

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

+ + + + +

GAS PIPELINE ADVISORY COMMITTEE

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WEDNESDAY, NOVEMBER 29, 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 7:30 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, 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 and expected to attend
ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal
Official

TEWABE ASEBE
DAVID BIRCH, OST
CLAYTON BODELL
ROBERT BURROUGHS
LAUREN CLEGG
NATHAN COLE
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
LANE MILLER
STEVE NANNEY
CAROLYN NELSON
SAYLER PALABRICA
MIA PETRUCCI
GABRIELA ROHLCK
EMMA M. ROSS
CAMERON SATTERTHWAITE, 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
BRIANNA WILSON
DAVID YORK

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

2 (7:33 a.m.)

3 MR. DANNER: All right. Good
4 morning, everyone. Today is day three. It's
5 Wednesday, November 29th. And we completed
6 last night the public comment on advanced leak
7 detection, and so we are now just going to get
8 into the committee discussion. I think we'll
9 start with gathering lines, and I'll turn it
10 over to John Gale.

11 MR. GALE: Morning, committee.
12 Thank you, Chairman. We have a slide up here
13 again from last night. We're making a couple
14 changes to it; we're hearing from some of the
15 Committee members. There was a recommendation
16 to split out transmission discussion and
17 gathering discussion.

18 Chairman, if I may, we would
19 recommend actually we would start with
20 transmission, and then move to gathering, and
21 then move to gas distribution lines, and then
22 move on to some of those other discussions

1 there. If I could have that slide back, the
2 slide switched on me. And then move on to
3 things like the program elements, use of human
4 senses, et cetera. So the recommendation now
5 is to really move to the discussion of gas
6 transmission ALDP standard.

7 MR. DANNER: All right. And who
8 would like to start? Erin Murphy, your tent
9 card is up.

10 MS. MURPHY: Thanks. Good morning.
11 Erin Murphy with EDF. I think just to dive
12 right into it, we have a recommendation, or I
13 have a recommendation on the ALDP performance
14 standard. I have some language that I shared
15 with PHMSA staff that I'd love to walk through
16 for the committee.

17 MR. GALE: We just need one minute.
18 We're almost there.

19 MS. MURPHY: Okay. I can provide
20 some introduction before my language is shown
21 on the screen. I think, you know, a lot of the
22 public comments that were submitted into the

1 rulemaking docket and folks who spoke
2 yesterday, there's a lot of consensus that the
3 5 ppm at 5 feet proposal in the NPRM alone is
4 not adequate to capture the full breadth of
5 advanced leak detection technologies that are
6 commercially available that many leading
7 operators are already using, and that PHMSA is
8 wanting to see uptake across the industry for
9 implementation of this proposed ALDP standard.

10 So recognizing that the limitation
11 of 5 ppm alone, and the recognition that leak
12 flow rate is a really appropriate metric,
13 especially when thinking about trying to
14 capture the climate impact of these leaks, we
15 have recommended, and this is drawn from joint
16 environmental comments that were submitted in
17 the docket, and then I've incorporated some
18 additional components in the proposal I'm
19 presenting to the committee today in the hope
20 of seeking compromise more quickly.

21 MR. GALE: We're closer.

22 (Off-microphone comments.)

1 MR. GALE: Chairman, if I may.
2 Erin, if you could just double check our type
3 up of this.

4 MS. MURPHY: I think this is right.
5 If anything jumps out to me, I'll flag it as we
6 go. I know this is a lot to talk through, and
7 we probably want to break it up by sector, but
8 I asked PHMSA staff to display the full
9 recommendation together so that folks can see
10 that, you know, we tried to identify
11 appropriate standards by each type of pipeline,
12 so recommending 3 kilograms per hour threshold
13 for transmission lines, 10 kilograms per hour
14 for gathering lines, and 0.5 kilograms per hour
15 for distribution lines.

16 I can walk through in a little more
17 detail each section, of if we want to just
18 start with transmission, I can walk through
19 that and then open it up for discussion. Maybe
20 I'll do that and pause, and if everyone wants
21 to hear more from me, then I'll keep going.

22 So the transmission recommendation

1 is a 3 kilogram per hour threshold which would
2 capture, you know, aerial or mobile type
3 surveys with a follow-up survey of leak
4 indications on the ground with handheld
5 equipment at 5 ppm. We recommend a probability
6 of detection standard for all of the flow rate
7 based technologies at 90 percent. And we would
8 be comfortable with the use of OGI consistent
9 with EPA's proposal for above ground
10 appurtenances, which is not something that was
11 originally proposed by the environmental
12 commenters, but we recognize there's a lot of
13 interest in that.

14 MR. DANNER: So, Erin, can you
15 explain follow-up survey and how that works?
16 Do you have timelines or anything?

17 MR. GALE: Yeah. Absolutely. So my
18 understanding with the aerial technologies is
19 that they will provide operators with leak
20 indications, right, where that sort of fly-over
21 technology has identified an indication of a
22 leak, and then will provide some estimate of

1 the flow rate, you know, giving you a sense of
2 the size of the leak. And then, you know, a
3 crew will go out on the ground. Based on that
4 identification that was provided by the aerial
5 survey, crew will go out on the ground using
6 handheld to pinpoint the location of the leak
7 and confirm its existence, confirm its extent,
8 and then make a, you know, plan for repair.

9 MR. DANNER: Andrew Drake.

10 MR. DRAKE: Good morning, bright and
11 early. Andy Drake with Enbridge. I think it's
12 fine to break them out by segment. I do think
13 we're going to have to have some sort of
14 conversation at the beginning that sort of cuts
15 across about technologies' capabilities, you
16 know, some sort of how this might work for all
17 the sectors.

18 But just sort of frame this, I
19 appreciate that you've broken out above-ground
20 and pipeline because I think that's different.
21 They're different problems, different
22 technologies that are going to come into play.

1 I think there may be, dare I say, different
2 thresholds even in the different technologies
3 -- I mean in above and below ground. And for
4 transmission pipes typically are not a big
5 source of leaks. It's the above ground
6 appurtenances are more the driver. And so we
7 can use the different technologies in the sites
8 than we would use across pipeline.

9 Now I want to be very careful just
10 to sort of frame that as we set these
11 thresholds, you know, yesterday I heard a lot
12 of comments about people that have been
13 experimenting with this. Or not experimenting,
14 we've been trying it on, working on it. And
15 we've been one of them, I know Williams is as
16 well, and some of the others around the table.

17 Hearing that data, I think this
18 Committee's going to have to balance between
19 false calls and a really low threshold, and I
20 think the thing that I'm going to put out here
21 is the word "all" is all. And all at any cost
22 is something we really are going to have to

1 wrestle with. We wrestled with it a little bit
2 yesterday. We talk about we want to go after
3 all anomalies at any cost. Well, the two words
4 that bother me are all and any. That's an
5 incredibly out of balance conversation, and we
6 need to -- this Committee's going to have to
7 help us all figure out what is an appropriate
8 balance.

9 I think that some of the
10 conversation we heard yesterday about data, I'd
11 like the data to come into this conversation to
12 help us make that choice. And I do think that,
13 you know, as we look at some of the -- as we
14 look at the conversation really around
15 thresholds, we also have to look at being
16 careful not to eliminate technologies because
17 they can, and I think that's -- we're at the
18 very beginning of this ship. If we -- and I'm
19 not advocating for very high thresholds,
20 either. That's not the point either. The
21 point of this is go find things and go get
22 them.

1 But if we aren't careful, we, you
2 know, if we picked 5 ppm, and I know you have
3 now moved off of that, or you've made a motion
4 to move off of that and I appreciate that. If
5 we pick that level, we start to screen out a
6 lot of aerial patrol technologies. And I think
7 that's very dangerous because that's going to
8 be actually the most viable way for us to look
9 for leaks across the pipeline. We may not want
10 to use some of that technologies for stations,
11 but for pipelines, that's really important to
12 keep that open. Otherwise we're going to end
13 up walking thousands of miles of right of way
14 to look for very small leaks, which is not
15 practicable on the transmission system.

16 But I just wanted to kind of park
17 that thought out there. And I think that, you
18 know, I'm sure that other members here, we were
19 leaning over just a second ago going, well, how
20 are we going to talk about all these
21 technologies if we're going to cover
22 transmission first. So I think as we talk

1 about this for transmission to start with,
2 let's open this conversation up to talk about
3 the technologies and things that may come
4 across all the groups. Does that make sense?
5 Okay. Thank you.

6 MR. DANNER: All right. Chad and
7 then Brian.

8 MR. ZAMARIN: Okay. Chad Zamarin
9 with Williams. Yeah. And I do think it is
10 important to take a step back and summarize
11 maybe a couple of the key themes that came out
12 of yesterday. I mean -- and the public
13 comments I think were important. You know, one
14 of those is I think we need to be very careful
15 that we don't jump straight to numbers that
16 exclude technologies that are being used, that
17 are proven, that are in wide utilization today.
18 And so I think, you know, we have to be
19 careful.

20 I think PHMSA has to make sure that
21 whatever number comes out of, you know, a
22 limited number of folk' input, and it sounds

1 like, you know, we want to put, you know,
2 specific numbers on the table, that what I
3 heard yesterday is there's technology widely in
4 use, and, you know, this is the first standard
5 in this space. This isn't like something
6 that's been, in many cases, we're updating
7 standards that have existed for decades. And
8 so I do think we need to be careful that there
9 -- I wonder if there's a way to allow for the
10 technology that's being used today to be used
11 and effective for some period of time.

12 But the first thing that I would
13 note is this seems like a good start, but I
14 think we've heard, we've talked about on
15 transmission lines the issue is not small
16 leaks. And what I'm more focused on as an
17 operator is figuring out how to develop
18 technologies that continuously monitor our
19 systems. And we're primarily looking for
20 larger leak indications, and if we lower the
21 threshold to 3 kilograms per hours, my
22 understanding is we will effectively screen out

1 effective aerial technologies, satellite
2 technologies. And I think it's better to have
3 a higher threshold and more continuous
4 monitoring than a lower threshold that would
5 exclude technologies.

6 And so, you know, for example, I'd
7 like to see satellites, we're investing in and
8 exploring satellites, but it's just the start.
9 I mean, we've launched two satellites that
10 we're supporting and those are the first two
11 for our company. I know there are some others.
12 But I think we've got to have the ability to
13 have technologies that can more continuously
14 monitor even if it means we need a higher
15 threshold.

16 And again, that threshold, we're
17 looking for, on transmission systems, large
18 emission sources. And so we've proposed 10
19 kilograms per hour for pipelines on
20 transmission. I still think, even at that
21 level, we've seen false positives. High degree
22 of false positives. And so we do have to be

1 careful that, again, we're detecting things.
2 We're putting people in trucks. We're driving
3 out to locations. If we're not careful, we're
4 creating more emissions than we're detecting
5 and eliminating.

6 And so I think it's important to get
7 this right to find that balance. And so, you
8 know, I would propose that on transmission, the
9 number be 10 kilograms per hour. But, again, I
10 am concerned. I think drawing hard lines on
11 these numbers, from what we heard yesterday,
12 I'm concerned that we will potentially have
13 unintended consequences. Thank you.

14 MR. DANNER: Thank you. Brian.

15 MR. WEISKER: Good morning. Brian
16 Weisker, Duke Energy. And, you know, we
17 haven't gotten to the distribution portion yet,
18 but I do think we need to be looking at this
19 from a technology standpoint of what is the
20 technology -- what technologies are out there,
21 what are they capable of, and then producing a
22 menu of options for the operators to choose

1 from for what's best for their system.

2 Right now, I mean, we'll eventually
3 get there, but it looks like we're picking
4 winners and losers here as far as for
5 distribution. You see there, it's mobile
6 survey. Satellite's not on the list. And so
7 there's other tools that are developed. We're
8 doing that as a company right now as far as
9 utilizing satellite technology. So I just
10 think from, you know, from an overarching, take
11 a step back and a step up, it's like what are
12 the technologies capable of doing, and then we
13 go from there.

14 MR. DANNER: All right. Thank you.
15 Commissioner Burman. Pete.

16 MR. CHACE: Thank you. Excuse me.
17 Pete Chace, NAPSR. First off, I appreciate the
18 effort to try and develop a compromise
19 position. My own thought is it looks to me
20 like if you start trying to define numeric
21 minimum performance threshold for all the
22 various different technologies out there, you

1 can get sucked into a quagmire pretty quickly.

2 Quickly frankly, I kind of question
3 the need for specific numeric performance
4 standards at all. I think if somebody is
5 performing an inadequate leak survey or an
6 inadequate leak rating, I can get to them
7 through other segments of the code. I could
8 picture just look, you know, use a leak survey
9 or a leak rating, it has to be done with
10 instrumentation capable of detecting the
11 concentration or flow rate of gas in the
12 atmosphere. And then those performance
13 standards are kind of understood by the need to
14 be able to grade the leaks accurately.

15 The other thing I'll add is on this,
16 quite frankly, I don't understand why
17 transmission methane is different from
18 gathering methane is different from
19 distribution methane.

20 MR. DANNER: All right.
21 Commissioner Burman.

22 MS. BURMAN: Thanks. First of all,

1 I appreciate you taking time to put this up
2 there and give us something to reflect upon and
3 figure out where we all are. I just want to be
4 clear that I am a true believer in that
5 technological advances are very important, and
6 that the more we can help foster innovation and
7 figuring out new ways of doing things that help
8 and that have accountability, I think that's
9 really helpful.

10 For me, I am just a little confused
11 because the kilograms versus hours, it doesn't
12 resonate with me and like what is that? Does
13 that match up with, you know, the terminology,
14 the use that, you know, my state does versus --
15 and other states. I think we all, my
16 understanding, deal in ppms, so I'm not sure
17 how it translates.

18 But the thing that I think resonates
19 with me is that it seems like it's becoming a
20 little bit too prescriptive on, you know,
21 exactly what to use here that seems to me,
22 without having a broader understanding, is that

1 we may be getting locked into picking winners
2 or losers, or not having an opportunity for the
3 states to kind of work through the
4 technological advances that they're trying out
5 with their operators, seeing if it works.

6 And I look at it more as, you know,
7 sort of -- I'm always cognizant as a state
8 regulator that I'm not trying to be overly
9 prescriptive, and understanding that the best
10 available technology today will likely not be
11 the same in the future, and wanting to look at
12 it more holistically.

13 And so I just raise for myself that
14 I also want to make sure that we don't undercut
15 the state regulatory process that's already
16 ongoing in working with the different
17 technologies and figuring it out. And, you
18 know, something we have to worry about is not
19 just picking winners and losers, but also the
20 fact that it's still a work in progress. And
21 so we don't want to have the bar set so low
22 that where there's so many false positives that

1 it becomes unworkable.

2 And we also want to make sure that
3 it is targeting, you know, we have, you know, I
4 don't have the data for this, but we did hear
5 yesterday from some of the operators that even
6 some of the technology is still not picking up
7 known leaks. So we have to be really careful
8 because we can go, you know, all over the place
9 and it's not necessarily targeting what we need
10 to do at the first threshold.

11 So I would just like us to kind of
12 remember, my principles are for this one, don't
13 get ahead of the state regulation, ensure that
14 we are not setting it so that we are being
15 overly prescriptive on the technology. That
16 we're actually perhaps keeping out good
17 technology that's still, you know, being used,
18 but also good technology that's being closed
19 out.

20 And then the other thing is what is
21 -- I don't know what this does on impact to
22 rate payers, and what that actually means in

1 application. So thank you.

2 MR. DANNER: All right. Thank you.

3 Alex.

4 MR. DEWAR: Good morning. Alex

5 Dewar with BCG. I think fantastic that we're
6 fully into a discussion of flow-based
7 measurement. I think everybody, you know,
8 seemingly wants to get there, and that's the
9 right discussion to have.

10 I think a couple things to add to
11 the discussion about thresholds though, in
12 making decisions about technology, it's not
13 just about thresholds. It's also about
14 probability of detection, and it's about
15 frequency. And there are tradeoffs made within
16 that. And you could get to two very different
17 outcomes actually, depending upon just taking
18 that frequency point.

19 If we're going with what the
20 regulatory minimum is, we spoke about yesterday
21 on the surveys, arguably you would actually
22 need an even lower threshold than this if this

1 is really only once a year or multiple years.
2 But as we know, many operators are doing the
3 surveys much more frequently than that, and so
4 that actually warrants a higher threshold level
5 with more frequent observation could yield, you
6 know, better results at a lower cost
7 potentially.

8 So I just want to put that out
9 there. And, Arvind, this is kind of getting
10 more to your camp overall. I'm sort of
11 speaking from a -- seeing this from the
12 operator perspective, but I think important for
13 us to recognize that. And so maybe just -- the
14 turning question to PHMSA would be helpful to
15 hear a little bit more about your consideration
16 of flow-based detection thresholds, why that
17 wasn't in -- how any consideration about that
18 as we sort of further progress the discussion?

19 MR. DANNER: All right.

20 MR. PALABRICA: Hello. This is
21 Sayler Palabrica. I think to get to the
22 proposed performance standard, it's helpful to

1 go back to the act. Let me get that up.
2 Sorry. Just one second. So it directs PHMSA
3 to establish standards for new and existing
4 technologies and practices through periodic
5 surveys with handheld equipment, equipment
6 mounted on mobile platforms, and other means
7 using commercially available technology.

8 And so for the current requirements,
9 like the vast majority of the surveys are on
10 those distribution systems using handheld
11 equipment that is measured in ppm. So our
12 attempt was to set a standard that is
13 attainable with a careful handheld survey with
14 high quality leak detection equipment.

15 We were also aware of the EPA
16 alternative technology standard in the
17 supplemental notice. Our concern with -- well,
18 I won't say our concern. Our main issue with
19 that was that, one, emissions abatement's not
20 our only goal. Like as we've heard from many
21 of the commenters, a lot of concern with
22 safety. And as a safety agency, like, we're

1 not only concerned with emissions mitigation,
2 we're also interested in leaks that may not
3 have significant surface expression because
4 it's accumulating underground or in structures.

5 Now we did understand that there
6 were certain circumstances where that calculus
7 might be different, which is part of the reason
8 why there's the 192.18 notification for the
9 transmission surveys in the Class 1 and 2
10 locations. And that's sort of what we had in
11 mind with that. But we do certainly appreciate
12 the comments in the written record and in this
13 room.

14 MR. DANNER: All right. Arvind.

15 MR. RAVIKUMAR: Thank you. Arvind
16 Ravikumar, University of Texas. Very good
17 points have been raised just over the past 20
18 minutes. What I'd thought I'd do is provide
19 some information because this is something we
20 have been working on for the past five to ten
21 years looking at new technologies and their
22 applications across the oil and gas supply

1 chain. I want to highlight sort of a few
2 high-level principles as we discuss through
3 some of the specifics of design, and in the
4 process hope to answer some of the questions
5 that have come up.

6 Over the past three to five years,
7 we have tested over 20 to 30 different
8 technologies, 20 more working with oil and gas
9 companies across the supply chain and
10 production, mid-stream distribution companies
11 deploying these technologies, understanding
12 their performance parameters.

13 There are about 50 to 60 different
14 technologies in the United States that are
15 developing leak detection solutions. A
16 majority of these companies are based in the
17 United States. A majority of these companies
18 have tested their technology in
19 controlled-release conditions. A majority of
20 these companies have also deployed these
21 technologies in collaboration with operators as
22 we have heard in public comments as well as in

1 written comments.

2 My point in laying that out is that
3 it is high time we move towards adopting some
4 of the standards so that these new technologies
5 can be deployed much more widely. What I've
6 seen over the past three years, this is a very
7 similar discussion we have had with the EPA in
8 the introduction of new technology. And we see
9 why these new technologies are really
10 cost-effective and fast in detecting some of
11 the biggest leaks in the system, and that's
12 been used by several operators in the process.

13 And so insisting on using a
14 technology standard that is maybe three decades
15 old I think is a little too -- it's not right
16 given the fact that we have all these new
17 innovation technology being tested on a daily
18 basis.

19 The second point I want to make, and
20 I think something that Commissioner Burman
21 brought up on why we are moving from a ppm to a
22 kilogram per hour standard, I think part of the

1 reason is innovation. You know, at the time
2 the ppm standard was written, that was the only
3 technology available, and so you had to choose
4 a standard based on what was possible then.

5 The challenge with ppm, especially
6 with these new technologies, is that it does
7 not have a linear correlation with your leak
8 rate because the ppm rating depends on other
9 things such as environmental conditions, how
10 far you are away from the leak, how deep under
11 the ground is the pipeline buried. And so the
12 point is if you have a ppm standard, small
13 leaks can have a high ppm, and large leaks can
14 have a small ppm depending on where and how you
15 measure that.

16 And so moving to a leak rate
17 standard is much more direct in terms of
18 addressing the biggest leaks in the system.
19 And on a practical basis, many of the new
20 technologies that we have heard about that are
21 currently being deployed measure kilogram per
22 hours and flow rate as opposed to ppm, so it

1 makes a lot more sense to use that standard to
2 be able to allow operators to choose whatever
3 new technologies are available.

4 The third point I want to make is
5 multiple people made this point before. I
6 completely agree that we absolutely need
7 technology neutral standards. We don't want to
8 be picking what technologies companies should
9 be using. In fact, I work with operators who
10 wanted to try six different technologies and
11 then choose which of those is the best for that
12 type of facility in that geographic location.

13 So I think technology-neutral
14 standards are extremely helpful. And what this
15 does, this sort of thresholds of, you know, 3
16 or 10 kilogram per hour, both of them are fine
17 with me, is that it tells operators, you know,
18 what you need to look for. So again, kilogram
19 per hour for example, does not restrict
20 technologies. It just provides a suite of
21 technology options an operator can choose from.

22 The threshold we need to set here is

1 to ensure that we don't set it at a level where
2 you don't see any leaks. For example, my
3 colleagues at Stanford, my former boss, we
4 tested about 20 different satellites through
5 direct-control released tests, and the best
6 case scenario, the satellites under the best of
7 conditions can see a leak rate as small as 100
8 kilograms per hour. 100 kilograms per hour is
9 about 5,000 SCFs.

10 And one of the reasons to set
11 technology standards is that, in many cases,
12 and I think some of the operators in the room
13 will agree with me, is that they don't see
14 leaks like 100 kilograms per hour. It's an
15 extremely large leak. And if you have an 100
16 kilogram per hour leak in a distribution
17 system, I think you've got much bigger problems
18 than an LDAR program.

19 So the reason to put these numbers,
20 minimum numbers, is to make sure that the
21 appropriate technology, suite of technologies
22 are chosen for the appropriate segment, and

1 it's okay to have this knowing that putting the
2 standard does not limit options, but provides
3 operators with some guidance on the suite of
4 technologies they can choose from.

5 And the last thing I want to say and
6 then stop is false positives are an issue.
7 I've seen it during testing both in controlled
8 conditions as well as with operators. But I
9 think this is something that's specific to a
10 technology. There are technologies that have
11 high false positives. There are technologies
12 that are lower. But I don't think this
13 committee should be deciding which technology's
14 the right one.

15 Once you set this high-level
16 standard, I believe we can work with operators
17 to help -- they can choose which technology
18 they want based on the false positive rate, the
19 cost, and other parameters that they might want
20 to consider. I'll stop here and then come back
21 later.

22 MR. DANNER: All right. Thank you

1 very much. Erin Murphy.

2 MS. MURPHY: Thanks. Erin Murphy,
3 EDF. Before I respond to anything, I did want
4 to flag that I believe there's something
5 missing from the language I submitted to PHMSA
6 staff, and I know you all are trying to fit it
7 onto this slide. But for the distribution
8 sector, and this is consistent with what EDF
9 and other environmental groups recommended in
10 comments that we filed in August in the docket,
11 we recommended a 0.5 kilogram per hour mobile
12 survey plus handheld survey with follow-up
13 survey of leak indications with handheld. And
14 I would love if that could be added to the
15 slide to reflect the proposal that I wanted to
16 bring forward. And will just articulate now
17 while I am asking for that, that --

18 (Off-microphone comments.)

19 MS. MURPHY: No. So EDF and other
20 commenters recommended a 0.5 kilogram per hour
21 mobile survey, and a handheld survey of a
22 distribution system in addition to a follow-up

1 handheld leak indication confirmation.

2 And I wanted to explain that because
3 we have heard from a lot of distribution
4 operators the sort of, you know, there's a lot
5 of -- the handhelds are well-known devices,
6 there is a lot of safety implications related
7 to gas, you know, building up in and around
8 buildings. And so we've heard a lot of, you
9 know, desire to continue deploying handhelds.

10 Our perspective is that in addition
11 to the use of handhelds, the mobile survey that
12 collects leak flow rate data adds a lot of
13 value and has been shown to find leaks that are
14 not always found by the handheld devices. And
15 so that's why the recommendation that we put
16 forward would be a dual use of both
17 technologies. Well, let me make sure that's
18 now reflected. Okay. Sure. Yeah. I think
19 that captures it.

20 So I think while I'm on that point,
21 I wanted to respond to some of what
22 Commissioner Burman and a couple other folks

1 talked about, and just make the point that
2 these recommendations are made within the scope
3 of the ALDP program as it's articulated in the
4 NPRM, which is designed to grant operators a
5 lot of flexibility to select. And, you know,
6 from our perspective, we hope select a suite of
7 technologies, right?

8 We feel like that's what the
9 research and what leading operators are finding
10 is that it's not a one-size-fits-all approach.
11 The use of multiple technologies to sort of
12 tackle different parts of a system is really
13 what makes sense. And so, you know, these
14 recommendations are not intended to narrow the
15 options, but we do feel that, you know, within
16 that flexible program, there is a need for a
17 clear performance standard. And so these leak
18 flow rates as well as the 5 ppm for the
19 handheld equipment is the performance standard
20 that we're recommending.

21 And I think, you know, one thing to
22 keep in mind there is that the program as a

1 whole would have to satisfy the performance
2 standard. That doesn't mean that every single
3 technology that might be part of an operator's
4 program would always meet this same standard,
5 by which I mean to say if an operator is
6 choosing, you know, 3 kilogram per hour aerial
7 survey on their transmission line, but then
8 also wants to do, you know, a human senses
9 survey in addition to that, great. Right?
10 Like incorporate a suite of options.

11 Just a couple other points I wanted
12 to make. On the 3 kilogram per hour for
13 transmission, from our perspective, there's a
14 lot of uncertainty and a lack of data related
15 to leaks on transmission lines. And, you know,
16 we hear from transmission operators that these
17 are not leaky pipes. That's not the nature of
18 the infrastructure. But at the same time, you
19 know, EPA calculates the annual greenhouse gas
20 emissions inventory and the data points that
21 are used to calculate the methane leakage from
22 transmission lines are data points from

1 distribution surveys from years ago.

2 And to us that just introduces a
3 level of uncertainty around exactly where
4 leakage is at on transmission lines. And so
5 that's why in our comments, we recommended a
6 slightly more cautious approach of a 3 kilogram
7 per hour standard. But I know that industry
8 has recommended a 10 kilogram per hour
9 standard. But just wanted to explain the basis
10 for our recommendation there. Great. Those
11 are all my points. Thanks.

12 MR. DANNER: All right. Thank you.
13 Steve Squibb.

14 MR. SQUIBB: Steve Squibb, City
15 Utilities. Yeah. Erin, I appreciate -- I was
16 looking ahead at the distribution; appreciate
17 the exception you have there for the small
18 operators to use handheld at 5 ppm. But
19 thinking about there's several operators that,
20 primarily distribution, they also have a very
21 small amount of transmission. And typically we
22 just survey that transmission when we do our

1 distribution with the distribution equipment
2 there at the 5 ppm.

3 So I'd be interested in some sort of
4 a provision in transmission for the 5 ppm
5 survey because it just would not be, to me,
6 reasonable, cost-effective to go to this other
7 technology for such a small portion of a system
8 that really, like we said, is not leaking and,
9 you know, transmission line pipe very seldom
10 leaks. I don't know if we found a leak on our
11 transmission system. So thank you.

12 MR. DANNER: All right. Chad, and
13 then Brian.

14 MR. ZAMARIN: Thanks. Chad Zamarin,
15 Williams. Again, I want to take a step back
16 and wonder if this is the right kind of
17 proposal from this group. Again, I said I
18 think something like 10 kilograms per hour.
19 That's a number that I have really no technical
20 expertise to propose.

21 I think from a principle
22 perspective, I think it's important for us to

1 say that whatever's implemented by PHMSA needs
2 to allow for technology evolution. I mean, we
3 just heard that there is a tremendous amount of
4 work going on in this space. It's evolving
5 very rapidly. And I get very nervous, you
6 know, when we pick numbers and don't
7 necessarily understand those consequences.

8 I mean I thought about this last
9 night. I mean I'd rather have a continuous
10 monitoring piece of equipment that has a
11 detection threshold of 11 kilograms per hour
12 than something that I use annually at 9
13 kilograms per hour. So like picking a number
14 in this room today not knowing where the
15 technology's going is potentially, I think, a
16 problem.

17 I'm supportive if that's the
18 direction we want to go, but I think stepping
19 back from a principles perspective, I think,
20 you know, I would rather us say as a group what
21 are the key principles for what PHMSA should
22 use as a threshold. I think one should be

1 let's not pick something that excludes aerial
2 survey, that excludes satellite technology
3 development, because those I think are our best
4 chances for continuous monitoring of
5 infrastructure. Let's also not, you know,
6 exclude technologies that have been in use and
7 been proven.

8 But, again, I don't think the
9 absence of data on leaks on transmission should
10 mean we should lower thresholds. I mean the
11 reason we have very low leakage on
12 transmission, we've said this many times, is a
13 leak is a precursor to a rupture. So we use
14 integrity management aggressively to eliminate
15 leaks. The leak data we've shown and the
16 emissions from the transmission are caused,
17 like massively predominately, by known releases
18 that are because of planned maintenance, not
19 because of leaks on pipeline systems.

20 So, again, what lower thresholds do
21 is they will drive a lot of false positives.
22 They will drive people driving out to

1 facilities. I mean we're running in-line
2 inspection tools to find leaks on pipelines.
3 We're not using aerial surveillance in trucks
4 and handheld devices. So I do worry about
5 unintended consequences here.

6 And so again, if this is the
7 direction we want to go, I think we can do
8 that. But I do worry about whether this is the
9 right forum for establishing numbers versus
10 establishing principles. Thanks.

11 MR. DANNER: Okay. Thank you.
12 Brian.

13 MR. WEISKER: Brian Weisker, Duke
14 Energy. And I just want to say I agree 100
15 percent with what you're saying, Chad, is this
16 is the right forum for establishing numbers
17 because you mentioned it, Arvind, we're
18 changing technologies.

19 Technology is evolving at a rapid
20 pace. Just as an example, you quoted a number
21 on satellites. We've been doing, as our
22 company's been doing testing,

1 controlled-release testing that would take the
2 number you quoted and really reduce it by a
3 factor of 100. So I mean that's just one
4 example of how the technology is evolving.

5 So I think where we go with this as
6 far as are we the right body to establish
7 numbers, it just doesn't necessarily feel that
8 way. I do also want to talk about, you know,
9 what we've just added for distribution. I
10 think, and we've kind of finished up leak
11 survey yesterday as far as frequency of leak
12 survey. Now we're adding to it with the
13 language on the screen, do a mobile survey and
14 do a handheld survey. That's two surveys.

15 And I thought we completed that
16 discussion yesterday as far as what our survey
17 frequency would be. We're going to do a
18 survey. If it's a leak-prone pipe, we're going
19 to do it annually. And if it's going to be
20 non-leak prone pipe outside of a business
21 district, it's every three years with the
22 caveat that was added in there. So I mean I

1 guess if we want to go backwards, we can, and
2 have that discussion. But I don't think we
3 want to.

4 MR. DANNER: Thank you. Andy Drake.

5 MR. DRAKE: Andy Drake with
6 Enbridge. Great conversation. That's what
7 we're hoping for I think is get some things out
8 on the table here, you know, we're at the front
9 of the ship. I appreciate the comments about a
10 flow rate and ppm. I do think it's important.
11 We may have to do something there to frame this
12 conversation a little bit. But I think it's a
13 worthy conversation to work through.

14 I think one data point there is I do
15 think we should be thoughtful about work that
16 others are doing in this space, and that is
17 obvious, EPA. I mean they come up with
18 numbers, you know, they're talking, I think, if
19 I got my numbers right here, something in the
20 range of 500 to 1,000 ppm, you know, so why did
21 they pick that number? They've studied this
22 for a while, too. So, you know, I think that's

1 just something to put out there. We're not the
2 only ship in the ocean here.

3 I think the other thing I appreciate
4 is the recognition of OGI. I think that's
5 helpful. So those are good points I think in
6 helping keeping tools available to us. I liked
7 Arvind's point yesterday about frequency, and I
8 think it goes back to Brian. Frequency is key.
9 We want to keep these inspections turning so
10 that we get more inspections and more surveys
11 going.

12 Thresholds to manage the volume of
13 discharge is not the big driver. And I can
14 give you some data that we have, and I think
15 this is just -- this is not the only data. I
16 mean there are other people out here. I heard
17 Enbridge had some data. I know Chad's got
18 data.

19 But this year we run 2,325 miles of
20 aerial leak survey on the pipes, and the
21 technology was capable at 5 ppm. I think we
22 were setting thresholds somewhere around 10

1 kilograms per hour. But we had 105 indications
2 through the survey, 65 were ground confirmed.
3 That means 40 -- when we got to the ground, 40
4 of them -- or 45 of them or 40 of them were
5 not -- they were false calls. All of them were
6 not on the pipe. All of them. They were all
7 on valves, tubing, flanges, other
8 appurtenances.

9 To your point, what is this thing
10 about the, you know, these comments that we're
11 making about the pipes aren't the leaks. I
12 don't want to make a leap of faith, and I don't
13 want anybody to hear that this is binary like
14 we're saying we shouldn't survey the pipes.
15 It's just how much energy do we want to put
16 into the pipes.

17 I think Chad made an excellent
18 point. We operate largely above the leak
19 rupture threshold. We have to drive integrity
20 programs to make it. If we're waiting to find
21 a leak, we have an integrity problem. I think
22 that goes back to Arvind's point earlier. If

1 you have a leak on a transmission system that's
2 operating at 70 percent of SMYS, that's not a
3 good thing.

4 So we're trying to find those
5 before, which is good, but where is the gas
6 coming from in fugitive emissions? It's coming
7 from appurtenances and above ground facilities
8 largely. So, again, not advocating that we
9 wouldn't do surveys. It's just be cautious
10 about how tight we screw down these thresholds
11 because I think you're just going to drive up
12 the number of false calls, which means we're
13 probably going to be digging things up that
14 aren't real.

15 And I think that we want to -- I
16 think we want to consider where we are in this
17 conversation. Like I said, I think we may have
18 to set a threshold. I hear everybody here kind
19 of wrestling with that just to sort of frame
20 something. It's not that vague.

21 But I do think we want to keep
22 technologies on transmission open that allow us

1 to look at the pipe more frequently and more
2 readily. And then switch off for above-ground
3 appurtenances for different kind of
4 technologies. So I think those are just some
5 framing thoughts that I have for this
6 conversation.

7 MR. DANNER: All right. Thank you
8 very much. Diane, and then Arvind.

9 MS. BURMAN: Great. Thank you. So
10 I do have a question, and then I have some
11 comments overall. I'm going to start with the
12 question, and this is to Erin to help me
13 understand. And then I'll get back to sort of
14 what I see as the core principles that I'm
15 hearing, and I think we all perhaps agree with.

16 So you're talking about two surveys
17 here plus leak pinpointing, one ALD followed by
18 a walking survey. And I'm just trying to sort
19 of understand what you mean by that, so this
20 follow-up survey. And can you explain it a
21 little bit? Is it like a complete resurvey?
22 You know, what goes into that? I mean we, you

1 know, so I just want to understand that a
2 little bit.

3 MS. MURPHY: May I direct respond?

4 MR. DANNER: You may.

5 MS. MURPHY: So my understanding is
6 that after a mobile ALD survey is completed,
7 similar I think to what I was describing
8 earlier with an aerial survey on a larger
9 pipeline. So a mobile drive-by survey in a
10 distribution area takes place that yields a
11 number of leak indications, and then the
12 operator will typically follow up to where
13 those geographic locations of those leak
14 indications are with a handheld, and walk that
15 area to pinpoint the location of the leak with
16 a handheld. Is that responsive?

17 MS. BURMAN: Yeah. I have to
18 process that a little bit, but I was trying to
19 understand, you know, what exactly we were
20 talking about with that. So this is what I'm
21 hearing from my perspective, and I do think --
22 for me it's always about what are the

1 principles, what are we trying to accomplish?

2 So I'm hearing that setting
3 standards may make sense. That provides
4 clarity. That helps us with, you know, sort of
5 level setting. That flexibility is key. That
6 it's important to have technology-neutral
7 standards, and we're not picking winners or
8 losers. It's important for us to understand
9 the language and what that means. And that we
10 are focused on understanding that the
11 technology is still evolving.

12 There's a lot of focus here on false
13 positives, but I think it's just as important
14 as we heard yesterday, false negatives are
15 maybe even more important in missing. So
16 there's a sensitivity standard that needs to be
17 incorporated into that so it's not too low, not
18 too high.

19 But that, for me, I think we
20 probably all could agree with some general
21 principles on the standard and give the
22 flexibility there. But that the tension

1 probably comes, and this gets into sort of
2 getting ahead of technology and also getting
3 ahead of where states are, is that -- and also
4 keeping in mind, you know, the efforts that go
5 into that as we're moving forward.

6 So to me it's about not mandating
7 specific tools that will crowd out or not allow
8 other tools in the toolbox, and that if we
9 could come to some agreement on the principles
10 of having a standard with flexibility without
11 it being a mandate, I think we probably all
12 could get there, and then we're moving forward
13 in a way that is helpful.

14 MR. DANNER: All right. Thank you.
15 Arvind.

16 MR. RAVIKUMAR: Thank you, Chairman.
17 So a few things, and I think I largely agree
18 with what has been just said over the past 15
19 minutes or so. One of the things that might be
20 helpful in this context, to Andy's point about
21 not having to send someone for false positives
22 and wasting both resources and time.

1 I think we need to separate the
2 survey part and the follow-up action part.
3 Like you can do a survey with this technology,
4 it's going to give you data on where they found
5 leak indications. And then beyond that,
6 separately is, okay, these are the indications
7 that the technology tells us. Which of these
8 do you send follow-up crews to, to check in on
9 something?

10 I think those are two separate
11 things, and we don't have to tie them to the
12 technology. And that would help address some
13 of your concerns about, you know, are we
14 sending too many people to go test false
15 positives? And I think Commissioner Burman
16 also brought up the same point. And I think we
17 can do that with these new technologies as we
18 go forward.

19 The second point I make, and I think
20 I really liked what Commissioner Burman said
21 right now that, you know, we need to set some
22 standard. It cannot be too low, nor too high.

1 I think that's a really important point. You
2 know, I've worked with a number different
3 technology providers and operators as well, and
4 one of the concerns there is that it's really
5 important to strike a balance between being too
6 prescriptive and being too vague.

7 Here is the scenario that will
8 happen. If don't put a number, a minimum
9 standard, like you have to detect at least 10
10 kilograms per hour which is considered a large
11 emitter for most respects, the problem becomes
12 for technology developers, they don't know at
13 what level should they be developing the
14 technology. Should they be aiming for a very
15 high sensitive technology which increases your
16 cost? Or are they allowed to trade off on
17 having a slightly lower sensitivity but
18 increase their speed and reduce their false
19 positives.

20 But without a number there, they
21 don't know what number. Is it 1? Is it 10?
22 Is it 0.1 kilograms per hour? And the lower

1 you think that number is, the more expensive
2 and challenging it becomes to detect. So I
3 think setting a reasonable number like 10
4 kilograms per hour helps the technology
5 developers as well because they know, okay, I
6 don't have to worry about the little ones, the
7 1, 2, 3, 0.5, 0.6, and we can start at 10.
8 That significantly helps reduce cost of
9 technology and technology development.

10 MR. DANNER: All right. Thank you.

11 Erin.

12 MS. MURPHY: Erin Murphy, EDF. I
13 just wanted to respond to, I think, Brian's
14 comment earlier on the distribution proposal
15 and share that, you know, from the experiences
16 we've had in engaging with distribution
17 operators, there's often been a conversation
18 around, okay, you know, you're talking about a
19 new technology, an advanced technology that
20 operates differently than sort of the
21 traditional handheld approach. We're
22 interested in trying this out. But we're not

1 ready to replace, you know, the use of the
2 traditional handheld.

3 And so what we were, you know,
4 trying to think about and incorporate in this
5 recommendation is continuing that reliance on
6 the traditional handheld devices while also
7 layering on to that, you know, the mobile
8 technology that moves a little faster and lets
9 you, you know, cover a lot more miles per day
10 in a survey.

11 And I just wanted to note, I know
12 there's a lot of operators that are using a
13 wide variety of technologies, but wanted to
14 point out that, you know, some of the programs
15 I've familiar with, that is how they operate.
16 So Con Edison had an advanced leak detection,
17 high-emitter program approved by the New York
18 Commission where, in addition to their handheld
19 surveys which are conducted, they survey their
20 entire distribution system every month in New
21 York. In addition to that, they're surveying
22 one-third of their system with a mobile ALD

1 each year, which means that over a three-year
2 period, they will survey their entire
3 distribution system with the mobile ALD.

4 And then I will also just point out
5 one other example, which is PG&E in California.
6 Haven't looked at their filings as recently, so
7 I apologize if they've updated the program.
8 But last I checked, they're operating at a --
9 they survey their entire distribution system
10 every year with a mobile advanced leak
11 detection device. And some portion of that is
12 a super emitter detection threshold of 10
13 standard cubic feet per hour. And then, as I
14 said, they recently lowered that to 7 standard
15 cubic feet per hour as a super emitter
16 threshold. And then another portion of it, I
17 think it used to be a third, but I'm not sure
18 if that changed, is a full leak survey, so
19 picking up every leak indication possible with
20 the mobile.

21 So just want to point out that
22 that's what we were trying to get to is to not

1 suggest that the 0.5 kilogram per hour mobile
2 survey standard that we recommended would
3 replace handheld. But at the same time, not
4 wanting, you know, because the ALDP program
5 explanation and the NPRM lists out all of these
6 advanced technologies and gives operators
7 flexibility to select among them, I think the
8 concern we had with that with the distribution
9 systems is that a 5 ppm handheld, my
10 understanding is that's a norm in the
11 distribution sector and that's widely in use
12 now.

13 And so thinking about the
14 congressional objective here of moving forward
15 with more advanced technologies, wanted to make
16 sure that there would be uptake of those more
17 advanced technologies. Thanks.

18 MR. DANNER: Thank you. Sara
19 Gosman.

20 MS. GOSMAN: Sara Gosman. Thanks
21 very much. I think a couple of notes here. We
22 are supportive of EDF's proposal. The Pipes

1 Act requests PHMSA to set performance standards
2 for advanced leak detection technologies and
3 practices. And this means we need to give
4 clear guidance to manufacturers of these
5 technologies and practices as to what the
6 minimum standard is so they know what to invest
7 in. This isn't picking winners and losers.
8 This is setting the bar so that they know for
9 the future, right, what to invest in.

10 I just also want to zoom out here
11 because I think sometimes when we're talking
12 about costs, we forget that there are already
13 costs being borne by society, by climate, from
14 leaks. It's just that we don't actually see
15 them and monetize them, right, except through,
16 you know, RIAs, I suppose.

17 So the cost here is occurring right
18 now through the world of climate change.
19 Somebody has to bear that cost. The question
20 is how can we create regulations that allow for
21 seeing those costs so that we can address
22 climate change more directly. Technologies are

1 going to be expensive. We should choose the
2 most cost-effective ones that get us to the
3 point where we want to get to. But we have
4 costs right now that we are bearing.

5 MR. DANNER: All right. Thank you.
6 Brian.

7 MR. WEISKER: Brian Weisker, Duke
8 Energy. And, Erin, I appreciate your comments.
9 You know, I think it kind of helps lead to the
10 point of every operator is unique, right? So
11 Con Ed's got a unique situation with where
12 they're at, their setting, legacy pipe, not
13 legacy pipe. PG&E, same way.

14 So I think, you know, as we're
15 walking through this and developing I'll say a
16 suite of tools for operators to use, we'll
17 probably see different operators doing
18 different things throughout it. But per the
19 language on the screen, either the -- I
20 understand and support. We've seen it. I mean
21 whether it's satellite, whether it's mobile,
22 the survey gives you an indication, and then

1 you have to follow up with a handheld to go out
2 and localize and pinpoint, grade the leak to
3 take the next step in the process. But we do
4 not agree with that doing both, you know,
5 either the mobile survey is -- I mean we have
6 operators, that's their leak survey is using a
7 mobile survey. This is now adding a survey to
8 the frequency of surveys, which again, I
9 believe we finished that up yesterday.

10 MR. DANNER: Thank you. Chad.

11 MR. ZAMARIN: Thanks. Chad Zamarin.
12 Williams. And I totally agree, Sara, but I
13 also want to put some context around cost,
14 because this is something I'm very focused on
15 at Williams, and I think we are, as an
16 industry. What I want to make sure is that we
17 drive the very best dollar-per-CO2 emissions
18 reduction possible, and that we put resources
19 towards how we best reduce emissions.

20 And there are a lot of things that
21 feel good, you know, that are very expensive
22 from a CO2 emissions reductions perspective.

1 It's one of my frustrations with what happens
2 when we pick, you know, ideas that feel good,
3 but don't necessarily deliver results. And
4 I'll say that because I'll give you concrete
5 examples.

6 You know, we're looking at -- we're
7 looking at projects that would cost hundreds of
8 dollars per CO2 emissions reduction. There are
9 incentives for us to do those, so we're going
10 to do those. But what we've shown on
11 transmission lines is reducing blow downs and
12 changing maintenance requirements for
13 blowdowns, those cost literally less than \$10
14 per CO metric ton emissions reduction.

15 So like we should be doing things,
16 we need to make sure we're doing things that
17 have the highest return on the dollar we invest
18 for emissions reduction. That's how we get the
19 biggest emissions reduction possible. And when
20 we drive, you know, activity that doesn't
21 actually reduce a lot of emissions for the
22 investment that we make, we take away from the

1 ability to invest in those things that drive
2 down emissions much more rapidly.

3 And that's the math that I'm
4 constantly trying to figure out is how are we
5 making sure that we're driving the work towards
6 where we're going to get the greatest emissions
7 reduction per dollar invested possible. And
8 that's the way we should think about, I think,
9 everything that we do. I think we're on the
10 same page from a -- but I want to make it
11 clear, that's how I approach this.

12 And my concern is, you know, for
13 example, we will screen out today's technology
14 from a satellite perspective. I think -- I'm
15 not a satellite expert, but I think we'll be
16 screened out by the numbers that we're
17 proposing here on the board. That to me is a
18 very troubling idea because -- and we talk
19 about 5 ppm being the handheld detection limit.

20 We heard yesterday from Con Ed, they
21 can put a constant monitoring device on your
22 meter. That may not be 5 ppm, but it's

1 constant monitoring. Like, that, to me, sounds
2 like something that we should be careful we
3 don't screen out from a technology perspective
4 because on a cost per affective basis, like,
5 that's the kind of stuff that, to me, sounds
6 like will have a greater -- I mean, we heard
7 it. The more we look, the better I think we
8 will be, versus setting standards that actually
9 reduce the amount of inspection that we can do.

10 And so that's my concern. I'm not
11 an expert in the numbers. I go back to
12 principles. Like, I think we should be telling
13 PHMSA, okay, if you got to pick numbers, pick
14 numbers, but let's make sure we're consistent
15 with EPA and the standards being set by EPA.
16 Let's make sure we're encouraging a broad array
17 of technologies, and not just, you know,
18 focused on a single set of capabilities. Let's
19 allow for current technology that's being
20 proven to be used by operators to be continued
21 to be deployed across these systems. Thank
22 you.

1 MR. DANNER: All right. Thank you. Andy,
2 and then Pete.

3 MR. DRAKE: Andy Drake. Again, I
4 want to come back. This is a good
5 conversation. I want to make sure that
6 everybody here -- we're not saying we're not
7 going to do this. We're trying to figure out
8 how to do it. It's new. We're trying to
9 figure out how to do something that moves the
10 needle efficiently. And I really appreciate
11 your comment, Chad, about how do we move this
12 efficiently where we're putting resources in
13 the place that makes the maximum impact, you
14 know?

15 I think one thing that I wanted to
16 come back to is a conversation, Brian, and
17 here's how we were playing out multiple
18 technologies. It really wasn't multiple
19 surveys. And I don't know if that's what
20 you're saying. It's as we're doing the aerial
21 survey, we have indications. Then we drop down
22 to the ground, and we use a different

1 technology in the sites where we had
2 indications.

3 Some of those involve digging, you
4 know, which is unfortunate because that's a lot
5 of effort to try to make sure that nothing's
6 there. But we're deploying cascading
7 technologies. It's not that we're doing
8 aerial, and then we walk everywhere on the
9 ground also. It's once we get a hit from an
10 aerial, we drop down and use a different
11 technology on the ground. And actually, when
12 we dig, we may deploy another technology in the
13 soil. So that's three technologies. But it's
14 not three surveys of the whole system. It's
15 sort of narrowing down like a funnel.

16 I do think that the thing that
17 troubles me a little bit is I'm worried, and
18 maybe Arvind or someone knows what is the
19 detection threshold for the satellite? That to
20 me -- I liked the conversation yesterday about,
21 all right, let's keep the frequency tight, you
22 know, and just keep looking and gathering data,

1 gathering data. But if, you know, to do that,
2 we need to be able to do that efficiently, you
3 know?

4 And I think if we set a threshold
5 that's too -- and we say, well, satellites
6 can't do that, then we're sort of back to not
7 very efficient ways of looking for these
8 things. And I think there's some -- how do we
9 -- how do we figure out how to accommodate
10 that? And I don't know the answer right now.
11 I'm just thinking out loud here.

12 But I think that we're just really
13 trying to define the information necessary to
14 make a decision here. And I'm kind of coming
15 to a place where I think some kind of
16 thresholds help provide some sort of
17 tangibility. But how do we keep the door open
18 for technologies that are really a more
19 efficient way of managing this threat, this
20 problem?

21 So, anyway, those are just thoughts
22 I have right now. I'm not trying to reach a

1 decision at this point. I'm just trying to get
2 all this collected in my thoughts.

3 MR. DANNER: All right. Thanks.
4 Pete, and then Sara.

5 MR. CHACE: Pete Chace, NAPSR. You
6 know, that's apparent to me this is a field
7 with a lot of pretty fast moving technological
8 developments. I know in Ohio, we have leak
9 surveying and grading rules above and beyond
10 what's in PHMSA, and we're dealing now with
11 technologies such as laser spectroscopy or
12 satellites that didn't even exist the last time
13 we opened the rule.

14 So I guess my thought is I'm --
15 again, I'm leery that trying to define numeric
16 standards for specific technologies, maybe it's
17 more appropriate for PHMSA to do something like
18 put that in enforcement guidance, frequently
19 asked questions, things of that sort so they
20 can be changed as time goes forward.

21 Thinking about enforcing these
22 standards, you know, quite frankly, I'm not

1 sure why an operator would pay for a leak
2 survey that can't detect leaks. And if they
3 did, I'm confident I could get them through
4 192.706 or 192.723. Those are my thoughts.
5 Thank you.

6 MR. DANNER: All right. Thank you.
7 Sara.

8 MS. GOSMAN: Yeah. I just want to,
9 again, sort of set the context here, right? So
10 performance standards are very common in
11 environmental law. And actually, the sort of
12 history of environmental law, say like the
13 Clean Water Act, is of setting standards of
14 performance that at the time people thought
15 there was no way anyone was going to be able to
16 meet, but when the message went out to folks in
17 the sector, they were able to create the
18 technologies needed. I mean it's kind of --
19 it's a technology forcing sort of approach to
20 regulation.

21 I don't think we're really in the
22 world of technology forcing, necessarily, but

1 we are setting sort of standards for
2 technologies. And we have a long history of
3 doing that in the world of regulations,
4 certainly on the environmental side and in
5 other places as well.

6 I do maybe have a question here
7 about the alternative standard. It seems to me
8 like some of these concerns could possibly be
9 addressed through that alternative standard if,
10 you know, if an operator wanted to go to PHMSA
11 to say here's this other technology that we're
12 interested in, and you, you know, you decide
13 whether we can use it. Or program I should say
14 more accurately. So I'd be interested in that
15 conversation, too.

16 You know, we talked about leak
17 survey frequencies yesterday, and I guess my
18 thinking is still, right, the reason that we
19 wanted to have three years, right, in terms of
20 frequency say for outside of business
21 districts, is so that we could find leaks. And
22 in order to find leaks, we have to have a

1 performance standard that allows us to find
2 those leaks. And so that's a sort of simple
3 way of saying it, but I think that this is the
4 right approach.

5 MR. DANNER: All right. Thank you.
6 Alex.

7 MR. DEWAR: Alex Dewar, BCG. You
8 know, yesterday I thought was a constructive
9 conversation when we were engaging on survey
10 frequency. But then, you know, really started
11 to grapple with complexity that while these are
12 the bare minimum standards, operators are doing
13 things in different ways, and in large part,
14 performing above those standards. And I think
15 what we're trying to avoid is unnecessarily
16 hemming in operators unnecessarily driving
17 higher cost where there are efforts already
18 underway that go above and beyond, right?

19 And so I think if we take that
20 approach and some of that spirit from yesterday
21 and apply it to here, you know, I propose there
22 may be an opening in this to start to describe

1 where certain exceptions may come into this.
2 And as an example, and maybe picking up on the
3 satellite conversation because Arvind, as
4 you've said, you know, to my knowledge, GHGSat
5 for example, has a 100 kilograms per hour
6 threshold limit. That's going to be well
7 outside the minimum.

8 But I have seen data that suggests
9 when that is done on a daily, or even a weekly
10 basis, you know, given this is an entirely a
11 probability-based approach here, you can still
12 pick up relatively smaller leaks, you know,
13 beneath that threshold, right?

14 And so just as an example, right,
15 there's multiple ways to bring together
16 different technologies incorporating as well
17 operator data on flow rates, operating
18 equipment parameters, integrating as has been
19 said before, integrity management into this.
20 So there's many ways to get at where the leaks,
21 you know, not just through, I think, this bare
22 minimum approach of surveys on a regular

1 frequency with set minimum standards, right?
2 That's one very narrow way I think that we can
3 envision leaks actually get identified.

4 So I just want to float that and see
5 if there's willingness to start to go down that
6 path of saying there may be some exceptions to
7 this, so integrating different technologies on
8 different timelines that, you know, allows
9 operators to not have to, you know, strictly
10 stick to this. And especially to, you know,
11 continue using or to develop approaches that
12 may be more effective at lower cost.

13 MR. DANNER: All right, thank you.
14 Brian.

15 MR. WEISKER: This is a -- Brian
16 Weisker, Duke Energy. Sorry. For the Chair or
17 for Alan, I mean are we revisiting frequency of
18 leak surveys?

19 MR. DANNER: Well, I mean we've been
20 having a very open discussion. I think at this
21 point we're focusing on transmission as -- or I
22 think we should focus on transmission. But,

1 Alan, you want to --

2 MR. MAYBERRY: Not at this time.

3 But, you know, at some point it'd be nice to
4 isolate transmission and isolate these
5 different segments. I think this has been a
6 great conversation. It's been helpful for all
7 of us, I think. But you may want to -- well,
8 I'll just --

9 MR. WEISKER: But if we're not --

10 MR. MAYBERRY: Yeah.

11 MR. WEISKER: -- revisiting leak
12 survey frequencies, then we need to remove the
13 leak survey with handheld equipment where
14 that's doubling up on leak survey requirements
15 and doubling up on the frequency.

16 MR. MAYBERRY: Okay. That's --
17 yeah. You guys can definitely consider that.
18 Yeah.

19 MR. DANNER: All right. Thank you.
20 Arvind.

21 MR. RAVIKUMAR: Thank you, Chairman.
22 Two things. I think Andy's absolutely right.

1 These are tiered surveys. That's what we call
2 them. But, essentially, you use one of the
3 advanced technologies, do a quick survey, find
4 your hot spot, and then someone to follow up
5 just in those areas that was identified by your
6 new technology. And that's how almost all of
7 these new technologies work except continuous
8 monitoring systems perhaps.

9 One of the broader points that I
10 wanted to make is that I don't think this is
11 the right forum to be talking about specific
12 technologies or technology classes. The goal
13 is to just set a standard and allow the market
14 to figure out, you know, how do we develop a
15 sensor that's on a satellite, or on a plane, or
16 on a drone, or on something else to achieve
17 that standard. And so I want to keep this
18 discussion at the minimum standards level and
19 nothing more.

20 To Andy's direct question on
21 satellite technology. I think one of the
22 things we need to think about is, yes, the more

1 surveys you do, the more leaks you find. But
2 that's true up to a certain point. For
3 example, let's say you take a technology that
4 only sees leaks about 8,000 kilograms per hour,
5 and you do a survey every hour, you're not
6 going to find anything because we don't have
7 leaks that are 1,000 kilograms per hour. And
8 so it doesn't matter if you do it every hour,
9 or every day, or every week. It's not going to
10 see anything.

11 And just based on the limited data
12 we have doing all of these measurements over
13 the past several years, we don't have a lot of
14 hundred kilogram per hour leaks on pipelines.
15 I mean the operators can correct me if I'm
16 wrong, but I don't think we have very large
17 leaks in the pipeline sector, which is why I
18 think having a threshold that says hundred is
19 essentially saying like, well, you're not going
20 to see anything here.

21 And, you know, Brian was right.
22 There are new technologies, new satellites that

1 might come down to even 1 kilograms per hour as
2 he noted. And so, you know, yes, there might
3 be satellites that have been launched in the
4 past three years that does not reach 10
5 kilograms per hour, but it looks like there's
6 already technology that could get that level.

7 So I think our goal should be say,
8 okay, 10 is a reasonable number. Anything
9 below that, you start picking up too many small
10 ones. Anything much beyond 100, you don't see
11 anything. So set a minimum level, allow the
12 technology companies to develop systems that
13 cater to that standard.

14 MR. DANNER: All right. Thank you.
15 Andy.

16 MR. DRAKE: Andy Drake with
17 Enbridge. Thank you, Arvind. I heard
18 something that you said, Sara. And, Alex, I
19 think you picked the same -- you were going
20 down the same trail, you know, that Sara
21 brought up. And I just want to take that and
22 kind of put out a possibility thought there for

1 a minute because it sort of opened a door of
2 thinking. And I think Arvind may help frame
3 it, too.

4 And that was, you know, creating
5 some sort of opportunity here, given where we
6 are, to say that we would create some sort of
7 record here that if an operator was to propose
8 something that increased the frequency, sorry,
9 Brian, you know, or tighten the frequency up,
10 not longer frequency, shorter frequency, and
11 try the technology as an alternative with
12 higher frequencies, so more continuous
13 monitoring to Chad's point earlier, and I think
14 Con Ed's comment, continuous monitoring that
15 may not meet 10, but we could calibrate it as a
16 test, that may actually help us drive the
17 engine that we're trying to look for, which
18 drives technology evolution.

19 But I think we're going to have to
20 create some sort of door here for those
21 conversations if -- or at least I'm just
22 possibility thinking right now. But I'm not

1 advocating for recklessness to look for 1,000
2 kilogram leaks or anything, but I think if we
3 had a technology like a satellite that was
4 around 10, and we were running it all the time,
5 is that a good trade? Well, I don't know. I
6 think that's what we would want to create
7 possibility thinking here to create a door for
8 that kind of work to happen because that's how
9 you would drive continuous improvement.

10 And it's not reckless, but it would
11 be -- I'm just throwing this out here as a
12 thought, because I think this is important
13 given where we are right now. So I just, like
14 I said, just possibility thinking listening to
15 the group here.

16 MR. DANNER: All right. Thank you
17 very much. Erin, and then Diane.

18 MS. MURPHY: So recognizing we've
19 been talking about this for over an hour at
20 this point, it does feel to me like it would be
21 helpful to think about how to try to reach a
22 committee conclusion on this discussion. I

1 think based on the conversation, I would be
2 comfortable with a 10 kilogram per hour
3 threshold for the transmission segment.

4 I also wanted to just pose the idea
5 because there's also been some discussion
6 around, you know, the challenge of reaching
7 agreement on a number and whether it's
8 appropriate for this committee to put forward a
9 number. I think one way, you know, this
10 discussion has been captured in the record, and
11 I think it's hopefully really helpful for PHMSA
12 in evaluating and making decisions for a final
13 rule.

14 It does feel like there's clear
15 consensus, at least to me, on the idea of leak
16 flow rate as being an appropriate metric for
17 part of a performance standard. And so I
18 wonder if it would be more efficient for the
19 committee to just agree to recommend to PHMSA,
20 you know, the incorporation of leak flow rate
21 into the performance standard that it adopts
22 for the ALDP program.

1 MR. DANNER: So thank you. I think,
2 you know, I'm getting back to Diane's
3 principles that she talked about earlier, which
4 is you have to allow for the development of new
5 technology, understanding, as Sara said, that
6 we do have -- the PIPES Act does require PHMSA
7 to set a standard. And other principles,
8 technology neutral, I think we do have
9 agreement that flow rate is the way to go.

10 So it could be that we develop a
11 package where we say, okay, flow rate is the
12 recommended method or methodology. That we
13 want to have processes so that alternatives can
14 be considered. And, you know, I think that
15 would probably be sufficient to capture what
16 I'm hearing this morning. Okay. So that's my
17 two cents. Diane?

18 MS. BURMAN: Thanks. So I just want
19 to level set. When I look at Section 113 under
20 Leak Detection and Repair, and it talks about
21 minimum performance standards, and it says,
22 "The final regulations promulgated under" blah,

1 blah, blah, blah "for the leak detection repair
2 programs, minimum performance standards that
3 reflect the -- the minimum performance
4 standards that reflect the capabilities of
5 commercially available advanced technologies
6 that with respect to each pipeline covered by
7 the programs are appropriate for the type of
8 pipeline, the location of the pipeline, the
9 material which the pipeline is constructed, and
10 the materials transported by the pipeline."

11 It then goes on to talk about the
12 requirements should be -- it should be, "Leak
13 detection repair programs shall be able to
14 identify, locate, and categorize all leaks that
15 are hazardous to human safety or the
16 environment, or have the potential to become
17 explosive, otherwise hazardous to human
18 safety."

19 So the reason I focus on that is I
20 think to the extent that we stay close to, you
21 know, the tenants and the intent in Section
22 113, I think is helpful. I do think that we

1 need to just back up, and I'm glad, Chair
2 Danner, that, you know, you mentioned sort of
3 the principles, too, because I'm wondering if
4 we can come first with the general principles
5 of we all agree we need to set a standard.

6 We perhaps need to allow the
7 operator to perform traditional leak surveys
8 using traditional handheld equipment. We can
9 have Type 1 and Type 2 leaks. They can get
10 fixed under prescribed timeframes. And then if
11 there are Type 3 leaks, we can look -- and I
12 just lost my train of thought here. We can
13 then look about having operators use ADL in the
14 TIMP and DIMP program so that Type 3 leaks are
15 fixed on a priority. It lets us prioritize
16 leaks, drive down backlogs.

17 I know this is a discussion on the
18 standards, and we do need to separate out that
19 we, you know, addressed the survey frequency,
20 repair frequency. So I just am kind of looking
21 and saying maybe we need to just make sure that
22 we all can agree with the general principles,

1 whatever they are, and then give some
2 considerations for to PHMSA in light of, you
3 know, making sure that we're not then going too
4 far away from being even too prescriptive to
5 you in sort of what the direction is here.

6 And I think that might help us, one,
7 make sure that we're all in agreement on the
8 general principles, and then get into, okay,
9 where can we maybe have some wiggle room in
10 what we're agreeing to. And I think that kind
11 of gets us all in a comfort level, and gives
12 you the tools that you need to, you know, hear
13 from the committee and understand that there
14 will be some disagreement on the exact
15 specifics, but that this is the general
16 framework.

17 I mean to me the key takeaway here
18 is that there needs to be some flexibility in
19 understanding that the technology is still
20 evolving and what this means going forward.

21 MR. DANNER: Thank you. And I mean
22 let's keep in mind that there is already a

1 process in the NPRM under 192.18 for
2 consideration of alternates. And so I would be
3 very comfortable with what's up on the slide
4 right now. I'm going to turn it over to Steve,
5 Brian, and then Andy.

6 MR. SQUIBB: Steve Squibb, City
7 Utilities. So I just want to bring up, there's
8 several operators have been using -- trying to
9 advance technology and use other equipment that
10 may not be covered here I think. So one is,
11 you know, what I call traditional mobile, where
12 we're using mobile devices, trucks, cars, with
13 more traditional equipment. I want to make
14 sure that that's not excluded. And also
15 handheld laser based equipment. And I believe
16 that's measured in ppm meter.

17 So I just want to make sure we don't
18 have unintended consequences with this of
19 excluding some technologies and some things
20 we've been trying to do to advance our surveys.
21 So I would suggest a, okay, you got the ppm
22 meter on there as an option, so. Are there any

1 other unintended consequences of excluding
2 technologies is what's in my head that we need
3 to make sure we're not doing that. So I think
4 been addressed in my comments. Thank you.

5 MR. DANNER: All right. Thank you.
6 Brian.

7 MR. WEISKER: Brian Weisker, Duke
8 Energy. A follow up to that. I think that,
9 first, as we're working through this that -- as
10 written that 10 kilograms per hour or to align
11 for being able to use traditional mobile survey
12 techniques of 4, 5 ppm, I'll call it
13 performance standard, for aerial or mobile --
14 either/or to be able to allow those that are
15 using standard mobile survey to continue to do
16 so.

17 CHAIR DANNER: So I want to go back
18 to what Arvind said about some of the
19 limitations with that technology. You know, is
20 this group comfortable doing that? Okay.
21 Andy, and then Chad.

22 MR. DRAKE: Andy Drake with

1 Enbridge. I appreciate Commissioner Burman's
2 thought on principles, and I think that's
3 really helped ground this conversation. I do
4 think, based on the conversation that I'm
5 hearing, that we do need to set some sort of
6 target here. Otherwise, we're just sort of
7 adrift with a lot of good ideas or good
8 intentions that may be a little too foggy.

9 Ten, I think at this juncture, is
10 reasonable and practicable per our voting
11 guides. I think you are going to get a lot of
12 false indications for a while. We've got to
13 work on technology, help us get better at that.
14 I think cascading technologies help us work
15 through that. It's not without zero impact to
16 the environment because we will now be digging
17 things falsely. But hopefully we'll get better
18 at that over time.

19 I do think it's important maybe to
20 translate here. If I understand it, and maybe
21 Arvind, you can help correct me, I think it's
22 important for us to have both kilograms per

1 hour and ppm because different tools work
2 different ways. If I understand it, 10
3 kilograms per hour translates to about 500 ppm.

4 And I think that just for the
5 record, I'm not trying to get voting slide
6 here, but I think for the record, we need to
7 know that, anchor that just for practicability
8 sense going forward to keep different tools
9 working for us. I like, well, where we're
10 going here with this, and I appreciate your
11 comment, Chairman Danner, about 192.18. It
12 gives all kind of permitting.

13 But I think on this, we should keep
14 a special provision here because it is so
15 apparent to where we are, so tied to where we
16 are right now, and that is we should be looking
17 for operators, and I don't want to say
18 encourage, but we should be open explicitly
19 here for operators to come with proposals that
20 tighten up the frequency with continuous
21 monitoring that may work to a different
22 threshold. And they should be trying to drive

1 those proposals in front of PHMSA or the states
2 for review because I think you may end up with
3 a better mousetrap and a better answer.

4 And I think we should put that in
5 here explicitly because on this issue, I think
6 that's so appropriate to recognize where we
7 are. And if we don't do that, I think you're
8 going to -- I think a lot of operators are just
9 going to say, fine, let's just go dig up Ohio
10 because we aren't flying over it at 10
11 kilograms an hour and got a 40 percent false
12 rate. That's not the thinking we want coming
13 in to here.

14 MR. DANNER: Do you have -- or can
15 you wordsmith on the fly here, give us a bullet
16 point?

17 MR. DRAKE: Yeah. I hazard to
18 wordsmith on the fly. But --

19 MR. DANNER: Okay. Well, I'm going
20 to --

21 MR. DRAKE: Let me think on that for
22 a minute --

1 (Simultaneous speaking.)

2 MR. DANNER: You think on that.

3 MR. DRAKE: -- and I'll come back to
4 you.

5 MR. DANNER: I'm going to turn to
6 Chad, and then Sara, and then Brian.

7 MR. ZAMARIN: Thanks. Chad Zamarin,
8 Williams. I just want to endorse, I thought
9 your summary of the principles was important.
10 I'm fine with, you know, this concept that's on
11 the table. But I do think the principles are
12 really important. Like I think our role to
13 summarize the comments that we heard yesterday
14 and the issues around this I think are really
15 important because I do think we're at an early
16 stage in the development of this technology.

17 And I think, you know, I think about
18 things that we are still trying to evolve from,
19 and some of those, you know, you think about
20 the history of our regulations. At the time,
21 you know, we had requirements that made perfect
22 sense, and now we're trying to move to newer

1 capabilities and it's hard to undo those. So I
2 think we do need to be careful that we don't
3 put things in place that inhibit that evolution
4 and development.

5 And so I like the principles. I
6 don't know if we need to put them on the slide,
7 or if that's a follow on. But I do think the
8 summary that you laid out is really important
9 coming out of this because, you know, when you
10 look at all of the comments that we've heard, I
11 think the biggest concern here is whatever we
12 pick today will not likely be right tomorrow in
13 such a fast evolving space.

14 And so I think we've got to frame
15 this. If this what we approve, I'm fine with
16 that, but I think we've got to frame it around
17 the concept that we've got to be careful not to
18 stymie new developments. I don't think it's as
19 simple as a number. We've talked earlier, like
20 I truly believe if we all sat down and said
21 I've got something that I can do once a year at
22 9.5 kilograms per hour, or I can do something

1 every day at 10.5, we say, you know what, I'll
2 pick the 10.5. And so I do think we've got to
3 be careful that we don't leave space for that
4 kind of, you know, evolution that I think is
5 going to be important. Thank you.

6 MR. DANNER: All right. Thank you.
7 Sara.

8 MS. GOSMAN: I'm comfortable with
9 principles, but I like the specifics here on
10 this slide, and I think we should vote on this
11 particular language. I mean I went back to
12 read again, the alternative advanced leak
13 detection performance standard provision, and
14 to me it really seems to cover the concern that
15 I'm hearing, right? It's actually to use an
16 alternative performance standard, right, and
17 supporting leak detection equipment with prior
18 notification.

19 The actual standard for determining
20 whether the operator can do this is is it
21 consistent with pipeline safety, and equivalent
22 to the standard in Paragraph B for reducing

1 greenhouse gas emissions and other
2 environmental hazards? So I look at that
3 provision, and I think, Chad, that your concern
4 there about 10.5 but more frequent surveys is
5 -- or, you know, or monitoring, right, is built
6 into this because almost by definition, you
7 know, a different performance standard is a
8 different performance standard.

9 So I'm fine with referencing this
10 provision in here just because I think it is an
11 important part of our conversation, but it
12 seems to me like that does address the concerns
13 I'm hearing from you all. And then I, again,
14 just, you know, want to say I think if
15 anything, right, we're going to, you know,
16 choose this particular 10 kilograms per hour
17 flow rate standard, and we'll find out in like,
18 you know, three or four years that actually the
19 way the technology is going, we could have done
20 something like 3, right? I mean I actually
21 think that's the direction. It just makes
22 sense to me that that would be the direction we

1 would go in the world of technology.

2 So I think actually the risk here
3 is, to me, that we actually do a higher number
4 than we should, just based on the fact that
5 technology is going to innovate. But I'm
6 willing to, obviously, deal with that risk
7 because I like us to get to a decision now, and
8 I think this one is a good one for where we are
9 at.

10 MR. DANNER: All right. Brian, and
11 then Alex.

12 MR. WEISKER: Brian Weisker, Duke
13 Energy. I want to go back to, Chairman, the
14 question you asked before, and the standard
15 mobile survey is proven technology. We have
16 operators that are using it today. So I don't
17 see what the flaw would be with adding the 10
18 kilogram per hour or 5 ppm as the standard for
19 aerial or mobile survey. If we don't, we're
20 going to be taking a tool away from what
21 operators are using today. So I think it's a
22 pretty simple update that --

1 MR. DANNER: All right.

2 MR. WEISKER: -- we can put in
3 there.

4 MR. DANNER: All right. John Gale.

5 MR. GALE: Yeah. Thank you,
6 Chairman. Member Weisker, did you mean 500
7 ppm? Not 5?

8 MR. WEISKER: I meant 5.

9 MR. GALE: Because 5 is up there
10 right now?

11 MR. WEISKER: That's for handheld.

12 MR. GALE: You want 5?

13 MR. WEISKER: I'm talking for a
14 mobile.

15 MR. GALE: Okay.

16 MR. DANNER: Arvind?

17 MR. RAVIKUMAR: Yeah. I think --
18 no, Brian's right. Mobile technologies do have
19 ppm thresholds as well, so I would say handheld
20 or mobile equipment 5 ppm or ppm meter. Would
21 that work, Brian?

22 MR. WEISKER: As long as -- Brian

1 Weisker, Duke Energy. As long as, I guess,
2 number one doesn't supersede number two. I
3 think if they work in tandem together, it
4 answers the question.

5 MR. DANNER: It does say "or."
6 Alex, Diane, and Sara. Or Erin.

7 MR. DEWAR: Yeah. Alex Dewar, BCG.
8 I think connecting this specific proposal to
9 the principles we've been talking about as
10 well, which agreeing with others, important at
11 least for the record to lay out the principles
12 here, I think there's a couple at play in this
13 and why I think this is a good proposal, A
14 couple of the principles at play here.

15 One is it starts to move toward some
16 explicit harmonization with EPA, which I think
17 is helpful for the industry. We haven't talked
18 a lot about it, but there are operators that
19 have upstream assets and some midstream. And I
20 think important to open the door to being able
21 to use technology consistent across that for
22 them. And, explicitly, you know, calling out

1 consistency with EPA here as well on above
2 ground OGI.

3 And I think the second is, Sara,
4 building on your point, you know, there is, I
5 think, a real principle at play here of
6 evolving innovation, of setting the bar
7 somewhere today, but recognizing that that can
8 and should move forward and advance, you know,
9 down the line. And I'm sensitive as well to
10 the comments from PHMSA that, you know, you
11 have to set this on the basis of what's
12 available today, right?

13 So there's a bit of balancing act,
14 and I think an important, you know, principle
15 to bring in here as we're trying to make this
16 achievable. But to raise the bar over time,
17 and to effectively create the demand for the
18 supply to be there of these technologies.

19 MR. DANNER: All right. Thank you.
20 Commissioner Burman.

21 MS. BURMAN: Yeah. I'll just say I
22 am uncomfortable not knowing if current

1 technology can meet this, what that looks like.
2 And so I just am a little worried about that.
3 But going forward, I want to take a step back
4 because we've all been talking about setting
5 some principles that worked well the last ten
6 days, it feels like ten days.

7 So I understand that we're getting
8 closer here, but we've missed the step of
9 laying out the principles because that shows to
10 me, again, what it is that we're actually
11 trying to accomplish and what it is that we are
12 ensuring gets incorporated as a whole when we
13 get down to some of the weeds.

14 And I think that we have gone from
15 we all recognize the need to set standards. We
16 may disagree on what that looks like. We
17 understand that we need to have some
18 flexibility. And so I think just laying out
19 sort of the core principles, you know, I think
20 is helpful. And it's not just about going back
21 in the discussion. It's actually clearly up
22 there on, you know, on this screen for us to

1 all ensure that that's a takeaway, and I think
2 we should do that first.

3 MR. DANNER: All right. Well, I
4 believe the principles I heard were, obviously,
5 that we need to set standards, and we agree
6 that flow rate is an acceptable standard to
7 include. We want to allow for the development
8 of new technologies and be flexible to them.
9 And, of course, we do have the alternative
10 performance standard that's provided for in the
11 rule.

12 We want to be technology neutral. I
13 think we've captured that. And I mean I think
14 those were the principle that I heard. And I
15 think they are captured in what's on this slide
16 here. So we've got Erin, and Andy, and then
17 Chad.

18 MS. MURPHY: I had a point on this,
19 so I can defer if you all want to talk
20 principles first.

21 MR. DANNER: We will come back to
22 you. Andy?

1 MR. DRAKE: Andy Drake with
2 Enbridge. I don't know that my principles, but
3 actually I was just throwing out a couple
4 thoughts here. I think we're narrowing this
5 down. I'm open to trying to find words that
6 reflect the principles if they're not up there.

7 But one thought, just maybe seemed
8 minor, but I think it's back to your point
9 about keeping open is aerial and mobile, do we
10 just take those words out and say screening
11 survey because I don't know what a satellite
12 is, but I'm not sure it would be called aerial.
13 So, you know, if we take that, I don't think we
14 lose anything.

15 And my other thought is, Sara, I'm
16 good if you want to put some language to what
17 you said, and that exactly addresses, I think
18 the issue. But I do think it belongs here.
19 Just some reference that that's a key tenant to
20 what our conversations were. Those were my
21 only two comments. I think we're really close.

22 MR. DANNER: All right. Chad, then

1 Arvind, and then back to Erin.

2 MR. ZAMARIN: Yeah. Chad Zamarin
3 with Williams. I mean mine's pretty simple. I
4 do like -- I would ask you if we're willing to
5 put the tenants that you just described on the
6 page because I do think those are important. I
7 think the one -- I think it's, again, covered
8 here. But we're not going to get into the
9 weeds on a lot of this section. There's a lot
10 in here, so I do think memorializing those
11 principles is a good takeaway for this
12 committee.

13 And I think we cover one of them
14 also that wasn't maybe in your list, but it's
15 up there, is I think make sure whatever we do
16 is consistent. If standards are being
17 developed by EPA, I think that we should try to
18 maintain consistency between regulatory
19 structures. And I think it's referenced up
20 there, but I do think that's an important
21 principle.

22 MR. DANNER: So my question is these

1 principles are not just for transmission. I
2 would think that they would also be for the
3 others. And so what I would suggest is let's
4 take that last bullet point, put it aside.
5 Let's see if we can reach an agreement on the
6 transmission. Take a break, come back.
7 Develop the principle language that we then put
8 on top of everything that we're doing with
9 gathering lines and distribution as well.

10 MR. ZAMARIN: I think that's great.

11 MR. DANNER: Okay. Arvind.

12 MR. RAVIKUMAR: Yes. Just a point,
13 I would support Andy's proposal on calling it
14 screening surveys as opposed to naming any
15 technology class.

16 MR. DANNER: Okay. So take out
17 aerial and mobile, and add screening surveys?

18 MR. RAVIKUMAR: Yes.

19 MR. DANNER: All right. Erin, back
20 to you.

21 MS. MURPHY: Thanks. Erin, Murphy,
22 EDF. Yeah. I'm also comfortable with that. I

1 think it's the flow rate standard that's really
2 key.

3 I want to note, and I really did
4 take your point, Steve, earlier on, you know,
5 for smaller operators who might have a really
6 limited transmission mileage, and wanting to be
7 able to use, you know, the handheld or
8 whatever, you know, the common technology is
9 that's used on the distribution system for the
10 transmission as well.

11 I hope you can appreciate, though,
12 from my perspective the challenge of adding
13 that as an "or" here because the 10 kilogram
14 per hour, or what was originally the 3 kilogram
15 per hour, standard is, you know, for me what's
16 so central to this. That is, you know,
17 incorporating leak flow rate into this
18 technology standard for the ALDP programs for
19 transmission lines.

20 So I'm trying to think as we've been
21 sitting here, you know, something that I could
22 be comfortable with. But just inserting an

1 "or" and completing opening it up in a way that
2 now, you know, no transmission operator
3 actually would have to meet a 10 kilogram per
4 hour flow rate if they just met a 5 ppm
5 standard is -- it's challenging.

6 So I think if, you know, there's
7 consensus amongst others, and the committee
8 wants to vote on it, that's totally fine with
9 me. I don't want to hold us up because I don't
10 know if I have a wordsmithing proposal, but
11 just wanted to articulate that.

12 MR. DANNER: Well, so his concern
13 was with systems that have a small number of
14 miles, and I just wonder if, would you consider
15 if we were to set a cap on small systems that
16 have fewer than X miles, that they would allow
17 that? Or is that something that we should
18 basically drive towards the alternative
19 performance process?

20 MS. MURPHY: Yeah. The thought I
21 was having is that, you know, there's the
22 alternative option, and maybe that's a way for

1 an operator to pursue this pathway. I guess
2 the mileage idea is also one to consider. I
3 don't know what that number would be, but.

4 MR. DANNER: I don't either. All
5 right. Brian.

6 MR. WEISKER: Brian Weisker, Duke
7 Energy. As we're wordsmithing, in the second
8 bullet there where we have handheld or mobile
9 equipment, I think we should put at the end of
10 that leak survey so that it makes it clear it's
11 -- you got the, you know, screening survey with
12 the then pinpointing leak survey, leak
13 indication survey, or leakage survey -- there
14 you go.

15 MR. DANNER: So we just say --

16 MR. WEISKER: There you go.

17 MR. DANNER: All right.

18 MR. WEISKER: That's -- thank you.

19 MR. DANNER: All right. Steve, did
20 you have any suggestions on mileage?

21 MR. SQUIBB: Steve Squibb, City
22 Utilities. Not at this time.

1 MR. DANNER: How many miles is your
2 utility, or does your system have of
3 transmission?

4 MR. SQUIBB: City Utilities has 49
5 miles.

6 MR. DANNER: All right. So you want
7 to put a placeholder of 50 miles?

8 MR. SQUIBB: No. I appreciate the
9 recommendation, but, no, no, I don't think so.

10 MR. DANNER: All right. So holding
11 that thought, we have language in front of us
12 that I think captures the principles that we
13 have talked about, and we will actually get a
14 slide up with principles after our morning --
15 after our first morning break. And I would
16 entertain a motion on this slide.

17 MR. RAVIKUMAR: All right. I'll do
18 it.

19 MR. DANNER: All right.

20 MR. RAVIKUMAR: "A motion to proceed
21 with the proposal as published in the Federal
22 Register, and as supported by the Preliminary

1 Regulatory Impact Analysis and Draft
2 Environmental Assessment regarding that
3 advanced leak detection program performance
4 standard for gas transmission pipelines is
5 technically feasible, reasonable,
6 cost-effective, and practicable if the
7 following changes are made:

8 Pipeline, 10 kilograms per hour flow
9 rate standard for screening surveys. Follow up
10 survey of leak indications with handheld
11 equipment, 5 ppm or 5 ppm meter. Or leakage
12 survey with handheld or mobile equipment, 5 ppm
13 or 5 ppm meter. Recommended probability of
14 reduction standard for all flow rate based
15 advanced leak detection technologies, 90
16 percent. Above-ground appurtenances optical
17 gas imaging consistent with EPA."

18 MR. DANNER: All right. Is there a
19 second? Andy?

20 MR. DRAKE: This is Andy Drake with
21 Enbridge. I don't mean to be a stick in the
22 spokes here, but I would like some additional

1 language in here about a proposal for
2 alternatives because I think that captures this
3 conversation. I'd just like to reflect it up
4 here. And that's kind of where I was throwing
5 the ball back to Sara. It could be one line.
6 I just think it's important to capture it here.
7 Other than that, I'm great with this language.

8 MR. DANNER: Okay. You've had ten
9 minutes to write it up.

10 MR. DRAKE: I thought she had it.

11 MR. DANNER: All right. Sara, do
12 you have some language that would do that?

13 MS. GOSMAN: I do. I mean the
14 reason I didn't present it just now was I
15 thought it was going to go in the principles.
16 But if you would like it in here, I'm also fine
17 with that. It seems that the language, as it's
18 stated here, is "if the following changes are
19 made," and what we're doing is recognizing a
20 process that's already proposed. And, frankly,
21 that was a little difficult for me to like
22 wordsmith suddenly.

1 But I mean the language, if we want
2 to go that direction, I would just say the
3 Committee recognizes that there is a process
4 for operators to use an alternative performance
5 standard in section 192.763(c).

6 MR. DANNER: Which is a little
7 different than the language that's up there
8 right now? Is that consistent with what you
9 were saying?

10 (Off-microphone comments.)

11 MS. GOSMAN: Okay. So I'm looking
12 again at this language, and I see that this is
13 for transmission in Class 1 or Class 2
14 locations. Is that your understanding of this
15 provision?

16 MR. DRAKE: I'm going to throw a
17 curve ball here. Does it make sense for us to
18 do the principles slide first because that
19 should be the framework that any recommendation
20 we put forward is based on? That may be kind
21 of where I'm struggling is we're voting on this
22 language before we've nailed down exactly what

1 the principles are. And, again, not trying to
2 be a boat anchor here, but if we clarify the
3 principles, then this language all makes sense.
4 And what's in here or not in here I think
5 becomes more in context.

6 MR. DANNER: So I actually am
7 confident that the principles -- that we've got
8 consensus on the principles. And I think, with
9 your indulgence, I think we can go ahead with
10 --

11 MS. GOSMAN: I --

12 MR. DANNER: -- getting this one
13 done.

14 MS. BURMAN: I've had my tent card
15 up for a while, so.

16 MR. DANNER: Well, yeah, and you are
17 next on my list, so.

18 MS. BURMAN: Okay. So I can speak
19 now, Chair?

20 MR. DANNER: You can speak now.

21 MS. BURMAN: Okay. Thank you. So
22 I've got to say I do think that we need to just

1 take a step back. Andy's not throwing a curve
2 ball. We're actually -- been ignoring the fact
3 that all of us agree that the principles are
4 important. That lays the groundwork for where
5 we're going. We're asking to come up on the
6 fly. If we actually do the principles, then
7 take a break, and then it all flows into it
8 because the principles are going to be part of
9 transmission, gas gathering, and distribution.

10 And so I feel like we're doing it
11 backwards, and we're losing sort of the flow of
12 what we're trying to accomplish, what we all
13 agree with. And I just, you know, I feel like
14 I'm just a broken record and let's do the
15 principles.

16 MR. DANNER: All right. Thank you.
17 Steve.

18 MR. SQUIBB: Steve Squibb, City
19 Utilities. Wanted to respond to Erin with your
20 concern about the handheld and mobile equipment
21 bullet point. The 5 ppm equipment in that
22 bullet point will find a 10 kilogram per hour

1 leak in the first bullet point. Does that
2 address your concern?

3 MS. MURPHY: Direct response?

4 MR. DANNER: Yes.

5 MS. MURPHY: Heard and understood.

6 I'm not sure if that addresses my concern just
7 of creating a dual standard. Whereas, the
8 original proposal was a single standard. Yeah.

9 MR. DANNER: All right. We have a
10 motion in front of us, which has either going
11 to go forward with the last bullet point, or
12 we're going to set it aside and deal with the
13 principles first. So, Arvind, could I ask you
14 to withdraw your motion so that we can --

15 (Simultaneous speaking.)

16 MR. RAVIKUMAR: Yeah. I withdraw
17 the motion.

18 MR. DANNER: All right. Thank you.
19 So could I ask that this be set aside? Let's
20 put a new voting slide up, and we can talk
21 about the principles that we want to add. And
22 I would say, if you could take this last bullet

1 point and put that on the other slide when we
2 bring it up.

3 Can I get a sense of the Committee,
4 would it be better to take our morning break
5 right now, come back and deal with the
6 principles? All right. We are --

7 MS. BURMAN: I think that what would
8 be helpful, I think that's great. So I
9 appreciate, Chair Danner, your indulgence on
10 this. It would be nice to see the principles
11 up there so that we, during our break, could
12 actually perhaps look at it so we can come back
13 fresh. But I do think a break is a good idea.

14 MR. DANNER: Well, okay. I'm not
15 sure that the principles are going to -- how
16 fast they're going to get up there. We do have
17 to -- I mean the principles that I've seen that
18 I have been taking notes of.

19 MS. BURMAN: We can take the break
20 and --

21 MR. DANNER: Okay.

22 MS. BURMAN: -- they can still be

1 there. So we know that --

2 MR. DANNER: Yeah.

3 MS. BURMAN: -- we have to maybe
4 wordsmith. But it gives us all the opportunity
5 to grab more coffee.

6 MR. DANNER: All right. Thank you
7 much. We are in a break until -- why don't we
8 come back here at 20 till? All right. Thank
9 you.

10 (Whereupon, the above-entitled
11 matter went off the record at 9:23 a.m. and
12 resumed at 9:49 a.m.)

13 MR. DANNER: All right. We are back
14 on the record. We have some recommended
15 principle language in front of us. Let me
16 first call on Sara Gosman.

17 MS. GOSMAN: Okay. Thank you very
18 much. So, Sara Gosman, I appreciate these
19 principles that are up on the slide. So I
20 would suggest that we change the text a little
21 bit, so I'm going to try to talk slowly here to
22 make sure that you capture it.

1 So the need to set technology
2 neutral standards, I would keep the same,
3 comma, incorporate a flow rate alternative,
4 comma, drive technology innovation, comma,
5 allow for flexibility through the alternative
6 performance standard, comma, recognize supply
7 chain interruptions as an issue, comma, and be
8 consistent with EPA standards, period.

9 And then the language below that, I
10 think there's a lack of clarity in the proposed
11 rule about whether this particular alternative
12 performance standard was intended to cover all
13 gas transmission lines. It could be read to
14 say that it's only Class 1 and 2. So I would
15 say clarify the scope of the alternative
16 performance standard in Section 192.763(c) to
17 cover all gas transmission lines.

18 MR. DANNER: All right. Thank you
19 for that. Chad.

20 MR. ZAMARIN: Chad Zamarin with
21 Williams. I would ask, are we -- I agree, it's
22 unclear. I don't know why we wouldn't just say

1 to cover all pipelines because there's a lot of
2 kind of lead in on that section. I think we're
3 saying that there needs to be a process for
4 alternatives. So are we comfortable just
5 saying cover all pipelines? Thank you.

6 MR. DANNER: Alan.

7 MR. MAYBERRY: I was just going to
8 suggest, since we're going to topic by topic,
9 we may end up there, Chad. But, you know,
10 maybe cover -- since we're on transmission,
11 cover this. And then we can address it as we
12 go.

13 MR. ZAMARIN: Yeah. I think these
14 are the principles though, for all I think,
15 Alan.

16 MR. MAYBERRY: Yeah.

17 MR. ZAMARIN: And then we'll get
18 into transmission.

19 MR. DANNER: Yeah. That --

20 MR. ZAMARIN: So does that work?

21 MR. DANNER: That was what we were
22 thinking that these were going to be

1 overarching principles for all three groups.

2 MR. ZAMARIN: Okay. Thanks.

3 MR. DANNER: So --

4 MR. MAYBERRY: Defer to the
5 Committee?

6 MR. DANNER: What's that?

7 MR. MAYBERRY: Defer to the
8 Committee?

9 MR. DANNER: Yes. Defer to the
10 Committee. All right. Andy, and then Sara
11 Longan.

12 MR. DRAKE: Andy Drake with
13 Enbridge. I think something -- I like this
14 language. This is a good exercise I think at
15 the center. But one thing I think that doesn't
16 pop out up there right away, and that is
17 recognizing that where we are in the evolution
18 of this, I think the importance of the need to
19 develop standards. We say technology neutral
20 standards. Okay. That's good. So we're not
21 screening out technologies.

22 I think just basically, we need a

1 note up there that says we need to develop
2 standards on how to do this recognizing that
3 there is a huge vacuum there of how to execute
4 this. And that we need to fill that space in
5 can be fundamentally important as a principle.

6 MR. DANNER: Do you have some
7 proposed language?

8 MR. DRAKE: I think you could just
9 -- the need to develop standards, including the
10 need to develop standards and make sure those
11 standards are technology neutral is all I'm
12 saying. I think there's two thoughts there.
13 It's not just keep them neutral. They need to
14 exist.

15 MR. DANNER: So the need to develop
16 standards, the need to ensure that standards
17 are technology neutral, comma.

18 MR. DRAKE: Yes. Thank you.

19 MR. DANNER: And drive technology
20 innovation and so on. So add an "and" after
21 technology neutral. Thank you. Okay. Sara
22 Longan.

1 MS. LONGAN: Thank you, Mr.
2 Chairman. Sara Longan, Army Corps of
3 Engineers. I really like this language
4 proposed by Member Sara. And I just have this
5 observation as reflecting, we've made the most
6 progress when we have realigned with
7 philosophy. So thank you, Commissioner Burman,
8 and the several other members who have raised
9 this repeatedly. I think that sometimes when
10 we slow down, we can move faster.

11 Each time we've discussed
12 philosophies, several of us have recognized
13 what DOT PHMSA, and what this committee has
14 been working towards for many years, and that's
15 including a risk-based approach. And for me,
16 those words needs to be on this slide and part
17 of our philosophy.

18 It's not weighted more than all of
19 these other terms that are important. I
20 propose raised in the proceedings consider a
21 risk-based approach, comma, including the need
22 to, and then continue on. Pretty passionate

1 about that because I recognize that when it's
2 stated by the member, when we get so focused on
3 a particular part of the code, for me, that
4 risk-based approach sort of could even escape
5 myself.

6 And then, Sara, I don't have strong
7 feelings on this, but for my federal agency, we
8 would maybe not be comfortable using this very
9 direct term drive technology innovation. I
10 don't know that that's an appropriate role. I
11 can live with that language. But I would
12 support being flexible with because I think
13 that's what is an achievable goal by PHMSA.

14 MR. DANNER: Would you be okay with
15 the word encourage instead of drive?

16 MS. LONGAN: That would work. My
17 partner just suggested allow. Drive seems like
18 a high goal. So encourage or allow I think
19 would work for me. Thank you.

20 MR. DANNER: All right. Thank you.
21 Commissioner Burman.

22 MS. BURMAN: I just have -- first, I

1 do appreciate this. I like this. I just have
2 two perhaps knits. Where it says, "allow
3 flexibility for new technologies in the
4 proposed and alternative performance standard,"
5 I think it's really allow flexibility for
6 technologies whether they're new, existing, or
7 future. So I think we just take out new, that
8 captures it.

9 And then the other thing is I don't
10 see in here any sort of recognition of
11 operator-specific needs, and I do think
12 recognizing that somehow, maybe when we
13 recognize supply chain issues, and the need
14 for, you know, something to do with addressing
15 operator specific needs because I think that
16 gets into, you know, really from the state
17 perspective, helping to make sure that we're
18 not creating a one-size-fits-all, and that it
19 is important to look at what the system is, and
20 it gets back to Section 113 in terms of the
21 different things to look at and keep into
22 consideration, so.

1 MR. DANNER: Okay. Thank you. Sara
2 Gosman.

3 MS. GOSMAN: So I'm not comfortable
4 with expanding the alternative performance
5 standard to everything, right, because that
6 would include distribution as well as Class 3
7 and 4 gathering. It's not that I wouldn't get
8 there, but I feel like that conversation needs
9 to happen as we go through the particular
10 types.

11 Right now, we're setting standards
12 at the beginning. I want to see the numbers
13 that we're looking at for each one of these as
14 we think about that alternative availability.

15 And for that reason, I think that
16 flexibility for technologies in the proposed
17 and alternative performance standard is
18 language that I certainly can support at this
19 point. I could support it as to transmission
20 lines, all transmission lines given the
21 conversation we've just had about transmission
22 lines. But I would like to defer an expansion

1 like that until we have made it through the
2 other types of pipelines that we're not going
3 to include in here.

4 MR. DANNER: All right. Andy, and
5 then Chad. Diane, do you want to jump the
6 line?

7 MS. BURMAN: I'm just wondering
8 offering up a friendly --

9 MR. DANNER: Sure.

10 MS. BURMAN: -- suggestion, and I
11 don't know if this flies. But clarify that the
12 scope of the alternative performance standard
13 process in section 192.763(c) may cover all
14 pipelines. And then we can get into the
15 specifics on each one. But that way it's
16 allowing us to have this as an overall, and
17 then for each one, we can get into it, so we
18 might reference it back if we want to. But if
19 you change the "would" to "may," I think --

20 MR. DANNER: Okay.

21 MS. BURMAN: -- that that then gives
22 us --

1 MR. ZAMARIN: This is Chad Zamarin
2 with Williams. I will say, I took it as a
3 pretty important principle. What I heard is
4 that we're comfortable setting thresholds and
5 being very specific because there is a process
6 for offering up new technologies and
7 alternatives. And the language is pretty
8 clear, the alternatives do have a standard.
9 The standard is it has to be -- I don't have
10 the language in front of me, but equivalent or
11 to some degree.

12 So I was comfortable with setting
13 standards that are very specific because we --
14 and this is going to apply to the proposal is
15 to do that across multiple different pipeline
16 sectors. And so I thought of it more as a
17 principle that says if we're going to set
18 specific standards, we feel comfortable with
19 that knowing that there's also a way to propose
20 alternatives that are equivalent or better, and
21 that allows for the -- that mitigates the
22 concern with, you know, excluding new

1 technologies and evolution of capability.

2 MR. DANNER: So just to be clear,
3 you're talking about the second sentence there?

4 MR. ZAMARIN: I am. I am --

5 MR. DANNER: And --

6 MR. ZAMARIN: I think the all
7 pipelines -- I mean we can defer that to each
8 section, but I'm going to be very, I think,
9 focused on ensuring that that -- wait. It felt
10 like that was an important element of having a
11 set standard that could have unintended
12 consequences but allows for alternatives to be
13 approved. So it makes sense for me to have
14 that as an overarching principle.

15 MR. DANNER: So --

16 MR. ZAMARIN: I like the language
17 the way that it is.

18 MR. DANNER: Okay. So the way it is
19 up there now?

20 MR. ZAMARIN: Yes.

21 MR. DANNER: Okay.

22 MR. ZAMARIN: Thank you.

1 MR. DANNER: And Andy Drake.

2 MR. DRAKE: Andy Drake with
3 Enbridge. I just want to think out loud for a
4 second. 192.763 -- the context we're talking
5 about in 192.763 is alternatives, which is
6 good. But I think there's a provision in
7 192.763(c) that is a requirement that, if I
8 remember right, came up in the commenting
9 period.

10 And I just want to pause and think
11 out loud about it. And that is that we have --
12 every year an operator has to evaluate the
13 technology they've used and justify why they
14 didn't do something that was better than the
15 standard of care we're defining. That seems
16 really turbulent and incredibly unproductive.

17 If we agree that this threshold and
18 standard of care is appropriate, why would an
19 operator every year have to come back under
20 192.763(c) and say why they do something that
21 was better than that? And I'm good with
22 reviewing technology and constantly driving the

1 improvement engine, but every year?

2 Some of these operators aren't going
3 to get a chance to get their programs set into
4 place in a year. And then every year have to
5 revisit it. By the time we get done training
6 them, they have to redo it over again. It's
7 just too turbulent.

8 I just want to be out loud with
9 that. I think one of the exceptions that we
10 would have to put into the rule provision is
11 every year evaluating why you didn't do
12 something better than the standard of care as
13 defined in this threshold seems ludicrous. Am
14 I misreading that? But I heard that comment --

15 MR. DANNER: John --

16 MR. DRAKE: -- at the commenting
17 period, and I actually got tackled a couple
18 times here in the hallway reminding me of this.
19 So maybe if we can just get an interpretation
20 --

21 MR. DANNER: Okay.

22 MR. DRAKE: Is that a requirement?

1 MR. DANNER: John Gale?

2 MR. GALE: Thank you, Chairman.

3 Member Drake, just to be clear, that issue of
4 program elements, right, we actually have it
5 set up as a separate discussion point under
6 this. After we get through the three standards
7 for distribution, transmission, and gathering,
8 we were going to have another discussion on the
9 program elements, this being one of the areas
10 to discuss, 100 percent.

11 MR. DANNER: All right. Sara, and
12 then Erin.

13 MS. GOSMAN: Yeah. So I appreciate
14 this conversation. We have principles up here,
15 and then we have a very specific provision
16 related to the proposal. And I think those two
17 things don't go together. So I think we should
18 take this language, take it back to, you know,
19 would, right, cover all transmission pipelines.
20 Put it in the text of the one that's we're
21 actually like going through the specifics on,
22 right? Agree to that. And then have the

1 conversation as we move through gathering and
2 distribution.

3 And again, I'm open to this. I just
4 don't feel like at the front end without
5 knowing where we land on gathering and
6 distribution, that I can go and say that this,
7 you know, that this is a change, right, to the
8 proposal. And so --

9 MR. DANNER: Yeah.

10 MS. GOSMAN: -- I'm not comfortable
11 getting there.

12 MR. DRAKE: Okay. I'm fine with
13 that.

14 MR. DANNER: Yeah. And I am, too,
15 if it's the sense of the Committee, and it
16 seems to be. All right. Erin Murphy.

17 MS. MURPHY: Erin Murphy, EDF.
18 Appreciate that discussion and the removal of
19 that point. I think, you know, talk even
20 further about sort of flexibility and the
21 alternative performance standard, EDF and a
22 number of other environmental groups

1 articulated in comments a number of significant
2 concerns that we had with the way the
3 alternative performance standard was
4 structured.

5 So really struggling with this
6 language in the principles right now about
7 allowing flexibility for technologies in the
8 proposed and alternative performance standard.

9 At some point, if you allow so much
10 flexibility, the standard is meaningless. If
11 you can flex any way you want around the
12 standard, it's not a standard.

13 And I think that needs to be
14 considered as we're thinking about flexibility
15 is key here in a world where technologies are
16 improving and new, you know, technology
17 providers are coming online. But there needs
18 to be meaning in the standard. In particular
19 in thinking about the discussion we were just
20 having on transmission, right, where, you know,
21 the group wanted to shift from 3 kilograms per
22 hour to 10 kilograms per hour. The group

1 wanted to add 5 ppm, right?

2 That standard is now very flexible.
3 10 kilograms per hour is not a single
4 technology. That's a suite of technologies.
5 Five ppm, that's not a single technology. It's
6 a suite of technologies. So I'm probably
7 harping a lot here, but that's a lot of
8 flexibility that I think we're adding there.

9 MR. DANNER: So in so far as these
10 are overall principles, I mean I would be okay
11 with simply saying allow flexibility, comma,
12 and taking out everything in the rest of that
13 clause.

14 MS. MURPHY: That would be helpful.

15 MR. DANNER: So --

16 MS. MURPHY: I'm sorry. I do have
17 one other point I wanted to make.

18 MR. DANNER: Oh, yes. Go ahead.

19 MS. MURPHY: So maintaining
20 consistency with EPA standards, I absolutely
21 recognize, you know, the value in PHMSA and EPA
22 coordinating. I think that's appropriate. I

1 think the agencies have done that in what
2 they've proposed. But I think the phrasing of
3 consistency with EPA standards might be a
4 little tight to me.

5 The two agencies may not adopt
6 identical standards. I think that's okay.
7 They haven't proposed identical standards. And
8 so I'm trying to think of another word there.
9 But, yeah, I think alignment or taking into
10 account would be great.

11 MR. DANNER: All right. Is that
12 acceptable? Chad, and then Diane.

13 MR. ZAMARIN: Thanks. Chad Zamarin,
14 Williams. I do want to -- I don't like the
15 removal on flexibility. To be clear, if I had
16 been putting up language to vote on starting
17 the morning, it would have been consistent with
18 what Member Chace had said that I think we
19 should have operators implement advanced leak
20 detection programs that they demonstrate, find
21 leaks.

22 And we're putting a tremendous

1 amount of prescription in this section, not
2 flexibility. We're setting hard numbers. And
3 we've talked about the potential unintended
4 consequences of doing that. It can lead to, I
5 think, excluding programs and capabilities, and
6 frankly, even investments.

7 We've talked to service providers
8 who are very concerned that we're going to not
9 follow the evolution curve in certain
10 technologies because we're setting standards
11 today that they can't meet.

12 And so I would just offer that these
13 are principles. We're putting actually very
14 specific standards beneath of them that don't
15 allow for flexibility. So I think that the
16 concept of allowing flexibility for technology,
17 I don't remember what the term was, and then
18 beneath that setting, a hard and fast number,
19 that's taking a lot of flexibility out. But
20 you're saying it within that hard and fast
21 standard, there's flexibility to develop
22 technology.

1 So I don't like watering down these
2 concepts. We can then talk about, you know,
3 we're putting standards beneath them that,
4 frankly, take away flexibility. But I think it
5 was an important point, and we heard it. It
6 was probably the most important comment we
7 heard from the public comments that we have to
8 maintain flexibility in this space because it's
9 so nascent and we're at risk of not getting it
10 right.

11 MR. DANNER: So would you be okay
12 with language that said allow flexibility to
13 encourage technology innovation?

14 MR. ZAMARIN: Yeah. I'd like to see
15 the language up one more time because just
16 saying allow flexibility, I don't know what
17 that means. That's a very kind of --

18 MR. DANNER: Well, see -- yeah. So
19 I was just suggesting you merge it with the one
20 in front. But, yes. Yeah. There we go. No,
21 that wasn't what it was.

22 MR. ZAMARIN: No. It wasn't. It

1 was in both the standard and the alternative.
2 I can't remember exactly what it was. Again, I
3 don't know why from a principles perspective,
4 we would limit things. We're going to limit
5 things when we talk about specific
6 requirements.

7 MR. DANNER: Yeah. There it is.
8 Whoops. Yeah.

9 MR. ZAMARIN: Again, I like that
10 term because now we're going to talk about
11 specific standards, and we're going to talk
12 about it sounds like the alternative
13 performance standard as well. So I'm not in
14 favor of removing it. I don't know why there'd
15 be a concern.

16 MR. DANNER: Well, so there's a
17 disconnect because you're saying that the
18 standards that are on the other slide, which we
19 will hopefully be adopting, are not flexible.
20 So --

21 MR. ZAMARIN: No. I think this is
22 saying that there will be proposed standards,

1 and within those proposed standards, we need to
2 -- we need to maintain room for technology and
3 be flexible for the evolution of technology.
4 And I think that's an important concept.

5 MR. DANNER: All right. Diane, then
6 Sara, then Brian.

7 MS. BURMAN: Yeah. I just want to
8 echo, I do think Member Chace had raised a good
9 point that then was captured in Member
10 Zamarin's comments. So I support this. Thank
11 you. And I do think that keeping in mind that
12 the principles are for us to level set, and
13 then we'll get into the specifics in each
14 section.

15 MR. DANNER: All right. Sara.

16 MS. GOSMAN: So I'm fine with the
17 language as it is now. I also just want to say
18 something for the record because I feel like
19 it's important given PST's previous comments.
20 And we do have concerns about the process
21 itself of the alternative. We would, you know,
22 we would prefer an approval process. But I

1 think in the spirit of compromise and
2 understanding, that this is an important part
3 of getting to the middle here on these issues
4 and getting, you know, getting us to standards
5 that everyone can live with.

6 I think we're fine with the
7 notification process as it exists in the
8 alternative. What we want to see, right, is
9 this tied to standards, numeric standards that
10 are really, again, going to allow for
11 technology neutral approaches, and, you know, I
12 would say directly drive technology innovation
13 in this space because I think that's where we
14 need to go. So I just wanted to put that on
15 the on record here as we move forward with this
16 discussion.

17 MR. DANNER: Thank you. Brian.

18 MR. WEISKER: Brian Weisker, Duke
19 Energy. And I think it's close to -- but I
20 just think from when we talk about flexibility,
21 too, we need to, I mean realize, and it's in
22 the preamble, too, around flexibility for

1 operators to choose from the technologies in
2 the proposed standard. I think it's kind of
3 written into that, but really, it's allowing
4 the flexibility for operators to choose
5 technologies in the proposed standard is -- I
6 think is kind of what we're going at. But I
7 think that it's critical for us when we think
8 about principles.

9 MR. DANNER: All right. Sara.

10 MS. GOSMAN: That's fine, but then I
11 think allowing flexibility -- sorry, what was
12 the language, to choose technologies to meet
13 the perform -- to meet the standards, right,
14 because there is a standard, and the
15 technologies are underneath that standard. So
16 I would -- I'm fine with the language that
17 you've proposed, but then I would like to
18 include the words "to meet."

19 MR. DANNER: All right. Looks like
20 -- I don't see any other tent cards. We have
21 language before us. This is a principle, so I
22 don't know if we need the preamble language

1 that we put in the voting slides. That would
2 be a question for John or Robert.

3 (Off-microphone comments.)

4 MR. DANNER: Do we need to put up
5 the usual voting slide preamble?

6 (Off-microphone comments.)

7 MR. DANNER: All right. Okay. And
8 this will be captured in whatever our final
9 report is.

10 (Off-microphone comments.)

11 MR. DANNER: All right. Is there a
12 motion for someone?

13 MS. BURMAN: Hold on for a second,
14 I'm conferring --

15 MR. DANNER: All right.

16 MS. BURMAN: -- over here on --

17 (Off-microphone comments.)

18 MS. BURMAN: I think that for
19 consistency's sake, and to make sure we do it
20 right, we should put that preamble, I don't
21 know that we say preamble, but to put that up
22 there, and then we'll read it per --

1 MR. DANNER: I --

2 MS. BURMAN: -- the lawyers here.

3 MR. DANNER: Okay. On advice of
4 counsel, we will do that. No, wait. I don't
5 know that counsel can advise us on this, but --

6 MS. BURMAN: With that, Chair
7 Danner, I'm happy to read if you want.

8 MR. DANNER: Thank you. That would
9 be great.

10 MS. BURMAN: Yeah. Okay. We ready?
11 So I'm going to make a motion. Is everybody
12 ready? We're good? All right. "The proposed
13 rule as published in the Federal Register and
14 as supported by the Preliminary Regulatory
15 Impact Analysis and Draft Environmental
16 Assessment regarding ALDP performance is
17 technically feasible, reasonable,
18 cost-effective, and practicable if PHMSA
19 consider the following principles raised in the
20 proceedings:

21 PHMSA consider the principles raised
22 in the proceedings, including a risk-based

1 approach, the need to develop standards, the
2 need to ensure that such standards are
3 technology neutral and incorporate a flow rate
4 alternative, encourage technology innovation,
5 allow flexibility for operators to choose
6 technologies to meet the proposed standards and
7 alternative performance standard, recognize
8 supply chain issues, address operators'
9 specific needs, and maintain alignment with EPA
10 standards."

11 MR. DANNER: Thank you very much.

12 Is there a second? All right. Andy Drake has
13 seconded. Cameron, will you record the vote?

14 MR. SATTERTHWAITE: Okay. I will
15 say your name. If you agree with the motion,
16 say yes. If not, say no. And I will go
17 through. Diane Burman.

18 MS. BURMAN: Yes.

19 MR. SATTERTHWAITE: Peter Chace.

20 MR. CHACE: Yes.

21 MR. SATTERTHWAITE: David Danner.

22 MR. DANNER: Yes.

1 MR. SATTERTHWAITE: Sara Longan.
2 MS. LONGAN: Yes.
3 MR. SATTERTHWAITE: Terry Turpin.
4 MR. TURPIN: Yes.
5 MR. SATTERTHWAITE: Brian Weisker.
6 MR. WEISKER: Yes.
7 MR. SATTERTHWAITE: Andy Drake.
8 MR. DRAKE: Yes.
9 MR. SATTERTHWAITE: Alex Dewar.
10 MR. DEWAR: Yes.
11 MR. SATTERTHWAITE: Steve Squibb.
12 MR. SQUIBB: Yes.
13 MR. SATTERTHWAITE: Chad Zamarin.
14 MR. ZAMARIN: Yes.
15 MR. SATTERTHWAITE: Chad Gilbert.
16 MR. GILBERT: Yes.
17 MR. SATTERTHWAITE: Arvind
18 Ravikumar.
19 MR. RAVIKUMAR: Yes.
20 MR. SATTERTHWAITE: Erin Murphy.
21 MS. MURPHY: No.
22 MR. SATTERTHWAITE: Sara Gosman.

1 MS. GOSMAN: Yes.

2 MR. SATTERTHWAITE: Sam Ariaratnam.

3 MR. ARIARATNAM: Yes.

4 MR. SATTERTHWAITE: The motion
5 carries 14 to 1.

6 MR. DANNER: All right. Thank you
7 very much. Now can we go put the slide back up
8 that had the leak detection regarding
9 transmission?

10 MR. DANNER: Okay. Could I get
11 clarification as to the last bullet? Did we
12 agree that that goes here? Sara?

13 MS. GOSMAN: So I think that we need
14 to change "may" to "should." That --

15 MR. DANNER: Or --

16 MS. GOSMAN: -- would be my
17 suggestion.

18 MR. DANNER: -- clarify that it
19 covers. We could just say covers.

20 MS. GOSMAN: That's fine, too.

21 MR. DANNER: All right. Andy Drake.

22 MR. DRAKE: This is Andy Drake with

1 Enbridge. I have a question, this may be more
2 to Erin, and that is I may be getting confused
3 how this is working, but the how I see the "or"
4 may be just out of alignment, then I'd want to
5 get straightened up here.

6 So how I hear this working is that
7 if an operator was to decide not to do the
8 screening survey and drop right down to an
9 on-ground survey that was being done at a
10 higher performance standard, or better
11 performance standard, somehow there's a concern
12 about that. And I don't -- and maybe I'm
13 missing something.

14 But if we're -- if a screening
15 survey is being done at 10 kilograms an hour,
16 and I think we would -- actually, I think it
17 would be important to put some more language up
18 there, at least put a provision to say 10
19 kilograms an hour, or an equivalent ppm rate
20 because some tools work on ppm, some work on
21 flow rate. So I think that would be a good
22 add.

1 But if you were to do the screening
2 survey at 10 kilograms an hour, or 500 ppm,
3 okay, you do a survey. And then whatever you
4 find, you drop down and do a handheld survey on
5 the ground at 5 ppm, if an operator decided not
6 to do the screening survey, but walk on the
7 ground at 5 ppm, that seems better. But I
8 heard it like a concern that that somehow is
9 less.

10 Am I missing something because I
11 think that's -- I don't think the "or" hurts
12 here given that they're dropping to a better
13 performing technology at closer range. Is that
14 -- am I missing it? I mean --

15 MR. DANNER: Erin Murphy.

16 MS. MURPHY: Yeah. So I think that
17 one of my concerns is that what we've seen, and
18 I'm thinking about data that's not necessarily
19 from the transmission sector, so it's hard to
20 think about how it all carries over, but that
21 on some pipeline systems, we've seen mobile
22 advanced leak detection technologies identify

1 leaks that ground crews, using handhelds
2 conducting walking surveys, did not identify.

3 And so have, you know, from my
4 perspective, the kilogram per hour flow rate
5 standard is really important as its own
6 standard. And I think my concern was that the
7 "or," you know, weakens that kilogram per hour
8 flow rate standard.

9 I also had a number of folks
10 approach me on the break, and I think have a
11 better understanding after some of those
12 conversations about what's intended here. So
13 I'm still kind of processing and thinking about
14 whether this is comfortable for me.

15 MR. DANNER: All right. Arvind.

16 MR. DRAKE: I --

17 MR. DANNER: Oh, I'm sorry.

18 MR. DRAKE: I'm sort of in the same
19 space. I haven't decided yet. I'm just trying
20 to figure it out. But it seems like if flow
21 rate, and we do some sort of equivalent density
22 or ppm rate, it's technology agnostic. It's

1 just a screening survey, could be aerial, it
2 could be ground, it could be anything. And I'm
3 kind of wondering what the second bullet really
4 does at all actually -- I mean honestly.

5 MR. DANNER: All right. Arvind.

6 MR. RAVIKUMAR: Thanks, Chairman.
7 So from the perspective of technology
8 performance, I like it -- I like keeping the
9 kilogram per hour and the ppm separate bullet
10 points only because there's no direct
11 correlation between an emission rate and a ppm
12 value.

13 If we say, you know, X kilograms per
14 hour or Y ppm, then it might be interpreted to
15 mean that, you know, both are equal. Either
16 it's 10 kilograms per hour or some ppm. And
17 it's just not a direct correlation, so it's
18 helpful to keep them separate.

19 MR. DANNER: All right. Thank you.
20 Brian.

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. So the second bullet, it allows

1 utilization of mobile equipment tools or
2 handheld tools that don't measure in kilograms
3 per hour. That measure in ppm. That's the
4 purpose of that second bullet to allow that
5 survey technique to continue.

6 I would recommend that we change,
7 for the first bullet, that be a follow up.
8 Instead of it says, "Survey of leak
9 indications." Just "follow-up investigation."
10 So we've completed the survey with the
11 screening survey, and now we're going to in and
12 investigating the leak indications.

13 And lastly, as written, this will
14 eliminate the use -- some operators utilize a
15 CGI that reads out in percent LEL when they're
16 doing their pinpointing. So as written, that
17 would eliminate the ability to use that tool.
18 Trying to think how to write that as written.
19 I got to think about that for a second.

20 MR. DANNER: We will come back to
21 you. We'll hold that thought. Okay. Andy.

22 MR. DRAKE: This is Andy Drake with

1 Enbridge. I appreciate your comment, Arvind.
2 And I'm not trying to actually set a number up
3 there at top. What I'm trying to do, and I
4 think this is important, almost pragmatically,
5 is some tools work in kilograms per hour, some
6 tools work in ppm. So that top line, we at
7 least need to make a provision of an
8 equivalence.

9 So what I would propose is say 10
10 kilograms an hour, and then put parentheses, or
11 an equivalent ppm just so that there's a
12 recognition that there's some tools out there
13 that work in ppm, and we need to allow them.
14 Otherwise we're screening it right here.
15 You're saying, nope, all screening tools will
16 be measured in kilograms per hour, and that's
17 not how some of those technologies work, so.
18 But I'm not asking to specify a ppm number up
19 there. I just say allow that, recognize it.
20 That's just reality.

21 MR. DANNER: All right. Chad, is
22 your comment on this subject, or --

1 MR. ZAMARIN: It is.

2 MR. DANNER: Okay.

3 MR. ZAMARIN: And it's why I think
4 the alternative, and the principles are
5 important, and I think alternatives are
6 important. I mean I think we heard yesterday
7 that if like CGI monitors and tools were
8 excluded as a result of this, that there would
9 be a massive need to replace equipment that may
10 be operates under a different standard but can
11 be demonstrated by an operator provides an
12 equivalent capability.

13 So I don't know that we can -- I
14 think that's the whole challenge is I'm not
15 sure we can cover everything that's out there
16 that someone may use today or may invent
17 tomorrow. And so I think I'm comfortable as
18 long as we maintain this premise that we're
19 setting standards in an area of rapid evolution
20 and broad, diverse technology. And as long as
21 there is a principle in place that allows for
22 alternative measuring techniques or

1 technologies, I'm comfortable. And that's why
2 I think that last bullet is so important.
3 Thank you.

4 MR. DANNER: Yeah. I mean what I'm
5 concerned about, I don't want to do anything
6 that's going to grandfather for an indefinite
7 period of time technologies that don't work.

8 MR. ZAMARIN: No. But the standard
9 does say it has to be equivalent. I mean there
10 is a standard that is referenced. So I would
11 hope that it, you know, wouldn't do that.

12 MR. DANNER: Yeah.

13 MR. ZAMARIN: Thank you.

14 MR. DANNER: Okay. Thank you. All
15 right. Arvind, and Erin, and Brian.

16 MR. RAVIKUMAR: So regarding the ppm
17 threshold, so one thing perhaps that's not
18 clear to me is the two bullet points are there
19 that explicitly address technologies that
20 either do a kilogram per hour standard or a ppm
21 standard. So I think that covers the universe
22 of technology standards that are -- or universe

1 of technologies that are available.

2 I think the risk is inadvertently
3 adding in language that would create massive
4 issues for determining in the near future what
5 the equivalency is. So I think we have had
6 this issue in the past on who determines
7 equivalency and how is equivalency determined.
8 It's a very difficult question, and often
9 impossible when you're comparing two very
10 different technologies, which is why I think,
11 you know, to be conservative, it's better to
12 have those two numbers as a separate bullet
13 points instead of asking PHMSA to determine the
14 equivalence between different technologies.

15 MR. DANNER: All right. Thank you.
16 Erin Murphy.

17 MS. MURPHY: Erin Murphy, EDF. So I
18 hate to say I want to take a step back here,
19 but I mean, first of all, the 10 kilogram per
20 hour is a flow rate standard. #measuring leaks
21 and quantifying them with a flow rate is what
22 allows you to quantify a leak and understand

1 the scope of emissions associated with the
2 leak. A ppm gas concentration measurement
3 doesn't give you that same quantification
4 ability. So I think that's one challenge with
5 condensing these together is you're losing part
6 of that ability to evaluate the environmental
7 impact of the leak.

8 Another point I wanted to make, and,
9 you know, I think when I was talking earlier
10 about our recommendation on the distribution
11 side, I was kind of getting to this and see it
12 coming, you know, now into the transmission
13 discussion. From our understanding, the 5 ppm
14 handheld technology is very well established
15 and has been in use by many operators for a
16 long time.

17 And when Congress passed the PIPES
18 Act of 2020, there's language in that act.
19 There was discussion, you know, in Congress
20 about the emergence of new commercially
21 available, more advanced technologies that
22 allow operators to find more leaks on their

1 system, to get more information about those
2 leaks like the leak flow rate.

3 And so I just want to emphasize that
4 because if this is an advanced leak detection
5 program technology standard, and one of the
6 core options is a technology that's been in use
7 for a long time, and I'm not saying throw that
8 technology out the window, not at all. It's in
9 use, it's going to continue to be in use. But
10 are we losing, right, the advanced element
11 here? And I think that's part of why I'm
12 really emphasizing the importance of the flow
13 rate standard.

14 MR. DANNER: All right. Thank you.
15 Brian.

16 MR. WEISKER: Brian Weisker, Duke
17 Energy. It was there before, and now it's
18 gone, the update for follow up investigation of
19 leak indications with handheld equipment.

20 (Off-microphone comments.)

21 MR. WEISKER: Investigation instead
22 of survey, I think --

1 MR. DANNER: Yeah. I --

2 (Off-microphone comments.)

3 MR. DANNER: They didn't change it.

4 I mean we can put it in parentheses as a
5 placeholder to make sure --

6 MR. ZAMARIN: No, it was up there.

7 MR. DANNER: Yeah.

8 MR. ZAMARIN: And I think there was
9 nodding around the room that the follow up
10 investigation of leak indications versus -- it
11 kind of could imply that there's a second
12 survey of all pipe. I think what we're saying
13 here is you do a survey and then you
14 investigate indications. I think there was
15 generally agreement that that's better
16 language.

17 MR. DANNER: Okay. I don't --

18 MS. MURPHY: Yeah.

19 MR. DANNER: I don't know what we
20 got there. Let's see if I can -- let's get
21 some head nodding then.

22 MR. WEISKER: Yeah.

1 MR. DANNER: Is anybody opposed to
2 that? All right. I'm not hearing anybody
3 speak up, so go ahead.

4 MR. WEISKER: And then I would also
5 like to add in that parentheses the 5 ppm or
6 ppm or 1 percent LEL to allow for the use of a
7 CGI tool as we investigate the location of a
8 leak indication.

9 MR. DANNER: Any discussion of that?
10 So I don't know if the silence is acceptance or
11 people trying to understand that.

12 (Off-microphone comments.)

13 MR. DANNER: On the first bullet.
14 Okay.

15 (Off-microphone comments.)

16 MR. DANNER: All right. Arvind, did
17 you have your card up?

18 MR. RAVIKUMAR: No.

19 MR. DANNER: All right. Pete.

20 MR. RAVIKUMAR: I put it down.

21 MR. DANNER: Pete.

22 MR. CHACE: Pete Chace, NAPSRS.

1 Erin, I guess this is directed at you. I'm not
2 sure I understand your -- and maybe I do, maybe
3 I don't, your comments regarding the flow rate.
4 I think there's a lot of small operators out
5 there, which right now technologies involving
6 flow rate just may simply not be practical for
7 them.

8 And, you know, in practical terms,
9 they're going to be walking their pipeline with
10 a flame pack and then verifying any leak they
11 find with a CGI. So I think taking that kind
12 of option off the table for them may be a
13 challenge. I'm not sure if that's what you
14 were saying or not.

15 I guess this is a technical thing,
16 too. 1 percent LEL is basically 5 part per
17 million. I'm not sure I see a 5 ppm standard
18 being an obstacle to the CGI. Is it 500?
19 Wait. All right. Well, I'll work on my math,
20 and we will -- that's all I got. Thank you.

21 MR. DANNER: All right. Erin
22 Murphy.

1 MS. MURPHY: Yeah. Thanks. And
2 just in response to Peter, I think earlier we
3 were talking about adding to that second
4 sub-bullet on the leakage survey with handheld
5 or mobile equipment, a designation of that for
6 smaller operators, or operators with a small
7 mileage of transmission pipeline. I'd be open
8 to returning to that discussion.

9 MR. DANNER: All right. Noted.
10 Alan.

11 MR. MAYBERRY: So I had a question.
12 You know, when you refer to a specific device
13 like a CGI, aren't you -- is that as specific
14 as you can be? You're really after a performance
15 standard of 1 percent, right, so. Correct?

16 MR. WEISKER: Yeah. I think we need
17 to strike --

18 MR. MAYBERRY: So we're talking
19 about ALDP.

20 MR. WEISKER: -- with a combustible
21 CGI.

22 MR. MAYBERRY: Right.

1 MR. WEISKER: All of that out. Just
2 go back to or 1 percent LEL.

3 MR. MAYBERRY: Thanks.

4 MR. DANNER: I would just -- okay.

5 (Off-microphone comments.)

6 MR. DANNER: So we leave it at 1
7 percent LEL. All right. Andy, and then Sara.

8 MR. DRAKE: This is Andy Drake with
9 Enbridge. I haven't got my concern outlined
10 just yet, so I'm just thinking through this.
11 How do we actually practicability deal with the
12 fact that new technologies, not old
13 technologies, are coming out in ppm for the
14 screening technology? I'm trying to figure out
15 how that fits into this equation. We're not
16 recognizing the reality of the world that's
17 happening around us.

18 So we can say 10 kilograms per hour,
19 but somewhere we're going to have to figure out
20 how to translate to accommodate these new
21 technologies. I don't know how this allows me
22 to do that. And I'm just trying to think

1 pragmatic, these are new technologies that are
2 coming out.

3 So you're the expert on this, I
4 don't understand the difference between flow
5 rate and ppm that they -- I mean I'm sure it's
6 hard to translate, I get that from an
7 engineering standpoint, but I just don't
8 understand maybe the impact that ppm's not
9 reflective or ability to reflect a leak that we
10 want to go manage.

11 But maybe the provision here is that
12 we just use 192.763 to clear this. I just
13 worry that we're not using 192.763 maybe rather
14 than a small trail that we use to clear a few
15 things on is now a highway because we're trying
16 to clear whole sets of technologies down that
17 trail when we could try to clear that up here.

18 So I just throw that out here as a
19 matter of practicability. If we've got new
20 technologies that are coming out that are in
21 ppm as screening technologies, are we just not
22 going to use them? Or do we all have to bring

1 all of those through 192.763 now?

2 MR. DANNER: All right. Thank you.
3 Sara.

4 MS. GOSMAN: I'm wondering if Arvind
5 wants to answer that question.

6 MR. DANNER: Yeah, I was thinking
7 the same. Arvind, do you want to respond to
8 that?

9 MR. RAVIKUMAR: Sure. Very good
10 point, Andy, on, you know -- and that question
11 is going to come up for even the flow rate
12 standard, right? Like you're saying 10
13 kilogram for flow rate standard, somebody has
14 to demonstrate that your technology detects 10
15 kilogram per hour consistently, which is fine.
16 There are standard base of demonstrating that
17 and documenting it, and several technologies
18 have already done that.

19 But it would be the same mechanism.
20 That is a generic approach to determining
21 whether technology meets the standard, and I
22 think we can do that for any technology. So

1 even if it's a ppm technology in the future,
2 although it would have to demonstrate this,
3 they can consistently detect a 10 kilogram per
4 hour leak, and that would still be under that
5 standard. So it would still be applicable.

6 MR. DANNER: All right. Thank you.
7 Sara.

8 MS. GOSMAN: So I have some concerns
9 with the LEL provision that we just put in. So
10 I want to make sure my math is correct, but I
11 believe that that's 500 ppm. So we are moving
12 from 5 ppm, which was in the proposed rule, and
13 was in this language, now to 500. And I'm
14 frankly, not sure why we would do that other
15 than that perhaps an operator is using it. But
16 I think we need to keep to this standard of 5
17 ppm.

18 MR. DANNER: All right. Chad, and
19 then Brian.

20 MR. ZAMARIN: Chad Zamarin with
21 Williams. Just on the point that Arvind was
22 making, would we be comfortable saying that 10

1 kilograms per hour or equivalent flow rate
2 standard, because again, I think we're trying
3 to set a standard, but it sounds like there may
4 be a lot of different ways to achieve the same
5 result.

6 (Off-microphone comments.)

7 MR. DANNER: All right. So it would
8 just -- it would be --

9 MR. ZAMARIN: 10 kilograms --

10 MR. DANNER: -- 10 kilograms --

11 MR. ZAMARIN: -- per hour flow rate.

12 MR. DANNER: -- per hour flow rate
13 standard, or --

14 MR. ZAMARIN: Or equivalent.

15 MR. DANNER: -- equivalent standard.

16 Flow rate or equivalent standard. All right.

17 Brian, are you responding to this, or -- if
18 not, I think Erin is. So let me go to her
19 first unless you're going to address that. Go
20 ahead.

21 MR. WEISKER: Let Erin go first.

22 MR. DANNER: All right. Erin.

1 MS. MURPHY: Erin Murphy, EDF.
2 First want to say honored that Andy would say
3 I'm an expert on this a couple minutes ago. I
4 am an attorney and not a technical expert, so
5 doing my best like all of us here.

6 So I guess on that or equivalent
7 proposal, I don't understand what the or
8 equivalent -- I mean 10 kilograms per hour is a
9 flow rate, right? It's the volume of gas being
10 leaked in a unit of time. So something that's
11 equivalent to that that, you know, if it's not
12 meeting that flow rate, then it sounds like a
13 standard other than a flow rate standard. So
14 just would love some clarification there.

15 And also, you know, want to
16 emphasize the discussion of, you know, if there
17 are new technologies emerging that are, you
18 know, measuring in ppm and not measuring a flow
19 rate, I want to reference there's a lot of good
20 discussion I think in the comments that were
21 submitted by some of the technology providers
22 on this that speak to it in more detail. But

1 that is a -- my understanding is that's a
2 fundamentally different, you know, type of
3 measurement.

4 And so I think the idea here in this
5 first sub-bullet is setting a flow rate
6 standard. And to me the second sub-bullet is
7 what's talking about what, you know, gas
8 concentration technologies offer.

9 MR. DANNER: So I think that it
10 comes back to the point that Andy was making
11 about new technologies coming on board that may
12 not be flow rate technologies, right? And if
13 we need to somehow find language that would
14 address that. So Andy, I'm going to -- sorry,
15 Brian. Just --

16 MR. WEISKER: No. Let him go.

17 MR. DANNER: -- hang on. Yeah.

18 MR. DRAKE: I'm not trying to create
19 too much convolution here. Just recognizing
20 the weather, and I think the conversation with
21 Arvind helped me, and that is there has -- and
22 that's all the provision I think Chad was

1 trying to get to is recognize the obvious.
2 There's two different technologies that coming
3 -- or there's lots of different technologies
4 coming down, and they may use flow rate, they
5 may use ppm.

6 The burden of proof will be on them
7 to translate to this standard. But we don't
8 want to exclude them like we don't recognize
9 that that technology doesn't work directly on
10 flow rate. It works on ppm. They're just
11 going to have to translate that. And that's
12 what I heard you say.

13 And that's all I really am trying to
14 get up here is that we don't want to exclude
15 them because they don't work in kilograms per
16 hour. They'll just have to translate it from
17 ppm to kilograms per hour.

18 MR. DANNER: So it might be that,
19 you know, that the 192.763 process is the best
20 way to deal with this in the short term, and
21 then if something becomes proven and gets into
22 widespread use, it would be incumbent upon

1 PHMSA to go back and revisit these rules.
2 That's generally how we deal with development
3 of new technologies, in my state anyway.

4 And, you know, because we can't
5 predict the future. We can anticipate the
6 future, and that's why we have the alternative
7 performance standard. And I just, you know, I
8 just throw out there that might be just fine
9 for now.

10 MR. DRAKE: I think it may be. You
11 know, I appreciate your comment, Erin, that
12 you're not the expert. I think you're more
13 tuned in on this than I am. I just hear a lot
14 of angst when I walk out in that hall about
15 different technologies. And things are, you
16 know, that work on a different approach. They
17 work on ppm.

18 And I don't want to open Pandora's
19 box here and ask some of the vendors to come up
20 and explain that to us. But I'm very careful,
21 and we should be very thoughtful about trying
22 to keep this to where we can deal with things

1 that might be different than what we're
2 thinking right now. And that's really all I'm
3 saying.

4 And I don't know, 192.763 may even
5 handle it. I just worry this is going to turn
6 into a highway. If half the technologies are
7 ppm, okay, well, that didn't work for us. I
8 don't know that that hurts us, and that's
9 really all I'm trying to say at this juncture.
10 I'm really not trying to get away with
11 anything. I'm just trying to keep this open at
12 the front of the ship.

13 MR. DANNER: Okay. Arvind, and then
14 Brian, I promise, we're getting to you.

15 MR. WEISKER: Right.

16 MR. DANNER: Arvind.

17 MR. RAVIKUMAR: So maybe to address
18 that direct concern, one option would be to
19 include in the second bullet point explicitly
20 that it also includes screening surveys. You
21 know, the challenge is your concern -- the
22 concern that was expressed is it excludes ppm

1 technologies from screening surveys, and so
2 since we have a separate standard for the ppm
3 and the kilogram per hour, we'll just include
4 the screening in the second bullet point. So
5 it'll be leakage or screening surveys with
6 handheld or mobile equipment with that ppm
7 standard, and then there's a separate one for
8 the flow rate standard.

9 MR. DANNER: Is that language that
10 would address your concerns, Andy?

11 MR. DRAKE: I worry more that we
12 stir this up, we just make more of a mess out
13 of it. But pardon the -- I think we've created
14 a record about this issue. I worry that if we
15 add that to the second bullet, it somehow
16 misses the point of the screening survey being
17 at 10 kilograms an hour as the equivalent, then
18 it becomes the screening survey now has to be
19 equivalent to 5 ppm, which is a very different
20 standard of care. I mean order of magnitude
21 different from what I understand.

22 So I think we've created some kind

1 of record. I'm looking to Alan, do you have
2 enough here I mean because this is really
3 important that we don't start out of the chute
4 automatically clipping technologies out that
5 work on ppm?

6 MR. DANNER: Alan.

7 MR. MAYBERRY: I think we have a
8 record of the comments, and we have what we
9 need. You know, this last bit of discussion I
10 think's provided good input for us to consider.
11 So, you know, I don't --

12 MR. DANNER: So --

13 MR. MAYBERRY: -- I don't think we
14 need anymore.

15 MR. DANNER: Okay. Well, we don't
16 have consensus on the words or equivalent up
17 there. So if we feel that PHMSA has enough,
18 then is it enough? I mean you understand if we
19 took out "or equivalent" that you would have
20 enough to go on?

21 MR. ZAMARIN: Chair? This is Chad
22 Zamarin with Williams.

1 MR. DANNER: Yeah.

2 MR. ZAMARIN: If that causes this
3 not to get support, I had proposed it, then I'm
4 okay removing it based on the discussions we've
5 had and the principles we laid out.

6 MR. DANNER: All right. Thank you.

7 MR. DRAKE: Chad -- I mean,
8 Chairman, this is Andy Drake. Does it cause
9 people a lot of angst to have that in there? I
10 just want to calibrate how anxious are people
11 about that being in there?

12 MR. DANNER: Well, I think we heard
13 from other side of the room here that there
14 were concerns about it, so out of six --

15 (Simultaneous speaking.)

16 MR. DRAKE: Okay. If it causes a
17 lot of angst, then we'll just use 192.763 to
18 cover it. I just worry that's going to be very
19 busy.

20 MR. DANNER: Yeah. And I also
21 believe that once we see things that get into
22 heavy rotation, PHMSA's going to have to either

1 deal with a lot of 192.763 process or they're
2 going to have to come back and say, okay, we're
3 starting an expedited rulemaking of some kind
4 to deal with this. All right. Brian, do you
5 remember what you wanted to say?

6 MR. WEISKER: I do, but it feels
7 like we're at an ending point based on what
8 Alan said.

9 MR. DANNER: Okay.

10 MR. WEISKER: If we're at an ending
11 point, I'll just be quiet.

12 MR. DANNER: Okay. Thank you for
13 that. Okay. You have to flip a coin because
14 you both put your signs at the same time.

15 MS. GOSMAN: Well --

16 MR. DANNER: Sara.

17 MS. GOSMAN: So I think I had raised
18 the concern about the 1 percent LEL, and I
19 think Brian, you were going to respond to that.
20 So I would like that removed, or an explanation
21 for why we've moved to such a high number from
22 5 to 500 ppm.

1 MR. DANNER: I'm sorry. Brian.

2 MR. WEISKER: Okay. I didn't know
3 if I had to wait.

4 MR. DANNER: Yes. No, you have --

5 MR. WEISKER: I'm still learning the
6 protocol here. So Brian Weisker, Duke Energy.
7 So, I mean the survey standard is there. It's
8 the 10 kilograms per hour. This is just to
9 allow for the flexibility for the actual tool
10 to use when we go out and pinpoint the location
11 of the leak. That's what the purpose of the 1
12 percent LEL.

13 I mean another option is we could
14 just get rid of all of that and just say we're
15 going to go out, follow up, investigate leak
16 indications with handheld equipment to pinpoint
17 the location of the leak following the survey.
18 That's just throwing out as another option.
19 But that's the purpose behind that, Sara.

20 MR. DANNER: All right. Erin, then
21 Diane, and then Peter.

22 MS. MURPHY: Erin Murphy, EDF. I

1 did want to at least state for the record that,
2 and I know we've gone around on a number of
3 other issues. You know, a number of
4 environmental organizations including EDF
5 expressed concerns in comments with the review
6 process associated with the alternative
7 performance standard.

8 We had also read this standard as
9 applying to Class 1 and 2 transmission lines.
10 And had actually recommended narrowing the
11 application of this standard. And I'm seeing
12 how, you know, this last bullet is kind of
13 expanding our understanding of the alternative
14 performance standard.

15 So I do feel like we're close to
16 consensus in other places, and wonder if we
17 want to shift the discussion of the alternative
18 performance standard to a separate item that's
19 voted on. I think, in particular, because
20 there's also discussion about its applicability
21 for gathering and transmission -- or gathering
22 and distribution.

1 MR. DANNER: All right. Diane, and
2 then Peter.

3 MS. BURMAN: I'll defer to Peter
4 first because I think he may address my issue.

5 MR. DANNER: Okay. Pete.

6 MR. CHACE: Pete Chace, NAPS. R.
7 Yeah. I guess I'll just direct that to PHMSA.
8 I don't work with CGIs every day, so I'm not
9 intimately familiar with them. But I think
10 Brian who's -- Member Weisker, excuse me, has
11 raised a fair point. Are we, with the 5 ppm
12 standard, are we about to make half the CGIs in
13 the country illegal? You know, or potentially
14 more than that. I don't know the answer, but I
15 think we need to think about it.

16 MR. DANNER: All right. Thank you.
17 Diane.

18 MS. BURMAN: Yeah. It was similar.
19 I'm just trying to make sure that we're not
20 causing confusion because I am a little
21 confused now on what the intent is. And kind
22 of going back to what the intent of the rule

1 is, which I think is to find and fix leaks, and
2 the quantifying the volume. I'm just having a
3 hard time making sure that we're on track for
4 what we're trying to do and just going back to
5 what is it? What are we trying to accomplish?

6 MR. DANNER: All right. Well, I
7 heard a proposal that we simply take all the
8 ppm and LEL numbers out of there and just say
9 investigation of leak indications with handheld
10 equipment to pinpoint the source of the leaks.
11 Did I get that right, Brian? Was that what you
12 were suggesting?

13 MR. WEISKER: That's an alternative
14 proposal to what's on the board, I support
15 that.

16 MR. DANNER: All right. Chad.

17 MR. ZAMARIN: Chad Zamarin,
18 Williams. I just wanted to respond to Erin.
19 That last bullet, I understood should give us
20 comfort in setting these standards because
21 there is an alternative that will allow for us
22 not to limit technology, and development, and

1 alternatives.

2 And so I think I've said this
3 earlier, like, I would be opposed to this not
4 having that, because it's important that if
5 we're going to set a hard and fast standard in
6 a nascent and rapidly evolving space, that we
7 have to allow for alternatives.

8 It takes a long time to update
9 regulations. And so I think that's a very
10 important concept, and frankly, it was one that
11 I think was described to us that should give us
12 comfort that we have this alternative. And if
13 we don't have it, I think there's a real
14 problem in the rest of the requirements.

15 And so I don't know why we would be
16 opposed to having -- the standard looks pretty
17 clear to me. It says you have to equivalent or
18 better safety and emissions reduction outcomes.
19 I don't understand why we would not want that
20 mechanism to allow for us to make sure we get
21 it right, but also encourage ongoing
22 development. So I think it's really important

1 to have that as part of this package. Thank
2 you.

3 MR. DANNER: All right. Arvind, and
4 then Pete.

5 MR. RAVIKUMAR: Quick point that I
6 agree with Brian's recommendation on removing
7 the standards for the follow up as long as it
8 says follow up investigation of leak
9 indications with handheld equipment to pinpoint
10 the source of the leak.

11 MR. DANNER: All right. Thank you.
12 Pete. Oh, you, your card's down. Okay.

13 MR. CHACE: Yes.

14 MR. DANNER: Sara, and then Erin.

15 MS. GOSMAN: I mean I guess I'll
16 defer to the researcher over here on that
17 question. Yeah. That's fine.

18 MR. DANNER: Erin.

19 MS. MURPHY: Yeah. I guess on that
20 point, Arvind, I would be interested if there's
21 more you would share there, I think I prefer at
22 least clarity with the list of technologies

1 rather than totally open-ended. And I know
2 many operators use the -- oh, gosh, CGI
3 technology.

4 MR. DANNER: Arvind.

5 MR. RAVIKUMAR: I think that's a
6 fair concern, but I think the broader point
7 here is that the screening survey is going to
8 tell you if you have any big issues, and I
9 think every operator can choose the appropriate
10 technology to go follow up on figuring out what
11 their issue is.

12 MR. DANNER: Erin.

13 MS. MURPHY: Got it. Yeah. I mean
14 I think I just differ, and I do prefer the list
15 of 5 ppm, ppm, or 1 percent LEL for clarity,
16 if others are comfortable with that. I also
17 wanted to just flag hearing Chad's comments on
18 the alternative standard. Maybe just hone in
19 on one of our particular concerns with the
20 standard, and just, you know, maybe we need to
21 talk about it now if we want to keep it in
22 here.

1 I think if the standard were to be
2 clarified to be available to all transmission
3 lines, which I understand, you know, that
4 wasn't how we read the NPRM, but I think, you
5 know, others saw some sort of openness in terms
6 of how the NPRM might be interpreted on that
7 point.

8 One of our major concerns there is
9 that the way the standard is structured ties
10 into the notification standard, which is
11 another part of the CFR, and which includes
12 what I think I would identify as constructive
13 approval, right, where the operator submits
14 their alternative proposal to PHMSA, and PHMSA
15 can weigh in on that. But if PHMSA does not
16 take action, the alternative would be sort of
17 constructively approved.

18 And one area that we view as
19 important is that PHMSA have to affirmatively
20 approve the alternative. So I don't know if we
21 want to talk about that now or later, but if we
22 were -- if there was openness to sort of

1 consensus that PHMSA would alternatively
2 approve an alternative program, I would be a
3 lot -- feel a lot better about this.

4 MR. DANNER: Do you have any
5 language that you would like to throw up there?

6 MS. MURPHY: It will take me a
7 minute.

8 MR. DANNER: Yeah. Okay. Chad.

9 MR. ZAMARIN: Yeah. I would just
10 say I would have a problem with that. I mean
11 we've seen -- I mean this is a resource issue.
12 This is a timing issue we're talking about.
13 And then we had the same concept in the
14 integrity management rule, and I think we've
15 demonstrated that the no objection process is a
16 much more efficient use of people, time, and
17 resources.

18 And especially in an area like this
19 where we don't know the volume of alternatives,
20 and the amount of work that -- and the speed at
21 which this could evolve. I think we'd create a
22 bureaucracy-like roadblock that would not help,

1 and, in fact, would go against the principles
2 that we're describing that would allow for
3 development and advancement.

4 MR. DANNER: Okay. And while Erin
5 is working on some language, you also heard
6 that she would prefer that we actually go back
7 to the ppm and LEL numbers as opposed to this
8 language here. And I think that this
9 alternative that was up there, it was in
10 response to a concern about LEL being there.

11 Yeah. There are strong feelings about this
12 language as opposed to the pinpoint source of
13 the leak language that we had before. Sara.

14 MS. GOSMAN: I've gone back and
15 forth on this, and I apologize for that. But I
16 do think that we need the 5 ppm, 5 ppmm, or 1
17 percent LEL. And I'm okay with the 1 percent
18 LEL in there. But I like the numbers.

19 MR. DANNER: All right. And do you
20 want to leave the language in that says to
21 pinpoint the source of the leak?

22 MS. GOSMAN: That's fine.

1 MR. DANNER: All right. Erin.

2 MS. MURPHY: Sorry, I don't know if
3 I ever took my card down. Erin Murphy, EDF. I
4 appreciate these changes, and I'm comfortable
5 with this.

6 MR. DANNER: Andy.

7 MR. DRAKE: This is Andy Drake with
8 Enbridge. You know, again, just not trying to
9 be argumentative, but pragmatically, I think
10 the last sentence is impracticable. If we're
11 going to turn 192.763 into a highway, waiting
12 for a definitive approval on every one of those
13 doesn't work. The current 192.18 process is
14 nine months.

15 So it just isn't going to work. So
16 we got to figure out a different animal down
17 here. You're going to lock up everybody over
18 here trying to do something other than, you
19 know, any alternative just doesn't happen now.

20 MR. DANNER: Could we add some
21 language in there about some sort of
22 recommendation for an expedited process if

1 necessary? Chad.

2 MR. ZAMARIN: Yeah. Again, I don't
3 know if we're going to wordsmith every section,
4 so I'd be comfortable removing that and just,
5 you know, PHMSA will have the record. I think
6 they will have heard our issues. And there is
7 a proposed alternative process, I think we can
8 weigh in with our comments or concerns.

9 But for me from a principles
10 perspective, I think it's important to say
11 we're adopting a flow rate standard. It's very
12 specific. But we also have a means for an
13 alternative. I wouldn't be comfortable voting
14 that we all agree it should be an affirmative
15 approval.

16 I think we all agree there should be
17 an alternative process. And that, you know,
18 the details of that may be something we have to
19 discuss separately, but it feels like the right
20 level is that, you know, again, we're voting on
21 and putting forward principles that there's an
22 alternative process that goes in line with the

1 standard.

2 MR. DANNER: All right. Diane, and
3 then Sara.

4 MS. BURMAN: Yeah. So I'm just
5 trying to figure out, and especially as I look
6 to this last bullet that may come up when we
7 get to distribution, I'm trying to figure out
8 what exactly we're doing by adding "provided
9 that the process requires an affirmative
10 approval by PHMSA."

11 I guess I look at it, and I'm
12 worried that it almost seems like -- it almost
13 seems like to blow up the actual alternative
14 process because I don't understand, and maybe I
15 just need an example. I don't understand what
16 that would look like in practicality except to
17 basically nullify the alternative, which I --
18 so I'm just having a problem understanding.

19 MR. DANNER: All right. Erin, do
20 you want to respond just to that issue? Or
21 Sara.

22 MS. GOSMAN: Yeah. Thank you for

1 that question, Commissioner Burman. I think
2 that the way I understand -- so, first of all,
3 I will say as I said before that I'm okay with
4 the notification process. But I do believe an
5 affirmative approval would be better, and
6 here's why. You know, a notification process
7 is essentially requires PHMSA to veto, right,
8 whatever the proposal is within a certain
9 number of days.

10 So I think the assumption behind
11 that is that we're really looking for the
12 outliers here, and that most of the things that
13 come through that process are just PHMSA lets
14 go, right? And uses its veto power rarely.

15 But actually, here what we're
16 talking about is PHMSA taking a careful look at
17 these alternatives to determine whether they
18 meet the standard that's in this, you know,
19 that's set within this particular section. And
20 for that reason, I think it makes sense to
21 actually have an affirmative decision by PHMSA
22 on these.

1 I think if there's a timeline
2 concern, we have ways to handle that, right?
3 We have a system where we could set a certain
4 time by which PHMSA has to make a decision. So
5 I think a lot of that can be negotiated, but I
6 think it's really a question about sort of
7 where we want to have the burden here, and it
8 seems to me like PHMSA should make an
9 affirmative decision as to these other ways.
10 That would be my pitch, but again, I'm happy
11 either way.

12 MS. BURMAN: In response to that
13 clarifying, I'm worried that this is an
14 unintended poison pill to the allowing the
15 alternative, and I just want to be careful that
16 we're not creating a new sort of bureaucratic
17 process. And an expedited process, sometimes
18 the expedited processes are even more
19 complicated.

20 And I would defer to sort of the
21 ongoing leaving it without that, that the
22 process requires affirmative approval by PHMSA

1 because I do think that PHMSA will have to when
2 they agree or not to clarify that the scope of
3 the alternative performance standard process,
4 they have this and understand that there is
5 discussion around what this looks like. But
6 I'm just worried.

7 MR. DANNER: All right. Thank you.
8 Terry, then Erin.

9 MR. TURPIN: Terry Turpin with FERC.
10 I'd also offer just a little bit of advice. I
11 mean this is something Rob Ross touched on
12 yesterday sort of in a lawyerly, obscure way.
13 I think we're touching -- we're starting to
14 touch here on something that PHMSA -- I mean
15 this would be out of scope -- I mean as someone
16 who's had to write NOPR before, and to deal
17 with final rules, this large of a change, I
18 think the Committee's starting to come up
19 against, making promises to ourselves that
20 PHMSA won't be able -- or may not be able to in
21 their final analysis move forward with in a
22 final rule.

1 So I think let's keep that in mind.
2 I mean, ultimately, PHMSA's got to make a
3 judgment call that what they move from the NOPR
4 to the final rule is supported by the record.
5 I'm not sure that the Committee coming up with
6 a vote that says, you know, we only think it's
7 practical if PHMSA provides an affirmative
8 process is helpful to them, or allows them to
9 do that because they've got the APA to contend
10 with as well.

11 MR. DANNER: All right. Alan.

12 MR. MAYBERRY: I can appreciate what
13 we're trying to do here. Just have controls on
14 variances. One of the things we're challenged
15 with, I mean besides resources, is, you know, I
16 don't know what I'm swinging at here as far as
17 volume. I don't think it would be a lot, but
18 if it is a lot, it creates an administrative
19 burden. Not only that, plus a bit of risk for
20 the agency to be in the mode of approving.

21 There are really very few things
22 that we approve. Although, 192.18 has been

1 really a system of a way to approve alternative
2 approaches to safety. So I just have a little
3 bit of concern just over, you know, what you're
4 committing the agency to.

5 And, you know, in addition, you
6 know, we do have the authority obviously
7 through, you know, granted by Congress to
8 oversee all of this. We inspect, our state
9 partners inspect, we'll be looking at this. So
10 if there was an issue, you know, we address it
11 with the operator if we're dissatisfied with
12 this. I just have a little bit of pause in,
13 you know, just the burden we're creating.
14 That's all.

15 MR. DANNER: All right. Thank you.

16 Erin.

17 MS. MURPHY: Erin Murphy, EDF.

18 Appreciate the discussion on Terry's flag on
19 thinking about, you know, what's sort of
20 logical coming out of the NPRM into a final
21 rule. I think from our perspective, you know,
22 we see it from the other side, right, which is

1 a concern that if the alternative standard and
2 review process is so open-ended, that if the
3 agency is flooded with alternative applications
4 and the current, you know, as the NPRM is
5 drafted, after 90 days, those are good to go,
6 right?

7 I think from our perspective, that
8 creates a concern that, okay, then will the
9 agency just be flooded and not be able to
10 really, you know, take a careful look at the
11 alternatives that are being proposed. So
12 that's why, you know, approval by PHMSA is
13 important. And I recognize that, you know,
14 I've kind of pulled us into this, but I think
15 if we want to keep that last bullet in here,
16 it's important to talk through.

17 MR. DANNER: Chad.

18 MR. ZAMARIN: Yeah. I think this is
19 a good area where balance is important. And I
20 appreciate if -- I mean the no objection --
21 there can be objections and they do occur
22 without any, you know, apparent justification

1 to an operator. So like we could get into if
2 we wanted to, I think a very deep rabbit hole
3 here.

4 But the reality is, I mean 192.18 is
5 used in certain parts of the work that we do.
6 We have had special permits that take years,
7 and that process has become so difficult to
8 navigate that there are good activities that we
9 might do that aren't allowed by the code that
10 we're not pursuing. That is happening today.
11 It is not making us safer because it is so
12 difficult to navigate through the bureaucracy
13 of approval, that we're actually doing things
14 that are less effective and less safe.

15 So I worry, again, about putting
16 hard and fast standards in place, and then
17 putting, you know, bureaucratic handcuffs
18 around the ability to continue to innovate and
19 improve. And I think there's a balance where
20 if you have an alternative, you have to submit
21 it. PHMSA can object, I mean under the
22 language, for no reason at all. If they've got

1 too much work, they can just say no.

2 I mean we're not asking for a
3 standard, which we could, that says if you're
4 going to object, I want, you know, these, you
5 know, detailed responses and justification. I
6 think we're finding a good balance between, you
7 know, whether you get an affirmative approval,
8 or there's no, you know, process at all
9 because, again, where I would have started with
10 this is get rid of all this language and do
11 what we've done in many parts of the
12 regulations, require an operator to set a
13 standard for their leak detection program that
14 demonstrates they can find leaks during
15 surveys, and then pinpoint them on the ground.
16 You know, it's what Member Chace talked about
17 at the very beginning of the day.

18 So, again, I think we're finding the
19 right balance here. And I think I've heard
20 that generally, and I appreciate, Erin. But I
21 will be clear, like living in it, the process
22 of asking the government for approval to do

1 things does not work fast. And I wish it
2 wasn't that way, but that is the unfortunate
3 reality that we operate within.

4 And I think in this area where we're
5 trying to drive rapid technology development,
6 that would be a really, really unfortunate
7 mistake we would be making if we put additional
8 bureaucracy on top of that. So I'm sensing
9 that there's pretty broad support. I would
10 hope we'd have your support as well for
11 removing that because I do think it's not a
12 practical solution. Thank you.

13 MR. DANNER: All right. Andy Drake.

14 MR. DRAKE: This is Andy Drake with
15 Enbridge. Ditto. Ditto to what Chad said.
16 I'm very concerned about the practicability of
17 what we've just done, frankly. By not figuring
18 out some sort of provision to allow for
19 equivalents, we now have a whole host of tools
20 that will have to go through 192.763 or 192.18.
21 That's a lot of traffic down a road that
22 doesn't move very fast.

1 So that's a crossing pattern right
2 away, and this group should be aware of that,
3 to Terry's point. You just created an
4 unobtainium solution that PHMSA's going to have
5 to try to deal with. So I'm going to back this
6 back up again.

7 192.18 is not a bad process. I
8 think it's an important process to look for
9 alternatives, try to find opportunities to be
10 creative. It's just very bureaucratic. It
11 take a very long time. Those are incredibly
12 intensive discussions that last a year. That's
13 fit for some things if we're going to try some
14 very new thing that's never been done before,
15 an alternative to class occasions, okay, I get
16 it.

17 But what we're talking about here
18 doesn't fit in that box. And trying to put it
19 in that box is just going to lock any
20 opportunities to do anything other than -- we
21 now just picked technologies inadvertently. We
22 just picked technologies right here, which

1 violates one of our principles by the way,
2 because a lot of these technologies do work on
3 ppm.

4 Now they're going to have to go down
5 through this lower requirement. They're going
6 to have to get approval. That's going to take
7 a long time, so people aren't going to use
8 them. We just decided those technologies
9 aren't allowed now anymore. That's not what we
10 just set out as our principles. How can we
11 figure out a way to make that work?

12 I think it's important for PHMSA to
13 review and approve and be on board. And I do.
14 No one's trying to circumvent. How do we just
15 deal with the pragmatic practical issue here of
16 a lot of tools that are not flow rate tools?
17 They're ppm tools. How do we deal with that?

18 And I think one of the principles
19 that we talked about was we're here to find
20 leaks. Flow rates are good. They help
21 calibrate. But there's other ways to find
22 leaks. Is it required that we quantify the

1 leak to find it because -- or can we translate
2 that? I'm asking, not telling.

3 MR. DANNER: So, Andy, what if we
4 replaced the language in red at the bottom
5 there with something like PHMSA shall provide
6 -- or should provide meaningful and timely
7 review of requests for alternative standards?

8 MR. DRAKE: Can we get a definition
9 of timely? I'm not being argumentative.

10 MR. DANNER: I mean, you know, we're
11 dealing with -- I mean this is guidance to
12 PHMSA, right? We're not -- we're not writing
13 CFRs here. So, you know, that's why I throw
14 that out as an alternative. All right. Sara
15 Longan.

16 MS. LONGAN: Sara Longan, Army Corps
17 of Engineers. I just really want to strongly
18 support Member Turpin and his earlier comments
19 regarding process and prevailing a challenge.
20 I agree, Chairman, that we're not writing
21 regulations here, but we're asking PHMSA to
22 consider, and I believe we need to be really

1 careful and operate within the bounds of
2 process.

3 I'm not the attorney, and I'm not
4 going to extend my comments on my concern,
5 specifically in that area. The words added in
6 red, to me, cause a transparency issue. I also
7 do not believe that that was scoped as part of
8 this NPRM. We can come up with advice and add
9 additional suggestions, but I support Member
10 Turpin and his earlier concerns.

11 MR. DANNER: All right. Thank you
12 very much. Diane.

13 MS. BURMAN: Yeah. So I support
14 that as well. I'm really concerned that we're
15 actually changing the process that's already in
16 192.18, and 192.763(c) and creating an
17 additional level of bureaucracy that's just
18 unattainable.

19 And also PHMSA, I don't think that
20 you have the staff to now have a new process
21 that's going to, you know, create a bottleneck.
22 And I think we need to figure this out in terms

1 of how to get rid of that language and still
2 make folks comfortable.

3 The issue is to me, this is changing
4 the processes that are already in 192.18 and
5 192.763(c) by establishing this new affirmative
6 requirement. And it actually, I think, will
7 cause confusion in why this one. And so I
8 don't think that it's appropriate for us to do
9 that. And, frankly, I don't think it's
10 appropriate for us to say, PHMSA, you shall
11 provide meaningful and timely review of
12 notifications. I just don't think that's
13 helpful.

14 MR. DANNER: All right. Thank you.
15 Robert Ross.

16 MR. ROSS: So thank you. Robert
17 Ross from PHMSA. You know, clearly, I don't
18 opine on, you know, like whether an affirmative
19 approval is, you know, like, you know,
20 advisable or not. You know, and like Alan's
21 already mentioned some of the -- like some of
22 the considerations in connection with the

1 192.18 notification processes.

2 One thing that I do want to flag as
3 a potential consideration for the Committee,
4 apart from the bureaucratic, you know, like
5 potential challenges or issues as well as the
6 substantive, you know, like issue about what's
7 approved and what's not, is the 192.18 and
8 192.763 procedures do have a potential
9 information collection/gathering, you know,
10 like value to them, you know, like that in so
11 far -- like apart from this authorization or
12 non-authorization, you know, that could come
13 into play, you know, it also gives PHMSA an
14 opportunity to get information, you know, like
15 on what those emerging technologies are and
16 actually what the value that they provide, you
17 know, for public safety and environmental
18 protection, you know, could be over time. Just
19 want to make sure that that is part of the
20 Committee's considerations as well.

21 MR. DANNER: All right. Thank you.

22 Terry Turpin.

1 MR. TURPIN: Thanks. Terry Turpin,
2 FERC. Just as a 25-year bureaucratic
3 practitioner, I just kind of wanted to point
4 out, like most of these concerns seem to be
5 coming from the side of PHMSA being overwhelmed
6 and not being able to deal, and therefore,
7 people just running amuck with unapproved ways
8 to tackle this.

9 And I would note that, and not to
10 put Alan on the spot, but, you know, if I were
11 -- if I were in their shoes, I mean their
12 language actually says, as Chad pointed out,
13 that, you know, you can't move forward if PHMSA
14 sends you some notification that it needs
15 additional time. And, frankly, if I'm in the
16 position of the regulator, and I've suddenly
17 been overwhelmed by a lot of requests that have
18 a 90 day clock on them, you all are all getting
19 a letter that says I need additional time to
20 sort it out.

21 So I think the safeguard's built in
22 there that PHMSA won't be overwhelmed, and the

1 method that it has gives them the ability to
2 prevent that overwhelming, but also it prevents
3 this bottleneck of being, you know, having to
4 have all these resources to do the positive
5 review and the affirmation every single time.

6 Thanks.

7 MR. DANNER: All right. Thank you.

8 Erin.

9 MS. MURPHY: Erin Murphy, EDF. So
10 circling back to a comment Andy made earlier, I
11 do want to note that despite, I've raised it a
12 couple of times, an interest in making the
13 leakage survey with handheld or mobile
14 equipment at 5 ppm or ppmm, you know, I
15 proposed limiting that to smaller operators,
16 and there doesn't seem to be interest from
17 others on the Committee. So I think because of
18 that, that is there in the standard in terms of
19 ppm technology being available. Just wanted to
20 note that.

21 MR. DANNER: All right. Thank you

22 very much. Sara.

1 MS. GOSMAN: Yeah. I appreciate
2 Member Turpin's sort of statement about the way
3 the notification process works because that was
4 something I was going to bring up too, just
5 that PHMSA can certainly ask for additional
6 time to conduct its review. And so there are a
7 lot of pieces here of this process in terms of
8 information needed. And so I would hope that
9 PHMSA would take its time to make the right
10 decisions here.

11 I just have a question to PHMSA.
12 When notifications come in and, you know, to
13 the extent that PHMSA decides to object to a
14 particular notification, is that information
15 available to the public? Is there some place
16 that the public can go to determine, you know,
17 how many of these are coming in, what PHMSA's
18 determinations have been?

19 MR. DANNER: Alan, you want to take
20 it?

21 MR. MAYBERRY: I'll have to double
22 check on that. Let me get an answer for you on

1 that. I mean we definitely respond to them,
2 but let me just see where we -- I mean they're
3 subject to public disclosure, obviously. But
4 are they posted, let me double check. I
5 actually don't think they're posted to our
6 website, but I'll confirm.

7 MR. DANNER: All right. So we have
8 some language in red there. I don't know that
9 we have achieved any kind of consensus on that.
10 Could I take a reading of the room? If that
11 language came out, would we see objections? If
12 the language in red came out? Erin Murphy.

13 MS. MURPHY: I think there's two
14 different parts to me there. One was the --
15 first, we added the affirmative approval, and
16 then the idea of providing meaningful and
17 timely review. I hear the discussion, and I
18 think if affirmative approval were removed,
19 which it sounds like is important and is being
20 emphasized by a number of other Committee
21 members, maintaining the idea of meaningful and
22 timely review would be helpful to me. I would

1 maybe prefer a should rather than a shall just
2 because I don't know if the Committee's really
3 telling the agency what to do per se.

4 MR. DANNER: Yeah. Actually, that
5 was my proposal.

6 MS. MURPHY: And also, you know,
7 Sara just raised whether or not this
8 information is publicly available, and I think
9 if we also added that PHMSA, you know, should
10 make information about alternative standard
11 applications and application decisions public,
12 that would be helpful.

13 MR. DANNER: All right. Chad.

14 MR. ZAMARIN: Yeah. I support --
15 I'm okay leaving -- because, again, I think
16 from a philosophical principle perspective,
17 PHMSA providing meaningful and timely review I
18 think is a good add. And I appreciate, I think
19 I heard that we'd be okay removing affirmative
20 approval.

21 I don't know if we want to reference
22 the reporting section. I don't know if we

1 should -- and maybe it's consider -- or should
2 this be a topic we discuss in the reporting
3 section that if you're submitting, you know,
4 does it fit better there when you're asking
5 about, you know, what's being -- again, we kind
6 of were capturing the things that might need to
7 be reported on, and if an operator submits
8 this, does it go into an annual report or some
9 --

10 MR. DANNER: Yeah.

11 MR. ZAMARIN: -- reporting
12 mechanism. I don't know what the right answer
13 there is.

14 MR. DANNER: All right. Thank you
15 for that. Alan. Okay. Erin, then Alan. Oh,
16 Alan's here.

17 MR. MAYBERRY: No. I just wanted to
18 respond. We do not post the notifications.
19 When the Committee gets to the part on
20 reporting, you may want to consider a
21 recommendation related to that.

22 MR. DANNER: So -- all right. We

1 have this language here from the Committee, we
2 should decide whether we want to have that here
3 or we want to save that for the reporting
4 discussion. Erin, and then Sara.

5 MS. MURPHY: Yeah. In the spirit of
6 compromise, I would really like to see this
7 stated here. If we're removing the idea of
8 PHMSA affirmatively approving these alternative
9 proposals, having clarity that the Committee
10 recommends that that be public, would be pretty
11 central to my support for this.

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

14 MS. GOSMAN: Yeah. So I'm not sure
15 that this is a reporting issue for me because I
16 think that PHMSA already has this information
17 just based on the fact that they are receiving
18 the notifications and making determinations
19 about whether to object.

20 So I think that this is, you know,
21 you talk about highways, and how much is going
22 to go through here. I think a big piece of the

1 puzzle is transparency around how this program
2 is working. And so I like the language about
3 making information on notifications available
4 to the public.

5 And I'm sorry to have brought this
6 in at the last moment. It was part of my
7 consideration about sort of process here and
8 ways to work on this alternative performance
9 standard process. But I think we should all be
10 in agreement that, you know, for this program
11 to work going forward, right, people need to
12 have trust in the system, and understand how
13 much is going through the alternative. And so
14 for that reason, I hope that it is not
15 controversial to include this language now.

16 MR. DANNER: All right. Diane, then
17 Chad.

18 MS. BURMAN: Yeah. So thank you. I
19 think this has been a good conversation. I
20 will just say my own sort of discomfort is that
21 I'm looking to make decisions or offer up
22 recommendations on things that I don't have a

1 real handle on ongoing processes that I may
2 inadvertently be creating other roadblocks to
3 processes that are within PHMSA already that
4 have been helpful, which is, for me, just
5 mindful of that.

6 Taking out the "requires affirmative
7 approval," and leaving in the other section, at
8 least the first part of it, "PHMSA should
9 provide meaningful and timely review of
10 notifications," especially because we changed
11 the shall to a should, I'm comfortable with
12 that.

13 I will just point out that as to the
14 second bullet, "and make information on
15 notifications available to the public," I do
16 think we need to wordsmith that because it may
17 not be that they need to make every single
18 document available, but really what I think is
19 you're trying to accomplish is to be getting
20 relevant information to be able to look at and
21 understand.

22 And so perhaps there's some

1 wordsmithing that can be there so that it's
2 not, you know, since this is a process that
3 really will require how are they then sharing
4 that information, what's acceptable, maybe just
5 a summary, you know, list of it. And I just
6 want to make sure that we're not locking them
7 in to a detailed process and I think we're all
8 on the same page with that. So I just offer
9 that up.

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

12 MR. ZAMARIN: Thanks. Chad Zamarin,
13 Williams. Yeah. I agree. Again, and I don't
14 generally have any issue with the concept of
15 sharing information. I think the challenge,
16 again, might be one of unintended consequences.
17 So I wonder if we say allow PHMSA to consider
18 making information instead of just making it a
19 definitive statement because from a practical
20 perspective, I've seen that adding processes
21 like these add additional time, complexity.

22 I think in the environment,

1 unfortunately we operate in, it's a very, you
2 know, legal kind of protective environment, and
3 unfortunately, that often times stymies
4 activity. And by, you know, I just think we
5 need to make sure PHMSA has the latitude to
6 figure out what the resources that they have,
7 what they can -- what they can do.

8 MR. DANNER: You know, in our state,
9 when somebody files something with us, it gets
10 posted. So, you know, unless something is
11 filed confidentially or request for
12 confidentiality, it gets posted. I just would
13 mention that. Alan, did you want to speak?

14 MR. MAYBERRY: No, I just, you know,
15 we can manage this. We're used to posting
16 information publicly. It's something we do.
17 And certainly not -- it's noted, not everything
18 we do is necessarily posted. But, you know, we
19 can work with the stakeholders to make sure
20 what we post is effective, so.

21 MR. DANNER: All right. Andy, and
22 then Sara.

1 MR. DRAKE: Andy Drake with
2 Enbridge. Yeah. I appreciate the conversation
3 on transparency. I think we need to be
4 transparent. I think one thing that might help
5 solve something here for PHMSA on the record is
6 how quickly is it posted because it may change
7 the venue that were used to post? Is it every
8 single posting as quickly as possible? Or is
9 it quarterly, or annually?

10 I think creating transparency is
11 important, but what is the concern and that is,
12 is it every single application, or is it are we
13 making progress? And I think that's important
14 in the context of guidance back to PHMSA. So I
15 just ask that. And I do have a follow-on
16 point, but I'll stop there because I think the
17 other one's a different direction.

18 MR. DANNER: All right. Sara.

19 MS. GOSMAN: Yeah. I'd just like to
20 respond to that point. I'm actually going to
21 pick up on something that Alan said. I wonder
22 if we can make a recommendation that PHMSA work

1 with stakeholders to make information on
2 notifications available to the public because
3 there's a lot of detail here, and I see that.
4 I don't know that we want to spend a lot more
5 time trying to work through that.

6 And I honestly think it would be a
7 much more helpful conversation to get
8 stakeholders together, and we've done this, you
9 know, in the past with PHMSA where we've
10 brought together, you know, representatives
11 from industry, and Pipeline Safety Trust, and
12 other organizations. Think about performance
13 indicators, right, for IM.

14 There's a lot of precedent for these
15 kinds of conversations about how to make
16 information available. I think we should just
17 move it that direction and call it a day, at
18 least as to this.

19 MR. DRAKE: I think that's an
20 excellent recommendation. I do like -- and I'm
21 just going to keep coming back to this because
22 my goal here is to be mindful of the traffic we

1 create down below. Is there anything that we
2 can do here, or is there enough of a record for
3 Alan to say that tools that work on ppm, if
4 they can translate, to your comment, Arvind, if
5 they can translate to a volume, that they don't
6 have to go down through this? That's a big
7 deal of how many tool -- how much traffic we're
8 going to get on that road.

9 If we can agree that if they can
10 translate, through calibration or other
11 studies, to a 10 kilogram flow, and they're
12 using ppm technology, that we're good with that
13 because if we're not, I think you're going to
14 load up that road unnecessarily.

15 And I just think that helps
16 alleviate, back to Terry's comment, we don't
17 need any more traffic on this road. If we can
18 agree to some things that take the traffic off
19 the road, that helps them be more timely, which
20 helps this whole machine work better. So I
21 just want to put that out there.

22 MR. DANNER: Alan.

1 MR. MAYBERRY: Just to respond.
2 Staff indicates we do have enough information,
3 so I'm confident.

4 MR. DANNER: All right. Thank you.
5 Diane.

6 MS. BURMAN: Thank you. First of
7 all, I want to say yay to Sara for mentioning
8 voluntary information sharing. That's a thing
9 that I dearly appreciate. I just want to -- so
10 I'm comfortable. I really like how we looked
11 at collaborating on that issue.

12 I do just want to go to bullet two.
13 If someone could explain sort of what that
14 really means, how would it be measured, I'm
15 trying to just understand it a little bit,
16 especially as it relates to -- I get it from a,
17 I think, from a false positive perspective, but
18 I'm not sure how you would deal with false
19 negatives in that.

20 MR. DANNER: Arvind, do you want to
21 respond to --

22 MR. RAVIKUMAR: Yeah.

1 MR. DANNER: -- Commissioner Burman?

2 MR. RAVIKUMAR: Yeah. Just a quick
3 response. So, no, whenever we set a standard
4 with any number, in this case 10 kilograms per
5 hour, it's not that technology will never see
6 below 10 kilograms per hour. Sometimes it'll
7 see, the conditions are perfectly ideal.

8 So you want to set and say, okay,
9 you want to do 10 kilograms per hour 90 percent
10 of the time. And so that's what the second
11 bullet point says, the probability of
12 prediction standard for whatever number we set
13 up there is 90 percent detection. But that
14 doesn't mean it won't see below that, but
15 that's the standard -- that's how you test it.

16 MS. BURMAN: Okay. Thank you for
17 that tutorial. I appreciate it.

18 MR. DANNER: All right. Committee
19 members, are we ready to bring this one to
20 closure? Erin.

21 MS. MURPHY: Erin Murphy, EDF.
22 Proposal in the spirit of extreme efficiency.

1 Because we changed the flow rate standard for
2 transmission lines from 3 to 10 kilograms per
3 hour, which was also what my proposal was and
4 what EDF and other commenter's proposal was for
5 gathering lines, I'm looking at this, and
6 feeling like all of this is also applicable to
7 the gathering line ALDP standard, and wondering
8 if we could save ourselves a chunk of time
9 today and make this a transmission and
10 gathering recommendation.

11 MR. DANNER: Thoughts? Andy Drake.

12 MR. DRAKE: Yeah. Since I proposed
13 separating them, I think I feel obligated to
14 come back in. I think there is an issue with C
15 that warrants its own conversation, but I think
16 applying it straight to A and B, no contest.
17 And the C issue has some other hair on it I
18 think that they may want some public comment
19 on. But for A and B, no contest.

20 MR. DANNER: I believe we've already
21 taken the public comment. So, John.

22 MR. GALE: Thank you, Chairman.

1 Just for the Committee's purposes, I think it's
2 Topic 6 we're going to get back into gathering,
3 and in that section, we will discuss should the
4 rule in its totality apply to Type C lines.

5 And I'm sure, you know, if it's decided that it
6 should, the technology may come up again,
7 right? And I think it's better context to have
8 the discussion at that time.

9 MR. DRAKE: Yeah. I'm fine with how
10 you want to do that. I'm just answering your
11 question. If we want to do A and B, I don't
12 think there's any contest. I think that
13 provides some clarity in, whatever you said,
14 extreme efficiency or, if we want to do that.
15 But I think when we get to gathering in the
16 later conversation, then we'll bring C back up
17 then and talk about it there, I think that'd be
18 helpful. Otherwise, you can appreciate,
19 there's going to be a lot of conversation about
20 C, so.

21 MR. DANNER: All right. I do
22 appreciate the goal of achieving efficiency and

1 saving time. But I think we'll move ahead with
2 this as transmission, then we'll probably bring
3 this slide up again when we get to gathering
4 lines. I saw Chad --

5 MR. ZAMARIN: Yeah. Sorry. Chad
6 Zamarin, Williams. I think I'm comfortable
7 that I heard this is a technology standard, and
8 I think that this technology standard can work
9 for a gathering pipeline or a transmission
10 pipeline. I think applicability of the overall
11 -- of the overall NPRM is maybe a different
12 topic it sounds like we're going to cover in
13 Item 6.

14 So I'm comfortable with this being a
15 transmission and gathering, and obviously, it
16 sounds like another discussion to be had on
17 applicability of the overall rule. But from a
18 technical -- I like that this is a technical
19 standard. We're saying it's good for a
20 pipeline. It's good for a pipeline. And I
21 think that's the right thing to do. So I
22 support Erin's proposal.

1 MR. DRAKE: I agree.

2 MR. DANNER: Okay. So can I get a
3 sense of the Committee? Is there anyone who
4 objects to also having this technical standard
5 apply to gathering lines? All right. So we've
6 got an amended voting slide up there. And,
7 Arvind, do you want make a motion?

8 MR. RAVIKUMAR: Sure. The motion on
9 the table is "The proposed rule as published in
10 the Federal Register, and as supported by the
11 Preliminary Regulatory Impact Analysis and
12 Draft Environmental Assessment regarding the
13 advanced leak detection program performance
14 standard for gas transmission and gathering
15 pipelines is technically feasible, reasonable,
16 cost-effective, and practicable if the
17 following changes are made:

18 Pipeline 10 kilograms per hour flow
19 rate standard for screening surveys; follow up
20 investigation of leak indications with handheld
21 equipment; 5 ppm, 5 ppm meter or 1 percent LEL
22 to pinpoint the source of the leak; or leakage

1 surveys with handheld or mobile equipment, 5
2 ppm or ppm meter; recommended probability of
3 detection standard for all flow rate based
4 advanced leak detection technology, 90 percent;
5 above ground appurtenances, optical gas imaging
6 that's consistent with the EPA; clarify that
7 the scope of the alternative program
8 alternative performance standard process in
9 Section 192.18 and 192.763 Subsection C covers
10 all gas transmission and regulated gas
11 gathering pipelines; PHMSA should provide
12 meaningful and timely review of notifications
13 and should work with stakeholders to address
14 public availability of notifications."

15 MR. DANNER: All right. Is there a
16 second? Andy Drake seconds. Cameron, would
17 you record the votes please?

18 MR. SATTERTHWAITTE: Excuse me, my
19 apologies. One second please. Okay. I'll
20 call 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's unanimous,
9 the motion carries.

10 MR. DANNER: All right. Thank you,
11 all. Now let's get into ALDP 4, distribution.
12 Who wants to start the discussion there? I see
13 Erin reaching. Reaching. All right. All
14 right. Erin.

15 MS. MURPHY: Erin Murphy, EDF.
16 Since this was the proposal that I floated, I
17 figure I can kick us off again. So just to
18 reorient ourselves, this was a proposal for a
19 0.5 kilogram per hour mobile survey and a
20 leakage survey with handheld equipment at 5 ppm
21 sensitivity, followed by follow up survey. I
22 think follow up -- oh, gosh, what was the term

1 we used?

2 (Off-microphone comments.)

3 MS. MURPHY: Follow up
4 investigation, thank you, of leak indications
5 with handheld equipment at 5 ppm. And then
6 proposing an exception for smaller operators
7 with less than 250,000 services, and that is
8 consistent with an exception found elsewhere in
9 PHMSA regulations in 192.631 control room
10 management. So that's why we recommended that
11 threshold.

12 And then that PHMSA consider an
13 alternative standard for inside piping. And
14 then continuing consistent with transmission
15 and gathering, recommending a probability of
16 detection standard for all flow rate based ALD
17 technology of 90 percent.

18 MR. DANNER: All right. Thank you.
19 Pete, and then Brian.

20 MR. CHACE: Pete Chace, NAPSR. As I
21 mentioned before, I think, and I don't know the
22 answer to this, but we should look, I'm not

1 sure if many commonly used CGIs can meet that 5
2 ppm standard. And I don't see why they're a
3 problem, quite frankly. The second thing is
4 this almost reads like we're mandating the use
5 of mobile surveys for large operators.

6 MR. DANNER: All right. Thank you.
7 Brian.

8 MR. WEISKER: Brian Weisker, Duke
9 Energy. So I want to go back to the comments
10 from, I feel like yesterday, but from earlier
11 today where -- I mean are we going backwards on
12 going back to talk about the leak survey
13 frequency, what the first bullet for requiring
14 both a mobile survey and a leakage survey with
15 handheld equipment. I propose that we -- that
16 second "And leakage survey with handheld
17 equipment," that that be removed from this.

18 MR. DANNER: Thanks. I wonder -- I
19 mean this was -- when Erin Murphy brought the
20 proposal this morning, she covered all three
21 groups. We've had a lot of discussion on the
22 previous slide, and we've added a lot of

1 things, which are not brought over to this one
2 because this is basically cut and pasted from
3 the first proposal this morning. I wonder if
4 it would be useful to put the other slide up
5 and see what elements of that we want to carry
6 over to this.

7 MR. WEISKER: I agree.

8 MR. DANNER: So maybe you would want
9 to take a look at that and see what you want to
10 propose, Brian.

11 MR. WEISKER: So with that same
12 section, that we just duplicate that same
13 section for the first portion of that.

14 MR. DANNER: So in other words, the
15 --

16 MR. WEISKER: The pipeline.

17 (Simultaneous speaking.)

18 MR. DANNER: -- bullets under
19 pipeline?

20 MR. WEISKER: Correct. I think
21 we'll probably have some discussion on the
22 kilogram per hour flow rate, but duplicating

1 that.

2 MR. DANNER: All right. So carry
3 that over to the other slide, but leave the
4 original language on the other slide. Don't
5 delete it. All right.

6 MR. WEISKER: Second bullet. All
7 right. Okay. So you got -- okay. I'm getting
8 confused here. That was what was in the
9 proposal from Erin, the second one, correct?
10 There you go.

11 MR. DANNER: Yes. The --

12 MR. WEISKER: So I'll let him do his
13 magic here for a second.

14 MS. BURMAN: Chair? I think where
15 it says mobile survey and a leakage survey, I
16 think that "and" is supposed to be "or."

17 MR. DANNER: So I'm hearing from
18 PHMSA that it's an "and."

19 MR. WEISKER: That's the point of my
20 comment. So the point I'm looking -- it's not
21 an "and."

22 (Off-microphone comments.)

1 MR. WEISKER: So should be a --

2 MR. DANNER: 0.5 kilogram an hour --

3 MR. WEISKER: -- 0.5 kilogram per
4 hour.

5 MR. DANNER: -- mobile survey and a
6 leakage survey. You're saying it should be "or
7 a leakage survey?"

8 MR. WEISKER: I would leave it with
9 a 0.5 per kilogram mobile survey with -- I
10 still want to leave some discussion for the
11 actual kilograms per hour, but just, to me, the
12 portion in red is struck. We're now requiring
13 two leak surveys as that is written. But it
14 would be a 0.5 kilogram per hour mobile survey,
15 again, discussion on the rate, with a follow up
16 investigation of leak indications with handheld
17 equipment.

18 MR. ZAMARIN: Excuse me, Chair.
19 This is Chad Zamarin. Can I just ask a
20 question maybe of Erin?

21 MR. DANNER: Yeah.

22 MR. ZAMARIN: If were to replace the

1 10 kilogram per hour in the first bullet with
2 0.5, would that be an acceptable starting
3 point? Or is this different because I'm not
4 sure -- I don't know that I understand the
5 differences between distribution and
6 transmission and gathering?

7 MR. DANNER: Erin.

8 MR. ZAMARIN: Just trying to help --
9 (Simultaneous speaking.)

10 MR. DANNER: You want to respond to
11 that?

12 MS. MURPHY: Yeah. So I think this
13 is a continuation of the discussion we were
14 having in the transmission and gathering slide.
15 I will try not to be too repetitive. You know,
16 I had concerns in the transmission and
17 gathering space about the "or." But I became
18 comfortable with it in part because there was a
19 lot of discussion about how the ppm would
20 primarily be used by small operators with
21 limited mileage of transmission to distinguish
22 in the distribution space the recommendation

1 that I presented is different. It's a
2 recommendation for a 0.5 kilogram per hour
3 mobile survey and a handheld equipment survey.

4 And I hope I explained this clearly
5 earlier. I'll try to summarize that
6 perspective a little bit. You know, it's our
7 understanding that the use of handheld
8 equipment, which largely meets the 5 ppm
9 standard, is very common for distribution
10 operators, and that there's a desire to
11 continue using that equipment. And we respect
12 that.

13 Our perspective is that the mobile
14 advanced leak detection surveys are also a
15 critical tool to finding leaks, and
16 particularly to finding super-emitting leaks
17 and to quantifying the flow rate of those
18 leaks. So our recommendation, and I understand
19 that there's not unanimous support for it, but
20 our recommendation is that dual survey
21 requirement.

22 And I wanted to just make another

1 point here to maybe help folks understand why
2 we're recommending that. A 2018 peer reviewed
3 paper, Weller et al 2018 Vehicle-Based Methane
4 Surveys for Finding Natural Gas Leaks and
5 Estimating Their Size: Validation and
6 Uncertainty, which is cited and submitted to
7 the rulemaking record in our comments, found
8 that the utility crews using traditional
9 handheld technologies were able to locate only
10 35 percent of the leaks that were found using
11 advanced leak detection methods in the surveys
12 that were characterized in that study. So
13 that's kind of background to give you a sense
14 of why we're really looking to propose the use
15 of both technologies.

16 MR. DANNER: All right. Thank you.
17 Brian, do you want to respond to that?

18 MR. WEISKER: I mean if this is
19 "and," then I think we need to go back to where
20 we were yesterday and go back to leak survey
21 frequency because this is prescribing two leak
22 surveys. So we've now increased the frequency

1 of leak surveys. So if we're going to -- if
2 this is the proposal we're going to go with, we
3 need to go back to the subject that we closed
4 out yesterday on the leak survey frequency.

5 MR. DANNER: All right. Thank you.
6 Pete, and then Andy.

7 MR. CHACE: Yeah. Pete Chace,
8 NAPS. Is it really our intent to force
9 operators to use one specific form of leak
10 surveys? That's what the, you know, the way
11 this reads to me is, essentially, for large
12 operators, you're doing a mobile survey whether
13 you like it or not.

14 MR. DANNER: All right. Thank you.
15 Andrew.

16 MR. DRAKE: Andy Drake with
17 Enbridge. Erin, a point of clarification. You
18 said in that report that they found that people
19 with handheld devices missed things that were
20 found in mobile. So my conclusion from that is
21 that mobile is higher confident performance.
22 So if someone did mobile, why would they want

1 to do also hand if mobile's performing better
2 than hand?

3 I'm missing something in the logic
4 of the "and." If the reason why we're
5 proposing this is because mobile performed
6 better than hand, why would mobile not be good
7 enough by itself? Maybe just a point of
8 clarification.

9 MS. MURPHY: Direct response?

10 MR. DANNER: Yes, you may.

11 MS. MURPHY: So this is somewhat
12 anecdotal, and I don't work for a utility, but
13 this is the product of a lot of conversations
14 and what we've sort of heard in regulatory
15 proceedings and engagement with utilities that
16 there is a real desire to continue using the
17 handheld. And maybe another sort of context
18 here is that the way the ALDP standard is
19 proposed in the NPRM is there is, you know, a
20 list of handheld, aerial, all these different
21 technologies and the requirement that operators
22 evaluate them and make choices for their

1 program.

2 And so our concern in looking at the
3 way the NPRM is structured is that, especially
4 with the 5 ppm standard, that operators could
5 just, you know, review the technologies and
6 essentially land on we're going to continue
7 using handheld 5 ppm.

8 And I just want to iterate that only
9 using that for your leak survey is a
10 continuation of business as usual, and we don't
11 feel it necessarily reflects kind of the
12 Congressional objective of adoption of more
13 advanced technologies.

14 MR. DANNER: Thank you. Brian.

15 MR. WEISKER: Yeah. I mean I'm
16 going to go -- there we go. So we have it
17 struck from that top bullet up above. But I
18 mean the goal here is reducing emissions, and,
19 you know, what we see on the screen from a
20 mobile survey and then -- we're going to -
21 there are going to be -- there are, without a
22 doubt, we've heard it from several of the

1 folks, it's their, you know, the mobile survey
2 isn't going to work for everyone potentially.
3 It's not going to get all areas for everyone.

4 So I think there's going to be a --
5 it's definitely going to be a combination for
6 multiple utilities with flexibility on choosing
7 the tools that are going to be best for their
8 system in order to eliminate leaks.

9 And so I think that's an important
10 note, you know, and that we -- and so I think
11 that's going to be critical for us as we
12 develop these rules for distribution that we
13 have the potential and the flexibility for
14 operators to choose the technologies and the
15 tools that are best for their given system.

16 MR. DANNER: All right, I think
17 we've got two different proposals before us.
18 Is there anything else we wanted to add to this
19 slide?

20 We had some language on the other
21 slide about alternative processes. Do those
22 need to be carried forward, Brian?

1 Or, Andy, I'm sorry, Andy, you
2 first.

3 MR. DRAKE: Yes, I just want to make
4 a point. I'm going to harken back to the
5 principles, these sort of guiding lights which
6 I think are really helpful.

7 I'm not in the distribution business
8 right now at least. My company is getting into
9 it quite actively. But when I read this, I
10 think we're violating our principles again.
11 We're picking technologies right away. I can't
12 -- by definition, we're picking technologies.

13 I think setting thresholds is what
14 we've said we would do. And that just seems --
15 just seems appropriate here. So I'm going back
16 to our principles that are center to this
17 conversation. We should be setting a threshold
18 and then finding technologies that fit that
19 threshold, period.

20 MR. DANNER: All right, Brian?

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. I also would like to take the

1 exception for the small operator under the EDF
2 proposal. And I make that for both these
3 proposals.

4 Because as we've heard from several
5 folks around what that small operator looks
6 like, and what the impacts of this rule are
7 going to be to them, I think keeping that --
8 and I really do appreciate, Erin, your
9 proposing that as an option for the smaller
10 operators out there.

11 I'd also like to change the Member
12 Weisker proposal to be three kilograms per hour
13 screening survey. And we've talked about it,
14 Arvind, about all the different approaches and
15 data. And as we continue to work our way down
16 and continue to evaluate technologies, I don't
17 want to eliminate potential technologies that
18 our distribution operators can use.

19 I keep -- to be able to utilize
20 tools that fit their tool set and allow for
21 flexibility, I think, is, like I mentioned
22 before, is critical. And, you know, as time

1 goes on, we're going to continue to improve and
2 improve as we see, you know, the technologies
3 that'll drive that kilogram per hour screening
4 survey lower and lower. But for a starting
5 point, I think this is a good spot for us.

6 MR. DANNER: Erin?

7 I'm sorry, Erin, there's a few
8 others here I didn't catch. Diane and then
9 Peter?

10 MS. BURMAN: Yeah, I got a question.
11 Did I hear you right that you said mobile is
12 better than handheld, or is showing? Because I
13 don't know that -- I'm just a little concerned
14 by that being out there as a fact.

15 MR. DANNER: Yeah, and, Erin, you
16 may respond.

17 MS. MURPHY: Sure. So the study I
18 was referencing is not every, like, leak survey
19 ever, right, it was a 2018 peer-reviewed study
20 in which the mobile CRDS advanced technology,
21 which is, I think it was a bacaro vehicle,
22 though I'm not sure of the technology provider,

1 but it was that mobile advance link detection
2 technology in -- and they compared, you know,
3 the leaks that were found during that survey
4 with what the utility crews had found with the
5 handheld and found that the utility crews had
6 located only 35 percent of the leaks that were
7 found with the ALD methods.

8 I will also just say anecdotally,
9 I've heard the other way happen sometimes, too.
10 Sometimes a handheld picks up a leak that
11 wasn't picked up on the mobile. So it really
12 seems like, you know, both technologies are a
13 valuable part of an operator's leak survey
14 program, which is, you know, why we recommended
15 it.

16 MS. BURMAN: Okay. So I'm going to
17 push back a little bit, because I do think that
18 I've been on the Public Service Commission for
19 over ten years. And over this time, we have
20 had a lot of different experiences that have
21 helped us continuously improve, especially in
22 this area.

1 You know, EDF was focused on bacaro
2 and mobile devices initially. There was a lot
3 of -- and I think a great conversation and
4 great discussions helped get people focused on,
5 all right, what are we trying to actually do,
6 how do we make the mapping better, how do we
7 make the devices better, looking at handheld.

8 And then with -- even within that,
9 it's not just about the equipment, it's also
10 about the processes that are in place in the
11 utilization of that equipment, the data
12 collection for that, and then working with, you
13 know, you know, our gas safety staff in looking
14 at the approval process for the use of those
15 devices, but also helping to unblock our own
16 sort of stagnation of approving devices to get
17 it out into the field and help.

18 I am just worried that this is
19 setting up unrealistic barriers and
20 expectations. Frankly, I worry that it's also
21 pushing one product over another. And I just
22 want to really kind of make sure that we are

1 not chilling the use of technologies, but
2 helping to give different -- in different
3 situations, different tools will need to be
4 used and it shouldn't just be that we have to
5 now set up this expectation.

6 I do think it should be an or in the
7 mobile survey or leakage survey. I do think
8 that it's needing to look at what we're trying
9 to do and accomplish without locking in to
10 something that I think is just going to,
11 frankly, be cost prohibitive that may not
12 actually get to what we're trying to do and the
13 value of that.

14 And so I just wonder if there's some
15 alternative way to help us in the utilization
16 of technologies that are appropriate for the
17 specific -- and understanding that it's an
18 ongoing process that the companies are working
19 with and they do work with their state
20 regulators as we go forward.

21 MR. DANNER: All right, Pete?

22 MR. CHACE: With mobile -- the

1 mobile leak surveys, well, I have to point out,
2 there are some areas of the system where you
3 just simply can't assess it with mobile survey
4 technology. We have a large operator in our
5 state that started -- that started -- they've
6 been using it for three, four years now.
7 They've, in my opinion, gotten very good
8 results.

9 But they still take about ten
10 percent of their system that they have to hand
11 walk just because you can't get to some of
12 these places without a tank or some kind of
13 all-terrain vehicle and violating all sorts of
14 property rights laws. It just won't work. So
15 I believe that any proposal mandating the use
16 of a mobile leak survey, it isn't going to be
17 feasible.

18 MR. DANNER: All right, thank you.

19 Steve?

20 MR. SQUIBB: Steve Squibb, City
21 Utilities. Just one clarification on the small
22 operator exception that went back in there.

1 Thank you, Brian, for catching that before I
2 had a chance.

3 The -- it says handheld, but we need
4 handheld and mobile, I think was in there, or
5 at least it was on the transmission slide. Can
6 we get that?

7 MR. DANNER: Was that on the other
8 slide? I don't -- is that -- okay.

9 MR. SQUIBB: You need that in the
10 exception.

11 MR. DANNER: Yeah. Chad, you had
12 your card up. You're good?

13 MR. SQUIBB: I'm sorry, I just
14 wanted to add that requiring this ALDP, this
15 mobile survey to all distribution companies,
16 not just the small ones, but we do have small
17 ones, I mean, that, like I said earlier,
18 yesterday, ten employees, very, very small
19 distribution companies, very low mileage.

20 And to impress this on them that
21 they must use this technology, again, is not, I
22 think is not reasonable, not cost effective,

1 and is very burdensome to try to have them
2 invest in this at this time, especially at this
3 stage of the technology. We heard from the
4 public commenters all the issues that they're
5 still having with the technology at this point.
6 I think it would just be overwhelming for the
7 industry.

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

10 MS. MURPHY: So on that specific
11 point, I did propose an exception for smaller
12 operators. I guess I'm hearing that you don't
13 view that exception as adequate. But that's an
14 exception that's in another part of PHMSA
15 regulation. So I thought it was fairly
16 standard.

17 I just want to make a broader
18 statement here seeing the shifts in Brian's
19 proposal. I think, you know, we tried to think
20 really hard about a proposal that would drive
21 forward progress and adoption of newer
22 technologies in the distribution sector.

1 And it does not feel to me like
2 there's going to be consensus on this
3 committee, and I think that's okay. I think we
4 just, you know, should probably make a decision
5 to take a vote on one or on both of these
6 proposals.

7 But my big concern is that a three
8 kilogram per hour standard, I do not see that
9 as driving progress or the adoption of newer
10 and more advanced technologies in the
11 distribution space. I see that as a standard
12 that allows for the continuation of business as
13 usual in many ways, and that's concerning.

14 MR. DANNER: All right, thank you.
15 Arvind?

16 MR. RAVIKUMAR: Yes, thank you. I
17 thought I'll bring up some numbers that we have
18 learned on distribution systems. Now,
19 thankfully, distribution systems is one of the
20 places where we have actual public data on for
21 the emission rates of various leaks, measured
22 and everything.

1 And I think everything we have
2 discussed earlier in the day as well as
3 yesterday about the leaks per mile varying in
4 different types of pipe materials are all
5 correct and fine. But some numbers for
6 discussion. There were three studies, at least
7 that I could pull up, where you went out and
8 measured individual emission rates for
9 distribution system leaks.

10 There were a lot of other studies
11 that did surveys, but they won't point to a
12 single leak. But for those studies that did
13 individual distribution system leaks, there
14 were three.

15 And the largest leak they could
16 find, and some of these studies had thousands
17 of leak measurements, the largest leaks they
18 could find were 1.8 kilograms per hour, 1.9
19 kilograms per hours, and .8 kilograms per
20 hours. These were the largest leaks in the
21 distribution system.

22 So my point here is that the volume

1 of the leaks in the distribution system are
2 generally lower. And so if you're going to use
3 a screening method, I think .5 kilograms per
4 hour is a more reasonable number because, based
5 on data that's available, there are no leaks at
6 three kilograms per hour.

7 MR. DANNER: All right, thank you
8 very much. Sara?

9 MS. GOSMAN: Sara Gosman. Pipeline
10 Safety Trust certainly supports EDF's proposal
11 here. And I think that we should take what
12 Arvind said as a strong indication that .5
13 kilograms per hour is the correct threshold.

14 I also just want to reiterate the
15 point that Congress directed PHMSA, and thus
16 us, as we're reviewing this proposed
17 regulation, to move forward on leak detection.
18 If all we're doing is codifying what operators
19 already do, we have not made progress. And
20 that does not seem to me to be the intent.

21 I think, you know, I would certainly
22 be open to language that says, you know, where

1 mobile surveys are impractical, operators can
2 use handheld surveys. That is to address the
3 issues around those -- that last ten percent of
4 areas where we just can't do mobile surveys.

5 But I think if all we're left with
6 is handheld surveys that we're already using,
7 then I think we have done -- we have not done
8 what we needed to do here.

9 MR. DANNER: All right, Diane?

10 MS. BURMAN: I'll defer down there
11 and then I think I'll -- may address my issues.

12 MR. DANNER: All right. Brian and
13 then Chad?

14 MR. WEISKER: Brian Weisker, Duke
15 Energy. First, Arvind, thank you for the data.
16 I think that's important. I also think it's
17 important that we don't screen out some of our
18 technologies. So I do -- and I think I can get
19 to 0.5 kilograms per hour. I think I can get
20 there for the screening survey.

21 You know, I do, you know, think
22 about, too, when we're digging into this and

1 what we heard for others who have been
2 utilizing, whether it's mobile, we've been
3 utilizing satellite technology. We've got to
4 also consider, we know there's false calls. We
5 heard that from some -- from others, and that's
6 just, you know, that's cost, that's emissions
7 that go with this.

8 I also want to reiterate, too, that
9 I think it's the, you know, when you're looking
10 at the preamble, I think, you know, PHMSA, this
11 --from the preamble I think is, you know,
12 obviously it'll stand by, but -- stand by it,
13 but flexibility for operators to choose from a
14 baseline of high quality equipment for their
15 unique needs, PHMSA -- another location PHMSA
16 does not need to propose to require the use of
17 any particular leak detection equipment or
18 technology for every operator to use.

19 So I think, you know, language like
20 that makes it clear that saying it's got to be
21 mobile wasn't the intent, that we give a suite
22 of tools available for the operators to choose

1 from to evaluate their system with handheld,
2 you know, handheld is one. I think aerial is
3 one; satellite is one; mobile is one. That
4 there's a suite of tools available for the
5 operator to choose from that helps to reduce
6 emissions.

7 MR. DANNER: All right, thank you.
8 Diane, are you ready to go or do you want --

9 MS. BURMAN: Yeah, I guess I'm just
10 looking at this and saying what, again, what
11 are we trying to accomplish and does the
12 proposals up there help to make it workable?
13 And I can get behind the first proposal as
14 workable. I struggle on the second, especially
15 because I think that I'm not sure that 2018
16 study is -- would -- I'm worried that it might
17 be a little stale.

18 And I'm also worried that it's
19 probably addressing the leaks. I will be
20 curious if they're addressing the leaks on
21 jurisdictional facilities. There's a
22 distinction that has to happen there.

1 So to go with 2018 study that I
2 don't -- I haven't -- it may have been
3 peer-reviewed then. It may have been very
4 good. But I think that we've had many
5 different changes since then that have
6 showcased, you know, other -- perhaps would
7 show that that information is no longer
8 relevant to draw from.

9 Especially when we heard yesterday
10 from the public comments that the experience of
11 the operators as to the handheld versus mobile
12 and some of the data that they have, again, I
13 wonder if it's -- that study was related more
14 to -- the leaks were related more to
15 jurisdiction -- not jurisdictional facilities.

16 MR. DANNER: All right, thank you
17 very much. Chad?

18 MR. ZAMARIN: Thanks, Chad Zamarin
19 from Williams. I mean, I thought that was
20 compelling information from Arvind. And I
21 agree with Sara, your comment as well.

22 So, I, you know, just not, again,

1 not as a distribution operator, but just
2 hearing all the information, I think the .5
3 sounds like it makes sense.

4 And then, but I am having a little
5 bit of trouble following, you know, I think our
6 goal was here to set a standard. And maybe I
7 don't understand it enough, the difference
8 between the mobile and walking. But is it not
9 -- are we not able to just set the standard and
10 allow for the technology selection to be, you
11 know, decided upon, but also have language like
12 you described, Sara, where if it's impractical
13 to use a certain type of technology, then you
14 have to defer to a handheld device.

15 I don't know what the right answer
16 is, but it does sound like there may be a more
17 artful way to do this and let the details get
18 hashed out later. But I think it feels like
19 there's generally space here to get something
20 done, I just don't know how we converge kind of
21 the issues that we're hearing into the language
22 on the page.

1 MR. DANNER: All right, thank you.

2 Andrew?

3 MR. DRAKE: Andy Drake with
4 Enbridge. I appreciate your challenge, Sara.
5 I think that's appropriate, and I appreciate
6 you answering the challenge, Arvind. I think
7 that gives us a lot of tangibility that we work
8 with. And I think basing this decision on facts
9 and data is really important.

10 I think, in my perspective, I think
11 one thing I'd caution against is, again, we're
12 sort of violating one of our principles in
13 choosing technologies. Now we're choosing
14 technologies based on a report that's five
15 years old, but we're pinning them into a rule
16 that lives on in perpetuity, so to speak.
17 That's very dangerous.

18 I think we want to go with an
19 aggressive threshold that moves the needle to
20 your quest, Sara, and then leave the threshold
21 as the guiding light which I think is maybe
22 where you're going, Chad, is that's our guiding

1 light. We're going to find technologies that
2 fit that guiding light, and we're going to
3 deploy them.

4 Now, we don't need all these caveats
5 of where I can ride mobile devices or where I'm
6 walking or whatever. You need to get to this
7 threshold everywhere with -- whether it's a car
8 or walk -- walking or anything. I think that
9 simplifies that, and it lets us go forward with
10 a rule that deals with how this is going to
11 evolve over time.

12 Basically, what we're doing now is
13 saying well, this is basically the technology
14 we had five years ago, so this -- we're going
15 to pin a rule going forward based on that.
16 That violates one of our principles right out
17 of the shoot.

18 And I just -- I'm just having a hard
19 time going there. So I'm good with .5. I
20 think that's really appropriate.

21 MR. DANNER: All right, thank you.

22 Arvind?

1 MR. RAVIKUMAR: Yes, thank you. And
2 I think the screening language for the .5
3 kilogram per survey is fine by me as well, and
4 it mirrors the language we had for the other
5 two.

6 MR. DANNER: All right, thank you.
7 Brian?

8 MR. WEISKER: Brian Weisker, Duke
9 Energy. What we have on the screen with -- I
10 would like to take for, you know, take the
11 exception for the smaller operators almost,
12 I'll say, anything over one so that it would
13 apply whether it's Member Weisker or Member
14 Murphy's proposal, that we keep that smaller
15 operators with less than 2,500 that that's
16 available for all.

17 MR. DANNER: Yes, can you just copy
18 that sentence and that bullet and put it up
19 above as well? Okay, that works.

20 MR. WEISKER: Thank you.

21 MR. DANNER: All right, Erin?

22 MS. MURPHY: Erin Murphy, EDF. I

1 wanted to -- and I don't know if I should just
2 stop sort of trying to explain, you know, the
3 objective of our proposal. But my concern with
4 Brian's proposal is that by only including a
5 0.5 kilogram per hour screening survey, it
6 feels like we're sort of missing the duality
7 and the value of using multiple technologies.

8 And the 0.5 kilogram per hour
9 screening survey idea is really kind of a super
10 emitter type of survey, right? And so our
11 proposal for that combined with a handheld
12 survey was trying to get at sort of the
13 combination of those two. And we lose that,
14 right, if we only have sort of the single
15 standard.

16 And I want to acknowledge, I don't
17 know if there's a path to consensus here, but
18 that remains a concern.

19 MR. DANNER: So, Arvind, do you
20 mind, if I can go back to your earlier
21 statement, you said you were comfortable with
22 it. What about the need for handheld equipment

1 leakage survey? Do you have thoughts on that?

2 MR. RAVIKUMAR: So the thing with
3 the screening survey is that if you're doing a
4 screening survey, whether using a mobile
5 technology or something else, you are going to
6 need some kind of follow-up to that. If a
7 screening survey finds a big emission at a
8 corner of a block, you send someone with a
9 handheld technology to figure out exactly what
10 the issue is and fix it.

11 So the follow-up investigation, my
12 belief is it takes care of the handheld
13 technology in combination with the screening
14 system to find the leak.

15 MR. DANNER: Sara Gosman?

16 MS. GOSMAN: Okay, I'm going to try
17 some language here, with the caveat that I'm
18 not sure that everyone who's been talking on
19 this side agrees. Okay?

20 So, but here's my proposal. So
21 maybe we need like a pipeline Member Gosman
22 proposal or something just because I think it's

1 going to be a separate one. Why not, right?

2 Okay, so for the first bullet,
3 here's what I would recommend. So .5 kilograms
4 per hour screening survey -- oh.

5 Should I go ahead or wait? Okay,
6 then semicolon, leakage surveys that utilize
7 only handheld equipment, parentheses, 5 ppm,
8 parentheses, should be limited to pipeline
9 segments where advanced leak detection methods
10 are impractical. I would keep the exception
11 in.

12 MR. DANNER: Thank you very much.
13 Now, Peter and Diane had their cards up, so
14 let's -- we'll get to them, and then we'll
15 address Sara's proposal.

16 Pete? Or, I'm sorry, Diane?

17 MS. BURMAN: You can go first.

18 MR. CHACE: Thank you. Pete Chace,
19 NAPS. I would point out with the exception,
20 first off, for smaller operators, the
21 limitations with low -- mobile leak surveys are
22 really a function of terrain and road

1 infrastructure, not a function of operator
2 size. So I don't see where the smaller
3 operator exception, to me, makes a lot of
4 sense.

5 Also, I will point out that, again,
6 in Ohio, we've had rules dealing -- addressing
7 leak survey and leak grading for a while back.
8 And we are dealing now with how to apply these
9 rules to mobile leakage surveys where that
10 technology didn't even exist when we made the
11 rule.

12 I can see something else happening
13 down the road. And it's like, well, we've got
14 this other technology we can use and it's
15 really great. But this rule says we have to do
16 a mobile leak survey. So I don't -- I think it
17 ties the operator's hands.

18 The last thing I'll say is I'm not
19 sure I understand what's wrong with handheld
20 equipment. It's, you know, I don't -- it seems
21 like we're saying that if you can hold the
22 equipment in your hand, then it's not advanced.

1 But I don't think that's true. I think
2 handheld equipment surveys can be adequate.

3 MR. DANNER: So just to clarify,
4 your original statement had to do just with
5 Brian's proposal up top or is it with all the
6 exceptions in all three of the proposals?

7 MR. CHACE: It was with all the
8 exceptions. I believe the limitations to
9 these, you know, mobile surveys, it's not a
10 function of operator size, it's a function of
11 terrain and road infrastructure.

12 MR. DANNER: Okay. And then with
13 regard to Sara's, it's saying that handheld
14 equipment is okay when advanced leak detection
15 is impracticable. And you're saying that
16 handheld equipment actually can be advanced
17 leak detection equipment?

18 MR. CHACE: Yes.

19 MR. DANNER: Okay, thank you.

20 Brian?

21 Oh, I'm sorry, Diane first and then
22 Brian.

1 MS. BURMAN: Thank you. So I just
2 have a couple of things. I do find this very
3 helpful as we go through it and trying to
4 figure out where we all are. And I definitely
5 appreciate, Erin, your sort of bringing forward
6 and, you know, things from your experience.

7 And the citing to the 2018 wasn't
8 meant to question that study. It's really just
9 meant to sort of say are we -- is that what
10 we're locking ourselves into? And it kind of
11 goes to, Sara, your talk about we're trying to
12 get not just where we are, but kind of the
13 future, right?

14 So I'm looking at this, and I'm
15 worried that by saying mobile survey and a
16 leakage survey, we are actually creating now
17 two surveys, which goes back to the survey
18 frequency. But also, it doesn't account for,
19 you know, just other things that are going to
20 come along that are actually better, perhaps,
21 than, you know, the leakage survey, the mobile
22 survey. Like I just am worried about sort of

1 us capturing -- trying to have language that
2 actually allows us to have flexibility for
3 better things that are there or that may be
4 there.

5 And then the other is I think I
6 heard you, and this really, I'm trying to
7 process this, I think I heard you say that the
8 .5 was to capture super emitters. Is that --
9 because there was a reference to that, and I --
10 I just -- the reason I ask that is because I'm
11 trying to understand and ask what EPA would say
12 a super emitter was in terms of kilograms
13 versus hours? And does that translate?

14 MR. DANNER: Erin, do you want to
15 respond?

16 MS. MURPHY: So I am trying to
17 translate information that has been explained
18 to me by technical folks and doing the best I
19 can. And Arvind might have more to say here.

20 In the distribution context, often
21 we refer to super emitters as 10 SCF -- 10
22 standard cubic feet per hour, right? But we

1 were trying to present a sort of unified
2 technology standard that all used the same
3 kilogram per hour just for uniformity.

4 So I think 0.5 kilograms per hour is
5 quite a bit larger than 10 SCF, but I'm not
6 sure what the translation is there.

7 MS. BURMAN: Okay. Yeah, only
8 because, again, we started the conversation in
9 the beginning of the day about the fact that,
10 you know, ppms is what we know. And so I just
11 -- I guess I'm just looking at this and trying
12 to understand.

13 And, again, I don't expect you to
14 have all the information, I just do think that
15 it's important for us not to lock ourselves
16 into something that we think we're addressing
17 and we're not, so.

18 MR. DANNER: All right, thank you.
19 Brian?

20 MR. WEISKER: Brian Weisker, Duke
21 Energy. I want to say, Peter, thank you, I --
22 with your comments. And I agree wholeheartedly

1 with the fact that a handheld leak device, it
2 is an advanced leak detection tool.

3 Your comments around the small
4 operator, the small operator is really not
5 about -- I'll say, it's around the cost
6 effectiveness of driving towards an advanced
7 leak detection program. So I think that's the
8 reason and the thinking behind that small
9 operator approach. So, and I think that's it
10 for now.

11 MR. DANNER: All right, thank you.
12 Arvind?

13 MR. RAVIKUMAR: To Commissioner
14 Burman's question, 10 SCF is considered a large
15 emitter in the distribution system. That
16 translates to about 0.2 kilograms per hour. So
17 the .5 threshold is fairly above that.

18 And I also agree with Commissioner
19 Burman that, you know, in not just here in
20 general, you don't want to rely on just one
21 study to tell you what your numbers are and
22 what threshold you should set. I think broadly

1 speaking, when looking at this .5, by looking
2 at everything that's publicly available, like I
3 think there are about four or five studies,
4 where we are finding largely that the biggest
5 leaks are less than -- are between 1 and 2
6 kilograms per hour. And, you know, the top 20
7 percent of the leaks are something between like
8 .4 and .5 kilograms per hour.

9 That's where this .5 number comes
10 from. And I think that's reasonable given what
11 we know. We might see something different if
12 we go out and do more surveys. And we might
13 find larger leaks that we didn't know existed.
14 But I think, based on what we know, .5 is a
15 reasonable number.

16 MR. DANNER: All right, Pete?

17 MR. CHACE: I realize -- thank you
18 -- I understand if we are going to force
19 operators to use certain technologies over
20 others, the smaller operator exception does
21 make sense from an economic standpoint.

22 MR. DANNER: Okay, so, we have three

1 proposals before us. One moment, please.

2 All right, so we're going to
3 cogitate for an hour and take our lunch break
4 now. And we will return at 1:30, and we will
5 pick this up.

6 MS. BURMAN: Before we go, Chair, I
7 think that to the extent that we keep this
8 slide up --

9 MR. DANNER: Yes.

10 MS. BURMAN: -- would be helpful so
11 that in case we have ways of merging the three
12 or coming up with a fifth.

13 MR. DANNER: Thank you very much,
14 yes.

15 MR. WEISKER: With that slide, can
16 we put the except -- because we kind of -- we
17 showed the small operator exception, small
18 operator exception, put it on the -- either put
19 it on the other slide or it needs to be with --

20 MR. DANNER: On your proposal?

21 MR. WEISKER: Yeah.

22 MS. BURMAN: Could you do one slide

1 with that?

2 MR. WEISKER: It's up there now.

3 MS. BURMAN: Do you know the ones
4 where it had all the clarifying?

5 PARTICIPANT: It's not all going to
6 fit on there.

7 MS. BURMAN: Right, can you do one
8 slide that way and one with just the other?

9 MR. DANNER: You can't split them.

10 MS. BURMAN: Okay, okay, that's all
11 right.

12 (Whereupon, the above-entitled
13 matter went off the record at 12:23 p.m. and
14 resumed at 1:32 p.m.)

15 MR. DANNER: We have three proposals
16 here for leak detection with regard to
17 distribution pipelines. And I'd like to get a
18 sense of -- the proponents of each of these
19 have heard the counterproposals and have had an
20 hour to think about them. I'd just sort of
21 like to get a sense of where we are at this
22 point.

1 So, Sara, can I turn to you and you
2 can give us your assessment first?

3 MS. GOSMAN: Yeah. So I'm going to
4 pull my proposal here. I don't think it gets
5 at the issues that I see.

6 So I think that, frankly, I'm
7 struggling here because we're trying to do two
8 things, right? We're trying to do leak surveys
9 and address the safety issues coming off of
10 those, and we're also trying to address
11 environmental issues around things like super
12 emitters. And we're doing that through a
13 different set of mechanisms.

14 And so, Brian, I take your point,
15 right, that this looks like two surveys. And
16 yet I don't know how to -- I just don't know
17 how to square the circle on that because they
18 are doing, to me, different things.

19 So I know Erin has a proposal that
20 she'd like to share with us all. But I think
21 that's basically that's my struggle.

22 MR. DANNER: All right. And before

1 I turn to Erin, I saw that Diane's card was up.

2 MS. BURMAN: Yeah, I'm going to
3 wait. I do think it's important for us to hear
4 each other. And I don't -- there's sort of a
5 new flavor to this. I do appreciate, Sara, you
6 withdrawing that and looking at these two
7 things. Thanks.

8 MR. DANNER: All right, thank you.
9 Erin, do you want to go ahead?

10 MS. MURPHY: Thanks, Erin Murphy,
11 EDF. So I want to acknowledge, I think the
12 update to my proposal, I don't know that it is
13 going to, you know, win a unanimous committee
14 support, but wanted to make sure that, you
15 know, what I've put forward is kind of the
16 final language that I would like to recommend
17 and might suggest if we discuss it a bit and
18 then move to a vote.

19 So I just wanted to update -- okay,
20 yeah, thank you -- to 0.5 kilograms per hour
21 mobile survey, and a 5 ppm leakage survey.

22 So just wanted to clarify that, you

1 know, I am still recommending a dual survey
2 approach for the reasons I've articulated, but
3 that the 5 ppm leakage survey might not
4 necessarily be with a handheld device since
5 there are mobile options, I believe, available
6 as well.

7 And I would also support adding in,
8 you know, an exception for the .5 mobile survey
9 for areas that are not accessible by mobile
10 survey. I know Peter made those comments
11 earlier, and I didn't put that in here, but
12 just wanted to articulate that as well.

13 MR. DANNER: Okay. Sayler, can you
14 add something there to reflect that?
15 Basically, creating an exception where the area
16 is not accessible.

17 All right, Brian, while he's doing
18 that, do you want to --

19 MR. WEISKER: For clarity, I think,
20 I mean, that's still two leak surveys is what
21 is being proposed.

22 MS. MURPHY: Correct. Well, maybe I

1 would say, I mean, it's using two different
2 types of technology on a system wide basis.

3 MR. DANNER: Brian?

4 MR. WEISKER: I mean, I'll just
5 start with, I mean, I -- you know, that I'm
6 going to stick with what I had proposed up
7 there is the best approach. And I thank you,
8 Erin, I'm -- you know, I heard your comments
9 earlier and all the different operators.

10 There's a couple different operators
11 that you quoted as far as some of the work that
12 they're doing. And know them, know some of
13 their leadership. And I know they're doing
14 some great work.

15 And I know there's some others that
16 are going down that road of doing different
17 technologies, but I also heard quite a bit from
18 several other operators on where they're at
19 with their journey in -- towards an advanced
20 leak detection and utilizing different tools.
21 We heard ghost meters. We heard, you know,
22 different indications, false indications,

1 challenges with implementing.

2 I do think we're taking a big step
3 forward as an industry, and we're going to --
4 we've agreed to the annual leak prone pipe
5 survey. We've agreed to the three-year leak
6 survey for the non-leak prone pipe outside of
7 business districts. You know, earlier today,
8 we agreed with the .5 kilograms per hour.

9 But the proposal for dual survey, it
10 just, to me, it doesn't take into account, you
11 know, some of the other risk-based programs
12 that we have, integrity management, public
13 awareness, damage prevention. And that's one
14 right there that's going after the largest
15 source of emissions on our distribution system.

16 And I just don't see how a
17 prescriptive approach that's, you know, that's
18 contrary, and, again, mobile survey, picking a
19 specific survey type which is contrary to our
20 principles is going to reduce emissions in an
21 efficient way.

22 So, I mean, I just -- operators know

1 their system. We need to give them the
2 flexibility to choose the tools for their
3 system. They know what's best and the best way
4 to go after reducing emissions on their systems
5 and need to be able to have the flexibility to
6 utilize the tools available to them.

7 And I just -- I don't agree with the
8 dual -- two survey approach in this -- in the
9 approach that you've proposed here.

10 MR. DANNER: All right, thank you.
11 Commissioner Burman?

12 MS. BURMAN: Yeah, thank you. So
13 what I'm struggling with, and I'm looking for
14 some help in understanding this, so we have the
15 principles, and then we had the transmission
16 section. And we came up with going through
17 that and the standards and looking at that, and
18 obviously the numerical number is different.

19 And so when we went here, in my
20 mind, we would be figuring out what the right
21 numerical number was, kilograms per hour, ppm,
22 to place for distribution. But that the same

1 framework would make sense unless there was a
2 rationale why it didn't make sense.

3 And so I feel like, in some ways,
4 distribution is getting penalized and not
5 allowed to have the same flexibility that was
6 built into the transmission part, which seemed
7 to make sense, got us to screening survey and
8 follow-up investigation. And so it feels to me
9 like there's now something that really has
10 taken us backwards to other -- in having two
11 surveys, that now gets me wondering just in my
12 seat as a state regulator, what does that look
13 like in practicality and the value and then the
14 impact to rate payers. But also I don't even
15 understand why we're not -- why we don't have
16 language around the survey that opens it up for
17 really any technology that is workable versus
18 here, the mobile and the leakage. I'm just --
19 I'm struggling with the rationale from where we
20 -- where we were to where we are now.

21 MR. DANNER: All right, thank you.

22 Chad?

1 MR. ZAMARIN: Thanks, Chad Zamarin,
2 Williams. Yeah, I just, I agree with
3 Commissioner Burman. And really what I'm
4 struggling with is, now kind of understanding
5 this, the idea that we're adding additional
6 surveys.

7 I mean, the structure of this
8 section in the NPRM was establishing a
9 threshold for surveys and then follow-up
10 activities. There are processes in here that
11 require annual evaluation of the program and
12 continuous improvement of the program.

13 And it does seem like we're now, you
14 know, talking about -- in the second proposal,
15 we're talking about two surveys instead of, I
16 think the intent of the NPRM was, you do a
17 survey. Let's set the threshold.

18 And what we've been asked to weigh
19 in is what that threshold should be if a volume
20 based threshold made more -- or a kilogram per
21 hour threshold made more sense than a parts per
22 million threshold. It feels like that's what

1 we did in the first proposal, and it follows
2 with the intent of the NPRM.

3 And so I'm struggling with changing
4 a requirement that explicitly ends up resulting
5 in adding an additional survey to the program.
6 That seems like that's not in line with the
7 intent of the rule.

8 MS. MURPHY: So, Erin Murphy, EDF.
9 I guess my role is to advocate for the dynamic,
10 the standard that will, from our perspective
11 and from our research and analysis, you know,
12 result in the greatest reduction in methane
13 emissions on the pipeline systems we're talking
14 about and also improve the safety of those
15 systems.

16 And I think from, you know, what
17 we've seen, first of all, I, you know, I'm
18 hearing this one versus two survey discussion,
19 but there were also so many operators up during
20 the public comment period talking about all
21 kinds of different devices they use and
22 different devices that they use on different

1 parts of their systems and different phases of
2 a leak survey.

3 And so it feels a little unrealistic
4 to me to be trying to make this so simplistic
5 as if there's only one technology. There's
6 not, right? There's a lot of technologies in
7 use today and hopefully, you know, more
8 continuing to come on line.

9 So I think, from my perspective, you
10 know, what we're recommending is what we view
11 as the most effective combination of solutions
12 to mitigate emissions on the system. I don't
13 know if we're going to come to consensus, and I
14 think that's okay. So if we want to, you know,
15 try to wrap it up, I think that's fine.

16 MR. DANNER: All right. Andy Drake?

17 MR. DRAKE: This is Andy Drake with
18 Enbridge. I think, you know, what I hear is
19 that we're not -- not we, you are not convinced
20 that .5 kilogram threshold is going to result
21 in the outcome of managing appropriately leaks
22 on distribution systems.

1 And I was compelled by Arvind's
2 comments about the data associated with .5 and
3 what we would find and what we would not find.

4 And then we would cascade from there,
5 pinpointing leaks for further activity at 5
6 ppm, which is not a standard.

7 And I think the one thing that we're
8 setting here, which I think is quite helpful,
9 is you're setting a standard of performance in
10 the follow-up investigation that 5 ppm is the
11 standard of care that distributions been having
12 for a while, but it's now applied to all
13 distributions, it's now applied also to all of
14 gas transmission, and it probably will be to
15 gathering as well.

16 Which I think is raising, like
17 Stacey Gerard used to say, float all the boats.
18 You're floating all the boats of the sectors to
19 5 ppm on follow-up which I think a really good
20 advancement.

21 But I think somehow, I'm with Chad,
22 I think the goal is to set a threshold on a

1 screening exam that we feel is constructive and
2 manages not everything, not all, but
3 practicable, reasonable, cost efficient,
4 getting at the biggest core provider or core
5 source of leaks. And I was compelled by
6 Arvind's conversation that that number seemed
7 appropriate.

8 And I'm having a -- I'm not
9 compelled with two surveys with two different
10 standards of care. It just seems like we're
11 missing the point of this conversation was set
12 a threshold, do a screening example that we
13 think is conservative and appropriate, and then
14 follow it up with appropriate standard of care
15 to pinpoint and remediate.

16 And I'm just having a really hard
17 time with the parallel nature of this with two
18 different thresholds. So that's -- I'm just
19 trying to be out loud. And I open the door for
20 follow-up because I just -- I'm struggling with
21 it, quite frankly.

22 MR. DANNER: All right, others?

1 All right, I think at this point, we
2 are -- we've had the conversation. We have two
3 proposals before us. We, under our processes,
4 we have to take them up one at a time.

5 So if there is a motion, I -- all
6 right, Diane?

7 MR. WEISKER: I was going to make
8 the motion.

9 MS. BURMAN: Before you do --

10 MR. WEISKER: Or you're going to
11 make a comment? Okay.

12 MS. BURMAN: Yeah, I guess I'm not
13 -- I am feeling like there's been this, well,
14 we should just vote on the two and see where it
15 goes, right? And we're missing, I think, the
16 critical rationale on what the underlying basis
17 is for having two surveys.

18 And also it's, you know, Erin, you
19 said rightfully that there were public comments
20 that had all different types of technologies,
21 all different experiences. And so frankly,
22 even getting to just the -- I'm missing the

1 rationale on why distribution is treated
2 differently here, forget about the -- whether
3 -- what the number is, but that, you know, .5
4 or -- for me, I don't understand the rationale
5 on why distribution is getting treated
6 differently on the surveys, why two here and
7 transmission has, I think, the right
8 flexibility there.

9 And then further, as it is, we're
10 putting in here -- we're picking a technology
11 over other technologies that may exist, do
12 exist, that they will not be allowed to use.
13 And I don't understand that. I'm just trying
14 to understand because -- and then what is it
15 that -- what's the impact on this to rate
16 payers? It's a huge issue.

17 MR. DANNER: All right, Pete?

18 MR. CHACE: Pete Chace, NAPS. I
19 will be blunt and just ask the question. Is
20 this being driven by a desire to get data on
21 emissions in a flowrate of kilograms per hour
22 for use in climate modeling?

1 MR. DANNER: Erin, if you'd like to
2 respond?

3 MS. MURPHY: No.

4 MR. CHACE: Thank you.

5 MR. DANNER: All right, so, again, I
6 think at this point, let's entertain a motion.
7 Brian, do you want to make a motion on yours?

8 MR. WEISKER: I do, but that's --
9 the other one. There you go.

10 I make a motion to approve the -- or
11 that the proposed rule as published in the
12 Federal Register and as supported by the
13 preliminary regulatory impact analysis and
14 draft environmental assessment regarding the
15 advanced leak detection program performance
16 standards for gas distribution pipelines is
17 technically feasible, reasonable, cost
18 effective, and practicable if the following
19 changes are made.

20 Performance standards for pipelines,
21 0.5 kilogram per hour screening survey and
22 follow-up investigation of leak indications

1 with handheld equipment, parentheses, 5 ppm, 5
2 ppm, or 1 percent LEL, or leakage survey with
3 handheld or mobile equipment at 5 ppm or 5
4 ppm.

5 Consideration of alternative
6 standard for inside piping, recommend
7 probability of detection standard for all
8 flowrate based advanced leak detection
9 technology at 90 percent.

10 Clarify the scope of the alternative
11 performance standard process in 192.18 and
12 192.763(c). Covers gas distribution pipelines.

13 And PHMSA should provide meaningful
14 and timely review of notifications and should
15 work with stakeholders to address public
16 availability of notifications.

17 MR. DANNER: All right, is there a
18 second?

19 All right, Andy Drake seconds.

20 All right, Brianna, would you record
21 the vote, please?

22 MS. WILSON: When I call your name,

1 please answer yes or no. Diane Burman?

2 MS. BURMAN: Yes.

3 MS. WILSON: Peter Chace?

4 MR. CHACE: Yes.

5 MS. WILSON: David Danner?

6 MR. DANNER: Yes.

7 MS. WILSON: Sara Longan?

8 MS. LONGAN: Yes.

9 MS. WILSON: Terry Turpin?

10 MR. TURPIN: Yes.

11 MS. WILSON: Brian Weisker?

12 MR. WEISKER: Yes.

13 MS. WILSON: Andrew Drake?

14 MR. DRAKE: Yes.

15 MS. WILSON: Alex Dewar?

16 MR. DEWAR: Yes.

17 MS. WILSON: Steve Squibb?

18 MR. SQUIBB: Yes.

19 MS. WILSON: Chad Zamarin?

20 MR. ZAMARIN: Yes.

21 MS. WILSON: Chad Gilbert?

22 MR. GILBERT: Yes.

1 MS. WILSON: Arvind Ravikumar?

2 MR. RAVIKUMAR: Yes.

3 MS. WILSON: Erin Murphy?

4 MS. MURPHY: No.

5 MS. WILSON: Sara Gosman?

6 MS. GOSMAN: Yes.

7 MS. WILSON: Sam Ariaratnam?

8 MR. ARIARATNAM: Yes.

9 MS. WILSON: The motion carries,
10 14-1.

11 MR. DANNER: All right, thank you
12 very much. Erin?

13 MS. MURPHY: Yeah, I'd like to
14 withdraw my proposal from a vote.

15 MR. DANNER: All right, thank you
16 very much.

17 This takes us up now to the
18 compressor station exceptions. John, do you
19 want to make any comments as we get into that
20 discussion?

21 MR. GALE: Yeah, thank you,
22 Chairman. And hearing from the committee, there

1 was -- it seemed to be about three more
2 elements left in this area to discuss.

3 One was a discussion of the
4 coordination with related EPA standards. The
5 other one, we're not sure if we've already
6 covered it, which was the alternative
7 performance standard. And then, 192.18. That
8 may be really off the record at this point, I'm
9 not sure. But of course, we want to hear from
10 the committee.

11 And last, but not least, was the
12 issue on the ALDP. One of the issues that was
13 raised by Member Drake earlier were some of the
14 provisions in there as how you'd consider and
15 determine the appropriate ALDP standard for
16 your system. So with that being said, those
17 are the three remaining elements for this
18 sector.

19 MR. DANNER: All right, Chad, do you
20 want to start the discussion here?

21 MR. ZAMARIN: Thank you. Chad
22 Zamarin with Williams. I'm comfortable that,

1 based on the principles that we laid out that
2 included alignment of PHMSA's efforts with
3 EPA's efforts that we addressed that issue.

4 So if anyone else disagrees, let me
5 know. But I'm comfortable with us having
6 addressed that issue. Thank you.

7 MR. DANNER: I would agree. Is
8 there anyone who disagrees with what Chad has
9 said?

10 All right.

11 MR. GALE: Just to be clear, as I
12 understand, we would be done with this section
13 and we'd moving -- oh, there's one more?
14 Sorry.

15 MR. DANNER: Yeah, Andy Drake?

16 MR. DRAKE: Andy Drake with
17 Enbridge. I think that was just one bullet,
18 not the whole thing.

19 MR. DANNER: I'm sorry, got a little
20 excited there, Andy, my apologies.

21 MR. DRAKE: That's all right, no,
22 not to drag us down here, but I don't want to

1 get over zesty. I do think we need to talk
2 about some of the program element issues,
3 particularly the annual review.

4 MR. DANNER: All right.

5 MR. DRAKE: 763, but I don't want to
6 skate past the human senses one either, unless
7 someone has something there.

8 MR. DANNER: Okay. So does anyone
9 have anything they want to raise on human
10 senses and alternative? Yes, Erin?

11 MS. MURPHY: Yes, I had sent some
12 language to PHMSA staff on human senses. Are
13 y'all able to put that up?

14 PARTICIPANT: We're going to need a
15 minute on that, Erin. But we can talk about
16 elements.

17 MR. DANNER: You want to talk about
18 elements? Is there any further discussion on
19 program elements?

20 So you said that you didn't want to
21 skip over program elements, and I was giving an
22 opportunity not to skip over program elements.

1 MR. DRAKE: Okay, I was just making
2 sure I didn't run over the human senses thing.

3 This is Andy Drake with Enbridge.
4 Maybe I can ask John to make sure we have
5 Robert's Rules of Order here on when we talk
6 about the program elements here, are we talking
7 about it just in the context of ALDP or are we
8 talking about it kind of in all the aspects of
9 program elements?

10 Because the piece I brought up
11 earlier was about the annual review. And if
12 this is the right place to bring it up, I'm
13 glad to talk about it here or do you want to
14 cover it in another section?

15 MR. GALE: This is the appropriate
16 place.

17 MR. DRAKE: All right, perfect. I
18 do think it's important here for us to
19 deliberate a little bit over the practicability
20 of an annual review for the operator to
21 evaluate whether or not they use the best
22 technology regardless of the thresholds.

1 I think that's a lot of churn. That
2 means every year we're coming back and
3 evaluating or justifying the technologies we
4 chose that meet this standard to see if there
5 was something else we could have done to meet a
6 better standard.

7 I'm all for continuous improvement.
8 That just seems like a really short cycle.
9 We're basically going to set up programs that's
10 going to take us years to get into place. Then
11 we're going to deploy them. While we're doing
12 that, every year we're going to be evaluating
13 and defining whether the decisions we made in
14 that year could have been better even though
15 they meet the standard.

16 I would propose that we should be
17 looking on like a three to five year cycle for
18 that kind of discussion. Otherwise, you just
19 create so much turbulence about the processes
20 and the procedures we put into place that
21 they're basically invalid at the time of
22 writing.

1 Give us a chance to put them into
2 place, practice them, do them, and keep looking
3 at it, and then set a cycle to review and
4 upgrade and improve that's long enough for us
5 to have some stability in deployment. It's
6 just a matter of practicability, frankly.

7 MR. DANNER: Chad?

8 MR. ZAMARIN: Yes, just maybe to
9 carry on with that, I think it makes a lot of
10 sense to have that review continuous
11 improvement process. So I think it's actually a
12 really good section.

13 But I do think, you know, if what
14 we're trying to do is make sure we're staying
15 updated with emerging technologies, you know,
16 it seems like the life cycle is something more
17 like what Andy described as three to five
18 years.

19 You could always say, you know, you
20 need a minimum of a five year review window or,
21 you know, or faster if technology, you know, if
22 there's some reason to do that. But these are

1 big programs that are going to put -- get put
2 in place and, you know, putting kind of an
3 annual recycle on the program.

4 And again, I don't know that we need
5 a vote on this issue. These are just comments
6 that I think are important to be heard unless
7 someone else, you know, does want to vote on
8 it.

9 But I do think it's important when
10 you think about that, we're putting a program
11 in place and an annual kind of review and
12 update is pretty -- could be pretty disruptive,
13 and I don't think it fits with the intent.

14 MR. DANNER: So, I mean, this is
15 what is being proposed. So do you want to
16 address this and --

17 MR. ZAMARIN: Yeah, I mean, in my
18 comments, I'm addressing I think that that
19 should be not to -- I think it should be three
20 or five years or not to exceed five years. If
21 I had to put a number out there, that's my
22 personal view.

1 But, again, I'm glad to be on the
2 record on it, I'm happy if we want to go deeper
3 and actually become formal on it. But I
4 generally think, for all of us to know, this is
5 a really important part of the process that's
6 being implemented that will continue to drive
7 improvement in this area.

8 MR. DANNER: All right. Sara
9 Gosman?

10 MS. GOSMAN: Yeah, Sara Gosman. So
11 I'm looking at the language here. And what I
12 see is, in sub-I there, that the operator must
13 evaluate the program at least once each
14 calendar year, but with a maximum interval not
15 to exceed 15 months. And then there's a set of
16 more specific requirements here that relate to
17 analyzing performance, et cetera.

18 So I guess I just wonder whether
19 we're having two different conversations here?
20 I mean, I would think that you would want to
21 evaluate in the broadest sense your program
22 every year.

1 The issue is, are you forced by that
2 evaluation to change, like, horses, you know,
3 in -- after that year? Is that -- so, I feel
4 like those are two separate issues. And if
5 we're just going to put this on the table and
6 sort of have records, the sort of comments into
7 the record, I wanted to say that I feel like,
8 you know, we could do both, right? We could
9 have both evaluation each year and also have
10 the sort of, the deeper dive on the analysis
11 over a longer time span.

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

14 MR. WEISKER: Brian Weisker, Duke
15 Energy. I do think it's worthy of discussion
16 and a vote, not just for the record because I
17 do think, you know, this is going to -- because
18 it's not -- you can read through all the
19 elements and operators must analyze at a
20 minimum performance detection. It's a lot --
21 it's going to be a lot of work.

22 And like Andy said, it's, you know,

1 we're talking about, when we're going to build
2 out a program here, that we're going to be
3 implementing and it's going to be implemented
4 for, you know, for years, right?

5 And so this -- just don't think that
6 the annual review as proposed is necessary.
7 And I do like Chad's approach, I think not to
8 exceed five years would be a good starter for
9 the conversation. But I do think we need to
10 vote on it.

11 MR. DANNER: All right, Andy, and
12 then Peter, and then Chad.

13 MR. DRAKE: This is Andy Drake with
14 Enbridge. Thank you, Sara.

15 The essence of my concern here is
16 that, you take a good idea and when you
17 regulate it, and then you try to enforce it,
18 sorry, Rob, I had to come back to you on that,
19 it becomes a paperwork bureaucratic nightmare.

20 It's not about are we willing to
21 continuously improve and evaluate the program.
22 Yes, we should. And I think people will.

1 It's just when you turn this into a
2 regulation then you put a tight time frame on
3 it, the amount of paperwork that has be
4 generated to go through this analysis and
5 justify every piece of the program that could
6 have been evaluated and whether it was done it
7 right or wrong becomes quite burdensome.

8 Is there some way to bifurcate that
9 or be very clear in our guidance through PHMSA,
10 which is our objective here, about what the
11 intent is? The intent here is not to create a
12 paperwork nightmare. It is to evaluate the
13 technology, make sure it's staying current, and
14 that we're thinking and learning and improving.

15 But it's not to create books of
16 stuff so that we can get through an audit on
17 did we do this annually at incredible,
18 nauseating detail. So I appreciated your
19 concept about somehow to separate what is the
20 intent here, because right now, it's pretty
21 onerous.

22 MR. DANNER: So, I'd like to

1 actually -- if PHMSA would be willing to share
2 its thinking, because it put it in the rules
3 and I'm pretty sure that its intent was not
4 either to create nausea or a bureaucratic
5 nightmare. So I just wonder if they could
6 explain how they got to this?

7 MR. PALABRICA: Similar to other
8 programs like IM, we saw value in requiring
9 operators to reevaluate these programs
10 periodically, especially since you're bringing
11 in a lot of new information with the leakage
12 survey and repair requirements, and considering
13 the development of technology over time, which
14 has been a theme of the discussions today. So
15 that's the purpose of the periodic evaluation
16 improvement.

17 MR. DANNER: Could I ask how you
18 define periodic review? I mean, how thorough
19 are you looking at it to be? How much
20 documentation, how much justification for
21 things, because I'm hearing it characterized by
22 the industry that this would be incredibly

1 burdensome. I just want to know what your
2 thinking is since you're asking for it on a
3 one-year time line.

4 MR. PALABRICA: I guess that I would
5 defer to Rod or others on how we've done
6 inspections on this for IM and similar programs
7 in the past. That's sort of what we had in
8 mind.

9 MR. SEELEY: Rod Seeley, PHMSA. So
10 you're right. We've had expectations and
11 requirements to do review on integrity
12 management for one and the public awareness for
13 another.

14 It's the idea of taking a step back
15 and evaluating what you've done to see: is it
16 meeting what your perceived expectations are
17 and is it meeting the regulatory requirements
18 in its simplistic version?

19 But also, it gives you a reason to
20 pause and say, should I be doing something
21 different? And that's the essence of what
22 these effectiveness reviews or periodic reviews

1 are asking.

2 The debate, we have what we put in
3 here as a time frame. I think we're open to
4 hearing what the Board has to say in reference
5 to that. But the essence is don't just keep
6 doing what you're doing because you're doing
7 it.

8 Take a pause, evaluate it, and
9 decide should I be doing something different or
10 am I satisfied with what I'm doing. And that's
11 a choice an operator has to face.

12 MR. DANNER: So again, my question
13 is what does that review entail? Because you
14 can step back and say, okay, let's take a look
15 at this, and say, how's it going? There's
16 another thing to write a 300-page report and
17 put it in the file.

18 So I'm just trying to figure out
19 when you think of an assessment like this, what
20 are you thinking it entails?

21 MR. SEELEY: Typically in situations
22 like this -- Rod Seeley again, sorry -- an

1 operator would have performance measures. What
2 do I expect to happen?

3 There's performance criteria,
4 sometimes in regulations and sometimes the
5 operator creates their own performance
6 criteria. It would be an evaluation against
7 the expected performance criteria. Did we find
8 what we should have found?

9 I can't give you the specifics
10 because I don't know what everyone else's
11 programs are going to have, but it's on a very
12 simplistic note. Are the procedures adequate?
13 Do we need to make them better?

14 Are we using the right equipment
15 based off of what we expected it to do? And if
16 not, do we need to do something different? It
17 could be anything. Do we need to train people
18 differently because we're not getting the
19 results we should be getting?

20 So it's a lot of variety. It's
21 really an internal reflection of are we getting
22 what we expect to get? I can't give you an

1 exhaustive list of performance measures to
2 compare it to, but that's what it would be
3 based off of, your performance metrics.

4 MR. DANNER: All right. Thank you.

5 Chad?

6 MR. ZAMARIN: Thank you. Chad
7 Zamarin, Williams. And just to build on that,
8 I think what Rod's describing is it helps to
9 frame the fact that it is not a trivial
10 exercise.

11 We do this integrity management. It
12 is not just a quick review. We document the
13 results of what we do, the analysis, and the
14 expectation here would be the same. I think
15 that process is a great process and makes
16 sense.

17 On something like this, we have some
18 survey intervals that are beyond the time frame
19 of even measuring and improving the program.
20 It just doesn't seem like you're going to have
21 the ability in an area where we're going to
22 implement an ongoing program.

1 A lot of times what we do in other
2 areas is over a period of time, you're looking
3 at the results and the trends. Are you getting
4 the expected results you expected? Meanwhile,
5 is technology evolving alongside of it? Are
6 there lessons being learned in other parts of
7 the industry or elsewhere that you can
8 incorporate?

9 That is a robust exercise we go
10 through. And anytime it's mandated in the
11 regulation, we have to document it thoroughly,
12 and it is subject to audit and enforcement. So
13 we take it very seriously, and it is a very
14 comprehensive review that gets done.

15 MR. DANNER: All right. Diane?

16 MS. BURMAN: Thank you. I think
17 it's appropriate to have some type of periodic
18 evaluation and improvement requirement.

19 I appreciated, Rod, your perspective
20 on the different things you might look at, not
21 binding PHMSA to anything.

22 My concern is that a yearly

1 evaluation even if it's not intended to be
2 onerous will in and of itself be onerous, and
3 may wind up just being hard for both the
4 operator and the regulators to actually gather
5 the data that's needed and gather helpful
6 information.

7 And that in a sense, you're going to
8 just constantly be in the cycle of focused on
9 getting ready for the next periodic evaluation
10 and improvement. And I'm not sure that you're
11 going to have the actual information,
12 especially for the fact that surveys are three
13 years on non-leak pipe.

14 It seems to me that if we're looking
15 at doing a periodic evaluation and improvement
16 that has value, we should be looking at an
17 interval of three to five years. And whatever
18 that number is, I don't know, but it definitely
19 shouldn't be an annual because that seems like
20 it's not going to actually provide any
21 legitimate information and will be too onerous
22 for folks.

1 MR. DANNER: Thank you.

2 Alan?

3 MR. MAYBERRY: Just for guidance,
4 I'm going to offer some input related to what
5 we're always referring to in integrity
6 management where there's a requirement for
7 evaluation. You may consider it not
8 reinventing the wheel.

9 In your recommendation, it talks
10 about an operator must conduct a periodic
11 evaluation as frequently as needed to assure
12 the integrity of each covered segment. In this
13 case, the relevance of the leak detection
14 repair program or something like that without a
15 time period.

16 Also, I don't think I saw a comment
17 related to this change in the comments from the
18 industry. Now is fine though.

19 MR. DANNER: All right. Thank you.

20 Steve?

21 MR. SQUIBB: Steve Squibb, City
22 Utilities. I just wanted to mention that

1 192.605 already requires an annual O&M review.
2 That includes survey procedures and calibration
3 of equipment. We already report number of leak
4 and incidents to PHMSA.

5 Just to make sure everybody realizes
6 what's involved and what's proposed, when
7 considering changes to program elements,
8 operators must analyze at a minimum: the
9 performance of the leak detection equipment
10 used, the adequacy of the leakage survey
11 procedures, advances in leak detection
12 technologies and practices, the number of leaks
13 that are initially detected by the public, the
14 number of leaks and incidents, and estimated
15 emissions from leaks detected pursuant to this
16 section.

17 So that's quite involved. It would
18 be not reasonable.

19 MR. DANNER: All right. Sara?

20 MS. GOSMAN: I'd prefer specific
21 language about the interval rather than as
22 needed. I think particularly because we're

1 incorporating changes in technology over time,
2 I want to see more specifics here. I would
3 tend towards an interval of three years as to
4 three and five.

5 I do think that I want us to both
6 recognize that continuous evaluation and
7 improvement is critical to pipeline safety and
8 environmental issues across the board, that we
9 all support that. And then for a deep dive in
10 terms of a periodic evaluation, I think three
11 years is an appropriate time span for that.

12 MR. DANNER: So I would actually
13 like to see that principle, the first one, the
14 periodic evaluation and improvement is
15 essential to the development of the program,
16 and have that as kind of an introductory
17 sentence here.

18 I'm also concerned -- I think five
19 years is too long, especially at the beginning
20 when you're setting this thing up. I don't
21 want to wait five years and then find out that
22 you're going down the wrong track. So I think

1 I would ask that a preliminary evaluation be
2 done within two years and then three years
3 after that.

4 Let's see. Brian, you're next.

5 MR. WEISKER: Brian Weisker, Duke
6 Energy. I'm going to say something that's
7 probably contrary to what you just said, David,
8 but my thought for language would be that an
9 operator must conduct an evaluation every three
10 years to assure the adequacy of the advanced
11 leak detection program, just something simple
12 like that.

13 MR. DANNER: Okay. And again, when
14 you're kicking the program off you're -- it
15 does seem when you're starting a program, it
16 would make sense at the very beginning that you
17 review and make sure that you're going down the
18 right track. So I just offer that.

19 Pete?

20 MR. CHACE: Pete Chace, NAPS. R.
21 Thank you, Mr. Chairman. I'd point out that
22 we've got most of the pipes now on a three-year

1 schedule. So a three-year reevaluation
2 interval at the start seems appropriate because
3 you won't have the data coming in until the
4 three-year cycle is done.

5 MR. DANNER: All right, point well
6 taken.

7 Andy?

8 MR. DRAKE: Andy Drake with
9 Enbridge. Just pragmatically, I agree with
10 Commissioner Chase. At the beginning you're
11 just getting started, so it's just getting
12 going. I don't think we want to go a long
13 time. Five is too long. I think two may be a
14 little quick. We don't have the data to do
15 much with.

16 I think we are going to be -- no one
17 here is saying we're not going to do continuous
18 improvement. I think people are going to
19 constantly be looking at how to dial this in,
20 create procedures, develop. I think three
21 seems reasonable, frankly, and I appreciate
22 that it ties to other inspection frequencies.

1 That just seems more reasonable and
2 practicable as we talk about enforcement. I
3 know those discussions get pretty long and
4 there's going to be a lot of questions in
5 there. I just want to be very realistic about
6 how it's going to happen.

7 It's not going to be a quick
8 conversation. There's going to be a lot of
9 things that we're going to talk through. So I
10 think getting data on it, letting the program
11 stand up, get it to run a little bit and see,
12 and then on a set frequency makes sense.

13 MR. DANNER: All right. Thank you.
14 Diane?

15 MS. BURMAN: So just to make clear
16 as we are looking at the initiation of this,
17 you're going to need at least two surveys to
18 see if any improvement has occurred or is
19 needed. While you may look at considering info
20 of three years to assess, you're going to need
21 at least three years for the surveys, plus some
22 time to evaluate the results.

1 So I think just from a practical
2 perspective, to have real data, when you start
3 to kick it off, you're going to have to think
4 about what that looks like in an effective date
5 because you're going to need to make sure that
6 you're not starting off the first time you do
7 it with inadequate data. It's not going to be
8 of any relevance.

9 MR. DANNER: All right. Thank you.

10 Peter, then Sara? All right. Sara?

11 MS. GOSMAN: Yes. Thank you very
12 much. I think I'm still very comfortable with
13 this language because I feel like if three
14 years is the interval, there will be time in
15 there to also be doing these surveys and
16 getting feedback as it goes along.

17 The Committee recognizes that
18 periodic evaluation and continuous improvement
19 is necessary because the language I hear again
20 and again from operators is continuous
21 improvement. Everything else on here looks
22 good to me.

1 MR. DANNER: Although I would change
2 the but to and.

3 MS. GOSMAN: Very good.

4 MR. DANNER: All right. Steve?

5 MR. SQUIBB: Steve Squibb, City
6 Utilities. I propose the following language.

7 MR. DANNER: Are you preparing to
8 make a motion?

9 MR. SQUIBB: No. I'm just
10 clarifying Brian's suggestion.

11 MR. DANNER: All right. Go ahead.

12 MR. SQUIBB: An operator must
13 conduct an evaluation every three years to
14 assure the adequacy of the advanced leak
15 detection program.

16 MR. DANNER: Okay. And that is in
17 addition to the language that is there?

18 MR. SQUIBB: I think it would
19 probably fit in just -- I think what you're
20 saying is fit that in. A PHMSA should consider
21 requiring an operator to assess the adequacy.
22 There you go. There it is, an operator must

1 conduct.

2 MR. DANNER: Does that work for you?

3 That's good.

4 MS. GOSMAN: Chair, can I ask
5 clarifying language? I'm not sure why this
6 language is different than the previous
7 language.

8 MR. DANNER: I'm struggling with
9 that myself.

10 MS. GOSMAN: I mean, otherwise you
11 wouldn't be changing it, but I don't know what
12 the change is.

13 MR. DANNER: Brian or Steve, do you
14 want to --

15 MR. ZAMARIN: I think the previous
16 language was fine too.

17 MR. DANNER: Okay. All right, Andy
18 and then Chad.

19 MR. ZAMARIN: Sorry. I think Andy
20 is about to make a motion. This is Chad
21 Zamarin with Williams.

22 I just wanted to say I actually

1 agree with your concept that you described
2 earlier, Chairman Danner. The idea of earlier
3 and then extended intervals makes sense.

4 I sense that we're coming to the end
5 maybe of patience on this issue, but I would
6 have liked to have seen every three years and
7 then five years thereafter, or initially within
8 three years and five years thereafter. I'm
9 fine to have us vote on just this language.
10 Thank you.

11 MR. DANNER: Thank you. I know I
12 mentioned two years to begin with and three
13 years after that.

14 What I heard was we've got to
15 collect the data first. I agree with that,
16 although I'll put it out there with the common
17 sense admonition that if it looks like it's not
18 going the right direction, fix it as soon as
19 possible.

20 All right. Diane?

21 MS. BURMAN: Yes. So I don't mean
22 to get locked in. I actually see this as

1 important that when we initially start to do
2 this, we do it right, and that you do need at
3 least two surveys to be able to have the real
4 data to evaluate. It does not mean that as
5 you're going through, you're not doing your own
6 evaluation on the things that you do have.

7 For this to be a periodic evaluation
8 and continuous improvement, if you don't have
9 the data sets of the two surveys, it's not
10 really going to give you a complete picture.
11 It will be fine after this gets up and running
12 to go to perhaps a three-year cycle.

13 In my mind though, it should be:
14 what about the first year? When PHMSA is
15 determining that three-year to kick in is
16 important. So looking at this, I would see it
17 as more what about the first year being at five
18 years and then every three years after that,
19 which I think is different from where Chad is
20 at.

21 However, I do think that you need to
22 think about the trigger date for that three

1 years because you're going to need the
2 information to be able to do it. It just
3 doesn't make any sense.

4 MR. DANNER: Yes. Again, I just
5 think that PHMSA on the basis of this will know
6 how to start the implementation and set the
7 deadlines. So I'm speaking for myself. I'm
8 not sure that that's necessary.

9 Sara and then Andy?

10 MS. GOSMAN: Thank you. So what's
11 happening is we have a bunch of different
12 survey frequencies. I think my concern about
13 moving to five years initially is that we have
14 yearly frequency for leak-prone pipe, plus
15 inside the business district, if I got that one
16 right.

17 So I think we've given PHMSA some
18 information to ponder about the right
19 frequency. We've heard some different numbers
20 here. I think with that, I'd be comfortable
21 voting on this language, but also acknowledging
22 that PHMSA is going to need to think about data

1 collection and whether operators do have
2 enough.

3 MR. DANNER: All right. The
4 question is, do we want a motion on just this
5 before we go to human senses or do we want to
6 do the other one first? Do you want to do this
7 alone?

8 Andy, do you want to make a motion?

9 MR. DRAKE: Yes, I'd like to make a
10 motion. I do appreciate Commissioner Burman's
11 comment. I think there's a lot going on here.
12 I think we've created a record that gives PHMSA
13 guidance.

14 I'm looking at Alan on how to set a
15 start date. I think that's important. I see
16 you shaking your head yes. That's good.

17 With that, I do think a three-year
18 interval even at the beginning. We may be
19 dealing with a lot of pieces and parts for a
20 while, but I think it's important to formalize
21 that because it's a vertical learning curve.
22 So with that, I'd like to propose that the --

1 MR. SQUIBB: Is this the final for
2 the program elements --

3 MR. DANNER: I'm sorry. Could you
4 turn your microphone on?

5 MR. SQUIBB: Steve Squibb. Sorry to
6 interrupt. Is this the final discussion for
7 program elements or will we have more program
8 elements to discuss?

9 MR. DANNER: I'm not aware that
10 there's others. I think we would be going from
11 this to human senses.

12 MR. SQUIBB: I have another element
13 to discuss.

14 MR. DRAKE: All right. Partial
15 motion withdrawn.

16 MR. DANNER: We didn't have a motion
17 yet.

18 MR. SQUIBB: Sorry about that.

19 MR. DANNER: All right, Steve. Go
20 ahead.

21 MR. SQUIBB: Continue? Okay.

22 Sorry about that, Andy.

1 The element of tool selection. I
2 know we spent quite a bit of time this morning
3 talking about performance standards of these
4 tools. Does that now allow us to simplify the
5 tool selection where we just say the tool will
6 be selected based on the performance standards
7 that have been established?

8 What's proposed involves engineering
9 analysis and quite an exhaustive selection
10 process when we select a tool. My proposal is
11 just to select a tool that meets the
12 performance requirements.

13 MR. DANNER: Yes. Speaking for
14 myself, I'm not sure that we need to have that.
15 We've talked about providing flexibility in
16 setting this up. I think that would be up to
17 the operators as long as it conforms to
18 everything else we've done.

19 Any other thoughts on that?

20 Andy?

21 MR. DRAKE: Andy Drake with
22 Enbridge. I think Steve brings up a good

1 point. I just think that we may have created
2 enough of a record here.

3 Again, I'm looking at Alan. Keeping
4 you in the spotlight, buddy.

5 I really think we did set
6 thresholds. There is some requirements in
7 there for rigorous engineering analysis. I
8 think that would be more if we were going down
9 the alternatives trail.

10 If we're not picking technologies,
11 we do have some validation to do that the
12 technology meets the standard of care and
13 defines the thresholds. After that, I don't
14 know how much rigorous engineering there is
15 unless you go down an alternative trail.

16 So I think we've got a record here
17 that records that. I wouldn't think that there
18 would be a lot of detailed engineering about
19 tool choices if they can prove that it meets
20 the threshold.

21 Is that reasonable or do we need to
22 do an engineering analysis to prove that the

1 vendor has validated it? I'm looking. I'm
2 asking.

3 MR. DANNER: Alan?

4 MR. MAYBERRY: Well, you would need
5 to do a credible analysis to assure that it
6 performs as advertised and that it meets the
7 requirements of the code.

8 MR. DRAKE: Okay, but that's the
9 extent of it? Like we would do on an ILI, some
10 sort of validation effort that the tool works
11 for those capabilities, that's what we're
12 talking about?

13 MR. MAYBERRY: Right.

14 MR. DRAKE: Okay.

15 MR. DANNER: All right. Sara, then
16 Arvind, then Pete?

17 MS. GOSMAN: So I'm looking at this
18 language. I assume we're talking about
19 192.763(a)(1)(iii). Is that right, that's the
20 language we're focusing on? Okay.

21 So what I see is documented
22 analysis. And then considering things that I

1 think you would be considering, my confusion is
2 these all seem like very logical things that
3 you would consider in choosing your suite of
4 technologies.

5 That is, you'd want to look at the
6 state of commercially available leak detection
7 technologies and practices. You'd want to look
8 at your pipeline system, your system operating
9 parameters, environment, and analyze the
10 effectiveness of the different tools.

11 Is this because you're worried about
12 the paperwork side of it? It seems like a very
13 logical description of the decision-making
14 process you would do.

15 MR. DANNER: Steve?

16 MR. SQUIBB: Steve Squibb, City
17 Utilities. Yes, I think it's going to be
18 burdensome to do that. As long as we have a
19 tool that meets the performance standard, then
20 it should perform per the program. So I think
21 that should be sufficient.

22 MR. DANNER: Thank you.

1 Arvind?

2 MR. RAVIKUMAR: I agree with the
3 comment made earlier that for any new
4 alternative technology, you have to ensure that
5 it meets the standard that we have set here,
6 but I think that's more technical discussion on
7 what kind of testing you need to do to achieve
8 the standard.

9 And I don't think it's appropriate
10 for this Committee to recommend those details.
11 That can be done later.

12 MR. DANNER: All right. Thank you
13 for that. Pete?

14 MR. CHACE: Pete Chace, NAPSR. In
15 reading and thinking about (iii), I believe
16 that the average small to mid-size operator is
17 going to be completely bewildered about what
18 the expectations are for them to comply with
19 this.

20 I think it's really going to be,
21 well, the manufacturer's specifications say
22 this ought to work. I think that's what you're

1 going to get.

2 The other thing in reading some of
3 this, boy, it sure reads a whole lot like the
4 requirements for periodic evaluation and
5 improvement of your leak management program.
6 So I wonder if maybe this is going a little
7 overboard.

8 If not, maybe the small operator
9 exemption may be appropriate for some of this.
10 Again, we're talking about small operators that
11 don't have an R&D staff. They're not going to
12 know what to do. Look, I got this thing and
13 the manufacturer says it's supposed to work.

14 MR. DANNER: All right. Andy?

15 MR. DRAKE: This is Andy Drake with
16 Enbridge. Sara, you're exactly right. These
17 are logical things that should be considered
18 and thought through.

19 And I appreciate the smaller
20 operators, are they going to get buried on
21 this? The question may actually be -- and this
22 may something that as we evolve in this and

1 it's kind of new -- who is to do that?

2 We may need to create a standard of
3 care of what are those issues and then actually
4 pass that to the vendors. It's kind of how we
5 do it now with ILI. We have standards that
6 tell the vendors how to qualify ILI tools, how
7 an operator should even check on them. That
8 takes some of the burden off of the small
9 operators.

10 I think it's prudent to do this. I
11 just think that it may be almost more who is
12 doing it.

13 If we can tell the vendor community,
14 which we're kind of doing right here a little
15 bit, that that's an expectation for them to
16 come to the table with the engineering analysis
17 done that validates there's tools performance,
18 and they can provide that to the operator who
19 then can review it, that's different than
20 having to do the review by 2,000 different
21 operators every single time.

22 So I just throw that out there as a

1 practical means to getting what we want
2 accomplished here. If an operator picks a tool
3 that doesn't have any validation to a certain
4 standard, then everybody's ears should go way
5 up.

6 And then that operator should have
7 to sit down and go through it personally. But
8 if they can get some sort of UL-approved stamp
9 on this, so to speak, that would service
10 everybody.

11 MR. DANNER: Can we see the motion
12 language? Can we change the second bullet to
13 PHMSA should provide guidance on performance
14 standards for compliance with (a)(1)(iii) with
15 special attention to small operators?

16 And then I throw that out for your
17 consideration. I think I said tool selection
18 analysis for compliance with (a)(1)(iii). Any
19 thoughts on that? Arvind?

20 MR. RAVIKUMAR: I would remove the
21 words tool selection because it's a little too
22 vague. What is a tool? It's a combination of

1 a sensor, a platform, a program, and how often
2 you do it. So I think PHMSA should provide
3 guidance on --

4 MR. DANNER: Yes, I think that's
5 fine, or compliance with.

6 MR. RAVIKUMAR: Yes.

7 MR. DANNER: All right. Brian?

8 MR. WEISKER: Brian Weisker, Duke
9 Energy. Hopefully, this is one last question.
10 I think this is for PHMSA.

11 Is the intention for the operator to
12 prove why they picked the technology or that
13 they evaluated and made a selection on
14 something that's technically feasible and best
15 for their system?

16 MR. PALABRICA: Yes. That's
17 basically correct that by considering those
18 factors, they've chosen an effective tool for
19 their system.

20 MR. WEISKER: Thank you.

21 MR. DANNER: All right. Again,
22 we're asking PHMSA to provide that guidance, so

1 I think we can step back.

2 Pete, did you have something to say
3 before Andy makes a motion?

4 MR. CHACE: I think this is going to
5 be something that enriches some consultants who
6 are going to be writing these things for small
7 operators who don't know what they're doing.

8 MR. DANNER: We'll see what the
9 PHMSA guidance looks like. That would perhaps
10 address some of those concerns.

11 Chad?

12 MR. ZAMARIN: Chad Zamarin,
13 Williams. I just had a follow-up and it was
14 more a question. There was a comment made that
15 I thought was a good one during the public
16 comment period. There's a segment in here on
17 leakage survey frequency.

18 And was interested in understanding
19 why that wasn't in the section of the NPRM on
20 survey frequency. It seems out of place here
21 geographically to be having this section
22 intended to be a technical standard and having

1 a separate section that was focused on leak
2 survey frequency.

3 So more just an editorial comment.
4 I have nothing to debate on the content of that
5 section, but I thought that was a really good
6 comment from the public. I think it's always
7 helpful to compartmentalize things if we can.
8 Thank you.

9 MR. DANNER: All right. Diane?

10 MS. BURMAN: I just want to make
11 sure that I get this in for the record about
12 the special attention for implementation by
13 small operators because I do think that special
14 attention is really important, especially as it
15 relates to looking at the feasibility of
16 operators being able to buy multiple devices to
17 evaluate. If it meets the standard, it could
18 be used.

19 I think I worry that we spend a lot
20 of time on standards, and now looking at
21 operators needing to evaluate multiple devices
22 may actually -- just keep in mind that is

1 really important to me in terms of looking at
2 what are we doing, and how is this impacting
3 from a cost perspective as well.

4 MR. DANNER: All right. Thank you.
5 Andy?

6 MR. DRAKE: Based on this
7 conversation, I'd like to propose that the
8 proposed rule is published in the Federal
9 Register and as supported by the Preliminary
10 Regulatory Impact Analysis and Draft
11 Environmental Assessment regarding the advanced
12 leak detection program elements is technically
13 feasible, reasonable, cost effective, and
14 practicable with the following considerations.

15 One, the Committee recognizes that
16 periodic evaluation and continuous improvement
17 is necessary, and recommends PHMSA consider
18 requiring an operator conduct an evaluation
19 every three years to ensure the adequacy of the
20 leak detection program.

21 And two, PHMSA should provide
22 guidance on compliance with paragraph

1 192.763(a)(1)(iii) with special attention for
2 implementation by small operators.

3 MR. DANNER: All right. Thank you.

4 Is there a second?

5 Sara?

6 MS. GOSMAN: I second.

7 MR. DANNER: All right. Sara Gosman
8 seconds.

9 Brianna, will you record the vote?

10 MS. WILSON: Please vote yes or no
11 when I say your name.

12 Diane Burman?

13 MS. BURMAN: Yes.

14 MS. WILSON: Peter Chace?

15 MR. CHACE: Yes.

16 MS. WILSON: David Danner?

17 MR. DANNER: Yes.

18 MS. WILSON: Sara Longan?

19 MS. LONGAN: Yes.

20 MS. WILSON: Terry Turpin?

21 MR. TURPIN: Yes.

22 MS. WILSON: Brian Weisker?

1 MR. WEISKER: Yes.

2 MS. WILSON: Andrew Drake?

3 MR. DRAKE: Yes.

4 MS. WILSON: Alex Dewar?

5 MR. DEWAR: Yes.

6 MS. WILSON: Steve Squibb?

7 MR. SQUIBB: Yes.

8 MS. WILSON: Chad Zamarin?

9 MR. ZAMARIN: Yes.

10 MS. WILSON: Chad Gilbert?

11 MR. GILBERT: Yes.

12 MS. WILSON: Arvind Ravikumar?

13 MR. RAVIKUMAR: Yes.

14 MS. WILSON: Erin Murphy?

15 MS. MURPHY: Yes.

16 MS. WILSON: Sara Gosman?

17 MS. GOSMAN: Yes.

18 MS. WILSON: Sam Ariaratnam?

19 MR. ARIARATNAM: Yes.

20 MS. WILSON: The motion carries.

21 It's unanimous.

22 MR. DANNER: All right. Thank you

1 very much.

2 Now do we want to deal with the
3 language submitted by Erin?

4 MR. GALE: Yes, Chairman. We have
5 the language submitted by Member Murphy on the
6 issue of human senses. It's up on the screen.
7 Erin?

8 MS. MURPHY: Thank you. Erin
9 Murphy, EDF. I know this is a lot of words,
10 but I wanted to start with the context of the
11 congressional directive. Part of Section 113
12 of PIPES 2020 directs the agency to identify
13 any scenarios where operators may use leak
14 detection practices that depend on human
15 senses.

16 What I would like to recommend the
17 Committee consider recommending to PHMSA is to
18 remove the proposed exception from using leak
19 detection equipment from class 1 or 2 location
20 transmission or gathering lines -- that should
21 probably say regulated gathering lines there --
22 or offshore transmission or gathering.

1 And then to correspondingly add some
2 language into the 763 ALDP program section that
3 would permit operators to voluntarily use human
4 senses for leak detection in addition to their
5 leak detection equipment surveys. And then the
6 red lines that might be recommended to PHMSA
7 are laid out below.

8 The basis for this recommendation is
9 that there's been a lot of discussion about the
10 value of using leak detection equipment, of
11 quantifying leaks that are found on systems.
12 And I think that applies to transmission and
13 gathering lines. That's relevant and valuable
14 practice regardless of the class location of
15 the pipeline.

16 I also wanted to ask the Committee
17 to consider that when we're thinking about
18 aerial fly-over surveys that are the most
19 common choice for aerial leak detection on
20 transmission and gathering lines, those are
21 often flown in flight patterns that can cover a
22 large amount of upstream and midstream

1 infrastructure in one go.

2 So again, this drawing the line on
3 the class location didn't make a huge amount of
4 sense to me as a cutoff for when leak detection
5 equipment would be used.

6 And then I guess the voluntary
7 language at the bottom is to acknowledge that
8 operators may want to use human sense leak
9 detection, and just make that a voluntary
10 addition to the ALDP program.

11 MR. DANNER: All right. Thank you.
12 And thank you for bringing this before us.

13 Pete?

14 MR. CHACE: Pete Chace, NAPSRS. I
15 can understand moving the second exception.

16 The first one, we don't regulate
17 offshore lines in Ohio, but I can picture a
18 visual for something underwater making some
19 sense. Maybe I misunderstand, but it seems to
20 me like the first point is an adequate form of
21 leak detection.

22 MR. DANNER: All right. Chad

1 Zamarin?

2 MR. ZAMARIN: Thanks. Chad Zamarin,
3 Williams. It may be helpful to hear from PHMSA
4 since this is a pretty significant proposed
5 change. It'd be helpful to understand where
6 maybe PHMSA sees this having been used and why
7 it may make sense -- I mean, it was proposed by
8 PHMSA -- why it may make sense to have. The
9 context may be helpful.

10 MR. GALE: Thank you, Chad. John
11 Gale, PHMSA. As Erin points out here above, in
12 the statute itself, in Section 113 we were
13 directed to identify any scenarios where
14 operators may use leak detection practices that
15 depend on human senses.

16 When it came to offshore pipelines,
17 we thought it was very appropriate to use human
18 senses in those scenarios. We thought it would
19 be very appropriate as well in certain
20 situations where it may be less risky to the
21 public to at least give the option for class 1
22 and 2 locations for both transmission and

1 gathering lines to come in for a 192.18
2 notification.

3 We're not saying that that's going
4 to be an easy bar to get over or hurdle to get
5 over, but we thought it was reasonable to give
6 them that option if there was a scenario that
7 they thought it would be appropriate, while
8 also really being clear that we thought it was
9 in direct compliance with the provision in
10 Section 113.

11 MR. DANNER: Andy Drake?

12 MR. DRAKE: Andy Drake with
13 Enbridge. I'm going to maybe pick this one at
14 a time, literally.

15 I think number one, the human sense
16 that we're driving off of is visual. I think
17 this is really important. It's very effective
18 offshore to look for bubbles. We have been
19 really good at that.

20 I don't think deploying ALD offshore
21 is going to help improve our ability to find
22 those leaks. I really don't. I think the best

1 thing we do is get people looking all the time
2 for leaks and bubbles, not on any interval but
3 constantly.

4 I think taking that out and bringing
5 in ALD offshore isn't going to add anything in
6 the scheme of things here. If we couldn't see
7 it with our eyes, we're not even going to know
8 where to go when we're out there. I don't know
9 what else we would do. If we brought in ALD
10 and it detected something that we can't see
11 with bubbles, I literally don't know what we
12 would do.

13 So practical is, I think, where I am
14 on the offshore part. The second piece I'll
15 let some more conversation happen on. I'm
16 still trying to digest the second part, but I
17 understand it.

18 MR. DANNER: Just for my own
19 clarification, you're saying that advanced leak
20 detection is not effective offshore and you
21 don't use it?

22 MR. DRAKE: I would say the inverse

1 of that perhaps, that human senses is a better,
2 more practicable, more efficient and effective
3 vehicle than ALD. If I went offshore and I ran
4 ALD out there, and I couldn't see a leak, I
5 wouldn't know what to do with it anyway.

6 I would be locked up with where to
7 go next. There's nowhere to start focusing my
8 effort. We would use visual as the driver to
9 make a decision on where to deploy additional
10 efforts like remediation. If I couldn't see
11 it, I don't even know what I would do.

12 I'm open here if anybody's got any
13 better answers than that. I'm literally just
14 responding on the fly here. That's based on my
15 experience how I see the two stacking up.

16 If I had a hit on ALD, I would bring
17 out someone to look around to see if they could
18 see something. If they couldn't see anything,
19 I don't know what we would do next. I don't
20 know where we would go on the system to try to
21 start doing diving surveys or something. It
22 wouldn't make any sense.

1 MR. DANNER: All right. Thank you.
2 Erin Murphy?

3 MS. MURPHY: Just to respond to
4 Peter and Andy, I believe there are some
5 comments in the record about the availability
6 of some technologies for offshore, but they're
7 not our comments. And I'm not super familiar
8 with those technology options.

9 So I think I'm open to discussing
10 whether there is a lot of practical value to
11 retaining this exception in the offshore
12 context.

13 MR. DANNER: All right. Others?
14 Chad?

15 MR. ZAMARIN: Yes. I'm not hearing
16 a whole lot of good data or justification for
17 us basically taking a tool away from an entire
18 offshore industry that was proposed by PHMSA
19 and the NPRM. So I would definitely not
20 support striking the ability to use visual
21 inspection in offshore pipelines.

22 It sounds like if we wanted to

1 discuss that, we'd need a much deeper dive into
2 this issue to understand it better. That
3 doesn't seem like we can make that kind of
4 recommendation. Thank you.

5 MS. LONGAN: Mr. Chairman, Sara
6 Longan, Army Corps of Engineers, trying to
7 offer this comment just to be helpful because
8 I'm still trying to understand the
9 justification. If there is one, then I really
10 want to pay attention and learn.

11 There is a chance that some of those
12 could be Section 10, Rivers and Harbors Act
13 jurisdictional waters. And I don't know if you
14 had any deliberation with other agencies, for
15 example, Army Corps of Engineers. I'm just
16 trying to understand what we're taking away
17 here and where other agencies may be
18 interested.

19 MR. DANNER: Any other discussion on
20 this? Sara?

21 MS. GOSMAN: Yes. I'm convinced by
22 the arguments here as to the first one, the

1 offshore, but I remain very concerned about
2 human senses on the onshore side.

3 I'll just repeat that what we're
4 doing here is an advanced leak detection
5 program. I think that in that context, even
6 with the limitations that PHMSA has put on this
7 through the notification process, human senses
8 really should be in addition to and voluntarily
9 chosen by operators as opposed to the leak
10 detection technology that we're going to be
11 using.

12 I'm struggling even to understand
13 how someone would explain how a human sense
14 would meet the five-ppm standard or the 0.5
15 kilograms-per-hour standard. I don't think
16 that notification process is going to be
17 helpful on this issue. I think we shouldn't be
18 using human senses in this context.

19 MR. DANNER: Can you go back to the
20 proposal that Erin Murphy had? All right. So
21 what you were putting up on the other slide,
22 you're simply removing offshore transmission or

1 clarifying that this is only limited to
2 onshore; is that correct? You were the one who
3 --

4 MR. GALE: Yes. Member Gosman's
5 recommendation was to retain (a)(1) regarding
6 offshore, but to delete (a)(2) with regard to
7 onshore pipelines at class 1 and 2 locations.
8 So we've written up some language on both
9 slides that would show that.

10 MR. DANNER: Okay. Just for
11 clarification, Sara Gosman, does that reflect
12 what you were intending to propose?

13 MS. GOSMAN: Yes, that's fine.

14 MR. DANNER: Okay. Chad and then
15 Erin?

16 MR. ZAMARIN: Thanks. Chad Zamarin
17 with Williams. Just as a transmission
18 operator, I agree with Sara.

19 I don't think our intent here is to
20 be using human senses for onshore pipelines.
21 That's why we just spent the last two days
22 doing what we're doing. So at least I'm

1 supportive of what's proposed here.

2 MR. DANNER: All right. Erin
3 Murphy?

4 MS. MURPHY: Just to follow up on
5 the discussion, I'm also supportive of the
6 removal of the removal of the exception for
7 offshore.

8 I would ask -- I didn't hear any
9 opposition, if there is any, to voting
10 simultaneously on what's up here, but also
11 voting on a recommendation to add to 763, that
12 line about the voluntary use of human senses in
13 addition to leak equipment.

14 MR. DANNER: Any opposition to that
15 clarification and that addition? All right.
16 Diane?

17 MS. BURMAN: Yes. I just want to
18 make sure that we, from a principles
19 perspective, just keep in mind that for me, and
20 I think everyone would agree, human senses are
21 needed and make sense, but obviously should
22 complement other leak devices.

1 So in other words, if you see, hear,
2 or smell, you should not discount. I know that
3 we understand that, but I just want to make
4 sure it's in the record that getting rid of
5 that doesn't mean that.

6 MR. DANNER: Thank you. I think
7 that is the general understanding and the
8 intent.

9 All right. So again, clarification.
10 Does this capture your -- you agreed to the
11 removal of the removal. Does the remaining
12 language capture your intent of what you put up
13 on the other slide with that change?

14 MS. MURPHY: Yes.

15 MR. DANNER: Okay. Thank you. I
16 just wanted to clarify that.

17 Can we put the preamble up there and
18 entertain a motion?

19 Erin Murphy? We're waiting for the
20 preamble language.

21 MS. MURPHY: Is that not it?

22 MR. DANNER: It's there. I'm sorry.

1 It's a different font. It confused me. It
2 threw me for a loop. Go ahead.

3 MS. MURPHY: So I'll make a motion
4 for a vote on the following language.

5 The proposed rule as published in
6 the Federal Register and as supported by the
7 Preliminary Regulatory Impact Analysis and
8 Draft Environmental Assessment regarding the
9 use of human senses and the alternative
10 performance standard within the advanced leak
11 detection program is technically feasible,
12 reasonable, cost effective, and practicable if
13 the following changes are made.

14 The exception for using leak
15 detection equipment for onshore class 1 and 2
16 transmission and gathering lines in Section
17 192.706(a)(2) is removed. Add to Section
18 192.763 that an operator may use human senses
19 in addition to leak detection equipment.

20 MR. DANNER: Thank you.

21 Is there a second? Andy Drake
22 seconded.

1 Brianna, will you record the votes,
2 please?

3 MS. WILSON: Please vote yes or no
4 when I call your name.

5 Diane Burman?

6 MS. BURMAN: Yes.

7 MS. WILSON: Peter Chace?

8 MR. CHACE: Yes.

9 MS. WILSON: David Danner?

10 MR. DANNER: Yes.

11 MS. WILSON: Sara Longan?

12 MS. LOGAN: Yes.

13 MS. WILSON: Terry Turpin?

14 MR. TURPIN: Yes.

15 MS. WILSON: Brian Weisker?

16 MR. WEISKER: Yes.

17 MS. WILSON: Andrew Drake?

18 MR. DRAKE: Yes.

19 MS. WILSON: Alex Dewar?

20 MR. DEWAR: Yes.

21 MS. WILSON: Steve Squibb?

22 MR. SQUIBB: Yes.

1 MS. WILSON: Chad Zamarin?

2 MR. ZAMARIN: Yes.

3 MS. WILSON: Chad Gilbert?

4 MR. GILBERT: Yes.

5 MS. WILSON: Arvind Ravikumar?

6 MR. RAVIKUMAR: Yes.

7 MS. WILSON: Erin Murphy?

8 MS. MURPHY: Yes.

9 MS. WILSON: Sara Gosman?

10 MS. GOSMAN: Yes.

11 MS. WILSON: Sam Ariaratnam?

12 MR. ARIARATNAM: Yes.

13 MS. WILSON: The vote is unanimous.

14 The motion carries.

15 MR. DANNER: All right. Thank you
16 very much.

17 It is 2:54. It is time for our
18 afternoon break. We will reconvene at ten
19 after 3:00. Thank you.

20 (Whereupon, the above-entitled
21 matter went off the record at 2:54 p.m. and
22 resumed at 3:19 p.m.)

1 MR. DANNER: All right. Welcome
2 back. Good afternoon. We're now going to move
3 on to leak grading and repair. I'm going to
4 turn it over to John Gale.

5 Wait a minute. Before we do that, I
6 want to have a check-in with Alan Mayberry and
7 PHMSA. We are making good progress with regard
8 to the leak detection rules, but we have a long
9 way to go.

10 And I think the original intention
11 that was we were going to complete both the
12 class rules and the leak rules this week. And
13 I'd just like to get a -- let's check in with
14 Alan and see what we want to do there.

15 MR. MAYBERRY: Thanks, Mr. Chair.
16 Okay. We're at about 3:20 on Wednesday. We're
17 making good progress. The conversation has
18 been amazing. The collaboration has been
19 exceptional.

20 It's fair to say we're not going to
21 get through class location, which is the next
22 rule that we have on the agenda after we finish

1 leak detection repair. If we're lucky, we may
2 get to it sometime Friday, but here's what
3 we'll do, you know subject to any
4 recommendations you may have.

5 I am going to say we'll end up
6 scheduling another meeting. We'll have to
7 obviously go through the process of announcing
8 it in the Federal Register, which we'll do. It
9 will be either another in-person meeting or a
10 virtual meeting. Personally I would prefer a
11 virtual meeting, but we'll announce what type
12 it will be.

13 And then just stay tuned after that.
14 But we will -- it's obvious we're going to need
15 to schedule more time for class location
16 because we just won't get to cover it with any
17 sort of quality time if we even get to it this
18 week.

19 MR. DANNER: So can I get a
20 clarification on that? It would be your
21 intention, let's say if we finish the leak
22 detection rules sometime Friday morning or

1 midday Friday, you would just at that point
2 adjourn and we would pick up the class location
3 at a later date?

4 MR. MAYBERRY: Well, I defer to the
5 Committee, but we could set up the conversation
6 on class location possibly on Friday if --

7 MR. DANNER: Okay. Chad and then
8 Diane? I hope we're not going to have a long
9 discussion on this.

10 MR. ZAMARIN: Yeah. I just do have
11 to say, though, we've been kicking the can down
12 the road on class location now for 20 years. I
13 think it's very frustrating to not get to that
14 important topic.

15 We're sitting around talking about
16 minute leaks, but that is an opportunity to
17 eliminate some of the largest venting exercises
18 that we do. So I just want to continue to
19 reinforce the importance of us getting to that.

20 I also just want to make the comment
21 that I don't know that virtual meetings will be
22 as effective. I've seen a lot of in-the-room

1 and outside-the-room collaboration, and I think
2 there's real value in that. So I would just
3 ask that you consider that when you think about
4 future meetings. Thank you.

5 MR. DANNER: All right. Thank you.
6 Commissioner Burman?

7 MS. BURMAN: Yeah, I want to ditto
8 that. I think in-person is really helpful. I
9 also think it's really important to have -- and
10 I know we have to go through the federal
11 process, the Federal Register process, but I
12 think it's really important to have a date
13 certain so that we are all sort of moving
14 forward and not having to wait around for a
15 meeting to be selected. Thank you.

16 MR. MAYBERRY: Thanks for the input.
17 To be clear, both of the topics we're dealing
18 with are congressional mandates. So we're very
19 sensitive to that. They're both high priority,
20 but we need the quality time. Thank you.

21 MR. DANNER: Okay. And just a
22 reminder that flying from Alaska takes a long

1 time.

2 MS. LONGAN: Mr. Chairman, thank you
3 for the attention. And I support my colleagues
4 in that the in-person meetings bring a lot of
5 value. Thank you.

6 MR. DANNER: All right. Thank you
7 for that. All right, now let's talk about leak
8 grading and repair. John Gale?

9 MR. GALE: Yeah, thank you, Mr.
10 Chairman. Mr. Klesin and Mr. York are going to
11 lead us through a discussion on leak grading
12 and repair. It's a fairly long slide deck. I
13 think it's roughly 50 or so slides, so bear
14 with us.

15 And then what we were hoping to do
16 is at that point open it up for public
17 discussion, maybe give a summary of a
18 recommendation on how to move forward on a
19 discussion and vote strategy, and just kind of
20 close out for the day depending on what time it
21 is at the conclusion of the public comments.

22 With that being said, we'll turn it

1 over to Joe. Joe?

2 MR. KLESIN: Thanks, John. Joe
3 Klesin, PHMSA Eastern Region. Okay, so a
4 little bit of background. Current requirements
5 under 760, the proposed leak grading and repair
6 proposal, 192.760.

7 Current requirements, only generally
8 applicable repair requirement is to repair
9 hazardous leaks. The term hazardous is not
10 defined but understood to equate to grade 1
11 leaks in the GPTC guide. Part 192 and GPTC
12 guidance do not require repair of leaks that
13 are non-hazardous, and do not include criteria
14 for ensuring repair of leaks that are hazardous
15 to the environment.

16 Under the NPRM proposal, the
17 proposal on the new 192.760 requiring an
18 investigation, classification, repair of leaks
19 prioritized by risk to public safety and the
20 environment. Also proposed grading standards
21 consistent with GPTC guide recommendations with
22 modifications for enforceability and to ensure

1 the protection of public safety and the
2 environment.

3 Some more background with the GPTC
4 guide. The proposed grading repair criteria
5 derived from the framework in the GPTC guide.

6 The GPTC guide is not incorporated
7 by reference in part 192, but PHMSA has
8 referenced it in guidance, and several state
9 operators have adopted the grading framework in
10 whole or in part. The GPTC guide recommends
11 classifying leaks by grade, and classifies
12 potential hazard based on location and gas
13 concentration.

14 Repair time lines. Grade 1 leaks
15 are the highest priority, hazardous leaks
16 requiring immediate repair. Grade 2 leaks are
17 scheduled for repair within 15 months, and
18 Grade 3 leaks are the lowest priority and do
19 not have a defined repair time line, but must
20 be periodically monitored until eliminated.

21 The PIPES Act directs PHMSA to
22 establish a time line for repair of all leaks

1 except those with a volume so small as to pose
2 no potential hazard to people or the
3 environment.

4 Current requirements. Hazardous
5 leaks must be repaired promptly per 192.703.
6 However, promptly is undefined. DIMP requires
7 an effective leak management program, but does
8 not specify repair requirements. The GPTC
9 guide recommends time line for the repair of
10 grade 1 and grade 2 leaks, but does not define
11 a repair schedule for grade 3 leaks.

12 Grading definitions. Some proposed
13 new definitions would include confined space,
14 means any subsurface structure other than a
15 building of sufficient size to accommodate a
16 person and in which gas could accumulate or
17 migrate. These include vaults, certain
18 tunnels, catch basins, and manholes.

19 Gas associated substructure means a
20 substructure that is part of an operator's
21 pipeline, but that is not itself designed to
22 contain gas. Lower explosive limit means the

1 minimum concentration of gas or vapor in air at
2 which propagation of a flame does not occur in
3 the presence of an ignition source at ambient
4 pressure and temperature.

5 Definitions continued. Substructure
6 means any subsurface structure that is not
7 large enough for a person to enter and in which
8 gas could accumulate or migrate. Substructures
9 include but are not limited to telephone and
10 electrical ducts, conduit, gas and water valve
11 boxes, and meter boxes.

12 Tunnel, subsurface passageway large
13 enough for a person to enter and in which gas
14 could accumulate or migrate. Wall-to-wall
15 paved area, an area where the ground surface
16 between the curve of a paved street and the
17 front wall of a building is continuously paved,
18 excluding intermittent landscaping such as tree
19 plots.

20 Under the proposal, a grade 1 leak
21 includes any of the following: any leak that in
22 the judgement of the operating personnel at the

1 scene is of sufficient magnitude to be an
2 existing or probable hazard to persons or
3 property or a grave hazard to the environment;
4 any amount of escaping gas that has ignited;
5 any indication that gas has migrated into a
6 building, under a building, or into a tunnel;
7 any reading of gas at the outside wall of a
8 building or areas where gas is likely to
9 migrate to an outside wall of a building.

10 Grade 1 leaks also include any of
11 the following: any reading of 80 percent or
12 greater of the lower explosive limit in a
13 confined space; any reading of 80 percent or
14 greater of the lower explosive limit in a
15 substructure, including gas associated
16 substructures of a gas pipeline or
17 non-associated gas pipelines from which gas
18 would likely migrate to the outside wall of a
19 building; any leak that can be seen, heard, or
20 felt by human senses; or any leak reportable as
21 an incident as defined in 191.3.

22 Under the proposal for grade 2

1 leaks, a grade 2 leak is any leak other than a
2 grade 1 leak that represents a probable future
3 hazard to persons or property or a significant
4 hazard to the environment, including a leak
5 with any of the following characteristics: a
6 reading of 40 percent or greater of the LEL
7 under a sidewalk in a wall-to-wall paved area
8 that does not qualify as a grade 1 leak, a
9 reading of 100 percent of the LEL under a
10 street in a wall-to-wall paved area that does
11 not qualify as a grade 1 leak, a reading
12 between 20 percent and 80 percent of the LEL in
13 a confined space, or a reading of less than 80
14 percent of the LEL in a substructure other than
15 gas-associated substructures from which gas
16 could migrate.

17 Grade 2 leak continued. A grade 2
18 leak is any leak other than a grade 1 leak with
19 any of the following characteristics: a reading
20 of 80 percent or greater of the LEL in a
21 gas-associated substructure from which gas is
22 not likely to migrate; any reading greater than

1 zero percent gas on a transmission or type A or
2 C gas-gathering pipeline that does not qualify
3 as a grade 1 leak; any leak with a leakage rate
4 of ten cubic foot per hour or more that does
5 not qualify as a grade 1 leak; any leak of LPG
6 or hydrogen that does not qualify as a grade 1
7 leak; or any leak that, in the judgement of the
8 operator personnel at the scene, is of
9 sufficient magnitude to justify a scheduled
10 repair within six months or less.

11 Some of the requested topics on the
12 grade 2 leak criteria. The proposed rulemaking
13 requested input on the following: proposed
14 criteria for identifying grade 2 leaks that
15 constitute a significant hazard to the
16 environment and whether ten cubic feet per hour
17 is the appropriate emissions rate for grade 2
18 leaks; other criteria that could be used to
19 identify leaks with significant environmental
20 harm, including criteria based on gas migration
21 extent for below-grade leaks.

22 The preamble included the discussion

1 of the Massachusetts environmentally
2 significant leak, including a leak with a leak
3 extent of 2,000 square feet or greater.

4 Grade 3 leaks. Under the proposal,
5 a grade 3 leak is any leak that does not meet
6 the criteria for a grade 1 or grade 2. Some
7 examples, non-exhaustive, of grade 3 leaks
8 include: a positive reading of less than 80
9 percent LEL in a gas-associated substructure
10 from which gas is unlikely to migrate, any
11 positive reading under a street in an area
12 without wall-to-wall pavement where gas is
13 unlikely to migrate to the outside wall of
14 nearby buildings, or a gas reading less than 20
15 percent LEL in a confined space.

16 On to proposed repair requirements.
17 The time line currently under the GPTC guidance
18 for a grade 1 leak is immediate. Under the new
19 proposal, it would be immediate.

20 A grade 2 leak under GPTC guidance
21 provides a 15-month deadline. Under the
22 proposal, the repair deadline is six months.

1 Transmission gathering HCAs of class 3 or class
2 4 would be 30 days. An operator must have
3 procedures for prioritizing grade 2 leaks, and
4 they have to re-evaluate leaks once every 30
5 days.

6 Under a grade 3, suggested no time
7 frame for repair, suggested 15 months for
8 re-evaluation under the GPTC. Under the new
9 proposal, the repair deadline would be two
10 years. Five-year replacement deadline for leaks
11 on pipelines scheduled for replacement.

12 An operator may also request a
13 delayed repair time line with a 192.18
14 notification if repair is impractical or would
15 release more gas to the environment and there
16 is no hazard to public safety. And then also
17 would require a re-evaluation of leaks within
18 six months.

19 Post-repair inspections. Under the
20 proposal, a leak repair must be inspected to
21 confirm that repair has been successful. A
22 leak repair may be classified as complete if

1 the operator obtains a gas concentration
2 reading of zero percent gas by volume at the
3 leak location during a post-repair inspection.
4 The inspection must occur between 14 and 30
5 days after the date of the repair.

6 Recordkeeping. Under the proposal,
7 operators must retain records documenting the
8 complete history of investigation and grading
9 of each leak prior to completion of the repair
10 for five years after the date of the final
11 post-repair inspection. Records associated
12 with the detection, remediation, and repair of
13 each leak must be kept for the life of the
14 pipeline.

15 With respect to upgrading and
16 downgrading, under the proposal, if an operator
17 receives information that a higher-priority
18 graded condition exists on a previously graded
19 leak, the operator must upgrade the leak to
20 that new grade.

21 A leak may be downgraded, but only
22 if a temporary repair has been made or a

1 permanent repair was attempted but gas was
2 still detected during the post-repair
3 inspection. While a grade 3 leak cannot be
4 further downgraded, as noted previously, the
5 repair deadline for grade 3 leaks may be
6 extended on a case-by-case basis.

7 Grading definitions. Industry
8 trades, operators, and industry consultants
9 expressed opposition to or concern that the
10 proposed rule's new definition of confined
11 space differs from the OSHA definition and
12 suggested aligning the definition or using a
13 different term.

14 If PHMSA does not adopt OSHA's
15 definition of a confined space, industry trades
16 and operators suggested the term enclosure be
17 used instead of confined space to differentiate
18 between the two definitions.

19 GPTC said the definition for
20 gas-associated substructure, lower explosive
21 limit, substructure, and tunnel have long been
22 recognized as appropriate and should continue

1 to be acceptable.

2 Industry trades said the definition
3 of gas-associated substructure is too vague.
4 The commenters supported the definition for
5 substructure and tunnel. However, they noted
6 that these terms may need to be further
7 defined.

8 Another operator suggested adding
9 additional clarity to the definition of tunnel,
10 such as whether it is man-made, has both an
11 entrance and an exit, and whether passageway
12 means entering by walking, crouching, or
13 crawling.

14 PHMSA notes, PHMSA intended to
15 define confined space consistent with the GPTC
16 guide, but will address conflicts with federal
17 programs described in the comments.

18 Some additional comments. Multiple
19 operators and industry representatives
20 expressed opposition to the proposed leak
21 grading criteria. Multiple operators and a
22 state regulator urged reliance on GPTC leak

1 grading guidance, as this material is used
2 broadly throughout the industry.

3 An industry trade group added that
4 state leak grading requirements do not conform
5 with the proposed criteria. Multiple industry
6 representatives urged PHMSA to allow operators
7 and state regulators to employ alternative leak
8 classification systems. Senator Cruz, et al.
9 asserted that PHMSA exceeds statutory authority
10 by mandating the repair of all leaks.

11 Multiple industry representatives
12 urged PHMSA to provide a clear and technically
13 feasible distinction between a leak that poses
14 an existing or probable hazard to persons and
15 property and one that represents a grave hazard
16 to the environment. An industry trade stated
17 that it does not recognize pipeline leakage as
18 a grave environmental hazard.

19 NAPSR and multiple operators urged
20 clarification of the term significant hazards
21 to the environment. Multiple industry trades
22 and operators expressed support for limiting

1 grading requirements to confirmed leaks and not
2 merely investigations of leak indications.

3 Another operator requested that
4 PHMSA clarify that within a given leak grade,
5 an operator is permitted and in fact encouraged
6 to prioritize leaks that are a hazard to public
7 safety.

8 Another operator was asking PHMSA to
9 clarify the intent of investigated immediately
10 and continuously, as this operator uses mobile
11 leak detection at night and operators are
12 concerned that the little interpretation would
13 require deployment of leak surveyors in
14 driveways and yards at night.

15 Multiple industry trades and GPTC
16 asserted that the proposed requirements should
17 provide operator flexibility to eliminate the
18 leak with immediate and continuous action
19 without grading the leak first. Grading all
20 leaks would delay repair and risk mitigation
21 solely for the purpose of recordkeeping at the
22 expense of public safety.

1 A trade association stated that the
2 leak grade should refer to percent gas instead
3 of percent LEL as the LEL could be unique to
4 each operator, unlike percent gas. PHMSA
5 notes, PHMSA will clarify grading requirements
6 for immediate repairs in the final rule. PHMSA
7 notes that the introductory language was
8 intended to be descriptive and not an actual
9 grading criteria.

10 PHMSA also does not intend to
11 restrict an operator's ability to grade and
12 repair leaks in a more conservative or
13 expeditious manner. PHMSA will consider
14 allowing operators to separately report leaks
15 that are repaired immediately from grade 1
16 hazardous leaks.

17 Comments on grade 1 leaks. Pipeline
18 Safety Trust expressed general support for the
19 proposed grade 1 leak provisions. An operator
20 stated that only grade 1 leaks should be
21 considered hazardous.

22 Multiple industry representatives

1 expressed opposition to the seen, heard, or
2 felt criterion. Commenters noted that as
3 proposed, it deviates from the GPTC guidance
4 and could bump every leak up to a grade 1
5 classification. In addition, PHMSA failed to
6 explain how this serves as a proxy for
7 potentially significant environmental or safety
8 consequences.

9 GPTC noted that PHMSA added in more
10 conservative language such as could migrate,
11 which could lead regulators to interpret any
12 leak as a grade 1 leak. Industry expressed
13 concern regarding grading leaks by feel as
14 unsafe. NAPSR requested PHMSA clarification on
15 how the grading criteria would apply to toxic
16 and corrosive gases that are not flammable.

17 Pipeline Safety Trust on grade 2
18 leaks. Pipeline Safety Trust expressed general
19 support for the proposed grade 2 leak
20 provisions. A leak detection company expressed
21 support for including a flow rate threshold in
22 the grade 2 leak criteria.

1 Multiple industry trades and
2 operators noted a discrepancy between requiring
3 a leak detection tool with a parts-per-million
4 determination -- threshold and then using leak
5 flow rate for leak grading. The commenters
6 were concerned that the two units are not
7 comparable or convertible.

8 Environmental advocacy groups
9 documented three operators who implemented
10 survey programs targeting high-emitting leaks
11 defined as ten standard cubic feet per hour or
12 less.

13 GPTC and multiple operators,
14 industry trades opposed the proposed
15 ten-cubic-foot-per-hour leakage rate
16 requirement, commenting that it is not feasible
17 for practical application. The technology has
18 not yet evolved to the point of accurately and
19 consistently measuring flow rates. Grading all
20 leaks would be nearly impossible due to the
21 number of leaks and their location below grade.

22 An operator added that the equipment

1 used for measuring flow rate does not provide
2 precise or instantaneous readings. And another
3 operator noted tools that can accurately
4 determine a below-grade flow rate are not
5 widely available.

6 Another operator requested PHMSA
7 consider allowing operators to estimate flow
8 rates based on other information, as most
9 commercially available equipment will not
10 determine a flow rate.

11 Another operator and an industry
12 trade said it is inappropriate for PHMSA to
13 govern the methodologies used to calculate
14 leakage rate or leak extent. And an operator
15 asserted that requiring a measurement of
16 emission rates during leak grading would be
17 inappropriate.

18 Industry trades proposed a grade 2
19 leak would meet either of the following: a flow
20 rate of ten cubic feet per hour or greater,
21 leak extent, land area affected by gas
22 migration of 2,000 square feet or greater.

1 PHMSA notes that the preamble of the
2 proposed rulemaking discussed an alternative
3 based on gas migration extent which has been
4 adopted by the Commonwealth of Massachusetts
5 and mirrors the alternative recommended in
6 public comments.

7 Multiple trade groups and industry
8 representatives expressed opposition to
9 excluding transmission and type A and type C
10 gathering lines from grade 3 classification,
11 noting it is inconsistent with GPTC guidance
12 and that PHMSA does not explain why this
13 classification is prohibited.

14 Industry trade groups suggested that
15 PHMSA allow grade 3 classification for LPG
16 leaks either in general or specifically for
17 above-ground leaks. Multiple environmental
18 advocacy groups support that all leaks on
19 transmission lines and type A and C gathering
20 lines are graded at a minimum of grade 2 due to
21 the higher risk of rupture on higher stress
22 level lines.

1 PHMSA notes, PHMSA requests
2 Committee recommendation on allowing grade 3
3 leak classification for gas transmission, type
4 A and type C regulated gas-gathering, and LPG
5 pipelines. The minimum grade for gas
6 transmission and type A and type C regulated
7 gas-gathering pipelines was proposed due to the
8 higher operating stress levels of such
9 pipelines.

10 Additionally, for gas transmission
11 pipelines, PHMSA understood that operators
12 typically repaired leaks when found. PHMSA
13 notes that the GPTC guidance requires pipelines
14 operating at 30 percent SMYS or greater in
15 higher-consequence locations, for example class
16 3 or 4, to be classified as grade 2. Grading
17 of hydrogen will be addressed separately.

18 As far as recordkeeping, NAPSR
19 contends that records associated with the
20 complete history of the investigation and
21 grading of each leak must be maintained for the
22 life of the pipeline if the repaired component

1 is still in service.

2 MR. YORK: Good afternoon. David
3 York, PHMSA. I'll review the comments specific
4 to repair time lines.

5 General comments received included
6 from the Attorney General of New York et al.
7 expressed support for the repair time frames as
8 the requirement struck a middle ground between
9 GPTC's recommendations and, in some cases, more
10 stringent state requirements.

11 Multiple operators expressed support
12 for retaining the current leak repair
13 requirements, and an industry representative
14 asked for current GPTC leak repair deadline
15 guidance to be used.

16 In addition, operators and industry
17 trades expressed concern at the expedited leak
18 repair requirements as it would move operators
19 to a reactive leak mitigation and would
20 adversely impact pipeline replacement
21 activities or other higher-risk initiatives.

22 A form letter campaign, senator, and

1 multiple public and environmental advocacy
2 groups suggested requiring leak repair within a
3 month. An elected representative expressed
4 general support for the leak repair time lines.

5 Environmental advocacy organizations
6 commented that emission modeling demonstrates
7 that the proposed repair requirements could
8 triple the emission reductions compared to the
9 legacy repair rules. They also listed several
10 states with repair standards that meet or
11 exceed the time lines proposed in the NPRM,
12 demonstrating that the proposed standards are
13 practicable.

14 An operator anticipates that the
15 proposed requirements to repair very small
16 leaks would be a financial burden to small
17 operators with little safety or environmental
18 benefit.

19 Specific to grade 1 repair time
20 lines in proposed 192.760(b), Pipeline Safety
21 Trust expressed general support for the grade 1
22 leak provisions. An individual commenter

1 alleged that PHMSA didn't clarify the meaning
2 of promptly.

3 And an operator expressed that PHMSA
4 should clarify that immediate and continuous
5 action is no longer required after the repair
6 has been made, but the post-repair inspection
7 or recheck has not yet verified completion.

8 Specific to grade 2 leak repairs in
9 192.760(c), an industry trade group suggested a
10 12-month repair time frame as a shorter
11 interval could be impracticable to meet due to
12 weather, resources, or other constraints. This
13 would allow operators the ability to bundle
14 projects.

15 An operator expressed that the
16 six-month proposed time frame would present
17 significant challenges and instead proposed a
18 36-month interval. An industry trade group
19 stated that the proposed grade 2 repair time
20 frame would disproportionately impact the
21 Alaskan North Slope due to extreme climate
22 conditions in the winter months.

1 Continuing with grade 2, Pipeline
2 Safety Trust and Attorney General of New York
3 et al. supported the grade 2 leak provisions
4 and repair time lines. A state regulator
5 requested that PHMSA clarify if quantifying
6 leak rates was necessary if an operator
7 repaired all grade 2 and grade 3 leaks within
8 the grade 2 repair time frame.

9 There were multiple operators that
10 expressed concern about the proposed time lines
11 to repair grade 2 leaks. An individual
12 commenter suggested a 30-day repair time line
13 for grade 2s. And industry trades opposed the
14 requirement for operators to define a 30-day
15 repair criteria for certain grade 2 leaks
16 within their procedures.

17 Regarding grade 2 extensions, an
18 operator stated that the grade 2 repair and
19 replacement time line should permit for
20 extensions as soon as practicable for
21 uncontrollable challenges.

22 There were multiple operators and

1 industry representatives that asked for
2 extended time lines on grade 2 repairs in the
3 event that pipe segments have been scheduled
4 for future replacement. An industry trade
5 suggested extending the repair exception to
6 grade 2s for pipelines where replacement is
7 scheduled to be completed within five years.

8 GPTC and two operators suggested
9 extending the repair deadline for transmission
10 lines in highly populated areas from 30 to 90
11 days with allowances for additional delay in
12 instances where permitting, material
13 acquisition, and system constraints prevent
14 repair within 90 days.

15 Industry trades expressed that the
16 requirement for all known grade 2 leaks to be
17 repaired within one year of the publication
18 date should instead be changed to within 36
19 months of the effective date of the final rule.

20 PHMSA notes that it's requesting the
21 Committee recommendations on the proposed
22 repair time lines for grade 2 leaks, and also

1 that the GPTC repair recommendations require
2 that grade 2 leaks were repaired within 15
3 months.

4 Concerning the weather in 192.760(c)
5 on grade 2, multiple operators, industry
6 trades, and industry representatives stated
7 that parts 192.723(e) and 192.760(c)(5) are
8 redundant regarding mitigating the risks
9 associated with environmental change.

10 An operator expressed concern with
11 the requirements to repair grade 2 leaks ahead
12 of the environmental changes, and most of those
13 events are unpredictable. This requirement in
14 essence uprates a grade 2 to a grade 1.

15 An operator stated that
16 investigating grade 2 leaks in areas vulnerable
17 to environmental changes is more prudent. An
18 industry trade's comments in response to
19 leakage survey requirements suggested replacing
20 the proposed repair requirement within the leak
21 investigations proposed in 192.723.

22 PHMSA notes here it's requesting

1 that the Committee discuss if investigation
2 rather than immediate repair of a grade 2 leak
3 addresses the potential risks associated with
4 environmental changes that could impact gas
5 migration. Also, it notes that uprating
6 requirements would apply should a hazardous
7 condition be discovered through the course of
8 an investigation.

9 Specific to grade 3 leaks in
10 192.760(d), the Attorney General of New York et
11 al. and the Pipeline Safety Trust expressed
12 support for the proposed grade 3 repair time
13 lines. Multiple public and environmental
14 advocacy groups stated that a proposed two-year
15 time frame is wholly inadequate.

16 An industry representative said they
17 were unaware of the safety rationale requiring
18 operators to repair grade 3 leaks. A commenter
19 said that environmental and safety analysis
20 should be conducted.

21 Multiple industry trades said that
22 rulemaking should focus on larger emitting

1 leaks rather than repairing all of the grade 3
2 leaks. A leak detection technology provider
3 proposed a minimum emission rate greater than
4 one-half cubic foot an hour. An operator
5 suggests PHMSA consider allowing lower priority
6 grade 3 leaks to be monitored instead of
7 requiring repair.

8 An operator suggested that PHMSA
9 allow grade 3 leaks repair time lines to be
10 extended to as soon as practicable. Industry
11 trades proposed that grade 3 leaks should be
12 repaired in 36 months rather than the 24 months
13 proposed. An industry trade supports the
14 repair exception for grade 3 leaks on pipelines
15 that are scheduled for replacement, but
16 suggested that you extend the deadline from
17 five to ten years.

18 There were numerous public and
19 environmental advocacy groups, including the
20 Environmental Defense Fund and multiple form
21 letter campaigns, that urged PHMSA to remove or
22 reduce the exemption for repairing

1 soon-to-be-replaced pipes.

2 Environmental advocacy groups
3 commented that PHMSA should require operators
4 to consider pipe retirement in addition to
5 replacement or remediation as an option for
6 addressing leaks that are hazardous to the
7 public safety or the environment.

8 PHMSA notes, PHMSA is requesting the
9 Committee recommendations regarding the repair
10 time line for grade 3 leaks in general and for
11 those scheduled for replacement.

12 On the post-repair inspections in
13 192.760(e), there were multiple industry trades
14 and operators said delayed post-repair checks
15 were only necessary in cases where the leaks
16 permeated surrounding soil. A zero percent
17 reading can be made immediately after repairs
18 in most cases and should be permitted.

19 Multiple operators and an individual
20 commenter said the 14-day period would cause
21 resource constraints, inflate operating costs,
22 and redundancy. And the commenter suggested

1 allowing immediate repair confirmation to be
2 permitted through approved methods.

3 An industry trade said that the
4 offshore gathering lines should be exempt from
5 post-repair requirements as the post-repair
6 checks would be challenging underwater.
7 Environmental advocacy groups suggested
8 defining a successful repair based on the
9 proposed ALDP performance standard.

10 An industry trade said that a
11 zero-percent standard was contradictory as
12 repairs would continue to be made even though
13 the leaks are below the proposed five parts per
14 million sensitivity standard. The commenter
15 suggested that part 192.760(e) be revised to
16 account for this contradiction, as well as
17 environmental factors that might prohibit a
18 reading of zero percent such as swamp bogs.

19 Multiple industry trades and
20 operators commented that post-repair rechecks
21 to be completed between 12 and 72 hours after
22 repair not be required for leaks eliminated

1 through routine maintenance work. And they
2 added that reinspection is only needed for
3 completed repairs with subsurface gas
4 indicators.

5 Industry trades said that offshore
6 transmission lines should be exempt from
7 post-repair requirements as post-repair checks
8 would be challenging underwater. Industry
9 trades proposed the following actions in
10 response to a recheck. If a zero percent
11 reading is obtained, then the leak repair
12 should be considered complete. If gas
13 concentration is shown to be lower than the
14 previous reading, then a follow-up should be
15 scheduled within 30 days and repeated monthly
16 until a zero percent reading is obtained. If
17 the gas concentration reading is greater than
18 the previous reading, then the leak must be
19 investigated and repaired.

20 PHMSA notes that it will provide
21 clarification in the final rule concerning
22 recheck requirements to address these comments.

1 On the upgrading and downgrading
2 found in parts 192.760(f) and (g), there were
3 multiple operators and industry trades
4 suggested downgrading be permitted for leaks
5 that are erroneously graded through operator
6 error and proposed taking actions under subpart
7 N if this should occur.

8 An operator added that the
9 prohibition on downgrading ignored the fact
10 that venting could lessen the severity of a
11 leak.

12 An industry trade referenced the
13 prohibition on downgrading unless temporary
14 repair had been made, but said that the
15 temporary repairs would not be allowed for
16 grade 1 leaks. The commenter suggested a
17 clarification that temporary repairs would be
18 allowed for grade 1 leaks.

19 PHMSA notes here that they intended
20 for temporary repairs pending a permanent
21 repair to be allowed for all leak grades.

22 On repair extensions in 192.760(h),

1 there were multiple industry trades and
2 operators expressed that the ad hoc extension
3 for grade 3 leaks under 192.18 should also be
4 applicable to grade 2 leaks. An operator and
5 an individual commenter stated that there
6 should not be a notification process for
7 extended time on grade 3 repairs.

8 On recordkeeping, an operator said
9 that it supported the application of the
10 proposed requirements to buried gas pipelines,
11 but not for above-ground facilities, that it
12 would lead to a high administrative burden and
13 costs.

14 Absent a definition in the rule,
15 industry trades suggested that the term leak
16 investigation be removed.

17 Multiple operators expressed
18 opposition to the new record retention
19 requirements, reasoning that they were
20 confusing and contradicted other record
21 retention requirements. An industry trade
22 supported a modification of the retention time

1 frame for transmission and distribution to ten
2 years to align with DIMP requirements.

3 NAPSRS suggested investigation and
4 grading records instead should be maintained
5 for the life of the pipeline if the repaired
6 pipeline remains in service. And an individual
7 commenter suggested a record retention of five
8 years or less, and referenced the EPA's
9 requirements as an example.

10 PHMSA notes that it did not intend
11 to impose duplicative, contradictory
12 recordkeeping requirements and will address any
13 overlap in the final rule.

14 On the preliminary regulatory impact
15 analysis, the Attorney General of New York et
16 al. commented that measures adopted by several
17 states demonstrate that the feasibility of the
18 proposed changes to leak grading and repair
19 criteria.

20 Multiple industry trades asserted
21 that PHMSA didn't quantify the safety benefits
22 of the proposed leak grading and repair

1 criteria. Additionally, industry trades
2 asserted that PHMSA didn't consider leak
3 grading and repair criteria alternatives in the
4 PRIA.

5 An industry trade group asserted
6 that the description of grade 1 and grade 2
7 leaks is inconsistent between the NPRM and the
8 PRIA language. According to the commenter, it
9 is not clear whether costs and benefits of the
10 grade 1 proposals were assessed.

11 Multiple operators expressed that
12 the cost of repairing a leak at \$5,650 is
13 incorrect. Leaks depending on the system type
14 and location can cost substantially more to
15 repair. The PRIA assumes that the proposed
16 leak grading and repair requirements are
17 generally consistent with existing practices of
18 gas-gathering and transmission operators when
19 that is clearly not the case.

20 The proposed grade 1 criteria would
21 include any leak that can be seen, heard, or
22 felt, and would effectively supersede all other

1 criteria and make every leak on a pipeline a
2 grade 1. In addition, timing of pipeline
3 repairs have been expedited.

4 Industry trades alleged that PHMSA
5 assumes significant environmental benefits
6 without accounting for the cost and greenhouse
7 gas emissions of fixing small grade 3 leaks.
8 Industry trades provided an estimation of the
9 costs associated with the changes to
10 post-repair inspections. The association said
11 that its estimations for annual cost far
12 exceeds PHMSA's estimated cost.

13 PHMSA notes here that it will
14 consider the comments and update the PRIA as
15 appropriate. This concludes PHMSA's response
16 to the comments on leak grading and repair.

17 So specific topics raised by
18 commenters that PHMSA is requesting Committee
19 recommendations are, in general, grading of
20 leaks, toxic and corrosive but not flammable
21 gases, the repair timing for leaks existing
22 prior to the effective date of the rule.

1 Specific to grade 2 criteria,
2 grading for gas transmission and above-ground
3 LPG pipelines, the ten-cubic-foot-per-hour
4 criteria and potential alternatives.

5 On grade 2 repair time lines, a
6 six-month repair time line for grade 2 leaks in
7 general, a 30-day repair time line for
8 operators to find priority repair criteria, a
9 30-day repair time line for transmission lines
10 in a high-population area, and extensions of
11 grade 2 repairs.

12 Specific to grade 3 repair time
13 lines, the 24-month general repair time line
14 and a five-year time line for pipelines
15 scheduled for replacement.

16 MR. DANNER: All right. Thank you
17 very much. We will now begin the public
18 comment. I ask people who wish to comment on
19 leak grading and repair to please line up on
20 the right side.

21 I'm going to have to step out for a
22 few minutes, and Commissioner Burman will chair

1 the Committee in my absence. I'll be back as
2 soon as I can.

3 MS. BURMAN: All right. Everybody
4 is here. We're going to start with public
5 comments.

6 A couple of things just to level
7 set. We do have a lot of people. I'm going to
8 give each of you two to three minutes maximum.
9 State your name and your association, and
10 you're ready to go.

11 MR. LAMBERT: Great. Thank you.
12 Good afternoon. My name is Jason Lambert. I'm
13 a staff regulatory compliance specialist for
14 Williams Companies, an INGAA member company.
15 My comment is regarding the proposed language
16 that does not allow a transmission system to
17 classify a non-hazardous leak to people or
18 property as a grade 3 leak.

19 By prohibiting the use of a grade 3
20 leak classification, a transmission operator is
21 forced to categorize all non-hazardous leaks to
22 people or property as grade 2 leaks, thereby

1 requiring, as proposed, a leak repair within
2 six months.

3 This is concerning for Williams and
4 fellow INGAA operators. It is important to put
5 this concern into context and the likely
6 unintended consequences of this prohibition.

7 A plausible leak scenario that I
8 will now describe illustrates the consequences
9 caused by repairing a non-hazardous leak on a
10 transmission pipeline and how the emissions
11 caused to repair the leak will far exceed the
12 emissions caused by the leak itself when
13 awaiting repair, even if the leak is not
14 repaired by the INGAA-recommended 36-month
15 repair time frame for grade 3 leaks.

16 The plausible hypothetical scenario
17 involves a leak on a 36-inch gas transmission
18 block valve, which is your average gas
19 transmission diameter, that requires an
20 operator to isolate and blowdown a 15-mile
21 class 2 line segment on either side of the
22 block valve.

1 The leak rate is 10 cubic feet per
2 hour and can be heard. With the NPRM, the
3 transmission operator has to treat this as a
4 grade 2 leak and repair within six months.

5 The pipeline operates at 700 pounds.
6 The segment holds 53 million cubic feet when
7 operating at 700 psi. To comply with 192.770,
8 the operator would have to reduce the blowdown
9 volume to meet the 50-percent reduction
10 requirement.

11 This would technically allow the
12 venting of 27 mmcf to atmosphere. At ten cubic
13 feet per hour, this would take 308 years for
14 that leak to vent the same amount of gas as the
15 blowdown to fix the leak in six months.

16 Currently Williams is implementing
17 an internal operational standard to reduce the
18 blowdown emissions by at least 80 percent.
19 Thus, in this scenario, Williams would reduce
20 the blowdown volume to 11 mmcf to be left in
21 the line that would be vented to atmosphere.
22 It would take more than 125 years for the

1 ten-cubic-feet-per-hour leak to vent the same
2 amount of gas as the blowdown required to fix
3 the leak.

4 Further, in many areas and when
5 feasible, Williams targets a 50 psi line
6 pressure reduction through recompression prior
7 to blowdown. At 50 psi, the line has 3.8 mmcf
8 left to be vented to atmosphere. At the
9 ten-cubic-feet-per-hour leak, it would take 41
10 years to vent the same amount of gas as the
11 blowdown required to fix the leak.

12 This hypothetical yet plausible
13 example demonstrates that, assuming the leak
14 does not pose a hazard to the public,
15 transmission operators will be faced with
16 venting more gas to fix a leak than the leak
17 itself would generate over tens or even
18 hundreds of years. That is the reality faced
19 with prohibiting transmission operator from
20 classifying leaks as grade 3.

21 Providing more time for repair, such
22 as the INGAA-proposed maximum three years for

1 grade 3 leaks, allows operators to bundle leak
2 repairs the next time the line segment is down
3 for maintenance or construction projects.

4 This will ultimately improve the
5 reduction of greenhouse gas emissions and be
6 more efficient for the operator. PHMSA should
7 allow transmission operators to utilize grade 3
8 leak classification with a minimum repair time
9 of 36 months. Thank you.

10 MS. BURMAN: Okay, great. That was
11 a little over three minutes. I'm going to give
12 folks that ability, but I'm going to weigh in
13 if you start to go past that. And I do have
14 this.

15 MS. KURILLA: Hi. Erin Kurilla,
16 American Public Gas Association, two separate
17 but short comments.

18 The first is I want to thank PHMSA
19 for their recognition that not all operators
20 have tools in their tool box to measure the
21 flow rate. I think we all talked about that
22 pretty ad nauseam this morning. So the option

1 to do both a leak extent per Massachusetts
2 regulations as well as -- or I should say, or
3 measuring the ten cubic feet per hour is an
4 important distinction.

5 I would ask the Committee to
6 consider a third alternative, which is an
7 alternative way of measuring the significance
8 of that leak, because we just never know what
9 technology might be around the corner.

10 It might make sense to have
11 something as a placeholder in the regulations.
12 So either ten cubic feet per hour, a leak
13 extent of 2,000 square feet or greater, or
14 another methodology that the operator might
15 determine measures that significance in a
16 similar way.

17 My second comment pertains to the
18 repair time lines on pipelines scheduled for
19 replacement. Just in case some members of the
20 Committee are unaware, PHMSA now has a Natural
21 Gas Distribution Infrastructure Safety and
22 Modernization Grant Program.

1 It is a grant program for our public
2 gas utilities to replace leak-prone pipe. The
3 period of performance for that grant program is
4 five years. However, even the 2022 grant award
5 winners have yet to sign their grant execution
6 agreement because it undergoes a pretty
7 extensive environmental review process.

8 Saying that, as proposed in this
9 rule, there are individual entities that may
10 have PHMSA grant dollars to replace pipe that
11 would still have to repair leaks on those pipes
12 given the current time frame allowed by the
13 rule.

14 And so I just want to make sure
15 we're thoughtful on the fact that we will be
16 spending -- and inherently this grant program
17 is limited to only community-owned gas
18 utilities. So what we would be doing is we'd
19 be taking customer dollars to repair leaks on
20 pipe that then PHMSA grant dollars will then
21 replace.

22 That just seems a little bit like a

1 lack of efficiency. So I just want the
2 Committee to consider lengthening that time
3 line for pipe scheduled for replacement. Thank
4 you.

5 MS. BURMAN: Thank you. You were
6 under two and a half minutes, so good.

7 MS. SAXMAN: Good afternoon.
8 Annette Saxman, National Grid. I'm going to be
9 talking about leak grading and classification.

10 On type 1 leaks, any leak that can
11 be seen, heard, or felt is subjective and
12 should not be referenced in leak
13 classification. Regarding type 2 leaks, not
14 utilizing proximity to building wall creates an
15 arbitrary criteria with sidewalk being
16 referenced or could migrate language. In rural
17 areas, there may be no subsurface structures or
18 sidewalks. Again, proximity to buildings
19 should be utilized.

20 For type 3, flow rate or extent can
21 be utilized as a supplemental data point to
22 prioritize type 3 leaks as high emitters,

1 addressing environmental risk aligned within
2 DIMP. We have been utilizing extent for
3 several years with success as a complementary
4 method to existing classification for repair
5 priority.

6 For follow-up recheck, exemptions
7 need to be provided such as third-party
8 damages, entire replacement of leaking
9 facility, valve lubrication, et cetera.

10 Rather than get into the concerns
11 line by line of the proposed language in the
12 NPRM, PHMSA should consider impact of overly
13 prescriptive language and the knock-on effect
14 to existing, proven, well-established, state
15 classification models like the one in New York,
16 which we have adopted for our Massachusetts
17 territory.

18 A change to classification would
19 result in the need to retrain and requalify
20 over 4,000 employees at National Grid. Leak
21 investigation is what we consider our
22 bread-and-butter work that for public safety we

1 have to get right.

2 Time much longer than six months
3 would be needed to make changes to training,
4 OQ, and IT systems that capture leak
5 investigation data, which are based upon
6 current classification models. Thank you.

7 MS. BURMAN: Under two minutes.
8 Thanks.

9 MR. TREMBERGER: Robert Tremberger
10 with Con Edison, also on leak grading. There
11 will some similarities. I'll try not to
12 repeat.

13 Con Edison's leak grading system is
14 aligned with that of New York State's public
15 safety regulations. It uses gas and air
16 measurements in proximity to buildings, which
17 makes public safety paramount, especially in
18 the urban environments within which we exist.

19 ConEd's got well-established
20 procedures, software systems, trainings, OQ
21 programs that are all aligned with this New
22 York State classification system that's been

1 used for well over three decades.

2 Shifting to a new classification
3 system not only would be a detriment to public
4 safety and pipeline safety in New York, but
5 would also require a massive cultural and
6 procedural shift with little or no safety value
7 for -- safety benefit. And as mentioned, it
8 would be much more than six months to execute
9 that.

10 The environments in which utilities
11 operate is vastly different throughout the
12 country. Our assets are vastly different. So
13 a single classification system is impractical
14 to require and even harder to successfully
15 implement.

16 Therefore, a fit-for-purpose
17 classification system designed by state
18 regulators should be considered as an
19 alternative to the current proposal. Thank
20 you.

21 MS. BURMAN: Thank you. Only a
22 little over a minute, so good.

1 MR. CARRE-BURRITT: Hello. Asa
2 Carre-Burritt with Bridger Photonics. So my
3 comments largely reflect those ones that we
4 heard from Williams, but I want to provide
5 additional context from the perspective of leak
6 detection.

7 So ten kilograms per hour for
8 methane, that's about 540 standard cubic feet
9 per hour. So that's a good point of reference.

10 So essentially, we want to avoid a
11 situation where we're disincentivized from
12 detecting more emissions. The ten kilograms
13 per hour that we discussed is supposed to be a
14 floor and not a ceiling for leak detection.

15 So if we are required to fix every
16 single leak that we detect, that could provide
17 an unintentional consequence of preventing more
18 sensitive leak detection and technology
19 innovation. So let's be really conscious of
20 that.

21 So in cases where we detect leaks
22 that do not pose a hazard to personal safety

1 and are more of an environmental concern, we
2 want to start looking at what are the potential
3 environmental ramifications of repairing these
4 leaks.

5 For a gathering infrastructure, we
6 might want to consider increased venting and
7 flaring upstream of that pipeline, as well as
8 the maintenance operations required to repair
9 those leaks.

10 Oil and gas emissions tend to follow
11 these skewed distributions. For example, log
12 normal distributions where there's much larger
13 numbers of leaks the smaller the leak rate you
14 go. So if you have a more sensitive
15 technology, you find a lot more leaks. And if
16 you're not benefitting the environment by
17 repairing those leaks, that's a problem for
18 rulemaking, and you're preventing technology
19 innovation leak detection. Thank you.

20 MS. BURMAN: Thank you. Next?

21 MR. LANG: Good afternoon. My name
22 is Kevin Lang. I'm the Director of Engineering

1 Services for Southwest Gas Corporation.

2 Just briefly here, Southwest Gas is
3 a longstanding adopter and supporter of GPTC
4 guidance material, which provides natural gas
5 operators guidance for leak classification and
6 action criteria, including defining grade 1, 2,
7 and 3 leaks.

8 Southwest Gas utilizes grade 2 and 3
9 leak criteria primarily to prioritize the
10 repair of non-hazardous leaks. We firmly
11 believe that that prioritization is very
12 important.

13 I'm going to say that because this
14 ties to, I think, the definition of making a
15 leak or any leak a hazardous leak. That's
16 important because very similar to what we talk
17 about all the time in integrity management, if
18 you make everything a priority, nothing becomes
19 a priority.

20 I don't mean that in a disadvantaged
21 way, but it really is working with limited
22 resources and trying to manage the effective

1 leaks that we have out there. And Southwest
2 Gas, for one, manages our leaks very much so by
3 repairing them in a timely fashion.

4 We also believe that PHMSA must
5 provide a very clear and technically feasible
6 distinction between a leak that poses an
7 existing or probable hazard to persons and
8 property and one that represents a grave hazard
9 to the environment.

10 My final comment is on actually a
11 portion of the preamble language with the lower
12 explosive limit. PHMSA creates a potential
13 regulatory uncertainty within the preamble by
14 asserting that natural gas has a lower
15 explosive limit or LEL of five percent.

16 While this is generally accurate for
17 pure methane gas, natural gas flammability
18 limits vary based upon tariff-allowed levels of
19 ethane, butane, and other constituents. This
20 may produce operator-specific LELs that range
21 between four and five percent. Thank you.

22 MS. BURMAN: Thank you. Less than a

1 minute and a half.

2 MS. TOCZYLOWSKI: Hello. Lauren
3 Toczykowski from ConEd. My comments are on
4 post-repair inspections.

5 Part 192.760(e)(4) provides minimal
6 exceptions to when a post-repair inspection
7 would be required. Con Edison would like to
8 highlight the additional exceptions to a
9 post-repair inspection that Con Edison has in
10 our procedures as well as in New York
11 regulation.

12 Quote, follow-up inspections are not
13 required for leak repairs completed by the
14 replacement or insertion of the entire length
15 of pipe or service line or for the repair of
16 leakage caused by contractor or third-party
17 damage, provided a complete re-evaluation of
18 the leak area after completion of repairs
19 verifies that no further indications of leak
20 exist.

21 So when the repair action is the
22 complete elimination of the pipeline which

1 previously leaked, then the requirement to
2 perform a post-repair inspection is not
3 necessary and would just be burdensome. Thank
4 you.

5 MS. BURMAN: Thank you. Less than a
6 minute.

7 MS. BYRNES: A hard act to follow.
8 Corinne Byrnes, National Grid. This is with
9 respect to leak repair of grade 3 leaks, cost
10 and time line. Operators in the Northeast face
11 unique challenges --

12 MS. BURMAN: And if you could just
13 speak up?

14 MS. BYRNES: Sure. Can you hear me
15 better? Operators in the Northeast face unique
16 challenges replacing leak-prone pipe. The
17 natural gas infrastructure in our region, much
18 of which was converted from manufactured gas in
19 the 1950s, is among the oldest in the nation.

20 We currently operate a gas
21 distribution system that includes approximately
22 23 percent leak-prone pipe. National Grid's

1 7,440 miles of LPP includes cast wrought iron,
2 unprotected steel, legacy plastic, and about
3 328,000 unprotected and copper surfaces.

4 The company also operates in a
5 densely populated urban community including
6 Brooklyn, Queens, Staten Island, and Boston,
7 where main and service replacement work is more
8 complicated than in suburban or rural areas due
9 to underground utility congestion, heavy
10 traffic, restricted work hours, and number of
11 customer services per mile of main necessary to
12 replace or transfer segments of LPP.

13 Often we're limited in the scope of
14 work that we can perform by municipal work
15 restrictions. These factors impact the rate at
16 which we can perform LPP replacement.

17 National Grid's leak rates for LPP
18 are 14 to 75 times higher than that of non-LPP
19 mains depending on the operating company. The
20 LPP pipe will continue to leak regardless of
21 the number of repairs performed. It's more
22 effective to replace the pipe with new

1 infrastructure to ensure both risk and
2 emissions are eliminated.

3 Through our rate case and capital
4 tracking programs, National Grid has retired
5 about 3,000 miles of LPP pipe since 2013,
6 reducing our LPP inventory by 30 percent. Our
7 leaks have been reduced by 50 percent over the
8 past seven years due to this and a
9 multi-faceted program that includes LPP
10 replacement, targeted rehabilitation, and leak
11 repairs, especially around eliminating
12 high-emitting grade 3 leaks.

13 The cost to repair existing leaks
14 within a reasonable time frame is estimated to
15 be around \$180 million. In addition, the leak
16 repair process is not emission-free. Our
17 analysis has shown that depending on the
18 strata, the emissions from a leak repair could
19 be equivalent to 20-plus leaks emitting for a
20 year.

21 We do acknowledge that a repair
22 schedule should be set for grade 3 leaks.

1 MS. BURMAN: You're just about to
2 run out of time.

3 MS. BYRNES: Okay.

4 MS. BURMAN: Thanks.

5 MS. BYRNES: If the NPRM goes
6 through as is, we will be forced to request
7 enforcement discretion from our state
8 regulators in one or more operating areas.

9 With respect to grade 3 leaks, the
10 company recommends allowing operators to
11 categorize environmentally significant leaks
12 within two years and other type 3 leaks within
13 five years, or a pipe replacement program
14 within ten years. Thank you.

15 MS. BURMAN: Great. Thank you.

16 MR. CAREY: Good afternoon. Patrick
17 Carey with Kinder Morgan here on behalf of
18 INGAA.

19 I wanted to put a little more color
20 on the comments I had provided the other day
21 regarding a valve replacement that we had to do
22 in the south side of Houston. It really puts a

1 little more context around the example that
2 Jason provided with more reality rather than
3 the hypothetical situation he provided.

4 Just to recap the situation, this
5 was during an energy-critical time frame in the
6 Houston area in early August. We had
7 discovered a packing leak on a 36-inch valve
8 and scheduled some repairs to accomplish that,
9 but we couldn't do it in that immediate time
10 frame due to the fact that this line segment
11 feeds two different power plants in the area.

12 We managed to work through that,
13 work with a service provider that was going to
14 try and help us repack that valve. When they
15 came out and looked at it, determined that they
16 would have to cut the valve out, bring it to
17 their shop.

18 Luckily, we were able to identify a
19 valve that we had in stock. It happened to be
20 an auto-close valve, so we had to find an
21 operator to go along with that. We had a break
22 in the weather finally in the mid-September

1 time frame and were able to get in there.

2 So from the schedule perspective, we
3 were able to get it done even if it was a grade
4 2. However, that scenario in this particular
5 area and how critical that infrastructure is,
6 it was on the margin.

7 From the context of the regulations,
8 we need to be able to grade this as a grade 3
9 or provide some type of relief that we'd be
10 able to get some notification from PHMSA to be
11 able to work through the timing associated with
12 that. Thank you.

13 MS. BURMAN: Thank you. Under two
14 minutes.

15 MR. HITE: Hello. My name is Matt
16 Hite. I'm with GPA Midstream Association. My
17 first comment is that PHMSA assumed in
18 developing the proposed rule that the leak
19 grating and repair requirements are generally
20 consistent with existing practices of
21 transmission and gathering operators when this
22 is clearly not the case.

1 The proposal departs from
2 longstanding industry practice as reflected in
3 the Gas Piping Technology Committee Guidance.
4 For example, the proposed rule would require
5 operators to treat any leak that can be seen,
6 heard, or felt on a regulated gathering line as
7 a grade 1 leak.

8 The proposed rule would also require
9 operators to treat any leak on the type A or C
10 gathering line that does not qualify as a grade
11 1 as a grade 2 leak. These proposals are not
12 consistent with industry practice or the GPTC
13 guidance.

14 My second comment is that operators
15 of type A and type C gather lines should be
16 allowed to use the grade 3 leak criterion. The
17 proposed rule would prohibit operators from
18 treating any leak on a type A or type C
19 gathering line as a grade 3 leak.

20 This is inconsistent with industry
21 practice in the GPTC guidance. When combined
22 with an accelerated repair deadlines in the

1 proposed rule prohibiting the use of the grade
2 3 leak criteria creates a regulatory framework
3 for type A and type C gathering lines that is
4 impractical.

5 My third comment is the proposal to
6 only treat the repair as being complete when
7 the operator attains a reading of zero percent
8 gas is unjustified. EPA's comparable
9 standards, which PHMSA agrees, should govern at
10 the compressor stations to treat or repair as
11 complete if the gas reading falls below the
12 applicable leak detection threshold.

13 Requiring operators to comply with
14 the more stringent zero percent gas reading
15 requirement is impractical, particularly in
16 environments where other sources of methane
17 emissions are present such as coal mines and
18 wetlands.

19 My final comment is that the
20 proposed lifetime record keeping requirement is
21 unreasonable. EPA only requires repair and
22 calibration records to be maintained for five

1 years or less, not indefinitely. PHMSA
2 proposed lifetime record keeping requirement is
3 unnecessary and unsupported. Thank you.

4 MS. BURMAN: Thank you. Two minutes
5 and 15 seconds. It is not a contest, but thank
6 you

7 MS. PORTER: Good afternoon. Joan
8 Porter, Rhode Island Energy. I'd like to take
9 one quick look at hazardous leaks.
10 Historically we've treated them as life and
11 property. That's how you go after a hazardous
12 leak. Now we're putting environmental on the
13 same level as life and property.

14 We have to be able to separate that
15 out slightly. Not that environmental is not
16 significant. However, we need to take care of
17 the people around us right here, right now,
18 today first, and then deal with the other large
19 leaks. I think that's an important
20 distinction.

21 The other piece is very specific to
22 the Northeast, or actually the northern tier

1 states. You are proposing that we fix leaks in
2 two years, three years, maybe five if you have
3 a leak prone pipe plan.

4 The problem is we have winter so you
5 can't actually get into the streets for two,
6 three, four months a year so that automatically
7 restricts how much time we have to fix our
8 leaks, if we can even get it done in that time.

9 So we've worked heavily with our
10 state regulator to come up with a plan, a
11 leak-prone plan, place replacement plan. It's
12 part of our DIMP program. We're working
13 towards that goal, but that also relies on the
14 fact that we get permits from the towns.

15 Currently we have three towns.
16 We're left with basically half of our leak
17 prone pipe in three towns. If we were to dig
18 up all those grade 3s, that's 50 percent of our
19 grade 3s in those three towns, there would be
20 pot holes on every street. No town is willing
21 to accept that so there has to be some
22 flexibility to work with our state regulators

1 and our towns to make this feasible. Thank
2 you.

3 MS. BURMAN: Thank you. A minute
4 and 40 seconds.

5 MR. ADAMCIK: Hi. Brett Adamcik,
6 CenterPoint Energy. We operate in six states
7 and in one of the states we already perform
8 monthly monitoring on our grade 2 leaks and
9 only two percent of the time do those get
10 upgraded to grade 1.

11 There's two things I'd like the
12 Committee to think about in regards to that.
13 Resource utilization, right? 98 percent of the
14 time could be doing something a little more
15 productive. Also, those were all truck roles,
16 emissions, going out to check those leaks.

17 In regards to the re-check
18 requirement, I just want to ask the Committee
19 to have some discussions. Have some kind of
20 reasonable dialogue around what makes sense.
21 Not necessarily have a catch all. You know, in
22 integrity management, we always think about

1 pipes joint to joint whether it's weld to weld,
2 fusion to fusion.

3 If we replace a whole segment or
4 more of pipe, to us now you have new pipe, new
5 susceptibility to threats, new evaluation of
6 threats, things like that. Just think about
7 that in terms of not a catch all for any type
8 of leak that we need to re-check. Thanks.

9 MS. BURMAN: Thank you. Less than a
10 minute.

11 MR. COYLE: Hello. I'm Keith Coyle
12 speaking for GPA Midstream Association and the
13 American Petroleum Institute. My comments
14 concern the risk assessment for the proposed
15 leak grading and repair requirements for
16 gathering lines.

17 First, with respect to type C lines,
18 PHMSA failed to consider the data that
19 operators are submitting in incident
20 safety-related conditions in annual reports.
21 Ignoring the data that type C gathering lines
22 operators are providing and developing proposed

1 regulations for more than 90,000 miles of
2 pipelines does not promote public safety or
3 protect the environment.

4 PHMSA also failed to consider the
5 unique impact of applying more stringent leak
6 grading and repair requirements to type C
7 lines. Unlike the other pipelines affected by
8 the proposed rule, type C lines only became
9 jurisdictional last year, had initial
10 compliance deadlines that did not run until May
11 of this year, and are subject to an enforcement
12 discretion that does not expire until May of
13 next year.

14 Second, with respect to the other
15 aspects of the risk assessment, PHMSA relied on
16 unreasonable assumptions. For example, PHMSA
17 assumed without adequate supporting evidence
18 that all gathering line operators are repairing
19 leaks within a year and applied the same
20 average leak incident rate to all gathering
21 lines, even though type A, B, and C gathering
22 lines have different compliance histories and

1 operational characteristics.

2 Finally, PHMSA failed to quantify
3 the safety benefits of the proposed rule which
4 are clearly relevant in evaluating the leak
5 grading and repair requirements, particularly
6 for small leaks. Safety considerations clearly
7 outweigh environmental concerns as the size of
8 the leak that must be graded and repaired
9 decreases.

10 MS. BURMAN: Thank you so much. A
11 minute and 40 seconds.

12 MR. MCCRATH: Mike McGrath of
13 Enbridge representing INGAA. I just have a
14 couple comments on some of the proposed
15 definitions. Treating all leaks is hazardous
16 and dilutes the importance of prompt response
17 when there is an immediate risk of property or
18 life or property.

19 Congress clearly acknowledged the
20 existence of non-hazardous leaks in Section 113
21 of the Pipes Act. Congress directed PHMSA to
22 focus on leak detection and repair programs and

1 leaks that are hazardous to human safety or the
2 environment or have the potential to become
3 explosive or otherwise hazardous to human
4 safety.

5 As noted several times during this
6 week, Congress also recognized some leaks are
7 so small that they pose no potential hazard
8 and, therefore, do not need to be repaired.

9 PHMSA's proposal to treat all leaks as
10 hazardous is not consistent with the
11 Congressional mandate.

12 Also confined space. Some operators
13 use OSHA definition in their procedures, INGAA
14 recommended that PHMSA either adopt the OSHA
15 definition straight up, or use a different term
16 like enclosure. Using the same term but
17 defining it differently will create unnecessary
18 confusion and inconsistency in operator's
19 procedures. Thank you.

20 MS. BURMAN: Thank you. A minute
21 and eight seconds. I appreciate everyone's
22 courtesies in keeping with the time.

1 MR. CHICHESTER: Good afternoon.
2 I'm Alan Chichester with the American Gas
3 Association. I just want to take the
4 opportunity to remind PHMSA of Congress'
5 acknowledgment of the importance of identifying
6 and eliminating leak prone pipe through
7 strategic replacement programs, not just as a
8 means of improving pipeline safety, but also in
9 terms of emissions mitigation.

10 This, of course, is articulated in
11 Section 114 of the 2020 Pipes Act. I know
12 PHMSA does recognize the importance and how
13 foundational replacing leak prone pipe is to
14 mitigating emissions.

15 From AGA's standpoint prompt repair
16 of hazardous leaks is and will remain a
17 priority, but I think it's important to note
18 that the newly proposed repair schedules for
19 other leaks cannot be an impediment to
20 replacement of leak prone pipe.

21 Replacement programs require
22 considerable planning and this would include

1 rate case approval, etc. Those replacement
2 projects cannot be easily chopped and changed.

3 Moreover, one off repair of
4 individual leaks, even minor leaks, can be
5 hugely disruptive to customers and communities.
6 PHMSA should preserve and expand exemptions to
7 their strict repair schedules within this
8 rulemaking so that money and resources are not
9 wasted repairing leaks that are due to be
10 eliminated by replacement in the short or
11 medium term.

12 Finally, I'll just say that PHMSA's
13 proposed re-evaluation interval is going to
14 ensure that those leaks, even as we take
15 advantage of the exemption for their
16 elimination through replacement, those leads
17 will continue to be monitored and, if
18 necessary, mitigated prior to that replacement
19 project. Thank you.

20 MS. BURMAN: Great. Thank you.
21 Under two minutes.

22 MR. LONN: Rick Lonn, Director of

1 Compliance for Southern Company Gas. I want to
2 remind everybody we are a large utility,
3 four-and-a-half-million customers and 150,000
4 miles of pipe. I want to raise the issue -- I
5 haven't heard it discussed yet.

6 PHMSA didn't put it up as a topic
7 for discussion, but part of the leak repair and
8 grading is tied to the issue of leak
9 re-evaluation. PHMSA's proposed and more
10 accelerated leak repair, or leak re-evaluation
11 interval, moving grade 2's from once every six
12 months to once a month; moving grade 3's from
13 once every 15 months to once every six months.

14 We've done a lot of internal
15 analysis on this change and I wanted to share
16 the impact just for one operator. We went back
17 and looked at all of our leak repairs for over
18 seven years, 6,080 plus leaks. Right? 6,080
19 plus leaks. Only 3,744 leaks over that period
20 of time had to be regraded. Right? And that's
21 with the six-month and 15-month intervals.
22 That's barely over half a percent. Right?

1 You take the new intervals just from
2 this operator and say go do that now six times
3 as often on your grade 2's, and two-and-half
4 times as often on your grade 3's. That equates
5 out to 44,000 hours a year for us, or over \$3.3
6 million just to go recheck something that
7 doesn't change. Right?

8 These resources could be much, much
9 better spent fixing leaks instead of checking
10 leaks that don't change. I would highly
11 request that you all consider not changing the
12 re-evaluation intervals that exist today.
13 There's no value in it.

14 The second thing I would like to add
15 is, I'm going to use our Georgia operations as
16 an example. Atlanta Gas Light company was one
17 of the first operators in the nation to be able
18 to replace our leak prone pipe. We have the
19 ability thanks to our enlightened commissioners
20 to find a way to get that cost recovery to
21 replace over 2,700 miles of pipe.

22 We did it and it cost over a billion

1 dollars to the rate payers in Georgia. If we'd
2 had to fix all of these leaks in front of it,
3 we would have doubled the cost to the rate
4 payers at that company. Don't go and repair
5 those leaks in front of renewal program. Focus
6 on the renewals. Otherwise, you're going to
7 really hurt the citizens. Thank you.

8 MS. BURMAN: Thank you. Two minutes
9 and 30 seconds. Chair Danner is back so I did
10 a good job.

11 MS. FRIEND: So I don't get timed?

12 (Laughter.)

13 CHAIR DANNER: I'll time you. I'll
14 time you. Thank you.

15 MS. FRIEND: Mary Friend. I
16 represent NAPSRS and approximately 500 state
17 pipeline safety inspectors who oversee 80
18 percent of the nation's pipelines.

19 NAPSRS has a slightly different
20 concern. We are concerned with the 192.18
21 notification requirement to PHMSA for repair
22 extensions and deviations for the repair

1 criteria.

2 State pipeline safety authorities
3 are much more familiar with the operators and
4 their systems within their states. We routinely
5 oversee repairs and pipe replacement programs
6 and ultimately oversee the rate cases that may
7 result from the repairs and replacement
8 programs.

9 We ask -- we are concerned for the
10 decision -- we are concerned that the decision
11 for final determination for deviation should be
12 addressed by the states and not PHMSA. We ask
13 that the states take a bigger role in that
14 determination.

15 As a note, NAPSR would like to put
16 on record that 20 states have stricter leak
17 grading criteria. However, states without
18 codified criteria still expect operators to
19 adhere to the GPTC guidance for grading and
20 repairs. Thank you.

21 MS. BURMAN: Just thanks and, just
22 so you know, Mary, you were under a minute and

1 10.

2 MR. MAURY JOHNSON: Hello. I was
3 hoping to be last but I didn't get to be there.
4 My name is Maury Johnson. Since I wasn't here
5 yesterday, my comments will be somewhat
6 general. We will address the things discussed
7 here today.

8 I live in sacrifice zone of southeastern West
9 Virginia along the path of the Mountain Valley
10 Pipeline.

11 I'm a member of the Protected Water
12 Heritage Rice Coalition, Preserve Monroe, as
13 well as a member of local, regional, and
14 national citizens coalitions dedicated to the
15 protection of our communities and country from
16 the harms caused by the oil, gas, petrochemical
17 industry, and other mega industries.

18 We are the people who pay the
19 external cost I have heard mentioned here
20 several times today. We pay these costs
21 financially, emotionally, often times with our
22 health, and sometimes with our lives. I am one

1 of the very few community members who could
2 attend this GPAC meeting, but I am far from
3 being alone. In the past month, I have
4 attended the PHMSA meeting held here about a
5 month ago.

6 Since then I have attended the West
7 Virginia Environmental Coalition Meeting, the
8 We Refuse to Die Conference in Pittsburgh,
9 Pennsylvania, the Pipeline Safety Trust meeting
10 in New Orleans, as well as over a dozen
11 meetings by Zoom, all at the same time watching
12 the Mountain Valley Pipeline trying to be built
13 across my region.

14 I can assure you that I speak for
15 thousands, or tens of thousands, probably
16 hundreds of thousands of citizens from across
17 Appalachia, the Gulf Coast, the Northeast, the
18 Pacific Northwest, and all across the country.
19 We insist that PHMSA do its Congressionally
20 mandated job to protect the American people and
21 to decrease methane.

22 Since 2014 when the MVP developers

1 first approached me about building a pipeline
2 across my ancestral organic farm, I have become
3 very well educated about the direct harms that
4 pipelines cause both during and after
5 construction. I'm here to make sure my
6 community and all communities who have
7 pipelines impacting them, regardless if they
8 are oil, natural gas, carbon, hydrogen, or
9 other materials, are safe.

10 I would like to ask the Committee to
11 ensure that pipelines have no leaks, leaks that
12 will harmful impacts to people, leaks that in
13 the case of large diameter high-pressure gas
14 pipe line like the one crossing my area, would
15 most likely result in a devastating explosion,
16 an explosion that could take out a rural
17 elementary school, an historic town, or even a
18 small Appalachian city.

19 As an impacted citizen who has a
20 pipeline crossing my farm near my house, across
21 my community, and many places where I live,
22 shop, play, and travel, I would like to ask

1 PHMSA to protect these areas and to adequately
2 monitor these dangerous infrastructure
3 projects.

4 It is PHMSA's mandate by the
5 American public to use their Congressionally
6 mandated oversight to hold companies
7 accountable to officially identify leaks and to
8 quickly repair any leaks found by them and
9 others.

10 I would also like to say in
11 conclusion that I was one of the 30,000 people
12 who signed the environmental group form letter.
13 I know what a sacrifice looks like. Thank you.

14 MS. BURMAN: That was three minutes.
15 That's good.

16 MR. MURK: All right. My goal is
17 under a minute so let's see if I can do that.
18 So Dave Murk with the American Petroleum
19 Institute. My comment concerns the data that
20 PHMSA used in conducting the risk assessment
21 for the proposed leak grading and repair
22 requirements for gas gathering lines.

1 After PHMSA issued the proposed
2 rule, API contracted with Highwood Emissions
3 Management to produce a report analyzing the
4 cost benefit issues for the gathering lines
5 industry.

6 The Highwood report indicates that
7 the average unit cost of repairing leaks is at
8 least three times greater than the assumption
9 that PHMSA used in conducting the risk
10 assessment. The Highwood report also provides
11 separate average unit cost for repairing leaks
12 by grade and includes additional categories of
13 cost that PHMSA did not consider in developing
14 the proposed rule.

15 The Highwood report makes clear that
16 the cost assumptions that PHMSA used in the
17 risk assessment are incomplete and
18 unreasonable. PHMSA underestimated the cost of
19 grading and repairing leaks of all sizes and
20 failed to account for the cost that would be
21 imposed by the accelerated repair deadlines for
22 the proposed rule so PHMSA should consider the

1 cost information provided in the Highwood
2 report and other industry commenters in
3 developing the final rule. Thanks.

4 MS. BURMAN: Just so you know, you
5 didn't get it in in under a minute but it was a
6 minute and 10 so good job.

7 MR. TAYLOR: I'm Eric Taylor, BHE
8 GT&S here on behalf of INGAA. Again, we've
9 talked about grade 3 trying to allow
10 transmission pipelines to utilize that grading
11 criteria. Part of that desire is we are trying
12 to align work with new RIN 1 RIN 2
13 requirements, DVC remediation and confirmation
14 also seeking to align with customer outages so
15 we can minimize customer impacts.

16 One of the comments that I saw from
17 the commenters was that grade 2 should not be
18 allowed for transmission pipelines, but we've
19 said multiple times here today that a lot of
20 these leaks are going to be small leaks on
21 appurtenances, valves, other things like that.

22 Again, it's really not on the

1 pipeline. If we see a leak in the pipeline,
2 more often than not that is going to be graded
3 as a grade 1 and immediately we are going to
4 tackle that.

5 And then just another item as far as
6 immediate repair and validation of repair.
7 We've seen through our OOOO program that if
8 it's a leak that's been identified as, say, a
9 flange or something like that, we can
10 immediately tighten that. We could grease the
11 valve and do some other things that we could
12 more immediately validate that has been
13 repaired and is no longer leaking. Just wanted
14 to make those statements. Thank you.

15 MS. BURMAN: Minute nine.

16 MR. KOCHMAN: Good evening,
17 everyone. I'm Ben Kochman. I'm the director
18 of Pipeline Safety Policy at INGAA. First, I
19 really just want to commend the PHMSA staff for
20 their first efforts at this proposed rule but,
21 as we all know, it is a proposed rule and it
22 could be improved.

1 I wanted to also go forward, again,
2 to the cost benefit analysis that PHMSA did in
3 their RIA. Basically there is an estimate that
4 it would cost about \$5,650 to repair a single
5 leak on a transmission pipeline. That, in our
6 opinion, is far too low. The annualized cost
7 under that RIA was, I believe, \$1.5 million.
8 INGAA crunched the data on our own.

9 Oh, and I wanted to also add that it
10 appears that PHMSA based this data off of the
11 calculation of a utility rate case involving a
12 single operator. As you all know, it's
13 difficult to find data at times but I
14 appreciate the slide that was on -- read
15 through earlier that PHMSA is open to revising
16 their RIA as this process continues.

17 With that said, INGAA has supplied
18 some extra data for them to crunch. I would
19 point you to our comments in tables 11 through
20 15. We detail specifically how you should go
21 about looking at it. In our calculations, we
22 estimated the cost of the leak is a four-step

1 process.

2 The first is on investigation of all
3 indications of the leak. The second is the
4 investigation of the actual leak. The next is
5 repairing of the leak. Then the last is the
6 post-repair confirmation of that leak. We
7 estimate that total cost would be much closer
8 to \$14.5 million per year for the transmission
9 industry.

10 The last thing I just wanted to
11 touch on, and I want to make this point clear,
12 INGAA and its member companies are committed to
13 fixing all the graded leaks. As you've heard
14 from other INGAA members, we would appreciate a
15 three-graded process.

16 The point is it sometimes take more
17 time to get the certain of leaks. Obviously
18 it's a grade based off of the priority of it.
19 I want to make the point very clear. INGAA and
20 its member companies have the goal for fixing
21 all of these graded leaks.

22 It's always been our intent. That's

1 why we appreciate the concept of the rule and
2 really would hope that the committee takes that
3 under consideration. Thank you.

4 MS. BURMAN: Two minutes and 25
5 seconds.

6 MS. SAMES: Okay. So good news.
7 I'm the end of the public comments and you all
8 have survived three days of being in this room
9 with a lot of great conversation.

10 Christina Sames, American Gas
11 Association. I want to go back to the intent
12 that led to this rulemaking which is the
13 Congressional mandate in the PIPES Act of 2020.
14 Portions of PHMSA's proposed rule actually
15 related to leak rating and repair disregards
16 Congress' clear directive.

17 Congress' letter to Congress --
18 Congress' letter to PHMSA -- this is what
19 happens by the end of day 3 -- Section 113 of
20 the PIPES Act of 2020, directs PHMSA to
21 promulgate a rule that establishes minimum
22 requirements for leak detection and repair

1 programs capable of identifying, locating, and
2 categorizing all leaks that are hazardous to
3 human safety or the environment, or have the
4 potential to become explosive or otherwise
5 hazardous to human safety.

6 Unfortunately, PHMSA has taken the phrase
7 "hazardous to human safety or the environment"
8 to its most extreme interpretation rather than
9 appropriately targeting repairing leaks to the
10 more specific terms have the potential to
11 become hazardous, explosive, or otherwise
12 hazardous to human safety.

13 PHMSA has interpreted Section 113 in
14 a manner that is sufficient to grant itself
15 broad authority to enact sweeping policy in
16 defiance of the law and the clear intent of
17 Congress.

18 In this instance, PHMSA has clearly
19 misapplied the PIPES Act of 2020 and is posed
20 to enact needless burdensome measures that
21 demonstrates a plain over-reach of PHMSA's
22 statutory authority such that the NPRM requires

1 significant revisions to represent a proper
2 final rule that cannot move forward in its
3 current form.

4 That was signed by the various
5 members of Congress that actually created the
6 PIPES Act of 2020. By the way, just for the
7 record, AGA is extremely supportive of that
8 PIPES Act. We worked hard on it.

9 Congress was specific when it stated
10 that operators should be repairing or replacing
11 each leaking pipe except a pipe with a leak so
12 small that it poses no potential hazard.
13 Congress was clear that not all leaks should be
14 deemed as hazardous and not all leaks should be
15 required to be repaired.

16 Therefore, PHMSA's proposed rule
17 disregards Congress' clear directive. The
18 final rule must align with the directive of
19 Congress which recognized that repairing all
20 grade 3 leaks would actually imperil pipeline
21 replacement of programs and efforts to reduce
22 pipeline emissions such as the Watch and

1 Protect programs that we do for excavations
2 that are a bit of a higher risk

3 I should also note that repairing
4 all grade 3 leaks will actually emit more
5 emissions than leaving those leaks go. You
6 heard some of that earlier today. Industry's
7 comments actually had analysis behind it.
8 Thank you.

9 MS. BURMAN: Two minutes and 56
10 seconds.

11 CHAIR DANNER: Thank you so much,
12 Commissioner Burman, for stepping in and
13 keeping everyone accountable. I appreciate it.

14 I think this is bringing us to the
15 end of our agenda today and we will pick it up
16 with the GPAC discussion on leak grading and
17 repair in the morning. All right.

18 So at this point I think we want to
19 -- what time do we want to come back tomorrow
20 morning? 6:30?

21 (Laughter.)

22 CHAIR DANNER: I think 8:30 is

1 probably when we will reconvene. All right.

2 Okay. With that, then we are going
3 to go off the record and I'm going to turn it
4 over to Alan Mayberry.

5 MR. GALE: Before we go off the
6 record --

7 CHAIR DANNER: Oh, all right. I'm
8 going to turn it over to John before we go off
9 the record. Thank you.

10 MR. GALE: Thank you, Chairman.
11 Just for the Committee's purposes, the staff is
12 recommending that we break the discussion up
13 tomorrow in these different buckets. Of
14 course, if there's other ideas, we want to hear
15 them.

16 The first bucket would be the grade
17 1 criteria. The second bucket would be the
18 grade 2 criteria including repair timelines and
19 the variety of issues that we've heard today
20 regarding grade 2 and the revisions that are
21 being thought of there. Then grade 3 criteria
22 and the repair timelines associated with grade

1 3 leaks.

2 Then we kind of have a variety of
3 miscellaneous set of different issues that have
4 been raised. We have post-repair inspections
5 and, of course, rechecks; upgrading and
6 downgrading; extension of leak repair time
7 frames; record keeping; and the investigation
8 of repair of leaks following environmental
9 changes.

10 Sayler and I are sitting over here
11 debating if this is a separate issue or mainly
12 under grade 2, but I'm sure the Committee can
13 work through that as we discuss that issue
14 tomorrow.

15 Again, what seems to have been
16 helpful is if the Committee members come to the
17 meeting maybe with some recommended language to
18 get the conversation going. It does seem that
19 does speed things up a little bit so any work
20 overnight that can help us get through this is
21 much appreciated. Thank you.

22 CHAIR DANNER: All right. Is that

1 -- anything more before we go off the record?

2 MR. MAYBERRY: No, I think we're
3 good for today and appreciate the progress we
4 made. The discussion has been remarkable so
5 thanks.

6 CHAIR DANNER: Thank you for that.
7 Thanks everyone for your work today.

8 Now we are going to go off the
9 record but I want to turn it over to Alan
10 before we all go off for the evening. Alan.

11 MR. MAYBERRY: Thanks. You know,
12 today we are about mid-way through the week and
13 we anticipated we would be well along close to
14 ending the leak detection rule and be heading
15 into the class location rule perhaps tomorrow
16 and maybe wrap that up by Friday.

17 So this is a good time to really
18 take a pause from the meeting today to reflect
19 on a key member that's been with us who is
20 actually going to rotate off. Our approach,
21 which I also appreciate, has delayed that.

22 (Laughter.)

1 So maybe it's debatable whether it's
2 really good use of time to recognize you today.
3 I did want to take a moment to recognize Andy
4 Drake who will be rotating off at some point
5 when we finish class location I expect.

6 You know, I think it's important to
7 note that Andy is the longest -- as far as I
8 know, and I've looked up the record, he is the
9 longest serving member of an advisory committee
10 representing -- representative on the Gas
11 Committee.

12 Andy was appointed back in 2002 by
13 Secretary Mineta going way back in the Bush
14 Administration. You were Duke Energy at the
15 time. Not changing jobs but the company name
16 changed over the time. Then you were there
17 when PHMSA was created in 2004, a couple years
18 later and continued your service.

19 You know I worked with Andy when I
20 first started in about 2006 when we were
21 working on the alternate MEOP stuff and you had
22 a lot of background in ASME, but I just wanted

1 to say, you know, thank you for your service.
2 We do have something, a recognition letter
3 obviously we'll send. As you know, with our
4 process, it can take some time.

5 (Laughter.)

6 Not three years. I just wanted to
7 say, you know, I think, I've known you for a
8 number of years here and you personify what it
9 means to be a GPAC member.

10 A couple of attributes. I mean,
11 they are numerous. You could think of many but
12 you've been a role model for the Committee
13 helping new members. You are solutions
14 oriented. You are all about collaboration,
15 cooperation, patience. And a really big one for
16 us, which is important to us, perseverance
17 because it does take that.

18 You are highly competent. You are
19 articulate. You just have this masterful way
20 of explaining complex topics to the lay person
21 and working across, you know, between the
22 public and the industry and government. Thank

1 you for that.

2 I just wanted to take a moment today
3 to recognize that and appreciate your service.
4 As you head off, I'm jealous but, you know,
5 look forward to you not being scarce. You will
6 attend our last meeting sometime next year I
7 expect. Or maybe not, but anyway.

8 MR. DRAKE: Thank you very much,
9 Alan. I really appreciate that. I will clear
10 the extension of my retirement with my wife to
11 make sure. The real boss will decide how
12 that's going to work. It's been an absolutely
13 honor to work with folks like this over so many
14 years. I find that I learn something every
15 single day that I show up in here. It's really
16 an inspiration to see what this group can
17 accomplish together. Thank you very much for
18 letting me be part of it.

19 (Applause.)

20 MR. MAYBERRY: I don't see any tent
21 name tags raised so I think we will -- that's
22 the second adjournment we have for today.

1 CHAIR DANNER: Thank you. Well, you
2 know, I haven't raised my tent since we got
3 here. I just talk. I want to say I remember
4 back in 2019 when I joined the GPAC for the
5 first time Andy actually reached out before I
6 arrived in D.C. and said, hey, let's meet and I
7 can tell you what's going on.

8 Of course, I'm thinking, oh, this is
9 an industry guy. He's going to tell me how I
10 should vote. In fact, he's very much an honest
11 broker. He was telling me the background. I
12 learned a lot from him and I still learn a lot
13 from him. Thank you very much, Andy.

14 (Whereupon, the above-entitled
15 matter went off the record at 4:52 p.m.)
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A

- a.m.** 1:11 5:2 112:11,12
abatement's 25:19
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This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee

Before: PHSMA

Date: 11-29-23

Place: Arlington, Virginia

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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