max here?

8 MR. GALE: It's a variety of folks.

9 MR. TAHAMTANI: Are you the one?

10 MR. GALE: No, we have a variety of
11 folks that are going to talk.

12 MR. TAHAMTANI: A variety of people?

13 DR. GANT: A variety of people.

14 MR. TAHAMTANI: All right, who is
15 first?

16 MR. GALE: Steve Nanney, but I would
17 like to just open with a couple of comments.

18 MR. TAHAMTANI: Okay, John, then it is
19 all yours.

20 MR. GALE: All right, what we are
21 going to do is provide an overview of three of
22 our rules that we recently published, our

1 Operator Qualification Rulemaking, our Plastic
2 Pipe Rulemaking, and our Excess Flow Valve
3 Rulemaking. This is just an overview. This is
4 not a meeting to have a vote or debate what was
5 in the NPRM.

6 And so we can answer questions that
7 will help improve your knowledge of the rule but
8 we can't get into a debate with you about the
9 rulemaking right now. If you would like to make
10 a statement or make a comment about the rule,
11 that is all great and we will take that into
12 consideration as we develop the final rule but we
13 are not looking for a debate right now. That
14 will come later this year or early next year,
15 when we have our committee meetings to have a
16 vote on the rules.

17 So with that said, what I would like
18 to do is introduce Steve Nanney, who is going to
19 give us an overview of the operator qualification
20 and cost recovery rulemaking.

21 MR. NANNEY: Good afternoon. I'll be
22 going through this, and what I have tried to do

1 is highlight the rulemaking and give you an idea
2 of what will be in it. And by the way, don't
3 shoot the messenger. It doesn't mean I had
4 anything to do with the rules. I think Jeff did
5 all of those.

6 Again, just to give a brief overview
7 of the updates, in here what we tried to do is,
8 from the mandates we have gotten from the 2011
9 Act address some of those, also to address
10 several NTSB recommendations.

11 As far as the first item, I am just
12 going to do in order starting with Part 190
13 through 191, 192, 195 as we go down and the
14 things I highlighted in red for me, it just gives
15 me a guide of the key points that I want to make
16 to everyone. So, I am not going to try to read
17 all of this but I want to give you the key
18 points. So as far as the special permits,
19 190.341 has been in the regulations for a long
20 time. We are getting more of these special
21 permits. We are putting some effective dates on
22 some of them where you have to come back and get

1 reauthorization. This is outlining what we have
2 got in practice as far as resubmitting and what
3 the procedure is. Also, some operators may have
4 things going on that are confidential that they
5 give us that they also want us to treat as
6 confidential, so we have put in a section there
7 to be able to handle that.

8 As far as cost recovery, one thing
9 that we did several years ago and it was put in
10 the 2011 Act, this had to do, first of all, when
11 we were looking at projects in Alaska, some of
12 those were going to take a lot of our resources,
13 a lot of our dollars. We did put this in go to
14 Congress and we got approval, as you can see
15 here, for projects over \$2.5 billion to be able
16 to go to that operator to set up a cost recovery
17 system for doing these special projects. And
18 again, it has to be over \$2.5 billion or it has
19 to be some type of new technology or novel design
20 that PHMSA would be spending a lot of extra
21 effort on.

22 In the regulation that we got in, you

1 can see here we will have a scope; applicability
2 notification; example master agreement, which is
3 similar to what some of the other agencies that
4 have reimbursement authority have; a fee
5 structure; and then the procedures for billing
6 and payment. And it would be a collaborative
7 effort where we would, on notification, get with
8 the operator and work out the timing of the
9 project and when PHMSA would be doing inspections
10 and what the staff would do.

11 And again, as I said earlier, the fee
12 structure would be based upon our direct cost and
13 also it would be based upon how the fee structure
14 was scheduled. PHMSA would be direct billing the
15 operator of the project.

16 And just going back, the reason for
17 that is if you look at some of these big mega
18 projects, if it is a \$40 billion project and
19 PHMSA is spending four or five years inspecting
20 it, it can be a big percentage of the overall
21 budget for a year or for a four or five year
22 period. We didn't think it was right for

1 operators that normally pay fees to PHMSA through
2 their mileage should be footing the bill for some
3 of these mega projects that have a lot of costs.

4 As far as definitions, we have added
5 some new definitions. I see up there that one of
6 them is probably a noncontroversial and one of
7 them has had some comments through it. And
8 again, I think the new and novel technologies is
9 the controversial one and I think everybody likes
10 the confirmed discovery, Jeff.

11 But anyway, I'm not going through
12 that, other than letting you know that it is
13 spelled out in there.

14 As far as immediate notice of certain
15 incidents to go along with the confirmed
16 discovery, again, it spells out as we directed
17 through the congressional mandate for the one
18 hour of confirmed discovery and then, amount of
19 product loss, and then, within 48 hours,
20 confirmed discovery.

21 So we have, what we have done here, we
22 have gotten -- I know we have heard some input

1 yesterday. We have gotten some input from NTSB.
2 And as this is out for public notice, any
3 comments we get there we will be taking that into
4 account as we go through this rulemaking process.

5 As far as pipeline and LNG operators,
6 you can see the Code sections, the 191.22 and the
7 915.64. We have, as far as notification to PHMSA
8 for new construction, and we have added
9 replacement pipeline to the language of giving us
10 the 60-day notification, also there is a lot of
11 pipelines that are being reversed, that are
12 reversing the entire system. The reverse flow of
13 product, again, there is a 30-day notification
14 there that has been added to the Code. And then
15 the last bullet there is a pipeline converted for
16 service. In other words, if it is going from
17 product service to natural gas or natural gas to
18 products.

19 Also, for the gathering lines under
20 192.9, whether it is a Type A or Type B line, it
21 has got to have an OQ Program now, an Operator
22 Qualification Program. And one year after

1 publication of the final rule, it would need to
2 be in place.

3 Again, in 192.14 and 195.5 for the
4 conversion to service, whether it is natural gas
5 or liquids, again, the notification to PHMSA 60
6 days before the conversion occurs.

7 The last one down there, the 192.175,
8 there was a formula error for metrics and that
9 area was changed in the Code. In English units,
10 it was fine but there was an error for metrics.

11 On welding procedures, whether it is
12 in 192.225 or in the Liquids Code 195.214, we did
13 add Appendix A for maintenance welding so that if
14 you do use API 1104, you can use the Appendix B.
15 We are catching up with something that has been
16 added for several years on maintenance welding
17 into 1104.

18 Control room management, whether it is
19 in the Liquids Codes or the Gas Codes, again,
20 both of these sections are totally new. And it
21 is based upon recommendations that we have gotten
22 there. And again, it is authority to direct or

1 supersede. In other words, if you are a
2 supervisor over someone that is a gas controller,
3 you have got to have the same training as they to
4 be able to go in and tell them to do something
5 different. So, you need to read the whole scope
6 there of what it is saying.

7 As far as training, control room team
8 training and exercises, should include everyone.
9 In other words, it would not only include the
10 controllers but the other individuals that would
11 be interacting with them.

12 The next one is 192.740. Again, this
13 is Farm Taps. This would be for pipelines that
14 are in rural areas, where you might have a farm
15 tap that was put in years ago, probably 30, 40,
16 50 years ago that feeds a farm or a farmer or a
17 single person. Again, we are excluding farm taps
18 from DIMP. But if you go down and you look at
19 192.740, you will also see that it will be
20 requiring inspections of the pressure-regulating
21 pressure relief devices that are on those farm
22 taps. It would have to be every three calendar

1 years, not to exceed 39 months.

2 The next area that we are covering
3 will be a couple of slides here is on operator
4 qualification, whether it is in the Liquid Code
5 or the Gas Code. The main key, if you look at
6 defined, there is a number of terms there that we
7 have defined. You can see adversely effects,
8 direct, and observe, emergency response task,
9 knowledge skills and abilities, qualified, safety
10 or integrity, significant changes, span of
11 control. So, there is a number of definitions
12 that have been added to the Code.

13 As far as covered tasks, the main
14 thing we have added there is construction as
15 being a covered task. And then on down, as part
16 of the new updates, program effectiveness will be
17 a new section.

18 As far as why we did the major
19 changes, and to give a little more detail, as you
20 know in both the Liquids and the Gas OQ Code
21 there was a four-part test. And what we have
22 done there is we have added the performance of

1 operations maintenance and the key is the
2 construction or emergency response task. And
3 again, it is anything that effects the safety or
4 integrity of the pipeline system, no matter who
5 is doing it.

6 Again, we have added program
7 effectiveness and the third item there is record
8 requirements to support the inspection of the OQ
9 program.

10 We have also added a management of
11 change and a communication of those changes will
12 be in the OQ. And you can see we have also added
13 an OQ program covering the Type A and Type B gas
14 gathering lines.

15 The reason for the changes, again, you
16 can read that but the main thing is to improve OQ
17 quality. So, eliminate performance areas and
18 reduce incidents and accidents.

19 The other thing that we have looked
20 at, and it is viewed as some NTSB
21 recommendations, you can see several of the Drug
22 and Alcohol Test Code provisions. Again, you

1 have got to have specific information that the
2 covered employee's performance had no role in the
3 cause of the accident, if you do not drug or
4 alcohol test them. There is a provision for
5 retention of the samples. Again, electronic
6 reporting of the drug and alcohol testing results
7 and you have got to keep the records for at least
8 three years.

9 Another item that we have added is in
10 the integrity management area under 195.452(c)
11 and (j). We have added, again, assessment
12 methods. We have added cracks to that. We have
13 also gone in on the inline inspection tools.
14 There is several standards out on running an ILI
15 tool, it is API 1163. The ANSI provisions and
16 the NACE provisions have been added to the Code
17 or are proposed to be added to the Code. Let me
18 correct that.

19 Another item is what standards apply
20 to direct assessment for stress corrosion
21 cracking. Again, we have gone in and put some
22 more explanation on these items, where there is

1 data gathering and integration, indirect
2 inspection requirements, direct examination. And
3 the key is the items in red on the remediation
4 and mitigation. We have put in a definition of
5 what non-significant SCC is and significant SCC.

6 And the last is we do have some post-
7 assessment requirements.

8 Again, some of the other minor things
9 I think I have covered most of these. If you
10 look at number two, 195.3, there are some
11 additional consensus standards. I may have
12 missed one of those going through but we have had
13 to try go through and clean up any of the
14 consensus standards that we were behind on as far
15 as the additions and everything.

16 And thank you for listening. That is
17 all I have. Is there any questions on anything?

18 MR. TAHAMTANI: No debates but
19 questions.

20 MR. NANNEY: I hope not. Questions.

21 MR. TAHAMTANI: Go ahead, Rick.

22 MR. KUPREWICZ: Rick Kuprewicz with

1 Liquid. I am just a simple country doctor here.
2 So, where does all this stand? Is it like fast
3 up and running or is it being -- help me out
4 here.

5 MR. NANNEY: July the 10th, I believe,
6 it was out for proposed rulemaking. And I have
7 forgotten the date, 60 days after that, September
8 the 10th or so, is when it closes as far as being
9 able to give comments. So, it is out for the
10 comment period right now.

11 MR. GALE: If I could, real quick,
12 like Steve says the comment period ends mid-
13 September. Our goal is to have an Advisory
14 Committee meeting, have a vote on this, probably
15 either late December or mid-January and we will
16 have a comment summary out to you, hopefully, two
17 months prior to that meeting.

18 MR. TAHAMTANI: Any other questions?
19 Okay, thank you.

20 John -- I'm sorry. Rich, go ahead.

21 MR. WORSINGER: Is that punishment for
22 taking a break? Rich Worsinger, City of Rocky

1 Mount. Just a question on one of the items that
2 you mentioned.

3 The immediate notice of certain
4 incidents, one of the things that is being asked
5 is how much gas was released. And I guess my
6 question is why would PHMSA require that? What
7 would they do with that information? It is
8 certainly not going to be readily available
9 within one hour of an incident.

10 MR. WIESE: Actually, I will be glad
11 to step in. As I said at the beginning, we are
12 not going to be able to discuss that with you
13 now. You are entitled and you are invited to
14 comment on anything you want to but, given that
15 we are in rulemaking now, I don't know that we
16 can sit and debate the points with you.

17 MR. WORSINGER: I thought we were
18 allowed to ask questions. That was a question,
19 not a debate, Jeff. It was a question.

20 MR. WIESE: No, I'm saying -- not
21 that. I am saying you are entitled to make a
22 statement, if you want to, to educate others on

1 your point of view. I just don't know that we
2 can debate -- we can't go back and forth with you
3 about it, I don't think. I mean I think John
4 would be more the expert than me on how far we
5 can go.

6 MR. GALE: Yes.

7 MR. WIESE: We are in rulemaking is my
8 point.

9 MR. GALE: Well, I would make one
10 comment. If you look at the recent 191, there is
11 the process for 48 hours to provide an update.
12 So, to the best of your ability, you are going to
13 provide that information within the one hour.
14 And if that is not completely accurate at the
15 time, you have ability, as the proposal states,
16 to update that information 48 hours later.

17 MR. TAHAMTANI: Okay, any other
18 questions?

19 MR. WIESE: Comments.

20 MR. TAHAMTANI: Comments. Go ahead,
21 Craig.

22 MR. PIERSON: Craig Pierson, Liquids.

1 So, I was going to ask a question but I won't.

2 (Laughter.)

3 MR. PIERSON: It was on OQ. As we
4 read this, and you will see this reflected in our
5 comments when we submit it, that we understand
6 the construction being added. We understand that
7 and we got that but, as it appears to us, it
8 looks a significant expansion in the other arenas
9 outside of operations and maintenance. It looks
10 like that is what is anticipated, is a
11 significant expansion. And so we may or may not
12 be right about that and I know we can't whether
13 we are right about that. So, our comments will
14 be coming from that frame of reference.

15 And correspondingly, with OQ, the
16 administrative burden in that arena is really
17 significant when you expand the numbers of tasks,
18 the number of people involved. So, that is the
19 why behind the question.

20 With regard to the notification, we
21 share the same desire to make sure that we
22 protect the public when we have incidents. And

1 we will be offering some words that probably give
2 what we think might be a better definition of
3 confirmed discovery and take out a "may." There
4 is a lot of uncertainty about the word may in the
5 incident and we want to try to add a little more
6 clarity around that and we will have the
7 opportunity to discuss that.

8 And so we look forward to having that
9 discussion of what are you trying to achieve with
10 both of those, so we can try to find the mutually
11 agreeable goals, so maybe that will be in the
12 next meeting.

13 MR. GALE: Yes, at the next meeting,
14 we are going to bring out the rules completely
15 and have a vote, have a vigorous debate. And you
16 guys would give us a recommendation on how we
17 should move forward with that proposal. And I
18 can't stress more, any data you can provide to us
19 that can help us in our analysis in terms of
20 moving the rule forward, and even critique the
21 analysis we put in the docket, the more data we
22 have, the better job we can do in moving forward

1 proposals and final rules for us. So, anything
2 you can give us is helpful.

3 And any recommended language, I think
4 the issue of the "may" I believe we just received
5 recently a letter from NTSB as a comment on the
6 rule and I think they have concerns on the issue
7 of the word "may" as well.

8 MR. PIERSON: Say we will. We won't
9 just be tossing out issues. We will be trying to
10 toss out solutions on some of the issues.

11 MR. GALE: Outstanding. Thank you.

12 MR. NANNEY: Just to add one thing.
13 We have gotten some feedback from NTSB on that
14 same subject that you are talking about on
15 confirmed discovery and the 48 hours and
16 everything that we will be looking at.

17 MR. WIESE: Okay, any other comments?

18 MR. WORSINGER: Rich Worsinger, Rocky
19 Mount. And Jeff, I guess I am confused. I am
20 confused because I thought we were to task
21 questions for clarification, not meaning as
22 debate. And I have got a bunch of things I have

1 got questions about here that we don't
2 understand. And I guess I am confused because
3 earlier you talked about using the example of the
4 working group and I guess I am looking to ask
5 some questions and clarification but I feel like
6 I have been shut down. And I'm confused.

7 MR. WIESE: Well, certainly, Rich, no
8 one would want to shut you down. That is not the
9 point. The difference between those two
10 exercises, we are not in rulemaking on that
11 activity and we are in this case.

12 I'm happy to have Counsel weigh in to
13 say how far we can go. But once we propose a
14 rule, it is different matter and we have to treat
15 debate a little differently than we would when we
16 are not in rulemaking, I guess. That is why we
17 do workshops, the technical workshops, why we
18 would entertain working groups to give you a lot
19 more latitude.

20 I would just say there is a fair
21 amount of restrictions on us once we drop a
22 proposal in the public domain.

1 So, any additional counsel? You see
2 the nodding of heads, which is why I am trying to
3 tell you that that is sort of the guidance that
4 we get. But I want to invite you to put comments
5 on. Feel free to do it now so that other members
6 of the committee can hear your anxieties. But I
7 am just saying I don't think we can sit here and
8 debate it with you.

9 And I don't use debate in a bad word.
10 I mean I am happy to have this debate here. I
11 think there are limits on how far we can go right
12 now.

13 But please feel free to put any of
14 your concerns on the table. I think that is
15 fair.

16 MR. PHILLIPS: And just quickly, Jeff,
17 this is Adam Phillips from the Counsel's Office.
18 Since we have opened a public forum, having
19 started the rulemaking process, that is where we
20 run into the restrictions. So, that is the only
21 issue is we have a public forum now.

22 MR. WORSINGER: Well, if I can, then

1 I will proceed and just share my concerns.

2 Looking at the item under notification
3 of changes to OQ programs, it makes wholesale
4 changes and what is confusing is is wholesale
5 changes at a higher or a lower standard than what
6 is significant change. I don't know if there is
7 a definition in there or not.

8 There is a reference under record
9 keeping to non-task specific task and we don't
10 understand what is a non-task specific task.

11 Under operator notification of
12 customers concerning EFV installation -- all
13 right, I will wait on that one.

14 Just those couple for now, then.

15 It is under record keeping, Item 5,
16 evaluation to recognize and react to an abnormal
17 operating condition, whether it is task-specific,
18 non-task-specific, which occurs anywhere on the
19 system. And I guess we just we are confused by
20 that. We don't understand.

21 MS. GENTILE: Okay, in terms of the
22 record keeping portion that was expanded, the

1 intent of adding the record keeping requirements
2 was just to make sure and clarify the current
3 regulations, to make sure that the operators
4 retain the records needed by the inspectors to
5 make sure that tasks, in this case, at normal
6 operating conditions, the expectation under OQ is
7 for abnormal operating conditions to be defined
8 by the pipeline operators to be both task-
9 specific and generic.

10 So, we just want to clarify that
11 operators are going to retain those same
12 documents that they are keeping today. It is not
13 really a modification. It is just to add the
14 clarity to the language to make sure that those
15 records are retained for the inspection process,
16 to make sure that operators have their
17 justifications and have looked at task-specific
18 as well as generic AOCs in their program.

19 MR. WORSINGER: A little later on, it
20 talks about the covered task list is to include
21 all task-specific and non-task-specific covered
22 tasks. So, again --

1 MS. GENTILE: I don't know if that --
2 we can go back and look -- is part of this
3 rulemaking. This rulemaking it was proposed some
4 time ago and it was recently released. But if
5 you do have recommendations to add further
6 clarification to help clarify that language, when
7 I look at that, it almost appears that it may be
8 associated with abnormal operating conditions,
9 which are typically task specific as well as
10 generic. We define, in this rulemaking, this
11 proposed rulemaking, there is a further
12 definition. We have expanded the definition for
13 covered tasks and that is to help clarify what a
14 covered task is. And I know in that definition,
15 it does not mention specific and generic covered
16 tasks. It is just a covered task.

17 MR. TAHAMTANI: And I suggest that
18 because, again, this is a rulemaking process, any
19 party can provide comments of any type with
20 questions to say this part of the rule is not
21 clear. What does it mean? And for PHMSA to
22 provide that in the process of rulemaking,

1 instead of sitting here and trying to answer some
2 of these questions. This is a whole different
3 record than the record that you have to act upon
4 to build the rule.

5 I'm not trying to cut off any
6 discussions but I don't think you are helping
7 PHMSA, in this case, try to get to where you want
8 them to get.

9 So, with that said, Rick.

10 MR. KUPREWICZ: Rick Kuprewicz,
11 Liquids. Just a general observation, I
12 appreciate the sensitivity to the rulemaking
13 process. My general observation, based on some
14 very serious investigations of major releases,
15 there is a whole series of issues here.

16 Some major issues are being touched on
17 here. I think PHMSA should be commended on
18 trying to deal with those issues.

19 I also don't want to paint a broad
20 brush that we had to go through every one of
21 these items in detail at this kind of meeting.
22 There is another forum to do that, with a lot

1 more resources, where some rational compromise
2 can be worked out without throwing the whole work
3 product out here.

4 So, I think there are some good things
5 that need to be done here. We are not at the
6 level of where the committee is voting on this.
7 So, we have got some breathing room.

8 I will be going through this slide
9 presentation in great detail now, just because it
10 was kind of a sleeper for me but it sounds like
11 there are some major issues. I sure don't want
12 the discussions on what may be minor issues from
13 my perspective throwing this whole work product
14 askew, nor do I think -- I don't want to speak
15 for everybody else in the committee, I don't
16 think you want that to happen either.

17 So, I would suggest moving it forward.
18 There is a formal process and I have got to do
19 some homework. Thank you.

20 MR. TAHAMTANI: Thank you, Rick. Sue,
21 you have your card up, I think.

22 MR. WIESE: So, I feel bad about the

1 fact that you feel, A) that you are being shut
2 down. That is not the intent. I was talking to
3 Rich. I think that you understood we will come
4 to back, though, Rich. You guys have an
5 opportunity, once we launch rulemaking to submit
6 your comments to the docket. We will come back
7 to this committee, not only with where we go
8 through what we proposed but we will provide a
9 detailed kind of a digest of what the comments
10 are on each of the provisions. And then this
11 committee is going to have an opportunity to
12 debate that and advise us on which way we should
13 go.

14 So, I know it feels awkward. I would
15 rather talk about these things before the
16 proposal hits the street but that is the way the
17 process works and it is better to talk
18 beforehand. I guess that is all I can say. But
19 there will be opportunity for the committee to
20 sort of weigh in on what they think.

21 MR. WORSINGER: Well, Jeff, and again,
22 I'm not trying to debate anything in here. I am

1 just looking for clarification --

2 MR. WIESE: Sure.

3 MR. WORSINGER: -- so that we can make
4 more substantive comments.

5 MR. WIESE: Okay.

6 MR. TAHAMTANI: So, my nature is to
7 compromise and be one of the good guys in the
8 room. Why are you laughing at that?

9 (Laughter.)

10 MR. TAHAMTANI: Could, for example,
11 Erikson, or Rich, or anyone call our Director of
12 Regulation here or the General Counsel's Office
13 and ask these questions?

14 MS. BALDWIN: Absolutely. Every time
15 one of our rules is published, there is a point
16 of contact for each of those regulations and
17 there is a person, we can identify who that is,
18 that is that point person for the rule.

19 MR. WORSINGER: I always enjoy talking
20 to Mr. Erickson.

21 MR. TAHAMTANI: Are you saying that
22 with a straight face?

1 MR. WORSINGER: Completely straight
2 face. Completely.

3 MR. TAHAMTANI: Okay. I think that is
4 a great way to go about this. Any other? Let's
5 move on.

6 Now, John, do we have another
7 presentation, or are we done with these? We do.
8 All right.

9 MR. ISRANI: Good afternoon. I'm Mike
10 Israni. I'm a senior technical advisor at PHMSA.
11 So, I am going to brief you on excess flow valves
12 for multi-residential and commercial
13 applications.

14 We had proposed rule hit the street on
15 July 15th and we have comments we have open until
16 September 14th of this year. And this proposed
17 rule would pretty much close the chapter on
18 NTSB's recommendation on excess flow valves
19 because this address all applications.

20 What is excess flow valve? It means
21 to reduce the risk of explosion from unplanned,
22 you know by sharing of the gas, mostly from these

1 excavation damages. And the curve valve is a
2 manually operated valve, which is located near
3 the main. And we included this curve valve in
4 this rulemaking to take care of the facilities
5 which are high-volume flow. The excessive flow
6 valves may not function properly.

7 So, I included some pictures to show
8 you what excess flow valve is. I'm sure most of
9 you already know these valves have been in place
10 for many years now and there are quite a few
11 manufacturers of these valves. In open position,
12 you can see the gas flow through the annular
13 space around the plunger in the system and
14 because on the upstream side, you have more than
15 ten-pound pressure. On the downstream side you
16 have much lower pressures. So, the flow is there
17 in steady state. The plunger remains in the
18 middle. And when there is damage on the
19 downstream side, and I say downstream side
20 because this goes on the service valve between
21 the main and the facility. So, when there is a
22 rupture in the line and there is a pressure

1 differential, that shuts off the supply.

2 And this is a curve valve. This is a
3 typical curve valve that in our proposed rule we
4 show this also is placed near the main. But this
5 is a manually shutoff valve. It needs a long
6 stem key and we expect only gas operators and the
7 first responders to operate this.

8 So where EFVs are currently required.
9 This is before the rule, before this proposed
10 rule. EFVs are required for single-family homes
11 only in new and replaced service lines. And it
12 has been in order since February 2010. And that
13 came as a DIMP rule, as you may recall,
14 Distribution Integrity Management Rule. And that
15 was because of the PIPES Act of 2006, when we
16 introduced this. In 2006 Act, it mandated that
17 we do excess flow valves for single-family homes
18 but it did not mandate for branch service lines
19 or multi-residential or commercial facilities.
20 So, at that time, focus was only covered single-
21 family homes.

22 And then as soon as that rule came

1 out, we started working on the multi-family
2 rulemaking. In fact, we put out the advanced
3 Notice of Proposed Rulemaking before even this
4 2011 Act came into place. We are meeting with
5 our stakeholders, we are meeting with the fire
6 marshals and other folks, including manufacturers
7 and then we introduce the Advanced Notice of
8 Proposed Rulemaking and then the Act came out.

9 If you notice the language in this Act
10 it says new or replaced branch service lines,
11 multi-family, and small commercial facilities.
12 And look at the NTSB recommendation which came
13 out in 2001, which says all new and replaced
14 service lines regardless of customer
15 classification. So, that pretty much includes
16 all kinds of facilities, all kinds of customers
17 who get the gas. That could be schools,
18 hospitals, industrial plants, universities,
19 anything. And you will see now a proposal. I
20 will show you what language we have used in this
21 rulemaking.

22 So when we had the stakeholders

1 meetings and the Advanced Notice of Proposed
2 Rulemaking that we put forward, the comments we
3 received on that, these are the highlights of
4 those. We found out that excess flow valves are
5 available from most manufacturers up to 5,000
6 standard cubic feet per hour, even though some of
7 the manufacturers, like UMAC, has up to 10,000
8 standard cubic feet per hour and the pressure is
9 less than 1,000 pounds.

10 But one of the biggest concerns that
11 operators had are all those who are using these
12 excess flow valves is that because of the large
13 load variations with all these different
14 customers, they were demonstrating that there be
15 some fairly excess flow valves and they needed to
16 replace some of these valves. So, if they
17 account for the larger service applications then
18 they need to put the bigger valves on larger
19 sized lines and then it may not even function
20 properly. It may not do the needs that we have.
21 Our valves may not close for small leaks. So,
22 these are some of the concerns we have.

1 They also were concerned about
2 inadvertent closing of these valves due to some
3 operation maintenance activities like drawing
4 liquids through the lines or some particles or
5 other things getting in the lines. So, there are
6 some exceptions given in the rulemaking that you
7 will see.

8 And this DIMP rule and damage
9 prevention requirements should reduce incidence
10 and need for EFV. So one of the comments they
11 say okay, DIMP rule just came out and we have
12 very strong damage prevention program. We have
13 this one-call notification and we haven't even
14 been given the chance to have all those go in
15 place before we introduce this rulemaking. In
16 fact, they wanted to put a hold on for some time.
17 But we had the NTSB recommendation since 2001 to
18 cover all kind of applications. So, we went
19 forward and also the Act came out in 2011.

20 And 2001 Act also required us to issue
21 a final report. So, we put the final report on
22 the docket, which pretty much highlights what

1 NTSB recommendation is, what regulatory actions
2 we are taking today, and what will different
3 views of stakeholders and comments on the advance
4 notice, what standards are available. We even
5 looked at many international standards on excess
6 flow valves, which countries have it, what
7 standards they use for excess flow valves. We
8 also wanted to have some operator experience, if
9 some of the operators will voluntarily install
10 these valves. So, this report covers all of that
11 information.

12 So now we go to the proposed rule,
13 what we really proposed in this NPRM that got
14 published on July 15th. So, it says that after
15 January 3, 2014, you notice we have gone back to
16 2014, each operator must install excess flow
17 valve on new and replaced service line. We are
18 still in the proposed rule stage but because
19 mandate calls for operators to install these
20 valves, that is why we put the date there. And
21 this is for new and replaced service lines, for
22 branch service lines, multi-family residences but

1 only up to 1,000 standard cubic feet per hour
2 because we, from the comments we received from
3 industry, from everybody, they all felt
4 comfortable to have these valves up to 1,000
5 standard cubic feet per hour, which is not too
6 many homes. If you think a typical home maybe
7 150 to 200 standard cubic foot per hour. So, it
8 would cover fourplexes and all those. But for
9 others, we will have option to put in curve
10 valves or if the line is divided into branch
11 lines, they can put multiple excess flow valves.

12 So, small commercial. This was an Act
13 requirement. Small commercial also only up to
14 1,000 standard cubic foot per hour. And
15 exceptions are also given like the pressure, if
16 there is less than ten pounds -- psig, pounds per
17 square inch gauge and their contaminants. Their
18 history of contaminants in the gas stream, the
19 record that these excess flow valves can
20 interfere or if the EFVs are not available for
21 the services they need, then they don't have to
22 install these valves.

1 We have also introduced in this
2 proposed rule the customer has right to request
3 an EFV. Here, we are talking about existing
4 customers. They can request the service and the
5 operator has to provide notification, written
6 notification to customers that they have a right
7 to request an EFV. But we are not going to
8 interfere or we are not going to mention who
9 charges what. That is under the state
10 jurisdiction and we will let the state and the
11 commissioners to decide that the operator and the
12 customer, how they determine that. Federal
13 government will not interfere in that.

14 And each operator have to report EFV
15 measures, which are in the annual reports,
16 meaning number of valves installed and what
17 services they are installed.

18 And we have a requirement for manual
19 shutoff valves when the capacity of the service
20 line exceeds 1,000 standard cubic foot per hour,
21 which is the majority of the bigger schools,
22 hospitals, nursing homes, et cetera, multiple,

1 these apartment buildings, office buildings will
2 fall there. Here, we require them to have manual
3 shutoff valves by the curb site just next to the
4 main.

5 Manual shutoff valve must be installed
6 to allow accessibility during the emergencies.
7 Accessibility should be to operators and the
8 first responders only.

9 And that is all I have in this
10 rulemaking.

11 MR. TAHAMTANI: All right, any
12 questions for Mr. Israni? Go ahead.

13 MS. CAMPBELL: Cheryl Campbell, Xcel
14 Energy. I just want to mention that AGA and,
15 frankly, many of the member companies are very
16 supportive of expanding EFV installations. And
17 we showed that support by the commitment to
18 enhancing safety and most of our member companies
19 have been installing them since 2013.

20 We do have a couple of concerns and we
21 will reflect them in the comments.

22 Just my own personal experience, I

1 just have to throw out there, we are starting to
2 see a critical mass on the system and I do see
3 the emergency calls come across my phone on a
4 fairly regular basis. And it is getting to the
5 point where I am starting to see enough of them,
6 quite a few them are now said gas off on arrival,
7 EFV valve. So, just a positive around that.

8 But like I say, we do have a couple of
9 concerns and we will address those in the
10 comments.

11 MR. ISRANI: Thank you.

12 MR. TAHAMTANI: Rich.

13 MR. WORSINGER: Rich Worsinger, City
14 of Rocky Mount. Mike, thank you for your
15 presentation.

16 I want to echo AGA's comments and, in
17 my own personal career, EFVs have proven to be a
18 great technology. They have the same thing, many
19 times upon arrival gas was off. There has been
20 times when somebody is excavating, one of our
21 guys excavating at a service and accidently cuts
22 it, EFV shuts it off. It is great technology.

1 Mike, I don't think you were here
2 yesterday when my presentation about APGA and who
3 we are. We represent the 1,000 small gas systems
4 in the country. And of those 1,000 gas systems,
5 I think there might be two or three or four that
6 are regulated by the states' Utility Commissions.
7 Our rates are set by our City Councils and our
8 Boards and governing bodies, not by the State
9 Commission. So, just understand, when you
10 reference that in the future, that is not who
11 sets what we charge.

12 And then just one comment. One thing
13 that gives me a lot of concern and that is having
14 first responders operate these valves. This is
15 contrary to the pipeline emergency firefighting
16 training that PHMSA funded. It is contrary to
17 the policies of most operators. First responders
18 can't tell if an underground valve is a curve
19 valve or in fact a valve in the street that they
20 could be operating and causing much, much larger
21 incidence. And we will be commenting about that.

22 Thank you.

1 MR. ISRANI: Thank you.

2 MR. TAHAMTANI: Any other comments or
3 questions? Michele, you don't have any more
4 comments, do you?

5 MS. JOY: I'm sorry.

6 MR. WIESE: I just wanted to make a
7 quick comment because Sean Ford is one of our
8 counsels from the Secretary's Office who we work
9 really closely with on most of our proposals.
10 And I want to make sure I am clear that the
11 problem, and Rich, this is more back to your
12 original question, is the principle at play here
13 is that once we propose a rule that all
14 communications related to that rule have to be
15 made available to everyone sort of at once.

16 And so the only way we could achieve
17 that in some sort of a dialogue here would be for
18 us to get the transcript back sooner than we
19 normally could and to get it into the docket.
20 While I realize there is a broad cross-section of
21 stakeholders here and I think that is important,
22 it doesn't provide access to that.

1 So, I just wanted to make sure you are
2 clear it is less a reluctance to talk about the
3 subject that once you get into rulemaking, Sean
4 will steer me clear if I am going off, it is more
5 that everyone needs to be given access to that
6 discussion. That is the ex parte principle.

7 But at any rate, I think we can
8 achieve some of what you are looking for but we
9 will have to have our counsel there. And we have
10 to grab it and throw it into the docket as soon
11 as we do it.

12 MR. WORSINGER: Jeff, thank you for
13 that explanation. And I know John Erickson will
14 be following up with John Gale and then that can
15 allow you to include any of those comments. I
16 believe that is proper.

17 MR. WIESE: Yes.

18 MR. WORSINGER: And don't worry. I'm
19 not letting the air out of your tires or anything
20 like that.

21 (Laughter.)

22 MR. WIESE: No, John did that already,

1 I'm sure.

2 MR. TAHAMTANI: This is great. We are
3 trying very hard to end this meeting on a good
4 note and we are almost there.

5 This is the member roundtable.

6 MR. GALE: One more presentation,
7 Massoud.

8 MR. TAHAMTANI: I am trying to get to
9 Richmond.

10 MR. GALE: You really want to see your
11 wife, don't you? You are a good husband,
12 Massoud. You are a good husband.

13 We have one more presentation from
14 Cameron. Cameron is going to give us an overview
15 of the Plastic Pipe Rulemaking.

16 But before we commence with that, I
17 would just like to say one moment of thanks to
18 Mike Israni. There is some rumors going around
19 that he may retire one of these days. For those
20 of you who don't know, Mike has been instrumental
21 in many of the safety programs that we have been
22 debating today or have been working on for a

1 number of years from Gas Transmission Integrity
2 Management, to Hazardous Liquid Integrity
3 Management, to DIMP, to the rulemakings we are
4 working on today.

5 And as a coworker, Mike, and as the
6 mentor that you have been to me, and as a public
7 servant, and as an advocate for pipeline safety,
8 I want to say thank you.

9 Cameron it is up to you now.

10 MR. SATTERTHWAITE: Gee, thanks, John.

11 MR. GALE: No problem.

12 MR. SATTERTHWAITE: Now to follow that
13 one. But we are doing everything we can to make
14 it harder for Mike to retire -- I mean excuse me,
15 to thank Mike for all his hard work.

16 Right now this is a quick briefing on
17 the Plastic Pipe Rulemaking. And basically the
18 Notice of Proposed Rulemaking was published back
19 in May of this year and the comment period closed
20 back on July 31st. We allowed for comments to
21 come in after that. So, we got a couple of
22 comments in and we have received those.

1 We got comments from like 39 entities
2 and broken down, as you see, above. And of
3 course some people may say well, you only got 39
4 comments, well actually over 39 commenters and
5 once you break that down, the comments can jump
6 up to like 200. So, right now we are spending
7 our time summarizing those comments.

8 And basically the scope of this
9 rulemaking is focused on gas alone. And, of
10 course, the areas of transmission, distribution,
11 and gathering lines and the focus, of course, if
12 plastic pipe and plastic pipe rule. A lot of the
13 background for this rule is based on staff
14 recommendations, things that were seen during
15 inspections, petitions that we have received over
16 the years. That is pretty much it.

17 The issues are broken down to what you
18 see above, tracking and traceability. There are
19 some design factors, some extended use of
20 plastics that are allowed right now, PA11, the
21 welcoming of new materials such as PA12,
22 corporation of risers. I am going to step

1 through these quick.

2 Tracking and traceability, yes, we
3 have gotten quite a few comments on this area.
4 And basically we were looking at providing a new
5 standard for operators to basically track and
6 trace. So, basically, know where their materials
7 came from and know where they are in their
8 system. That is pretty much it. And this is in
9 relation to new repairs and replacements.

10 Design factor, looking at raising for
11 polyethylene, 0.32 to 0.4 as far as the safety
12 factor.

13 Extended use of PA11, while
14 maintaining the design factor, just allowing any
15 increase in the pressure that is specified here.
16 I think currently we are 200 and we are looking
17 at allowing the use to go up to 250, while the
18 pipe size have to be below six inches.

19 And this is pretty much allowing the
20 use of PA12 to come into the pipeline
21 infrastructure for plastic pipe and not to exceed
22 six inches.

1 We are also looking at including
2 regulations for design, installation, and support
3 for risers.

4 And in addition, we are looking at
5 including some requirements for fittings, as far
6 as the use of category 1 fittings, which are
7 basically fittings that provide seal and resist
8 pullouts.

9 And also including some installation
10 requirements for plastic pipe. There are some
11 things as far as like backfilling and other areas
12 that we wanted to address and that is why we
13 proposed those things in this rulemaking.

14 Also, there are some provisions on
15 repairs that were included. The team went to put
16 some things in as far as like scratches and
17 gouges that exceed a certain limit, you know it
18 would be handled as repairs and so forth.

19 And there were some general provisions
20 that were addressed in this rulemaking. There
21 are some thing -- of course when you incorporate
22 new materials, there are other reference

1 documents that need to be included as well. So
2 there are quite a few things being added to the
3 incorporation by reference section.

4 And then for right now, the next steps
5 we are to continue summarizing those comments and
6 to prepare for the Advisory Committee meeting
7 vote, which John said will probably sometime
8 between December and January. And once that vote
9 is -- pretty much that vote will get a chance to
10 present to you all the comments, you know what
11 the general feel of the comments were and then,
12 of course, allow the opportunities of folks to
13 propose changes in the language there as well.

14 And after we complete that, then we
15 are moving into the final rule process and onto
16 publishing the final rule. And that is all I
17 have.

18 MR. TAHAMTANI: Thank you, Cameron.
19 Any questions for Cameron?

20 MR. BROWNSTEIN: Maybe it outside the
21 scope of the rule but I am curious. Is there
22 anything in the rule that pertains to when you

1 have got two different materials being conjoined?
2 So, I realize this plastic pipe that often times
3 plastic pipe is being grafted onto an existing
4 system. Is there anything in the rule that
5 addresses those issues?

6 MR. SATTERTHWAITTE: I mean the basic
7 answer is if it touches plastic pipe, then it
8 would pretty much be in this rule. So yes,
9 something that is non-plastic and plastic, then
10 it could very well be covered in this rulemaking.

11 MR. TAHAMTANI: Any other questions?
12 Any other presentations that you all want to pull
13 out of your hat?

14 (Laughter.)

15 MR. GALE: Nothing is left, Massoud.

16 MR. TAHAMTANI: Is that it?

17 MR. GALE: Yes, we are done.

18 MR. TAHAMTANI: Okay. We made up a
19 lot of time. Actually, we are in great shape.

20 Are there any comments from the
21 public? Anybody who has been holding some
22 comments back from yesterday and today and want

1 to get up? That does not include you, John
2 Erickson. You are not actually public.

3 All right, let the record show that we
4 offered the opportunity for the public to
5 comment.

6 So with that, I want to go into the
7 member roundtable. And I understand that you
8 want to give Carl an opportunity to speak about
9 whatever he wants to speak about.

10 MR. WIESE: We didn't go that far.

11 MR. TAHAMTANI: You didn't go that
12 far?

13 MR. WIESE: No. Carl has -- I wanted
14 to give a word of endorsement for Carl's Annual
15 Pipeline Safety Trust Conference in New Orleans
16 for the last time. He said he is going to
17 consider another town at some point in the
18 future.

19 But that being said, I have been to
20 every one except for one, and I had to lay low
21 that year, but I, personally, really enjoy these.
22 And for those of you who haven't had an

1 opportunity to, I wanted to give Carl an
2 opportunity to talk a little bit about the
3 conference.

4 MR. WEIMER: Yes, and I have got a
5 PowerPoint. It has only got about 100 slides.

6 No, I was just -- I mentioned the
7 other day our conference and I think a lot of
8 people around the table have been there before,
9 is the 19th and 20th of November in New Orleans
10 again. We adopted a theme this year that I will
11 thank Mr. Pierson for. He didn't know that we
12 adopted the theme from him but it is "Embrace the
13 Conflict" which he talked about a little bit last
14 year when he was there. And you can let your
15 mind wander in all kinds of directions about that
16 thing.

17 MR. WIESE: Constructive.

18 MR. WEIMER: Constructive, yes.

19 So, and it is a unique conference
20 because it brings together the three main legs of
21 the stool, regulators, state and federal, lots of
22 industry folks, and we try to rope in some

1 constructive advocates from around the country.

2 And it is always fascinating. Two
3 years ago we had protestors there protesting our
4 conference. So, welcome to the game.

5 MR. WIESE: What are you going to
6 focus on this year, broad themes?

7 MR. WEIMER: Oh, a whole lot of
8 different things. I mean the theme is "Embrace
9 the Conflict" so, we are looking for those places
10 where people don't agree, to bring people
11 together to discuss some of those. So, some of
12 that.

13 There is going to be a thing about
14 state versus federal inspections and enforcement
15 and who does the job well and who doesn't. There
16 will be lots of stuff about transparency.

17 MR. TAHAMTANI: Do you sell tickets to
18 this when you have these "Embrace the Conflict?"
19 And then you say states and federal, who does a
20 better inspection. I can tell you does a better
21 inspection.

22 MR. WEIMER: Yes, if you buy enough

1 tickets that weighs who we will say.

2 No, it is all online. People can
3 register online. Go to our website, it is right
4 on the homepage.

5 MR. WORSINGER: What was the date
6 again?

7 MR. WEIMER: November 19th and 20th
8 and we are smack dab overlapping with an AOP
9 Leadership meeting. So, we are going to lose
10 some of those folks but that opens up some seats
11 for the rest of you.

12 MR. TAHAMTANI: All right, well, thank
13 you Carl.

14 The next item, I think, Jeff, you want
15 to talk about is the broader use of the committee
16 with subcommittees that could come together and
17 address some issues like we saw this morning, I
18 believe. So, you want to comment on that?

19 MR. WIESE: Well, I will just open it.
20 And then this was meant to draw out comments from
21 the members.

22 I have been approached by several

1 members of the Committee, who have observed the
2 use of the working group -- I am being careful to
3 use the word working group -- on issues as
4 opposed to subcommittees for a lot of legal
5 rules.

6 But I agree. I mean I think we have
7 a very good cross-section of people in this forum
8 that you don't find in many other places. And I
9 think we will have to be cognizant of populating
10 any working group, accordingly. But so one of
11 the things I wanted to do is provide an
12 opportunity for those members to actually talk.
13 If there are things that they want to see the
14 committee tackle, we can throw them on the table
15 now and wrestle with them in our next meeting,
16 which isn't that far off. You know or you can
17 move to take one on now.

18 MR. TAHAMTANI: Andy.

19 MR. DRAKE: Andy Drake, Spectra
20 Energy. I think it is a great forum. You have
21 got, as Carl said, the three legs of the stool
22 here and I think it is important to get that

1 cross-section together on some of the issues that
2 we face to maybe even more proactively deliberate
3 even the rulemakings that we face.

4 I think two things. One, the
5 integrity rules that we are getting ready to
6 face, I appreciate where Chuck was yesterday. We
7 are going to talk about something that has had 20
8 workshops, and a huge background, and a lot of
9 intricacies and changes over time. It will help
10 us if we can use this committee kind of more
11 proactively, informed, and fueled, and even kind
12 of segmenting some of these discussions down
13 about some of these big rules so that we are, I
14 think, informed proactively and can participate
15 constructively in advance of the discussions of
16 the meetings.

17 I know that we did that so many years
18 ago in Integrity Management 1.0, as you call it,
19 and the committee was used very, very actively.
20 As a matter of fact, I think the committee
21 actually met every other month for two years, if
22 I remember, something like that. I'm not sure

1 everybody is in for that one again but it was
2 pretty rigorous use of the committee to have
3 those debates because it was a significant
4 change. I don't know that we want to go to every
5 other month but I mean something more intensive,
6 I think, would be helpful.

7 The other thought that I have is very
8 specific and that is, you know I think this group
9 provides a unique opportunity to vet out issues
10 that we all have a different perspective in and
11 that if we just stand back and polarize on our
12 positions as sometimes rulemakings come to bear
13 or positions come to bear, we don't seem to
14 unwind the issue. If we can sit down and talk
15 through things like the Midstream Group did, I
16 think we can find common ground and actually
17 advance the ball.

18 One of those for the gas industry is
19 class location. It was probably one of the
20 fundamental issues that supported from a cost-
21 benefit standpoint, the Integrity Management
22 Rules of a very long time ago. It just has not

1 yet gotten traction. And I think people are very
2 polarized around the issue. Sometimes the gas
3 industry, I think, is heard as saying we want to
4 get rid of the class location scheme and I think
5 some people are put off by that and I can
6 appreciate why.

7 I think the issue where we probably
8 are is there is a middle ground where it is not
9 all the situations warrant release from the class
10 location. It is not none either but currently,
11 we are at none. And it is very frustrating to
12 operators to see those huge amounts of resources
13 going into very unproductive areas, when we have
14 a much more precise tool at hand. If we could
15 just sit down and work through what is that
16 criteria, I think it would be an excellent
17 candidate for a working group to be appointed to
18 look at and I think come back to this committee
19 with some ideas on ways to close that gap.

20 MR. WIESE: Can I ask if anyone has an
21 idea that is not about a rulemaking in process?
22 That will complicate it a little bit. And I will

1 also confer with our counsel and talk about it.

2 You know an idea like midstream, we
3 didn't have a rulemaking in process. It is a lot
4 different. If you want to talk about R&D, that
5 is a lot different. You know we can do that,
6 solving problems.

7 But in talking about anticipated
8 rulemakings, you see all the mandates we get.
9 You know why are we getting these mandates? We
10 didn't have any accidents, by the way. I would
11 like to point out we didn't have the accident but
12 when the mandate comes, we don't go into
13 rulemaking for a while. So, I think that would
14 be a good time to be talking about hey, we
15 understand the mandate. And we have to take care
16 of that.

17 So, the question is, what is the
18 smartest way to go about achieving the results?
19 It is just I am trying to draw a line in-between
20 those things that we have already proposed and
21 now doing it. Now, class location isn't one of
22 those.

1 So, I don't know. I am certainly open
2 to it. The class location would be easier.

3 MR. DRAKE: The first issues is not so
4 much about working groups. It was really in
5 reference to Chuck's comment from yesterday and
6 that is, how to help the committee get prepared
7 to talk about very convoluted issues that are
8 very intricate with lots of history, where we are
9 in a better position to engage in the
10 conversation, not so much a working group.

11 MR. WIESE: Okay, fair enough.

12 MR. DRAKE: I appreciate the
13 regulatory process. Just when you do want to
14 engage us, how can we get engaged more informed.

15 MR. WIESE: Okay and that is a fair
16 point. I'm sorry, I thought you were swinging at
17 working groups.

18 MR. DRAKE: No, the second one was
19 about working groups.

20 MR. WIESE: Okay, good.

21 MR. MAYBERRY: I was going to add,
22 Andy, also we have a report that was required by

1 mandate. I think after that comes out, and that
2 is still working its way through the process but
3 I think after that comes out, it will probably be
4 a better just time to start the dialogue on that
5 and our rulemaking agenda, too. So, thanks.

6 MR. WIESE: Well, let's cogitate on
7 that because I think that is not an active
8 rulemaking. We could talk about the next meeting
9 kind of chartering and have an agreement, a vote,
10 that we want to create a working group on
11 something. I am happy to do it.

12 I would also like to tackle some of
13 these non-regulatory issues like the R&D. You
14 know we have got Paula on the committee now. We
15 drug her on here on purpose. They have access to
16 a lot of things at DOE. She wants to play in
17 that arena with us. So, I think it is an
18 opportunity to talk about how do we amp up our
19 game in R&D and make sure it is sharply focused,
20 make sure we have an element of innovation in it.
21 You know I think that is important.

22 You can pursue the stuff that has been

1 incremental R&D for a while but you also need to
2 reserve a little bit of our attention for
3 innovation, stuff out of left field nobody was
4 anticipating.

5 MR. TAHAMTANI: Any other -- Chad.

6 MR. ZAMARIN: Chad Zamarin, Cheniere
7 Energy.

8 No real new ideas but maybe just to
9 second first the thought about R&D. I think we
10 have seen for a long time a lot of different
11 efforts and priorities oftentimes that overlap
12 but aren't always collaborating and communicating
13 as effectively as we think they can. We talk
14 about that a lot. So, I think this could be a
15 good form for that.

16 Also, maybe a forum that helps verify
17 the priorities and not have it be politicized
18 like we have seen it in the past. This is a
19 group of advisors that collaborate across the
20 different stakeholder groups and I think though
21 we each have our own interests, what comes out of
22 this group, I think, is pretty balanced and I

1 think it is recognized as such. So, I think it
2 makes a lot of sense on the R&D side. I would
3 just second also in the class.

4 And what we did through the midstream
5 effort I think is parallel. It is an issue that
6 I think philosophically there is alignment on but
7 it is a complex issue with challenges that are
8 hard to fully understand, when you just say we
9 want to change class locations.

10 So, I think it is one that my bias is,
11 my belief is, there is an outcome that everyone
12 could feel good about. It is hard to envision
13 that through a rulemaking process alone before us
14 getting together and trying to crystalize a
15 common interest. And I think there is one there
16 that we can achieve and make everyone better for
17 it. We can make sure the resources are going
18 into the right investments for safety. So, I
19 think we could come out with a product that would
20 help maybe guide the future direction on that
21 issue, without which I don't think much will
22 happen because it is a complex issue.

1 So, that's all. Thanks.

2 MR. TAHAMTANI: Michele.

3 MS. JOY: So, following up on that and
4 the good work you did in the Midstream Group, as
5 far as working groups, one area that we are kind
6 of tracking and keeping an eye on that I would
7 like to at least have us think about is how PHMSA
8 and the Department of Transportation can really
9 help us working with other agencies, much like
10 you worked with OSHA, to really try to speed up
11 and better implement some of the things we are
12 trying to do for safety.

13 So, for example, we are dealing with
14 river crossings. Most river crossings, when you
15 want to fix them, you involve Army Corps of
16 Engineers, states, others. And there is probably
17 a better process than there was a decade ago, in
18 terms of ensuring coordination but there is also
19 a very laborious review process, which keeps
20 getting layers added onto it. And the party we
21 don't see at the table, as we are going in and
22 having these discussions, is the Department of

1 Transportation. And is that something where the
2 Department of Transportation can kind of help us
3 by weighing in about why this is a priority and
4 why we need to do these, so that it is not a
5 question of doing something differently but
6 getting the focus and getting things done in a
7 timely way so that we don't have incidents where
8 we know we have an issue, the pipe is sitting
9 there waiting to be repaired, and we have an
10 incident because we are all waiting on the
11 permit. That is where we don't want to be.

12 MR. WIESE: I think it is a great
13 idea. I can tell you we have run at that one
14 before and you may remember it. I'm thinking of
15 -- I won't use names.

16 I'm thinking of an example, just for
17 illustration of the other members. We had an
18 operator had a piece of pipe in a very sensitive
19 wetland. They knew they had a significant issue.
20 They and we both wanted it out of there. They
21 were going to replace the pipe but they couldn't
22 get the permits from local and state officials.

1 I mean it eventually failed. It was
2 a fairly notorious case in our history. You can
3 probably look it up pretty easily. Most of you
4 already know what it is.

5 But it was a prime example, I think,
6 of what you are talking about, where safety
7 really ought to override here. Somebody else
8 will say shut it down but I think in that
9 particular case, that one, just so you
10 understand, might have been sole source supply to
11 a fairly significant airport.

12 So, there can be complexities in this
13 that kind of throw out the simple answer just
14 shut it down. Well, that is just not going to
15 work.

16 So, I think we are really interested.
17 We did have a lot of experience. We worked with
18 a lot of agencies. We came up with a model and
19 it is very difficult to convince other agencies
20 to prioritize your mission over theirs. And
21 without clout and top drive, I just I would love
22 to do it. You know I will just tell you that

1 that last exercise that we went through for years
2 in trying to streamline permitting, particularly
3 when it was a sensitive area, kind of left a sour
4 taste in our mouth. It is hard to convince other
5 people of that priority.

6 If you have ideas, I think it is
7 something we would certainly be willing to
8 entertain like a working group, come up with
9 ideas and proposals and stuff like that. So, I
10 don't want to just shoot it down.

11 Sorry, I was just saying I had several
12 years of negative experience where I thought we
13 had a really good case. We used the NPMS. We
14 built up a model that the other agencies could
15 access online, you know secure access to all this
16 stuff and it still didn't work.

17 MS. JOY: Yes, I remember the whole CEQ
18 involvement and everything else. So, I totally
19 understand that.

20 But I also recognize that as we are
21 moving forward, particularly with some key
22 initiatives like river crossings, if we don't

1 have a coordinated approach, it is going to be
2 very difficult to achieve what we all want to
3 achieve, which is better safety and fewer
4 failures and fewer shutdowns, if we don't get
5 some help in a kind of coordinated approach
6 among, particularly a federal permitting
7 authorities.

8 MR. WIESE: Yes, we do a lot of work
9 now, with those who are not familiar with FERC,
10 for example. You know I oftentimes think FERC
11 ought to pay us.

12 You know Karen Gentile was here.
13 Karen goes to tons of FERC meetings. Mostly our
14 reason there is just to talk to the public. We
15 are not there to defend FERC or advocate for
16 FERC. We are there -- if the public has
17 questions about safety, then we have someone who
18 is knowledgeable who can answer that. The CATS
19 have been doing this for years.

20 But the other thing we do is we
21 provide, like Ken was talking to, on the LNG
22 stuff, which is, unfortunately it is never like

1 this. It is either up or down or whatever.
2 There are some really active things in that
3 arena, by the way, Chad, that we could certainly
4 talk about and have working groups on things like
5 exclusions zones. NFPA had tried to advance, in
6 one of their documents, risk-based siting
7 principles. And as I said to them, I know Andy
8 will resonate to this, we have always been
9 proponents of risk-based. The problem is that
10 you have to, in a specific case, you can analyze
11 it close enough to see, yes, got everything you
12 need.

13 In a global case, where you give
14 everyone an exemption and a pass on this broader
15 risk-based thing and you find out later they
16 don't have everything they need, that undermines
17 the credibility of what we are doing.

18 So, I don't know how to find the
19 middle ground on that stuff but I think NARUC
20 passed a resolution, urging us to adopt this and
21 we refused, basically, because we don't think
22 they are ready for it.

1 But maybe a working group on things
2 like exclusions zones is the right way to go.
3 That will effect even small scale LNG. They are
4 trying to site in ports now, so that they can
5 fuel marine vessels. It makes good sense. There
6 is a lot of gas out there to be used. It meets
7 air quality things but these are congested areas
8 with a lot of potential for commercial disruption
9 if something goes wrong.

10 So anyway, just food for thought. But
11 thank you for the idea, Michele.

12 MR. TAHAMTANI: Any other comments?

13 MS. JOY: Sorry. Michele Joy again.

14 I just also wanted to note, I was hoping that
15 Paula would be here, but one thing that she
16 mentioned that she sort of said very quickly that
17 is valid, that the ports are in high demand and
18 that dredging is important. However, the last
19 time we had a major dredging campaign which was
20 really needed for our ports, it has significant
21 impact on the pipelines that cross the rivers and
22 go under the ports. And many of them were

1 required to relocate. Then you have cost
2 recovery issues and you also have safety issues
3 because sometimes they are going to dredge to 25
4 feet and they go to 27 feet or further and then
5 that puts your pipeline at risk.

6 So, I would hope that if there are
7 policy things going on at DOE involving that kind
8 of activity, that you guys would be involved in
9 the discussion as well, to make sure they are
10 understanding risks and how we balance the needs
11 of the ports versus equipment and logistics that
12 are already in place.

13 MR. WIESE: I just have one other
14 thing. I wanted to ask if anyone is interested
15 in a session in the next meeting.

16 We have been through a lot, and Sean,
17 in the back there, with us over the last couple
18 of years and we know the regulatory process in
19 detail. And so we can probably answer questions
20 that you might be wondering about. But I am just
21 wondering -- you know there is only so much we
22 can do there. But what we can do is John has

1 done, inside, John and Cam have given
2 presentations on the regulatory process, making
3 sure since you advise us on, amongst other
4 things, the cost-beneficial nature of these
5 rulemakings, the practicability, et cetera, I
6 want to just make sure that everyone here
7 understands the regulatory process and what some
8 of the requirements are.

9 There are a lot of people who are very
10 smart and savvy on this subject. We could
11 certainly bring in outside speakers and whatever.
12 But I want to give you a better understanding
13 because there has been a lot of consternation
14 about why certain rules haven't been moving. And
15 I think if you understand the process well
16 enough, you better understand why they don't
17 move.

18 So, just a thought for you all.

19 MR. TAHAMTANI: I will say just since
20 you have got several new members, some of us know
21 how that works, it might not be a bad idea to
22 have a presentation made at the next meeting.

1 MR. WIESE: Okay.

2 MR. TAHAMTANI: Any other comments?

3 Well, let me take this opportunity to
4 thank the members of the committee for their
5 engagement, presentations, participation and also
6 thank Jeff and his staff for a great agenda,
7 although it was too packed. But you notice I got
8 you there with a lot of time to still spare.
9 That is what I do well here.

10 In any case, thank you, Jeff. I will
11 turn it over for any last comments you have.

12 MR. WIESE: Very good. Thank you,
13 Massoud. I particularly want to thank you for --
14 Massoud is always ready to, when I tell him about
15 ten minutes before we start that he will be
16 helping me run the meeting, he is always willing
17 and he is there for us. So, I very much
18 appreciate that.

19 I want to tell you that we heard a
20 couple of things that I want to echo back to you.
21 One of them is a need to better serve the
22 members. I am trying to figure out ways of doing

1 that. Some of this stuff doesn't come together
2 quickly. I almost wonder whether or not like a
3 webinar or a teleconference before a meeting
4 where we can kind of brief out on some stuff
5 really quick, particularly if there is going to
6 be voting involved, as necessary.

7 So, just we want your ideas. I think
8 I heard Cheryl talk about it earlier. Send your
9 ideas in. Not just give it to me earlier but how
10 would you like it? Is digital good? Do we need
11 to send paper to you, et cetera?

12 So, we want to. We just need your
13 ideas on how to do that.

14 I did want to take time to give a
15 special thanks to Todd, and to Chad, and to Linda
16 and to others who worked on the Midstream Group.
17 I know they met countless hours and some of it
18 was fairly stressful. But you are to be
19 commended for the work you have done and I think
20 that that is a real testament to the value of the
21 committee. So, again, thank you so much for
22 doing that.

1 I wanted to acknowledge and thank the
2 new members. Bob stuck it out. Bob, you haven't
3 had a vote yet but wait until we get to the
4 votes. If you thought this one was interesting,
5 wait until the votes. I would have thanked Paula
6 but I knew she had to get out for a
7 teleconference.

8 Those that are our new members, we are
9 actively working to fill up some of the vacancies
10 here but I will tell you that I have always been
11 impressed by the committee and the committee
12 meetings. It is not that which is characterized
13 by some media. I have realized for years, as you
14 do, that we really run through consensus. We
15 don't vote. It is not ten to five, you lose. It
16 is a consensus.

17 And I will remind you of the time we
18 did the plastic rework rule. Remember it got
19 very contentious and we took a time out. We said
20 we are not going to vote on this. We took
21 another month. We worked the issues. We came
22 back and we had unanimous support. So, I mean I

1 think that is how the committee works and it is
2 consensus. I think we will work to promote that.

3 I did want to thank the presenters as
4 well, as well as the staff, John, and Cam, and
5 Cheryl, Sailor and others who were providing
6 support.

7 My last comments to you as a reminder
8 to everyone, that we maintain a docket on this.
9 It is PHMSA -- in the docket system, it is PHMSA
10 2015-0173, where we will be putting all the
11 presentations. And as soon as we get the
12 transcripts back, and it takes a heck of a lot
13 longer than you think it should, we will put the
14 transcript there as well, so there will be plenty
15 of information.

16 And I think beyond that, I just wanted
17 to wish you safe travels. And as Garrison
18 Keillor used to say, be well, do good work, and
19 stay in touch. Thank you so much.

20 (Whereupon, the above-entitled matter
21 went off the record at 3:56 p.m.)
22

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This is to certify that the foregoing transcript

In the matter of: GPAC and LPAC Joint Meeting

Before: PHMSA

Date: 08-26-2015

Place: Arlington, Virginia

was duly recorded and accurately transcribed under
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Court Reporter

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