

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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GAS PIPELINE ADVISORY COMMITTEE

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TUESDAY, NOVEMBER 28, 2023

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The Advisory Committee met in Jefferson I-III at the Westin Crystal City Reagan National Airport, 1800 Richmond Highway, Arlington, Virginia, at 8:30 a.m., David W. Danner, Chairman, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS PRESENT

HON. DIANE BURMAN, New York State Public Service Commission

HON. DAVID W. DANNER, Washington Utilities and Transportation Commission

SAMUEL T. ARIARATNAM, Arizona State University

PETER E. CHACE, Public Utilities Commission of Ohio

ALEX DEWAR, Boston Consulting Group

J. ANDREW DRAKE, Enbridge Gas Transmission and Midstream

WILLIAM "CHAD" GILBERT, United Association International

SARA ROLLET GOSMAN, University of Arkansas School of Law

SARA W. LONGAN, U.S. Army Corps of Engineers

ERIN MURPHY, Environmental Defense Fund

ARVIND P. RAVIKUMAR, University of Texas at Austin

STEVE SQUIBB, Director, Natural Gas Operations
City

Utilities of Springfield Missouri

TERRY L. TURPIN, Federal Energy Regulatory
Commission

BRIAN R. WEISKER, Duke Energy Natural Gas
Business Unit

CHAD J. ZAMARIN, The Williams Companies, Inc.

PHMSA STAFF PRESENT

ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal
Official

TEWABE ASEBE

DAVID BIRCH, OST

CLAYTON BODELL

ROBERT BURROUGH

LAUREN CLEGG

IAN CURRY

AMAL DERIA

SETH DICKSON

SEAN FORD, OST

BEN FRED

KELSEY GAGNON

JOHN GALE, Director, Office of Standards and
Rulemaking

ALEXANDRA IORIO

ROBERT JAGGER

MARK JOHNSON

JENNIFER KELLY, OST

JOE KLESIN

KATHLEEN "KATY" MAITLAND

CHRIS McCLAREN

MARY McDANIEL

CHRIS McLAREN

LANE MILLER

STEVE NANNEY

SAYLER PALABRICA

MIA PETRUCCI

GABRIELA ROHLCK

EMMA M. ROSS

CAMERON SATTERTHWAITTE, Office of Standards and
Rulemaking

RODRICK "ROD" SEELEY, National Safety

Coordinator, Pipeline Field Operations

ANNA SETZER
JOSEPH ST. PETER
MASSOUD TAHAMTANI, Deputy Associate
Administrator
ERMIAS WELDEMICAEL
CONOR WALSH
JOE WILLIAMS
DAVID YORK

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

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

2 8:30 a.m.

3 MR. DANNER: All right, folks. It's
4 8:30. Let's get started, please. All right.
5 We're going to call Day 2 to order. Good
6 morning. This is Day 2 of Gas Pipeline
7 Advisory Committee.

8 And today we are -- I am hopeful
9 that we're going to finish up the Operations
10 and Maintenance and Venting early this morning.
11 We'll get on to leak surveys and advanced leak
12 detection program elements and performance
13 standards and hopefully leak grading and repair
14 today. But let's just recap where we ended
15 yesterday.

16 You see six points up here today.
17 We had finished our discussions of Item 1, 4,
18 and 5. And so we can continue quickly on 2, 3,
19 and 6. On Item No. 2, this is really just a
20 matter of moving an item to a different code
21 section.

22 I don't think that's something that

1 this Committee needs to be involved in. And I
2 was looking around to see if there's a
3 difference of opinion on that. Andy, you've
4 got your card up.

5 MR. DRAKE: Andy Drake with
6 Enbridge. I'd just like to start off with a
7 proposal that we pull 2 and 6 immediately from
8 this list. Those were comments that were
9 already found. I don't think it's worth this
10 Committee's effort to adjudicate those issues
11 like you said. I think PHMSA can figure those
12 out --

13 (Simultaneous speaking.)

14 MR. DANNER: All right. And I would
15 agree. Anyone in the table have different
16 thoughts on that? All right. So if we pull
17 Items 2 and 6, what does that leave us with?
18 Whoops, you've already pulled them and now I've
19 lost my place.

20 MR. DRAKE: Need to pull 5.

21 MR. DANNER: Three, immediate versus
22 continuous action. And as I recall, I think

1 Chad, you were going to look at the code
2 sections, and had you done that?

3 MR. ZAMARIN: Sorry, yeah. I think
4 this one we did have discussion about, it was
5 the fact that the language suggests that when a
6 relief valve fails that you have to be
7 continuously on-site until the repair is made,
8 even if it's -- there could be situations where
9 it may take us, we discussed yesterday, a long
10 time for repair. And the situation has been
11 rendered safe. So I'm not sure we finished
12 that discussion. I don't know where the group
13 was on it.

14 MR. DANNER: We left at that I think
15 we agreed that immediate action was necessary.
16 But by removing continuous action, what kind of
17 obligations are we removing to make sure that
18 we're monitoring the situation and we're not
19 just walking away from something that could be
20 a problem. And that's what you said the other
21 code section probably addressed.

22 MR. ZAMARIN: Oh, I got it. Yeah,

1 you're right. I did say that.

2 MR. DANNER: So you didn't do your
3 homework.

4 MR. ZAMARIN: I didn't do my
5 homework. I worked on the other two. I wonder
6 if that's one that we also then tabled. And I
7 can do some digging right now or we can also
8 send back to PHMSA. I do think the issue is --
9 and maybe it's just as a Committee are we
10 willing to come to an agreement that if safety
11 can be maintained and there are requirements to
12 do that you don't have to be continuously on-
13 site in between the time of the immediate
14 response and the repair.

15 MR. DANNER: All right, thank you.
16 Sara and then Peter?

17 MS. GOSMAN: Yeah, I'm wondering if
18 we can hear from PHMSA about why the language
19 continuous was in the NPRM.

20 MR. DANNER: All right. And before
21 we do that, Peter?

22 MR. CHACE: I'll save my time with

1 PHMSA.

2 MR. DANNER: What's that? Okay.

3 Thank you. Can we hear from PHMSA?

4 MR. NANNEY: All right, yes. The
5 reason continuous is in there is a relief valve
6 is to maintain the MAOP, not to go over it. So
7 you have to have some continuous action to make
8 sure that you maintain the MAOP or the pressure
9 -- the operating pressure below that MAOP. So
10 that's why we had continuous action in there.

11 MR. DANNER: All right, Chad?

12 MR. ZAMARIN: Chad Zamarin,
13 Williams. Thanks, Steve. I guess the
14 question, that is, do we need on-site personnel
15 if there's some other action that's been taken
16 that addresses the requirement to protect MAOP
17 because it doesn't just say continuous action.
18 It does say on-site personnel.

19 MR. NANNEY: Again, it depends upon
20 the continuous action, what it is and where it
21 is.

22 MR. ZAMARIN: Okay. I mean, that --

1 Chad Zamarin with Williams. I mean, that would
2 tell me that there are certain situations where
3 if you've addressed the protection of MAOP that
4 you don't need on-site personnel. I think
5 that's what I'm hearing. Is that right?

6 MR. NANNEY: I'm sorry -- you made
7 need on-site people. You may not. It depends
8 upon where the alternative MAOP control is.

9 MR. ZAMARIN: Okay. This is Chad
10 Zamarin again, Williams. I think if that's the
11 explanation, then the language probably needs
12 to be improved to address the fact that you may
13 not need personnel on-site, but you do need
14 continuous protection of MAOP but maybe not
15 continuous on-site personnel I think it what
16 I'm hearing.

17 MR. DANNER: So the proposal from
18 PHMSA had the language, take continuous action.
19 So it's their view that that was necessary. We
20 agree that immediate action is also necessary.
21 Is this one that would be fine just to say
22 operators must take immediate and continuous

1 action to address malfunctions?

2 MR. ZAMARIN: I think that would
3 work.

4 MR. DANNER: All right. Robert
5 Ross?

6 MR. ROSS: Just as a kind of general
7 rule, like, in terms of -- like, as we proceed
8 in this consideration of the regulatory text, I
9 think that we're going to try, within PHMSA, to
10 avoid, like, coming up with an explicit
11 endorsement of any alternative language.
12 However, if the Committee wants to recommend,
13 based on their understanding of our intent as
14 expressed by Steve as to how to modify the
15 text, we'd be happy to consider that.

16 MR. DANNER: Understood, thank you.
17 Steve Squibb?

18 MR. SQUIBB: Steve Squibb, City
19 Utilities of Springfield. Just a clarification
20 that this language, I believe, about continuous
21 monitoring is about when malfunction of release
22 of gas is below the set point of the relief,

1 not above the set point of relief. I believe
2 that's correct and therefore not such a safety
3 issue below the set point. Is that correct?

4 MR. DANNER: Well, I don't know.
5 Alan?

6 MR. MAYBERRY: Regardless of the
7 issue for the reason you took the device out of
8 service, you still have -- you have to protect
9 the pipeline from overpressurization. So
10 regardless of the reason for the maintenance
11 needed, where it was an inadvertent release, a
12 set point issue, a maintenance issue, you
13 still have to provide that protection. So
14 that's the real issue you're driving at,
15 regardless of the reason.

16 MR. DANNER: All right. So Brian?

17 MR. WEISKER: Brian Weisker, Duke
18 Energy. I just want to understand, clarify. I
19 think what we're saying is that we'll have
20 continuous protection of the piping system,
21 whatever it may be.

22 That's -- it's not continuous --

1 somewhat continuously on-site. But we would
2 have continuous protection of the system from
3 an MAOP event. Is that correct?

4 MR. MAYBERRY: The idea is to
5 protect the pipeline from overpressurization.

6 MR. WEISKER: Okay.

7 MR. MAYBERRY: So if you don't have
8 a safety device on there, how are you going to
9 protect it? So what means are you going to use
10 to protect the pipeline?

11 MR. DANNER: Chad?

12 MR. ZAMARIN: Yeah, Chad Zamarin
13 with Williams. Chairman, I think to your
14 point, I think if we just struck with on-site
15 personnel, it would read, continuous action to
16 stop the release until the device is repaired
17 or replaced. I think that, I'm hearing, would
18 be a good recommendation to just strike the
19 with on-site personnel.

20 MR. DANNER: Okay. I don't have the
21 language in front of me to -- okay. So the
22 proposal is just take out the words with on-

1 site personnel. Thoughts, Diane?

2 MS. BURMAN: Yeah, I just wanted for
3 the record just to give my flavor from a state
4 regulator perspective. I think the essential
5 variable is not allowing MAOP to be exceeded.
6 So I see it from my seat as a state regulator
7 that I do think continuous action is needed.

8 But depending on how the system is
9 configured, it does not need necessarily to be
10 on-site. So if you do have the ability to
11 monitor and control from a remote location, on-
12 site might not be needed. So I think that is
13 appropriate.

14 MR. DANNER: All right, thank you.
15 We have a proposal just to remove the words
16 with on-site personnel here. Is there anyone
17 who objects to that language?

18 All right. I'm hearing nothing. I
19 would -- is it possible we could go back to the
20 other slide and clarify it does not require --
21 okay. We now have a package here that I think
22 we have all agreed to. I would entertain a

1 motion on this voting slide. Peter?

2 MR. CHACE: Pete Chace, NAPS. I
3 move to strike the words, with on-site
4 personnel, from paragraph 773.

5 MR. DANNER: But they -- the motion
6 would be to read this slide, which we have
7 done, with Item 2. We're clarifying, does not
8 require -- well, I think, yeah, maybe you want
9 to just say remove the words, with on-site
10 personnel. Sara?

11 MS. GOSMAN: I have a question about
12 number 4. Are we at that point, or should I
13 hold it?

14 MR. DANNER: Well, you need to raise
15 it before we can vote on the package.

16 MS. GOSMAN: Okay. So I guess my
17 question about number 4 is what other means
18 there would be to isolate the relief valve for
19 maintenance and testing besides upstream and
20 downstream isolation valve.

21 MR. DANNER: From what I heard
22 yesterday -- Chad, you can correct me -- is

1 that if you have a stem, you don't need to go
2 upstream or you don't need to go downstream if
3 it's only one side.

4 MR. ZAMARIN: Yeah, I mean, there
5 are --

6 MR. DANNER: That's the situation.

7 MR. ZAMARIN: That's right. There
8 are designs where you can isolate the valve
9 without the need for having valving on both,
10 what would be called the downstream and the
11 upstream of the relief valve. So there are a
12 lot of different configurations. I think it's
13 just referring to the need for isolation for
14 maintenance and testing versus specifying
15 locations of valves makes better sense to cover
16 all situations.

17 MR. DANNER: Alan?

18 MR. MAYBERRY: We have to
19 acknowledge in the comments we received,
20 there's a need to clarify the requirement to --
21 the goal is to be able to provide isolation to
22 access the device. And so just whatever

1 clarifications we need. I think we saw in the
2 comments that there was needed clarification.
3 We plan to do that.

4 MR. DANNER: So would it be better
5 on number 4 instead of saying remove the
6 requirement, clarify the requirement to account
7 for situations where upstream and downstream
8 isolation is not necessary?

9 All right. I'm not hearing anything
10 on that. So we will leave it the way it is.
11 Again, we have a package in front of us. Sara?

12 MS. GOSMAN: I like that language.
13 I would -- that sounds like good language to
14 me.

15 MR. DANNER: Okay. I think that you
16 and I might be in the minority on that. But
17 I'm also okay with the language that is there
18 because I understand that PHMSA would intend to
19 clarify that. So with that, again, is there
20 someone willing to make a motion for this
21 voting slide? Chad Zamarin?

22 MR. ZAMARIN: I'd like to make a

1 motion that the proposed rule, as published in
2 the Federal Register and as supported by the
3 Preliminary Regulatory Impact Analysis and
4 Draft Environmental Assessment, with regard to
5 pressure relief devices, Section 192.199 and
6 192.733, is technically, feasible, reasonable,
7 cost effective, and practicable if the
8 following changes are made. One, PHMSA should
9 remove the term, documented engineering
10 analysis, and instead simply refer to
11 documentation including engineering standards.
12 Two, PHMSA remove the term, with on-site
13 personnel from 192.773(a)(3)(ii). Three, PHMSA
14 clarify the repair timelines to be 30 days
15 unless the repair timeline is impracticable, in
16 which case the repair must be completed as soon
17 as practicable. And four, remove the
18 requirement for upstream and downstream
19 isolation valves and instead require the
20 ability to isolate the relief valve for
21 maintenance and testing.

22 MR. DANNER: All right, thank you.

1 Is there a second? All right. Andy Drake has
2 seconded. Chad -- or Cameron, will you take
3 the vote?

4 MR. SATTERTHWAITE: Okay. I'll say
5 your name. If you agree with the motion, say
6 yes. If not, say no. Diane Burman?

7 MS. BURMAN: Yes.

8 MR. SATTERTHWAITE: Peter Chace?

9 MR. CHACE: Yes.

10 MR. SATTERTHWAITE: David Danner?

11 MR. DANNER: Yes.

12 MR. SATTERTHWAITE: Sara Longan?

13 MS. LONGAN: Yes.

14 MR. SATTERTHWAITE: Terry Turpin?

15 MR. TURPIN: Yes.

16 MR. SATTERTHWAITE: Brian Weisker?

17 MR. WEISKER: Yes.

18 MR. SATTERTHWAITE: Andy Drake?

19 MR. DRAKE: Yes.

20 MR. SATTERTHWAITE: Alex Dewar?

21 MR. DEWAR: Yes.

22 MR. SATTERTHWAITE: Steve Squibb?

1 MR. SQUIBB: Yes.

2 MR. SATTERTHWAITE: Chad Zamarin?

3 MR. ZAMARIN: Yes.

4 MR. SATTERTHWAITE: Chad Gilbert?

5 MR. GILBERT: Yes.

6 MR. SATTERTHWAITE: Arvind

7 Ravikumar?

8 MR. RAVIKUMAR: Yes.

9 MR. SATTERTHWAITE: Erin Murphy?

10 MS. MURPHY: No.

11 MR. SATTERTHWAITE: Sara Gosman?

12 MS. GOSMAN: Yes.

13 MR. SATTERTHWAITE: Sam Ariaratnam?

14 MR. ARIARATNAM: Yes.

15 MR. SATTERTHWAITE: It is -- well,
16 the motion carries.

17 MR. DANNER: All right, thank you
18 very much. We'll get right into leak surveys
19 and patrols. I'm going to turn it over to our
20 friends from PHMSA.

21 MR. SEELEY: Moving in, we're going
22 to start a presentation on leak surveys and

1 patrols. Next slide. Leak surveys of the NPRM
2 proposal highlighted three areas, increased
3 leakage survey frequencies for pipelines known
4 to leak, distribution lines outside of business
5 districts and transmission lines in high
6 consequence areas. Also require leak detection
7 equipment for all onshore gas transmission and
8 distribution line surveys and require monthly
9 visual patrols for transmission lines. Next.

10 On this slide, we're going to talk
11 about the current regulations, leakage surveys
12 and distributions, 192.723. The table is a
13 summary of the existing versus proposed.
14 Outside of business districts, the existing is
15 five years not to exceed 63 months.

16 In the proposal, it's three years,
17 not to exceed 39 months. Pipe known to leak,
18 existing is three years, not to exceed 39
19 months. The proposal is to go to annually, not
20 to exceed 15 months.

21 And inside business districts, we're
22 not proposing any change. Additional proposals

1 in the notice and investigation of known leaks
2 must be performed after an environmental change
3 that affect gas migration. A survey must be
4 performed within 72 hours of the cessation of
5 an extreme weather event defined as when the
6 area can be safely accessed or when the
7 facility has been returned to service. Next.

8 Some of the requested topics for
9 this section, the NPRM requested comments on
10 the following: miscellaneous definitions.
11 PHMSA will be addressing this topic in a later
12 section. Potential criterial for defining the
13 boundary of a business district, value of
14 explicitly listing historical plastics known to
15 leak, or deleting the scope of qualification
16 historic from the proposed regulatory text for
17 the purposes of a proposed annual survey
18 requirement or for replacement under Section
19 114 of the PIPES Act of 2020.

20 The value of more or less frequent
21 leakage surveys of plastic pipe systems and
22 whether distribution main should be required to

1 be surveyed annually and an alternative
2 evaluated in the PRIA. Next slide. Moving on
3 quickly to leakage surveys on transmission
4 lines, 192.706. To recap the current
5 requirement, annual leakage surveys not to
6 exceed 15 months except for two locations,
7 twice a year for non-odorized Class 3 and four
8 times a year non-odorized Class 4.

9 Leak detection equipment only
10 required for surveys on non-odorized Class 3
11 and 4 locations. In the proposal, we suggest
12 leak detection equipment required except for
13 submerged offshore gas pipeline, non-HCA Class
14 1 and 2 locations with 192.18 notification.
15 The use of human senses and the leak detection
16 performance standard will be discussed in the
17 discussion of ALDP in a separate section.

18 The NPRM proposal to continue was a
19 survey frequency. The valves -- so for valves,
20 flanges, pig launchers, tie-ins to valves and
21 flanges, we are recommending four times a
22 calendar year for survey for Class 4 locations

1 and two times a calendar year elsewhere.
2 Within HCAs, the suggestion is four times a
3 year and HCAs of Class 4 two times a year, and
4 HCAs for Class 1, 2, and 3 locations.

5 Minimum annual survey frequencies
6 and survey frequencies outside of HCAs remain
7 unchanged. Patrols on transmission, 192.705,
8 the current regulations visual right-of-way
9 patrols are required between one to four times
10 a year for gas transmission line depending on
11 location. In the proposal, we are looking to
12 require monthly patrols for gas transmission
13 pipelines.

14 Proposal requirements will apply to
15 regulated gas-gathering lines subject to the
16 patrol requirements. The applicability that is
17 required with a Type B and Type C regulated
18 gathering lines will be discussed in a separate
19 section. Moving on to distribution leak
20 surveys, 192.723, as a note, all comments
21 related to the ALDP, leak grading and repair,
22 or applicability to gas-gathering will be

1 discussed in those topic sections later on the
2 agenda.

3 For this section, the NPRM comments
4 multiple operators express concern that the
5 proposed changes would be financially
6 challenging to comply with and could raise
7 utility costs for customers without creating
8 commensurate increase in safety. Another
9 comment on an operator expressed concerns that
10 it would be more difficult for smaller
11 operators with few employees to meet the
12 proposed requirements. An operator stated that
13 the proposed changes are unnecessary for
14 pipelines made of newer materials and should
15 not apply to such pipelines.

16 Continuing on, multiple trade groups
17 express that requiring more frequent leak
18 surveys is unnecessary. And the intent is
19 achieved through the implementation of risk-
20 based distribution integrity management program
21 requirements. A couple of PHMSA notes, DIMP,
22 or the Distribution Integrity Management

1 Program regulations do not currently include
2 parameters for what constitute an effective
3 leak management program.

4 As a result, PHMSA is aware that
5 some operators maintain a large backlog of
6 unrepaired leaks. Another comment, operators
7 would still have leeway to prioritize
8 preventative unmitigated measures within the
9 bounds of proposed leak detection and repair
10 standards. More comments on the general leak
11 surveys for distribution, 192.723. The
12 Attorney General for New York et al. expressed
13 support for the proposed survey intervals,
14 adding that these would prevent leaks from
15 going undetected for longer periods of time,
16 alleviating serious safety and environmental
17 concerns. Environmental advocacy groups
18 recommended PHMSA require annual leakage
19 surveys with mobile leak detection equipment or
20 alternatively an annual survey for large volume
21 releases in addition to the proposed survey
22 frequency.

1 They further noted that many state
2 programs and operator procedures stipulate more
3 frequent surveys than currently required under
4 192.723. More comments on this topic, multiple
5 operators expressed concern that increased
6 survey frequencies for certain distribution
7 lines would divert manpower, resources, and
8 funding from other proposed requirements to
9 monitor and repair leaks. A leak detection
10 technology provider suggested PHMSA instead
11 allow operators using ALD systems to establish
12 their own leak investigation frequencies based
13 on field observations.

14 Comments outside of the business
15 districts, industry trades and operators
16 expressed general opposition to the proposal to
17 required distribution operators to survey
18 outside of business districts every three years
19 stating that the five-year minimum has proved
20 defective and the more frequency raise would
21 not be justified by leak reduction projections
22 nor an improvement in pipeline safety. An

1 operator expressed support stating they have
2 experienced a decrease in leak calls and after
3 hour call-outs since adopting a three-year
4 frequency for leak survey. A state regulator
5 asked PHMSA to distinguish whether the proposed
6 requirement would apply to by inside and
7 outside piping.

8 An operator proposed that PHMSA
9 maintain the current five-year frequency for
10 inside service lines outside of business
11 districts. Comments related to environmental
12 change, multiple researchers at universities
13 express support for investigating leaks
14 following certain environmental changes.
15 Referencing a study that showed for leaks in
16 rain, snow, and ice conditions, methane
17 movement below the ground surface is faster and
18 at higher gas concentrations than under normal
19 conditions.

20 And industry trade group commented
21 that the investigation of known leaks is more
22 appropriately addressed in the leak

1 investigation requirements. Comments related
2 to the extreme weather conditions, multiple
3 operators in trade groups expressed concern
4 that the proposed extreme weather survey
5 requirement would be overly broad and would
6 require a full system leakage survey after each
7 event. Multiple operators commented that this
8 requirement would be a major burden for
9 operators as this would require a fluctuating
10 workforce that would be difficult to hire and
11 maintain.

12 Multiple environmental advocacy
13 groups, a form letter campaign, individual
14 comments, and a senator support the proposed
15 extreme weather survey requirement but added
16 that these inspections should not reset the
17 pipelines normal inspection interval. Multiple
18 operators requested PHMSA clarify limitations
19 on the area that must be surveyed following an
20 extreme weather event and provide opportunity
21 for operators to define the requirement more
22 specifically. Moving on to comments related to

1 environmental change and extreme weather -- oh,
2 continuing them, sorry.

3 Multiple operators in NAPS R urged
4 PHMSA to define an extreme weather event and
5 provide examples of such events. Multiple
6 industry representatives propose cross
7 referencing extreme weather language in 192.613
8 and that 192.613 be amended to include the
9 significance of geohazards and environmental
10 impact rather than create new severe weather
11 inspection language. A couple of notes from
12 PHMSA, PHMSA concurs that investigation of
13 known leaks following environmental changes in
14 192.723(e) is more appropriately addressed in
15 the discussion of leak grading and repair.

16 This issue will be addressed in the
17 discussion of 192.760. PHMSA intended for
18 extreme weather to be defined as detailed in
19 192.613. PHMSA will clarify this in the final
20 rule.

21 Moving on to transmission leak
22 survey comments, 192.706. Multiple operators

1 express general opposition to requiring more
2 frequent leak surveys. The NTSB, Attorney
3 General of New York et al., and information
4 commenter and multiple public and environmental
5 advocacy groups express general support for the
6 proposal.

7 GPTC and an operator opposed
8 increased survey frequency for gas transmission
9 pipelines due to a lack of evidence that the
10 proposed changes would improve safety to
11 people, structures, or the environment.
12 Operators say that more frequent leakage
13 surveys would increase operating costs without
14 offering an advantage, especially for
15 underground pipelines. Continuing, industry
16 trades did not recommend specific changes to
17 the proposed leakage service frequency except
18 for pipelines located on the Alaska North
19 Slope.

20 Two leakage survey technology
21 providers supported requiring more leakage
22 surveys. Multiple operators expressed

1 opposition, recommending PHMSA remove the
2 quarterly leak survey requirement in Class 4
3 locations. Continuing, multiple industry trade
4 group recommended PHMSA require only annual
5 leakage surveys and transmission pipelines on
6 the north slope.

7 Commenters know that many methane
8 detection devices are ineffective at extremely
9 low temperatures and that EPA emissions
10 monitoring requirements allow less frequent
11 surveys in the north slope. A couple of notes
12 from PHMSA, for most pipelines, the
13 transmission survey frequency is unchanged.
14 More frequency arrays apply to HCAs where
15 they're a potential safety risk in certain
16 above ground facilities that are more likely to
17 leak.

18 However, PHMSA requests this
19 Committee feedback regarding the comments on
20 exceptions for extreme environments with
21 limited access. Moving on to transmission leak
22 surveys, HCA 706(b), comments related to that.

1 An operator expressed concern that the proposed
2 192.706(b)(2) could subject a single
3 transmission line to three different survey
4 frequencies.

5 Multiple public advocacy groups
6 urged PHMSA to consider natural gas composition
7 VOCs and the proximity of nearby populations,
8 residences, and sensitive receptors such as
9 schools and playgrounds when determining
10 leakage survey frequencies. PHMSA notes that
11 meeting the most frequent survey requirement
12 would satisfy all applicable survey
13 requirements. Valves, flanges, and certain
14 other facility comments, multiple operators in
15 an integral comment requested PHMSA maintain
16 the current requirement for annual leak surveys
17 for valves, flanges, and other certain
18 facilities.

19 Industry trades does not recommend
20 specific changes to this requirement. One
21 note, PHMSA notes that these facilities are
22 more likely to leak and generally easier for

1 operators to survey. Moving on to comments on
2 patrols, 192.705.

3 Pipeline safety trust, NAPSR, and an
4 environmental group express general support for
5 the proposed patrol requirements. Multiple
6 operators oppose this change stating that
7 monthly patrols would propose an undue
8 financial burden on operators and have limited
9 effectiveness in detecting leaks on
10 transmission lines. GPTC opposed the proposed
11 changes to patrol frequencies as overly
12 burdensome.

13 The commenter suggested that if risk
14 warrants an increase in patrolling that
15 patrolling should match that of an above ground
16 inspections and be four times each calendar
17 year. Multiple industry trade groups expressed
18 that current patrol intervals are adequate and
19 additional patrols do not promote public safety
20 nor protect the environment. Continuing on
21 more comments, multiple industry trade groups
22 and operators said there's no understood

1 benefit to requiring more frequent patrols
2 regardless of class location.

3 Multiple industry representatives
4 and commenter said that increasing frequency of
5 patrols on Class 1 and 2 lines would not
6 increase safety or reduce emissions. And
7 operator said it would be difficult to meet the
8 proposed required in high alpine areas where
9 ground access is limited to only about three
10 months a year. Multiple industry trade groups
11 and operators recommended PHMSA establish that
12 minimum required patrol frequency at six times
13 per calendar year.

14 Continuing on with comments,
15 multiple industry trade groups and operators
16 recommended PHMSA establish the minimum
17 required patrol frequency at six times per
18 calendar year. A few notes from PHMSA,
19 patrolling is an effective countermeasure for
20 third party damage sites which are a major
21 cause of incidents resulting in fatalities.
22 However, PHMSA appreciates the concerns raised

1 on a practicability and cost effectiveness of
2 the proposed frequency for gas transmission and
3 gathering lines.

4 PHMSA requests this Committee's
5 discussion on the patrol frequency for
6 transmission and regulated gas-gathering lines.
7 Leak surveys and comments referencing to the
8 PRIA. Chief legal officer for the State of
9 Louisiana et al. and multiple operators
10 expressed concerns that the estimated cost for
11 the proposed changes would outweigh their
12 expected benefits.

13 Multiple industry trade groups
14 expressed concern that PHMSA's established
15 baseline for transmission patrols is not
16 supported by the office of management and
17 budget circular A-4 or related case law. An
18 operator asked PHMSA to provide specific
19 methane emission data and cost data to support
20 an increase in patrols and leakage surveys on
21 transmission lines. A note from PHMSA, PHMSA
22 appreciates the comment and will update the RIA

1 as appropriate. This concludes the PHMSA
2 response to comments on leak surveys and
3 patrols.

4 MR. DANNER: All right, thank you.
5 Committee members, any clarifying questions?

6 MR. SEELEY: Should I read this
7 slide? Do you want me to read this?

8 MR. DANNER: Oh, yeah. Go ahead.

9 MR. SEELEY: PHMSA requests the
10 Committee recommendations on the leakage survey
11 and patrol requirements and the proposed rule
12 as published in the Federal Register and the
13 draft regulatory evaluation and environmental
14 assessment. Specific topics raised by
15 commenters, PHMSA requests Committee
16 recommendations include leaked survey frequency
17 for gas distribution pipelines, leakage survey
18 frequency for gas transmission lines, patrol
19 frequency for gas transmission pipelines. I
20 think that should be the -- next slide.

21 MR. DANNER: All right. Again,
22 Committee members, do you have any clarifying

1 questions?

2 All right. No clarifying questions.
3 Let's get into the public comment then. Ask
4 commenters to -- let's line up on the right
5 side. Do we want to take all public comment at
6 once or do we want to group them?

7 MR. GALE: Chairman, John Gale.
8 Yeah, we would recommend taking all public
9 comment now. But then when the Committee
10 starts to discuss, we would recommend probably
11 breaking it up into maybe patrolling, then gas
12 transmission frequency, survey frequency, and
13 then gas distribution frequency. But for right
14 now, we would take all public comment.

15 MR. DANNER: I would concur.

16 MR. TAYLOR: Good morning. I'm Eric
17 Taylor, BHE GT&S.

18 MR. DANNER: Thank you. Before we
19 get started, I just want to say we have a lot
20 of people lined up here. So I would ask you to
21 keep your comments to no more than two minutes,
22 and we'll see how the time goes. Thank you.

1 MR. TAYLOR: All right. Thank you.
2 I'm here speaking on behalf of INGAA. So one
3 of the items that weren't captured on the
4 slides were our joint industry comment on a
5 risk-based approach for leak -- I'm sorry, for
6 the patrol requirement. So again, right now,
7 it's proposed monthly.

8 And we propose both a six times per
9 year or risk-based approach. And that risk-
10 based approach would basically just be
11 capturing the fact that there might be certain
12 times of the year that you may patrol more
13 frequently than monthly just because you might
14 be -- farming activities or other things. But
15 just trying to have a risk-based approach that
16 you might actually patrol more frequently than
17 monthly when it's a higher risk to your
18 pipeline system. Thank you.

19 MR. LAMBERT: Good morning. Jason
20 Lambert, Williams Companies, INGAA member.
21 Just wanted to recognized risk-based approach
22 as well that many INGAA operators are already

1 doing patrols more frequently than the current
2 requirement.

3 We support the increase of patrols
4 simply because we recognize the value of
5 recognizing geohazard risk as well as third
6 party damage. But not all gas transmission
7 operators are currently doing patrolling more
8 frequently than currently required. So I
9 request that -- ask that the GPAC consider the
10 increase and the risk benefit on the pollution
11 that would be caused by doing more frequent
12 patrolling and make sure that there is a risk -
13 - or excuse me, a benefit behind that as well
14 and also support the risk-based approach, Class
15 3, 4 at a higher frequency versus Class 1 and
16 2. Thank you.

17 MR. GLASS: Hi, good morning. I'm
18 Steve Glass from National Fuel Gas, also
19 speaking on behalf of INGAA related to 192.705,
20 patrolling of transmission lines and to the
21 extent that it also is applicable to gas-
22 gathering lines. I wanted to emphasize that

1 increasing the frequency can be challenging at
2 times during the year, particularly during the
3 winter for operators in the northern areas.

4 Snow fall and snow accumulation can
5 make it a challenge. And couple that with
6 topography and terrain, it can make it really
7 difficult to safely patrol pipelines by foot.
8 And although aerial patrol is certainly
9 achievable in such conditions, safely having
10 pipelines that have a reduced aerial visibility
11 such as canopy and such can create the need for
12 then patrolling on the ground and getting boots
13 on the ground.

14 And then again, in challenging
15 conditions can put employees in harm's way.
16 And so all those certain pipelines can be
17 patrolled on a monthly basis without an issue
18 requiring all transmission pipelines to be
19 patrolled on this basis will put pipeline
20 operators in a position -- a difficult position
21 to meet compliance with 192. Thank you.

22 MS. TOCZYLOWSKI: Hi, I'm Lauren

1 Toczykowski with Con Edison. We operate in a
2 local distribution company that operates in New
3 York City and Westchester County. Con Edison
4 supports the differentiation between visibly
5 accessible inside service lines and subsurface
6 outdoor pipelines as it relates to leak survey
7 frequency for each.

8 Con Edison has a very large
9 inventory of inside meters which require the
10 leak survey of approximately one million
11 interior meters and associated service lines.
12 Most of these inside service line leak surveys
13 are performed currently at a five-year
14 frequency, synchronized with other interior
15 jurisdictional safety inspections such as that
16 of atmosphere corrosion. This frequency is
17 supported by a comprehensive statewide risk-
18 based study.

19 Con Edison and other New York
20 utilities in conjunction with the Gas
21 Technology Institute have performed extensive
22 field data collection and engineering analysis

1 which has demonstrated extremely low leak rates
2 for these inside service lines. Providing that
3 any increase -- proving that any increase in
4 survey frequency for these inside lines are
5 simply burdensome to customers and will add
6 tens of millions of dollars to the ratepayers
7 without any added safety value. Customers will
8 bear this burden as they must provide the
9 utility more frequent access to these inside
10 service lines for the leak surveys being
11 performed.

12 And if the customer does not grant
13 access, no access fee is imposed and ultimately
14 the service is interrupted or terminated.
15 Customers will also bear the applicable rate
16 increases for such frequency changes. To
17 comply with more frequent inside service line
18 leak survey, Con Edison's annual costs would
19 more than double, increasing by 40 million
20 dollars per year, again, for little to no
21 safety value. Therefore, Con Edison believes
22 that the current five-year frequency is

1 appropriate. Thank you.

2 MR. LANG: Good morning. My name is
3 Kevin Lang and I'm the director of engineering
4 services for Southwest Gas Corporation.
5 Southwest Gas is a local distribution company
6 that operates about 57,000 miles of
7 distribution piping in Arizona, California, and
8 Nevada. And we also operate about 1,400 miles
9 of interstate and intrastate pipeline.

10 We believe that as it relates to
11 distribution leak survey that DIMP and
12 specifically subpart (p) already require
13 operators to know their system, identify
14 threats, evaluate and rank risk, and then
15 identify and implement measures, including
16 additional leak survey which Southwest Gas
17 does. In fact, in 2012, we transitioned
18 voluntarily from a five-year to a three-year
19 leak survey because of specific threats that we
20 have in our system. And we felt that making
21 that move made the most sense to us.

22 And I would just like to reinforce

1 the comments that we filed with the docket.
2 And again, appreciate an opportunity to come up
3 and provide some public comment to the
4 Committee that we feel that DIMP already covers
5 this requirement. And I believe specifically
6 that if PHMSA forces operators hands to a more
7 frequent leak survey, they are distracting some
8 of that risk mitigation across the entirety of
9 the distribution system.

10 My final comments related to the
11 increased transmission patrol frequency. And
12 specifically here, this has to do with how
13 PHMSA articulated and identified their
14 regulatory impact and cost benefit analysis.
15 PHMSA seems to assume within the PRIA that most
16 operators, if not all operators, are already
17 patrolling their transmission pipelines at
18 least once outside of HCAs monthly and twice
19 per month inside HCAs.

20 And that is not the standard
21 practice, at least for Southwest Gas. Much of
22 our transmission system is integrated into the

1 local distribution system. And while we have
2 personnel in the field that are out doing
3 regular damage prevention patrols, those are
4 not the same patrols that are articulated under
5 the requirements of the notice of proposed
6 rulemaking. I appreciate the opportunity to
7 provide comment today. Thank you.

8 MR. CARRE-BURRITT: Hi there.

9 First, I want to thank PHMSA and the Committee
10 for giving me the opportunity to provide
11 comment. My name is Asa Carre-Burrirt, and I'm
12 from Bridger Photonics which is an aerial LIDAR
13 methane emissions detection company.

14 So PHMSA's recent megarule added
15 oversight to approximately 90,000 miles of Type
16 C gathering lines. And afterwards, the rule
17 that we're discussing today removed far
18 reaching exemptions for using leak detection
19 instruments. These two actions would
20 dramatically expand the scope of pipeline
21 requiring stringent leak detection, not to
22 mention increase distribution sector leak

1 detection frequencies.

2 In order to scan this expanded scope
3 of pipeline, operators would need compliance
4 tools that are both effective and efficient.

5 Aerial remote sensing leak detection provides
6 efficient and stringent leak detection. And it
7 is a go-to technology for gathering and
8 transmission pipelines.

9 Remote sensing companies stand ready
10 to assist with this expanded scope of leak
11 detection but PHMSA must write rules in a way
12 that's correct for remote sensing technologies.
13 Hopefully we'll have the opportunity to discuss
14 this further as part of the ALDP program
15 elements discussion. Thank you.

16 MR. WOLVEN: Good morning. Paul
17 Wolven from Consumers Energy Company. We're a
18 combination gas and electric utility serving
19 1.8 million gas customers all within the state
20 of Michigan.

21 We're in support of the intent of
22 this rule to increase public environmental

1 safety and reduce methane emissions. And it
2 aligns with our stated goals of reducing our
3 company gas system methane emissions by 80
4 percent and achieving net zero methane
5 emissions by 2030 and carbon neutral by 2050.

6 However, we have some concerns with the
7 requirement for annual survey after ground
8 freezing.

9 The NPRM states PHMSA proposes to
10 require operators to investigate existing leaks
11 when ground freezing and other changes in
12 environmental conditions such as heavy rain or
13 flood induced ground subsidence, erosion, or
14 the installation of new pavement has occurred.
15 That could affect gas venting or migration to
16 nearby buildings. This required investigation
17 when conducting a leak survey for possible gas
18 migration but that said survey would not
19 qualify as a periodic survey.

20 It would not reset the one of three
21 year clock until the next required periodic
22 survey. As an operator that serves the state

1 of Michigan, we've experienced ground freezing
2 and thawing on an annual basis across the
3 entire state. And if this rule required
4 northern states like Michigan to survey after
5 each winter where freezing occurs, we estimate
6 that it would cost consumers energy
7 approximately 15 to 20 million just to survey
8 the company's over 28,000 distribution miles of
9 main and 1.6 million services.

10 The cost would directly impact
11 customer bills. And so additionally, the
12 resources needed to accommodate this proposed
13 rule will require an increased contractor
14 operational engineering staffing. And since
15 we're not the only operator in the state, it's
16 likely that the limited resources would be
17 drained, making compliance more difficult to
18 meet prior to the annual compliance leak survey
19 season.

20 My last comments relate to our DIMP
21 risk model and our threat analyses already
22 account for this gas migration risk. And areas

1 of concerns are commonly inspected via non-
2 schedule their discretionary survey. So from a
3 risk management perspective in a regular ground
4 freezing state, we have found that over a two-
5 year period, less than four percent of leaks
6 escalate from a Grade 2 to a Grade 1,
7 demonstrating a low risk of leak migration or
8 worsening despite annual freezing. So thanks
9 for the opportunity to provide comments.

10 MR. KHAN: Good morning. This is
11 Saadat Khan from National Grid which is the
12 largest gas and electric utility in the
13 northeast, you know. And we support the DIMP
14 approach rather than a prescriptive survey
15 frequency.

16 And I'm going to just throw some
17 numbers, like, the facts, the company facts,
18 you know, just to bring the point to home, you
19 know. So, like, the company has about, like,
20 33,000 miles of distribution pipe, 8,000 miles
21 of LPP. It's about 22 percent, you know.

22 The leak rate of the non-LPP ranges

1 from 0.01 leak per mile to 0.02 leak per mile,
2 right? And for the LPP which include, like, a
3 cast iron, productive steel, and, like, a
4 vintage plastic ranges from 1.61 per mile to
5 0.11 per mile. And that's by region.

6 Like, we have three region in New
7 York and one region in, like, Massachusetts.
8 So I'm just giving you the numbers first. And
9 then I'll conclude what the numbers mean, you
10 know, right?

11 So the public, like, the old leaks
12 that we, like, receive is public is responsible
13 for public leaks are, like, about 60 to 80
14 percent of the total leaks, you know, right?
15 The public tells us, like, because of the order
16 like I use in the gas, you know, right? If we
17 have an incident around the region, I mean,
18 that number can go up to, like, 90 percent of
19 the total leaks, you know, right, as the
20 public.

21 So the public awareness I think is,
22 like, the continued effort of a public event is

1 a much better tool to capture all the leaks,
2 increase the safety and also decrease the
3 emissions, you know, right? So like, it will
4 increase the leaks, I mean, like, every month,
5 you know. Every month and still they are
6 getting about around 60, 65 percent leaks are
7 coming from public, you know.

8 So bring them, like, all into
9 perspective. If, like, a survey of 1,000 miles
10 of non-LPP main will find three to six leaks,
11 you know. If you consider all of them, like,
12 Scope 1, 2, and 3 emissions, it may create more
13 emissions by, I mean, like, driving the vehicle
14 for, like, five to six thousand miles.

15 Then, like, reducing the emissions
16 and especially those -- like, leaks are coming
17 from the survey. They are mostly not -- I
18 mean, like, not very large emitters, you know,
19 because the large emitters depending on the
20 region where the region is a very populated
21 region. And we, like, capture -- the public
22 captures the leaks much frequently, you know.

1 So, utility manage the leak survey
2 based on the leak found rate. Like, the point
3 is that, like, prescriptive regulation, like,
4 create more overall, I mean, like, emissions
5 and reduce public safety, right? And I just
6 wanted to say that yesterday we spent, like, a
7 lot of time, like, talking about flaring
8 because we didn't like the bargain with the
9 flaring that we have.

10 The flaring basically reduce the
11 emissions from, like, 100,000 metric ton to,
12 like, 16,000 metric ton, you know, right? And
13 if we use them, like, a drawdown compressor
14 and, like, a drawdown compressor with the cost
15 -- with the emission created for building the
16 compressor and operating the compressor, in
17 some cases, is going to be more than the total
18 emissions from the Scope 1 emissions from the
19 gas, you know. So I am requesting when we are
20 looking at the emissions, we need to capture
21 Scope 1, 2, and 3 emissions -- total emissions
22 for, like, a process, not just the Scope 1

1 emissions. Thank you.

2 MR. BOZARTH: Good morning. John
3 Bozarth with Amaren Illinois. I'm a director
4 of pipeline safety compliance and quality. My
5 comments today on the leak survey and patrol
6 portions overall, I'll keep them brief.

7 Ameren Illinois operates 1,200
8 approximate miles of transmission and 17,500
9 miles of distribution, about 814,000 services
10 just to give you a little bit of perspective.
11 But we do share the desire to reduce leakage.
12 And really I think we've demonstrated that
13 through what we've done over the past decade
14 plus which has included eliminating cast iron
15 and low pressure in our systems, significantly
16 reducing facilities that we've seen that are
17 prone to risk for leakage which are
18 mechanically coupled steel.

19 And in doing that, we've
20 significantly reduced the inventory of open
21 leaks that we keep on our system. We're
22 concurrently conducting both the distribution

1 survey and patrol on a four-year basis. And I
2 think that shows that operators -- certainly
3 we're an example of an operator that goes above
4 and beyond the code based on what we see as
5 what's best for our system from a risk-based
6 approach.

7 I'd like to ask PHMSA to consider
8 keeping this risk-based approach in terms of
9 how we'd implement increases in frequencies for
10 survey and patrol. Keep that core interval at
11 five years and allow the operators to
12 incorporate increased leak survey patrols tied
13 to what we see in DIMP and tied to what we know
14 about our specific systems and geography, the
15 soil conditions and everything that present
16 those specific risks to operators like Amaren.
17 One other thing too, we're able to do these
18 systematic replacement of contiguous facilities
19 that have similar risks.

20 And really that results in less
21 impact to our customers, really better cost
22 projects. And I think increasing leak surveys

1 might result in more disparate and more
2 piecemeal replacements. And certainly I think
3 being able to do this contiguously is a
4 benefit.

5 And with regard to patrols, most of
6 our mileage is rural. And again, from that
7 standpoint, don't really see the benefit of
8 really doing that on a monthly basis carte
9 blanche. Specifically, there could be some
10 areas where we'd want to be looking at
11 increased patrols.

12 But finally here with regard to the
13 investigating known leaks after environmental
14 changes, really there would need to be more
15 guidance on really what these would mean. If
16 there's freezing ground, how much frost are we
17 talking? If it's heavy rain, what exactly is
18 heavy rain?

19 Again, with flooding or other
20 changes that could impact venting of gas,
21 really that's a little bit vague. The same
22 goes in Illinois. If you don't like the

1 weather, wait one day, it'll change, right?
2 And that could be the case across a lot of the
3 Midwest.

4 But to demonstrate compliance with
5 these vague requirements could be very
6 burdensome. And from that perspective, really
7 don't see how I could comply with that, how
8 it's written. And finally, for brevity,
9 similar definition concerns with the extreme
10 weather events. As proposed in the request
11 with such definition, there should be some
12 limitation to the survey, only those portions
13 of the system that could have been impacted by
14 the extreme weather event. Thank you.

15 MR. BROWN: Good morning. My name
16 is Isaac Brown, and I serve as the executive
17 director of the Center for Methane Emissions
18 Solutions. I genuinely appreciate the
19 opportunity to speak at today's meeting.

20 And because I wasn't able to be here
21 yesterday, I'm going to be making comments
22 about the proposal on the whole. The Center is

1 a national business coalition that represents
2 the views of companies in the methane
3 mitigation industry in the United States. And
4 our members genuinely appreciate the Biden
5 administration's careful consideration of this
6 issue.

7 In addition to the real
8 environmental costs associated with these
9 emissions, and I know you've gotten a lot of
10 comments to that effect, there's also a
11 tremendous economic cost as well. Oil and gas
12 operators lose millions of dollars' worth of
13 product each year due to methane emissions from
14 inefficiencies. If these issues were address,
15 it would mean more product that would be
16 brought to market and more revenue for the
17 companies.

18 Fortunately, this is a problem with
19 a clear solution. Responding to this market
20 concern, our member companies have developed a
21 range of effective, innovative, and low cost
22 services and technologies that reduce wasteful

1 methane emissions. As a result, policymakers
2 need not make the difficult choice between
3 protecting the public's health and supporting
4 the economy.

5 While we view the proposed rule
6 under consideration as an important step, we do
7 feel that it could be further amended to
8 fulfill this goal. And we respectfully submit
9 the following points for your consideration.

10 First, it is our view that the agency has the
11 authority to regulate gas-gathering pipelines
12 and extend minimum pipeline safety standards,
13 including for those for leak detection and
14 repair and to additional gathering pipelines.

15 The proposed rule appropriately
16 extends leak detection and repair requirements
17 to all Type C gathering lines. And we feel
18 strongly that these guidelines should apply to
19 all gas-gathering lines. Next, leak survey and
20 repair requirements should be extended to
21 include the proposed new advance leak detection
22 standard to all Type C gathering lines.

1 Not only is it within the agency's
2 mandate to do so, but advances in technology
3 make the process of doing so significantly more
4 manageable and cost efficient. When previous
5 rules were written, proper monitoring pipelines
6 required someone to physically walk the pipe
7 with a handheld device or fly a plane if a
8 right-of-way could be established. Today,
9 pipeline operators have a myriad of solutions
10 at their disposal, including drones and
11 satellites, allowing them to choose the method
12 and approach that best fits their
13 circumstances.

14 These technological advances should
15 give the administration confidence that it can
16 move forward with this rulemaking and ensure
17 that pipeline safety is adequately addressed.
18 And I encourage the GPAC to consider these
19 points while making its recommendations on the
20 proposed rule to the agency. Again, I'd like
21 to thank you for the opportunity to provide
22 comments. And moving forward, please know that

1 the Center for Methane Emissions Solutions and
2 its members are prepared to help in any way we
3 can. Thank you.

4 MR. DANNER: Thank you. And I
5 remind the commenters -- please come forward.
6 I remind the commenters to please limit your
7 comments to two minutes.

8 MR. DeFOOR: Thank you. Bill
9 DeFoor, Municipal Gas Authority of Georgia.
10 The Municipal Gas Authority of Georgia was
11 created by the Georgia legislature to help
12 cities in Georgia operate their gas systems.

13 We currently have members in
14 Georgia, Alabama, Florida, Tennessee, and
15 Pennsylvania. Our 82 members range in size
16 from fewer than hundred customers to about
17 56,000. On average, about thirty-seven,
18 thirty-eight hundred miles of main -- excuse
19 me, 3,800 customers, 150 miles of main.

20 So we're very small, extremely
21 small. I believe that the change in the
22 frequency of distribution leak surveys would be

1 burdensome on these small operators that have
2 limited resources, small staff, challenged by
3 current workforce challenges in primarily rural
4 areas. And so to increase the frequency would
5 take these employees away from operation and
6 maintenance activities.

7 Many of these do rely on contractors
8 who are also small, challenged with workforce
9 issues. If the frequency is increased,
10 there'll be more competition for these
11 contractors and drive up the price. And so I
12 ask your consideration for these small
13 operators as you look at changing this
14 frequency. Thank you.

15 MS. JOHNSON: Good morning.
16 Johnnetta Johnson, managing director of system
17 integrity for ONE Gas. My comments today are
18 going to respond to the proposed rules related
19 to patrolling and leak survey of transmission
20 facilities.

21 ONE Gas believes PHMSA should
22 maintain pipeline patrolling intervals based on

1 class location. The use of class location
2 identifies and delineates risk around the
3 pipeline. The level of risk should drive the
4 petroleum frequency.

5 Excessive patrols and dependent of
6 risk level on detract from other operations and
7 maintenance tasks that allow operators to
8 mitigate risk and protect the public. Further,
9 excessive patrols would cause additional
10 emissions from aerial and land-based vehicles
11 utilized in completing the patrol itself with
12 minimal reduction and pipeline risk. While it
13 is true that some operators patrol their
14 facilities monthly, not all operators choose to
15 do so.

16 At ONE Gas, some of our assets are
17 patrolled monthly but not all of them. ONE Gas
18 recommends that PHMSA continue to allow
19 operators to set patrolling frequencies above
20 code requirements based on risk unique to their
21 operating environments. To date, there has not
22 been an onshore NTSB or PHMSA safety

1 investigation where the incidents root cause
2 has identified the current transmission
3 patrolling intervals as being deficient. If
4 PHMSA supports a risk-based approach versus a
5 monthly patrol requirement, ONE Gas estimates
6 minimal impact to comply.

7 For transmission leak surveys, ONE
8 Gas is currently largely aligned with the rule
9 as written. ONE Gas has adopted additional
10 leak surveys and our transmission assets in
11 certain class locations and within HCAs.
12 However, there would need to be some scheduling
13 modifications required to comply with the
14 proposed rule as written.

15 Leak survey scheduling and load
16 balancing is challenging and can't effectively
17 be completed over a year. Each operator's
18 current schedule and load balancing efforts
19 have been refined after years of operations in
20 each of our unique areas to achieve operational
21 excellence while maintaining cost efficiencies
22 for our customers. ONE Gas supports the joint

1 industry request to extend the effective date
2 from six months to three years after the final
3 rule has been published to the Federal Register
4 to allow the industry time to optimize the
5 scheduling and load balancing process as well
6 as the resources assistance needed to complete
7 the work. Thank you.

8 MS. PORTER: Good morning. Joan
9 Porter, Rhode Island Energy. We're a small
10 state. We are the only LDC in the state. We
11 have 3,200 miles of main.

12 One of the things that really
13 concerns me is this concept of PHMSA defining
14 what an extreme weather situation is because
15 extreme weather changes, depends on where you
16 are. We're in the Northeast. We get
17 hurricanes. We have frost. We have snow.

18 We don't have a lot of earthquakes
19 which would be environmental changes. But we
20 have those other things, and each one of them
21 brings its own issue to it. If there's a
22 hurricane, there may be flooding, possibly not

1 the whole state but maybe some areas.

2 As a gas company on an LDC, we are
3 responsible for the pipelines that are in our
4 area. We understand the risks that each area,
5 each specific area has. We know where places
6 typically flood, and we stay on top of that
7 after these weather events.

8 To have someone come in and say that
9 you need to survey the entire system after,
10 say, a hurricane would take the resources away
11 from the actual problem areas where you need to
12 get in to inspect the pipelines. I'm more
13 concerned about things, like, the water main
14 break that happened in D.C. I'm sure they're
15 out inspecting their pipelines today right
16 around that area.

17 That's not something that anyone
18 asked them to do. It's something that the
19 company who has the pipelines understands is a
20 risk and is willing to go out and take that
21 extra step to check because they're concerned
22 about their customer safety and the safety of

1 the pipelines just as much as the rest of us
2 are. Thank you.

3 MR. HITE: Hello. My name's Matt
4 Hite, and I'm with GPA Midstream Association.
5 My comments concern the proposed changes to the
6 leak survey requirements in 49 CFR 192.706. My
7 first comment is that the risk assessment for
8 the proposed changes to the leak survey
9 requirements for Type C gas-gathering lines
10 does not comply with the statutory
11 requirements.

12 PHMSA did not consider any non-
13 regulatory options in conducting the risk
14 assessment and only concerned regulatory
15 options that satisfy the rulemaking mandate in
16 Section 113. Rulemaking mandate in Section 113
17 does not apply to Type C gathering lines in
18 Class 1 locations. PHMSA also did not consider
19 the non-public utility status of Type C
20 gathering lines in evaluating the cost of the
21 proposed changes or the information other data
22 that Type C gas-gathering lines are now

1 required to submit to PHMSA an incident safety-
2 related condition and annual reports.

3 PHMSA's failure to consider the data
4 provided by Type C gathering line operators in
5 developing the proposed rule is particularly
6 troubling. PHMSA recently invoked information
7 collection authority in the Pipeline Safety Act
8 to require gathering line operators to provide
9 that data but then disregarded that data at the
10 first opportunity in proposing new regulations
11 for more than 90,000 miles of Type C lines. In
12 addition, PHMSA considered the unique -- PHMSA
13 did not consider the unique impact of applying
14 more frequent leak survey requirements to Type
15 C gathering lines which only recently became
16 regulated for the first time, had initial
17 compliance deadlines that did not run until May
18 2023 and are subject to an exercise of
19 enforcement discretion that does not expire
20 until May 2024.

21 At the very least, Type C gas-
22 gathering line operators should have the

1 opportunity to comply with the initial set of
2 leak survey requirements before being subject
3 to more stringent regulations. And my second
4 comment is that PHMSA otherwise relied on
5 inadequate data and information in conducting
6 the risk assessment. For example, PHMSA relied
7 primarily on two sources of authority in
8 estimating the cost of the proposed changes to
9 the leakage surveys for Type A, B, and C
10 gathering lines.

11 The first source of authority is a
12 2014 state public utility proceeding in
13 California involving an operator with no
14 onshore gas gathering lines. The second source
15 of authority is PHMSA's final regulatory impact
16 analysis for their November 2021 gas-gathering
17 line rule which provides a cost estimate of 500
18 dollars per mile for conducting leak surveys
19 without citing to any supporting authority.
20 These two sources of authority do not provide a
21 sufficient basis for extrapolating the
22 potential cost of conducting additional leak

1 surveys for the gas-gathering sector, nor do
2 they account for the adverse market conditions
3 that will arise from acquiring increased leak
4 surveys across all sectors of the gas pipeline
5 industry at the same time.

6 My final comment is that PHMSA
7 failed to quantify the safety benefits of the
8 proposed changes to leak survey requirements.

9 PHMSA must adequately identify the benefits of
10 a proposed standard to comply with risk
11 assessment requirements and the Pipeline Safety
12 Act and cannot simply offer a conclusory
13 explanation for failing to quantify those
14 benefits. The safety benefits of the proposed
15 increase in leak survey requirements were
16 clearly relevant to making a reasons cost
17 benefit determination, particularly for small
18 leaks.

19 Any methane emission reductions that
20 would result from requiring operators to get
21 out leak surveys to detect small leaks is
22 minimal. And any justification for imposing

1 that obligation requires consideration of the
2 safety benefits and resulting costs. Thank
3 you.

4 MR. LONN: Good morning, folks.
5 Thank you very much. My name is Rick Lonn.
6 I'm the director of compliance and pipeline
7 risk management for Southern Company Gas.

8 Southern Company Gas, we serve over
9 4.4 million customers across four states. And
10 we have about over 150,000 miles of facility.
11 So we're certainly one of the larger operators
12 in the country.

13 First of all, I'd like to support
14 the earlier statements made by Southwest Gas
15 and some of the other LDCs that the use of DIMP
16 together with the current leak survey
17 frequencies is a very effective way to do this.
18 We do the same thing at Southern Company Gas as
19 far as using three-year surveys when
20 appropriate based on leakage rate and certainly
21 think that's the right place to go. A
22 different point I want to make that has not

1 been made is that for large operators in
2 particular, leak survey is an annual event.

3 We start in January and it takes us
4 all year to get this done. Whatever we do,
5 when we set an effective date for this rule,
6 please make it January 1 so that we don't have
7 to change the way we do a leak survey process
8 in the middle of an ongoing process. It's like
9 changing a horse in the middle of the river,
10 right?

11 So certainly want an answer for
12 that. Second, another issue I haven't heard
13 addressed yet is -- it wasn't in the slides
14 either. But PHMSA has proposed a change in the
15 leak survey frequency for cathodically
16 protected systems, anode systems, distributed
17 anode systems where we have low readings on
18 those.

19 And they're suggesting that those
20 surveys be done once a year. Just a lot of
21 committees not that technical on this issue,
22 but certainly things that folks certainly know

1 that we are in compliance with the code, even
2 when we have a low system, as long as we're
3 taking prompt remedial action. That means we
4 have a year to get that system back up.

5 To suggest that we have to --
6 anytime we get a low reading, we have to change
7 the leak survey frequency of a pipe in the
8 middle of a survey would be disastrously
9 complex. At a minimum, we should say that once
10 you exceeded the proper remedial action period
11 is when you should think about putting it into
12 your next survey. That would be much more
13 logical and easy to manage.

14 But I did want to make that point.
15 And then let me shift to the transmission
16 surveys. Southern Company Gas is supportive of
17 us leading the surveys at an annual basis.

18 If you look at the national data,
19 300,000 miles of transmission line, there's
20 only 1,300 leaks a year over the last three
21 years on average. That's one leak every 230
22 miles. It seems a waste of resources to be

1 doing all of this pipeline surveying for that.

2 Certainly, the resources could be
3 better used. The second thing is that this was
4 also not in the slides. But it's a proposed
5 change for PHMSA is you're tying it to the use
6 of a high consequence area.

7 Right now, these surveys for
8 transmission lines are not tied by HCAs. And
9 another technical point, HCAs are determined --
10 there's two different methods to do that in the
11 industry, what they call Method 1, Method 2.
12 One is tied to class location. One is tied to
13 an impact radius circle.

14 This is going to be extremely
15 confusing for the operator community because
16 some of us use one method, some use the other,
17 right? At the end of the day, if you think
18 about it, the people that use the method that
19 puts more piping and transmission integrity
20 program end up having to do more surveying. It
21 doesn't make logical sense, right?

22 So if we're going to tie it to HCA

1 and I suggest we don't because the survey
2 technicians don't see where the HCAs start and
3 finish which puts us at regulatory risk with
4 our regulators. But if you're going to tie it
5 to an HCA, make everybody tie to Method 2.
6 That would be my recommendation. Thank you.

7 MR. GECK: Hello. My name is David
8 Geck. I'm with Northern Natural Gas. We
9 operate 14,000 miles of transmission line from
10 Texas to upper Michigan.

11 I just want to talk about our
12 experience with leak detection and patrolling
13 in that we definitely support a risk based
14 solution to the interval because we currently
15 do a full LIDAR of our entire system once a
16 year. And our patrol activity is related to
17 our agricultural Class 1 locations. A monthly
18 interval would be very detrimental to what
19 we're trying to do out there.

20 We do an aerial patrol of the
21 farmland three times a week with our 811 plane
22 and try to avoid the excavation and those kind

1 of activities being -- creating an event. So a
2 risk base for us in the upper Michigan for leak
3 is done during the winter -- not in the winter
4 but in the spring and the fall when the frost
5 comes and leaves. So the risk base is really
6 driving all of our activity in support of
7 keeping our system in -- totally trying to
8 support all these regulations that are trying
9 to keep the methane in the pipeline. And we
10 are currently using a risk-based approach to
11 try to deal with these different risks. So
12 thank you.

13 MR. McGRATH: Mike McGrath with
14 Enbridge, representing INGAA also. I'd just
15 like to make a few comments, one that's already
16 been said. Throughout the preamble and for
17 everybody's knowledge here, petroleum hasn't
18 been recognized as an effective means for leak
19 detection, yet we're increasing patrols
20 significantly from the requirements that exist
21 now which doesn't seem to make sense.

22 We support a risk-based approach

1 like was just presented by others as well as
2 well as we're in the process of implementing
3 our response to severe weather events as it is
4 now. So there is a requirement to go out there
5 where we do have those threats of landslides
6 flooding and those types of things. Thank you.

7 MR. MURK: Hey, good morning. Dave
8 Murk with the American Petroleum Institute.
9 And again, appreciate the opportunity to
10 provide input during the public comment portion
11 of the meeting.

12 So my concern -- my comments concern
13 the proposed changes to the pipeline right-of-
14 way petroleum requirements in 49 CFR 195.705 as
15 it relates to gathering lines. The proposed
16 rule would require operators of transmission
17 regulated Type A, B, and C gathering lines to
18 conduct patrols at least 12 times for calendar
19 year intervals not exceeding 45 days. PHMSA's
20 proposal would significantly increase the
21 number of patrols currently required for Type A
22 gathering lines which must occur either once,

1 twice, or four times per calendar year
2 depending on the class location and other
3 factors.

4 PHMSA's proposal would impose an
5 even greater burden on Type B and Type C
6 gathering lines which are currently not subject
7 to the right-of-way petroleum requirements in
8 49 CFR 192.705. So my first comment similar to
9 what was mentioned earlier is PHMSA relied on
10 unreasonable assumptions in conducting the risk
11 assessment for the proposed right-of-way
12 petroleum requirements. And what I mean by
13 that, PHMSA assumed that transmission and Type
14 A gathering line operators already conduct
15 monthly right-of-way patrols citing to a
16 practice following by a single gas transmission
17 operator in the experience of its own subject
18 matter experts.

19 The practice of a single
20 transmission line operator in uncorroborated
21 assertions by agency SMEs do not provide a
22 legitimate basis for assuming that all

1 gathering line operators conduct monthly right-
2 of-way patrols nor do they provide a legitimate
3 basis for extending that assumption even
4 further to support the position that all Type A
5 gathering line operators conduct those monthly
6 right-of-way patrols. My second comment is
7 that PHMSA did not identify any benefits that
8 are directly associated with increasing the
9 frequency of right-of-ways in the risk
10 assessment. To be sure PHMSA generally
11 identified monetized benefits associated with
12 reductions in methane emissions and avoided
13 losses of natural gas as well as other
14 unquantified health benefits from enhanced leak
15 detection practices evaluating the proposed
16 rule.

17 However, PHMSA made no effort to
18 attribute any of these benefits to the proposed
19 increase in right-of-way patrolling whether as
20 a general matter or on an incremental basis as
21 compared to the current regulations. My final
22 comment is that there's nothing in the record

1 to suggest that the current right-of-way
2 patrolling intervals are inadequate or that
3 requiring more frequent patrols would promote
4 public safety or protect the environment.
5 PHMSA has offered no evidence to support the
6 assertion that more frequent right-of-way
7 patrolling is necessary to address construction
8 activities or other factors that could affect
9 the safety and operation of pipelines. Thank
10 you.

11 MS. SAXMAN: Good morning. Annette
12 Saxman for National Grid. My comments are
13 focused on distribution leak survey frequency,
14 especially around inside service inspection.

15 I want to start with our complete
16 agreement with comments made by others focused
17 on risk reduction and especially Con Ed's
18 reference to the GPI's study on inside piping.
19 With the lack of differentiation in the
20 proposed changes between interior and exterior
21 piping, the change from five years for non-
22 business districts would have significant

1 impact to National Grid who has nearly two
2 million inside meters, costing an additional 30
3 million dollars annually. Customer impact
4 would also be significant.

5 Additionally, this change from five
6 years is in conflict with the regulatory reform
7 executive order to align inspection intervals
8 for atmospheric corrosion and gas distribution
9 service pipelines with leakage survey
10 requirements at 192.723. With this, National
11 Grid feels that leak survey frequency for
12 outside business districts should remain at
13 five years. Thank you.

14 MR. CARAM: Hello. Bill Caram with
15 the Pipeline Safety Trust. I want to thank
16 PHMSA and the members of GPAC for the
17 thoughtful discussion so far and the spirit of
18 consensus. Pipeline Safety Trust has broad
19 support for the rule and for the leak survey
20 and patrol requirements.

21 We believe PHMSA has done a great
22 job meeting the congressional mandate with a

1 risk-based and data-based approach and believe
2 that the increased leak surveys will go a long
3 way to increasing safety for people and for the
4 environment. I want to remind the Committee
5 and PHMSA that 21 members of the House
6 Transportation and Infrastructure committee,
7 led by Ranking Member Larsen, wrote in broad
8 support for not only the rule but for the
9 proposed increase in leakage surveys, including
10 the inclusion of Type B and C gathering lines
11 in those rules. There's been unprecedented
12 public support.

13 I'm here to try to bring that public
14 voice to these hearings, to these comments.
15 Tens of thousands of comments from the public
16 again in broad support of the rule, in broad
17 support of the increase in surveys and patrols
18 and the inclusion of gathering lines. And I
19 want to call on PHMSA to make these hearings
20 more accessible to the public, having them
21 available online. With tens of thousands of
22 comments, you can see there's very few members

1 the public actually hear. Thank you very much.

2 MR. KOCHMAN: Good morning. I'm Ben
3 Kochman. I'm the director of pipeline safety
4 policy at the Interstate Natural Gas
5 Association of America. I recognize we're
6 towards the end here, so I'll be brief.

7 I have two quick points, the first
8 of which is regarding the preliminary
9 regulatory impact statement. So I'm PHMSA's
10 PRIA, there was no accounting for patrolling on
11 transmission lines. And that's a problem given
12 that operators, if they're going to be doing
13 this that aren't currently doing it now will
14 have to dedicate resources and time to making
15 that happen.

16 Similarly regarding canopy concerns,
17 there would need to be canopies cut back
18 multiple times per year that's not accounted
19 for in the PRIA. Shifting gears a bit back to
20 the weather concerns, there are times -- and
21 this is the reason why INGAA and its members --
22 which, by the way, INGAA represents about

1 200,000 miles of interstate natural gas
2 pipeline operators. There are times when
3 weather is a problem where you cannot get
4 pilots to actually fly monthly.

5 I don't think the Committee nor
6 PHMSA wants to put pilots in an unsafe ability
7 where sometimes there are extended storms.
8 There are extended other factors where you may
9 not be able to get pilots to fly every single
10 month. So with that, we appreciate your
11 consideration for the GPA as well as PHMSA and
12 appreciate the time today. Thank you.

13 MS. FRIEND: Good morning. Mary
14 Friend from the Public Service Commission, West
15 Virginia. But I'm here representing NAPSR.
16 NAPSR, the 500 members of the NAPSR state
17 program or state pipeline safety inspectors
18 inspect approximately 80 percent of the
19 national pipelines in the United States. Most
20 of these are distribution lines.

21 And our comments are in regards to
22 the distribution patrols. First of all, for

1 the extreme weather patrols for distribution,
2 they should be defined by the operator based on
3 the risk outlined in their DIMP plans. Again,
4 somebody else stated that the risk is not the
5 same for every operator at every location.

6 And additional patrols because of
7 extreme weather need to be related only -- need
8 to be only to the affected areas and not the
9 entire system. And the second consideration we
10 would like to put forward is the leak survey
11 frequencies for distribution. Again, consider
12 exemptions for master meter operators and small
13 LPG systems.

14 The use of exemptions already exist
15 for things such as DIMP and for public
16 awareness. And the master meter operators and
17 small LPG systems do not need that increased
18 frequency. Thank you.

19 MR. DANNER: All right. That
20 concludes our public comments. Now we'll get
21 into the Committee discussion. John, do you
22 have anything you want to say?

1 MR. GALE: Yes, thank you, Chairman.
2 Again, what I would recommend just for
3 efficiency purposes is that we break the
4 discussion up into at least three buckets,
5 recommending we start with gas transmission
6 patrols. And then after that, probably move to
7 vote language there, then move to gas
8 transmission survey frequency, and then into
9 gas distribution survey frequency, if that's
10 acceptable.

11 MR. DANNER: All right. I'm looking
12 around to see if that is not acceptable to
13 anyone on the Committee. So I think that is
14 acceptable. Let's start with gas transmission
15 patrols. Andy, do you want to start?

16 MR. DRAKE: Sure. I think it's just
17 really good to get centered on what is PHMSA's
18 objectives on patrolling. What is it that --
19 these are back to kind of some principles.
20 What are we trying to accomplish with the
21 principles associated with patrolling? I have
22 a better sense for surveying. I think that's

1 really a good direction for us to gather new
2 information. But patrolling in particular, I
3 want to understand what is PHMSA's objective
4 for patrolling because it's not instrumented?

5 MR. GALE: Sure. John Gale, PHMSA.
6 I think if we just simply look at the summary
7 section of 192.705 where it says, shall have a
8 program to observe surface conditions on an
9 adjacent to the transmission line right-of-way
10 for indications of leaks, construction
11 activity, and other factors. So when we looked
12 through this section, we thought increasing the
13 survey frequency to the proper level.

14 And we've seen comments here and we
15 have a proposal of 12. And we've seen comments
16 recommending other patrol frequencies. We saw
17 this as part of an effective leak management
18 program.

19 MR. ZAMARIN: Thanks. Chad Zamarin,
20 Williams. And I know we're taking them
21 separately. But I do think you're going to
22 hear a lot of support for instrumented leak

1 surveys.

2 And I think for leak detection, that
3 makes a lot of sense. I think you've also --
4 we saw yesterday that the primary issue on
5 natural gas transmission pipelines is not leaks
6 from an emissions perspective. We operate
7 above the leak rupture dynamic of a pipeline in
8 general.

9 And so a leak is oftentimes
10 considered a precursor to a potential rupture.
11 And so we use integrity management aggressively
12 to manage threats to the pipeline that could
13 result in significant incidents. And so I
14 think that's why when you look at the data, you
15 don't see significant leak emissions from
16 transmission lines.

17 And patrolling, I think as we've
18 heard, has not been a very effective tool for
19 identifying leaks and reducing emissions. Now
20 we're all -- again, I think when we get to the
21 discussion about leak surveys and leak
22 detection with instrumentation, it makes a lot

1 of sense. But my concern is if leaks are not
2 really the issue from an emissions perspective
3 and patrolling without instruments is not a
4 great detection method, the reality is we're
5 talking about sending people in trucks or
6 increasing driving miles significantly.

7 We're actually increasing emissions
8 by putting people out on right-of-ways or in a
9 patrol. And it doesn't seem like that's a very
10 effective tool for reducing emissions. I think
11 the preamble or the introduction makes a lot of
12 sense when we talk about third party damage and
13 other threats.

14 And integrity management is the
15 realm in which we address those issues. And it
16 feels like emissions detection and management
17 should be leak surveys with instrumentation.
18 And so again, we'll get to that separately.

19 But I would propose that we haven't
20 -- in leak detection, we do have a bit more of
21 a risk-based approach that PHMSA has taken
22 where you've shaped the number of surveys

1 against the classifications and the HCAs, I
2 think considering some form of risk-based
3 approach to patrolling. And then also just
4 going monthly, I think we've heard seasonality
5 is a challenge. That frequency is a pretty
6 aggressive change from once per year to 12
7 times per year.

8 And so I don't think I would totally
9 oppose additional patrolling. But I would
10 recommend that we do something else than 12
11 times per month and we do a study at some point
12 to make sure that the emissions benefits area
13 actually positive, that we're not increasing
14 emissions by having again trucks driving and
15 emitting more than leaks that are being
16 detected and managed. And so, again, we need
17 to be very thoughtful from that regard. Thank
18 you.

19 MR. DANNER: All right. Andy Drake
20 and then Peter Chace.

21 MR. DRAKE: Andy Drake with
22 Enbridge. I agree with Chad. I think, just to

1 be transparent, we have instituted patrolling
2 every month, once a month, 12 times a year.

3 It's not a regulatory obligation.

4 What we're looking for there is not
5 leaks just to be clear. Looking for a leak
6 with uninstrumented moving at 150 miles an hour
7 is not real practical. And we started doing
8 instrument flying.

9 And the things that we're flying
10 with the instrument surveys is telling us -- is
11 confirming that. So the value of doing
12 instrumented surveys is a value add. Looking
13 to increase the patrolling frequency, looking
14 for leaks without instrumentation is not
15 helpful. We also use petroleum for other
16 things.

17 We use it to look for encroachment.
18 We look for third party damage. We look for
19 significant land disturbances. I think that's
20 why I want to clarify the principles here.

21 I think we're looking to try to bang
22 in a bunch of screws with a hammer here.

1 Trying to increase petroleum to look for leaks,
2 uninstrumented is not helpful. It can do other
3 things.

4 Okay. I think that may be the value
5 we want to pursue. But it really isn't down a
6 leak corridor. The leak corridor is really
7 about surveys with instrumentation.

8 And I think we need to differentiate
9 that particular transmission. I think Chad
10 alluded to it. The pipe, we should also
11 differentiate what effort -- and this may come
12 in later on. Where is the leaks and emissions
13 coming from on the transmission pipes?

14 It's not coming from the pipe. It's
15 coming from above ground pertinences. So I
16 think we need to keep that in mind too. It
17 doesn't mean we shouldn't be looking there.

18 I think it means we should look
19 there also. But the intensity of the effort
20 should be around above ground pertinences.
21 With regard to patrolling, I really think what
22 we're looking at here is a best practice that

1 we're not going to try to regulate.

2 The difference between best
3 practices and regulation is called flexibility.
4 If we have a weather problem, we can't
5 reschedule that. So if I have a weather
6 problem in October, November, December, that
7 section that's experienced the weather problem,
8 I have to skip that.

9 As a best practice, I can. If it's
10 a regulation, I have to do it every month
11 regardless of the weather, regardless of any
12 constraint. That inflexibility is absolutely
13 impracticable.

14 I mean, think about how we're trying
15 to coordinate those patrols and try to fly the
16 system. Okay. Well, Pennsylvania had a bad
17 day today. So I've got to miss that.

18 I can't reschedule that flight.
19 Those folks will have to go on to New York and
20 Connecticut on up to Massachusetts. It seems
21 sort of silly maybe.

22 But we can't reschedule somehow to

1 find another plane to fly that system. But
2 that is -- what is the value add of doing that?
3 I think we want to keep some flexibility in
4 this.

5 Maybe there's some value add in
6 adding additional patrol frequency. But to go
7 to once a month because that's what some people
8 do on a non-regulated best practice is
9 impracticable. We can't even do that, and we
10 try to do it.

11 It's just that many other things
12 come into play. And what's the value of
13 requiring that on that set frequency? So I
14 just want to park that out there for
15 conversation in this Committee.

16 MR. DANNER: All right. Peter?

17 MR. CHACE: Pete Chace, NAPSR. Just
18 speaking as a state regulator, I will say that
19 what you're looking for in patrolling, you're
20 going to find the rest of the pipeline like
21 excavation damage from construction, natural
22 forest damage like washouts, soil slippage,

1 things like that, threats of the pipe from
2 outside forest damage. And then you'll find
3 potentially corrosion threats, soil to air
4 interfaces, things of that sort.

5 It's really I think if you're
6 looking at a context of leaks, it's more of a
7 prevention of the threat of future leaks than
8 actual finding leaks. So I think it's
9 important to be able to patrol enough to see
10 seasonal variation in the area around the
11 piping. To me, something like quarterly makes
12 sense.

13 MR. DANNER: And just to be clear,
14 you're talking about on foot patrolling or --

15 MR. CHACE: Any sort of patrolling.

16 MR. DANNER: That's the kind of
17 thing that you wouldn't pick up with an aerial
18 patrol?

19 MR. CHACE: Oh, you could pick up
20 things like that with an aerial patrol as well,
21 I believe, yes.

22 MR. DANNER: Okay, thank you.

1 Diane?

2 MS. BURMAN: So I just want to
3 piggyback on what Peter said. And as I see it
4 also as a state regulator. Most of our
5 transmission operators in New York are
6 patrolling more frequently than required by
7 code as part of a risk mitigation strategy
8 through integrity management.

9 And leakage surveys are less
10 frequent, but they're done with calibrated
11 instruments. So I would just -- for surveys of
12 transmission, I'm not necessary against
13 increasing the frequency. But I'm not -- I'm
14 kind of looking at what the dollar added --
15 does that dollar added actually increase
16 safety?

17 So the real question to me is, is it
18 adding value? Is it really addressing the
19 safety issues? And I do think that surveys
20 should be performed with calibrated equipment.
21 So kind of looking at it, if there's not a lot
22 of value added, I'm not sure why we're also

1 looking at it from a cost perspective.

2 MR. DANNER: Arvind?

3 MR. RAVIKUMAR: Thank you. Arvind
4 Ravikumar, University of Texas. Just based on
5 the reason it's been conducted over the past
6 five years or so over pipelines, I would agree
7 with the statement patrol without leak
8 instruments is not very effective at finding
9 leaks except in cases of very large leaks, very
10 significant ground disturbance, and other
11 issues.

12 But in general, patrols without
13 instrumentation does not -- is not as effective
14 in detecting leaks as you have instrumentation.
15 I'm not opposed to increasing the patrol survey
16 frequency. But perhaps one of the things to
17 consider is a minimum patrol frequency combined
18 with a risk-based management of areas where
19 additional patrols might be required.

20 MR. DANNER: Alan?

21 MR. MAYBERRY: I was going to make a
22 suggestion. I mean, the comments have been

1 documented both on the docket and numerous
2 times here today. So if you have a proposal
3 for an alternative to -- I believe that is the
4 case. Maybe put that up. We can test some
5 language here that you all have and try it on
6 for size.

7 MR. DANNER: Robert Ross?

8 MR. ROSS: So building on what Alan
9 said, insofar as the Committee makes any
10 explicit recommendations for revised language
11 or alternative approaches, one thing to be
12 aware of is that we are going to be constrained
13 somewhat by background administrative law and
14 the procedural burdens of our organic safety
15 statute such that something that is entirely
16 new, of whole cloth, not proposed in the NPRM.
17 Like, maybe something that we not be able to do
18 in a final rule absent a Supplemental Notice of
19 Proposed Rulemaking and further consideration
20 by the Committee. So please just keep that in
21 mind. That said, the Committee is always free
22 to recommend that in a future rulemaking, PHMSA

1 could do X, Y, or Z well beyond the boundaries
2 of this rulemaking and the proposal.

3 MR. DANNER: Thank you. Peter
4 Chace? Oh, all right. Chad?

5 MR. ZAMARIN: Yeah, I do think the
6 concept of a minimum frequency and a risk-based
7 approach makes a lot of sense. I think we
8 heard a lot of that commentary. And I don't
9 know that we have language prepared. Maybe we
10 need to table that, take a break, and come back
11 with that. But I think the idea of having
12 something that we can discuss as a group makes
13 a lot of sense.

14 MR. DANNER: Sara, then Andy. Oh,
15 I'm sorry, Erin.

16 MS. MURPHY: Thanks. Erin Murphy,
17 EDF. Appreciate the discussion and wanted to
18 just ask the members of the committee who are
19 particularly interested in proposing an
20 alternative to what's in the NPRM. If there is
21 a specific proposal, I think it would be great
22 to see that. I heard the -- I think the

1 Williams commenter at the microphone mentioned
2 the idea of six times per year as a patrolling
3 alternative that the Committee might recommend.

4 MR. DANNER: All right, thank you.
5 Andy?

6 MR. DRAKE: Andy Drake with
7 Enbridge. I think it may take a minute for us
8 just to sort of collect ourselves up here and
9 put a proposal in front of us. But I think the
10 support is for increasing patrolling. I think
11 there is a support for that.

12 And I think a proposal would be
13 around increasing it to your question, Alan. I
14 think the real value in survey -- the real
15 value in leaks is in surveys which is a
16 separate thing. I just want to make sure we're
17 separating that conversation.

18 Patrolling is really about other
19 threats. And I think there's value in that.
20 It's just how do we do it practicably which I
21 appreciate Arvind's comment. But maybe we can
22 take just a couple minute break and give us a

1 chance to kind of collect some thoughts here.

2 MR. DANNER: Well, there are a
3 couple more cards up, and then I want to
4 propose that we do take a break. And it's
5 about time for morning break anyway. All
6 right. So very quickly, it'll be Chad, Diane,
7 and then Sam.

8 MR. ZAMARIN: Thank you. Chad
9 Zamarin, Williams. Yeah, I wanted to follow
10 up. That was Jason Lambert with Williams who
11 made comments. And do propose an alternative
12 approach that would allow for six times per
13 year or a risk-based approach that would be
14 quarterly in low risk areas and six times per
15 year in other areas.

16 And so that would be the kind of
17 proposal that we think makes sense. But I
18 wanted to make sure we heard everyone's input
19 before we put something up. But yeah, you're
20 correct. That was where we were heading.
21 Thank you.

22 MR. DANNER: Diane?

1 MS. BURMAN: Yeah, so I can't speak
2 to the numerical number, the 6. But I do
3 support looking at the frequency being dictated
4 by a risk mitigation actions and perhaps within
5 the -- it'd be distribution also, DIMP and
6 TIMP. But for me, it's about the value and the
7 principle is doing it based on risk mitigation.

8 MR. DANNER: All right, thank you.
9 Sam?

10 MR. ARIARATNAM: Great. Sam
11 Ariaratnam from Arizona State University.
12 Yeah, I would propose a minimum required patrol
13 frequency of six times per calendar year or
14 risk-based approach as well not to exceed
15 intervals of 75 days. And I say that because
16 listening to the public comments and that,
17 sometimes in these snowy regions, 45 days just
18 isn't practical, right? We need a little bit
19 more time to get out there and from a safety
20 perspective and all that. So that's kind of
21 what I would propose.

22 MR. DANNER: All right, thank you

1 very much. Sara?

2 MS. GOSMAN: Yeah, so we're open to
3 a reduction in the increase, I suppose, of
4 patrols here. And I think six times per year
5 sounds like a good basis or potentially four to
6 six. I wanted to just respond or ask a
7 question of the lawyer here which is whether a
8 risk-based approach is -- whether you would
9 consider that within the scope of the NPRM.

10 MR. ROSS: Well, I think -- I
11 hesitate to provide, like, an endorsement.
12 Like, I think that I will note a consideration
13 that the Committee should keep in mind that
14 insofar as the members of the Committee doesn't
15 necessarily represent the universe of species
16 of pipeline that would be subject to any such
17 requirement, at least as proposed. Then, like,
18 the consensus established here with respect to
19 perhaps the transmission lines, like, or some
20 subset of other lines, distribution lines, what
21 have you.

22 It may not eliminate the risk that

1 PHMSA may face as an institution for adopting
2 such an approach from other, like, affected
3 lines or individual operators. So it's
4 difficult to identify and say, like,
5 definitively, oh, yeah, absolutely. One,
6 because that's not our role, like, as PHMSA's
7 staff. But then, two, it's kind of the --
8 basically the truism that there are a lot of
9 different entities with a lot of different,
10 like, interest that will advance what arguments
11 are available to them.

12 MS. GOSMAN: Can I follow up?

13 MR. DANNER: You may.

14 MS. GOSMAN: Yeah, because I think
15 my -- I perhaps didn't make my question clear.
16 So I understood you to be saying in the last
17 comment you made that there were some proposals
18 that might go beyond the scope of the NPRM and
19 would be subject then to another rulemaking
20 entirely. So that was based on the discussion
21 that we were having about, I understood, risk-
22 based approaches. So my question was more

1 directly related to that point as to whether
2 you have an opinion on whether risk-based
3 approaches would fall within the scope of the
4 NPRM.

5 MR. ROSS: I appreciate that, but
6 I'm going to decline to answer that, like,
7 because I think that would be supplanting the
8 role of the Committee to make such
9 recommendations. I was not attempting to speak
10 to, like, a particular, like, suite of
11 proposals but merely a consideration for the
12 Committee to keep in mind as they consider the
13 universe of proposals before them, both these
14 immediate ones as well as in subsequent
15 discussions.

16 MR. DANNER: So I don't know that
17 she's asking for a recommendation. We need to
18 get some kind of sense before we can advise
19 what the procedural risks are here. And so I
20 would ask you to the extent you can to provide
21 us with some of that information.

22 MR. ROSS: I mean, the short answer

1 is there will be procedural risks, right,
2 insofar as anything the Committee does that is
3 not proposed in the NPRM. Like, there's going
4 to be risk there. There's also, like, as there
5 are regimes that you could put in place.

6 Like, there's more than just, say, a
7 diminution of frequency or something along
8 those lines. That risk potentially ratchets
9 up. Whether it is intolerable, that is going
10 to depend on circumstances and so forth and
11 it's not for me to opine.

12 MR. DANNER: All right. Peter
13 Chace?

14 MR. CHACE: Thank you, Mr. Chairman.
15 I'm going to put my hand down now, get in that
16 habit. Pete Chace, NAPSR. I do have a
17 question on what we mean by the risk-based
18 approach because there's already provisions to
19 increase petroleum frequency through an
20 evaluation of risk through the integrity
21 management rules. Are we talking about setting
22 up a system where you could do less than what

1 the code prescribes through a risk-based
2 approach?

3 MR. DANNER: Well, I think that the
4 folks who are advocating for the risk-based
5 approach would need to clarify that. So I'll
6 turn to Chad.

7 MR. ZAMARIN: Thanks. Chad Zamarin,
8 Williams. I mean, it may be -- again, I think
9 the concept of risk-based approach can be
10 pretty vague. But our proposal, as I
11 mentioned, would've been a minimum of quarterly
12 in Class 1 and 2 locations and biannually, so
13 every six months in Class 3 and 4 locations.
14 Oh, sorry. Yeah, bimonthly.

15 So six times per year in Class 3 and
16 4. So I hope even from a legal perspective
17 that maybe takes -- we're not leaving it as
18 open ended. It's an interval based on
19 population density.

20 And so maybe that also addresses the
21 concern that we're off the fairway of the
22 rulemaking. But I think if you put a patrol

1 frequency is revised six times each calendar
2 year or considers class location -- considers a
3 risk-based approach, based on class location
4 four times per year in Class 1 and 2 or six
5 times per year in Class 3 and 4. I think would
6 be our view as a smart comment. I personally -
7 - and I'm interested in hearing from others.

8 I am interested in a study over time
9 that evaluates whether or not we're getting
10 emissions benefits from increased patrolling.

11 I'm honestly concerned about more aerial
12 patrols, more vehicle miles being driven on
13 transmission lines whereas Andy mentioned when
14 we find leaks, we know where to go look for
15 them. We look at valve sites.

16 We're very surgical when we're
17 looking for leaks. But this is increasing
18 patrols over hundreds of thousands of miles
19 pipeline. And I am concerned that we're going
20 to increase emissions and not actually decrease
21 emissions. So I'm interested in hearing from
22 others on that issue.

1 MR. DANNER: All right, thank you.

2 Diane?

3 MS. BURMAN: Yeah, so I just want to
4 level set before we take the break. I'm
5 hearing the principles of patrol frequency is
6 more important than surveys. And then the
7 second is a risk-based approach is something
8 that's important.

9 But to clarify exactly what that is,
10 we'll need PHMSA doing that. And then the
11 third is just kudos to the lawyers for, I
12 think, helping sort of us without giving us
13 legal advice. So appreciate that.

14 MR. DANNER: And then I think
15 there's a number three that you mentioned about
16 doing a longer term longitudinal study about
17 the effectiveness of surveys. All right.
18 Sara?

19 MS. GOSMAN: Yeah, so I'm supportive
20 of this language as well as the study. I think
21 in just to lower procedural risk here, in
22 number two, I think what I'm hearing is a

1 reduction to a particular number, right, which
2 is four times each calendar year based on risk
3 in certain lower risk areas. So I think that
4 should be clear in the language there.

5 MR. DANNER: Thank you. Andy, and
6 then Erin?

7 MR. DRAKE: Yeah, this is Andy Drake
8 with Enbridge. I really just want to follow up
9 on this thought of a study. I think that
10 should be included in a proposal that we make
11 to PHMSA and that is to evaluate what is the
12 value that we're creating in patrolling.

13 I think this is really important not
14 to skirt an issue or get out of doing
15 something, but to really help operators
16 understand if you think you're getting a lot of
17 value out of looking for land movement with
18 aerial patrol, that's not real. It can help
19 you in weather extremes, but it's not helping
20 you with land movement. And so if you're
21 relying on this to help you mitigate that
22 threat, we need to help people understand

1 that's not real, same with leaks.

2 So what is it you're doing with
3 this? And so I think that study could really
4 help get clarity around what is the value
5 creation here and what is this false sense of
6 security. You may need to be deploying other
7 tools to deal with those threats more
8 practically quite frankly.

9 MR. DANNER: All right. Erin?

10 MS. MURPHY: Thanks. Erin Murphy,
11 EDF. Just listening to the discussion, I would
12 propose simplifying what the Committee might
13 vote on to edit Item No. 1 to just state -- to
14 recommend PHMSA consider a patrol frequency at
15 six times per year in Class 3 and 4 and four
16 times per year in Class 1 and 2 locations. And
17 then I don't think Items 2 or 3 are really
18 necessary.

19 I feel like that captures what we're
20 talking about on the item of sort of
21 understanding the value of patrols. I think
22 the first step to understanding the value of an

1 action that operators are taking is to collect
2 data on that action. And so I might suggest
3 that we think about whether there's any
4 reporting associated with outcomes from patrols
5 that we should consider it at Agenda 6 of this
6 meeting.

7 MR. DANNER: All right. Andy?

8 MR. DRAKE: This is Andy Drake with
9 Enbridge. Erin, if you made such a proposal,
10 I'd second it.

11 MR. DANNER: So can we get the
12 language up there that reflects what Erin is
13 suggesting?

14 MS. MURPHY: Do you need me to
15 repeat it? So patrol frequency revised to six
16 times each calendar year at intervals not
17 exceeding 75 days in Class 3 and 4 locations.
18 And patrol frequency revised to four times each
19 calendar year, I don't know the interval there,
20 in Class 1 and 2 locations.

21 MR. DANNER: And then you would
22 remove 2 and 3 from this?

1 MS. MURPHY: Correct.

2 MR. ZAMARIN: Did you want to remove
3 3 or add to 3 that you want to talk about data
4 collected in Section 6 to support that?

5 MS. MURPHY: Yeah, I would suggest -
6 - I mean, I would remove all of the language in
7 2 and 3 right now and just discuss Agenda Item
8 6 on reporting.

9 MR. DANNER: Alex, did you -- all
10 right. All right. We have language in front
11 of us. Is there anyone here who has any other
12 suggestions on this language? Can I get a
13 sense of if there were a motion, would I -- all
14 right. I'm not seeing any tents raise. Erin,
15 would you like to make a motion on this slide?

16 MS. MURPHY: Sure. I'm waiting for
17 No. 2 on discussion of reporting to be added.

18 MR. DANNER: What is in that item?

19 MS. MURPHY: So just discussion of
20 reporting on patrols at Agenda Item 6.

21 MR. DANNER: Okay.

22 MS. MURPHY: Which is not really a

1 proposed adjustment to the NPRM. It's a
2 recognition that the Committee will discuss
3 reporting on patrols later in this meeting --

4 MR. DANNER: Right.

5 MS. MURPHY: -- if folks are
6 comfortable with that.

7 MR. DANNER: Okay. Alex?

8 MR. DEWAR: Alex Dewar from BCG.
9 Just to clarify, I think it's worth really a
10 hearty discussion here on risk-based approach
11 for this overall because the industry is just
12 coming to terms with what that actually means,
13 principles, et cetera. So are we going to have
14 that conversation here or is that fully moved
15 to Item 6, if we're then defining what data we
16 want to collect?

17 MR. DANNER: Well, I think if
18 there's a way that we can vote on this and kick
19 that can down the road, that would be my
20 preference. All right. I'm seeing heads
21 nodding. So Erin, I think we're ready for a
22 motion.

1 MS. MURPHY: Yeah, sure. I'll move
2 to vote. The proposed rule, as published in
3 the Federal Register and as supported by the
4 Preliminary Regulatory Impact Analysis and
5 Draft Environmental Assessment, with regard to
6 gas transmission patrols, Section 192.705 for
7 the proposed rulemaking is technically
8 feasible, reasonable, cost-effective, and
9 practicable if the following changes are made.
10 The patrol frequency is revised to six times
11 each calendar year at intervals not exceeding
12 75 days for Class 3 and 4 locations and the
13 patrol frequency revised to four times each
14 calendar year in Class 1 and 2 locations and a
15 discussion of reporting in Agenda Item 6.

16 MR. DANNER: All right. Is there a
17 second? Andy Drake is seconding. All right.
18 Cameron, will you record the vote?

19 MR. SATTERTHWAITTE: Okay. I will
20 say your name. If you agree with the motion,
21 say yes. If not, say no. Diane Burman?

22 MS. BURMAN: Yes.

1 MR. SATTERTHWAITE: Peter Chace?
2 MR. CHACE: Yes.
3 MR. SATTERTHWAITE: David Danner?
4 MR. DANNER: Yes.
5 MR. SATTERTHWAITE: Sara Longan?
6 MS. LONGAN: Yes.
7 MR. SATTERTHWAITE: Terry Turpin?
8 MR. TURPIN: Yes.
9 MR. SATTERTHWAITE: Brian Weisker?
10 MR. WEISKER: Yes.
11 MR. SATTERTHWAITE: Andy Drake?
12 MR. DRAKE: Yes.
13 MR. SATTERTHWAITE: Alex Dewar?
14 MR. DEWAR: Yes.
15 MR. SATTERTHWAITE: Steve Squibb?
16 MR. SQUIBB: Yes.
17 MR. SATTERTHWAITE: Chad Zamarin?
18 MR. ZAMARIN: Yes.
19 MR. SATTERTHWAITE: Chad Gilbert?
20 MR. GILBERT: Yes.
21 MR. SATTERTHWAITE: Arvind
22 Ravikumar?

1 MR. RAVIKUMAR: Yes.

2 MR. SATTERTHWAITE: Erin Murphy?

3 MS. MURPHY: Yes.

4 MR. SATTERTHWAITE: Sara Gosman?

5 MS. GOSMAN: Yes.

6 MR. SATTERTHWAITE: Sam Ariaratnam?

7 MR. ARIARATNAM: Yes.

8 MR. SATTERTHWAITE: It is unanimous.

9 The motion carries.

10 MR. DANNER: All right. Thank you,
11 all. And it is now 10:25. Should we talk a
12 break? Let's take a break until 10:45.

13 (Whereupon, the above-entitled
14 matter went off the record at 10:25 a.m. and
15 resumed at 10:48 a.m.)

16 MR. DANNER: All right. We're still
17 missing some members, but we're going to go
18 back on the record, here. We're going to
19 start. We're now doing transmission leak
20 surveys.

21 And so at this point, we have heard
22 the public comments. Let me get a sense of the

1 committee if there are any objections to NPRM
2 with regard to transmission leak surveys. Andy
3 Drake.

4 MR. DRAKE: This is Andy Drake with
5 Enbridge.

6 MR. DANNER: Public, if you could
7 please take your seats. Public? Can you
8 please take your seats? Thank you.

9 All right. As I said, we are now
10 moving into transmission leak surveys. And I
11 had just called on Andy Drake.

12 MR. DRAKE: This is Andy Drake with
13 Enbridge. I think, maybe, to just to help
14 expedite things, the gas transmission sector is
15 not taking exceptions to the NPRM. So we are
16 willing to move forward with proposed language
17 to accept the NPRM as worded. And I just
18 wanted to be transparent. I don't know if
19 others want to talk about it but.

20 MR. DANNER: All right. Does anyone
21 else have a comment to make with regard to --
22 Erin?

1 MS. MURPHY: Thanks. Erin Murphy,
2 EDF, Environmental Defense Fund. A number of
3 other environmental organizations and public
4 commenters on the record have expressed
5 support, strong support, for the leak survey
6 frequency standards that were proposed by PHMSA
7 in the NPRM on gas transmission lines.

8 I did also want to note that a
9 number of public commenters -- sorry. One
10 moment while I pull up my notes. A number of
11 public commenters also proposed a simplified
12 sort of framework for transmission pipeline
13 survey frequencies, which I actually think
14 aligns with some of the industry comments that
15 were made at the mike during the public comment
16 period about HCAs, you know, sort of the
17 distinction between HCAs.

18 So a number of environmental
19 commenters proposed transmission survey
20 frequency of four times per year in Class 4
21 locations and two times per year in Class 1, 2,
22 and 3 locations with the objective of sort of

1 simplifying and increasing clarify for
2 everyone, for regulators for the public, for
3 industry just to sort of try to make the
4 complex chart of frequencies a little more
5 clear and also, you know, to just enhance
6 survey frequencies.

7 I think the only shift there would
8 be odorized transmission lines outside of HCAs,
9 which would be at once per year and non-
10 odorized transmission lines outside of HCA,
11 which would also be at once per year in the
12 proposal.

13 So I wanted to just emphasize our
14 support for the frequency in the NPRM but also
15 that there are, you know, comments in the
16 record supporting even greater frequencies.
17 With that being said, I would be happy to
18 support the proposed frequencies as a committee
19 member.

20 MR. DANNER: So in other words, you
21 don't propose to put those changes into a
22 recommendation from this committee?

1 MS. MURPHY: Not at this time.

2 MR. DANNER: Okay. Any other
3 comment? Thank you for that. Any other
4 comment on this? So perhaps we could put up on
5 the slide that the committee endorses the NPRM
6 as written. And then I would entertain a
7 motion. Andy Drake?

8 MR. DRAKE: Andy Drake with
9 Enbridge. I appreciate the record on that that
10 there would be some basis for risk-based
11 calibration there. But I think just to provide
12 some clarity and tangibility to folks, we're
13 okay moving forward with this language.

14 And so I would propose that the
15 proposed rule as published in the Federal
16 Register and as supposed by the Preliminary
17 Regulatory Impact Analysis and Draft
18 Environmental Assessment with regard to gas
19 transmission pipeline leak survey, Section
20 192.706, for the proposed rulemaking is
21 technically feasible, reasonable, cost-
22 effective and practicable, and the committee

1 endorses the NPRM as written.

2 MR. DANNER: Is there a second? All
3 right. Erin Murphy seconds. Cameron, will you
4 count the votes?

5 MR. SATTERTHWAITE: Sorry. Okay.
6 If you agree, say yes. If not say no. And
7 Diane Burman?

8 MS. BURMAN: Yes.

9 MR. SATTERTHWAITE: Peter Chace?

10 MR. CHACE: Yes.

11 MR. SATTERTHWAITE: David Danner?

12 MR. DANNER: Yes.

13 MR. SATTERTHWAITE: Sarah Longan?

14 MS. LONGAN: Yes.

15 MR. SATTERTHWAITE: Terry Turpin?

16 MR. TURPIN: Yes.

17 MR. SATTERTHWAITE: Brian Weisker?

18 MR. WEISKER: Yes.

19 MR. SATTERTHWAITE: Andy Drake?

20 MR. DRAKE: Yes.

21 MR. SATTERTHWAITE: Alex Dewar?

22 MR. DEWAR: Yes.

1 MR. SATTERTHWAITE: Steve Squibb?

2 MR. SQUIBB: Yes.

3 MR. SATTERTHWAITE: Chad Zamarin?

4 MR. ZAMARIN: Yes.

5 MR. SATTERTHWAITE: Chad Gilbert?

6 MR. GILBERT: Yes.

7 MR. SATTERTHWAITE: Arvind

8 Ravikumar?

9 MR. RAVIKUMAR: Yes.

10 MR. SATTERTHWAITE: Erin Murphy?

11 MS. MURPHY: Yes.

12 MR. SATTERTHWAITE: Sara Gosman?

13 MS. GOSMAN: Yes.

14 MR. SATTERTHWAITE: Sam Ariaratnam?

15 MR. ARIARATNAM: Yes.

16 MR. SATTERTHWAITE: It is unanimous.

17 The motion carries.

18 MR. DANNER: All right. Thank you

19 very much. And now we're going to move on to

20 distribution leak surveys. And I'm sure that

21 will go just as smoothly. So, John?

22 MR. GALE: Thank you, Chairman.

1 John Gale, PHMSA. A recommendation for the
2 committee to consider is to kind of break this
3 discussion up as well a little bit.

4 Looking at gas distribution
5 frequency in general, then the proposal to move
6 from five to three years and then to discuss
7 possibly the issue of problematic pipe and the
8 proposals related to the frequency on
9 problematic pipe and then anything related to
10 extreme weather.

11 There was proposals related to how
12 to manage the frequency after other types of
13 weather events. We are recommending that be
14 pushed off to the discussions related to
15 grading and repair. So if that is acceptable
16 to the committee, we are going to try to put up
17 a slide. It doesn't show the voting language
18 exactly, but it at least breaks out those
19 different sectors to discuss so that the
20 committee can follow.

21 Thank you, Chairman.

22 MR. DANNER: All right. So we will

1 await that slide.

2 MR. GALE: And one other thing,
3 Chairman, if I could, regarding the definition
4 of business district, which was the subject of
5 some comment, we have that being discussed
6 later on toward the end of the committee
7 meeting.

8 MR. DANNER: Okay. So we're going
9 to talk first about the frequency of leakage
10 surveys outside of business districts. Who
11 wants to start? Brian?

12 MR. WEISKER: Brian Weisker, Duke
13 Energy. And thank you. Thank you to all the
14 folks who presented comments here earlier this
15 morning, quite a few on this section of the
16 proposed language.

17 I will start out with in general we
18 support the idea of more frequent leakage
19 surveys when it's appropriate. And so I think
20 that's -- you know, that's kind of just the
21 starting context, I will say, of the
22 conversation.

1 And as you've heard from a lot of
2 folks, as we talked about here earlier today,
3 and we look at the risk of areas outside of a
4 business district, we've also talked through,
5 and I think we're going to break it out, right,
6 so the frequency of pipes with known leak or
7 leak-prone piping, so having the two separated,
8 I guess, just we'll talk about that in a little
9 bit as far as that recommendation or our
10 thoughts around that.

11 But, you know, we heard some
12 statistics too in the data. And the data for
13 us, as we look at it, doesn't support
14 increasing the frequency of leak surveys on
15 non-leak-prone pipe outside of, you know, I
16 will say it varies outside of a business
17 district that we saw very, very -- we see and
18 continue to see very small leaks per miles on
19 non-leak-prone pipe with our leak surveys. And
20 with this as written with going from five to
21 three years now, it would also -- anything new,
22 brand new pipe put in the ground would all be

1 part of that.

2 So we think a risk-based approach to
3 this is critical. And that's kind of what
4 we'll talk about, too, is when we get to the
5 leak-prone pipe. But I think that's a starting
6 point for the discussion.

7 MR. DANNER: All right. Steve
8 Squibb and then Peter Chace.

9 MR. SQUIBB: Yeah, Steve Squibb,
10 City Utilities. Just to add on to what Brian
11 said, we definitely support. We heard from
12 many people the risk-based approach on this
13 topic. So I think that's where you really use
14 your resources the best. You know, we don't
15 want to be spending a lot of resources on areas
16 that are not likely to leak. You know, we want
17 to use our resources as efficiently as
18 possible. And so a risk-based approach to me
19 is supported.

20 MR. CHACE: Pete Chace, NAPSR.
21 Excuse me. I'll say just as a general comment,
22 we've had several commenters talk about the

1 backlogs of leaks that they currently have with
2 their operations. And we in Ohio have had a
3 leak grading system in place through state law
4 for quite some time.

5 My personal belief based on my
6 experience is that we already -- if we're
7 looking at methane reduction, I don't think
8 there's a lot -- in a world where we have
9 limited resources, I think it is probably best
10 to apply those towards fixing the leaks that we
11 know about than looking for new ones.

12 I think the leak -- finding leaks is
13 generally -- we've got plenty of leaks. These
14 operators know where they are. It's just a
15 matter of getting them fixed.

16 So just as a general comment, I
17 think applying limited resources may be better
18 spent allocating towards repairing existing
19 leaks than looking for new ones. Because I
20 think generally the leak detection methods out
21 there are pretty good.

22 MR. DANNER: All right. Thank you.

1 Erin?

2 MS. MURPHY: Thanks. Erin Murphy,
3 EDF. So PHMSA's proposed standards to enhance
4 the frequency of methane leak surveys,
5 including on distribution pipelines, will
6 enhance community safety, protect the
7 environment and reduce economic losses
8 associated with lost gas.

9 One researcher who I have worked
10 with for several years likes to say that the
11 more you look for leaks the more you find. And
12 we think that's a good thing.

13 The existence of leaks is not
14 inherently bad. It is an expected event on gas
15 pipeline systems. But to manage those leaks,
16 we want to normalize processes where operators
17 are continuously surveying, finding and fixing
18 leaks to improve safety and protect the
19 environment.

20 Pipeline leaks are a major source of
21 methane emissions. And EDF analysis based on
22 peer reviewed research estimated 1.6 to 2.7

1 million metric tons of emissions annually from
2 distribution gathering and transmission
3 pipelines. And modeling demonstrates that
4 increasing the frequency of leak surveys from
5 once every five to once every one or three
6 years on a distribution system can reduce
7 methane emissions by greater than 50 percent.

8 That modeling was conducted on
9 something called FEAST model, which, a
10 pipeline-specific version of that model was
11 developed by a great team at UT Austin,
12 including Arvind Ravikumar who sits on this
13 committee and was submitted into this
14 rulemaking record by EDF and a number of other
15 environmental organizations.

16 I also want to note that I think the
17 historic emphasis on leak backlogs and an
18 obligation to reduce leak backlogs can
19 sometimes contribute to a sense among operators
20 that finding more leaks might not be desirable
21 because it increases the number of leaks in
22 your backlog, and it's just kind of more to

1 keep up with.

2 So I want to go back to that, you
3 know, desire from our perspective that
4 normalizing the process of constantly finding
5 and fixing those leaks, which is increasing
6 leak surveys using the most advanced
7 technologies and increasing the leak repair
8 timelines, all of which is part of the really
9 strong proposed rule that PHMSA has put
10 forward, is essential to mitigating methane
11 emissions from these systems as a whole.

12 So with that, I and EDF and many
13 other environmental organizations, many other
14 public commenters strongly support increasing
15 the leak survey frequency as a whole on
16 distribution systems from a five-year to a
17 three-year cycle.

18 Commenters also put forward a
19 recommendation to normalize across the board an
20 annual leak survey frequency on distribution
21 systems as an optimal outcome. And if this
22 committee and also PHMSA don't adopt that and

1 stick with the three year cycle as proposed,
2 commenters have recommended in addition to a
3 three year comprehensive leak survey
4 requirement, an additional annual super-emitter
5 leak survey program, which is when operators
6 can search -- you know, deploy advance leak
7 detection to identify leaks, but sort of set
8 that threshold for when a leak indication comes
9 through to only be triggered at 10 standard
10 cubic feet per hour or whatever the threshold
11 is set at for super-emitters.

12 That's a practice employed by PG&E
13 in California. And they actually just recently
14 reduced their super-emitter threshold for their
15 annual super-emitting leak practice from 10
16 SCIF to 7 SCIF, which I think shows, you know,
17 the feasibility of that increased survey
18 frequency practice and that utility and other
19 leading utilities around the country have found
20 it to be effective.

21 MR. DANNER: Thank you very much.

22 Diane?

1 MS. BURMAN: Thank you. So in New
2 York, I do find that the operators as to
3 finding and fixing leaks are pretty good. And
4 I really kind of look at the why. And the why
5 to me is that we are engaged in working with
6 our utilities and have a robust leak
7 classification system that's been in place for
8 decades and has proven to correctly classify
9 the risks of leaks with respect to life and
10 property.

11 So as I look at this, I think it's
12 really important that we focus on making sure
13 that we are looking at life and property as the
14 most important considerations in
15 classification. I really do want to make sure
16 that PHMSA allows New York State leak
17 classification system to continue to exist, and
18 I think it's really a very good one.

19 I do think that it's one that's --
20 what worries about if that falls away is that
21 it's currently clearly understood by us, the
22 regulators, and the operators. Clearly,

1 there's room for a discussion on repairing Type
2 3 leaks within a specific time frame, but the
3 classification system has proven over decades
4 to be effective, and it consistently protects
5 life and property.

6 So I am sort of raising
7 consideration for this because I worry about
8 the confusion in the classification systems and
9 changing it. At least as we are operating in
10 New York, it could lead to disastrous
11 consequences.

12 I do think that it's also important
13 to reflect that the classification system now
14 proposed by PHMSA does seem to prioritize
15 emissions over the protection of life and
16 property. And I don't think that was the
17 intent. If we want to repair all leaks, we
18 would meet the objective of this rulemaking
19 without having to completely redraw and
20 redesign our classification guidelines. I
21 worry about starting over and what that means.
22 It's a big issue, especially also on the cost.

1 And then the other thing for me is
2 that the rulemaking drastically increases the
3 frequency of leakage surveys in most cases from
4 once every three to five years to annual for
5 leak-prone pipe and for pipe in which the
6 cathodic protection reading do not meet
7 criteria without making any distinction between
8 inside and outside piping.

9 I really do think it's very
10 important that we look at that. And PHMSA
11 must distinguish between inside and outside for
12 frequency.

13 I don't pose more frequent leakage
14 surveys. And performing leakage surveys on
15 inside piping on a five year cycle, it's
16 extremely difficult and costly for our LDCs.
17 And, again, it gets back to what is the value?
18 Are we seeing more safety from that?

19 You know, and I just -- I would like
20 to see that we're looking at the DIMP that
21 requires operators to increase frequency of
22 leak surveys based on mitigation of risks. And

1 it obviously can be tailored by each operator
2 with the regulator given their realities.

3 So I think that's it for now. I do,
4 when we get to discussing residential methane
5 detection, I do want to focus on that. So I
6 don't want that to fall off the discussion
7 because I do think that states that have
8 adopted residential methane detection should be
9 able to set the frequency of inside leak
10 detection for buildings that have RMDs. And I
11 think that's a topic when we get to
12 technologies that we might need to come back to
13 that issue. So thank you.

14 MR. DANNER: All right. Thank you.
15 Andy, then Brian, then Arvind.

16 MR. DRAKE: Andy Drake with
17 Enbridge. Maybe one observation, two questions
18 and a comment. I think one of the things that
19 I sense here in this segment of the industry is
20 -- would be a concern previously in
21 conversations about a lack of information, that
22 we're working out of a vacuum of knowledge.

1 And so we want to gather the knowledge. So we
2 start collecting things and trying to decide
3 what trends look like.

4 I sense a lot of difference here in
5 the distribution sector. There is a lot of
6 data here. There has been a lot of
7 instrumented surveys done on the systems, a lot
8 of data has been gathered. And I think we
9 should be using that to work from an informed
10 position to make decisions about frequency.
11 And I really think that's important as we start
12 looking towards leak-prone pipe, and we start
13 talking about growth rates.

14 So that should help us set, how many
15 anomalies are we finding every time we
16 reinspect? Are we finding a lot of new ones,
17 not new ones? Is that telling us that they're
18 growing? Or do we know where they're growing?
19 We should be able to pattern that.

20 So that may be a little bit more of
21 a challenge to the sector, to everybody on this
22 table. We're not flying blind here. We have a

1 lot of information. We should be using that to
2 help us anchor this conversation.

3 I would like to get a little bit of
4 clarity, and maybe give Brian a homework
5 assignment, is a little bit of clarity about
6 how DIMP and this effort fit together. I think
7 this is really important. This shouldn't be
8 some separate thing going on the pipeline.
9 This should be integrated with the DIMP
10 activities and the DIMP conclusions and the
11 DIMP data analytics.

12 And I just want to understand that.
13 So maybe that's the question down the road here
14 to somebody is, how do you see that fitting
15 together constructively? This shouldn't be a
16 separate thing. This should be an integrated
17 thing.

18 And my comment, I think, is really,
19 reinforcing Commissioner Burman's point, and
20 that is I think we really need to be very
21 deliberate to differentiate gas piping inside
22 structures that's odorized. That's a different

1 animal.

2 And I think it's working really
3 well. I don't think we have leak-prone issues
4 there. So let's make sure we at least consider
5 that as a separate dimension of this
6 discussion. Thank you.

7 MR. DANNER: Thank you. And I would
8 just reference back to the slide that we saw.

9 PHMSA noted that DIMP regulations do not
10 currently include parameters for what
11 constitutes an effective leak management
12 program. As a result, PHMSA is aware that some
13 operators maintain a large backlog of
14 unrepaired leaks. So I just want to reference
15 back to that.

16 MR. DRAKE: If I can, backlog of
17 referenced leaks, now we're going to talk about
18 that in a few minutes about remediation. But
19 DIMP is a lot about leak detection and leak
20 management because they operate below typically
21 the leak rupture threshold. That's a lot of
22 how DIMP was predicated was go find leaks

1 because that is where your integrity is being
2 compromised.

3 So I just want to see how that leak
4 monitoring, surveying, is integrating to this
5 leak survey. There was a little method to the
6 madness. I didn't mean to just throw it over
7 that, you know, that disregard PHMSA comment.
8 I think they're appropriate. The DIMP rule
9 doesn't recognize a repair criteria. We're
10 going to talk about that in a few minutes.
11 This is just about knowing.

12 MR. DANNER: All right. Brian.
13 Thank you.

14 MR. WEISKER: Brian Weisker, Duke
15 Energy. So I'll answer your question and then
16 I got a question, Erin, for you. I just want
17 to make sure I remember to do all this.

18 The way I see this with DIMP, it
19 would be in today's world with you're using
20 your DIMP modeling to evaluate and understand
21 the risk on your system and where you have
22 leak-prone pipe therefore you have more risk.

1 And you inferred it from some of the operators
2 where we used our DIMP system, you know, our
3 integrity management program from the
4 distribution side to help feed in our eyes.

5 And so now I have a leak-prone pipe
6 that I'm aware of, and the risks associated
7 with that to drive down and do more frequent
8 leak surveys because there is an increased risk
9 from that distribution piping.

10 So that's how I see -- kind of see
11 them over -- you know, I don't see them two
12 separately. I see them kind of coming together
13 with this. And I think that's an important
14 point that we need to make and should have as
15 we look at the frequency of these surveys.

16 Erin, just thank you for your
17 comments before. I got just a question as far
18 -- you know, the analysis that was done that
19 you mentioned, did that -- I'm sure it did
20 include both leak-prone and non-leak-prone
21 piping. Did you look to differentiate between
22 the two of those in that analysis or was it all

1 thrown together in one?

2 MR. DANNER: Erin?

3 MS. MURPHY: Thanks. Erin Murphy,
4 EDF. So I will refer that the full analysis
5 was submitted by EDF and other environmental
6 commenters into the rulemaking docket. It's
7 Attachment B to the joint environmental
8 comments that were filed on August 16, 2023, I
9 believe. So I will not, you know, claim to be
10 sort of fully immersed in the details.

11 But, yes, that analysis does -- that
12 is a nationwide estimate. And that relied on -
13 - I think that the distribution sector within
14 that analysis relies on the Weller 2020 study.
15 And so that study used PHMSA reported data on
16 sort of pipe material mileage.

17 MR. DANNER: Brian?

18 MR. WEISKER: Yeah. So it didn't
19 differentiate between leak-prone and non-leak-
20 prone piping is what I hear. And just to
21 understand -- so that was the Weller study that
22 was utilized.

1 MS. MURPHY: Yeah, Erin Murphy, EDF.
2 Again, I'm not the author of that study so I
3 don't want to claim to be able to speak in full
4 to support the analysis, but my understanding
5 is that that study did differentiate among
6 different pipe materials. I believe there is a
7 fair amount of text in public comments in this
8 rulemaking docket with a number of industry
9 concerns with that study.

10 From our perspective, that study
11 relied on the best available leak information
12 that the researchers were able to obtain in the
13 leak surveys that occurred in the field. That
14 was a survey campaign that covered multiple
15 cities around the United States over a multi-
16 year period. It was a collaboration between
17 Environmental Defense Fund, researchers at
18 Colorado State University and Google because
19 the technology was deployed in part on Google
20 street cars.

21 And it was really a first of its
22 kind effort to deploy mobile advanced leak

1 detection technology and really get just as
2 full of a data set as possible to get that
3 better understanding of the state of leaks on
4 pipelines. So the researchers used the best
5 data that they had in terms of the pipe
6 material and attributing each leak to a known
7 pipe material. But I know there are some
8 critiques.

9 And I think maybe while we're on
10 this topic, I just want to mention -- you know,
11 the agency, all of us have to work with the
12 information that we have and that's in the
13 public sphere. And so from our perspective,
14 you know, the Weller 2020 study, the other
15 peer-reviewed analysis that's out there
16 regarding leaks on distribution pipelines, is
17 appropriate for PHMSA to be deploying in its
18 analysis to support this proposed rule.

19 And I also want to emphasize that
20 there is another significant body of peer-
21 reviewed research looking at aerial analyses of
22 urban areas. And so that's not able to, you

1 know, pinpoint leaks on a specific pipeline in
2 a specific neighborhood. But it gives you a
3 sense of, you know, what does the urban methane
4 landscape look like.

5 And the primary reason you have
6 methane in an urbane area is because it is
7 being moved through distribution pipelines. It
8 is being used in homes and buildings and
9 industrial facilities. And those studies, in
10 particular I want to call one out that was a
11 fairly comprehensive study of the Boston area
12 covering an eight year period of 2012 to 2020,
13 which found that despite multiple programs
14 aimed at reducing methane pipeline leakage,
15 there were methane emissions that remained
16 consistently high over that eight year period.
17 And the analysis found that Boston-area methane
18 concentrations were three times higher than
19 state inventories had previously estimated and
20 remained elevated throughout the study period.

21 During that same period, gas utility
22 spent \$2.3 billion in ratepayer funds replacing

1 older leak-prone distribution pipes. And
2 that's not to say that, you know, nothing is
3 working, right? We are trying to implement all
4 of the tools in the toolbox to mitigate methane
5 emissions. But I think those analyses show
6 that, you know, there is still a lot of leakage
7 from distribution systems.

8 And so to sort of circle back to the
9 point here, increasing leak survey frequency we
10 think is a really valuable tool in the toolbox.

11 MR. DANNER: All right. Thank you.
12 Arvind?

13 MR. RAVIKUMAR: Arvind Ravikumar,
14 University of Texas. I want to start by
15 perhaps stating some facts that we can all
16 agree on.

17 I agree with Andy that this is one
18 area we actually have a lot of data on, unlike
19 many of the other segments that we will be
20 talking about later. I also agree with
21 Commissioner Burman that separate survey
22 frequencies for inside versus outside might be

1 appropriate for discussion as well.

2 With that preamble, I want to talk
3 about what we have learned about distribution
4 system emissions, leaks, new technologies and
5 leak detection surveys.

6 A couple of things that we have seen
7 across the oil and gas operations but also
8 including the distribution sector is that
9 individual emission rates of leaks that have
10 been measured through ground surveys and area
11 surveys have been higher than what the
12 emissions factor estimates are, and leaks do
13 exhibit extreme distributions.

14 What this means is that there are a
15 very small number of large leaks that
16 contribute to a majority of the emissions. So
17 if you can find these large leaks quickly, then
18 you are going to solve a majority of the
19 emissions while having to address only a small
20 portion of the number of leaks to reduce your
21 methane emissions.

22 Now the implications of this on

1 survey frequency is really important. Because
2 most of your emissions are embedded in these
3 large leaks, you want to be able to find these
4 large leaks quickly and cost-effectively. And
5 there are a lot of new technologies that do
6 that now, and we will talk about it in the next
7 section.

8 But the point is that if you have to
9 trade off between a high sensitivity technology
10 versus a higher survey frequency, you should
11 always choose a higher survey frequency because
12 improving the sensitivity of the technology
13 will only help you detect even smaller leaks,
14 which is not the purpose of emissions
15 reductions.

16 The goal in emissions reductions,
17 it's better to choose a low sensitivity
18 technology but with higher frequency than a
19 higher sensitivity technology with a lower
20 survey frequency.

21 So as far as emissions reductions
22 goes, survey frequency is the most important

1 parameter that affects your emissions
2 reductions and not any of the other parameters
3 that are involved in the leak detection under
4 that program.

5 The second thing I want to say is
6 that the annual super-emitter reduction program
7 that Erin Murphy had mentioned earlier is
8 really helpful for two reasons. One is we do
9 find that a majority of the emissions come from
10 a fairly small number of leaks and so this will
11 help operators fix only a small number of
12 leaks, but give the biggest bang in terms of
13 cost-effectiveness of emissions reductions.

14 And so having a priority order in
15 which the biggest leaks are fixed first and
16 then the smaller leaks would help with the
17 cost-effectiveness of the emissions reductions
18 as well. That's it. Thank you.

19 MR. DANNER: Thank you. Sara?

20 MS. GOSMAN: So Sara Gosman.
21 Pipeline Safety Trust supports the increased
22 leak frequency proposed by PHMSA, specifically

1 three times per year in areas outside of
2 business districts and annual surveys for leak-
3 prone pipe.

4 For the reasons that have been
5 articulated already by Erin and Arvind in terms
6 of the research, I want to address for a moment
7 the concern about risk-based approaches or the
8 sort of suggestion that risk-based approaches
9 are the proper way to do this.

10 So the code already requires a
11 minimum frequency for leak surveys for areas
12 outside of business districts and for leak-
13 prone pipe. That is we don't treat leakage
14 surveys as an issue that is managed entirely
15 through the world of operator risk assessment,
16 prioritization and management.

17 So what we're really talking about
18 here is the question of whether the leak
19 frequency that we currently have is adequate or
20 whether we need to, in fact, increase that
21 frequency. And I think given the interest here
22 by Congress, given the focus on climate change

1 and the need to address these leaks, I think
2 the increased leak frequency here is
3 appropriate, and we should adopt it.

4 MR. DANNER: All right. Brian and
5 then Chad.

6 MR. WEISKER: Brian Weisker, Duke
7 Energy, and Arvind, thank you for the data.
8 And I think we agree with, you know, it's the
9 leak-prone piping is what's driving the large
10 leaks and really, like you said, a small number
11 of leaks are driving the majority of the
12 emissions.

13 And we agree that with moving leak-
14 prone piping to an annual leak survey that is
15 something that we as the industry agree with.
16 I know it was second on the bullet up there for
17 where we go. But to help level set and keep
18 the conversation going, we agree with that and
19 think that makes sense.

20 MR. DANNER: Chad?

21 MR. ZAMARIN: Thanks. Chad Zamarin,
22 Williams. And really not as an operator, we

1 don't operate distribution, but more as just
2 listening to the conversation as an engineer
3 and an LDC customer.

4 A couple of things, first, as I
5 listened to the public comments and the
6 comments here, I do think inside of buildings I
7 think it seems pretty intuitive that the best
8 leak detection tool is the reason why we
9 odorize distribution systems. And our best
10 leak detection capability is going to be a
11 homeowner or a business, you know, the
12 inhabitant of a structure. And that's why we
13 odorize pipes.

14 So I do think it sounds like it
15 makes a lot of sense to differentiate between
16 the inside of an odorized building versus
17 outside.

18 And then just the engineer in me, I
19 think, also knows that the vast majority of our
20 leaks I think likely come from a limited number
21 of our distribution systems, most importantly
22 those that are the oldest and have the most

1 leak-prone pipe.

2 So it always concerns me when the
3 code kind of casts a very one size fits all
4 approach to systems where we know that not all
5 are created equal. So I do worry a bit about
6 going to a three year versus five year for all
7 systems. I don't know what the right answer
8 is, but just listening to the conversation, it
9 feels like a pretty blunt instrument in an area
10 where we do know that we've got certain age and
11 types of systems that disproportionately have
12 the leak frequency.

13 Those should disproportionately have
14 the leak detection and mitigation activities.
15 That's how we best use our resources to most
16 efficiently address challenges. Thank you.

17 MR. DANNER: All right. Thank you.
18 Peter and then Steve.

19 MR. CHACE: Pete Chace, NAPSR. To
20 be honest, I was wondering a bit about
21 increasing the frequency of leak surveys when
22 we have a lot of leaks that we can't fix or get

1 to and fix in the first place. But Arvind, you
2 made a good argument, and you've convinced me.

3 The idea of a very small number of
4 large leaks contributing to the most emissions
5 maybe we need to just propose for the board
6 there may be some piping that increasing from a
7 five year to a three cycle isn't appropriate.

8 For example, indoor service lines
9 and meter sets, you're not going to have those
10 kinds of large super-emitter leaks I believe
11 inside them. And I think an exemption for them
12 may be appropriate.

13 Master meter systems, the
14 characteristics of those systems, really you've
15 got all the piping on the operator's property,
16 and it may be another example where you won't
17 have those kind of super-emitter leaks,
18 particularly with a rise in gas present.

19 LPG systems, propane doesn't emit
20 any methane at all. And finally I guess some
21 contributors mentioned the distributed anode
22 system. They do have a good point where you

1 are really not out of compliance for corrosion
2 until essentially you haven't fixed your system
3 in a year.

4 I guess I would just appreciate some
5 clarification on PHMSA with what's meant by
6 that code section. And is that the intent, if
7 they are essentially out of compliance with
8 their cathodic protection system, is that when
9 that elevated leak survey would apply? Thank
10 you.

11 MR. DANNER: All right. Before we
12 get to you, Steve, does anybody at PHMSA want
13 to attempt to answer that last question?

14 MR. GALE: I will look over to some
15 of my SMEs, but I will point out that this is a
16 provision that's currently in the regulations.
17 We're just changing effectively the frequency,
18 isn't that correct? Yup. We're moving from a
19 three year frequency to a one year frequency.

20 MR. DANNER: Thank you. Steve?

21 MR. SQUIBB: Yeah, I'd like to
22 suggest -- we have an agreement on the leak-

1 prone pipe. I would like to suggest maybe
2 making a motion on the leak-prone pipe
3 frequency.

4 MR. DANNER: Do you want to separate
5 that out or do we want to --

6 MR. SQUIBB: Just a suggestion.

7 MR. DANNER: Yeah, thank you. What
8 is the sense of the committee? Do you want to
9 take a separate vote on leak-prone pipe, which
10 is basically to adopt the NPRM as written?
11 Andy, do you have a thought on that?

12 MR. DRAKE: This is Andy Drake with
13 Enbridge. Just listening to this discussion, I
14 would recommend that we break this conversation
15 into three or four buckets. We keep talking
16 sort of thematically, and we're bouncing back
17 and forth across a lot of things.

18 It seems like there is an issue
19 about piping inside buildings that would cover
20 that as a separate discussion topic. There
21 seems to be an issue about leak-prone pipe. I
22 think that seems to be, you know, a topic that

1 warrants its own conversation. That might be
2 where Steve is going.

3 I think, you know, there is an issue
4 around pipe outside leak-prone areas and then
5 there's business districts. There seem to be
6 like four things that we should -- if we could
7 talk about them individually, I think it would
8 be more -- it would help me anyway. I just
9 feel like we're playing ping pong here. We're
10 talking about --

11 (Simultaneous speaking.)

12 MR. DRAKE: -- kind of things.

13 MR. DANNER: Well, I do think we
14 have kind of closed up the conversation with
15 regard to the pipe known to leak. So any
16 thoughts on separate vote versus -- can I get a
17 sense of head nods or body language? Do we
18 want to take a separate vote on leak-prone
19 piping? Erin?

20 MS. MURPHY: Sorry. I just want to
21 make sure I didn't miss the -- we're proposing
22 to vote on the NPRM provision for annual leak

1 surveys on the pipe known to leak?

2 MR. DANNER: That is my
3 understanding. Steve has asked that we
4 separate out that and that that would be the
5 committee's recommendation that we support the
6 NPRM as written. Steve?

7 MR. SQUIBB: Steve Squibb, City
8 Utilities. That's correct. I do have one
9 suggestion on a wording change. Instead of
10 listing all of the specific leak-prone pipes,
11 we just say leak-prone pipe?

12 MR. DANNER: Is there a definition
13 of leak-prone pipe or is that something that's
14 going to be left to the operators to imagine
15 their own definition? I mean, this is -- the
16 current language, I think, has including, so
17 it's not an exhaustive list. And I don't have
18 a disagreement with having all of those being
19 put in the list.

20 So, you know, just speaking for
21 myself, Steve, I think that I would rather
22 leave that in there. It's not a definition.

1 It is just examples of leak-prone pipe. And I
2 think we all agree that all of those are pipes
3 prone to leak. Brian?

4 MR. WEISKER: I think leak-prone
5 pipe would be left up to the operator if we
6 feel like the language is best just as before
7 we list it out. I think we're fine with that,
8 too.

9 MR. DANNER: Well, I mean, it's not
10 entirely left up -- it says for example, and
11 then it lists --

12 MR. WEISKER: Yes.

13 MR. DANNER: -- several that are
14 very clearly leak-prone pipes. And so if there
15 are others, then I suppose then that would be a
16 judgment call. All right. So Diane? Oh, I'm
17 sorry, Diane. Let me hear from the chair
18 first, Robert Ross?

19 MR. ROSS: Right. I just note that
20 the language of the list, you know, actually
21 comes from Section 114 of PIPES 2020. You
22 know, like in terms of the species, you know,

1 like historically speaking.

2 MR. DANNER: All right. So Congress
3 has spoken. Now, Diane?

4 MS. BURMAN: Yeah, so I don't have a
5 problem separating out the vote. I just want
6 to -- and frankly I'm not really against
7 increasing frequency of leakage surveys. I
8 just think that there is some level setting
9 that needs to be done.

10 And for me what's really important
11 is that there are already existing programs in
12 New York and other states that are really
13 doing, I think, a good job and continue to do
14 it. And I want to make sure that we are sort
15 of respecting that and not changing it up so
16 much that it's going backwards and not
17 forwards.

18 MR. DANNER: Well, so the proposal
19 is that you go from three years to annually.
20 Does that step in the way or is that --

21 MS. BURMAN: Well, we have to get
22 into the distinction between inside and

1 outside. You know there's a little -- so for
2 me it's some of the distinctions of what that
3 means is important. I do think that there
4 needs to be, where I sit, an understanding of,
5 you know, perhaps the recognition that New York
6 and other states don't have to seek waivers on
7 their existing programs. You know, it's a
8 problem.

9 We really are doing a good job. And
10 regulators and operators know the rules,
11 working through it. We can always continuously
12 improve our existing leak classification
13 system. But to get rid of it entirely, I'm
14 just -- I really think that this is a
15 challenge.

16 And I would argue that our DIMP
17 programs are already allowing us to be
18 effective. And so I think we just kind of need
19 to look at it. And for me, I'm hearing where
20 we are all in agreement is whatever we're doing
21 needs to be showing effective ongoing
22 improvement and looking at how we can improve

1 upon that.

2 And so I really think our robust
3 leak classification system that's been in place
4 for decades has been very effective. EDF has
5 worked with us over the years, you know, been a
6 regulator for 10 years, where we've actually,
7 with their help, have improved within that
8 system. And I think that that is something
9 that really needs to be recognized.

10 MR. DANNER: So a question for
11 Robert Ross, does PHMSA have the ability to
12 waive its own rules in particular cases?

13 MR. ROSS: PHMSA has the ability to
14 issue special permits, yes.

15 MR. DANNER: Okay.

16 MR. ROSS: And then, you know, like
17 PHMSA, like any other regulatory agency, has
18 broad authority to, you know, like make policy
19 decisions and, you know, to prioritize
20 enforcement in some respects as opposed to
21 others.

22 MR. DANNER: Okay. In my state, I

1 have the ability -- my commission has the
2 ability to waive its own rules in particular
3 cases. And so my question for John is if say
4 the State of New York were to apply and say,
5 look, we've got a program which we think is as
6 effective or more effective than what these
7 rules say, but before we can implement them, we
8 need to change a provision. Would they have
9 the ability to make that kind of a petition to
10 you and would you have the ability to entertain
11 it?

12 MR. GALE: Yeah, thank you,
13 Chairman. Yeah, I mean, there are state waiver
14 options. And obviously as Rob mentioned, there
15 are special permits. But I think in this
16 situation, if it's a general revision to the
17 regulations, we'd be looking at a petition for
18 rulemaking and try to address it that way.

19 Other than that, the operator in my
20 opinion, my understanding of the legal
21 requirements, would actually have to come in
22 and request either the state waiver or the

1 special permit from us given the situation.

2 MR. DANNER: Okay. And if they were
3 to make their case that their proposal is as
4 effective or more effective than what the rules
5 state, is it possible or is it likely that
6 PHMSA would entertain that?

7 MR. GALE: Yeah, I would say it is
8 possible. I mean, the situation that you seem
9 to be describing is one that you would have
10 worked it out already with the operator, with
11 the state, and that the state waiver, obviously
12 the state would be in agreement with this
13 waiver since they were part of that discussion.

14 So then we would work with the state
15 and review it in accordance with our statutory
16 requirements to review a state waiver. And,
17 you know, given the fact that the state is
18 recommending it, would give it, you know, very
19 due consideration.

20 MS. BURMAN: Can I weigh in here
21 since this affects New York significantly?

22 MR. DANNER: Absolutely.

1 MS. BURMAN: I am very much
2 concerned why would we have to now seek a
3 waiver on a system that's working and has been
4 working? And that for me this is really, I
5 think, dangerous.

6 We have an existing leak
7 classification system. It has been an
8 effective one. And to me why would we want a
9 system where we need to then apply for a waiver
10 and will cause confusion, and we will have to
11 level set everyone in that the law has been
12 changed now. We are going to seek a waiver to
13 continue. It just --

14 MR. DANNER: Well --

15 MS. BURMAN: -- I think there are
16 too many issues. But also it would need to be
17 done on an operator by operator basis. So if
18 we look at excluding or redefining the
19 difference between inside and outside piping,
20 that helps get us to the same place without now
21 putting us in, you know, a backwards position.

22 MR. DANNER: So my response to that

1 would be, and again, this is just speaking for
2 myself, that when we're setting rules, we're
3 setting rules of general applicability. And
4 this is a large country, and New York is just
5 one part of it. And these rules are necessary
6 to promote and ensure the safety and climate
7 emissions reductions in the country as a whole.

8 The fact that you have a program
9 does not mean that everyone else has a program.
10 And so, you know, there would be a process for
11 making the case that our program is better, and
12 you should adopt that or allow us to implement
13 that. And I think, you know, to say that
14 because New York has this program, we are not
15 going to change the rules for the other 49
16 states and other territories that have pipe
17 that is prone to leak. And we don't have any
18 rules of general applicability.

19 (Simultaneous speaking.)

20 MS. BURMAN: Okay. I'm not asking
21 for the rules to not be changed. I'm asking
22 for when we're considering it to make sure that

1 it is already clear that New York's program, as
2 well as other states that may have similar or
3 different but effective classification systems,
4 are allowed to continue. And I am concerned
5 that, in a sense, we are rewriting it where
6 we're not showing there is a value to what it
7 is that we are already doing.

8 And so if you take New York's
9 program, which happens to be a very good one, I
10 think it's helpful for us to make sure that we
11 don't now cause more confusion and have to stop
12 things to now look and examine that.

13 In a sense, what we're doing is --
14 you know, I look at this and I say from my
15 perspective, you know, we talk about large
16 emitters. At least in New York, you know, New
17 York is different, we have, you know,
18 odorization requirements. And so, for us, at
19 least in New York where we odorize to twice
20 the federal standard, those are mostly reported
21 by the public. They're essentially come to be
22 nuisance leaks, and a leak that the company

1 gets repeated calls about so they get fixed.

2 Now our leak classification system
3 happens to be really doing a good job. Again,
4 continuous improvement within that system. But
5 for us to have to then look at it and say, all
6 right, now we need to apply for a waiver
7 doesn't make any sense.

8 So to the extent we have a carve-out
9 in some fashion that allows that initially, I
10 think that would be great. And I think that it
11 should look at the distinction between inside
12 and outside. I think that's a helpful
13 distinction.

14 And also increased odorant
15 requirements, if necessary, can be part of the
16 consideration. I know that's a whole other
17 issue. But I look at this and say please don't
18 not consider the effect that this will have,
19 the impact this will have, if you make us have
20 to apply for a waiver. I think it's just
21 problematic. I think it should be recognized
22 at the forefront.

1 MR. DANNER: All right. Thank you
2 very much. Alan?

3 MR. MAYBERRY: I just wanted to
4 clarify. I think what you're talking about
5 Commissioner Burman, is where states have gone
6 beyond the current federal minimum standard,
7 which are the six words we know well about
8 repairing hazardous leaks.

9 So New York is one state. There are
10 numerous other states. But, you know, that's
11 where you go beyond that existing federal
12 minimum standard and that doesn't require a
13 waiver.

14 And furthermore, you know, that's
15 related to the grading. I think we have some
16 discussion later related to that. Right now
17 we're talking about frequency so I think -- and
18 also just a general statement related to, you
19 know, this rulemaking.

20 We've considered the various
21 policies that are in place across the U.S. as
22 we develop the federal minimum standards. So

1 we've taken into account, you know, the
2 different programs at different states. But
3 anyway that wouldn't involve a waiver to my
4 understanding.

5 MS. BURMAN: Okay. So to the extent
6 that we have clarification that New York's leak
7 classification system can continue, to the
8 extent that we look at the different issues in
9 leak grading, which is a different discussion,
10 and to the extent that we are also aware that
11 we may need to have a distinction between
12 inside and outside piping, those principles I
13 can totally get behind.

14 I would also just put an asterisk to
15 the extent that we also look at when states
16 have adopted residential methane detectors and
17 have that in place, how does that factor in
18 allowing the states to work with the frequency
19 rates?

20 Again, I think those are all things
21 that are outside what's before us now. But I
22 can get behind that from the principle

1 perspective.

2 MR. DANNER: All right. Thank you
3 for that. Let's see, I'm going to have to -- I
4 might make a mistake in this. Chad, you're
5 first, then Brian and then Erin.

6 MR. ZAMARIN: Thanks. Chad Zamarin,
7 Williams. And, again, just listening to this
8 conversation, again it is really important.
9 And it is a reminder that when we change
10 federal regulations, they do have a one size
11 fits all application to a lot of different
12 situations and states in particular.

13 And, you know, being a ratepayer,
14 there is tremendous infrastructure in place at
15 the state level to determine, you know, what
16 the appropriate balance is between cost and
17 benefit.

18 And I do worry when we start
19 changing requirements that kind of take
20 authority away from the states to figure out
21 where we set minimum federal standards, and
22 states have the delegated authority to figure

1 out if they should go beyond those based on
2 their unique situations.

3 I think that's a really important
4 balance that we do have to respect and
5 recognize. And that was my comment earlier
6 that it feels inappropriate to be casting a
7 very wide blunt instrument across situations
8 where we have very, very different
9 infrastructure situations.

10 So ideally it makes sense to
11 recognize that. And there are states that have
12 -- I mean, one of the largest costs to the
13 consumer from a utility perspective is how we
14 manage leaks and pipeline replacements and
15 repairs.

16 And so we are talking about things
17 that could create if we're not careful
18 requirements that we are deciding may add value
19 but we're the furthest from that issue. And it
20 should be, I think, in many situations we have
21 got to make sure it's delegated to the states
22 in the appropriate way.

1 I would propose that we not change
2 the requirements for frequencies inside of
3 buildings, just listening to the conversation,
4 and have that -- you know, if PHMSA wants to
5 recommend to states that they look at that
6 issue as appropriate, I think that would make
7 more sense.

8 But hearing the comments from the
9 public and the costs associated with that, it
10 doesn't feel like PHMSA -- and when I think
11 about the benefit, I think those leaks are
12 detected by inhabitants, I would guess, on the
13 vast, vast majority of the cases.

14 And so sending people out to
15 buildings, you know, I would propose that that
16 not be changed at a federal level. But perhaps
17 a recommendation can be made for states to
18 evaluate whether it makes sense on a case-by-
19 case basis. Thank you.

20 MR. DANNER: Thank you. And I
21 appreciate your point about, you know, what
22 you're doing in the federal rules is you're

1 setting a floor. And, of course, the states
2 can go beyond that. In my state, we've
3 actually gotten rid of all cast iron, wrought
4 iron and bare steel through a pipeline
5 replacement plan that we began a few years ago,
6 and we are basically charging ratepayers to fix
7 this thing and get these leaks taken care of.
8 And now we are dealing with the last of our
9 plastic pipe, you know, and these are things
10 that are not required, but we're doing them.
11 So that's an example of that. And I appreciate
12 that. Brian?

13 MR. WEISKER: Yes. It was going to
14 be a comment. But I think, Alan, you mentioned
15 it about it feels like we're talking about
16 classification, which I think we're going to
17 get to in a little bit.

18 But as far as -- my question is
19 would an annual leak-prone pipe survey, is that
20 something that would align with the program in
21 New York as described? This is a question for
22 Commissioner Burman.

1 MS. BURMAN: So I look at this as
2 twofold. And I think -- I'm not sure. I know,
3 Alan, you are saying that it's a classification
4 issue, a leak rating issue. I'm not sure that
5 we're not talking past each other. And I am a
6 little concerned that we are not addressing
7 what I see as the frequency survey issue here
8 and the distinction between inside and outside.

9 And I do think that that gets --
10 that is -- the way I understand it, and maybe
11 I'll ask for clarification from PHMSA, but if
12 you're increasing the frequency for outside,
13 you're increasing it inside unless and until
14 PHMSA makes that distinction.

15 So you have to leak survey the
16 service, and the service line doesn't end until
17 the end of the meter. So if the meter is
18 inside, it needs to be surveyed. So I don't
19 want to misstep in not addressing this issue
20 that I think needs clarification, whether it
21 falls in -- yes, the classification system, we
22 can look at that. But we also have to go back

1 to the frequency of surveys. And I don't want
2 to move on and miss this is the opportunity to
3 weigh in on that.

4 MR. DANNER: Alan?

5 MR. MAYBERRY: I defer to the
6 committee, but you may want to consider an
7 alternative approach for inside. Yeah, that's
8 -- it's what we have up on the screen there.

9 MR. DANNER: All right. Thank you.
10 Erin, I'm sorry. I don't know which of you had
11 your card up first. Erin?

12 MS. MURPHY: Erin Murphy, EDF. It
13 was a couple of minutes ago now. I thought,
14 you know, the discussion about leak grading,
15 which I think we'll get to at a later part of
16 the meeting, you know, if we were ready to sort
17 of move towards voting specifically on the
18 annual leakage surveys for leak-prone pipe
19 outside of business districts. But I don't
20 know if we're not moving into a discussion on
21 the inside versus outside. So maybe I should
22 not make a motion.

1 MR. DANNER: Sara?

2 MS. GOSMAN: Yeah. So I have a
3 couple thoughts here just on the indoors versus
4 outdoors. First, I'm not clear on whether this
5 would apply to leak-prone pipe as well or if
6 this is really an issue for leak surveys as it
7 relates to outside of business districts.

8 Another thing I am concerned about
9 is I think odorization is a great safety
10 measure. And I think it's a really important
11 part of pipeline safety. But I don't think
12 it's appropriate to rely on individuals and
13 buildings to identify leaks for operators.

14 And I think that if we are going to
15 leak surveys in three rather than five years, I
16 think it would be hard to explain to an
17 inhabitant of the building that we were going
18 to provide them with less protection because we
19 assumed they would figure it out.

20 MR. DANNER: Thank you. Brian?

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. I was going to follow-up with

1 Commissioner Burman. If it was an annual
2 outside leak-prone piping survey, would that --
3 I think that was kind of what was somewhat
4 written up on the screen. Would that fit to
5 keep moving forward?

6 MS. BURMAN: I am checking with --

7 MR. WEISKER: Okay.

8 MS. BURMAN: -- my NAPSRS guy, Peter
9 and Kevin, so to see if that would do it. I do
10 really look at this. And it's not just because
11 I'm in New York. But it is because I do feel
12 like it's an issue that we've really grappled
13 with over the years to have, you know, a good
14 program. And I am concerned about what this
15 means if we are not clear as we move forward.
16 And so annual outside would be better.

17 The issue with distinguishing
18 between areas with leak-prone pipe and not
19 leak-prone pipe, and I do think that just for
20 Erin, I think we're all on the same about how
21 do we make this better, right?

22 And so the service is one pipe. And

1 it's defined as going to the outlet of the
2 meter. And so I think that we just need to be
3 clear as we go through this what this actually
4 means and then how it will get applied.

5 And so I raised the red flag because
6 it's really that important that we not have,
7 you know, a lack of clarity. And so for me
8 it's very important.

9 So I want to be clear on inside
10 versus outside, leak-prone pipe versus not
11 leak-prone pipe and just make sure that we are
12 clearly understanding what we're doing.

13 MR. DANNER: Alan?

14 MS. BURMAN: I do recognize
15 odorization has been helpful to us in New York.

16 MR. DANNER: Alan?

17 MR. MAYBERRY: I was just going to
18 suggest the committee may want to consider, you
19 know, leak-prone pipe and maybe vote on that
20 and then moving, you know, the issue of inside
21 versus outside, consider that with the other
22 requirements that you were deliberating on.

1 But just separate out the leak-prone
2 pipe, have a vote on that and then we'll move
3 to the rest of it. Because I sense there is
4 widespread agreement among you related to leak-
5 prone pipe.

6 MR. ZAMARIN: Yeah, this is Chad
7 Zamarin with Williams. What I'm not clear on
8 just listening is there a leak-prone pipe
9 inside of buildings and is there a more broad
10 issue here where if you had cast iron in the
11 basement of the building, that's going to get
12 picked up and not get addressed by this concern
13 of inside versus outside.

14 MR. DANNER: Well, it seemed to me
15 if an operator is aware of a leak-prone pipe
16 inside a building, they should make that a high
17 priority.

18 MR. ZAMARIN: And again, and I
19 appreciated Sara's comments, but, you know, our
20 best tool for damage prevention is an educated
21 public. And, you know, our best tool for
22 finding leaks on distribution systems again is

1 an educated public. And that's why we odorize
2 gas. It is the most cost-effective, most
3 effective, effective tool for identifying
4 leaks.

5 So, again, even though it may be
6 leak-prone pipe, I think sending a utility
7 worker out every three years versus every five
8 years is not accomplishing anything. I think
9 better educating the public and having a good
10 robust public awareness program, which I think
11 we do. I mean, I get in my bill every month a
12 reminder that if I smell gas, I need to call,
13 you know, the utility or make a call.

14 Just from a practical perspective, I
15 don't see how going from five to three years
16 inside a building where you have odorized gas,
17 whether it's leak-prone pipe or not, makes any
18 sense to mandate from a federal perspective.

19 MR. DANNER: Okay. So the fact that
20 I don't smell rotten eggs, but I've got an old
21 cast iron pipe in my basement is not cause for
22 concern because as soon as it leaks I will

1 know, and I can call the gas company.

2 MR. ZAMARIN: It absolutely may be
3 cause for concern, but I think there are state
4 programs that are in place that, again, I think
5 if you want to provide an exception that allows
6 states to manage this issue under existing
7 programs, I think that that might make sense.
8 But to change, you know, leak detection
9 frequencies inside buildings just, to me,
10 doesn't seem to improve.

11 I think there are better steel cast
12 iron replacement programs that states have to
13 address that issue. Again, I think leak
14 detection is not going to be improved by going
15 from five years to three years for an onsite
16 inspection.

17 MR. DANNER: All right. Again,
18 speaking for myself, if I have 50 rolled bare
19 steel or bare cast iron pipe in my basement, I
20 may not know about it, and I would want
21 somebody to identify it so that it can be
22 changed out so that it doesn't both leak or

1 possibly explode.

2 MR. ZAMARIN: Yeah, Chairman, I
3 agree, but I think that's a different issue. I
4 think that is aging infrastructure replacement.
5 And those are the bare steel replacement
6 programs, the cast iron steel replacement
7 programs that states have in place.

8 I just don't see that as the driver
9 for additional utility worker inspections.
10 But, again, I'm just trying to listen to the
11 conversation and provide some perspective.
12 Thanks.

13 MR. DANNER: And I appreciate that.
14 Okay. I think, Peter?

15 MR. CHACE: Pete Chace, NAPSR. To
16 me my understanding of what makes leak-prone
17 pipe leak-prone is it is subject to forces like
18 frost heave, soil shifting, chemical reactions
19 with the surrounding soil. I don't really see
20 it as an issue for inside pipe.

21 So I think that's something we could
22 get wrapped about the axle about, but I

1 generally think that leak-prone pipe, it's
2 appropriate to look at it if it's buried.

3 MR. DANNER: All right. So leak-
4 prone pipe inside is not something you would
5 include in this motion?

6 MR. CHACE: My understanding of what
7 makes the leak-prone pipe leak-prone is that
8 those are conditions that will be subject to
9 buried under the soil.

10 MR. DANNER: All right. Thank you.
11 Brian and then Diane.

12 MR. WEISKER: Yeah, I was going to
13 follow-up with, I don't think of inside piping
14 as leak-prone piping. I think of, as Peter has
15 described, that it's outside. It has external
16 forces. It can have corrosion, things of that
17 nature where it's external piping.

18 So I think if we go with leak-prone
19 piping, I think we can have the discussion of
20 inside and outside with the next as we go to
21 the proposed three year annual for areas
22 outside of business districts.

1 MR. DANNER: All right. Diane?

2 MS. BURMAN: Yeah. So I think this
3 conversation was very helpful. There's
4 generally not leak-prone pipe inside, but we do
5 have to recognize that service is defined to
6 the outlet of the meter. So really I guess
7 it's a question for PHMSA of consideration of
8 making it clear in terms of -- you know, if
9 inside is not leak-prone pipe and getting to
10 that distinction so.

11 It's really just a clarity from the
12 perspective of we do need to distinguish
13 between inside and outside, assuming it's not
14 leak-prone pipe.

15 MR. DANNER: So the question is does
16 PHMSA currently view pipe known to leak to
17 include indoor piping?

18 MS. BURMAN: It's really a clarity
19 on the definition and now moving forward where
20 we're making a distinction between leak-prone
21 and not leak-prone pipe. We also need to be
22 clear in terms of inside and outside. And so

1 for me, that sort of dovetails together.
2 Generally, leak-prone pipe is not inside. To
3 the extent that we're sort of flagging leak-
4 prone pipe versus not leak-prone pipe, inside
5 versus outside.

6 MR. DANNER: Alan?

7 MR. MAYBERRY: I was just going to
8 say in a general sense we consider leak-prone
9 pipe the usual suspects, cast iron, bare steel,
10 vintage plastics that are subject to integrity
11 issues based on -- it could be the operating
12 environment. And those tend to be outside.
13 It's not to say it wouldn't be inside. But
14 they tend to be outside. Inside it's typically
15 a covered protected area so there are different
16 issues related to that.

17 And I think we can -- you can cover
18 this in the next section on the inside versus
19 outside. I think if we cover -- I think what
20 I'm sensing is a general acceptance of an
21 annual for the leak-prone pipe.

22 MS. BURMAN: Yeah, I think so. Just

1 we'll put an asterisk. And I just want to flag
2 also, just being aligned with, I think, where
3 Erin is on this, to the extent that making sure
4 that we are sort of level setting in terms of
5 priority and what we're doing and some data
6 analysis so thanks.

7 MR. DANNER: All right. Sara?

8 MS. GOSMAN: Yeah. So I feel like
9 this conversation is really one where there has
10 been an identified issue around inside versus
11 outside. And I think as a committee, we want
12 PHMSA to look at those issues and sort of take
13 them into account as it thinks about its
14 proposal.

15 And so I feel like we could move on
16 from this discussion by literally having a
17 recommendation that PHMSA look at the leakage
18 survey requirements for inside versus outside
19 pipe, and we give it back to them. We don't
20 make this determination here as a committee,
21 but, you know, we alert PHMSA that it is an
22 issue that they should consider.

1 MR. DANNER: All right. Thank you
2 for that. And Brian and then Chad.

3 MR. WEISKER: Brian Weisker, Duke
4 Energy. I understand when you read the words
5 on the screen where it could -- it doesn't
6 necessarily differentiate inside or outside.
7 So maybe if we just added based on material and
8 location. If you see pipelines that are known
9 to leak based on material and location, for
10 example, and then we have the list of the
11 examples. Would that solve this and move the
12 ball forward?

13 MR. DANNER: All right. Chad?

14 MR. ZAMARIN: Thanks. Chad Zamarin,
15 Williams. And maybe just on that point, maybe
16 it's buried cast iron, buried unprotected
17 steel, buried wrought iron and buried historic
18 plastics. I am hearing that those are leak-
19 prone under environmental conditions that don't
20 exist inside buildings.

21 But my only concern with, Sara, your
22 comment is I'm not sure based on what I'm

1 hearing that I would be comfortable
2 recommending support for these if the issue of
3 inside and outside buildings isn't addressed.
4 And so I do think we've got to figure out how
5 we reconcile the issue.

6 MR. DANNER: Would the language that
7 Brian proposed address that issue?

8 MR. ZAMARIN: I think if we
9 differentiate on this particular one, I think
10 I'm fine with that and would support the leak-
11 prone pipe frequency. But I think as a broader
12 issue of just kind of pushing back to PHMSA to
13 look at the issue between inside and outside
14 and maybe again it will come on the other
15 topics but.

16 MR. DANNER: All right. Chad
17 Gilbert?

18 MR. GILBERT: Yes. I'd just like to
19 make a comment as the public. Nearly 1 in 4
20 Americans, or 23 percent, over the age of 40,
21 report some alteration in their sense of smell.
22 So I don't think we need to make the assumption

1 which odorization is really good and that's why
2 it's there because it does alert a big percent
3 of the population.

4 But there is cases which over 3
5 percent of Americans have no sense of smell.

6 So we do need to look at those type of
7 situations when we do look into the leak
8 detection because the leak detection is what
9 we're trying to do is potentially correct the
10 problem before it happens.

11 MR. DANNER: Thank you for that.
12 Diane and then Erin.

13 MS. BURMAN: No, I would understand
14 and support that as well. I do, sort of for
15 me, it's also odorization, the frequency inside
16 versus outside. And then also the remote
17 methane detectors and the residential methane
18 detectors are really important, you know, and
19 the future technologies we don't even have yet
20 that may also be helpful.

21 MR. DANNER: All right. Thank you.
22 Erin?

1 MS. MURPHY: Thanks. Erin Murphy,
2 EDF. I would not support a modification of
3 this recommendation. I would support
4 supporting this element of the proposed rule as
5 written and then in a separate piece, perhaps
6 as Sara was articulating, recommend that PHMSA
7 consider this indoor versus outdoor piping
8 distinction.

9 MR. DANNER: Thank you. I think
10 that's where I'm coming down, too. Chad? Oh,
11 okay. So we have --

12 MS. GOSMAN: I actually -- can I
13 respond to that?

14 MR. DANNER: Yeah.

15 MS. GOSMAN: I think that's helpful
16 and thank you for sharing your concerns. I
17 wonder if we can get to the same place if we
18 make clear in here that we are understanding
19 the need to address this issue.

20 And so it gets to Sara's sort of
21 articulation, I think, that these are
22 important, we need to address it. PHMSA is

1 hearing it. The record has been established,
2 but that we are needing to look at this and be
3 aligned when we are talking in other areas.

4 MR. DANNER: So, yeah, Erin?

5 MS. MURPHY: Thanks. Just a direct
6 response. Yes, I'm comfortable with that, and
7 I think that sort of an indication and a
8 separate line would make sense. And I also
9 want to note, and I was just checking during
10 the discussion that New York Department of
11 Public Service, I think also Con Edison, there
12 is a couple of, you know, public comments that
13 were submitted to the docket that get into this
14 issue in more detail that I don't know if we
15 would all get through in discussion today,
16 which is why it seems to me constructive to
17 sort of make sure this issue is highlighted for
18 PHMSA and that there's a lot more material to
19 consider.

20 MS. BURMAN: Yeah, I didn't want to
21 say just follow what we said but, you know.

22 And actually that's a kudos to all of the

1 different folks from the public who spoke who
2 also submitted written comments. I think that
3 helps to flesh it out, so.

4 MR. DANNER: So then let me ask
5 specifically, Erin and Diane, are you okay with
6 the language that you're seeing up there?

7 MR. GALE: Chairman, if I may, what
8 we've done, members, is just when we get to the
9 topic of the frequency, the five versus three,
10 we've just simply added a bullet to remember to
11 come back to the issue to address the issue of
12 inside piping.

13 What we would recommend is we would
14 go back to the vote slide on the leak-prone
15 pipe if you are ready to move forward on leak-
16 prone pipe, but only leak-prone pipe. And then
17 I'm assuming after lunch, we will come back to
18 the issue of leak survey frequency and discuss
19 the issue of the inside versus outside piping.

20 MR. DANNER: So in other words, you
21 would not append that language to this voting
22 slide?

1 MR. GALE: That is correct.

2 MR. DANNER: All right. Diane?

3 MS. BURMAN: I do have concern with
4 that. I think it's important that -- I think
5 that the language that was there is giving
6 clear indication, and it's not wedding us to
7 anything except making sure that it's tied to
8 these are the things that we are concerned
9 about and need to get to.

10 And I don't see it as controversial.
11 And I see it as a compromise in terms of not
12 changing the language, but making sure that we
13 recognize that it has to be addressed.

14 MR. DANNER: Thank you. Chad?

15 MR. ZAMARIN: Chad Zamarin. Yeah.
16 I would also like, if we're going to suggest
17 that PHMSA follow-up, I would like PHMSA to
18 clarify whether those noted material types are
19 considered leak-prone inside of buildings
20 because I didn't hear a clear answer there.

21 MR. DANNER: So could I see the
22 language that you want to append or that --

1 MR. ZAMARIN: Well, this is the
2 language --

3 MR. DANNER: -- no, there is another
4 slide that talks about the alternative survey
5 frequency. That's a little more than what I
6 was thinking. I wanted PHMSA to look at the
7 issue. And this suggests that we want them to
8 change it. So I think, for me, I would want
9 some wordsmithing.

10 MR. ZAMARIN: Yeah, sorry. This
11 isn't the bullet that I was talking about. I
12 am actually asking for an additional
13 clarification, you know, when we talk about an
14 unprotected pipe, which means, I think, not
15 protected with cathodic protection. That would
16 typically be leak-prone if it were buried
17 underground, not inside of a building.

18 And so -- and I don't think we have
19 a cathodically protected pipe inside of
20 buildings. And so I don't want this to be
21 caught up in an issue where you could interpret
22 that that's a leak-prone pipe inside of a

1 building. That's the issue I'm one. I know --
2 sorry if I jumped from the one that was --

3 MR. DANNER: Yeah. Those are two
4 different issues, but I'm hoping that we can
5 mush them together into a single sentence.

6 MR. ZAMARIN: Yeah, they can
7 probably be married. You're right.

8 MR. DANNER: And so if you could put
9 that language back up, please.

10 PARTICIPANT: Do you want that
11 bullet moved to the previous slide?

12 MR. DANNER: So, yeah, we do want
13 that bullet moved to the previous slide. Sara,
14 could you move that bullet to the previous
15 slide?

16 MS. BURMAN: I think we might have
17 language that's helpful to give you the
18 comfort. PHMSA consider as appropriate
19 alternative survey frequency for odorized
20 pipelines inside of buildings.

21 MR. DANNER: And Chad --

22 MS. BURMAN: And we need to add in

1 the cathodic protection. And I'm looking to
2 Chad --

3 MR. ZAMARIN: Yeah, I'm kind of
4 wondering in clarifying whether leak-prone pipe
5 exists inside of buildings or what leak-prone
6 pipe does. Because I think the language that
7 is used, unprotected steel for example. If
8 there is unprotected steel inside of buildings,
9 I assume that is not considered leak-prone.
10 But the way the language is written, I think
11 someone could make an interpretation that's
12 leak-prone. We had the discussion regarding is
13 it buried pipe or is it inside pipe? I just
14 think we need that clarified and look --

15 MR. DANNER: All right. Any other
16 thoughts on this --

17 MR. ZAMARIN: Yeah, again, I would
18 ask are we willing to add at the end of that,
19 and whether leak-prone pipe and clarify whether
20 leak-prone exists within buildings, inside of
21 buildings.

22 MR. DANNER: All right. Thoughts on

1 this language? Do any committee members have
2 concerns with this language? All right. Sara,
3 then Peter then Brian, maybe.

4 MS. GOSMAN: Sara Gosman. I
5 appreciate the as appropriate language, and I
6 think that helps me feel more comfortable with
7 number one. But, again, it looks to me like a
8 particular recommendation by GPAC that PHMSA
9 consider.

10 And for me, I'm really interested in
11 PHMSA just considering the, you know, we could
12 be specific, right, the comments by NAPSRS on
13 indoor versus outdoor pipelines rather than
14 have it built into this an idea that there
15 needs to be an alternative survey frequency for
16 odorized pipelines inside of buildings.

17 MR. DANNER: All right. Alan?

18 MR. MAYBERRY: I just wanted to
19 reiterate, these terms that we're using up
20 there, cast iron, bare steel, wrought iron,
21 historic plastics, those terms are typically
22 associated with outside piping. Plastic, if

1 it's in a building, it's got to be -- that's an
2 issue. It can't be there in the first place.
3 So the terminology really refers to outside.

4 That said, as soon as we preclude
5 that there is -- there can ever be an issue
6 with leak-prone pipe inside a building,
7 something will pop up. So we need to consider
8 and have a regulation that considers that, you
9 know, you're mindful for that. That you
10 consider the risk of pipe that may happen to be
11 leak-prone.

12 And I'm not sure what it is, really,
13 standing here today. I know those terms there
14 again are typically associated with outside
15 piping. And furthermore, now while we haven't
16 done a study related to our instant data, I
17 just don't recall much inside piping related
18 issues that we've seen in our instant database
19 that are associated with these terms other than
20 if the issue originated outside and caused a
21 leak to migrate inside.

22 So these tend to be -- anyway, I

1 just wanted to offer that as clarification to
2 that issue. Thanks.

3 MR. DANNER: So what you're saying
4 is you've kind of already clarified your view
5 that leak-prone pipe does not exist inside of
6 buildings except that as soon as you do say
7 that, you're going to find it.

8 MR. MAYBERRY: Well, it's --

9 MR. DANNER: Yeah, I mean, exactly.

10 MR. MAYBERRY: Yeah.

11 MR. DANNER: All right. Chad?

12 MR. ZAMARIN: Those types of
13 materials aren't typically associated with
14 inside piping type issues.

15 MR. MAYBERRY: Yeah, understood.

16 MR. ZAMARIN: I understand. And
17 that's why, again, I think clarifying it, like
18 unprotected steel, that's a very broad term. I
19 mean, you have steel pipe inside of buildings
20 that are in gas service that don't have
21 cathodic protection.

22 So, you know, the way that I think

1 it's clear -- it's clear, I think, in probably
2 a lot of people's minds that means steel that's
3 below ground that's unprotected. It's buried.
4 So if that were changed to buried unprotected
5 steel, I think that would be very helpful.

6 But that's why I'm asking. I think
7 that does need to be clarified because I think
8 what you just described, Alan, supports the
9 fact that it's these types of materials in
10 certain environmental conditions that have been
11 leak-prone.

12 And I think we just need to -- I'm
13 just hoping our recommendation says let's make
14 sure we take a look at that and don't have any
15 unintended interpretation. Thank you.

16 MR. DANNER: Thank you. Peter?

17 MR. CHACE: Pete Chace, NAPSR. Is
18 this the opportunity to suggest other
19 categories of piping for an alternative survey
20 frequency or does that come later?

21 MR. DANNER: We'll close that later.

22 MR. CHACE: Sounds good. Thank you.

1 MR. DANNER: All right. Sara?

2 MS. GOSMAN: Yeah. So here's a
3 suggested set of language for number one.
4 PHMSA consider as appropriate the comments by
5 NAPSRS on leak survey frequency and indoor
6 piping.

7 MR. DANNER: Diane?

8 MS. BURMAN: So I'd like it to stay
9 up there just so I can grapple with it written.
10 But I think the comments -- it's not just
11 comments from NAPSRS. It's comments what's in
12 the public record. What's been discussed here,
13 yeah, and other committee members.

14 Consider as appropriate the comments
15 from NAPSRS and other committee members and the
16 public on the survey frequency for indoor
17 piping.

18 MR. DANNER: Okay. Let me ask are -
19 -

20 MS. BURMAN: And I think it needs to
21 -- if you're considering it, I think there's an
22 expectation that if you determine that there

1 is, you know, some basis to value to address
2 it, you will. I think that's right.

3 MR. DANNER: Yeah. So you append
4 onto that and address the issue appropriately.
5 Now are we keeping two or is this -- do we
6 think number one has basically encompassed
7 everything?

8 MS. BURMAN: Is it that we're
9 clarifying whether leak-prone pipe includes
10 pipelines inside a building or are we making --
11 sort of focusing on that there may need to be a
12 determination what to do if there is leak-prone
13 pipe in the inside?

14 I'm just -- I mean, I don't think
15 leak-prone pipe exists pretty much inside. But
16 I think your point, Alan, is well taken.

17 MR. DANNER: There's plastic pipe in
18 somebody's basement so. Sara?

19 MS. GOSMAN: Yeah. So thank you,
20 Commissioner Burman. I think that number two
21 should -- we should get rid of number two. I
22 think one is what we want. And number two

1 seems like a proposal to actually take out a
2 set of pipes when we don't know exactly if
3 there is an issue.

4 And I feel like, again, the concern
5 relates to survey frequency rather than a
6 classification issue around whether it's leak-
7 prone or not. And I don't think the
8 classification issue is one that we need to
9 address.

10 MR. DANNER: All right. Chad and
11 then Andy.

12 MR. ZAMARIN: Yeah, Chad Zamarin. I
13 mean, this is a really basic issue. And terms
14 matter, definitions matter, and the language
15 matters. Right now it says, for example,
16 unprotected steel. This does not talk about
17 whether it's inside a house or outside of a
18 house.

19 If we have this rule passed the way
20 that it is, every single house that has steel
21 piping in it carrying gas upstream of a service
22 meter will be considered unprotected, and it

1 will be considered leak-prone. That's what I'm
2 asking be clarified.

3 I think this is a smart
4 clarification. I'm not asking for anything
5 that I would hope would be controversial. So I
6 would be vehemently opposed to removing number
7 two, but open it up for further discussion if
8 needed.

9 MR. DANNER: All right. Andy?

10 MR. DRAKE: Andy Drake with
11 Enbridge. I am just going to take a different
12 tack on this and that is I'm going to go back
13 and read this language. And it says pipings
14 that are known to leak. Known by whom? I
15 think Brian answered that earlier. It's based
16 on the operator's risk assessment.

17 So I don't know if we're making this
18 really complex or not. The operator has
19 evaluated their system and defined leak-prone,
20 and it doesn't include indoor piping. For all
21 the reasons we have talked about --

22 MR. DANNER: Isn't this language

1 from the PIPES Act though?

2 MR. ZAMARIN: Can we not use that in
3 how we make a proposal here that the operator
4 has defined where the leak-prone piping is
5 based on their program and their data and their
6 analysis. And then they will make a
7 determination where to do this. That's going
8 to happen anyway.

9 Are we -- I don't know. I'm just
10 asking a logic question. Are we kind of really
11 cutting a fine line here? The operator is
12 going to decide what leak-based looks like
13 anyway or what leak-prone looks like anyway.

14 MR. MAYBERRY: I think we have what
15 we need. If you were to vote on this, we have
16 what we need to assess the issue of inside
17 versus outside, and so we can move past this
18 and onto to the next subject just to try to
19 keep things moving. I'm satisfied that we have
20 the information that we need. Thanks.

21 MR. DANNER: All right. Erin and
22 then Diane.

1 MS. MURPHY: Erin Murphy, EDF. I
2 think for item number two, I would feel more
3 comfortable with an edit that PHMSA consider
4 whether leak-prone includes pipelines inside of
5 buildings because it feels like we're talking
6 about a question we don't have the answer to.
7 It's not clear to me at this point if there is
8 a need for clarification (audio interference).
9 So I would prefer a (audio interference) to
10 consider, which gives the agency flexibility.

11 MR. DANNER: Thank you. Diane?

12 MS. BURMAN: So I was going to
13 suggest that we merge one and two and that it
14 says something to the effect of afterwards such
15 consideration should include looking at varied
16 unprotected weather leak-prone pipe -- and
17 leak-prone pipe inside and outside or something
18 broad.

19 It's not separate. It's actually
20 together. That part of the consideration
21 you're looking at is the leak-prone pipe versus
22 non-leak-prone pipe, inside versus outside, you

1 know, buried and unprotected is really kind of
2 what we're driving at.

3 MS. GOSMAN: Sara Gosman. Yes, I
4 like that very much. I think the key phrase
5 here for me is consider at the beginning so
6 incorporating that into number one makes a lot
7 of sense to me.

8 MR. MAYBERRY: Sorry, Chairman.
9 Staff maybe needs a little more guidance on the
10 recommended change of the merging of one and
11 two or are you just simply merging one and two?
12 I think the mics want to go on lunch break.

13 MS. BURMAN: Before we start doing
14 that, I think Sara and I are on the same page.
15 I do think that the wordsmithing though might
16 be a little clunky so I look to Chad and Brian
17 if this covers their issue so that we're all on
18 the same page. Thank you.

19 MR. DANNER: Brian?

20 MR. WEISKER: Brian Weisker, Duke
21 Energy. Give me one second. I'm reading it.
22 I'm comfortable with the language as written.

1 MR. DANNER: It is a little clunky
2 with the address the issue appropriately being
3 where it is and maybe you want to throw that to
4 the end. Sara?

5 MS. GOSMAN: Can you hear me, okay?

6 MR. DANNER: No.

7 MS. GOSMAN: Okay. I'm back on.

8 Thank you. Sara Gosman. So to address the
9 clunkiness, why don't we take whether leak-
10 prone pipe -- thank you.

11 So never mind, you already put it
12 on. I was going to have address the issues
13 appropriately at the end. And while I was
14 trying to find a mic, they fixed it. Thank
15 you.

16 MR. DANNER: They are amazing that
17 way. So we still have the issue that Andy
18 raised about known by whom up there, Andy, and
19 what thoughts do you have on that or do we
20 define that later?

21 MR. DRAKE: I think we're good as
22 is.

1 MR. DANNER: All right.

2 MR. DRAKE: I think it's a point
3 that we have already recorded.

4 MR. DANNER: All right. Very good.
5 I would entertain a motion on this voting
6 slide. Brian?

7 MR. WEISKER: All right. Brian
8 Weisker, Duke Energy, making a motion that the
9 proposed rule as published in the Federal
10 Register and as supported by the preliminary
11 regulatory impact analysis and draft
12 Environmental Assessment regarding the
13 frequency of leakage surveys of gas
14 distribution pipelines that are known to leak
15 based on material, for example cast iron,
16 unprotected steel, wrought iron and historic
17 plastics with known issues, design or past
18 operating and maintenance history of a
19 pipeline, Section 192.723(d)(2), is technically
20 feasible, reasonable, cost-effective and
21 practicable as the following changes are made.
22 PHMSA considered the comments from NAPS R or

1 other committee members and the public on the
2 survey frequency for indoor piping and whether
3 leak-prone pipe includes pipelines inside of
4 buildings and address these issues
5 appropriately.

6 MR. DANNER: Thank you. Is there a
7 second?

8 MR. GILBERT: Chad Gilbert with the
9 UA. I would second the motion.

10 MR. DANNER: Thank you. All right.
11 Cameron, would you record the vote?

12 MR. SATTERTHWAITE: All right.
13 Let's see. As I say your name, if you agree
14 with the motion say yes, if not say no. Diane
15 Burman?

16 MS. BURMAN: Yes.

17 MR. SATTERTHWAITE: Peter Chace?

18 MR. CHACE: Yes.

19 MR. SATTERTHWAITE: David Danner?

20 MR. DANNER: Yes.

21 MR. SATTERTHWAITE: Sarah Longan?

22 MS. LONGAN: Yes.

1 MR. SATTERTHWAITE: Terry Turpin?
2 MR. TURPIN: Yes.
3 MR. SATTERTHWAITE: Brian Weisker?
4 MR. WEISKER: Yes.
5 MR. SATTERTHWAITE: Andy Drake?
6 MR. DRAKE: Yes.
7 MR. SATTERTHWAITE: Alex Dewar?
8 MR. DEWAR: Yes.
9 MR. SATTERTHWAITE: Steve Squibb?
10 MR. SQUIBB: Yes.
11 MR. SATTERTHWAITE: Chad Zamarin?
12 MR. ZAMARIN: Yes.
13 MR. SATTERTHWAITE: Chad Gilbert?
14 MR. GILBERT: Yes.
15 MR. SATTERTHWAITE: Arvind
16 Ravikumar?
17 MR. RAVIKUMAR: Yes.
18 MR. SATTERTHWAITE: Erin Murphy?
19 MS. MURPHY: Yes.
20 MR. SATTERTHWAITE: Sara Gosman?
21 MS. GOSMAN: Yes.
22 MR. SATTERTHWAITE: She says yes.

1 Sam Ariaratnam?

2 MR. ARIARATNAM: Yes.

3 MR. SATTERTHWAITTE: It is unanimous.

4 The motion carries.

5 MR. DANNER: All right. Thank you,
6 everybody. It is 25 after 12. It is time for
7 lunch. Let's be back at 1:30. All right. See
8 you at 1:30.

9 (Whereupon, the above-entitled
10 matter went off the record at 12:24 p.m. and
11 resumed at 1:30 p.m.)

12 MR. DANNER: All right. Welcome
13 back, everybody. All right, folks in the back
14 of the room, could you please quiet down and
15 take your seats?

16 Thank you. All right. We are back
17 on the record for the afternoon. I'm going to
18 call on Diane Burman.

19 (Off-microphone comments.)

20 MS. BURMAN: Thank you, Chair.
21 First of all, I want to express my gratitude
22 for everyone this morning kind of working

1 together to try to level-set.

2 I think it's important before we
3 move to the next sort of phase of this. For
4 me, I'm always about taking a pause and making
5 sure that where we started and where we're
6 going, that we're all sort of aligned and sort
7 of regroup.

8 And I feel like this break, this
9 lunch gave me some time to reflect and to make
10 sure that before we move on that we don't
11 forget some of the key principles that were
12 there. Some of it being clunky and some of it
13 being perhaps not necessarily aligned with each
14 other.

15 So, I'm just going to kind of reset
16 for myself and hopefully for others as well.
17 And it really starts with my, you know, ongoing
18 principle that the integrity and reliability of
19 our natural gas system is paramount and at the
20 core of that is safety.

21 My focus as a state regulator is on
22 how important pipeline safety is to everyone,

1 regulators, the public, the gas companies, and
2 gas consumers.

3 Thus, the core questions that I
4 always ask myself and really push in
5 articulating are, what are we trying to
6 accomplish?

7 How are we trying to accomplish
8 that? Are there existing things we are doing
9 already, even if we can seek to continuously
10 improve upon them?

11 Are there viable and more
12 substantively effective and/or cost effective
13 alternatives we may be chilling by our
14 approach? And who else is important in this
15 discussion?

16 And are we the proper entity or
17 entities, be it PHMSA, state regulator or
18 others, to be making whatever decisions?

19 So, I think the discussion this a.m.
20 was a great one. I support fully PHMSA's
21 efforts to strengthen leak detection and
22 repair.

1 With that though, there are certain
2 principles that we discussed this a.m. that I
3 need to ensure do not fall off the table.

4 And as we address them later, it is
5 clear to me that to the extent the future
6 decision points we make will also need to be
7 aligned with sections of the Regulations we
8 have left behind, like frequency of surveys, I
9 feel obligated to raise them.

10 As a state regulator, I have a
11 fiduciary responsibility to rate payers. And I
12 believe that extends to the general public on
13 what we do that may impact them.

14 Some things I need to ensure are
15 reflected here for consistency and in line with
16 my desire to be open and transparent in our
17 ongoing discussions, and where my head is at,
18 and mindful of the need for a record to ensure
19 the rationale and our thought processes are
20 captured.

21 So, I share this really so that
22 folks can understand where I'm coming from.

1 So, with that, some things to point out.

2 One, I do have a technical
3 difference of opinion with PHMSA on whether
4 classification issues are part of survey
5 frequency or later in grading.

6 I don't think it really matters for
7 the purposes of figuring out which bucket does
8 it fall in. In fact, I think it falls into
9 both buckets. I would argue that both are
10 impacted and thus consistency in our approach
11 needs to be aligned.

12 If PHMSA finds that we need to
13 address and find space for the leak
14 classification system that exists in New York
15 and other states, we will need to also make
16 sure it addresses the whole regulatory process.
17 Which means the value of the activities and
18 regulatory construct must be aligned, feasible,
19 and make technical sense.

20 So, as we look down the road here
21 too more properly grappling with leak
22 classification, inside versus outside,

1 distinguishing between areas with leak prone
2 pipe and not, et cetera, we must be mindful
3 that PHMSA must adjust its proposed regulations
4 as appropriate to not be out of alignment.

5 Two, who should define things like
6 what is leak prone pipe, operators versus
7 regulators?

8 Who should be allowed to set the
9 frequency of things like inside leak detection
10 for buildings with residential methane
11 detectors, PHMSA or the states?

12 I would say that states that have
13 adopted proper residential methane detectors
14 are needing flexibility. I would say
15 regulatory jurisdictional creep must be weighed
16 and accounted for.

17 Three, what considerations need to
18 be clearly articulated to make sure we're not
19 trying to -- and I love this from this morning,
20 never heard this before -- change the horse in
21 the middle of the river.

22 PHMSA I don't think intended to get

1 rid of effective and robust state programs like
2 New York's leak classification system. Some
3 discussion was had that the states may not have
4 to seek a waiver to continue their programs.

5 However, it's unclear. And in fact,
6 if PHMSA does not expressly state allowing a
7 continuation of effective state programs
8 without the need for a waiver, we will
9 effectively be most assuredly killing good
10 programs.

11 The rationale that a state like New
12 York can just seek a waiver is nonsensical.
13 And in fact, not only would it be cost
14 prohibitive, it would, in my opinion, put at
15 risk safety, because we would be focused on a
16 substantive and procedural rabbit hole that we
17 could not effectively manage.

18 And we would be forced to move to a
19 new system that is not ready for prime time
20 without evidence there's a need to do so, at
21 least in New York.

22 Four, finally there are two

1 remaining items. One, within state
2 jurisdictional considerations, we need to allow
3 flexibility to consider the role of R&D and
4 other technologies as we develop these
5 regulations.

6 And B, separately, a risk-based
7 mitigation approach is worthy of more buy-in
8 and discussion. The history around the
9 rationale behind DIMP programs is I feel being
10 lost.

11 I implore all of us to not make DIMP
12 obsolete. As I see it the proposed regulations
13 may actually do that unintentionally.

14 Let's remember the value of a good
15 DIMP program. It requires operators to
16 increase frequency of leak surveys to mitigate
17 risk. But importantly, it's to be tailored by
18 and for each operator given their realities and
19 with state regulatory landscapes.

20 My goal is not to push prescriptive
21 regulations on any state or operator, but
22 rather to allow the space for proper

1 flexibility and empower the states and
2 operators to continuously improve and remain
3 committed to what we all care about, and
4 continuously push each other as we do here in
5 this space on reaching our goals that we seek
6 to accomplish. Thank you for allowing me this.

7 MR. DANNER: All right. Thank you
8 for your comments. Andy Drake?

9 MR. DRAKE: This is Andy Drake with
10 Enbridge. I appreciate Commissioner Burman's
11 point, and it particularly resonates to me
12 about the importance of DIMP in driving this.
13 And I keep hearing a conversation around this
14 table that seems almost to supplant DIMP.

15 To me DIMP drives this. It informs
16 this. It is the data engine that decisions
17 will be based upon.

18 And we keep talking about it like
19 there's two different things going on here.
20 And I really appreciate that so much of the
21 conversation with the states has been about is
22 there an appropriate DIMP program in place that

1 drives the engine to make those decisions
2 appropriately?

3 We keep talking -- I've heard
4 several times here today, we don't have the
5 data. I take objection to that. We have a lot
6 of data.

7 That's what the DIMP program
8 creates. The question is, are we using the
9 data to make the decisions that are appropriate
10 about these kinds of programs?

11 And I hear well, we're going to ramp
12 up inspections so we get more data. It's like,
13 we haven't even digested the data that we have
14 to make decisions about inspection frequencies
15 and whether or not systems are prone or not.

16 And I think, you know, I think we
17 just need to be very thoughtful about those
18 programs exist. Can we not go back and
19 leverage them.

20 That's not the case for the other
21 sectors. Not certainly to this degree. But I
22 think it's important for us to acknowledge that

1 those programs were designed to gather this
2 kind of data and make decisions, and we should
3 be leveraging that. Thank you.

4 MR. DANNER: All right. Thank you.
5 Any other comments before we jump into this
6 afternoon?

7 All right. Before us we still have
8 the issue of frequency outside of business
9 districts, and the issue of surveys being
10 performed within 72 hours of the cessation of
11 an extreme weather event.

12 And so, I would just like to open it
13 up to the Committee members for their thoughts
14 on those issues.

15 First, why don't we talk about
16 outside of business districts. Brian?

17 MR. WEISKER: Brian Weisker, Duke
18 Energy. So, going back to the -- so we're now
19 at the surveys outside of business districts.

20 And I'll say with the understanding
21 that those surveys and where we have leak pone
22 piping, we've all agreed upon would be on an

1 annual basis.

2 And then based on what we've heard
3 the comments from our -- from today, some of
4 the data Arvind talked about, about the very
5 small number of leaks where they're aligned
6 with the leak prone piping is causing the vast
7 majority of the leaks, the industry's thought
8 is that the areas outside of business districts
9 should stay at that five-year interval versus
10 the three-year interval as proposed.

11 I think that based on the data that
12 we have, Andy, you mentioned it, the DIMP data
13 that we use in order to build our programs,
14 build our inspections, build our process, kind
15 of leads us to the point that that five-year
16 interval is appropriate, cost effective.

17 And it makes sense for, and it's
18 finding -- finding leaks as we find them. And
19 we fix those leaks, and it's supported by the
20 data.

21 MR. DANNER: All right. Thank you.

22 Chad?

1 MR. ZAMARIN: Thanks. Chad Zamarin.
2 I have a question and maybe PHMSA could help.
3 Does it not under DIMP -- maybe we'll use one
4 issue, and that is the issue after severe
5 weather events.

6 Would the DIMP program not require
7 an operator to follow up on existing leaks
8 following an event that could create an
9 increased safety or environmental issue?

10 Because I do, what I'm getting at is
11 I do wonder, are we in the right place? Are we
12 -- do we not have programs already in place
13 that are designed to address this threat and
14 this issue? And are we --

15 MR. DANNER: Rod, go ahead.

16 MR. SEELEY: My thoughts on
17 integrity management programs and DIMP in
18 particular, they're not -- yes, if an operator
19 takes a conservative, well-meaning approach to
20 integrity management, they will more than
21 likely reach these conclusions.

22 But the integrity management program

1 doesn't drive everybody to the same conclusion.

2 And some people may miss it.

3 So, I think what you see sometimes
4 here is an effort to create a different floor
5 for the general population of operators, not
6 necessarily trying to create a floor for the --
7 certain high level performing operators.

8 And I think that's the issue here is
9 the flexibility allows people to over-perform
10 and sometimes underperform. So, that's the
11 challenge we're facing, is trying to say, where
12 is the floor?

13 MR. DANNER: All right. Brian?

14 MR. WEISKER: Brian Weisker, Duke
15 Energy. I do have a question for the --
16 probably for the SMEs as far as from PHMSA.

17 What was the justification for
18 moving to a three-year leak survey interval for
19 non-leak prone piping versus the current five-
20 year interval?

21 MR. DANNER: So, we had some slides
22 up there, didn't we? At some -- yeah, you want

1 to try that?

2 MR. SEELEY: So, I think the -- one
3 of the basis for changing, obviously it's a
4 more frequent requirement. And there's the
5 aspect of consideration of whether or not, go
6 back to some pervious comments, the issue of
7 more frequent performance of a task, you'll
8 obviously find more things than a less frequent
9 part of the task.

10 But I think that's what brings us to
11 this meeting in general is, we presented our
12 proposal. And now we're listening to see where
13 the advisory committee would have an exception
14 or a different opinion.

15 And I think we're welcoming a
16 discussion on that. But obviously it's a --
17 the basis is for more frequency, you're going
18 to detect -- over time you'll detect the leaks
19 and you'll have a reduced frequency of larger
20 leaks occurring, because you'll have, kind of
21 like any other assessment you do over and over
22 again, you're going to reduce the population of

1 it over time faster.

2 MR. DANNER: All right. Thank you.
3 Erin Murphy?

4 MS. MURPHY: Thanks. Yeah, Erin
5 Murphy with EDF. I just want to give some
6 general comments in strong support of the NPRM
7 proposal to increase leak survey frequency from
8 five years to three years outside of business
9 districts.

10 Methane doesn't respect business
11 districts, right? Methane leaks on pipelines
12 and their contribution to environmental harm,
13 their contribution to climate change are
14 equally relevant regardless of the geographic
15 location of the leak.

16 So, from our perspective, there's a
17 critical need to raise the bar across the board
18 to improve leak survey frequency, which we know
19 through peer-reviewed research, through
20 modeling, you know, mitigates methane emissions
21 on pipeline systems by helping operators find
22 more leaks, which they can then fix.

1 I also want to mention, you know, I
2 think there were some public commenters
3 yesterday from Colorado who spoke to this a
4 little bit. And I'm sure, you know, more
5 comments may be in the docket.

6 But, rural community safety is also
7 a priority. And so, you know, raising the bar
8 again, across the board for operators around
9 the country to be conducting more frequent leak
10 surveys, we think that's really appropriate
11 outside of business districts as well.

12 I also want to talk a little bit
13 about states around the country. I think that
14 PHMSA's proposal here is consistent with what
15 we've seen leading states adopt.

16 And the norm of a three-year leak
17 survey frequency is certainly not unheard of.
18 And in particular, according to some NAPSR
19 data, at least 13 states, plus the District of
20 Columbia, require that in certain situations,
21 leak surveys be conducted with more frequency
22 than the federal baselines require.

1 And, I'll give you all a couple of
2 examples. All pipelines in Missouri must be
3 inspected every 39 months and at least once
4 every third calendar year, aside from those
5 made of unprotected steel or unprotected steel
6 yard to which more stringent requirements
7 apply.

8 Wisconsin also extends the federal
9 business district survey requirement to all
10 buildings used for public gatherings and all
11 mains incorporated -- in incorporated cities
12 and villages, and requires mains in
13 unincorporated areas to be inspected at least
14 once every two calendar years at intervals not
15 exceeding 27 months.

16 I want to sort of not read to you
17 every state on my list, but step back and just
18 sort of emphasize the point that this is, you
19 know, not a sort of unheard of shift. This is
20 a really necessary update to leak survey
21 standards that have not been updated in a long
22 time at the federal level.

1 And so, the environmental community
2 strongly supports this proposal and is, you
3 know, particularly focused on the importance of
4 methane mitigation.

5 But we also see this as really
6 valuable for enhancing community safety.

7 MR. DANNER: All right. Thank you
8 very much. We'll start with Steve.

9 MR. SQUIBB: Steve Squibb, City
10 Utilities. My thought is what we just approved
11 before lunch, going from three years to one
12 year with the leak prone pipes, realizes a huge
13 benefit in reduced methane emissions.

14 To go further and further reduce the
15 frequency of non-leak prone pipe, to me, is not
16 -- it's overly burdensome. You don't see the
17 huge amount of benefit that you would.

18 You've already got the leak prone
19 pipe as top priority at the one year frequency.
20 And that this would be a burden on, especially
21 a lot of the small, very small operators and
22 gas companies that don't have the resources to

1 speed up their frequency.

2 So, I think that we'll be pulling
3 resources away from other things that they
4 should be doing that could be more towards
5 safety or more towards benefit to the gas
6 systems.

7 So, those are my thoughts.

8 MR. DANNER: All right. Chad and
9 then Andy and Brian.

10 MR. ZAMARIN: Thank you. Chad
11 Zamarin. You know, I do think it's really
12 important, the risk-based discussion we've been
13 having is important.

14 And clearly there is a -- there must
15 be, I hope, or we're way off, but there must be
16 a difference between business districts and
17 non-business districts from a risk perspective.

18 And it's why I think I saw, we all
19 agreed in increasing the frequency in leak
20 prone areas. There's a different risk profile
21 there.

22 I also think, Erin, some of what you

1 described is why we have to be really careful.
2 Because I do think when you establish federal
3 rules and you make them apply to all states in
4 all situations, you're assuming you know kind
5 of what works everywhere.

6 And I will tell you, we've learned
7 over the course of regulations that when you
8 take very blunt instruments across in
9 particular safety and integrity activities, you
10 typically don't get the best bang for your buck
11 from a safety integrity perspective.

12 It's why risk-based approaches are
13 so important. We will be driving a lot of
14 resources to be spent in areas that have the
15 least amount of risk from either a safety or
16 environmental perspective.

17 And so my view would be, I would
18 love to see the standard being tightened in
19 areas where we know there is higher risk. And
20 PHMSA focusing on the DIMP rule, driving
21 operators to assess their unique conditions
22 and, where appropriate, use more aggressive

1 inspection frequencies.

2 I mean, that's what we do. That's
3 why we see states, that's why we see certain
4 operators choose to go beyond federal
5 regulations.

6 I understand, Rod, some do it well.
7 Some don't do it as well. But that's a DIMP
8 issue. That's an issue of driving better
9 performance against integrity management
10 programs, which I think we've seen over time is
11 the best way to manage threats to our system.

12 So, I would love to see us make sure
13 we are focused on setting stringent standards
14 in the areas where we know the risk is higher,
15 but where the risk may not be as high, we need
16 to allow for those unique circumstances in
17 different parts of the system. Thank you.

18 MR. DANNER: All right. Thank you.
19 Brian?

20 MR. WEISKER: Brian Weisker, Duke
21 Energy. So, and Erin, I appreciate your
22 comment about emissions not being biased

1 towards business districts, and like you said,
2 Chad, but the risk is different.

3 I would say that emissions are
4 biased towards leak prone pipe. We know that.
5 The data shows that.

6 But I hear what your comment, Chad,
7 too about resources. And we think about, you
8 know, it's 8 percent of the incidents, DIMP's
9 reportable incidents from distribution.

10 Only 8 percent of those are from a
11 static, I'll call it, event or item that we
12 would find on leak survey. If we really think
13 about where do we need to be throwing our
14 resources to reduce emissions, to reduce risk,
15 it's really driven towards damage prevention
16 and spending our time and money and resources
17 on replacing leak prone pipe.

18 And so, we've already addressed
19 earlier today going to annual on the leak prone
20 pipe. I think when you think about a limited
21 number of resources and just, you know,
22 spending the time and resources on going from

1 three to five, or excuse me, from five to three
2 years for the non-leak prone pipe, non-business
3 districts, it's just, it doesn't make sense.

4 And I think it would, you know, our
5 biggest bang for our buck is doing what we were
6 describing with the annual, annual on leak
7 prone pipe and focusing in on areas to reduce
8 risk and reduce the majority of emissions.

9 MR. DANNER: All right. Thank you.
10 Andy Drake?

11 MR. DRAKE: Andy Drake with
12 Enbridge. You know, I guess I just have so
13 many questions. I do think we are gathering a
14 lot of information. And frankly, the
15 conversation about more is better isn't
16 compelling to me yet.

17 I'd like to, you know, I'd like to
18 think with the data that we have, we should be
19 able to define what are we finding on
20 reinspections?

21 And the big issue, I think, around
22 this discussion that's going to happen sometime

1 soon, it's going to be about remediation. It's
2 going to be about Class Three or Type C
3 remediation. And that's going to wipe out a
4 lot of the angst, I think, about what's
5 happening.

6 We're getting ready to talk about a
7 rule that lives on in perpetuity about closing
8 up the interval because we aren't answering the
9 question about how fast are things growing, and
10 how big are they when we find them.

11 I haven't heard anything in this
12 discussion so far that would say, we're finding
13 a whole lot of big stuff on reinspections.
14 We're finding a whole lot of new Class Three
15 anomalies on reinspections that if we close the
16 inspection frequency up, we would drop that
17 volume down. I haven't heard anything on that.
18 And maybe -- if anybody's got that data, I
19 would just like to hear that, because I just,
20 I'm not hearing that in this conversation.

21 So, and I agree, the DIMP program to
22 me drives the decisions of the operators about

1 leak prone. They use the data to define.

2 It's not all inclusive, that
3 criteria that was up there earlier. It's
4 wherever you're having a high leak rate. You
5 drive your integrity program into those spaces.

6 Okay, so the integrity program is
7 already evaluating leak frequency to make
8 decisions about leak prone. I think that's a
9 critical area. We should be increasing the
10 frequencies in those areas. And we already
11 have made that decision.

12 I just don't know how that applies
13 to areas where we have gotten data inspections
14 that are showing not to have that leak prone
15 predisposition.

16 So I think that's just, I'll just
17 throw that out there as a request. It's not
18 really an argument. I just, I'm not hearing
19 anything other than thematically it makes
20 sense. We should do this more often. It's
21 like, well, that's not how this should be
22 decided.

1 MR. DANNER: All right. Thank you
2 very much. Sara and then Arvind?

3 MS. GOSMAN: I think I'm going to
4 defer to Arvind, because there was a data
5 question on the table. And then I'm -- if you
6 could come back to me, that would be great.

7 MR. DANNER: Arvind?

8 MR. RAVIKUMAR: I was just writing
9 down notes and didn't expect it to come back to
10 me so fast.

11 So, a couple of points I wanted to
12 make regarding data availability and what we
13 know about leak surveys.

14 Over the past ten years or so we
15 have done a lot of methane measurements, a lot
16 of surveys as part of research across the
17 supply chain, not just to the distribution
18 pipelines, production midstream pipelines and
19 uses as well.

20 And one of the things that we find
21 in these sites, and in fact we even did this in
22 Canada, one of the things we find is that the

1 more surveys you do, you find more leaks.

2 And what we also find is that the
3 newer leaks you find in the subsequent surveys
4 are not the same ones that you repaired before.
5 If you repair something that remains fixed,
6 it's a good repair.

7 But you're finding new leaks in
8 newer surveys. And this is at survey
9 frequencies of say, quarterly surveys. So, you
10 go back four months later and you find new
11 leaks.

12 So my point is, in all of the
13 evidence in the peer-reviewed literature, you
14 do find new leaks when you do additional
15 surveys. And so to -- there's no single study
16 that says when you do subsequent surveys, you
17 actually don't find any new leaks.

18 And this is specifically because
19 it's going from five years to three years. And
20 so, if you're just doing surveys once in three
21 years instead of once in five years you are
22 bound to find new leaks, just based on what we

1 have seen in the literature in every previous
2 study done so far on repeat surveys.

3 Furthermore, you know, Brian is also
4 correct that only a very small number of leaks
5 result in the majority of the emissions.

6 So from the environmental
7 perspective, to reduce emissions even with this
8 higher survey frequency, you want to focus
9 mitigation and repairs on the highest emitting
10 leaks. Not every leak you find, but the
11 largest emitter leaks, because that's where
12 most of your emissions are.

13 So one thing I would think about in
14 terms of, you know, what the right frequency
15 is, is also about what do you fix when you go
16 at the certain frequency.

17 So, if it's three years, find and
18 fix the biggest emitters, not every single leak
19 that you might find in a survey.

20 MR. DANNER: All right. And, Sara?

21 MS. GOSMAN: Yes. Sara Gosman. I
22 think that I might repeat myself a little bit

1 here. But I appreciate the looking to DIMP to
2 get at this question of leaks and how often.

3 But I just want to remind all of us
4 that the leakage survey requirement is not in
5 DIMP, right. It is a separate requirement in
6 the maintenance part of the code.

7 That is, we have decided that a
8 certain frequency of leak surveys is the policy
9 sort of approach we are taking. And in that
10 case I think then the question becomes not DIMP
11 versus five years, but just whether five years
12 is the correct amount.

13 And there's nothing that keeps
14 operators from even, you know, within the
15 minimum survey amount, right, if it goes to
16 three years, using their DIMP programs to
17 prioritize in other ways. I mean, that is
18 absolutely DIMP.

19 But I just -- I don't think that
20 putting it into DIMP makes -- it's not part of
21 that program at the front end as to minimum
22 surveys. And I don't -- I think these are

1 different things. And we might disagree, in
2 fact I do think we disagree about the right
3 interval. But I don't think, you know, it's a
4 question again of DIMP. I think it's a
5 question of the interval that we should do.

6 And maybe I think at this point, I
7 love discussion about any sort of issue, but I
8 feel like we might just be at a place where we
9 need to call a vote between three and five.

10 Because I don't think that we're going to land
11 in a place here that's different than those two
12 positions.

13 I'm open though to hearing a
14 different perspective.

15 MR. DANNER: All right. Thank you.
16 Andy, Chad, and Brian. And then we're --

17 MR. DRAKE: Andy Drake with
18 Enbridge. I haven't quite got there yet, Sara.
19 So, I mean, I don't know that, I'm trying
20 really to understand where -- and I appreciate
21 your comment Arvind.

22 And I'm really trying to understand,

1 when we reinspect and we're gathering this
2 information, I do think that's actually driven
3 by DIMP, because of the fundamentals of how
4 DIMP works.

5 But that aside, when we gather the
6 information on reinspections, and we see the
7 things that we're learning, are we finding the
8 data tells us that the leaks we're learning
9 about are in leak prone areas?

10 I heard several commenters get up
11 and basically give data that said that. It's
12 not over here. I mean, it's interesting that
13 we want to go over here and look around at
14 stuff. But that's not where it's happening.

15 It's happening in the place in these
16 leak prone areas. If that's the case, that's
17 where we want to tighten up the inspection
18 frequency.

19 And in the other areas, are we
20 finding or not finding increased leak rates and
21 significant rates of leaks in particular
22 outside those areas?

1 That's really what I'm trying to
2 discern. Because I think that will help us
3 make that informed decision is, where is this
4 happening? Are we able to differentiate that?

5 MR. DANNER: All right. Chad?

6 MR. ZAMARIN: Thanks. Chad Zamarin
7 with Williams. And I do, I appreciate the
8 comments.

9 The way that integrity management
10 does work is there are a lot of requirements
11 that are outside of integrity management that I
12 think we've even heard today that operators
13 increase the frequency of as a result of their
14 integrity management programs.

15 And to me, that's the right way of
16 an integrity management program to work. You
17 know, we -- patrolling for example. I mean,
18 many of us patrol more frequently in areas
19 where our integrity management program tells us
20 we're at greater risk to third-party damage.
21 And that's primarily -- that's been primarily
22 the tool for why we would patrol more often.

1 We're talking here about a different
2 threat, but it would seem to me that if it's
3 not addressed in DIMP that it should be. And I
4 would be surprised if operators don't have it
5 as a part of their DIMP program that if they
6 identify things that would benefit for more
7 frequent patrolling, they implement more
8 frequent patrolling. I mean, that's how that
9 system is supposed to work.

10 And so, you know, we can vote three
11 versus five. My view is that if -- I mean,
12 I've articulated that I think five with a
13 requirement for an operator to consider in
14 their integrity management program the need to
15 have more frequent patrols based on data, based
16 on the risk of leak incidents and volumes, I
17 think makes sense.

18 Because you bring in, you have a
19 minimum requirement but you recognize that not
20 every situation is the same. And we want to
21 focus the energy towards where the data is
22 telling us the threat is greatest. Thank you.

1 MR. DANNER: Brian?

2 MR. WEISKER: Brian Weisker, Duke
3 Energy. So, just -- we've been talking a lot
4 about DIMP. And so just, I want to read a
5 couple of lines from the code with DIMP.

6 And it talks about part of the leak
7 management program. So, in the DIMP
8 regulation, in the code requirements,
9 192.1007(d), identify and implement measures to
10 address risk.

11 Determine and implement measures
12 designed to reduce the risk from failures of
13 its gas distribution pipeline. These measures
14 must include an effective leak management
15 program unless all leaks are repaired when
16 found.

17 So to say that it's, you know, DIMP
18 is not inclusive of leak management and leak
19 management programs I think is incorrect.

20 And I do want to just reiterate that
21 the actions that we're taking with the leak
22 prone pipe, we are going to get the majority,

1 you know, the large benefit of reducing leaks
2 with the annual leak survey of leak prone pipe.

3 And just also want to reiterate that
4 by taking resources for just doing more surveys
5 on an increased frequency, is going to take
6 away from resources that are utilized to go
7 after risk and risk on our distribution system.

8 An example, if we don't have
9 resources, we may not be able to go out and be
10 with high risk excavations that are there to --
11 that work is there to eliminate a damage, and
12 in essence, eliminates emissions.

13 So, I think the, you know, the
14 existing five year -- I'd just say it again, of
15 the non-leak prone pipe is appropriate for the
16 risk in what we're seeing on leaks on the
17 systems.

18 MR. DANNER: Thank you. Sara?

19 MS. GOSMAN: So, I am not saying
20 that DIMP doesn't have anything to do with
21 leaks. I'm just saying that the survey right
22 at the beginning, the question of when we find

1 these leaks, is in a separate provision in the
2 code.

3 And so, absolutely management is in
4 DIMP. But we are talking about the survey
5 frequency.

6 And to me, you know, I think there's
7 a question about whether operators should have
8 discretion to determine beyond a minimum,
9 right, what -- how often they want to do leak
10 surveys.

11 But we still have to get back to the
12 question of what that minimum frequency is.
13 And again, what I'm hearing is just a
14 difference in opinion about what that minimum
15 frequency should be.

16 MR. DANNER: Thank you. Steve
17 Squibb?

18 MR. SQUIBB: Steve Squibb, City
19 Utilities. I also just want to point out that
20 the industry has been doing very well with
21 replacements over the last several years.

22 And we'll be spending more time

1 surveying new pipe in the ground from the last
2 five, 10, 15, 20 and so on years that is not
3 leaking.

4 And that's a waste of resources. We
5 need to be spending those resources more on
6 other safety and issues around our systems.
7 Thank you.

8 MR. DANNER: All right. Pete?

9 MR. CHACE: All right. Peter Chace,
10 NAPSRS. I just want to say one thing about, I
11 guess, reliance on DIMP programs.

12 For large operators where you have
13 hundreds of thousands or even millions of
14 customers, I think DIMP can be a very
15 important, valuable tool.

16 For small operators, a few hundred
17 operators, maybe a couple of thousand, DIMP
18 doesn't really, quite frankly, it's not an
19 effective program. These small operators don't
20 really get anything out of it.

21 You look at a DIMP program, it's oh,
22 we had two leaks last year and we're going to

1 devote our efforts to excavation damage
2 prevention.

3 So I think if it's really important
4 to, you know, look at leak surveys on a certain
5 baseline level, it's got to be prescriptive.

6 I'll say like five years versus
7 three years, if you accept the argument that
8 more leak surveys is, you know, better in terms
9 of finding, you know, leaks that are large
10 emitters, that's great.

11 I think also the corollary to that
12 is if you spend more resources looking for
13 those large leaks, why are we mandating repairs
14 of Grade 3 leaks that are a very minor part of
15 the overall picture?

16 But I suppose that's a discussion
17 that's coming down the road.

18 MR. DANNER: Chad?

19 MR. ZAMARIN: Yeah. Chad Zamarin,
20 Williams. Yeah, thanks Peter. I think that --
21 again, I think there are ways to solve that
22 issue.

1 It could be that you require a
2 minimum of three years unless an operator can
3 demonstrate through their DIMP program that
4 five years would be more appropriate.

5 Because I do think when you regulate
6 to the single or very small operator, and yet
7 you say that operators that have millions of
8 customers could use their DIMP program
9 effectively, I think you've really done a
10 disservice to the ability for operators to have
11 robust integrity management programs.

12 So again, I don't think it has to be
13 as black and white as three and five. I just
14 really don't like the idea of regulating to the
15 lowest common denominator and not allowing for
16 good, smart, intelligent operators to
17 differentiate between where there is and isn't
18 risk.

19 So if that's a concern, I would
20 propose you go with three years unless an
21 operator can demonstrate to their DIMP program
22 that they can inspect at a five-year interval.

1 So I do think there are different
2 ways to address this issue.

3 MR. DANNER: All right. Thank you.
4 Steve and then Arvind.

5 MR. SQUIBB: Steve Squibb, City
6 Utilities. Yeah, Peter, thank you for the
7 comment about the small operator that has, you
8 know, just two leaks and we're increasing their
9 frequency to find those two leaks.

10 Just again seems, for a small
11 operator, not a huge benefit, and a waste of
12 resources that could be used elsewhere.

13 MR. DANNER: Thank you. Arvind?

14 MR. RAVIKUMAR: Just a quick
15 clarification question for what just Chad
16 noted, from anyone really.

17 You noted that, you know, three
18 years, unless you can prove your DIMP-based
19 surveys are better. Can you explain a bit on,
20 you know, what that would look like proving
21 through the DIMP?

22 Thank you.

1 MR. ZAMARIN: I am not a
2 distribution operator, to be clear. And I did
3 not sleep at a Holiday Inn last night. So,
4 this is dangerous.

5 But I'll give you an example from a
6 transmission perspective. You know, we set
7 risk-based inspection intervals based on inline
8 inspection data.

9 And if we're not finding indications
10 that could grow to become a threat during the
11 time that it would take between intervals, then
12 we can go to the maximum allowable interval in
13 the code.

14 If we see indications that warrant a
15 faster reassessment interval based on the data,
16 we have to -- so, we could go to seven years if
17 we see nothing that could grow to become a
18 threat within seven years.

19 But if we see indications that it
20 could be a threat sooner, we have to inspect on
21 more frequent intervals. It's a construct that
22 exists in the code.

1 I would think here if your integrity
2 management program is telling you that you're
3 not seeing leaks when you've looked back at the
4 history of your system and you've seen no
5 leaks, but then on your five-year interval,
6 you're -- again, I'm not writing a DIMP, you
7 know, section.

8 But I can envision a way where you
9 could be data driven in tailoring your
10 assessment intervals to the areas where you're
11 seeing the actual threat materialize.

12 MR. DANNER: Thank you. Pete?
13 Andy?

14 MR. DRAKE: I got up faster than I
15 thought. I really like that proposal that
16 Chad's talking about.

17 I think that gets actually at the
18 concern that you, Rod, even expressed. And
19 that is, incentivize operators to do what you
20 want them to do.

21 And that is, gather this data and
22 make appropriate decisions out of it. I think

1 that's what the intent of DIMP was.

2 To the degree that people are not, I
3 think they should be. And I think telling
4 them, everybody needs to be on three regardless
5 of what data you're finding, unwinds risk
6 management and data evaluation.

7 Drive the behavior you want. I
8 think if you wanted to put in there three years
9 unless an operator can prove through a
10 compelling DIMP program and the data collected
11 thereabout that it could be five, I would
12 support such a proposal.

13 That actually incentivizes the
14 behaviors you're looking for.

15 MR. DANNER: Alex?

16 MR. DEWAR: Alex Dewar, BCG. I
17 think a similar discussion around the, you
18 know, setting the minimum, Chad as you've said,
19 unless you've got something else that can go
20 longer.

21 I think another dimension to think
22 about with this is what data are being used for

1 it. The rule as written, at least as I
2 understand it, really directs the specific
3 survey of these pipelines.

4 Now, you know, methane data are
5 becoming more widely available, are being
6 conducted by third parties. There's a range of
7 proposals out there for, you know, gridded
8 methane emissions, inventories, and so forth.

9 And I think taking a forward look on
10 this rule as well should, you know, we should
11 also contemplate the wider availability of data
12 that will direct and can inform, you know, a
13 risk-based approach that operators can take
14 into account.

15 So, you know, as we think about
16 maybe adapting this or some other language that
17 incorporates other risk-based methods, I think
18 that availability of third party data should
19 also be considered as well.

20 MR. DANNER: Thank you. Brian?

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. And Andy and Chad, I appreciate your

1 thoughts.

2 I kind of think of it in the
3 opposite, whereas your DIMP, you know, we
4 establish what that frequency is for leak
5 survey. And then your DIMP program, based on
6 the results that you see, if it has -- if you
7 find a reason, increased leakage, increased
8 risk to drive that survey interval down versus
9 the -- versus the opposite way.

10 MR. DANNER: All right. Thank you.
11 I'm not seeing any other tent cards up. Well,
12 I guess I'm seeing Pete's tent card going up.
13 Pete?

14 MR. CHACE: I'll just add quickly.
15 If I understand the thought about a DIMP
16 program allowing an operator to go to say a
17 longer, a five year period, I think that's
18 already in the rule, isn't it?

19 At 192.1013, an operator can submit
20 a proposal to PHMSA for a longer periodic
21 inspection frequency.

22 MR. DANNER: Chad?

1 MR. ZAMARIN: Yeah. I'm not
2 familiar with that portion of the code. But I
3 would just say, it sounds like that would be
4 submitting kind of like a waiver or a request.

5 Whereas, you know, the concept that
6 I described is normally addressed inside of the
7 operator's integrity management program that's
8 subject to audit.

9 But it's not something where you
10 have to file for a waiver or a special permit,
11 which is a very costly and onerous process with
12 oftentimes not a clear outcome.

13 MR. DANNER: All right. Thank you.
14 Brian?

15 MR. WEISKER: Brian Weisker, Duke
16 Energy. Yeah, I'm not familiar with that
17 section as well. But I'm kind of in with Sara
18 as far as her comments on do we just take this
19 to a vote.

20 I mean, I think we are debating
21 between three year and five year survey. Do we
22 bring it up for a vote and then -- or else we

1 may be here spinning our wheels for another
2 three hours.

3 MR. DANNER: I was just thinking
4 that. Arvind?

5 MR. RAVIKUMAR: I just want to say I
6 support Chad's option of three years unless
7 otherwise you demonstrate through the integrity
8 management program you can have a lower
9 frequency.

10 MR. DANNER: Chad, was that your --
11 that was your proposal?

12 MR. ZAMARIN: Yeah. Frankly, I'd
13 like to make that motion. I don't like voting
14 on blunt instruments.

15 Like, I would rather encourage the
16 right behavior which is you're at three years,
17 but if you've got a robust justification for a
18 longer interval, then you make your case and it
19 is approved.

20 But instead I sense we're going to
21 be at two kind of bookends instead of being a
22 bit more creative and thoughtful about what

1 makes the most sense in the regulation.

2 MR. DANNER: All right. Erin, then
3 Diane, then Sara.

4 MS. MURPHY: Erin Murphy, EDF. I --
5 you know, this discussion of whether there's
6 some out from whatever the established minimum
7 federal survey frequency is, I thought Peter
8 just raised a good point.

9 If there is a pathway for an
10 operator to sort of apply for an alternative
11 option, which I haven't had time to pull up and
12 check the NPRM.

13 But if that's something that already
14 exists in the NPRM or elsewhere in regulation,
15 then it's not clear to me why the Committee
16 would need to recommend some additional pathway
17 for operators to seek a different survey
18 frequency.

19 MR. DANNER: So, perhaps we could
20 get some clarification on what's in the NPRM.
21 Diane?

22 MS. BURMAN: Yeah. I thought that

1 Arvind was coming up with some, you know, sort
2 of thought on how to marry the two here that we
3 could all, I think, be supportive of.

4 You know, just in sort of looking at
5 this, I do recognize that New York sits a
6 little differently than others, because most of
7 our companies are doing it, you know, every
8 three years or annually.

9 So, it's a little different. But we
10 also have a higher standard in some other
11 things. And I think it just really sort of
12 underscores what folks are saying about the
13 worth of state programs and DIMP.

14 And so, when I look at this, I also
15 recognize that I have to look not just at New
16 York, but at the whole. And what is the
17 unintended consequences by moving from, you
18 know, five to three, even if New York generally
19 isn't going to see the impact, there may be
20 others.

21 And so, to the extent that Arvind,
22 you raised, I think, a possible pathway, I

1 support looking at that. But, you know, just
2 knowing that in New York it's really not that -
3 - it has a little impact in moving.

4 MR. DANNER: Thank you. Sara?

5 MS. GOSMAN: Yeah. So, Sara Gosman.

6 I just have a question about the information
7 that operators would provide to PHMSA to go
8 from three to five.

9 Because if what this is about is
10 really just how many leaks we find, right. Is
11 the data that you're not finding that many
12 leaks?

13 Because that would seem to me to be
14 the relevant question.

15 MR. DANNER: All right. Brian and
16 then Chad.

17 MR. WEISKER: Brian Weisker, Duke
18 Energy. For what we have on the screen, I
19 think this is reversing DIMP.

20 So, my thought is it would be a
21 five-year interval as required, unless, and I
22 don't know what the word I want to use, but

1 unless, you know, data indicates a more
2 frequent leak survey interval is required.

3 MR. DANNER: Yeah. Taking a moment
4 to read 1013.

5 MR. ZAMARIN: And, maybe just a
6 response to that, Brian. I appreciate it. I
7 was trying to address Peter's concern and the
8 concern that you may need to start with three
9 and I would hope good operators could justify
10 five where it makes sense.

11 So, I do think we may see that
12 differently. But I also wanted to follow up, I
13 read this section and the section of the code
14 that Peter was referencing.

15 And that is limited to the
16 activities within integrity management. It
17 does not address the frequency of leaks. And
18 so, there is no mechanism for having that
19 flexibility unless we or PHMSA would link those
20 two.

21 MR. DANNER: So just, I'm looking at
22 1093. And it says that you can reduce the

1 frequency of periodic inspections and tests
2 required by this part. Is that --

3 MR. ZAMARIN: Yeah. My
4 understanding would be that that's -- it's
5 limited to the part, to the integrity
6 management program requirements.

7 Is that -- maybe we can have PHMSA
8 clarify.

9 MR. GALE: So the reference to the
10 part would be all of Part 192 in that
11 situation.

12 MR. ZAMARIN: And then the mechanism
13 is a --

14 MR. GALE: The mechanism, I guess,
15 is --

16 MR. ZAMARIN: It's effectively a
17 waiver.

18 MR. GALE: Yeah, it's almost, I
19 would look at it as what the 192.18 kind of
20 approvals are. This is what was created 13
21 years ago at this point.

22 MR. ZAMARIN: Got it.

1 MR. DANNER: And that is a proposal
2 either to PHMSA or to the state regulator.

3 MR. DRAKE: And how often has that
4 been used?

5 MR. GALE: Considering that Pete
6 just brought it up, I'm assuming not very
7 often.

8 MR. ZAMARIN: Yeah. I mean, again,
9 I think that those are really cumbersome,
10 typically processes that don't get employed
11 very often.

12 So again, when you put a regulation
13 in place, I think you expect that it's going to
14 be implemented pretty literally. And I'm not
15 sure, you know, you're going to rely on the
16 administrative process for waivers or special
17 permits.

18 MR. DANNER: Well, speaking as --
19 for a state regulator, I would say that those
20 processes are generally flawless and that the
21 regulators make intelligent decisions.

22 (Laughter.)

1 MR. ZAMARIN: Touche.

2 MR. DANNER: I guess we all go home
3 now.

4 (Laughter.)

5 MR. DANNER: Arvind?

6 MR. RAVIKUMAR: Yes. I support the
7 phrasing as it is currently written on the
8 board. And that's because you need to
9 demonstrate that to relax regulatory
10 requirements, your management practice is
11 better.

12 And so in that principal, the way
13 it's currently phrased makes sense.

14 MR. DANNER: Okay. Erin?

15 MS. MURPHY: Thanks. Erin Murphy,
16 EDF. I want to just take a step back a little
17 bit here and note that, you know, when we talk
18 about the urgent need to mitigate methane
19 emissions to address climate change, there are
20 so many different levers that can be pulled
21 across our economy and across the oil and gas
22 supply chain.

1 And all of those levers are
2 important to evaluate, consider, and you know,
3 implement sort of the most effective ones
4 first, but work our way down and really
5 implement as many as we can, because we need to
6 mitigate methane emissions as rapidly and as
7 effectively as possible.

8 And I often hear, you know,
9 operators talk about the low hanging fruit
10 opportunity to mitigate leaks and to mitigate
11 emissions from their natural gas pipeline
12 systems.

13 And it's just really disappointing,
14 I think, to hear all of this pushback, right,
15 on what feels like a fairly basic improvement
16 to existing practices.

17 To take what we know works, which is
18 going out and looking for more leaks on a
19 pipeline system. And instead of only looking
20 at a pipeline every five years, to look at it
21 every three years.

22 It's such a basic step. I think

1 there's more than enough information and data
2 in the rulemaking record to support what PHMSA
3 has proposed in the NPRM and to support PHMSA
4 finalizing that into a strong rule.

5 I would hope that the committee
6 would also be able to support that. And I'm
7 just frankly not comfortable with the sort of
8 exception that's on the board right now from
9 the three-year interval.

10 MR. DANNER: Diane?

11 MS. BURMAN: Yeah. So, don't get
12 uncomfortable. Because I think that we're
13 actually on the same page.

14 I look at this -- from where I sit,
15 I look at this and I think there's a
16 distinction. I think the three-year interval
17 will be required when it's outside.

18 And the alternative interval, I
19 think, should only be done upon state approval.
20 And that really would be then sort of making
21 sure you have that regulatory process in place.

22 But I think it then aligns with

1 what's happening with the DIMP and others. So,
2 if we change this to a three-year interval as
3 required unless an alternative interval approve
4 -- upon state approval, not to exceed five
5 years.

6 And I think we get to where we all
7 kind of agree. Because I think that that
8 really is kind of helping make sure that the
9 state regulator is involved in it.

10 You know, again, New York already
11 sits where most of our utilities will be in the
12 three year or less. So, but there are those,
13 you know, there are going to be those
14 exceptions.

15 And so, it really is about having --
16 well, I like subject to approval by the state,
17 but I can live with by PHMSA.

18 Or really, I don't know, I think I -
19 - I just want to make sure that we don't give
20 up my state authority here. So, sorry.

21 I do think that if you have that,
22 that's the regulatory backstop and the

1 processes to make sure we're okay here. And it
2 gives us the flexibility.

3 And the majority of them will go to
4 the three year. But there will be those
5 rationales that are based on, you know,
6 regulatory processes in place.

7 MR. DANNER: And so, I just want to
8 be clear, because I'm not sure that I am right
9 now. That if we -- even if we just were to
10 have a vote that says a three-year interval is
11 required, we still have this provision in 1013
12 that exists.

13 So, there's always a provision so
14 that you can go to the state or to PHMSA and
15 have an alternative interval put in place.

16 Am I reading that correctly?

17 MS. BURMAN: Well, I think that that
18 seems to trip into then needing a waiver from
19 PHMSA. And I think that the reality is, is
20 that --

21 MR. DANNER: No, no, 1013 says PHMSA
22 or the state.

1 MS. BURMAN: Right. But I think
2 that part of the difficulty with the proposed
3 regulations, and this gets back to our issue
4 before, is ensuring that DIMP is, you know,
5 good DIMP programs are encouraged and not
6 seeming to somehow make it obsolete.

7 And I think that this is trying to
8 address what we're all in agreement on in
9 moving towards a robust system.

10 But if there is already one
11 existing, and to the extent that we have
12 pushing towards -- we're giving you the floor.
13 We want you to do a three-year interval, that's
14 required.

15 But we understand that there may be
16 viable alternatives that need to be, you know,
17 dealt with by the appropriate agency. So, it's
18 not like the operator can just make the
19 decision on his or her own. But it does get
20 into what's the process.

21 MR. DANNER: Well, right. I think
22 that -- my question was really just an

1 interpretation of the rule, 1033.

2 That if we were to pass something
3 that just said the three-year interval is
4 required, 1013 still exists. It would still
5 require, you know, the existing process as you
6 have to go to the state or to PHMSA for an
7 alternative interval.

8 So, by having all of this language
9 up there, all we're doing is really capturing
10 what is currently existing in regulation. Is
11 that --

12 MS. BURMAN: I think it's --

13 MR. DANNER: Is my reading correct?

14 MS. BURMAN: I think it's also
15 ensuring that we're not just saying a three-
16 year interval is required. We're giving the
17 rationale on what we're looking at
18 holistically.

19 It does align with our understanding
20 of the way the processes have worked. So, it
21 actually -- there's nothing sort of that new
22 here.

1 But it does send a message, one on,
2 I think importantly, that we're looking at
3 really the three-year interval as what's, you
4 know, driven, what we're driving towards. But
5 to the extent that there are other
6 flexibilities that are needed.

7 MR. DANNER: So, I understand. And
8 I understand the -- why messaging can be
9 important.

10 I was just asking the legal question
11 that if we -- that if we were to say a three-
12 year interval is required and we don't have the
13 rest of that stuff, nothing really changes from
14 what's in -- as a matter of law what is --

15 MS. BURMAN: Well, so the only --
16 the only big, I think, distinction is, it
17 currently is now a five-year interval.

18 So, this is actually a big, again,
19 where New York sits, it's different. So, we
20 don't have this as a major issue as a whole.

21 MR. DANNER: Okay.

22 MS. BURMAN: So, it is a major issue

1 though for others to go from five to three.
2 So, I think we have to recognize that we're
3 trying to also encourage it not being done
4 without some diplomacy in the need that there
5 may be issues that we still have the five year.

6 MR. DANNER: Thank you. I am still
7 -- maybe this is a question for Robert. Maybe
8 it's a question for John. But I just want to
9 be clear that everything after the comma is not
10 creating a new process. It is simply
11 recognizing that the process in 1013 exists.

12 Is that right?

13 MR. GALE: Chairman, that is
14 correct. We do, you know, the staff, in
15 discussing this, would recommend leaving the
16 language as is on the screen, though, just to
17 make sure it's clear that what the committee's
18 internet here is to give operators that this is
19 the committee's goal here, an option to get an
20 alternative interval other than three years to
21 a maximum of five, subject to appropriate
22 agency approval.

1 MR. DANNER: And thank you for that.
2 I just wanted to make sure that I was
3 understanding that we weren't creating a new
4 process other than the one in 1013.

5 So, I think I've -- it's my
6 understanding now that we are not.

7 So, thank you for that.

8 Chad, and then, Brian?

9 MR. ZAMARIN: Yes, I'm not sure I
10 understand that conversation and agree.

11 I think I don't agree with making it
12 something that requires -- what I'm suggesting
13 is a minimum and us guiding operators towards a
14 maximum interval that can only be justified
15 through integrity management programs.

16 And I think that language would
17 improve the expectation of operators that there
18 is a minimum and you can only go beyond that
19 minimum to a maximum if you are implementing
20 effective integrity management methods that
21 justify it.

22 So, I worry that trying to sanitize

1 and simplify, we just end up at, you know, the
2 code is what the code is two, three years and
3 if you want to go beyond that, you have to get
4 a waiver.

5 That's not what I'm suggesting.

6 And to Erin's point, the reason I'm
7 suggesting it, I mean, I wake up every day and
8 our company goal every day is to figure out how
9 to maximize the safety and minimize the
10 emissions of our operations with the limited
11 resources that we have.

12 The intent that we have is -- the
13 push back that you hear is because I think
14 blunt requirements across all pipe are a
15 terrible way to increase the safety and
16 environmental efficiency of our operations.

17 It sends resources towards places
18 where we don't create benefit and it takes --
19 we have limited people, time, and resources.
20 That is just the reality of how we operate in
21 any industry.

22 And it sends resources away from

1 where the need is greatest.

2 And what I'm advocating for is
3 something that says, there is a minimum, there
4 is a maximum. The way you get from the minimum
5 to anywhere in between up to the maximum is by
6 demonstrating better operating practices, data,
7 and justification.

8 I would like to see that as part of
9 the integrity management program, not some
10 administrative waiver process.

11 Again, otherwise, we're just --
12 we're voting on bookends and we're not being, I
13 think, very thoughtful of how operators should
14 be encouraged to perform. Thank you.

15 MR. DANNER: Okay, so you would not
16 support the language that is up there?

17 MR. ZAMARIN: I would not.

18 MR. DANNER: All right. Brian?

19 MR. WEISKER: Brian Weisker, Duke
20 Energy.

21 And appreciate what you mentioned
22 before, Erin, in your comments about trying to

1 drive down emissions.

2 And I think what we're saying is, we
3 agree on that with -- when we're going after
4 the leak prone pipe.

5 And Arvind, I do have a follow up
6 question for you.

7 Is, you know, the statutes you said
8 earlier, how many of the leaks were on leak
9 prone pipe versus non-leak prone pipe?

10 MR. RAVIKUMAR: Are you talking
11 about the new leaks or the existing leaks?

12 MR. WEISKER: I'll just say both.

13 MR. RAVIKUMAR: I would say 60/40,
14 but I'd have to check the numbers.

15 MR. WEISKER: Sixty-forty, as in
16 leak prone?

17 MR. RAVIKUMAR: Sixty on leak prone
18 pipes, yes.

19 MR. WEISKER: And I'm just, you
20 know, if the five year survey was inappropriate
21 for this pipe, I think we could expect to see
22 unusually big volumes that have -- as far as

1 leaks that are snowballing.

2 But that's not what we find. I
3 think if you normalize and found, you know, by
4 survey per mile, so leaks found per survey per
5 year per mile, it actually would show that five
6 years is more than adequate.

7 You could actually go to a larger
8 number.

9 And I do want to bring up one other
10 point from when we had National Grid up here
11 before.

12 Just another data point, in a 33,000
13 mile system distribution, on their non-leak
14 prone pipe, .01 to .02 leaks per mile is what
15 they're finding.

16 When we look at leak prone pipe,
17 1.61 was the number quoted. There was a range,
18 and I didn't write down the higher number, I
19 apologize for that.

20 But it goes to show that, I mean,
21 that's, you know, 160 or is that 1,600 to 1
22 ratio, I had to do my math real quick, of leaks

1 from leak prone pipe to non-leak prone pipe.

2 And that's why we feel like the five
3 year survey that exists today for non-leak
4 prone pipe is the appropriate number.

5 And we talk about the resources,
6 too. I mean, we want to use -- utilize those
7 limited resources, that's the reality of those
8 limited resources to go after what drives
9 emission reductions.

10 Which is, again, we're going to --
11 all the things that we -- that I mentioned
12 before around what we're doing within our DIMP
13 program, within our integrity management, all
14 of that to drive leaks down -- emissions down,
15 I should say.

16 MR. DANNER: All right, thank you.
17 Pete?

18 MR. CHACE: Thank you.

19 A couple things, first, I think with
20 the language here, I think we have to realize
21 there are some operators that simply do not
22 have effective or good DIMP programs.

1 Some because they don't want to, and
2 some because they're too small to draw any
3 meaningful conclusions from the data they
4 collect.

5 I think if it's important to have an
6 increased leak survey frequency, it has to be
7 prescriptive.

8 And the operators, if they want to
9 go longer, have the opportunity to demonstrate
10 it.

11 The other thing I have is, I -- we
12 do need to recognize that we do live in a world
13 of limited resources. And ultimately, rate
14 payers are going to have to pay for all this
15 stuff.

16 If the -- if a shortened leak
17 interval is important, and I think there's been
18 arguments made that I find pretty persuasive, I
19 think we have to be prepared to maybe give a
20 little bit in some other areas.

21 For example, do we really need to
22 fix all the Grade 3 leaks in six months?

1 And I know we're trying to take
2 these one issue at a time, but I do think
3 that's important to recognize.

4 What is the most effective way of
5 reducing methane emissions? Is it looking more
6 or is it fixing everything you find? Maybe
7 looking more is better. But I think it has to
8 be one of those two things.

9 MR. DANNER: All right, thank you.
10 Diane?

11 MS. BURMAN: Yes, I'm now wondering
12 if we should take out the last part, subject to
13 approval by the appropriate approval agency.

14 That, to me, the more I think about
15 it, I get a little concerned that then we're
16 going to get into, you know, what PHMSA may
17 require, what the states may require.

18 Right now, I know what the -- New
19 York does with our -- with working with the
20 operators on DIMP.

21 It may or may not require approval,
22 but I'm just wondering now if I opened sort of

1 more of a hornets nest with adding that in
2 because then we have to figure out where we are
3 on that.

4 And we have other sections that we
5 can look to.

6 MR. DANNER: But the alternative
7 then is that the operator determines that,
8 based on their own DIMP program that they don't
9 need to meet the three year interval.

10 And so, that's basically their
11 decision, is that what you're suggesting?

12 MS. BURMAN: The way we have it in
13 New York with the DIMP programs, it's working
14 well. So, I, you know, for me, it would --
15 it's not an issue or a concern.

16 MR. DANNER: All right, thank you
17 very much. Arvind and then Sara?

18 MR. RAVIKUMAR: Yes, I just want to
19 state that the evidence and the scientific
20 literature strongly agrees with what Peter just
21 said, that it's much more important to look
22 more frequently than to fix everything.

1 There are a couple of things I think
2 very confusing.

3 There's the leak per mile number,
4 and then, there's a leak volume which is
5 important for environmental emissions
6 reductions.

7 I agree with Brian that the leaks
8 per mile for non-leak prone pipes are lower
9 than the one for leak prone pipe.

10 But that's not the issues, the issue
11 is the volume of emissions. You have a lot
12 more non-leak prone pipes. So, even at a
13 smaller leaks per mile, you have enough number
14 of leaks, and some of them are going to be
15 large emitters.

16 So, from an environmental reduction
17 perspective, fixing these large emitters, even
18 in non-leak prone pipes where the number of
19 leaks per mile are lower would be helpful.

20 MR. DANNER: All right, thank you
21 very much. Sara?

22 MS. GOSMAN: Yes, I mean, I come

1 back to the point of thinking that we really
2 need to have a -- just a three year interval
3 that is required.

4 I think it's very helpful to know
5 that Section 129.1013 exists because it does
6 provide a way for an individual operator to go
7 to PHMSA if they have information to support a
8 longer interval.

9 But, you know, ultimately, what
10 we're talking about is a funnel here. Right?
11 And in order to be able to actually get all
12 that information, we need to have more -- we
13 need to find more leaks, right, that we know
14 are there, but we're just not catching because
15 of the interval.

16 And I think for that reason, we
17 should have a three year interval. I think
18 this is a reasonable place to land and then,
19 have a discussion about grading.

20 But if we're not at the same place,
21 I just, again, I feel like maybe we just need
22 to vote.

1 MR. DANNER: All right, I
2 understand. Sara Longan?

3 MS. LONGAN: Thank you, Mr. Chair.

4 Sara Longan, Army Corps of
5 Engineers.

6 I'm just going to be vulnerable and
7 honest here for a moment. I'm really
8 struggling.

9 I think that our conversations, when
10 they prove to be this complicated, I think that
11 maybe we're trying to address a problem that we
12 don't see very clearly before us.

13 I'm learning. I'm hearing people
14 talk about data. Some compel me, but then,
15 others don't.

16 And not being able to see the data
17 worries me. Because anyone who's about to vote
18 needs to make sure that the changes are
19 technically feasible, reasonable, cost
20 effective, and practicable.

21 I'm compelled that what we're
22 proposing to do is likely technically feasible.

1 So, I don't know if we continue
2 talking about this, if I get there -- if I get
3 closer or if you just get me further away.

4 I will close by, I think, maybe
5 asking a question that's important to PHMSA
6 that I haven't heard discussed yet.

7 We are asking state agencies to go
8 from five to three. How many state agencies on
9 the docket provided the comment requesting?

10 Because other than New York, and I'm
11 also, I guess, compelled by hearing that even
12 under the five year interval presently in code,
13 that states are volunteering -- operators in
14 some states are volunteering to do it every
15 three years or every one year.

16 That's actually information,
17 Commissioner Burman, that's compelling to me.

18 So, if we make this change, and
19 we've heard some arguments by industry on how
20 it could be problematic, but we've not heard
21 anything on how this affects state agencies.

22 So, PHMSA, I think it would help us

1 to understand how many state agencies have
2 asked for this five year interval to be changed
3 to three.

4 MR. DANNER: So, while they're
5 getting that information, I would just say,
6 speaking as the director of a state agency,
7 that, you know, we are unable to participate in
8 every federal rulemaking that exists, but it
9 doesn't mean we don't have strong feelings on
10 the issues.

11 And so, I wouldn't -- I don't know
12 that having a list of which state agencies
13 participated is indicative of what the states'
14 positions are, especially in states where
15 elected officials have spoken.

16 And so, sometimes their appointees
17 don't participate because other agencies are.

18 And, Alex, I think you were next.

19 MR. DEWAR: Thanks. Alex Dewar,
20 BCG.

21 Look, in support of this language, I
22 think we heard in the public comments, and it's

1 come up repeatedly, that connecting this with
2 integrity management and DIMP is important.

3 And I think if we are all coming
4 from the starting point of saying, success here
5 means finding more leaks, widening the funnel,
6 Sara, as you've said, you know, that's going to
7 happen when leak detection, you know, for the
8 sake of methane emissions abatement, not just,
9 you know, for other objectives, right, safety,
10 and other aspects, when that is normalized and
11 standardized and operators are taking action on
12 that as they would do anything else. Right?

13 That that kind of mainstreaming of
14 it is going to happen when this -- these sorts
15 of activities are integrated with other
16 activities.

17 And operators are not seeing methane
18 emissions detection activities or anything like
19 that as some separate, additional, burdensome
20 thing.

21 But when it can be harmonized and
22 integrated, that's going to be when it's going

1 to be cost effective and efficient for them.

2 And so, you know, I think a strong
3 argument for some version of this on the board
4 right here is that it takes that step and, you
5 know, we're going on the record here trying to
6 integrate and make it easier, harmonized, you
7 know, for operators to move forward on this.

8 You know, I think we can debate
9 exactly the three year, five year difference on
10 it, but an important aspect here, I think,
11 going forward is going to be that harmonization
12 and integration with integrity management
13 overall.

14 MR. DANNER: All right, thank you.
15 Steve?

16 MR. SQUIBB: Steve Squibb, City
17 Utilities.

18 Just have some more data to put out
19 there.

20 I like your comment about not trying
21 to understand the data, what does it really
22 mean?

1 And if you look at the PHMSA
2 Distribution Annual Report on leak data, you
3 can see that 67 percent of distribution
4 operators have less than 10 leaks per year.

5 So, that's close to a thousand
6 distribution operators really have very little
7 leaks on their system at all. And these are
8 non-hazardous leaks.

9 Also, you may know that there's
10 about 1,400 gas -- natural gas systems. And
11 you know, about a 1,000 of those 1,400 are
12 municipal gas companies.

13 They're -- most of them are very
14 small. So, 900 of those of 1,000 municipals
15 have less than 10 employees.

16 So, we're asking for those very
17 small companies to take on more work to find
18 probably very few additional leaks because
19 they're very low leaks anyway.

20 So, that's a big burden, a big cost
21 that I don't see will, you know, I don't see
22 how that's cost effective.

1 And this committee is asked to
2 consider cost effectiveness. And I just don't
3 see it. Thank you.

4 MR. DANNER: So, in the leaks that
5 you say are in the annual report, is there any
6 -- can you tell us how many -- what the carbon
7 emissions were of those leaks? Because
8 sometimes, you can have --

9 MR. SQUIBB: I don't have that,
10 sorry.

11 MR. DANNER: All right. Okay, Sara
12 Longan? Okay, Brian and then Erin?

13 MR. WEISKER: Sorry.

14 MR. DANNER: That's all right,
15 that's all right.

16 MR. WEISKER: Brian Weisker, Duke
17 Energy.

18 With what we have on the -- I keep
19 going back to we're inverting DIMP. And I
20 think, you know, DIMP evaluates risk and drives
21 requirements.

22 So, I think, as it's shown, to me,

1 it needs to be, you know, five year leak
2 survey. And if DIMP data drives it, it drives
3 it down. It drives it lower than as we have
4 shown here on the screen.

5 It's just that it's inverting what I
6 see is the DIMP integrity process.

7 MR. DANNER: Well, if DIMP is
8 effective, do we need the five years?

9 Okay, that was a rhetorical
10 question.

11 (Laughter.)

12 MR. DANNER: Erin?

13 MS. MURPHY: Erin Murphy, EDF.

14 I wanted to just directly respond to
15 Steve on the point about, you know, the leak
16 data that's reported to PHMSA in part, because
17 this is a topic I'm looking forward to
18 discussing when we get to the reporting
19 section.

20 But just want to note that, right
21 now, the annual form operators are only sort of
22 filling in the blanks to report the leaks that

1 were repaired in the last year on their systems
2 and leaks that are planned for repair in the
3 future on their systems.

4 And because there are such open
5 ended or really no -- very little requirements
6 around which leaks have to be repaired,
7 operators are not reporting all of the known
8 leaks on their systems to PHMSA.

9 So, I just think it's really
10 important if we're talking about, you know,
11 what information, you know, we want to weigh in
12 this decision, that we recognize some of the
13 limitations of the information that's currently
14 reported to the federal agency.

15 And I think that's absolutely an
16 area for improvement.

17 I do also just want to say, it
18 feels, to me, like we're -- folks are pretty
19 set in their positions. And I feel like it
20 would be constructive to move forward with
21 taking a vote.

22 I appreciated Commissioner Burman's

1 earlier comments and that addition of the last
2 phrase.

3 So, I would be comfortable and would
4 support moving forward with a vote on this
5 language.

6 If anyone doesn't want to vote on
7 this language, I would welcome, you know,
8 putting some different language up there and
9 taking a vote on that.

10 MR. DANNER: All right, thank you.

11 Very quickly, Peter?

12 MR. CHACE: Thank you, Mr. Chair.

13 For Sara, you asked about what some
14 of the states are doing.

15 We organized a survey through NAPS
16 back when we were looking at the Section 114
17 results.

18 There are 18 states that have leak
19 grading requirements above and beyond what's in
20 the code right now. And a subset of those have
21 more aggressive leak survey requirements.

22 So, it's definitely a minority but

1 there are some. Ohio's one of them.

2 To the best of my knowledge, no one
3 has ever used the 192.1013 waiver provision.

4 MR. DANNER: All right, thank you
5 for that.

6 Chad?

7 MR. ZAMARIN: Thanks, Chad Zamarin,
8 Williams.

9 Yes, I -- I mean, I think I was
10 trying to support this language. I would
11 support it without the reference to 192.1013
12 because I think we've discussed, and I'm not
13 sure that's necessary. I'm not sure it's
14 applicable.

15 But if that stays in, I think it --
16 I don't support it. That's what I said
17 earlier, but I would support this concept.

18 And again, I think on principle,
19 that's what I thought we were going to try to
20 focus on voting on.

21 So, that's my only comment if we
22 decide to vote on this language is I would

1 remove the reference to 192.1013.

2 MR. DANNER: All right, thank you.

3 Brian?

4 MR. WEISKER: Brian Weisker, Duke
5 Energy.

6 Can I ask just for a short break?

7 And then -- and come back with some language to
8 propose?

9 MR. DANNER: Well, can I get a sense
10 of the group here? I mean, we have this
11 language up here. We can take a vote on it.

12 But I'm hearing people, they're
13 identifying different parts.

14 Some say, take away the reference to
15 states.

16 Some are saying take away the
17 reference to 1013.

18 And my own view is, I think that the
19 1013 process is out there and acts as the
20 relief valve for those who think that their
21 DIMP programs are sufficient and don't need to
22 have the higher interval.

1 I'm very persuaded by what Peter's
2 saying about the small operators.

3 And I'm very concerned about making
4 sure that we have robust problems -- or robust
5 programs in a time when methane emissions are
6 being found to be more and more an imperative -
7 - an issue that has to be dealt with.

8 So, the question is, what are --
9 what do we want to vote on?

10 And I'm not sure that if you come
11 back with other language that we have taken
12 care of the divisions I'm seeing.

13 So, the question is really, what
14 language do we want to vote on?

15 Because I don't think you're going
16 to come back with anything that is going to
17 change where the votes are going to land.

18 I guess maybe we could break this
19 sentence up and vote on the various pieces.

20 But I'm trying to figure out what --

21 MS. BURMAN: Chair?

22 MR. DANNER: -- language it is we

1 want to vote on? Diane?

2 MS. BURMAN: Yes, thank you.

3 I recognize you're in a difficult
4 position because you have to figure out how to
5 get us through all of this.

6 I do think that we do need to take a
7 seven to eight minute break because I think I
8 even need to kind of process this and check in
9 with my gas safety staffer to make sure that
10 I'm fully understanding the technical
11 feasibility.

12 I don't think it's a big deal for us
13 taking a break because I think we all are
14 trying to get to looking at this and making
15 sure that we're all okay with it.

16 And so, trying to figure out now how
17 to break it up is kind of making it an issue.

18 So, I think we should --

19 MR. DANNER: All right.

20 MS. BURMAN: -- just do that.

21 MR. DANNER: That's fine.

22 Everybody, we'll be back at 3:15. So, we're

1 off the record.

2 (Whereupon, the above-entitled
3 matter went off the record at 2:55 p.m. and
4 resumed at 3:27 p.m.)

5 MR. DANNER: All right, we are back
6 for the afternoon. It's a little after 3:15.

7 We -- is this the language that was
8 offered by Brian? Brian, is this your
9 language?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy. Yes.

12 MR. DANNER: All right. Do you want
13 to explain it to us?

14 MR. WEISKER: So, Brian Weisker,
15 Duke Energy.

16 So, I mean, you can read it up on
17 the screen, but we've agreed that a three year
18 external leak survey interval is required with
19 consideration for the opportunity to use leak
20 data from DIMP to extend the interval up to
21 five years with state agency approval.

22 And then, the second bullet is

1 around the inside indoor piping.

2 So, to consider an alternative
3 interval frequency for indoor piping consistent
4 with the discussions of the GPAC.

5 MR. DANNER: All right.

6 So, I guess I'd ask for some
7 clarification on what the process would be?
8 What -- how is the process different from the
9 1013 process here? Is it just, you go to your
10 -- what do you have to show your state agency?

11 MR. WEISKER: Brian Weisker, Duke
12 Energy.

13 Our thought would be that that would
14 be just subject to that process within each
15 state agency.

16 MR. DANNER: Okay.

17 And I saw it just changed, it says
18 appropriate agency approval.

19 And so, do we need to put the word
20 state in there and also would PHMSA be able to
21 make such a finding and determination?

22 MR. ZAMARIN: Mr. Chairman, this is

1 Chad Zamarin.

2 I think I heard that this was the
3 preferred language because it addresses both
4 PHMSA and there are some states where PHMSA has
5 jurisdictional authority --

6 MR. DANNER: Okay.

7 MR. ZAMARIN: -- and some states
8 where state has jurisdictional authority.

9 MR. DANNER: Okay, all right, thank
10 you. Any discussion on this language? Erin
11 Murphy?

12 MS. MURPHY: Erin Murphy, EDF.

13 One thing I want to note, I see that
14 the earlier reference to 192.1013 is removed
15 from the language here.

16 But it's my understanding just from
17 taking a look at that provision, since it came
18 up in discussion, that that would presumably be
19 what would control this approval process for
20 any variation from the periodic inspection
21 standard that would be in a federal regulation
22 issued by PHMSA.

1 So, I just -- if, I guess, if that
2 understanding is correct, I wanted to flag in
3 looking at the 1013 language that the sort of -
4 - one of the conditions that's stated there for
5 when an operator might be permitted to
6 implement an approved reduction in the
7 frequency of a periodic inspection or test,
8 would be when their DIMP program provides an
9 equal or improved overall level of safety
10 despite the reduced frequency of periodic
11 inspections.

12 And I just want to note that safety
13 is essential, but we're also talking about the
14 importance of mitigating methane emissions.
15 And that both safety and environmental
16 protection are being incorporated into the leak
17 management standards that PHMSA has proposed
18 here.

19 So, I do have some reservations
20 that, you know, this language doesn't
21 necessarily incorporate consideration of
22 environmental protection or methane mitigation

1 as part of this possible exception.

2 MR. DANNER: Andy Drake?

3 MR. DRAKE: This is Andy Drake with
4 Enbridge.

5 I agree, I think that's -- it's sort
6 of a parallel process, but it's not exactly the
7 right process.

8 So, we were referencing it as of a
9 way of going through this but it doesn't take
10 into consideration things like methane. It
11 doesn't take into consideration exactly how the
12 DIMP program would drive this.

13 And even to who would approve?

14 That's why, I think, some of the
15 other considerations are appropriate agency to
16 approve.

17 But I think the goal was to try to
18 provide a record that 1013 exists. And that
19 would be a pattern of a proposed process of how
20 to do this.

21 But it wouldn't be exactly, kind of
22 to your point.

1 MR. DANNER: Yes, and 1013 says,
2 only where the operators develop and implement
3 an integrity management program that provides
4 an equal or improved overall level of safety
5 despite the reduced frequency.

6 I just wonder if we can -- whether
7 you would consider having references to both
8 the safety and environmental impacts of the
9 alternatives? Chad?

10 MR. ZAMARIN: Again, I wonder if the
11 record stands or I'd be interested in hearing -
12 - I mean, if you said to use leak and emissions
13 data from DIMP.

14 Again, I think this is a principle.
15 I think we've spoken about -- I think the
16 ending is clear, this is about leaks and
17 emissions as well as safety.

18 So, I wonder if the record can
19 stand?

20 And since this is more of a
21 principle than language, but I certainly
22 support that that's the concept we're trying to

1 address in addition to safety.

2 MR. DANNER: All right, thank you.

3 Sara?

4 MS. GOSMAN: Yes, thank you so much
5 for this language.

6 What I'm not seeing here is any
7 standard by which the states would approve
8 this.

9 So, I'm wondering what the standard
10 is? Is the standard that we're going to get
11 similar amounts of leak data out of a five year
12 interval as opposed to a three year interval?

13 Is the standard that it's cost
14 prohibitive?

15 You know, I -- yes, can you give me
16 a sense of what the standard is and could we
17 possibly put that into the language?

18 MR. DANNER: Brian?

19 MR. WEISKER: Brian Weisker, Duke
20 Energy.

21 This was -- the thought here was to
22 have this at a concept level. I mean, if

1 that's getting pretty, I'll say technical, if
2 we want to go down that route.

3 I would think it would be like we
4 describe leak data, emissions data, cost
5 prohibitive, the, you know, I'll say somewhat
6 the value for the emission reduction. I think
7 all of that would be part of the process.

8 MR. DANNER: All right. Alan and
9 then, Diane?

10 MR. MAYBERRY: I was just thinking,
11 the standard we use as we consider a variety of
12 applications that come before us, say a special
13 permit or an approval of some sort, and it's
14 the basic premise that it's not inconsistent
15 with pipeline safety, that double negative we
16 all love.

17 But it must either be equal to or an
18 increased level of safety. And that's really
19 the goal.

20 The parameters can change, depending
21 on the situation. That's why, you know, the
22 process would be there. But that basic tenet

1 of not less safety but equal or more has to be
2 maintained.

3 MS. BURMAN: Chair, can I --

4 MR. DANNER: Yes.

5 MS. BURMAN: -- suggest some
6 language then? Can I just weigh in before?

7 I just want to make sure we're all
8 on the same page.

9 So, one, to address Erin's concern
10 which I would say I understand.

11 DIMP does also talk about leak
12 reduction -- well, it talks about leak
13 reduction, although emissions is not used.
14 Leaks and leak elimination and repair is one of
15 the performance measures required under DIMP.

16 And so, you know, I do think that we
17 are -- we do try to marry a lot of that.

18 But I am concerned about
19 standardizing how the states would do it
20 because each state may have different approval
21 processes or each agency, PHMSA itself.

22 So, I like this, leaving it and not

1 getting into the weeds and details and,
2 perhaps, overstepping or getting it wrong in
3 terms of how the states would do it or are
4 currently doing it.

5 MR. DANNER: Well, but if there's no
6 standards then it seems that, I mean, you're --
7 we're looking for something that will provide
8 an equal or greater overall level of safety.

9 And if it doesn't do that, you know,
10 that, to me, would be the bare minimum for a
11 state agency approval.

12 And if we can't agree on that, then
13 I just feel that maybe we're -- we don't have
14 any standards at all.

15 So, that's a concern that I have.
16 Sara?

17 MS. GOSMAN: Yes, so, to echo that,
18 I mean, one way of viewing this language could
19 be just that the arguments you're making here
20 to the committee are just -- we have states as
21 the decision makers. Right?

22 It's sort of like an opposite of our

1 -- normally, we try to have minimum standards
2 and then, states can go beyond them.

3 This feels, to me, like we're
4 inviting states to drop down below a standard
5 that we're setting.

6 And I think that the reason we would
7 do that is because states would be able to look
8 at the data and see that there was an
9 equivalent or higher, right, safety and
10 environmental outcome.

11 And they would be able to make that
12 determination specific to an operator.

13 But that's what I think what the
14 standard has to be.

15 MR. DANNER: All right. Chad, then
16 Brian?

17 MR. ZAMARIN: Thanks, Chad Zamarin,
18 Williams.

19 I don't disagree that there has to
20 be a standard. But again, I do think it's
21 dangerous to get very detailed in dictating
22 distribution systems, unique conditions, and

1 what factors in to determining what's best for
2 a state or a municipality or in the judgment of
3 a state utility regulator.

4 And so, I like this language. I
5 think it's at the principle level and I think
6 if you go deeper than that, again, I think
7 there could be -- I think we're getting out of
8 what should be the right balance between what
9 should be addressed at the federal level and
10 what should be at the state level.

11 MR. DANNER: But shouldn't there be,
12 at the minimum, a finding by the appropriate
13 agency that the alternative provides an equal
14 or greater overall level of safety?

15 MR. ZAMARIN: Yes, and I think the
16 challenge with that is, and again, I'm not an
17 expert in this area, but I imagine that states
18 may think of that differently.

19 There may be states that put a
20 different balance between the cost benefit and
21 the interpretive --

22 I don't want to intend to interpret

1 what that standard should be for every state.
2 I would assume that a state, you know, and it
3 has this delegated authority, has the ability
4 to set that kind of determination.

5 I think if you say something like,
6 again, I mean, these are complex issues. Does
7 that mean that the difference between five and
8 three years, we've said that might not mean
9 that you have the less emissions or the finding
10 of less leaks, but it may be less risk or less
11 emissions overall.

12 Because, as part of an integrity
13 management program across your entire system,
14 you're able to focus on where the need is
15 greatest.

16 So, again, I just think you're
17 wading into --

18 MR. DANNER: Yes, but -- and excuse
19 me for interrupting, but the -- but the
20 appropriate agency can -- has the flexibility
21 to figure out what methodology it's going to
22 use to get to a finding that the alternative

1 provides an equal or greater overall level of
2 safety.

3 MR. ZAMARIN: Which is why I think
4 it works.

5 It says that you have to have
6 appropriate agency approval. And again, I
7 think that implies that that agency has to have
8 its standard for approval and apply it, you
9 know, appropriately.

10 MR. DANNER: Well, it has to have a
11 standard of approval, but if it doesn't have a
12 standard of approval it's going to result in
13 equal or greater levels of safety.

14 So, for me, that's almost not a
15 standard. So, that's just a point of
16 contention there.

17 So, all right, Brian?

18 MR. WEISKER: Brian Weisker, Duke
19 Energy.

20 I hear, Sara, what you were saying,
21 but I think before we -- my thought was five
22 years with the opportunity to go down to three

1 standard.

2 But, you know, based on all the
3 feedback we've kind of come with this. So, I
4 think it's a good compromise.

5 MR. DANNER: All right. Diane, and
6 then Sara?

7 MS. BURMAN: So, one of the things
8 that I am concerned about, again, gets back to
9 the jurisdictional creep.

10 And while -- I just want to make
11 sure that I don't, as a state, give up control
12 or set a standard that really is on a state by
13 state basis and doesn't, you know, overstep my
14 -- where I'm coming from. I'm very concerned
15 about that. I don't have a line vision on
16 others.

17 I see it as each state has got to
18 evaluate what's an equal or improved overall
19 level of safety. And that decision will be
20 based on many factors and allows states to
21 dictate what that equal or overall level of
22 safety would be.

1 In New York, one of the things we'd
2 look to is RMDs, that's a level setting. And
3 that likely helps reduce overall leakage beyond
4 another survey because they're finding outside
5 leaks that have migrated into buildings. I'm a
6 big proponent of that.

7 So, that's kind of what we would
8 look at. But we're further along than other
9 states. And perhaps also need to learn from
10 other states.

11 So, I just don't want to start
12 getting into the weeds here on dictating a lot
13 of that.

14 MR. DANNER: Right, but again, even
15 you said that that -- it's because you're
16 making a determination that using whatever
17 methodology you're using, you're making a
18 finding that is resulting in equal or more
19 safety.

20 And so, I just think that has to be
21 reflected as a minimum that whatever the
22 appropriate state agency is doing using

1 whatever methodology it wants and whatever
2 rationale it finds, it has to make a
3 determination that the alternative will provide
4 an equal or greater overall level of safety.

5 So, that's --

6 MS. BURMAN: And also, remember,
7 there's also --

8 MR. DANNER: I don't think that's in
9 the weeds, I think that's consistent with --

10 MS. BURMAN: Yes, I just -- I am
11 getting concerned that we're moving away from
12 sort of principles and, you know,
13 considerations to now getting sort of more
14 fine-tuned, that we were at a place where I
15 think we all could support, and now, it's
16 moving in a different direction.

17 Also, keep in mind, GPTC does have
18 guidance for using 1013 as well, and falling
19 back on the 1013 issue.

20 MR. DANNER: All right, but we've
21 moved away from 1013 here. We're not
22 referencing it, so it doesn't have to be the

1 benchmark and so --

2 MS. BURMAN: Right, that's why we're
3 leaving it open, we're not -- you know, that's
4 part of the need for that.

5 MR. DANNER: All right, well --

6 MS. BURMAN: Because there may be
7 different pathways.

8 MR. DANNER: All right, well, I
9 understand what you're saying. I don't know
10 that I agree.

11 Alan and then, Sara?

12 MR. MAYBERRY: I was just going to
13 say, I mean, this is, you know, just
14 illustrates one of the challenges of developing
15 a national uniform standard for pipeline safety
16 where you have, you know, considerations for
17 say, leak surveying in the North Slope of
18 Alaska versus downtown Old San Juan, the
19 variables can be different.

20 The operating environments are
21 different. The risks are -- can be different.

22 You know, the challenges you may

1 deal with, you know, in one case, perhaps
2 hurricanes, in the other case, the permafrost
3 and the issues related to that.

4 And that's why, necessarily, we do
5 have to, and we do throughout the code, and
6 have a history of it, just developing that
7 latitude that's needed to allow for the
8 tailoring of mitigation measures to, you know,
9 that lend themselves for the environment you're
10 in.

11 So, just wanted for you think about
12 that.

13 You know, it's okay to have that,
14 and we rely on the states greatly and we do
15 look at what they do, you know, through the
16 annual certification process and our annual
17 audits as far as critiquing the different
18 decisions that they make.

19 And then, lastly, I just wanted to
20 say, I think this is fine-tuned, you know, from
21 my perspective, I think we're good if you vote.

22 You know, I think we have what we

1 need, like I said last time. But just wanted
2 to mention that. Thanks.

3 MR. DANNER: All right, thank you
4 very much. Sara?

5 MS. GOSMAN: Yes.

6 So, first of all, I just want to
7 recognize, Brian, that this -- I recognize that
8 this is a big shift in the discussion, and
9 that's what I love about GPAC and the ability
10 to try to come to the middle on these issues.

11 So, I don't want to imply at all
12 that this -- that I don't recognize that,
13 because I do.

14 I think that my concern just remains
15 that there is no standard. And so, you know,
16 in some ways, we just shift this to states to
17 argue on any number of issues. Right?
18 Economics, safety, environmental protection.

19 I think the reason to do it, the
20 thing that you all have been arguing is that,
21 in fact, you're going to get to the same place
22 with a five year interval.

1 So, why wouldn't we make that clear
2 in this language? If that's the argument and
3 you can show that using DIMP leak data to a
4 state agency and they will approve that, then
5 I'm all for it.

6 MR. DANNER: All right, Chad?

7 MR. ZAMARIN: Thanks, Chad Zamarin,
8 Williams.

9 I hear you, but I think we just
10 heard from Alan that -- I'm comfortable that
11 PHMSA will, you know, they oversee the
12 authority of the states to regulate these
13 programs.

14 And I'm comfortable that it sounds
15 like PHMSA does have a standard and will make
16 sure that this -- we're giving a principle
17 here. And again, I think that when you do
18 that, what I just heard is there's a lot of
19 reasons why not to try to get -- define the
20 standard because it's going to be very
21 complicated and different for different
22 geographies and situations.

1 So, I'm comfortable with the way
2 that it's laid out.

3 MR. DANNER: Okay.

4 Is it your intention that there be a
5 sub-bullet in there or do you want that to be
6 part of the paragraph above it?

7 MR. ZAMARIN: I defer to whoever's
8 got the language on the -- who proposed it.
9 Was it you, Brian?

10 And is that language the sub-bullet,
11 was that -- that language, I don't know where
12 that came from. Was that part of the proposal?

13 MR. TURPIN: If I may, Chairman, it
14 was just based on the hearing the committee
15 discussion, especially Member Murphy's comment
16 about 1013 not referring to environmental risk.

17 We thought if we just added that one
18 sentence to cover both safety and environmental
19 protection that that may have covered those
20 concerns.

21 MR. ZAMARIN: Yes, for my part, it
22 makes sense, but I think, again, I'll defer to

1 Brian.

2 MR. WEISKER: And I'm good with that
3 added sentence.

4 MR. DANNER: All right. All right,
5 committee members, I think we need to take a
6 vote.

7 We have a slide in front of us and I
8 will entertain a motion.

9 I will say that, while I think
10 there's a lot of progress, I appreciate the
11 discussion, that I will be voting against this
12 simply because I think it has to have either a
13 standard -- either a reference to the 1013 or
14 at least an acknowledgment that the standard
15 shall be that it will provide an equal or
16 greater overall level of safety, neither of
17 which I see here.

18 But I will proceed with the vote and
19 I will entertain a motion.

20 MS. BURMAN: Is it -- can I ask a
21 question here?

22 MR. DANNER: Sure.

1 MS. BURMAN: Sara, are you not
2 comfortable with this language?

3 MS. GOSMAN: I'm on the fence, to be
4 --

5 MS. BURMAN: Okay.

6 MS. GOSMAN: -- very honest with
7 you.

8 I hear from PHMSA that they are
9 taking all of this into account. But I look at
10 this language and I don't see a standard that I
11 feel comfortable with.

12 And so, I, you know, what we're --
13 the language we're voting on has safety and
14 environmental protection outcomes as
15 considerations. But it doesn't have a standard
16 as to what the approval would be.

17 And I would defer the states on the
18 specifics of that.

19 MS. BURMAN: Yes, yes.

20 MS. GOSMAN: I don't want to mess
21 with that, but just that the standard itself --

22 MS. BURMAN: So, I totally love that

1 because I think this is a really big deal.

2 Right? And this is a big deal that, in my
3 mind, we should be coming to consensus on.

4 Because otherwise, we're going to go
5 backwards here. Because then nobody's going to
6 agree with this.

7 And so, we're starting with the
8 premise, in my mind, that we're going from five
9 to three years. And we've gotten most of the
10 people on this side of the table who are in the
11 industry to be supportive of that.

12 And looking at it, again,
13 understanding that it's not putting at risk
14 safety, it's actually helping in this.

15 We got in here data that we're
16 talking about. We got in here DIMP, which I
17 love.

18 And to the extent that we are really
19 focusing on three -- the -- we're focusing on a
20 three year external leak survey as being
21 required. Right? So, we've gone from five to
22 three.

1 But we have to recognize that
2 there's consideration, based on the data, that
3 we may need to extend the interval up to five
4 years, with appropriate agency approval, which
5 may be different in what that looks like.

6 Now, as one state regulator, we have
7 a certain process. We will have to have --
8 there's going to have to be standards, again,
9 when you get to DIMP, when you get to the
10 surveys, there's all this other stuff.

11 And so, the other part of this, in
12 my mind, the standard is incorporated in here
13 implicitly because it's about using the leak
14 data from DIMP which, in and of itself, has
15 many different layers. And then you're talking
16 about, in considering approval, the appropriate
17 agency is also to evaluate safety,
18 environmental protection outcomes, as they see
19 it.

20 So, in fact, if we want to put in a
21 standard, the only thing we should be putting
22 in here to make it clear is considering

1 approval the appropriate agency should set
2 forth the standard to evaluate in some fashion.
3 Right?

4 Like, the reality is that it's
5 implicit in there that each agency, each state,
6 on a state by state, real-life analysis, based
7 on the data, based on the needs, will determine
8 whether this is appropriate or not.

9 And the backstop is that it's
10 already determined that we're looking at it as
11 a requirement for three years, except for.

12 And so, why would we want to --
13 first of all, why would any state regulator
14 want to give up control over that?

15 But why would any state regulator
16 want to impose a standard on other states that
17 we don't know what other states are doing?

18 And so, we have to be careful. The
19 data is what drives this here.

20 You know, we started off this with
21 Erin going through it, I think very -- in a
22 good way in terms of which states are doing

1 things, you know, looking at the three years,
2 five years.

3 This is all, to me, so important
4 that we have total buy in on what we're doing
5 here because it's relevant.

6 We're going to have -- and the fact
7 that, Sara, you helped us get here, we need
8 you.

9 And frankly, we are really on the,
10 in my mind, this is something I didn't even
11 think I was having an issue in the first place,
12 but now, I'm really locked in here in that we
13 need to figure this out.

14 We cannot be saying, well, we'll
15 just vote no or we'll just vote -- we'll --
16 whatever.

17 It's important -- the language is
18 important. We have everything in here, data,
19 DIMP, surveying, required three years, evaluate
20 safety and environmental protection outcomes.

21 It's the kitchen sink.

22 MR. DANNER: So, can you imagine a

1 scenario in which a state commission would
2 approve an alternative that did not provide an
3 equal or greater overall level of safety?

4 MS. BURMAN: I don't know what I can
5 imagine. It's not for me to imagine what
6 another state will do.

7 MR. DANNER: Well, because if it --
8 if you can, then this is going backwards. I
9 don't think this helps anything.

10 And if you can't, then why don't we
11 put the language in --

12 MS. BURMAN: Why don't we --

13 MR. DANNER: -- because that's going
14 to be the base.

15 MS. BURMAN: But why don't we see,
16 since we are the state regulators, we shouldn't
17 even overstep in here.

18 There's a lot of things that,
19 frankly, go into what's really happening on the
20 ground, what's happening from an operator level
21 perspective.

22 Frankly, we should all be touring,

1 you know, the operations to look at it and
2 clearly, if we're going to now start being
3 prescriptive here, I look and say, Sara, where
4 are you here? Are you comfortable?

5 And then, if she is, she's the one
6 that helped us get to here.

7 MR. DANNER: All right, thank you.
8 Andy?

9 MR. DRAKE: This is Andy Drake with
10 Enbridge.

11 I really was encouraged by Alan, to
12 be very honest. I've been on the committee 21
13 years.

14 Our goal is to help provide a record
15 to PHMSA and give guidance to PHMSA.

16 And I think, I trust you, so to
17 speak, you've heard a lot of this conversation
18 about a standard of care, what the standard of
19 care looks like, what it should be considering.

20 I do think we have to be careful
21 here about micromanaging. And that's not
22 appropriate. That's -- we go a little too far.

1 And I think we have provided a great
2 record here. And I agree with Sara, that you
3 can appreciate Sara, our little breakout
4 session was a little toasty.

5 But we got here and I think that you
6 deserve a lot of credit and Erin as well for
7 providing that thoughtful and Arvind as well,
8 data thoughtfulness, how -- what is this about?
9 What is the need here?

10 We've come to this place. We're
11 trying to put in here the key ingredients, I
12 think, that should be relevant to this
13 conversation for an operator to consider.

14 But to -- I don't, you know, I'm not
15 certainly going to go into a place and try to
16 tell the states what to do. That's y'all's
17 business.

18 But I think I look to Alan because I
19 have enough guidance and enough record from us
20 about what the standard of care is and what the
21 process looks like.

22 I think that is very compelling to

1 me. Thank you.

2 MR. DANNER: All right, thank you.

3 Sara?

4 MS. GOSMAN: Okay.

5 So, feeling a lot of pressure, but
6 thank you so much. I, yes, I appreciate it and
7 I always want to try to find a compromise.

8 I'm going to throw out some language
9 which, you know, doesn't get at the meaning as
10 much as I want, but is more than is on there,
11 so and see what you think.

12 So, the language would be, in
13 considering approval, the appropriate agency
14 will evaluate whether a five year interval
15 would provide equivalent or a greater level of
16 safety and environmental protection.

17 So, I'm using the word evaluate. I
18 think that gets me my concern is in there. And
19 that seems, to me, the most -- the middle
20 ground that I see at this point.

21 MR. DANNER: Brian, does that
22 language meet your approval?

1 MS. GOSMAN: Just it's safety and
2 environmental protection.

3 MR. WEISKER: Yes.

4 MR. DANNER: All right. Anyone else
5 care to weigh in? Well, yes, Diane?

6 MS. BURMAN: I just want to say, I
7 think this is solid and I appreciate your
8 bearing with us all to get there.

9 I do think it's important that we
10 try to get as many -- as close to where we
11 could all agree, because it's only helpful in
12 giving thoughts on where we're going.

13 MR. DANNER: All right, thank you.
14 I would entertain a motion.

15 MR. WEISKER: Brian Weisker, Duke
16 Energy.

17 The proposed rule, as published in
18 the Federal Register and as supported by the
19 preliminary regulatory impact analysis and
20 draft environmental protection -- excuse me,
21 environmental assessment, with regard to the
22 frequency of gas distribution pipeline leakage

1 surveys outside of business district Section
2 197.723 is technical, feasible, reasonable,
3 cost effective, and practicable if the
4 following changes are made.

5 A leak -- a three year leak -- a
6 three year external leak survey interval is
7 required with consideration for the opportunity
8 to use leak data from DIMP to extend the
9 interval up to five years with appropriate
10 agency approval.

11 When considering approval, the
12 appropriate agency will evaluate whether a five
13 year interval would provide an equivalent or
14 greater level of safety and environmental
15 protection.

16 And consider an alternative interval
17 frequency for indoor piping consistent with the
18 discussion of the GPAC.

19 MR. DANNER: Is there a second?

20 MS. GOSMAN: I'll second.

21 MR. DANNER: All right, Cameron,
22 will you take the vote?

1 MR. SATTERTHWAITE: Yes, when I say
2 your name, if you agree with the motion, say
3 yes, if not, say no. Diane Burman?

4 MS. BURMAN: Yes.

5 MR. SATTERTHWAITE: Peter Chace?

6 MR. CHACE: Yes.

7 MR. SATTERTHWAITE: David Danner?

8 MR. DANNER: Can you come back to
9 me?

10 MR. SATTERTHWAITE: Sara Longan?

11 MS. LONGAN: Yes.

12 MR. SATTERTHWAITE: Terry Turpin?

13 MR. TURPIN: Yes.

14 MR. SATTERTHWAITE: Brian Weisker?

15 MR. WEISKER: Yes.

16 MR. SATTERTHWAITE: Andy Drake?

17 MR. DRAKE: Yes.

18 MR. SATTERTHWAITE: Alex Dewar?

19 MR. DEWAR: Yes.

20 MR. SATTERTHWAITE: Steve Squibb?

21 MR. SQUIBB: Yes.

22 MR. SATTERTHWAITE: Chad Zamarin?

1 MR. ZAMARIN: Yes.

2 MR. SATTERTHWAITE: Chad Gilbert?

3 MR. GILBERT: Yes.

4 MR. SATTERTHWAITE: Arvind

5 Ravikumar:

6 MR. RAVIKUMAR: Yes.

7 MR. SATTERTHWAITE: Erin Murphy?

8 MS. MURPHY: Yes.

9 MR. SATTERTHWAITE: Sara Gosman?

10 MS. GOSMAN: Yes.

11 MR. SATTERTHWAITE: Sam Ariaratnam?

12 MR. ARIARATNAM: Yes.

13 MR. SATTERTHWAITE: David Danner?

14 MR. DANNER: Yes.

15 MR. SATTERTHWAITE: It is unanimous,
16 the motion carries.

17 MR. DANNER: All right, thank you.

18 All right, it is 4:00 and we now
19 face extreme weather. So --

20 MR. GALE: Thank you, Chairman.

21 If I may propose a recommendation to
22 the committee and yourself that we table the

1 issue of extreme weather and that we move that
2 to a discussion under, I believe, it's Section
3 9, kind of our miscellaneous issues and we
4 actually begin the discussion on ALDP.

5 Because I think it's really
6 important for us to start getting through ALDP
7 and leak grading and repair for this week to be
8 as successful as we really need it to be.

9 So, we promise we'll bring it up
10 under Section 9. We're adding it to our list
11 as we speak.

12 But I think it's important for the
13 committee to really get into ALDP as soon as
14 possible.

15 MR. DANNER: All right, can I see
16 some head nods here? Is that okay with folks?

17 (Off-microphone comments.)

18 MR. DANNER: All right.

19 MS. BURMAN: I just do have one
20 request. Could we have, you know, sort of a
21 running list that we see, maybe by tomorrow
22 morning or something? Thanks.

1 MR. GALE: Sure thing.

2 MR. DANNER: So, question from -- a
3 question about tonight. It's 4:00. Is the
4 committee willing to work until 6:30 tonight?
5 Okay, I'm seeing smiley faces.

6 MS. GOSMAN: Hold on.

7 MR. DANNER: Sara?

8 MS. GOSMAN: So, I have a day job as
9 a professor and I'm supposed to meet with a
10 bunch of students tonight starting at 5:30.

11 So, it would not be my preference,
12 but if that's the will of the committee, I will
13 adjust.

14 MR. DANNER: All right, let's see
15 how we go.

16 MS. BURMAN: Could we instead look
17 at moving to coming earlier? Is that possible?
18 Is that an issue for this committee rather than
19 staying later?

20 MR. DRAKE: Can we go to 5:30 and
21 get here at, you know, something like 7:30,
22 8:00?

1 MR. DANNER: Does that work for
2 folks?

3 (Off-microphone comments.)

4 MR. DRAKE: Sara, do you need more
5 time?

6 MR. DANNER: We need to talk with
7 the court reporter about that.

8 MR. DANNER: And Sara, do you need
9 more time?

10 MS. GOSMAN: I'm sorry, more time as
11 to what?

12 MR. DANNER: I was just asking, is
13 5:30 pushing too hard up against your --

14 MS. GOSMAN: That's fine, I can run
15 up to my room, that's okay.

16 MR. DANNER: Okay.

17 Yes, these darn day jobs, they just
18 get --

19 MS. GOSMAN: I know.

20 MR. DANNER: -- in the way.

21 MS. GOSMAN: I know, anxious tort
22 students.

1 I'm fine with coming in the morning
2 as well.

3 MR. GALE: 7:30?

4 MR. DANNER: So, we are going to go
5 until 5:30 tonight and then, we're going to
6 pick it up at 7:30 in the morning.

7 So, let's get on with the advanced
8 leak detection.

9 (Off-microphone comments.)

10 MR. PALABRICA: Hello, this is
11 Sayler Palabrica with the Office of Pipeline
12 Safety Standards and Rulemaking Division.

13 So, I'll get into the briefing on
14 the advanced leak detection program elements
15 and the associated performance standards.

16 So, for the current requirements,
17 distribution lines, type B and certain type C
18 gas gathering lines and certain non-odorized
19 gas transmission lines require leakage surveys
20 to be performed with leak detector equipment.

21 However, no technology or
22 performance standards for leak detection

1 equipment or procedures are prescribed in the
2 current code.

3 In the proposal in the NPRM, PHMSA
4 proposed a new advanced leak detection program
5 requirement to address the technology
6 requirements from the PIPES Act of 2020,
7 Section 113.

8 The proposed requirement applies to
9 all distribution, transmission, and regulated
10 gas gathering pipelines subject to leakage
11 survey requirements.

12 So, for the required program
13 elements, that's the leak detection equipment,
14 the operators leak detection procedures,
15 prescribed leak survey frequencies, and then, a
16 periodic evaluation and improvement.

17 For the performance standard, there
18 is two elements. First, the ALDP as a whole
19 must be capable of detecting all leaks large
20 enough to produce a reading of 5 parts per
21 million or greater of gas when measured from a
22 distance of 5 feet from the pipeline or within

1 a wall to wall paved area.

2 And each leak detection device must
3 have a minimum sensitivity of 5 parts per
4 million.

5 Additionally, we propose an
6 allowance for an operator to request an
7 alternative performance standard.

8 So, they may request an alternative
9 standard subject to the notification and review
10 procedures in Part 192.18. And that's
11 applicable for gas transmission, offshore
12 gathering, and types A, B, and C regulated
13 onshore gas gathering lines located in non-ACA
14 Class 1 and 2 locations or for any gas pipeline
15 transporting flammable, toxic, or corrosive
16 gases other than natural gas.

17 In addition to the specific
18 proposals, the NPRM requested input on the
19 following topics.

20 One, the incorporation of
21 technologies that may or may not have specified
22 concentrations sensitive -- that may not have

1 specified concentrations sensitivities,
2 including continuous pressure wave monitoring,
3 fiber optic sensing, optical gas imaging, or
4 OGI, and LIDAR based detection technologies.

5 Additionally requested input on the
6 value of requirements for continuous monitoring
7 systems through stationary gas detection
8 systems, pressure monitoring or other means,
9 and if there is a specific type of facility
10 location or set of conditions that is most
11 conducive to such continuous monitoring.

12 And then, finally, whether and how
13 an alternative ALDP performance standard such
14 as volumetric or flow rate based standard
15 should be adopted in the final rule that is
16 foreshadowing.

17 In addition -- so, this isn't
18 strictly tied to the advanced leak detection
19 program requirement, but since it's broad,
20 we're addressing it here.

21 And this is the leak detection and
22 repair requirements for -- applicable to

1 compressor stations.

2 So, compressor stations are covered
3 by Part 192 requirements, including leak
4 detection and repair.

5 However, the EPA published an SNPRM
6 in December of 2022 proposing to update the
7 standards for gas transmission pipeline
8 compressor stations installed reconstruction or
9 modified after November 2021.

10 And that proposal builds on the
11 previous proposed requirements from the
12 November 2021 NPRM.

13 And those proposed requirements and
14 existing 40 CFR 0000 to 0000A requirements also
15 address methane emissions from existing oil and
16 gas sources.

17 So, therefore, in the NPRM, in order
18 to eliminate unnecessary overlap in methane
19 emissions monitoring requirements, PHMSA
20 proposed a narrow exception from some of the
21 proposed LIDAR requirements for gas
22 transmission and gathering compressor stations

1 covered by such existing and proposed EPA
2 requirements.

3 However, other Part 192 requirements
4 would continue to apply.

5 This exception would apply to gas
6 transmission gathering and compressor stations
7 covered by the EPA emissions monitoring
8 standards.

9 And the specific exceptions are for
10 leak repair, leakage surveys, patrols, leak
11 grading and repair, the advanced leak detection
12 program requirements, and the qualification of
13 leak detection personnel.

14 However, we've proposed to continue
15 to require that records of repairs must be
16 maintained.

17 The scope of the exception would
18 cover the components located within the first
19 block valve entering or exiting the facility,
20 excluding that valve itself which marks the
21 boundary of station over pressure protection
22 under 192.167.

1 So, moving on to public comments,
2 beginning with this compressor station
3 exception, a leak detection technology provider
4 and an environmental representative expressed
5 support for the proposed exception to minimize
6 regulatory overlap.

7 The Pipeline Safety Trust suggested
8 that PHMSA should adopt more stringent, unique
9 requirements for compressor stations.

10 And industry trades supported the
11 proposed exception, but commented the scope
12 should include state methane emissions
13 monitoring and repair requirements that are
14 pending inclusion in EPA approved plans.

15 Continuing with compressor station
16 comments, multiple industry trades recommended
17 that PHMSA remove the requirement to keep
18 repair records for compressor stations covered
19 by this exception, reasoning that PHMSA has no
20 authority over EPA record keeping and
21 additional record keeping should not be a
22 condition for the exception.

1 PHMSA notes we will review any final
2 rules issued in relation to the EPA new source
3 performance standard supplemental notice to
4 ensure that any final standards meet PHMSA's
5 safety and environmental objectives in this
6 proposed rule.

7 With respect to records, PHMSA
8 expects operators to maintain facility design
9 and integrity related records, which includes
10 documentation of repairs.

11 Okay, so moving on to the advanced
12 leak detection program elements, beginning with
13 leak detection equipment, form letter
14 campaigns, individual commenters, and multiple
15 public and environmental advocacy groups
16 expressed that PHMSA should provide clear and
17 rigorous requirements to use advanced leak
18 detection technology and limit operators
19 flexibility to consider less effective
20 alternative options.

21 The NTSB recommended that PHMSA
22 should require operators of natural gas

1 transmission and distribution pipeline equip
2 their SCADA systems with tools to assist in
3 recognizing and pinpointing the location of
4 leaks, including line breaks.

5 And they further supported requiring
6 the installing of in-home methane detectors.

7 Continuing with lead detector
8 equipment, an operator commented that PHMSA
9 should allow soap tests in addition to handheld
10 leak detection devices for pinpointing leaks.

11 PHMSA notes that the PIPES Act
12 directs PHMSA to establish a performance
13 standard applicable to various commercially
14 available survey methods.

15 And we further note that soap
16 testing can be a reliable method for locating
17 the origin of a gas leak and we will consider
18 these comments in a final rule or a future
19 rulemaking.

20 Regarding comments on the use of
21 human senses, the Pipeline Safety Trust, a
22 Senator, and multiple environmental advocacy

1 groups commented that PHMSA should not allow
2 leakage surveys without leak detection
3 equipment on gas transmission and gathering
4 lines, even with prior notification and review.

5 An operator requested PHMSA
6 eliminate the requirement to use leak detection
7 equipment.

8 And a leak detection technology
9 provider expressed that human senses are
10 subjective, less accurate, and reliable, and
11 could lead to discrepancies and missed leakage.

12 Regarding technology, PHMSA
13 specifically requests committee recommendations
14 on when, if ever, human senses should be
15 permitted for gas transmission and gathering
16 leakage surveys.

17 And we note that the proposed
18 192.706 would allow for human senses for non-
19 HCA Class 1 and 2 locations with a notification
20 submitted under 192.18 and for submerged
21 offshore transmission and gathering lines.

22 Finally, Section 113 of the PIPES

1 Act directs PHMSA to define when the use of
2 human senses is permitted for leakage surveys.

3 So, the next program element is the
4 operators leak detection procedures and
5 investigation procedures.

6 So, for this, an operator commented
7 that, given the minimum leakage survey
8 frequencies prescribed in 192.706 and 192.723
9 that we discussed earlier, imposing additional
10 mandates related to survey frequency within the
11 ALDP requirements is redundant and
12 inappropriate.

13 And the GPTC requested clarification
14 that the 192.763 ALDP would satisfy the leak
15 management program required under DIMP.

16 For PHMSA notes, if an operator
17 validates that they achieve the performance
18 standard based on the minimum frequencies in
19 706 or 723, more frequent surveys would not be
20 required under proposed 192.763.

21 This requirement was intended to
22 address certain procedures that may require

1 multiple surveys or more frequent surveys for
2 reliable detection.

3 And PHMSA further notes that other
4 agency regulations such as IM require actions
5 beyond what is specified elsewhere in the code.

6 Regarding the procedures for
7 validating performance, multiple industry
8 representatives and the individual commenter
9 opposed requiring operators to analyze the
10 effectiveness of each technology.

11 The individual commenter recommended
12 that PHMSA state what technology is acceptable
13 and reword the regulations to state, quote,
14 consider the use of technologies and analyze
15 what is chosen rather than each of the ones
16 listed in that section.

17 Multiple operators commented that
18 they should be able to rely on testing of
19 equipment sensitivity performed by the
20 manufacturer or if PHMSA does require
21 additional validation, then PHMSA should
22 perform a review of available technologies in

1 partnership with industry.

2 Senator Heinrich, et al. suggested
3 that the rule should include validation
4 standards developed and verified by independent
5 entities.

6 And the commenters further suggested
7 that PHMSA require equipment manufacturers
8 provide operators information on methane
9 detection sensitivity measurement response time
10 and cross sensitivity to other gases.

11 So, moving on to the performance
12 standard, an industry representative
13 recommended aligning the performance standard
14 with EPA standards from the 0000 requirements.

15 An industry representative commented
16 that an operator should be able to define an
17 appropriate minimum sensitivity standard for
18 their ALDP themselves.

19 And an operator expressed support
20 for minimum performance standards and PHMSA's
21 understanding of the importance of affording
22 flexibility for operators.

1 However, multiple operators
2 commented that mandating the use of the newest
3 or most sensitive technology is unnecessary and
4 inappropriate.

5 An operator expressed concern with,
6 quote, applying ALDP standards that are
7 impracticable and do not necessarily yield
8 tangible improvements in public or
9 environmental safety.

10 And the public advocacy group and
11 leak detection equipment manufacturer commented
12 that the performance standard should include
13 standards for reading response times for leak
14 detection equipment.

15 For PHMSA notes, PHMSA notes that
16 later comments regarding specific -- later
17 comments recommend specific changes to the ALDP
18 performance standard.

19 So, moving on to comments on the 5
20 ppm within 5 feet standard, industry trades and
21 operators recommended removing the 5 feet
22 condition.

1 And they commented that defining a,
2 quote, universal leak based on 5 ppm within 5
3 feet in a controlled environment fails to
4 consider real world leak scenarios considering
5 factors such as depth of cover, soil and
6 atmospheric conditions, plume behavior, and the
7 probability of detection of the equipment being
8 used.

9 Industry trades continued that the 5
10 ppm minimum sensitivity requirement is a
11 concentration of .01 percent of the lower
12 explosive limit of methane gas.

13 And imposing additional mandates of
14 being within 5 feet of the buried pipeline is
15 at odds with conservatively low sensitivity
16 threshold and imposes burdensome pre-work to
17 handheld leakage survey activities.

18 Industry trades were concerned with
19 the universal application of the proposed 5 ppm
20 minimum sensitivity criteria.

21 Gas gathering industry trades
22 provided a report commenting that walking

1 surveys with devices meeting PHMSA's minimum
2 requirements could possibly detect leaks up to
3 .51 kilograms per hour or approximately half a
4 kilogram with the high probability of
5 detection.

6 But noted that very high sensitivity
7 increases survey and repair costs with
8 relatively low impact on emissions based on
9 modeling in LIDAR-Sim.

10 The report concluded that a
11 threshold of 4 kilograms per hour has proved to
12 strike a balance between effective mitigation
13 and the number of required repairs.

14 Industry trades further recommended,
15 compared with traditional walking surveys,
16 mobile, aerial, satellite, optical, infrared,
17 or laser based platforms are intended to be
18 used to find gas that's significantly higher --
19 sorry -- at significantly greater distances at
20 much higher concentrations as an initial
21 screening survey, which is then followed up
22 with verification with more sensitive

1 equipment.

2 And an operator requested
3 clarification in the final rule regarding the
4 applicability of the proposed performance
5 standard to various types of equipment,
6 commenting that the 5 ppm standard -- 5 ppm
7 within 5 feet standard is not achievable by
8 most existing aerial survey equipment.

9 Continuing with comments on the
10 performance standard, a manufacturer or gas
11 monitoring equipment suggested that a detection
12 sensitivity of 50 ppm would remain
13 conservative, but be significantly higher than
14 background atmospheric methane.

15 A leak detection company recommended
16 that the concentration -- commented that the
17 concentration of gas could be highly variable
18 even within the same plume of methane from a
19 single source.

20 GPTC commented that if PHMSA retains
21 the 5 feet standard, then PHMSA should clarify
22 that the threshold only applies for the

1 purposes of determining the sensitivity of the
2 equipment and does not require the equipment to
3 be located within 5 feet of the pipeline.

4 PHMSA notes that the performance
5 standard was intended to ensure that screening
6 systems surveys to be able to locate leaks
7 detectable with handheld equipment.

8 PHMSA did not intend to require
9 survey equipment be located within 5 feet of
10 the pipeline after the performance had been
11 validated.

12 Moving on to comments on using -- on
13 alternative technology notification process, an
14 individual and a Pennsylvania State Senator
15 Muth opposed allowing an alternative standard
16 under 192.18.

17 Trade groups expressed concern
18 regarding the 90-day notification and no
19 objection process and asked that it be
20 reconsidered.

21 The Pipeline Safety Trust opposed
22 the option for an alternative performance

1 standard.

2 The commenter continued that, at the
3 very least, PHMSA should review and approve
4 alternatives submitted rather than allowing
5 operators to continue if they do not hear back
6 from PHMSA within that time period.

7 And they further continue, that gas
8 gathering pipelines should not be permitted to
9 use the alternative performance standard as
10 they are more prone to leakage.

11 An operator commented that PHMSA
12 should consider reviewing alternative methods
13 and state in the regulation that those are
14 accepted.

15 And two, leak detection companies
16 commented that the use of aerial or remote
17 sensing surveys in Class 1 and 2 locations
18 should be permitted as an alternative standard
19 without the need for additional approval.

20 And that those survey methods are
21 logical default leak detection approaches.

22 An environmental advocacy group

1 recommended that PHMSA modify proposed 192.7638
2 so that is it flexible enough to meaningfully
3 accommodate new innovative and effective leak
4 detection technologies.

5 Industry trades recommended building
6 on EPA's proposed approach to approving
7 alternative technologies.

8 Moving on to comments recommending a
9 flowrate alternative to the proposed standard,
10 an operator proposed -- opposed an alternative
11 ALDP standard. Rather, the commenter said that
12 PHMSA should complete a study for which
13 technologies and flowrate standards would be
14 appropriate.

15 An operator expressed support for
16 providing an alternative methodology to the
17 concentration based standard and suggesting
18 working with advanced leak detection experts to
19 define an appropriate alternative.

20 A leak detection company commented
21 that the concentration based sensitivity
22 standard conflicts with the proposed EPA rules

1 and that utilizing flowrate based unit of
2 measurement -- I'm sorry -- conflicts with
3 proposed EPA rules that utilize flowrate based
4 units of measurement and does not reflect
5 advanced leak technology landscape.

6 Multiple industry trades expressed a
7 preference for flexibility suggesting that
8 PHMSA should not rely on concentration or
9 flowrate alone to allow the use of multiple
10 technologies.

11 An operator and multiple leak
12 detection companies commented that leak
13 flowrate is a more effective criteria than
14 concentration and should be offered as an
15 alternative.

16 The commenter said that flowrate
17 rather than concentration is a better
18 characterization of performance in terms of
19 safety and emissions quantification and that
20 this would bring the proposed requirements into
21 alignment with EPA's approach which measures in
22 kilograms per hour within 90 percent

1 probability of detection.

2 In the context of comments on leak
3 grading, GPTC and industry representatives
4 raised concerns about reliably measuring
5 flowrates for leaks.

6 An industry representative urged
7 PHMSA to express detection limit in terms of
8 mass emission rate with a probability of
9 detection and wind speed parameters.

10 Senator Heinrich, et al. expressed
11 that PHMSA should consider the accurate
12 functioning of advanced leak detection
13 technologies in realistic conditions
14 accommodating wind speed and direction.

15 They continue that the rule should
16 specify lower leak detection limits using
17 advanced leak detection technologies.

18 And furthermore, there should be
19 both an emissions rate standard and a gas
20 concentration standard.

21 They continue that the rule should
22 consider specifying maximum response times of

1 the leak detection technology to enable
2 reliable identification of transient sources or
3 mobile sources.

4 For additional alternatives proposed
5 in the comments, industry trades proposed the
6 following, basically the choice of 5 ppm for
7 sensitivity for handheld equipment, 10 kilogram
8 mass flow or 500 ppm for infrared, laser based,
9 mobile, aerial, or satellite based platforms or
10 using fixed continuous monitoring sensors
11 within buildings.

12 And then, 500 ppm sensors for
13 handheld equipment used for surveys inside of
14 buildings.

15 And any optical gas imaging or
16 equivalent that meets the requirements of EPA
17 emissions monitoring requirement for surveys of
18 above ground facilities.

19 Environmental advocacy groups
20 proposed an annual mobile or aerial survey with
21 the following performance standards based on
22 the distribution of leak emissions described

1 within their comments.

2 And they proposed half a kilogram
3 per hour for distribution pipelines, three
4 kilograms per hour for gas transmission
5 pipelines, and ten kilograms per hour for
6 regulated gas gathering pipelines.

7 So, this concludes the PHMSA
8 response to comments on the advanced leak
9 detection program elements and performance
10 standard topic.

11 And PHMSA requests committee
12 recommendations on the ALDP standards in the
13 proposed rule as published in the Federal
14 Register and draft regulatory evaluation and
15 environmental assessment.

16 Specific topics raised by
17 commenters, PHMSA requests committee
18 recommendations on include a flowrate based
19 alternative for surveys conducted with
20 technology other than handheld devices and the
21 scope of the use of human senses and
22 alternative performance standard with a 192.18

1 notification.

2 Specifically, PHMSA requests the
3 committee to consider the following topics
4 raised in public comments.

5 A flowrate based alternative for
6 surveys conducted with technology other than
7 handheld devices, the consideration of
8 probability of detection in the performance
9 standard.

10 PHMSA notes that the characteristics
11 of emissions from leaks vary by system type.
12 For example, distribution systems may tend to
13 have numerous relatively small leaks compared
14 with transmission or gathering systems which
15 may have a smaller number of potentially large
16 volume leaks.

17 And PHMSA further notes that the
18 consequences of leak can also vary depending on
19 the concentration of the surrounding population
20 and odorization status of the pipeline.

21 PHMSA also requests the committee
22 consider when, if ever, human senses should be

1 permitted for gas transmission and gas
2 gathering leakage surveys and whether and how
3 modification of the proposed performance
4 standard should affect the availability of the
5 192.18 notification.

6 Finally, PHMSA notes that the
7 proposed ALDP standards require pinpointing the
8 location of leak indications found during
9 screening surveys.

10 MR. DANNER: Thank you, Sayler.

11 Committee members, do you have any
12 clarifying questions for PHMSA?

13 All right, thank you. Let's move
14 into public comment then. Please line up on
15 the right side and go to the microphone.

16 (Off-microphone comments.)

17 MR. TREMBERGER: Good afternoon, Rob
18 Tremberger with --

19 MR. DANNER: Before you start, I
20 just want to say, we are a little constrained
21 for time, so I would ask you keep your remarks
22 under two minutes.

1 And if you're -- you've heard your
2 comments already or if you -- you don't need to
3 repeat other peoples' comments.

4 So, with that, go ahead.

5 MR. TREMBERGER: Thank you, thank
6 you for the opportunity.

7 Robert Tremberger with Con Edison.

8 So, PHMSA notes that the PIPES Act
9 directs PHMSA to establish a performance
10 standard for applications commercially
11 available for survey methods.

12 However, the proposed sensitivity
13 for leak detection equipment in 192.763
14 encompasses leak survey equipment as well as
15 pinpointing leak investigation and continuous
16 monitoring.

17 A one-size-fits-all approach for
18 leak detection survey equipment is
19 inappropriate when comparing the purposes and
20 procedures for the different types of devices.

21 Leak survey methods and technologies
22 are extremely different than other non-survey

1 methods like pinpointing, therefore, shouldn't
2 be regulated in the same manner.

3 Even when looking at how various
4 successful surveys can be performed, a one-
5 size-fits-all approach is not appropriate.

6 As mentioned before, Con Edison does
7 one million indoor meter services and service
8 lines inside buildings.

9 When we do these, we use a
10 combustible gas indicator. That's very
11 different than anything that's used outside and
12 it's used within like six inches of a pipe.

13 So, it has a probe and we go along
14 the pipe. It's used directly against it.

15 We perform these with the CGI is
16 truly a fit for purpose device for the close
17 proximity line that's being surveyed. And it's
18 a commonly used industry device with proven
19 success in identifying leaks on exposed service
20 lines.

21 Applying sensitivity greater than
22 LEL is not necessary nor appropriate for this

1 type of application.

2 If Con Ed had to replace all of its
3 CGIs to align with the requirement, it would be
4 over \$26 million and that doesn't include
5 retraining, requalification, and changing all
6 of our procedures with little or no safety
7 addition to that.

8 So, we request that the committee
9 consider alternative sensitivity requirements
10 that align with appropriate uses for each
11 technology. Thank you.

12 MR. STREAMS: Good afternoon, my
13 name is Ryan Streams. I'm here on behalf of
14 Kairos Aerospace which is a leading aerial
15 methane detection company.

16 So, I want to urge the committee to
17 consider recommending to PHMSA that they create
18 an alternative standard for remote sensing
19 technologies that relies on a flowrate based
20 unit of measurement.

21 You know, we have airplanes that are
22 flying thousands of feet in the air. We cannot

1 measure parts per million. We just don't
2 measure gas in that way.

3 So, it would be like setting a speed
4 limit using horsepower. Right?

5 We're just measuring different
6 things.

7 So, using a kilograms per hour based
8 standard makes a lot of sense. It would align
9 PHMSA with what EPA is doing in the 0000B
10 rules, which allow remote sensing technologies
11 to be used up to 30 kilograms per hour.

12 The good news is, is that there are
13 lots of tools available to PHMSA to be able to
14 make this kind of analysis.

15 Dr. Arvind Ravikumar is one of the
16 developers of the FEAST model that PHMSA could
17 use to evaluate all of these different
18 technologies.

19 We have the expertise. We have the
20 tools. I think this is a pretty easy one to
21 get right.

22 So, thank you.

1 MS. KURILLA: Hi, Erin Kurilla with
2 the American Public Gas Association
3 representing the nearly 1,000 public gas
4 systems around the country.

5 You're going to hear a lot of
6 comments from both the public and, I'm sure, a
7 significant conversation around tool
8 capabilities as one select provision within
9 this section of code that we're discussing.

10 But I think it's really important
11 that the committee also strongly consider what
12 exactly is being asked of operators through
13 this new 763 section.

14 Included in this provision is a
15 requirement that operators essentially justify
16 why they have picked from a menu of selected
17 options provided by -- or prescribe by PHMSA.

18 Meaning, if the agency allows
19 certain tools, and an operator selects that
20 tool, the way this provision is written, the
21 operator would then have to justify why they
22 didn't select every other tool on the menu of

1 options.

2 Likewise, we just spent today
3 discussing leak survey frequency on both
4 transmission and distribution pipe.

5 But this provision would require an
6 operator, I mean, it's almost ironic in the
7 conversation we just had, would require an
8 operator justify why they're not doing a leak
9 survey even more frequently than what we just
10 prescribed.

11 So, annual for leak prone, annual
12 for business district, three year for non-leak
13 prone non-business district.

14 This 763 Part 3 would require an
15 operator to justify why they're not doing it
16 even more frequently.

17 And while that seems maybe just a
18 paperwork exercise, again, I'm going to remind
19 you, let's make sure that everything we're
20 requiring in this rule is cost effective.

21 Is it cost effective to ask the, I
22 don't know, close to 2,000, when you look at

1 all the entities, if not more, that would be
2 impacted by this rule to go through a paperwork
3 exercise of justifying why they have done the
4 prescriptive requirements found elsewhere in
5 the regulation and in this rule. Thanks.

6 MS. Pearce: Hello, all, my name is
7 Stephanie Pearce, and I am speaking on behalf
8 of Consumers Energy, a combination gas and
9 electric utility serving 1.8 million gas
10 customers, all within the State of Michigan.

11 Consumers Energy is in support of
12 the intent of this rule to increase public and
13 environmental safety and reduce methane
14 emissions.

15 However, when it comes to advanced
16 leak detection, we have some concerns.

17 Our journey in the evaluation of
18 advanced leak detection began eight years ago.
19 And in the last three years, we have escalated
20 our implementation of advanced leak detection.

21 We are in the process of
22 implementing the use of advanced leak detection

1 and compliance leak survey and emissions
2 quantification, and are currently investigating
3 uses for replacement prioritization and repair
4 risk ranking.

5 Our current implementation for
6 compliance leak survey covers only 1.5 percent
7 of our system. This is expected to increase to
8 8.4 percent in 2024.

9 Through our research, piloting, and
10 deployment process, we have noted a significant
11 number of lessons learned that will need to be
12 addressed before deploying advanced leak
13 detection across 100 percent of our system.

14 These lessons learned include the
15 need for transformational updates to existing
16 leak related processes, the creation of new
17 processes and procedures for original use
18 cases, expanded operational IT and engineering
19 resources to support the significant increase
20 to workload, software transformations to
21 accommodate the new and changing processes, and
22 equipment analysis, validation, and

1 calibration.

2 Our deployment thus far has also
3 shown that the advanced leak detection
4 technology cannot be used in all situations.

5 In cases where there are ALDT
6 collection gaps and/or property restrictions
7 preventing direct asset access, we have
8 resorted to using traditional leak survey
9 technology to complete our compliance
10 assessments.

11 These lessons learned have provided
12 not only our company, but fellow operators,
13 with insight into implementation, best
14 practices, and have demonstrated that the
15 amount of time needed to perform all of the
16 work and adequately meet the necessary resource
17 requirements is not feasible in the six month
18 time period.

19 To complete this work appropriately
20 and completely, Consumers Energy estimates that
21 it will take three years to implement advanced
22 leak detection and another three years to

1 implement the overall leak survey requirements
2 of this rule across our entire system.

3 Thank you for your consideration of
4 these comments.

5 MR. CARRE-BURRITT: Asa Carre-
6 Burritt with Bridger Photonics.

7 So, we're a remote sensing company
8 and I want to point out that flowrate is a
9 great way to assess detection sensitivity.

10 So, emission rate or flowrate is a
11 fundamental property of leak size which we're
12 really trying to target with this rule.

13 So, technoeconomic analysis and
14 environmental benefit of leak detection
15 programs is logically done using emission rates
16 which has been clear during this meeting
17 dialogue.

18 It's important to be inclusive of
19 technologies like aerial remote sensing and
20 aerial LIDAR for leak detection because of its
21 prevalent efficiency, high level of automation,
22 its ability to, in some cases, to quantify

1 emissions and image emissions.

2 Its noninvasive nature and, in some
3 cases, its auditability and its ability to be
4 deployed following natural disasters when other
5 types may not be deployable.

6 In the NPRM, PHMSA noted that they
7 meant for LIDAR remote sensing to be used under
8 the provisions of 192.18.

9 The approval would be based on
10 showing an alternative program hits equivalent
11 performance to the proposed 5 ppm standard.

12 And this hinders remote sensing
13 because that's really an apples to oranges
14 comparison because remote sensing does not
15 measure ppm.

16 So, that causes a lot of ambiguity
17 and burden for operators to do that equivalence
18 demonstration.

19 In our rulemaking comment letter, we
20 presented natural gas gather line -- pipeline
21 emission rate distributions developed from a
22 data set from a large sample size measured with

1 sensitive detection.

2 Looking at these measurements, we
3 found that leak detection requirement to find
4 leaks of four kilograms per hour and above will
5 cover 95 to 97 percent of total measured
6 emissions. It is worth considering that if a
7 methane leak of four kilograms per hour and
8 above were mitigated such that its duration was
9 six months or less, the total release would be
10 less than one million SEF.

11 Comparatively, a cutoff of ten
12 kilograms per hour would cover about 86 percent
13 of measured emissions, and 15 kilograms per
14 hour would cover about 70 percent of measured
15 emissions in these data sets I'm referring to.

16 If emission rate distributions in
17 other areas are less skewed, the higher
18 emission rate thresholds would be comparatively
19 less effective.

20 Overall, I'd like to note that
21 Bridger supports the concept of the ALDP for
22 operators to routinely reassess and optimize

1 their leak detection programs.

2 An existing example of this is
3 distribution companies using remote sensing to
4 scan their service areas for larger emissions
5 more frequently than even three times a year,
6 including from behind the meter leaks to better
7 serve their communities. Thank you.

8 MR. YAGER: Good evening, I'm Scott
9 Yager, I'm the VP Environment for the
10 Interstate Natural Gas Association of America.
11 That's a trade association that represents the
12 interstate transmission pipeline companies.

13 In a former life, I used to work for
14 EPA, so I'm hoping I can leverage some of that
15 here as PHMSA's exploring doing their own
16 regulations to reduce methane.

17 And a lot of my -- I have three
18 points, and a lot of it has to do with
19 alignment.

20 And it's things you've heard
21 already, but it's important to repeat these.

22 First of all, PHMSA should re-

1 evaluate how this law is going to function in
2 conjunction with the 0000 requirements. We're
3 expecting EPA to finalize those either this
4 week or next.

5 Once those are final, there's still
6 going to be a time where those rules are going
7 to have to come into effect. Particularly on
8 0000C which applies to existing sources.

9 We expect it's going to take
10 multiple years for those requirements to come
11 into play.

12 The last thing we want here is for
13 companies to have to comply with PHMSA
14 requirements and then, kind of whiplash back to
15 EPA once those have come online.

16 So, what we're asking for here is a
17 three year phased in compliance time line so
18 that we don't have this regulatory whiplash.

19 Number two, instead of the 5 ppm
20 requirement for detection performance standard,
21 we want PHMSA to tailor these requirements to
22 specific infrastructure.

1 PHMSA should select the 500 ppm or
2 equivalent, such as 10 kilogram per hour
3 requirement for aerial patrols of transmission
4 pipelines.

5 This would mirror EPA's proposal to
6 allow for optical gas imaging devices.

7 Number three, PHMSA should adopt
8 provisions to allow for delay of repair,
9 difficult to monitor or unsafe to monitor
10 classifications for certain leaks.

11 EPA has been doing this for a long
12 time and we really should look towards their
13 expertise here as PHMSA is adopting
14 regulations.

15 EPA's done this already and this
16 would -- those provisions both minimize
17 emissions while also reducing risk associated
18 with repairs and, again, PHMSA should rely on
19 that expertise.

20 EPA has allowed repairs of leaks to
21 be delayed if a repair is technically
22 infeasible without a process shutdown.

1 And components that qualify for the
2 delay of repair provisions must be placed on a
3 list and tracked to ensure that the repair is
4 performed during the next process shutdown.

5 So, there's a process in place to
6 make sure that these things don't get ignored
7 is the point.

8 EPA's requirements also provide
9 relief from leak monitoring requirements for
10 components that are considered difficult or
11 unsafe to monitor.

12 I think the unsafe should be
13 particularly salient here with this audience.

14 For example, a component can be
15 designated as difficult or unsafe to monitor if
16 it cannot be monitored without elevating
17 personnel more than two meters above the
18 surface or without exposing personnel to
19 immediate danger.

20 I can go on, but I think that the
21 points I'm trying to make here is, look to what
22 EPA's done, try to get alignment. The last

1 thing we want to happen is regulatory whiplash
2 back and forth between multiple programs here.

3 That's all our member companies are
4 trying to adapt to an evolving future and doing
5 everything they can to reduce methane
6 emissions. Thank you.

7 MR. KHAN: Hi, good afternoon,
8 Saadat Khan, I was from like National Grid,
9 largest utility gas and electric in the
10 Northeast, you know.

11 So, we agree with the like the
12 Consumer Gas, some like the comments about the
13 ALDP, you know, it's not ready for like to be
14 mandated.

15 And I'm going to share some results
16 with you and you make your decisions, you know.

17 So, I mean, the National Grid, it
18 has something like a conductor that is unique
19 evaluation of ALD vendors and technology.

20 For the last three years, to
21 identify the large emitter leaks, you know,
22 greater than 10 CFH or greater than 100 ppm in

1 high leak concentration area of the company,
2 which is about 1,500 miles across various
3 regions of National Grid, you know.

4 We use the two ALD vendors at the
5 same time and the following are the results.

6 So, in 1921, we used the Vendor A
7 identified 118 indications. 65 were existing
8 leaks, 10 were new leaks, 43 leaks, we could
9 not find, you know. It's like 36 percent that
10 we could not find.

11 The Vendor B, they're all ALD
12 vendors, Vendor B, for the same area,
13 identified 5 high emitters, 118 versus 5 high
14 emitters. And all five were the existing
15 leaks, you know.

16 All right, so, in '22, we used the
17 Vendor B and Vendor C.

18 So, Vendor B, in the same area, same
19 area, they found three leaks, three high
20 emitters. One was like existing, two were new,
21 and zero were -- two were new, you know.

22 And Vendor C found 13 leaks, you

1 know. Three were like existing, seven were
2 new, and three we could not find, you know.

3 In 2023, we have just done them like
4 almost one-third of the area.

5 The Vendor C found six leaks, one
6 existing, one new, four could not found. These
7 are large emitter leaks, you know.

8 The Vendor 4 -- the Vendor D found
9 125 high emitters, same area, same time, same
10 place. Right? 42 were existing, 12 were new,
11 71 could not be found.

12 All right, our conclusion here is, I
13 mean, so far, I mean, and the amazing part,
14 sorry, so far, not a single high emitter was
15 found by the both vendors. Okay? It's beyond
16 me.

17 I mean, like the leaks -- number of
18 leaks we identified, we have -- I'm like
19 identified to you, we had a lot more existing
20 leaks in that areas, I mean in the hundreds
21 existing leaks, you know. Right?

22 We could not find the leak with the

1 emission rate of 130 CFH, you know.

2 When consulting with the vendors, it
3 says the emission rates are order of magnitude.
4 It's just the estimate. All right? So, 130
5 CHF leaks could not be found.

6 MR. DANNER: Do you have much more?

7 MR. KHAN: Two, three more, you
8 know.

9 MR. DANNER: You're way over time,
10 so, just go ahead.

11 MR. KHAN: Okay, all right, let me
12 just complete here. The technology needs
13 further development, that's what we're saying,
14 you know.

15 And the other thing is, I'm like, we
16 sent the RFP and we only found four vendors.
17 And the four vendors were unable to provide us
18 the resources we needed.

19 So, if it is implemented, we will
20 not have any vendors, I'm like, do the, I'm
21 like, ALDP, you know. Thank you.

22 MR. DANNER: All right, thank you.

1 MR. DEFOOR: Bill DeFoor, Municipal
2 Gas Authority of Georgia speaking on behalf of
3 our 82 members that, on average, have 3,800
4 customers or about a 150 miles of main.

5 Any new, complex, and expensive
6 equipment requirement, not only burdensome for
7 these small operators, but if the market is
8 suddenly opened up for every operator in the
9 country, then these operators are at a
10 disadvantage in their buying power.

11 And may be subject to higher
12 pricing, longer delays when they're buying one
13 piece of equipment. And especially if they're
14 only going to use it a little bit of the time
15 each year.

16 Further, any requirement to
17 evaluate, re-evaluate multiple pieces of
18 equipment and to choose one for their use,
19 again, is burdensome and could create an
20 ongoing requirement.

21 They're certainly not in a position
22 to buy new equipment if it comes out and they

1 need to re-evaluate that full list of
2 equipment.

3 And for those that rely on
4 contractors for their leakage surveys, not sure
5 how they'll comply with these evaluation
6 requirements.

7 Are they in a position of dictating
8 the piece of equipment that a contractor must
9 use or do they evaluate all of the equipment --
10 or the contractor's evaluation of all the
11 equipment?

12 So, a lot there, I'm urging this
13 committee to consider these small operators and
14 keep things simple for simple applications.

15 MS. PORTER: Joan Porter, Rhode
16 Island Energy. One of the pieces that concerns
17 me about this is we're conflating an advanced
18 leak detection program with advanced leak
19 detection equipment.

20 The equipment is just one piece of
21 the program. The program is made up of all
22 those things we talked about this morning,

1 surveys, the insight surveys, the business
2 districts, and even the after flooding,
3 whatever surveys you're doing, it's all part of
4 your advanced leak detection program.

5 There's many new pieces of equipment
6 out there to add to this program. Some of them
7 are tested, some of them aren't as tested.
8 Some of them don't work as well in our area as
9 they may in others.

10 Allowing the operators to take and
11 choose and use the equipment that works best in
12 their area as opposed to being prescriptive
13 with this is our laundry list that you can
14 choose from, I think is very important.

15 I know for a fact that we work with
16 our state regulators to make sure that they're
17 comfortable with what we're doing. And solve
18 their question to make sure that we're looking
19 after our customers' safety.

20 They ask us that every time I walk
21 into an audit.

22 This is part of our advanced leak

1 detection program. It's a suite of things,
2 it's not just one.

3 One piece that really concerns me is
4 the flowrate. With flowrate, you're asking us
5 to use either the satellite or the aerial or
6 the cameras to take an algorithm to tell us how
7 much gas is escaping from the ground at any
8 given moment.

9 Whereas, one other option might be
10 to take and use a measurement spread like
11 Massachusetts is using. Look at the area
12 that's impacted by the gas and do a
13 calculation.

14 Both of them are calculations, one
15 is a little bit more feasible, probably on a
16 less costly basis. It would allow you to
17 actually grade things a little bit more real
18 time as opposed to waiting for the data from
19 the collection agency to then send it to you to
20 then go out and pinpoint.

21 It just seems like a little bit more
22 of a local, regional process, in many cases,

1 might be more effective. And it depends on
2 what you have in your system. Thank you.

3 MS. BYRNES: Good afternoon, Corinne
4 Byrnes, National Grid, operating in New York
5 and Massachusetts.

6 So, first, to follow up on some of
7 the earlier comments, Saadat Khan from National
8 Grid said, you know, ALD has no proven record
9 of being more effective than conventional
10 walking surveys. And they risk missing some
11 high risk leaks.

12 We believe the technology may
13 require further enhancements before it can be
14 used widely.

15 Furthermore, to follow up on the
16 comments made by Erin Kurilla of APGA with
17 respect to the cost.

18 Our estimated cost using mobile ALD
19 technologies was quoted to us by these vendors
20 as high as \$25 million across all of our
21 regions on an annual basis.

22 This is not the most effective use

1 of emissions reduction funding dollars, as you
2 -- I'm sure you would agree.

3 To talk a little bit about the
4 sensitivity issue, the 5 ppm sensitivity that
5 PHMSA has proposed is inconsistent with prior
6 prescribed EPA requirements and some state
7 jurisdictional regulatory requirements.

8 EPA defines a leak from a fugitive
9 emission component at a compressor station, for
10 example, as an instrument emitting of 500 ppm
11 or greater.

12 Leaks from equipment within process
13 units at onshore natural gas process plants are
14 defined differently and may range anywhere from
15 500 to 10,000 ppm.

16 New York State DEC also specified a
17 minimum sensitivity of 500 ppm on gate station
18 equipment.

19 PHMSA notes that it chose 5 ppm
20 because it is a protective threshold of
21 detection sensitivity compared with EPA's
22 threshold standard of 500 ppm and that 500 ppm

1 represents 1 percent of the LEL of methane gas.

2 On slide 102 of your deck, PHMSA
3 states that .5 kilograms per hour for
4 distribution, 3 kilograms per hour for
5 transmission, and 10 kilograms per hour for
6 transmission -- through gathering lines is
7 appropriate.

8 We need to provide consistent
9 thresholds on a volume basis, such as ppm that
10 align with the operating environment.

11 To resolve this -- it's concerns,
12 National Grid supports the associates proposal
13 of incorporating fit for purpose detection
14 threshold criteria that considers variable
15 associated with leak detection equipment
16 applications such as buried piping, exposed
17 piping, piping within buildings or structures,
18 et cetera in 192.763. Thank you.

19 MS. MAKRIDES: Good afternoon,
20 Elizabeth Makrides, Bascom-Turner Instruments.

21 By way of introduction, Bascom-
22 Turner is a leading provider of advanced gas

1 detection equipment with over 50,000 active
2 handheld detectors in the U.S., Canada, the UK,
3 and across the world.

4 Bascom-Turner was the first, and to
5 our knowledge, the only instrument provider to
6 extend the sensitivity of catalytic combustion
7 sensors to 1 part per million.

8 We'd like to offer some context and
9 suggestions on the proposed equipment
10 sensitivity requirements. I know we've heard
11 some of that, so I'll be brief. As well as the
12 table of illustrative leak detection
13 technologies, which we haven't heard mentioned.

14 So, first, with respect to
15 sensitivity, we feel that the proposed
16 requirements do not fully consider the specific
17 needs of operators and how they use equipment.
18 Echoing other comments, but hopefully not
19 entirely repeating, Bascom-Turner recommends a
20 fit for purpose approach.

21 We agree that 5 ppm or lower
22 sensitivity is appropriate for operators

1 conducting outdoor walking or mobile leakage
2 surveys of subsurface piping.

3 For indoor jurisdictional piping
4 leakage surveys and leak investigations, we
5 agree with operators and industry partners that
6 the percent LEL detection threshold has proved
7 fit for purpose.

8 When pinpointing via bar holds
9 assessments of subsurface piping and
10 instruments flowrate, and there, I'm talking
11 about the instrument pump flowrate, not the
12 flowrate that we've heard, can be more
13 important than sensitivity.

14 A flowrate of at least 1 liter per
15 minute is desirable and equipment sensitivity
16 in the percent LEL range has, again, been shown
17 to be effective.

18 Second, with respect to
19 technologies, the proposed rulemaking
20 references a table, this is on page 164 of the
21 PDF version on PHMSA's website, that lists only
22 a subset of commercially available leak

1 detection technologies.

2 We believe that this may have the
3 effect of unnecessarily limiting the operator's
4 choice in selecting the best available
5 equipment.

6 Additionally, the table suggests
7 performance ranges that may not be commercially
8 viable or available.

9 For example, the table suggests 1 to
10 100 ppm sensitivity for semiconductor
11 technologies. Whereas, manufacturer
12 specifications for commonly used semiconductor
13 sensors reflect sensitivity around 500 ppm.

14 Bascom-Turner's advanced catalytic
15 combustion technology does not appear in the
16 table, but has demonstrated 1 ppm sensitivity
17 in both laboratory and field studies conducted
18 by major U.S. distribution companies, many of
19 whom we've heard from this week.

20 And to promote the continued
21 development of world class equipment to keep
22 this a competitive market for operators, we

1 believe that the reference table should either
2 be updated or removed.

3 We would be happy to provide
4 additional references and documentation.

5 Thank you all for your time. We are
6 proud of our record of providing the highest
7 quality leading edge gas detection equipment to
8 safeguard human health and safety as well as
9 reduce emissions. And we look forward to
10 continuing to work with everyone in this room.
11 Thank you very much.

12 MR. DANNER: Thank you.

13 MS. TOCZYLOWSKI: Hello, I'm Lauren
14 Toczylowski from Con Edison. I have two
15 different comments, I hope you can bear with
16 me. The first is on natural gas detector
17 sensitivity.

18 Con Edison is extremely proud of our
19 industry leading natural gas detection program.
20 Remote natural gas detectors are installed
21 inside customer buildings near where the gas
22 service line enters the building.

1 And it is connected to our automatic
2 metering infrastructure network, providing real
3 time notification for emergency response
4 dispatch in addition to the audible local
5 alarm.

6 This is truly at the forefront of
7 advanced leak detection providing around the
8 clock continuous monitoring of leaks, primarily
9 on jurisdictional service lines.

10 NTSB has even included these methane
11 detection devices on its most wanted list for
12 many years.

13 And as such, Con Edison believes
14 that the use of these devices should be
15 considered to provide continuous monitoring for
16 leaks via stationary sensor, part of the
17 proposed section of 192.763(a)(1)(iii)(d).

18 PHMSA stated in the preamble that
19 residential methane detectors are outside their
20 regulatory jurisdiction.

21 However, this is not accurate for
22 Con Ed system. Con Edison is installing these

1 NGDs near the service line POEs. And with an
2 extensive inventory of inside meters, these
3 NGDs are installed on and are monitoring and
4 identifying leaks on jurisdictional piping.

5 Additionally, the benefits of these
6 NGDs and their location expand beyond inside
7 service lines. They can identify outdoor leaks
8 located on buried pipelines which can migrate
9 indoors.

10 Unfortunately, the sensitivity
11 requirements currently in 192.763B do not take
12 into account these devices.

13 Methane detectors align with
14 industry standards UL 2075 and UL 1484 and are
15 designed with sensitivity of 1 percent LEL or
16 500 ppm.

17 We're not even aware of any such
18 methane detectors that can comply with the
19 proposed sensitivity.

20 Disallowing such devices for an
21 inappropriate sensitivity requirement would be
22 extremely contrary to pipeline and public

1 safety and environmental protection.

2 The next statement is on flowrate as
3 it relates to technology performance standards.
4 We do not oppose the concepts of incorporating
5 leak emission flowrate into risk ranking of
6 nonhazardous leaks. In fact, Con Edison
7 believes such information can be very useful
8 when used in compliment with existing leak
9 detection and classification systems to
10 expedite repair scheduling.

11 This, however, can be accomplished
12 without replacing all of our leak surveillance
13 and leak investigation equipment and without
14 replacing our existing leak classification
15 system.

16 When a flowrate is estimated through
17 the use of specialized advanced leak detection
18 equipment, it can certainly be leveraged.

19 But if and when that cannot be
20 achieved, alternative approaches exist to allow
21 for the risk ranking of nonhazardous leaks,
22 such as an analysis of a leak migration extent

1 to estimate flowrate.

2 Con Edison is supportive of these
3 alternative means for flowrate analysis, as our
4 experience with true advanced leak detection
5 technology has shown extensive connectivity and
6 accuracy issues in the dense urban environment
7 in which we operate.

8 The canyoning effect in certain
9 parts of Con Edison's service territory has
10 made the use of ALD not feasible to date.

11 Additionally, many of our leaks on
12 our system are identified by means not found
13 during a leak survey, leaving many leaks
14 without the opportunity for equipment based
15 flowrate estimation.

16 Operators need flexibility in
17 adopting advanced leak detection technology
18 that is appropriate for our operating
19 environments and assets.

20 And this, I believe, achieves our
21 parallel goals of ensuring public safety as
22 well as addressing emission risk. Thank you.

1 MR. DANNER: All right, thank you.
2 I want to remind people, try and keep it under
3 two minutes.

4 MR. SEYDEWITZ: Good afternoon,
5 Peter Seydewitz with Enbridge, commenting on
6 behalf of INGAA.

7 For the committee's consideration,
8 we should not be looking at advanced leak
9 detection programs in isolation as an effective
10 means of preventing and reducing emissions from
11 transmission pipelines.

12 Instead, existing integrity
13 management and damage prevention programs are
14 the most effective and proven first lines of
15 defense in preventing and mitigating leaks in
16 transmission pipes.

17 And pipeline advanced leak detection
18 programs should be deployed in support of
19 integrity management programs and established
20 on risk based criteria derived from those same
21 integrity management and damage prevention
22 programs.

1 As you've heard, there are other
2 regulations that require leak detection surveys
3 at above grade appurtenances.

4 The transmission industry along with
5 existing regulations within PHMSA's code does
6 prioritize those leak detection surveys at
7 those above grade sites.

8 And for a successful leak detection
9 and repair program, we need practical detection
10 thresholds that can be deployed on scale with
11 existing technology to efficiently survey our
12 facilities.

13 Otherwise, we risk committing
14 significant resources with a corresponding
15 significant increase in our same Scope 1
16 emissions for compliance with what is currently
17 within the proposed rule, namely, the detection
18 threshold of 5 ppm.

19 Anecdotally, we have flown aerial
20 and submitted leak surveys on over 2,000 miles
21 of pipe and followed up with ground based
22 investigations on the dozens of identified

1 potential leaks that we saw from the air, most
2 of which were false positives.

3 A handful of those leaks that we
4 identified from the air were actually leaks
5 that required repair. And notably, there were
6 no leaks identified from the transmission
7 pipeline itself.

8 So, this further supports the value
9 of integrity management as continued to be the
10 first line of defense in preventing leaks on
11 the pipeline system.

12 Thank you.

13 MR. DANNER: All right, thank you.

14 MR. WILLIAMS: Good afternoon, Chris
15 Williams, Cheniere Energy representing INGAA.

16 I wanted to kind of pull back to
17 some of the language from the PIPES Act, just
18 to frame things again. And Congress recognized
19 that evaluation and improvement of advanced
20 leak detection programs should be appropriate
21 for an operator's pipeline type, location,
22 material, or medium.

1 And just to maybe to pull back a
2 little bit and look at a few entities of that
3 and they're going to -- I'm going to call them
4 the Four C's.

5 One is, as I look around, we've got
6 a tremendously complex number of facilities
7 that we represent from the pipeline industry,
8 everything from exploration and production
9 through gathering through transmission through
10 distribution, lots of different types, running
11 through a complex set of environments.

12 So, we go everywhere from high
13 desert and mountains, through swamps, through
14 rural areas, through urban areas. Combine that
15 with the instruments and methods now that we've
16 got that we're seeing, larger and larger
17 numbers of things.

18 And I would point out that it is
19 advanced leak detection programs, not simple
20 leak detection programs. So, quite a bit of
21 complexity to deal with in that. So, the work
22 that you guys are doing needs to reflect that

1 complexity and allow for the right types of
2 tools to be used.

3 And second thing I want to talk
4 about is coordination. And being an operator
5 facing a lot of regulation, things tend to work
6 better when regulations are coordinated across
7 the agencies. So, I would encourage you to
8 look at the amount of coordination that you can
9 do. It's going to be much better if all the
10 agencies that are regulating your given
11 operator to stay coordinated.

12 The third thing I want to talk about
13 is, all of this is continuously improving. I
14 know we had industry members that commented
15 about being almost on the vertical part of the
16 learning curve right now.

17 The way I look at it, we're almost
18 in a Moore's Law zone right now on development
19 of leak detection and sensors. You know, the
20 capability is doubling every, you know, every
21 so many months. So, please take that into
22 consideration. We need flexibility as

1 regulations are promulgated for advanced leak
2 detection.

3 And then, the final thing I'll say
4 is, the final thing is collaborative. And the
5 things are going to work better, we'll achieve
6 much better success, the extent to which we
7 collaborate together. And that will govern the
8 upper limits on the success that we've got.

9 If we put in place the holistic
10 system that doesn't limit but promotes the best
11 use of technology and processes, we'll get the
12 maximum benefit out of what we're doing here.

13 And so, asking you guys to consider
14 the -- using the right scale and right type of
15 regulation that promotes innovation and better
16 use of everyone's time here. Thank you so much
17 for the chance to comment.

18 MR. DANNER: Thank you.

19 MR. HITE: Hello, Matt Hite, again,
20 with GPA Midstream Association. I have three
21 quick comments.

22 My first comment is that the record

1 does not support the proposed 5 ppm within 5
2 feet leak detection threshold. PHMSA has not
3 offered a legitimate safety or environmental
4 rationale for establishing a leak detection
5 threshold with that level of conservatism.

6 PHMSA also fails to recognize that
7 setting a threshold so low will result in the
8 detection of non-pipeline sources of methane
9 emissions, both manmade and natural. And that
10 operators will be forced to grade, monitor, and
11 repair those non-jurisdictional leaks until a
12 zero percent gas reading is obtained.

13 Furthermore, many commercially
14 available leak detection technologies cannot
15 satisfy the 5 ppm within 5 feet threshold, and
16 would not be authorized for use under the
17 proposed advanced leak detection program.

18 An advanced leak detection program
19 that imposes barriers on the use of advanced
20 leak detection technologies is self-defeating
21 and counterproductive.

22 My second comment is that PHMSA

1 should develop alternatives to the 5 ppm within
2 5 feet standard that account for other relevant
3 factors such as reliability of the equipment in
4 the field conditions, practicality of using
5 equipment on below ground and above ground
6 facilities, and cost effectiveness.

7 EPA developed its leak detection and
8 repair program using that multifactor approach
9 and PHMSA should do the same before deciding on
10 whether to set a particular leak detection
11 threshold for one or more technologies in its
12 advanced leak detection program.

13 My final comment is that, to the
14 extent that the 5 ppm within 5 feet threshold
15 is retained, PHMSA should clarify that the
16 threshold only applies for purposes of
17 determining equipment sensitivity.

18 The threshold does not require that
19 the equipment itself be located within 5 feet
20 of the pipeline when the operator conducts the
21 leak survey. Thank you.

22 MR. DANNER: Thank you.

1 MR. ADAMCIK: Hi, Brett Adamcik,
2 CenterPoint Energy.

3 So, we've been working with advanced
4 leak detection technologies since around 2013,
5 been testing it, trialing it, and implementing
6 it in six different states.

7 We would like to propose eliminating
8 the 5 feet, 5 ppm rule just because there are a
9 lot of different factors that come into play
10 day or night, what's the wind like, is it
11 raining or not.

12 You really want to think about it
13 more as what you can do in ideal conditions,
14 more like a calibration, similar to pressure
15 test equipment.

16 And we also recommend, you know,
17 seeing ourselves more -- at least five years
18 for implementation of this rule. So, other
19 than the supply chain issues that we're all
20 going to see, a lot of companies, like us, you
21 know, prior to implementing the advanced leak
22 survey technology, we had our leak survey techs

1 performing other tasks as well, like atmosphere
2 corrosion inspections.

3 And so, us, you know, we're
4 estimating we're going to have to hire around
5 70 full-time employees for implementation of
6 this rule. And I can only imagine for other
7 operators, it's going to be even more. Thanks.

8 MR. MURK: Good afternoon, Dave
9 Murk, American Petroleum Institute. And my
10 comments are really representative of our
11 member companies are transmission gathering as
12 well as LMG. And I'm just going to quickly hit
13 on and re-emphasize some of the points that
14 you've heard already from a number of people.

15 But first, PHMSA should not rely on
16 methane concentration alone or certainly not,
17 again, the concentration alone in establishing
18 a performance standard for leak detection
19 technologies in its proposed leak detection
20 program.

21 The Highwood report that we had
22 funded and submitted in the record with our

1 comments demonstrates that an appropriate
2 flowrate based metric can be used to achieve
3 substantial reductions in methane emissions
4 while facilitating the cost effective
5 detection, grading, and repair of leaks.

6 PHMSA acknowledged as much in the
7 proposed rule and even urged the operators to
8 include methods for measuring flowrate in the
9 advanced leak detection program. But then,
10 rejected the use of the flowrate metric
11 proclaiming that no commenter provided a
12 suggestion for how this could be implemented.

13 The record shows that an appropriate
14 flow based rate metric can be used as PHMSA
15 cites to and relies upon studies analyzing or
16 estimating emission flowrates through the
17 proposed rule.

18 As was mentioned earlier, EPA's
19 supplemental proposed rule for subparts 0000B
20 and 0000C also propose the frequency matrix for
21 different alternative methane detection
22 technologies based on the detection limit of

1 the instrument package.

2 While commenters may not agree with
3 every aspect of these studies or EPA's proposed
4 technology matrix, there's no dispute that an
5 emission flowrate is a commonly used metric.

6 It would be more appropriate -- in a
7 more appropriate threshold to use than a
8 methane concentration alone. Thank you.

9 MR. DANNER: Thank you.

10 MR. COYLE: Hi, good evening. My
11 name is Keith Coyle. I'm speaking on behalf of
12 GPA in Midstream and API.

13 My comments concern the proposal to
14 apply the advanced leak detection program
15 requirements to Type C gas gathering lines.

16 My first comment is that the
17 rulemaking mandate in Section 113 does not
18 apply to gas gathering lines in Class 1
19 locations, including Type C lines. Congress
20 limited that mandate to regulated Type A and
21 Type B gas gathering lines in Class 2, 3, and 4
22 locations.

1 Type C gathering lines were not even
2 jurisdictional when Congress enacted Section
3 113 and only became regulated for the first
4 time in May of 2022.

5 My second comment is that the risk
6 assessment for the proposed advanced leak
7 detection program requirements for Type C
8 gathering lines does not comply with the
9 statutory requirements.

10 PHMSA did not consider any non-
11 regulatory options and only considered
12 regulatory options that satisfied the Section
13 113 mandate in developing the proposed rule.

14 But Section 113 does not apply to
15 Type C gathering lines. And PHMSA has not
16 offered a legitimate reason for failing to
17 consider the range of available non-regulatory
18 and regulatory options in conducting the risk
19 assessment.

20 Nor did PHMSA consider the
21 information and data that Type C gathering line
22 operators are now providing in incident safety

1 related condition and annual reports.

2 PHMSA invoked its information
3 collection authority to require gathering line
4 operators to provide this data and cannot
5 simply ignore it in proposing new regulations
6 that will affect more than 90,000 miles of Type
7 C lines.

8 PHMSA also had the time to consider
9 that data in developing the proposed rule as
10 the congressional deadline in Section 113 does
11 not apply to Type C lines.

12 Finally, PHMSA did not consider the
13 unique impact of applying the proposed advanced
14 leak detection program requirements to Type C
15 gathering lines.

16 These pipelines only became
17 regulated for the time in May of 2022, had
18 initial compliance deadlines that did not run
19 until May of 2023, and are subject to an
20 exercise of enforcement discretion that does
21 not expire until May of 2024.

22 At the very least, Type C gathering

1 line operators should have the opportunity to
2 comply with PHMSA's new leak survey and repair
3 regulations before being subject to even more
4 stringent requirements. Thank you.

5 MR. DANNER: Thank you.

6 MR. SHAH: Good afternoon, my name
7 is Shrikant Shah. I'm with Pacific Gas and
8 Electric. We're based out of Northern and
9 Central California.

10 Since 2015, we complied with
11 emission reduction, state regulations, and
12 implemented numerous best practices and
13 programs to reduce emissions.

14 Earlier this year, we've announced
15 that we achieved 20 percent reduction goal two
16 years in advance of our 2025 state compliance
17 requirement.

18 We're on track to meet 2030 goal of
19 45 percent by expanding our most cost effective
20 programs.

21 What we've learned over the years is
22 that an effective emissions reduction program

1 consists of detection, measurement, and
2 mitigation prioritization.

3 Similar to event and conversation
4 yesterday and what Arvind and Erin mentioned
5 during the survey commenting this morning, is
6 that we need to prioritize the detection and
7 repair of large leaks and emissions.

8 This is the best way to reduce
9 emissions in a cost effective way. Leak
10 detection tools vary by application,
11 sensitivity, and in some cases, emissions rate
12 measurement. For transmission, we leverage our
13 aerial survey for our pipeline.

14 For our fixed compressor stations,
15 we want to leverage continuous monitoring
16 equipment. For meter sets characterizations
17 emissions based on bubbles produced through
18 soap tests at a system wide level, we utilized
19 satellites.

20 These technologies and methods don't
21 align with the proposed 5 ppm concentration
22 threshold because they measure the parts per

1 million meter and emission rate or even with a
2 visual, the bubbles.

3 We shouldn't focus on the most
4 sensitive equipment but focus on how we can
5 detect large leaks so we can mitigate these
6 faster and reduce emissions overall.

7 Our request is to not let the
8 regulation be so perspective where we can't
9 leverage these innovative technologies and
10 methodologies. Thank you.

11 MR. DANNER: Thank you.

12 MR. GECK: Dave Geck with Northern
13 Natural Gas. I have three comments to kind of
14 add to -- some color to some of these other
15 comments.

16 We've been flying our pipeline
17 system since 2007 and '08 which is a
18 significant long time. We were the early
19 adopters using an advanced leak detection.

20 And currently, we're going to a 100
21 percent of our 14,000 miles.

22 But in doing that, we've used a

1 threshold that is more in line with what's been
2 discussed at the 500 ppm and the 10 kilograms
3 per hour as our threshold to do some reaction.

4 Because we have found a significant
5 amount of ghosts, or as the other gentleman was
6 discussing, that were false positives.

7 We were out, you know, driving
8 around. The environmental impact of looking
9 for a ghost is just as important as finding
10 that ghost. So, those are some considerations
11 we should have. And another part that we feel
12 is of significant risk in the implementation
13 time line is getting these assets available to
14 the whole industry and our use of the pipeline
15 inspection advanced leak detection has been
16 limited at times due to availability of
17 helicopters and those kind of things and
18 pilots.

19 So, the amount of people doing this
20 is going to be a significant impact. So, take
21 that in your time line of implementation
22 considerations.

1 MR. TAYLOR: I'm Eric Taylor, I was
2 trying to be the last one to go up, but these
3 guys came up behind me. So, I was hoping to be
4 the summary here.

5 But no, again, BHE GT&S, speaking on
6 behalf on INGAA. So, generally, again, INGAA's
7 supportive of trying to identify these leaks,
8 work to get the repair of these leaks.

9 As we've talked already, the
10 sensitivities, that we propose a range of
11 sensitivities to allow multiple tools to be
12 used in various applications.

13 As we've all heard, it's not a one-
14 size-fits-all. So, indoor versus outdoor,
15 above ground versus below ground pipe, handheld
16 versus vehicle mounted versus aircraft mounted
17 versus geo orbit located. So, again, there's a
18 lot of different technologies in this space.

19 And so, we were trying to push or
20 leverage different sensitivities so that we
21 could work to utilize all of these different
22 technologies, again, in those different

1 applications.

2 We also worked to propose
3 sensitivities that continue to incentivize
4 continued improvement, development of
5 technologies so that we can hopefully leverage
6 those technologies as they get better.

7 Work to have continuous monitoring.
8 We heard, again, earlier that somebody is using
9 some continuous monitoring that's a 500 ppm
10 limit.

11 So, working to allow that to
12 continue to be used, we could continue to fund
13 to have improvements there so that we can see
14 that technology get to a lower level and
15 identify leaks that could be repaired at that
16 lower leak level.

17 And then, finally, the proposed
18 sensitivities that were offered were in an
19 effort to balance EPA requirements. We've
20 already heard several times, again. Working to
21 have consistency across multiple agencies to
22 prevent a high level of false positives.

1 Again, we've heard that comment just now. We
2 actually had an operator that had 36 out of 39
3 be false positives that were identified at a
4 lower sensitivity level.

5 So, just working to ensure that we
6 identify the leaks correctly. And again, we're
7 not wasting emissions trying to chase leaks
8 that aren't there.

9 And then, also, to allow
10 implementation. So, again, we want to make
11 sure technologies are available that are able
12 to be implemented at the time of the final
13 rule.

14 So, again, the sensitivities we had
15 recommended were 5 ppm for handheld equipment,
16 500 ppm or 10 kilogram per hour mass flow for
17 the various technologies, infrared, laser
18 based, mobile, aerial, satellite so it won't
19 read all those, 500 ppm for handheld equipment
20 used within buildings, and then, any optical
21 gas imaging or equivalent that meets
22 requirements of 40 CFR Part 60 Subpart 0000.

1 And then, again, one item that we
2 are a little bit concerned of as industry is
3 what Erin mentioned earlier, that annual review
4 of technology to make sure that you're
5 evaluating what's the latest and greatest
6 technology. Because, as we heard earlier, Con
7 Edison mentioned that \$26 million cost. We
8 can't be expected to transition year over year
9 at that level of cost as well as the training
10 to make sure that they're adequately trained to
11 utilize that technology and identify leaks.
12 Thank you.

13 MR. DANNER: All right, thank you.

14 MR. KOCHMAN: Good evening, Ben
15 Kochman representing the Interstate Natural Gas
16 Association of America.

17 I have two key themes to highlight.
18 The first is once again going back to the
19 regulatory impact analysis. The transmission
20 segment under the PHMSA proposed RAA estimates
21 a \$12 million survey cost. Obviously, a big
22 portion of that would be the ALDP program.

1 INGAA did its own calculation of
2 that and found, if you were going to do the
3 \$515 per mile which we, by the way, view as far
4 too low, that the actual cost would total over
5 \$138 million per year per transmission. And we
6 -- you can refer to Table 9 under the INGAA
7 comments under that on page 15.

8 Also, on page 15 on Table 10, we did
9 the actual total leak survey costs using that
10 \$138 million figure and came to a 3 percent
11 discount rate figure of \$128.49 million per
12 year.

13 We would really appreciate it if
14 PHMSA could take a really close look at our
15 actual estimates on that program.

16 Shifting gears a bit, something that
17 I think many of you have heard from many of the
18 operators, INGAA and non-INGAA related, is that
19 people want to have the flexibility to use
20 specific types of different technologies. It's
21 going to vary per operator.

22 But when this committee is

1 determining, you know, what standard will be
2 and what PHMSA will ultimately adopt, I really
3 much implore you to think about in terms of the
4 timing window for when this can come online.

5 I know there's going to be a timing
6 discussion later on during the GPAC meeting.
7 But this is one of the key components of that
8 section.

9 If you set a specific type of
10 technology then every single operator will then
11 have to go out and buy, it's going to be near
12 impossible to implement in a six month window.

13 On top of that, we have to think
14 about in conjunction with the EPA rule that was
15 already stipulated earlier.

16 But in some discussions that
17 operators have had prior to the GPAC meeting
18 with some of the technology manufacturers, and
19 keep in mind, the technology manufacturers are
20 trying to sell their technology to our members,
21 they came up with a very rosy, oh, we can have
22 all this done in a two year window.

1 So, I'm not convinced that the two
2 year window is actually feasible if the whole
3 industry, talking transmission, distribution,
4 gathering, whatever is decided to be in that
5 final rule all came online at the same time,
6 even two years is feasible.

7 So, just to go back to the three
8 year recommendation that INGAA has, we think
9 this is actually a practicable recommendation
10 and really appreciate the GPAC's consideration
11 of it as well as PHMSA's. Thank you.

12 MR. DANNER: Thank you.

13 MR. CURRIER: Hi, I'm Scott Currier,
14 I'm the Director of Integrity for TC Energy.
15 I'm here speaking on behalf of INGAA.

16 I'd like to thank PHMSA and GPAC for
17 the opportunity to offer comments on ALDP prior
18 to your deliberations.

19 My comment focuses on technology
20 evolution. As we all know, technology is
21 constantly evolving. I'd like to offer a brief
22 comment and concern that going to a most

1 conservative sensitivity may inadvertently
2 limit innovation for technology like leak
3 detection via satellites.

4 And jumping to a very conservative
5 sensitivity out of the gate may limit the
6 ability to adopt these technologies in the
7 future.

8 This survey -- satellite surveys is
9 one that doesn't have incremental emissions
10 associated with it. Unlike other survey
11 methods like leveraging vehicles or aircraft.

12 As GPAC Member Arvind said during
13 the leak survey discussions, there is data that
14 supports that a large -- a few large leaks have
15 an outside contribution to the total leak
16 volume in which case finding these sooner via
17 more frequent satellite surveys, for example,
18 may be a good tradeoff overall.

19 In short, I'm asking that GPAC
20 consider a balanced approach to sensitivity so
21 as to not limit operators to any one technology
22 or limit the adoption of future technologies

1 that will have some tradeoffs.

2 For example, reduced detection
3 capability but the tradeoff is an ability to
4 survey more frequently without incremental
5 emissions. Thank you for your time.

6 MR. DANNER: Thank you.

7 All right, that closes the public
8 comment.

9 We are at about 25 minutes after
10 5:00, 23 minutes after 5:00.

11 Any closing words, John Gale or Alan
12 Mayberry?

13 MR. GALE: Yes, thank you, Chairman.
14 I guess I beat Alan to the button. Just a
15 recommendation for the committee as we begin
16 our discussions in the morning, I know we're
17 running late here, so we'll get to it real
18 quick.

19 Just again, a recommendation that as
20 we begin the discussion is that we break it out
21 in a couple different components.

22 That we maybe first discuss gas

1 transmission and gas gathering lines and what
2 the appropriate standard should be there and
3 the options to give the operators in that
4 scenario.

5 Then, move on to gas distribution
6 lines. And then, even when we're talking about
7 those different sectors, it might be the
8 committee may find it helpful to discuss each
9 tool's capability, be it mobile, be it
10 satellite, be it handheld, be it aerial, and
11 what that standard should be applicable to that
12 specific sector.

13 Then, from there, we can move on to
14 human senses and the alternative performance
15 standard.

16 And then, the remaining ALDP program
17 elements from there.

18 So, again, it's just a
19 recommendation to -- for the committee to
20 consider there.

21 MR. DANNER: Chad?

22 MR. ZAMARIN: Yes, I think that

1 makes a lot of sense.

2 One question I have, and I'm not
3 sure it's addressed and I think it's an
4 important commentary is maybe a discussion at
5 some point in this section on the coordination
6 between EPA and PHMSA.

7 Because I'd like to understand
8 better and make sure that 0000A and their
9 requirements are at least being considered.
10 And I'm not sure I understand. So, I know it's
11 not in the technical details but maybe a
12 discussion on that would be helpful to
13 understand.

14 MR. GALE: And Chad, are you
15 specifically talking about the compressor
16 stations during that scenario?

17 MR. ZAMARIN: Yes, I think so. I
18 just -- I'm not sure, I'm not an expert in EPA.
19 I just want to make sure.

20 MR. GALE: Sure.

21 MR. ZAMARIN: It sounds like there's
22 some concern that there's overlap or conflict

1 between potentially the regulations. So, just
2 want to make sure we've fleshed that out a
3 little bit.

4 MR. GALE: Will note, thank you,
5 thank you.

6 MR. DANNER: All right, any other
7 clarifying questions for John or Alan? Alan,
8 do you have anything you'd like to say?

9 MR. MAYBERRY: No thanks. Good day,
10 thanks, everyone.

11 MR. DANNER: All right, we will be
12 in recess until 7:30 in the morning and we will
13 begin promptly. So, see you then. Thank you.

14 (Whereupon, the above-entitled
15 matter went off the record at 5:26 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee

Before: PHSMA

Date: 11-28-23

Place: Arlington, Virginia

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