

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

+ + + + +
 GAS PIPELINE ADVISORY COMMITTEE

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 THURSDAY, NOVEMBER 30, 2023

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The Advisory Committee met at
 Jefferson I-III, the Westin, 1800 Richmond
 Highway, Arlington, Virginia, at 8:30 a.m. EST,
 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, Pipeline and Gas
 Distribution Department
 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 or expected to attend
ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal
Official

CLAYTON BODELL

TEWABE ASEBE

DAVID BIRCH, OST

AMAL DERIA

SEAN FORD, OST

KELSEY GAGNON

JOHN GALE, Director, Office of Standards and
Rulemaking

JEREMY HENOWITZ

ROBERT JAGGER

MARK JOHNSON

JENNIFER KELLY, OST

JOE KLESIN

CHRIS McCLAREN

MARY McDANIEL

STEVE NANNEY

SAYLER PALABRICA

GABRIELA ROHLCK

CAMERON SATTERTHWAITE, Office of Standards and
Rulemaking

RODRICK "ROD" SEELEY, National Safety
Coordinator, Pipeline Field Operations

ANNA SETZER

MASSOUD TAHAMTANI, Deputy Associate
Administrator

ERMIAS WELDEMICAEL

JOE WILLIAMS

BRIANNA WILSON

DAVID YORK

ROBERT BURROUGHS

LAUREN CLEGG

IAN CURRY
SETH DICKSON
BEN FRED
ALEXANDRA IORIO
CHRIS McIAREN
LANE MILLER
MIA PETRUCCI
EMMA M. ROSS
ROBERT ROSS
JOSEPH ST. PETER
CONOR WALSH

AGENDA

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Agenda Item I:

BRIEFING: Pipeline Safety/Leak Detection

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Committee Discussion and Q&A

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Committee Vote 102

Grade 2:

Committee Discussion and Q&A

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Committee Vote 186

Adjourn

..... 426

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

2 8:36 a.m.

3 MR. DANNER: All right, good
4 morning, everyone. Today is the last day of
5 November. It's November 30th, 2023. And we
6 have just finished, last evening, the public
7 comment on leak grading and repair. And we're
8 going to begin today with the GPAC discussion.

9 You can see the recommended
10 discussion agenda up on the screen. And with
11 that, I would just like to open it up for
12 Committee Member comments. And so, Chad, why
13 don't you go ahead.

14 MR. GILBERT: Thank you, Chairman
15 Danner. I'd like to take this opportunity to
16 address my esteemed Committee Members and
17 discuss the negotiations regarding the leak
18 grading and repair.

19 My aim is to instill confidence in
20 the public and to ensure our prosperity of our
21 great nation. First and foremost, it's crucial
22 to recognize the significance of natural gas in

1 our economy. Alongside renewable energy
2 sources it has the potential to contribute to a
3 thriving economy for years to come.

4 Natural gas is essential for heating
5 our homes, generating electricity, and
6 fulfilling various other needs. Furthermore,
7 pipelines serve as the safest and most
8 efficient mode of transportation for our energy
9 requirements.

10 Spanning four generations, my family
11 has been involved in the construction of
12 pipelines since the 1930s. We take great pride
13 in the infrastructure we have helped create
14 constructing thousands of miles of
15 transmission, gathering and distribution
16 pipelines.

17 However, after three days of
18 rulemaking I have started to notice, talking to
19 folks, a decline in public confidence. Today's
20 agenda goes beyond reducing methane emissions,
21 it encompasses repairing and investing in our
22 infrastructure.

1 Like many members of the public, I
2 too desire a secure, safe and environmentally
3 friendly, sound infrastructure. When leaks are
4 mentioned within the pipeline construction
5 community, we see them as anomalies. Each
6 leak, regardless of magnitude, indicates a
7 defect.

8 As pipeline constructors, we should
9 have zero tolerance for leaks, just as the
10 entire gas infrastructure should. In my
11 opinion, we should strive to element all leaks
12 as quickly as possible.

13 I understand the need for flexible
14 timelines during construction windows. And we
15 should provide legitimate recommendations to
16 PHMSA regarding industry concerns. However, we
17 must never compromise safety or the environment
18 for monetary reasons. It is imperative that we
19 replace old leaky systems promptly.

20 I sincerely hope my fellow Committee
21 Members will continue working in good faith and
22 with a sense of urgency to reassure the public

1 that our gas infrastructure route will remain
2 the world's best. Thank you, Chairman Danner.

3 MR. DANNER: Thank you very much,
4 Chad. Any other comments from Committee
5 Members? We have in front of us, well, I'll
6 put the topic sheet back up. Just the topics
7 mention, the general topics, grading leaks of
8 toxic and corrosive, but nonflammable gases,
9 and repair timing for leaks existing prior to
10 the effective date of the rule. I just wonder
11 if anybody wants to open up the discussion?
12 And I see Pete Chace.

13 MR. CHACE: Thank you, Mr. Chairman.
14 Pete Chace, NAPSR. We're here for the purpose
15 of reducing methane emissions. Is what we've
16 been charged by Congress to do, is my
17 understanding.

18 I took a look through the notice of
19 proposed rulemaking. In the beginning of the
20 document there are tables containing estimates
21 of methane emissions from various sources.

22 If you look through that and you

1 look at all of the sources that are regulated
2 through PHMSA you'll find, I'll find that many
3 of the big drivers for methane emissions are
4 compressor station operations, blowdowns,
5 gathering operations. I think it was necessary
6 and appropriate for us to look at those.

7 If you look at estimated leaks from
8 distribution mains it covers about four percent
9 of the total. And as we've heard with methane
10 emissions there are a small, relatively small
11 number of larger leaks that drive the problem.

12 Having said that, I know we're not
13 onto the Grade 3 criteria yet, but it seems to
14 me like mandating repair criteria for Grade 3
15 leaks is going to involve an awful a lot of
16 ratepayer expense for very little methane
17 emission gained.

18 In addition, as a general comment, I
19 will say that I believe PHMSA has looked at, to
20 the, I think the gas pipeline technology
21 committee recommendations on leak grading. I
22 think that is a document methodology that's

1 widely understood in the industry. We've had
2 generations of linemen trained on that and I
3 concur that I think that's the right approach
4 for leak grading and I like to see that. Those
5 are my comments.

6 MR. DANNER: All right, thank you
7 very much. Chad and then Chad.

8 MR. ZAMARIN: Thank you, Chairman.
9 Chad Zamarin with Williams. I, similar, I
10 tried to summarize, I actually sent John a
11 couple of points that maybe I thought we could
12 talk about because I tried to summarize what I
13 think I heard yesterday. And as I was going
14 through all the detail of the, kind of what
15 we're going to discuss today, a couple of
16 principles, it seemed like, you know, I don't
17 think we heard anyone that came up from the
18 public comments yesterday saying that they
19 didn't think we should be addressing leaks.

20 And so, but, I did hear a lot of
21 concerns with how we might be addressing leaks.
22 And so, I wanted to propose that we talk about

1 what I think will be kind of the themes for
2 just about every item that falls within the
3 details that we move through.

4 But these were the two themes that
5 when we think about principles that I heard, I
6 think we've got to be very thoughtful of, and
7 the first was, I think a lot of concern with
8 federal requirements, overstepping or
9 conflicting with state programs that are, that
10 have been developed and are in place. And then
11 also, the fact that we need to be thoughtful
12 when we plan for leak management and repair
13 that we do so in a way that doesn't actually
14 have negative consequences or can't be done
15 with efficient work.

16 And so, these were two principles
17 that I was hoping we could initially discuss
18 and vote on. Thank you.

19 MR. DANNER: So thank you. And may
20 I ask, the first bullet point there, and
21 generally the way I see it is that the federal
22 rules create a floor, and then states can build

1 above and beyond that floor if they want. This
2 kind of sounds like it's turning it around, but
3 really these, we're going to let the state
4 programs rule, and then whatever the feds do is
5 just a complement to that. Am I reading that
6 correctly?

7 MR. ZAMARIN: I think when we get
8 into the details I'm not, and I've said this
9 before, I'm not just a region operator, but I
10 can envision that there are places where we're
11 going to want to ensure that the federal rules
12 defer to the state's programs.

13 But I do think there are areas
14 where, absolutely, I agree with your premise
15 that we need to set minimum standards from a
16 federal perspective, but I do think, you know,
17 we just heard from Commissioner Chace that
18 there are programs, one of the most expensive
19 areas of repair will be on distribution
20 systems, and it will be one of the least
21 impactful from an emissions perspective. And
22 so I do think the states have done a tremendous

1 amount of work developing leak management
2 repair and pipeline replacement programs.

3 I just want to make sure that as we
4 go through this we're thoughtful of how the
5 program, the federal program doesn't
6 unintentionally, I think, disregard those
7 programs.

8 MR. DANNER: Yes, and I understand.
9 I think that's, we have a robust program in our
10 state. I don't want to have anything that
11 would interfere with that, but I also just, the
12 need for basic federal standards I think is
13 very important.

14 And by the way, Peter, when were you
15 named Commissioner? I've heard this --

16 MR. ZAMARIN: I'm sorry.

17 MR. DANNER: I've heard this a
18 couple times now.

19 MR. CHACE: I believe it was
20 yesterday.

21 (Laughter.)

22 MR. DANNER: Yesterday, okay.

1 MR. CHACE: That I was first named.

2 MR. DANNER: All right. Well
3 congratulations.

4 (Laughter.)

5 MR. ZAMARIN: I promoted him. Yes,
6 Member Chace. Yes. Sorry.

7 MR. DANNER: All right. Alan?

8 MR. MAYBERRY: I just wanted to
9 mention that, just to use caution because if
10 you look at the, you know, the background of
11 our existence in the statutes that set up the
12 Office of Pipeline Safety, the reason was to
13 establish a national uniform framework for
14 pipeline safety, that floor. So, you know, you
15 could be in conflict with a statute or enabling
16 statute that says, we develop the national
17 uniform standard.

18 I, you know, I think the Committee
19 may want to consider just encouraging us to
20 take a look at, another look at the programs
21 that are out there. You know, it gets down to
22 this. And I think the gorilla in the room, if

1 you will, is just the discussion we've had
2 around the State of New York and requirements
3 there.

4 My understanding is we're quite
5 close. In many ways they're more stringent
6 than the current, well, definitely more
7 stringent than the current federal standard.
8 More stringent you can say than the GPTC guide.

9 But the expectation is, is we invoke
10 more requirements that the states adopt those.
11 And they're used to doing that. We do it
12 every, in every rule that is updated, the
13 states have to update their statutes to adopt
14 the new federal regulation, the updated
15 regulation.

16 But the intent wasn't really to
17 create upheaval with the states that go beyond
18 the federal minimum standard that have really
19 had good experience in this, so.

20 MR. ZAMARIN: Thanks, Alan. And
21 what I'm referring to, and I don't think this
22 is just a New York issue, I think of the

1 programs in Pennsylvania, in older distribution
2 systems that have very long term pipeline
3 replacement programs. And what we heard
4 yesterday is that today they monitor leaks and
5 their strategy for addressing aging and leaking
6 infrastructure has been to monitor leaks,
7 address the severe significant leaks but have
8 long-term pipe replacement programs.

9 And I think that this rule will
10 require all leaks to be repaired and doesn't, I
11 think, recognize that we have cities that have
12 very old infrastructure. And, you know, I was
13 very compelled yesterday hearing that, I don't
14 think we want a pothole Philadelphia, I think
15 we'd rather replace the infrastructure over
16 time.

17 And so, I'm worried about that
18 issue. And I do think you can set minimum
19 standards that recognize there may be a more
20 effective way to manage those small leaks.
21 That's where I'm hoping the conversation goes.
22 So that was my intent. Thank you.

1 MR. DANNER: All right, thank you.
2 Andy, then Alex, then Diane.

3 MR. DRAKE: This is Andy Drake with
4 Enbridge. I think the way I see this possibly
5 playing out, and I think the importance of this
6 is, it's not all or none.

7 I think it's important for the
8 federation to come out and set the standard
9 floor and drive continuity across the country
10 in how this is done. I think that's some
11 frustrations that we're hearing is that some do
12 and some don't, and we want to try to get up to
13 a place.

14 I think the thing that I think, how
15 this -- I see this really playing out, once you
16 get continuity as a floor is I think that in
17 transition we need to recognize there are state
18 programs that are very mature and
19 sophisticated. And in transition we should
20 respect that.

21 And so how they adapt from something
22 that they've been doing for 20 years, you don't

1 want to penalize someone for being really good.
2 That's, we want to consider that in the
3 transition.

4 The other piece I think of where
5 this is going to be is there may be dimensions
6 of this rule where we need to defer to the
7 states for the complexity of resolving things
8 like rates, impact to customers, weather
9 impacts, you know, reliability issues. I think
10 that's going to play out probably on smaller
11 leaks. And it may be more about big
12 replacement programs.

13 That doesn't mean we don't want to
14 do them, it means we need to respect the
15 complexity of adjudicating that process. And I
16 think, I just like to put those out there as
17 very pragmatic issues we're going to have to
18 deal with. And that the state has a role in
19 providing the arbitration with the customers on
20 how to play that out and we should be mindful
21 of that.

22 MR. DANNER: All right, Alex?

1 MR. DEWAR: Alex Dewar, BCG. I was
2 going to say, well, let's build on that really
3 by just offering a reflection here on this
4 conversation.

5 You know, what we're talking about
6 is adding a new dimension to the tradeoffs and
7 considerations that states and utilities are
8 making, right?

9 Traditionally this has been done
10 with a different set of parameters. All those
11 parameters are still there. Customer rates,
12 reliability, localized impacts of all of this.

13 You know, we're all grappling with
14 adding a new dimension to it which is
15 greenhouse gas mitigation and what the
16 obligation is to policy commitments, moral
17 commitments and so forth on climate change,
18 right?

19 So I think I'm seeing already in
20 some discussion of this potentially this
21 getting structured too squarely in how this
22 issue has been seen before. So encourage a

1 reflection on that, yes, we are trying to set
2 the floor here, but set a floor for a new
3 reason and with a new rationale that we're
4 going to be adding on and that states some
5 already advancing with this, New York, others
6 much less so. But that states are going to be
7 adding into a mix of a complex set of
8 stakeholder issues that they will continue to
9 have to deal with.

10 MR. DANNER: All right, thank you.

11 Commissioner Burman.

12 MS. BURMAN: So I appreciate the
13 discussion. Looking at these, what I see as
14 principles here, I think it is really important
15 that we have these principles. I don't see
16 them as controversial. I do think that we need
17 to, as we get into more discussion, we'll need
18 to drill down a little bit on exactly more
19 detail on a motion, I think, that will be
20 helpful to really make sure that we're having a
21 specific recognition of states and giving up,
22 giving perhaps some framework that goes further

1 in terms of what that would look like in New
2 York and other places.

3 For me it is really important that
4 we do not overstep the jurisdictional reach and
5 that the state regulators, especially ones that
6 have robust programs existing, that we don't
7 throw out, throw that out in the, in trying to
8 meet this rule that's not going to have
9 practicality and actually cause more issues.

10 For me there needs to be a
11 consideration of these state programs and do it
12 in a way that is thoughtful. And also taking
13 into account the transition that needs to
14 happen. But to the extent that we can work
15 together I think we can get there. So I'm
16 going to start off with saying I support these
17 principles and I'm going to put forward more
18 language later for consideration.

19 MR. DANNER: All right, thank you.
20 Sara Gosman?

21 MS. GOSMAN: Thank you for putting
22 out these principles at the beginning of our

1 discussion. Certainly states play a very
2 important role in leak repair and replacement
3 programs, but I just want to ensure that we are
4 recognizing the importance of the federal
5 regulatory authority here and that those states
6 ultimately need to have programs that are
7 consistent with the federal regulatory
8 standards.

9 And I also think, as to Bullet 2,
10 that we need to be thinking about promoting
11 safety. Which is not on the list.

12 So I have some suggested language
13 that I thought I might throw out there here,
14 which I just drafted. All right, so here goes.
15 Is PHMSA ready? Okay.

16 So the first one, recognize that
17 states should play an important role in leak
18 repair and replacement programs consistent with
19 federal regulatory standards.

20 Are you ready for number two? Good?
21 Okay.

22 And then number two, second bullet

1 point. Leak grading and repair requirements
2 should be implemented in a manner that promotes
3 safety, comma, protects the environment, comma,
4 and mitigates and manages customer outages.

5 MR. DANNER: And just to clarify,
6 are these additional bullets or are you
7 replacing, would you be substituting this --

8 MS. GOSMAN: I would be substituting
9 these for the previous --

10 MR. DANNER: All right --

11 MS. GOSMAN: -- bullets.

12 MR. DANNER: -- thank you. All
13 right, Chad Gilbert?

14 MR. GILBERT: I think one of the
15 problems that we're facing here is that we have
16 states like New York that are very, very good
17 at regulating their pipeline system, and then
18 we have other states that are not.

19 Same as operators. We have
20 operators on the other side of the table, table
21 from me, that are very good operators. They're
22 the best that we have. I think I've probably

1 worked for every one of them. Three of them
2 I'm sure of. But there is other operators out
3 there that are not compliant with state
4 regulations. And the oversight is just not
5 there.

6 So without federal oversight,
7 without federal minimum standards, people are
8 going to bypass regulations and they're going
9 to be able to get away with that. So I think
10 it's really imperative for us, as a Committee,
11 to understand that we're dealing with the whole
12 United States and not just the state that we
13 live in. Thank you.

14 MR. DANNER: All right, thank you.
15 Diane and then Andy.

16 MS. BURMAN: Thank you, and I do sit
17 in a weird place because it does impact New
18 York significantly. However, I have always
19 tried to, as a state regulator, look at the
20 whole. And that's why for me New York is a
21 perfect, frankly a perfect example of success
22 and how we can continue to do things.

1 But I am not speaking as a, solely
2 as a New York regulator, I really am speaking
3 in trying to find the right balance in moving
4 forward. Taking into account the role of
5 PHMSA. And frankly, I've had a wonderful
6 relationship over my ten years in working
7 really well in really difficult situations with
8 PHMSA as a whole. And more specifically, with
9 staff, including you, Alan, to get to a better
10 result.

11 I've actually seen that, having
12 experienced some significant events that have
13 gotten us through, and also really working
14 together to come up with other ways of doing
15 things. For me, I wish there was a way for
16 folks to truly understand our New York metrics.
17 That really can be seen as an example in how to
18 properly showcase significant reductions that
19 can occur without mandating repair itself.

20 When incentivized and working with
21 our operators, overwhelmingly we have seen leak
22 reduction targets. And we continue to do so.

1 The NPRM actually makes our case.
2 PHMSA referenced in that our 2020 performance
3 measure report as saying the total leak backlog
4 was almost 10,000 outstanding unrepaired leaks
5 at the end of 2020. Actually, if you
6 referenced our 2022 report the number would
7 have been 7,325 leaks. A reduction of close to
8 27 percent in two years. No federal
9 intervention was needed.

10 I strongly believe that we can get
11 here. And we have to recognize existing state
12 leak repair replacement programs and ensure the
13 federal requirements for leak grading and
14 repair complement state programs.

15 For me it's not about watering down
16 things, it's about continuing in a role that I
17 think is helpful. It really is, for me, making
18 sure that we, as we go forward, have a
19 coordinated approach that is very mindful of
20 existing successful programs and continuing
21 that.

22 There is a way we can get to

1 standards, but we have to incorporate the
2 existing standards that are already existing in
3 state programs that are not, are not going
4 backwards, but are actually going forwards. To
5 me we also have to consider, in all of this,
6 what this means to tweak a system that's really
7 changing so much that winds up developing a
8 whole new leak classification scheme that does
9 not take into account the ongoing leak
10 classification scheme that has been
11 appropriately and successfully done.

12 We can look at that where we have
13 some, making sure that we're doing this in a
14 way that has the -- comparing it to the GPTC
15 guidance on classification, making sure that
16 state programs have to have the standard. We
17 already have our program successfully.

18 PHMSA is, I think, supportive of
19 those programs. And I really just worry very
20 much that to achieve the overriding goal of
21 your proposal, if we can do that without having
22 to change our leak classification system.

1 So I really would just really like
2 us to get back to really, the recognition of
3 existing state programs. And I recognize Sara
4 that your changing of the words is, for me,
5 something that I can't necessarily support
6 because it doesn't recognize the need for the
7 existing state leak repair and replacement
8 programs.

9 So I just really am just trying to
10 figure out how we can look at this in a way, as
11 principles. I know we're going to have to get
12 more into the details and perhaps some other
13 things, but I just worry that this will not
14 highlight the need for existing successful
15 programs.

16 MR. DANNER: All right, thank you.

17 Alan?

18 MR. MAYBERRY: Well, as a general
19 matter we have always worked well with the
20 states. In particular, New York, one of our
21 strongest programs necessarily, you know, went
22 beyond the federal minimum standard because,

1 you know, it's six simple words that really
2 don't have a way to categorize leak, and
3 prioritize leaks for repair.

4 You know, that partnership will
5 continue. And we do lean on each other, get
6 information from each other and help inform the
7 policies that we put out.

8 I think in this one in particular we
9 think we're close to New York. Or we think New
10 York is close to where we are.

11 Obviously we've inserted the
12 environmental component which was traditionally
13 not part of the focus for our rule. But, you
14 know, we'll continue to do that as we go
15 forward. And the states, typically the issue
16 we're talking about is where the states go
17 beyond the federal minimum standard.

18 In this case I think the concern is
19 we're undermining a stringent requirement in,
20 say, a state with a new federal requirement
21 that may be inconsistent with the state and
22 somehow just be a conflict and be less safe.

1 Is that the concern?

2 MS. BURMAN: So, I want to, and
3 Chair, if I can respond to -- so, this is not
4 just a New York issue. And for me the states
5 have to marry requirements with our rate
6 impacts. We also have to look at what we are
7 doing.

8 And as we go forward, looking at
9 your proposal causes me great concern. It
10 causes me concern that we will be changing up
11 our leak classification scheme. And I don't
12 understand the rationale, when you and I both
13 agree our program is one that is robust and has
14 been successful.

15 So if I, as a New York state
16 regulator, am raising a red flag and
17 understanding that I am not the only state that
18 has this issue, I think we need to consider
19 what is it that we can do from an alternative
20 perspective on the front end to make sure that
21 we are carefully and thoughtfully figuring out
22 language that can help us so that the new

1 regulations don't actually have us go
2 backwards.

3 In fact, actually, New York is ahead
4 a lot in some of the federal standards, I get
5 that. But what I'm explaining in my focus here
6 is that if you look at the stats on what we
7 have done without federal, direct federal
8 intervention, in reducing our total leak
9 backlog, again, we've done well.

10 This is not about me saying, or
11 other states saying, we don't want the
12 environmental aspects to be in there. But, we
13 can also, again, this gets back to our
14 conversation the other day where I said, there
15 is a disagreement on the role of DIMP. I see
16 that as a way for us to, you know, actually
17 move the Type 3 leaks into a DIMP program where
18 they can be prioritized again by risk-based.
19 Risk to life and property first, environment
20 second.

21 But they're all prioritized for
22 elimination. Either by repair or replacement.

1 That's the incentive that we want to have. We
2 want to have programs that are helping us
3 incentivize that. And if we're locking us into
4 something that doesn't make sense, I just don't
5 think that's a thoughtful, comprehensive
6 approach.

7 And so for me, I don't see what is
8 the harm, and I actually see it as more of a
9 positive, to be very clear that we are
10 recognizing that appropriate existing state
11 leak repair, replacement programs that should
12 continue. And we should have some kind of
13 evaluation system built into that.

14 MR. DANNER: Alan?

15 MR. MAYBERRY: Well I look forward
16 to the recommendation of the Committee. I
17 think some of the, you know, things you're
18 talking about related to, or are related to the
19 repair Grade 3 leaks or replacement programs
20 will be covered as we go forward. But I'll
21 defer to the Committee.

22 You know, it's a great forum for

1 hearing input for people to consider. And
2 understanding the role of the federal versus
3 the state, and just the primacy aspects of that
4 I think is very helpful as we navigate this
5 area, which is a little bit tricky because
6 we've had a very high level standard, if you
7 will. High level in the terms of it's not very
8 prescriptive.

9 The states have necessarily, in
10 different cases, gone in and built more
11 prescriptive standards that we are now adopting
12 at the federal level very similar aspects of
13 that. Anyway, I look forward to the
14 recommendation of the Committee.

15 MS. BURMAN: Chair, I'd just like to
16 respond?

17 MR. DANNER: Yes, shortly. Briefly.
18 We have a lot --

19 MS. BURMAN: Thank you.

20 MR. DANNER: -- of other tent cards
21 up.

22 MS. BURMAN: I do think, Alan, that

1 we are close. For me it's really asking for a
2 consideration by PHMSA. For recognition
3 (technical difficulties) for recognition of a
4 (technical difficulties) to allow state
5 (technical difficulties) --

6 Is it working?

7 (Off microphone comments.)

8 MR. DANNER: You wore it out.

9 MS. BURMAN: I wore it out, yes.

10 (Laughter.)

11 MS. BURMAN: Which is to operate
12 under the (technical difficulties) state
13 programs providing the grading system follows
14 and accepted standard. And that really, I
15 think, is also trying to get at where Member
16 Gilbert is in terms of the accepted standards,
17 to me, such as GPTC. But we do have to make
18 sure that we are all clear on not throwing out
19 existing programs that are working.

20 MR. DANNER: All right, thank you.

21 Andy?

22 MR. DRAKE: Andy Drake with

1 Enbridge. Two comments. One, I appreciate
2 Member Gilbert's comments. I do think the
3 importance of this conversation is to step
4 forward and provide continuity across the
5 country. You know, we got a lot of different
6 states, you got a lot of different programs,
7 we're trying to give them the insight, the best
8 practice to deploy.

9 I think to me where that comment
10 about not just recognizing the state's program,
11 that it's important to recognize them. But I
12 think how I see it playing out, the devil may
13 be in the details. So we, kind of as we move
14 forward we'll see where those things need to be
15 considered.

16 But particular to me, where I see
17 this coming to play is, the Grade 3 leagues and
18 the replacement programs, how do they fit
19 together?

20 And I think that the states have
21 issues to consider that this group can't figure
22 out, quite frankly. To be honest. And I think

1 we have to respect that. That, you know, you
2 got a lot of little leaks and you got those
3 tied to replacement programs that are going to
4 have huge impact on communities, reliability,
5 costs, road infrastructure replacements.

6 We're not in that business. Be
7 mindful of that. And we need to expect that
8 that's going to have some conversation that the
9 states need to help facilitate and arbitrate
10 because we aren't accountable for those things,
11 they are. And I think that's how I see this
12 really playing out.

13 It's not Grade 1 really, Grade 2. I
14 know there is a little frustration about
15 changing the grading scheme. That may be more
16 a transitional issue.

17 How that other issue plays out I
18 think we're going to at least have to respect
19 the space that others have accountabilities for
20 which this group do not. And we need to
21 understand how to draw a line in the sand
22 there. It's not binary. It's like, no, you do

1 whatever you want, and it gets set in guidance
2 and structure. And respecting that there is
3 some things that they have to bring to the
4 table.

5 The other piece that I want to bring
6 back to your recommendation, Sara, is that the
7 thing that I heard yesterday that I think is
8 really important is this consideration of total
9 emissions and the decision about scheduling. I
10 think, and it's not trying to discourage, it's
11 just a practical matter.

12 And I'm just checking off with both,
13 you know, Erin and Sarah both. I think we need
14 to backstop things that we find on the system
15 that they won't just exist forever, but it
16 doesn't make sense to urgently go out and
17 replace a small bubbling leak on a flange or a
18 fitting if it's going to take us to blowdown
19 ten miles of pipe to do it.

20 Somehow we have to coordinate that
21 with bigger work programs. Not to exceed a
22 number, but that just seems -- that doesn't

1 make sense to me from an environmental
2 standpoint. I'm going to be forced to release
3 gas into the atmosphere that exceeds the amount
4 of gas that's coming out of there just so I can
5 be on a schedule. If I can schedule that not
6 to exceed and coordinate it with other work,
7 that just seems to make sense.

8 So I think what I'm trying to get
9 to, the reason I think having that in there is
10 helpful is: teach people to fish. Teach them
11 to think.

12 We want you to think about the total
13 footprint of what you're about to do and take
14 that into consideration in scheduling.
15 Otherwise you're just going to get people say,
16 fine, blow the ten miles down, we're going to
17 fix this tiny little leak. It's like, really,
18 that wasn't very thoughtful. That's not the
19 level of thinking we want in this game.

20 So, I just want to be intentional
21 about keeping something like that explicit in
22 how this is going to play. Or I think you're

1 going to get unintended consequences you don't
2 want just so we stay on schedule.

3 (Off record comments.)

4 MR. GILBERT: Thank you, Chairman
5 Danner. You know (technical difficulties) I
6 grew up in a small town in Oklahoma. We have
7 options, you know, go to college, like probably
8 everybody in this room except me. Or we can
9 find a trade and go to work as a craftsman.
10 Build our self, become a craftsman.

11 We need regulations in rural
12 America. We need oversight. There is plenty
13 of oversight in New York, in larger cities
14 across the nation. It's in the small
15 communities throughout this country that you
16 don't have that oversight like you do in New
17 York City. That's one thing to think about.

18 And I'm going to push back just a
19 little bit, Andrew. You've got a flange in a
20 fitting that's (technical difficulties) poor,
21 that could be fixed (technical difficulties)
22 ahead of time if you're going to have a, if

1 you've got a flange or a fitting or a valve
2 leaking (technical difficulties) ahead of time
3 (technical difficulties) problem to where you
4 don't have a leak and you don't have to
5 blowdown ten miles of pipe.

6 Oversight, good maintenance, good
7 high-end programs can make a really reliable,
8 safe, secure, natural gas infrastructure at
9 work. That the public can see is safe.

10 And I think, not (technical
11 difficulties) committee, but I think we're into
12 a position, in our industry, that if we don't
13 listen to the needs of the public, not only the
14 public in Washington, D.C. or the public in New
15 York City, that the public in rural America,
16 and what they're asking for, more oversight,
17 replacing older lines, getting some of these
18 lines that have been in the ground since the
19 1950s replaced.

20 We need help from our environmental
21 friends. We need them to realize that natural
22 gas is not going away at any time. It's not

1 going away tomorrow. It's not going away in
2 ten years. It's not going away probably in 40
3 years.

4 But in order to give the public, and
5 the environmental community, the piece of mind,
6 we have to be aggressive about building our
7 infrastructure, and about keeping it
8 maintained.

9 MR. DANNER: All right, thank you
10 very much. Chad Zamarin.

11 MR. ZAMARIN: Thank you. And I
12 really do appreciate entertaining these in this
13 conversation because I think it's really
14 helpful. And I actually don't think we're very
15 far apart when we dive into the details. I
16 think it's good to help figure out where we go
17 from here.

18 I do, I wonder if on the first
19 sentence if it would help to just say, Sara,
20 I'll start with my language, but recognize
21 existing state leak, repair, and replacement
22 programs and consider federal requirements for

1 leak grading and repair that compliments
2 successful state programs. I don't want to,
3 and again, I think the devil is going to get
4 into the detail when we start talking about
5 these very small Grade 3 leaks on distribution
6 systems. And I would hope that that would
7 address the (technical difficulties) sorry.
8 The potential (technical difficulties) concern.

9 And then I agree, the second bullet.
10 Your proposal versus what we had, I think we
11 mean the same thing. I mean, we're trying to
12 make sure that we promote safety, we minimize
13 impact to the environment and to the market.
14 And I think we can figure out how to do this in
15 a way that balances those. So I don't know
16 that I have any problem either way.

17 MR. DANNER: All right, thank you.

18 Alan?

19 MR. MAYBERRY: I really think we'll
20 get into some of these issues as we get more
21 into the other provisions of the rule, in
22 particular Grade 3 and replacement. You know,

1 we've certainly, the record has been
2 established for some of the issues that we've
3 heard related to things such as pavement
4 programs. For crying out loud, that's an
5 issue.

6 Even in Washington, D.C. where the
7 city may not really care about the cast iron
8 replacement program and the company's schedule
9 and it conflicts with just priorities between
10 one group and another that I think we'll need
11 to get in, the Committee will need to get into
12 discussion on that. And I think that's the
13 basis for some of the concern with some of the
14 exceptions to just a straight up policy of
15 replace within a certain time frame. But those
16 are some of the things that the Committee needs
17 to flesh out and provide guidance to us as we
18 develop a final rule.

19 MR. ZAMARIN: Yes, Alan. Actually,
20 I'm willing to pull back on the motion, or not
21 the motion, the proposal and if we want to just
22 get into the meat now.

1 I mean, mostly what I wanted was to
2 focus on what I think are the two overarching,
3 biggest kind of issues, certainly that I heard
4 through the comments yesterday, and as I read
5 through what we're going to be talking about.
6 So I'm also fine with, you know, pulling this
7 back and moving on.

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

10 MS. MURPHY: Erin Murphy, EDF. I
11 had a short statement to share with, ends with
12 the point that we may want to move into the
13 substantive discussion. So I'll still share my
14 thoughts (technical difficulties) but hear Chad
15 and agree there.

16 The proposed rule will establish
17 clear standards and timelines for leak grading,
18 and repair that incorporate consideration of
19 both public safety and environmental
20 protection. And these components are key to
21 reducing gas pipeline leaks.

22 Current PHMSA standards require that

1 hazardous leaks must be repaired promptly in
2 192.703(c). But the term hazardous is not
3 defined and the time frame for promptly is not
4 clarified.

5 The GPTC guide details elite grading
6 system in which leaks are defined as Grade 1, 2
7 or 3, depending on their relative safety risk.
8 A number of states have adopted versions of
9 these leak grading criteria, often with local
10 variations, and some leading states have
11 incorporated environmental considerations into
12 leak protocols, but most have not. Thus there
13 is no nationwide standard for leak grading and
14 prioritization, and the voluntary standard in
15 the GPTC guide does not incorporate
16 environmental considerations.

17 The Bipartisan Pipes Act of 2020
18 provides clear direction to PHMSA to develop
19 advance leak detection and repair standards.
20 And PHMSA's proposal will raise the bar across
21 the country and provide a uniform standard on
22 which states can build. From my perspective,

1 any principles adopted by the Committee should
2 respect this framework. But also from my
3 perspective I think we've started to move into
4 the substantive discussion and might make sense
5 to progress there.

6 MR. DANNER: Diane?

7 MS. BURMAN: Yes, I just want to say
8 I agree. I had hesitated to put up language
9 that I thought got more into the weeds of
10 things, but then because we were I wanted it up
11 so people could see sort of the direction that
12 I was going because I do try to be transparent
13 in my process.

14 I am fine with going forward, not
15 taking sort of a vote on what I see as the
16 principles. I do think I hear that we all
17 recognize, maybe differently, we all recognize
18 that we need to work together to come up with
19 not -- recognizing the state's role here in
20 leak detection and repair programs, and going
21 forward we'll get into the weeds a little bit
22 on what that looks like and how we can sort of

1 complement each other.

2 MR. DANNER: All right. And I
3 wanted to say I agree that, you know, this
4 isn't a disagreement about principles, this is
5 a disagreement about wording about principles.

6 I think we all recognize that the
7 purpose of these requirements is to, you know,
8 to minimize customer outages, market
9 disruptions and emissions and that the states
10 play an important role. And there are some
11 good programs out there that you don't want to
12 mess too much with.

13 At the same time there are some
14 words like complement that to me I see
15 basically a need for uniformed federal
16 standards. And in states like ours, build on
17 those.

18 So, I think, again, I think overall
19 I think there is agreement on principles, there
20 is just disagreement on the wording. So, by
21 setting these principles aside, let's not say
22 that we can't agree on the principles but let's

1 move on to the substance.

2 So who wants to start that
3 discussion? All right, Chad.

4 MR. ZAMARIN: I have hopefully an
5 easy one. As I think one criteria. I don't
6 know whoever wrote this was a Who fan, and I
7 kept thinking (technical difficulties) --

8 (Off record comments.)

9 MR. ZAMARIN: Yes. I keep getting
10 this earworm on Tommy from the Who on any leak
11 that can be seen, heard, or felt.

12 We've got all these great technical
13 requirements that we've been talking about, and
14 then there is this, see it, hear it, feel it
15 standard. That seems very arbitrary. And so I
16 wonder if we think that makes sense or if that
17 should be considered for removal as a criteria
18 for grading a leak. Thank you.

19 MR. DANNER: Commissioner Chace?

20 MR. CHACE: Thank you. I will note
21 with that language the gas pipeline technology
22 committee guidance states, any leak that can be

1 seen, heard, or felt --

2 MR. DANNER: Here.

3 MR. CHACE: Okay, thank you. The
4 language in GPTC is, any leak that can be seen,
5 heard, or felt, and which is in a location that
6 may endanger the general public or property.
7 That qualifier may make a difference, but
8 that's what the GPTC says.

9 MR. DANNER: So did you have a view
10 on the removal of seen, heard, and felt?

11 MR. CHACE: It may be that if we add
12 the qualifier, that that may take care of some
13 of the concerns.

14 MR. DANNER: All right, thank you.
15 Sara?

16 MS. GOSMAN: Yes, I'm wonder if
17 PHMSA can help us to understand why this
18 language is in the proposed rule?

19 (Off microphone comment.)

20 MR. BODELL: Recognizing that there
21 wasn't a definition, we did adopt, look to go
22 to the GPTC guide and basically try to steer it

1 towards, you know, what constitutes a hazard
2 type 1 leak, is a hazardous leak, and therefore
3 that language, as we read it in the GPTC and
4 considered it, was what was proposed.

5 MR. DANNER: Sara?

6 MS. GOSMAN: Can you hear me? Okay,
7 there we go. Sarah Gosman. I'm no fan of
8 human fences.

9 MR. BODELL: Yes.

10 MS. GOSMAN: Thank you.

11 (Off microphone comment.)

12 MS. GOSMAN: Okay. In terms of
13 identifying leaks. But I would assume from a
14 nontechnical point of view that the reason that
15 this would be a Grade 1 leak is that if we were
16 able to actually detect it in this way that it
17 was a substantial leak. That is that this is
18 actually a sign that it's a concern and thus
19 needs to be immediately repaired. So, I guess
20 if that's not the understanding I feel like I'd
21 like somebody to explain to me sort of why that
22 wouldn't be an important leak.

1 (Off microphone comment.)

2 MR. DANNER: I hate to interrupt the
3 conversation, but I think we're going to need
4 to take a ten minute break to work on some IT
5 issues here. So let's do that. It's 9:25,
6 let's come back at ten minutes.

7 (Whereupon, the above-entitled
8 matter went off the record at 9:25 a.m. and
9 resumed at 9:36 a.m.)

10 MR. DANNER: All right, Chad
11 Zamarin.

12 MR. ZAMARIN: Thank you. Chad
13 Zamarin, Williams. I was just going to
14 follow-up on the conversation and note that the
15 proposal does include, in (i) a phrase, any
16 leak that in the judgment of the operating
17 personnel at the scene is regarded as an
18 existing or probable hazard to public safety or
19 grave hazard to the environment.

20 It seems like that's a better
21 language. And, you know, just kind of pulling
22 from the GPTC standard I think we should pull

1 what's good. And as we're putting new
2 standards in place maybe leave behind the
3 things that feel maybe, to have a lack of
4 clarity and are outdated.

5 MR. DANNER: So, Chad, I'm sorry, I
6 didn't quite, there was still noise behind me
7 when you read the section.

8 MR. ZAMARIN: Sorry.

9 MR. DANNER: Could you read it
10 again?

11 MR. ZAMARIN: Sure. There is one
12 section that basically states that the judgment
13 of operating personnel, it's (i). And the
14 judgment of operating personnel at the scene
15 can make a determination that it should be a
16 Grade 1 leak.

17 MR. DANNER: All right, thank you.
18 Any other comment on that? Sara Gosman?

19 MS. GOSMAN: Yes. So I'm frankly
20 struggling a little bit here because I see that
21 sub (i) also contains language about the
22 judgment of the operator. And let me pull that

1 up for a moment. Any leak that in the judgment
2 of operating personnel at the scene is regarded
3 as an existing or probable hazard to public
4 safety or grave hazard to the environment.

5 But I'm worried about a situation in
6 which we would see, I mean, we've been talking
7 a lot about odorization, right, and the
8 importance of odorization. So a situation
9 where somebody might smell gas in, particularly
10 like a confined space, is this, I mean, I would
11 want that to be considered something that
12 should be immediately repaired. And I'm
13 wondering if there is a place for this language
14 in that situation, perhaps with thoughtful set
15 of language from GPTC's standard? Because
16 really that's a safety set of issues.

17 MR. DANNER: Steve?

18 MR. SQUIBB: Steve Squibb, City
19 Utilities. One suggestion I have is, around
20 hazardous leaks is, we've already got a
21 definition of hazardous leak we are familiar
22 with in the DIMP area. I'd just like to read

1 it.

2 In 192.1001, hazardous leak means a
3 leak that represents an existing or
4 probable hazard to persons or property and
5 requires immediate repair or continuous action
6 until the conditions are no longer hazardous.
7 That's the RDN regulations we're familiar with.
8 I think that's a good definition. I'd like to
9 consider that in this rulemaking. To just
10 reference that. Or use that in this Grade 1
11 section.

12 MR. DANNER: Thank you. Peter?

13 MR. CHACE: Pete Chace, NAPSR. One
14 thing I, this is the seen, heard, or felt
15 standard. One of the things I know here is,
16 the Grade 1 leak definition mentions a grave
17 hazard to the environment whereas the Grade 2
18 leak mentions a significant hazard to the
19 environment. But they're not really defined.
20 And I'm not sure as an operator how I would
21 differentiate a grave from a significant and
22 hazard.

1 I wonder if we could look at, say,
2 the seen, heard, or felt definition and maybe
3 agree that if you've got a leak that can be
4 seen, heard, or felt that's something that's a
5 threat to the environment. Because otherwise
6 I'm not sure what's grave and what's
7 significant. So those are my comments.

8 MR. DANNER: Yes, thank you. And I
9 just want to say I thought that the definition
10 that Steve read, it was kind of circular.
11 Because a hazardous leak is a leak that's
12 hazardous, and we haven't defined hazardous.
13 So that's concerning to me as well. Pete?

14 MR. CHACE: The seen, heard, or felt
15 perhaps, would something like this work, any
16 leak that can be seen, heard, or felt and which
17 is in a location that may endanger the general
18 public or property or the environment.

19 MR. DANNER: All right, thank you.
20 Erin?

21 MS. MURPHY: Erin Murphy, EDF.
22 Steve referenced the other part of the CFR

1 where there is a hazardous leak definition. I
2 would not support proposing incorporation of
3 that here. I support the definition as it's
4 articulated in the proposed rule.

5 Did want to note the distinction
6 that Pete raised on the proposed Grade 1
7 definition referencing a grave hazard to the
8 environment, and the proposed Grade 2
9 definition referencing a significant hazard to
10 the environment. That's something that EDF and
11 other environmental organizations noted in our
12 comments that PHMSA might consider whether it
13 could provide more clarity in a final rule on
14 what that grave threshold looks like.

15 I know that there is a proposed
16 numeric threshold in the Grade 2 definition. I
17 wasn't planning to bring a numeric proposal to
18 this Committee, but might just suggest that
19 this Committee could recommend that PHMSA
20 provide more clarity on what constitutes a
21 grave hazard in a final rule.

22 MR. DANNER: All right, thank you.

1 Chad?

2 MR. ZAMARIN: Thanks. I was just
3 going to say, I think we heard in public
4 comment yesterday of a leak on a valve that was
5 very small, but could be heard. And so now I
6 think maybe the GPTC, the full guidance, would
7 have addressed that issue.

8 But again, it feels like a very
9 unsophisticated standard for determining the
10 most, you know, hazardous leak classification,
11 so. But again, I think we heard yesterday that
12 that leak would have been very small. And
13 blowing down that segment of pipe would have
14 been a significant error in trying to minimize
15 emissions and promote safety.

16 MR. DANNER: So, what was your
17 thought on Erin's proposal that instead of
18 trying to define it further we just ask PHMSA
19 to clarify? Erin?

20 MS. MURPHY: Sorry, I just want to
21 clarify. I think that recommendation that I
22 made was for a different part of the definition

1 --

2 MR. DANNER: Oh, excuse me.

3 MS. MURPHY: -- which is what Pete

4 --

5 MR. DANNER: Okay.

6 MS. MURPHY: -- had flagged on the
7 grave hazard to the environment.

8 MR. DANNER: Thank you. All right,
9 Brian?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy. Kind of following up to what Steve's
12 comments were. I do recommend that for in,
13 under Grade 1 leaks the first, you know, 1(i)
14 that we do change that just to say, a hazardous
15 leak as defined by DIMP.

16 We have the definition, like he just
17 read, in DIMP. And it will make it, I think it
18 will just, that definition exists today. And
19 then we can strike the remainder of the
20 language.

21 MR. DANNER: John Gale?

22 MR. GALE: Thank you, Chairman.

1 Thank you, Member Weisker. And just to be
2 clear, Members, regarding the issue of the
3 definition of hazardous leak, and I think we
4 can move forward with this as, you know, even
5 as recommended by Brian, is that we're going to
6 address the issue of the definition of
7 hazardous leak later in the meeting, hopefully
8 on Friday.

9 But I'm hopeful that we can continue
10 this conversation on defining Grade 1 leaks
11 with the revisions you're recommending, having
12 that conversation on the definition of
13 hazardous leak later in the week. I think that
14 would be the most productive way to do it. But
15 I think in the way you all are recommending, I
16 think we can continue forward.

17 MR. DANNER: All right, thank you
18 very much. Sara Gosman?

19 MS. GOSMAN: Yes. I would support
20 the language that Pete had recommended here
21 pulling from GPTC and including environment.
22 Thank you.

1 MR. DANNER: Okay. So we just add
2 the words, or the environment, to the end of
3 the bullet above. Is that right? Okay. Any
4 thoughts on that proposal? Chad?

5 MR. ZAMARIN: Yes, again, I mean,
6 that is incredibly undefined. And we're trying
7 to put standards in place that are clear and,
8 especially in a category of the most
9 significant leak, we're basically adding a
10 sentence that is totally undefined and open to
11 subjective interpretation. And so, I don't
12 know what, you know, how to deal with that.

13 And I do know that there will be
14 many people that could point to the most
15 insignificant leaks and say that they should be
16 Grade 1 because of such an undefined standard.
17 So I have a lot of problem with this language
18 being, it seems archaic and it seems incredibly
19 unsophisticated, and as a result won't lead to
20 good outcomes.

21 I'm surprised that we would want
22 something so undefined when we've been talking

1 about very specific standards in the last three
2 days.

3 MR. DANNER: Pete?

4 MR. CHACE: Thank you. Pete Chace,
5 NAPSRS. I will say on the seen, heard, or felt
6 standard, this has been state law in Ohio and
7 in a number of other states, and quite frankly
8 we've never encountered a problem with it to
9 date.

10 I would like to amend my initial
11 amendment. I personally believe that the Grade
12 1 leak definition, I'd like to see some, PHMSA
13 consider more better defining what is a grave
14 versus a significant and environmental hazard
15 and return the seen, heard, or felt criteria to
16 the language that's currently in GPTC.

17 MR. DANNER: John Gale?

18 MR. GALE: Thank you, Chairman.
19 Yes, I mean, if there Committee would like we
20 could get into the definition of hazardous leak
21 and try to debate that now. We were
22 optimistic.

1 We think we can continue the
2 conversation in terms of just simply a
3 modification of what Grade 1 would be in terms
4 of the language as Member Weisker, you know,
5 recommended here in (b)(1)(i), which is just
6 take out some of the language there and just
7 simply refer to the definition of hazardous
8 leak and then have the conversation of the term
9 hazardous leak later in the meeting.

10 But if the members believe it's
11 appropriate to do it now, of course that's your
12 all's recommendation. But in order to get
13 through Grade 1, 2 and 3, we were recommending
14 that we kind of stack it this way.

15 MR. DANNER: Erin Murphy?

16 MS. MURPHY: Erin Murphy, EDF. I'm
17 not sure I am comfortable with that proposed
18 modification. I feel like we've been
19 discussing the language in (b)(1), which states
20 in the proposal that a Grade 1 leak is any leak
21 that constitutes existing or probable hazard to
22 persons or property or a grave hazard to the

1 environment. That's a really important
2 component of the Grade 1 leak definition to us,
3 and I hope, you know, it's possible to retain
4 that here as well as get into the definition of
5 hazardous leak, whenever we get to it.

6 MR. DANNER: All right, thank you.
7 John?

8 (Off microphone comment.)

9 MR. DANNER: Yes, I am also
10 concerned we don't have language, general,
11 public or property, or the environment. And, I
12 mean, I understand, I mean, I look at that and
13 I just think about something that is, you know,
14 in the middle of a cornfield so it may not be a
15 danger to public or property but it is still
16 having environmental concerns. This doesn't
17 capture that. So unless you can explain to me
18 how it does, so. John?

19 MR. GALE: If I could, Chairman? I
20 think this is articulated in one of the slides.
21 What we say is, that we do have that
22 introductory language but the criteria for the

1 grading of the leaks, for Grade 1, 2 and 3,
2 because all three grades have this kind of
3 preamble language, is the parameters that are
4 set forth under each of those grades. So
5 though there is the preamble that's there, the
6 actual criteria is those parameters that are
7 set forth under Grade 1, 2 and 3.

8 MR. DANNER: All right, thank you.
9 Chad Gilbert and then Erin Murphy.

10 MR. GILBERT: I just wanted to
11 backup Peter. I think his language is close.
12 And, you know, from being out in the field, if
13 you see, hear, or feel a leak, in my mind, from
14 constructing pipelines, from working on
15 maintenance, from working on lines that are in
16 service, that's something that needs to be
17 fixed in a timely manner. I mean, that's a
18 substantial leak.

19 Not only for the environment, but
20 for the workers. For the people that work
21 around those leaks. They could be working in
22 one area and not have any idea that there is a

1 leak in another area while they're doing one
2 task.

3 If there is some way to document
4 these leaks and some way to maybe analyze them
5 and keep an eye on them, and that way everyone
6 knows where that leak is, you know, I'd be for
7 dropping that from PHMSA's recommendations.
8 But otherwise, about all I could live with
9 would be what Peter suggested.

10 MR. DANNER: Thank you. Erin Murphy
11 and then Chad Zamarin.

12 MS. MURPHY: Erin Murphy, EDF. Just
13 wanted to make a clarifying point. And I
14 appreciate Staff putting this up on the screen
15 because I think it's helpful. I feel like
16 we're kind of having two conversations at once
17 because what I was commenting on and wanting to
18 make sure that the Grade 1 definition retains
19 the reference to a grave hazard to the
20 environment, that's in (b)(1) and (b)(1)(i).

21 And then we were kind of
22 simultaneously having this discussion of (b)(1)

1 sub -- I don't know if it's on the screen.

2 Whatever it is.

3 PARTICIPANT: Sub vii.

4 MS. MURPHY: Sub vii. So I just
5 wanted to make sure that's like clear that
6 those are two sort of separate issues.

7 MR. DANNER: All right, thank you.
8 Chad?

9 MR. ZAMARIN: Chad Zamarin,
10 Williams. Yes, and I'm going to go back to,
11 yes, (vii). I do think Chad, Member Gilbert, I
12 think your concern is how address through the
13 way this section is structured. So maybe
14 taking a step back.

15 If something doesn't, if a leak is
16 detected and it doesn't qualify as Grade 1, it
17 then has to be checked against the Grade 2
18 criteria. If it doesn't meet the Grade 2
19 criteria, it has to be tracked as a Grade 3.
20 And it has to be, and there are requirements in
21 here to reevaluate that leak and make sure that
22 if it changes over time before the repair can

1 be made.

2 So I feel comfortable that we should
3 have, we've got that concept laid out here.

4 And the goal should be to quantify the leak and
5 determine what category it fits within so that
6 we're repairing immediately the right things.

7 And we're scheduling for repair the
8 right things and not, you know, having an
9 unattended consequence. Because again, I think
10 we heard yesterday, if, you know, you find
11 something in the middle of a cornfield and you
12 can monitor it and it is emitting less than,
13 you know, a certain well defined standard and
14 it's not posing a threat to safety, if you
15 require that to be treated as an immediate and
16 you blowdown the pipeline to make a repair,
17 you've just emitted more emissions through the
18 blowdown than the leak was emitting. So that's
19 my concern with not having a well-defined
20 standard. Thank you.

21 MR. DANNER: All right, thank you,
22 Alex. All right, Chad?

1 MR. GILBERT: A leak in a cornfield.
2 A leak in a cornfield is hazardous when you
3 come from where I come from or you've been in
4 Illinois, people that live in Illinois.

5 Farmers work in those fields.
6 Farmers cut that corn. Kids de-tassel that
7 corn in those cornfields.

8 I go back to my original statement.
9 A leak is an anomaly. If a pipe is leaking
10 something has happened to cause that leak.
11 There is something wrong with that system. I
12 mean, tell me if I'm wrong, the professionals,
13 the engineers. From what I know in the field,
14 if pipe is leaking there's a problem there.
15 There's an anomaly.

16 And maybe we don't fix it tomorrow,
17 maybe we bundle projects, but I urge you to
18 think about the expansion of population in this
19 nation and the expansion of the rural areas and
20 how we live out there. And where we go when we
21 go hunting, when we go fishing, when we take
22 our kids camping. We can't just say that this

1 leak is out in the middle of nowhere, it's
2 going to be okay, nobody is going to be there.
3 Because people are going to be around that leak
4 in today's time.

5 1970, 1980, 1990, maybe not. But
6 with the expansion of population and the growth
7 that we have seen occur over the last ten
8 years, the rural areas are growing
9 dramatically. Movement from California,
10 movement from New York, movement from Chicago.

11 People are coming into our
12 communities and they're expanding. And there's
13 a lot of gathering lines that are in those
14 areas. And a lot of new construction. And I
15 just don't want us to forget about rural
16 America just because it's out in the middle of
17 a 50 acre cornfield. Because there is people
18 in the middle of that 50 acre cornfield daily.
19 And that's just my input.

20 MR. DANNER: All right, thank you
21 very much. Chad, then Andy, then Pete.

22 MR. ZAMARIN: Thanks. Chad Zamarin,

1 Williams. And, Member Gilbert, I think we're
2 on exactly the same page. And so I want to be
3 really clear, like, I agree, every leak is an
4 anomaly and we need to address those leaks.
5 What I'm trying to ensure is that we address
6 the leaks.

7 When we deem something immediate it
8 puts in motion a lot of activity and aggressive
9 response. And that's appropriate when it's --
10 but it also means we're going to evacuate
11 pipelines, we're going to mobilize crews, we're
12 going to potentially impact markets and
13 customers. And so, we do need to make sure
14 that we're doing that appropriately.

15 And I totally agree. And I think
16 you're going to hear when we talk about
17 criteria in Grade 2, certainly on the
18 transmission systems, we're proposing that we
19 address every leak, but recognizing that some
20 can afford planning and coordination with other
21 work and do it in a way that makes the most
22 sense. So I'm just trying to make sure that we

1 get the right categorization so we can plan the
2 work effectively. Thank you.

3 MR. DANNER: All right, thank you.
4 Alex, did I skip over you? All right. Right.
5 Okay. Andy?

6 MR. DRAKE: This is Andy Drake with
7 Enbridge. I appreciate the conversation. And
8 I think it's important that we recognize that
9 what we're, and I appreciate where you're
10 going, Sara.

11 We have two things happening here.
12 We're talking about safety, and I hear your
13 concerns. If it's unsafe, that's the GPTC's
14 definition that if it could be harmful to
15 people it's Grade 1. We're going to go get
16 those.

17 And then Chad's point is, if it's
18 not Grade 1, we don't want to lose track of it.
19 We don't want to make everything that's a leak,
20 even if it's very small, not a hazardous to
21 people's safety. We don't want to make all
22 those Grade 1. That distracts because if

1 everything's an urgency, nothing is an urgency.
2 I mean, that doesn't make any sense.

3 I think the questions I'm having is,
4 how do we help get some tangibility around the
5 environmental side of this. If it's grave and
6 significant, I can hear a million
7 interpretations what that means.

8 Is there some way for us to quantify
9 what the environmental piece looks like so that
10 we can append this?

11 I think the GPTC definition is good.
12 And if that helps us, I think we adopt in part
13 of it. And the NOP, in the NOPR, seen, heard,
14 felt, but not the safety part. We got to bring
15 the other piece in, then it makes sense. And
16 add some environmental quantification. I think
17 that would help us.

18 I'm just sort of struggling with
19 grave and significant are a little bit
20 ambiguous. Is there something that we could do
21 to tighten that up because I think we want to
22 consider those. Even if it's in a cornfield.

1 And it's safe.

2 But it's creating, I don't know how
3 that would happen actually, but if it's unsafe,
4 it's unsafe. And I think that's going to be a
5 load of volume, it should cover off on grave
6 environmental impact. But even if it's in a
7 remote area and it's not deemed as unsafe, if
8 there was some environmental criteria we would
9 add to that also. I think that would be very
10 helpful if it was more tangible.

11 MR. DANNER: All right, thank you.
12 Robert Ross?

13 MR. ROSS: Robert Ross, PHMSA. So
14 to your point, Mr. Drake, you know, we, this is
15 actually this language, this distinction,
16 because you go from Grade 1 to Grade 2, you
17 know. And the environmental dimension of it is
18 something that, you know, we really, it was
19 quite challenging for us. And we settled on
20 that language, you know like, which admittedly,
21 you know like, is difficult to interpret.

22 The issue, one of the issues that we

1 were struggling with, you know like, is that we
2 wanted the grading criteria to reflect not only
3 the dimension of the hazard to the public and
4 safety and property, but also to the
5 environment. And the existing GPTC criteria,
6 between Grades 1 and 2, split on the basis of
7 potentiality.

8 You know like, and insofar as the
9 rulemakings elements are predicated in part on
10 the certainty of a hazard to the environment
11 from any methane emission, that kind of split,
12 based on potentiality between Grades 1 and 2,
13 you know, was difficult to, like to translate
14 over to the environmental space. We landed on
15 those qualifications, grave, serious, you know
16 like, as we struggled to find some that would
17 capture, you know like, that distinction, you
18 know like, adequately.

19 I think what we took comfort in is
20 what John mentioned a little bit earlier.
21 Which is, you know, as a practical matter, what
22 defines what is grave or serious are actually

1 those considerations and conditions that are
2 listed in the romanettes.

3 And as practical matter two, you
4 know, I think we would be quite challenged to
5 identify a Grade 1 leak strictly on the basis
6 of an environmental harm that doesn't also
7 satisfy one of these other criteria that are
8 listed. That, by and large, come almost
9 verbatim from the GPTC guide.

10 I hope that's helpful. And we do
11 appreciate the Commission, or rather the
12 Committee's, you know like, I guess discussion,
13 that would, you know like, help us to eliminate
14 that distinction between Grades 1 and 2
15 criteria.

16 MR. DANNER: All right, thank you
17 very much. Pete?

18 MR. CHACE: Pete Chace, NAPS. I
19 thought maybe it would help if you heard it
20 from a state regulator. And if I'm telling you
21 things you already know, I apologize.

22 But what makes gas hazardous is if

1 it can build up to a flammable or explosive
2 concentration. Or even further that, it's an
3 asphyxiation risk.

4 If you've got the proverbial leak in
5 the cornfield, if it's below a certain size the
6 methane ultimately dissipates into the
7 atmosphere and it can't get to that explosive
8 concentration. So that is the logic behind
9 hazardous versus nonhazardous for those sorts
10 of leaks.

11 So that type of leak would be
12 classified as a Grade 2. And I think maybe I'm
13 getting ahead of myself, but there is going to
14 be a consensus that those Grade 2 leaks are
15 going to get fixed, it's just a matter of the
16 timelines so the operators can organize their
17 work.

18 MR. DANNER: All right. Chad
19 Gilbert, you had your tent up, are you passing?
20 Okay. Alex?

21 MR. GILBERT: Chairman Danner, I'm
22 sorry --

1 MR. DANNER: Oh --

2 MR. GILBERT: -- but I was just
3 going to earlier agree with Chad's comment. It
4 was very intellectual, and I agree with his
5 prior statement.

6 MR. DANNER: All right, thank you.
7 Alex?

8 MR. DEWAR: Yes, Alex Dewar, BCG. I
9 think we've talked in the past, so far over the
10 last several days, about data. Where we have
11 data, where we don't. And I think this is an
12 area where, by and large, we're actually
13 lacking a lot of data.

14 And the reality is, you know, look,
15 there are robust safety standards in place that
16 is clearly what we're anchoring off of here in
17 the discussion. That is very sensible to
18 anchor off and use that as a starting point.
19 But again, what we're trying to do here, what
20 this is opening the door to is setting a new
21 basis for environmental standards.

22 And what we're grappling with is

1 really the lack of data on that. And so I
2 think we ought to recognize that data will
3 become more available over time. We'll get to
4 that in the reporting section on how these
5 types of Grade 3 leaks are understood and
6 addressed. And I think that will give PHMSA a
7 stronger basis in the future. And can provoke
8 a more informed discussion, I think, about what
9 the right grading standard is when we are
10 focusing on the environmental to climate
11 impacts of this.

12 So I don't know if others would be
13 open to it, but I maybe would just throw out
14 there, adding some language here, just
15 recognizing that we are trying to craft a
16 standard here working off of the existing
17 safety approaches, which are sound to do, but
18 we recognize that there is a lot of uncertainty
19 in this and PHMSA should come back in the
20 future and reassess what the data are and if
21 this grading standard is appropriate for
22 methane in particular. That is not a, you

1 know, doesn't otherwise fit in the safety
2 standards and parameters.

3 MR. DANNER: Okay. It looks like
4 Sayler is going to try and capture that.

5 MR. PALABRICA: It's a little hard
6 one to capture.

7 MR. DANNER: It is a little hard one
8 to capture so don't worry, Alex will weigh in
9 later.

10 MR. DEWAR: That was a half-baked
11 thought.

12 (Laughter.)

13 MR. DANNER: Thank you very much.
14 Erin?

15 MS. MURPHY: Erin Murphy, EDF. Just
16 wanted to propose some language to put up on
17 the screen to capture some of the discussion I
18 think we've been having, which would be to add
19 an additional bullet point recommending that
20 PHMSA clarify the meaning of grave
21 environmental hazard. Or provide more clarity
22 on what constitutes a grave environmental

1 hazard.

2 And Mr. Ross, really appreciate that
3 clarification that you provided but I do think
4 it might make sense for the Committee to give
5 that recommendation to the Agency. And I do
6 want to reiterate my concern with the second
7 bullet point, as I stated earlier.

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

10 MR. ROSS: No, we would appreciate
11 that. I also note too that the GPTC guide
12 itself, in its current iteration, is a great
13 example of the long-term collaboration between
14 the states and other partners in helping to,
15 you know, basically provide more flesh and
16 content to PHMSA's existing leak requirements.

17 So even apart from what ends up in a
18 final rule or the discussions here, you know,
19 we would continue those conversations with the
20 stakeholders here and, you know, in the
21 audience and others on an ongoing forward
22 basis. Thanks.

1 MR. DANNER: All right, thank you.
2 Andy and then Terry.

3 MR. DRAKE: Andy Drake with
4 Enbridge. I appreciate your comment, Erin. I
5 think that I would agree with a similar
6 direction. In fact, anything you can do there
7 to help clarify would be good.

8 And, Mr. Ross, I really appreciate
9 what you walked through I think is actually
10 very programmatic. I mean, if it meets any of
11 these criteria than it probably, as a safety
12 issue, it's probably an environmental issue.
13 If it doesn't, it's probably not a grave.
14 That's helpful. That's quite helpful actually
15 in how to determine that.

16 I think it may actually, I don't
17 want to say kick the can down the road, but I
18 think we're going to have to still quantify
19 when we get to significant in Class 2. Or
20 Grade 2. But for Grade 1 that may be actually
21 how it plays out. If it doesn't meet this
22 criteria then it's not Grade 1 and it's not

1 grave, which is good.

2 I think the other thing I think is
3 important is to address your concern, Mr.
4 Gilbert is, just because it's not urgent
5 doesn't mean it's not going to happen. You
6 know, it's, we're going to keep track of these,
7 they became Class 2s or 3s and they're going to
8 get scheduled and executed against. And I
9 think that's really important.

10 And not all the leaks that we're
11 talking about are on the pipe. We keep talking
12 about the pipe. But a lot of the leaks we're
13 talking about are on some of the equipment and
14 they're not safety issues. They're not really
15 even maintenance issues. They're a lot related
16 to just things that happen in changing weather
17 conditions. We get valve packings that go out,
18 then you got to go back and grease them, you
19 got to do other things. But I just think it's
20 an important perspective to keep because it's
21 going to come up, I think, as we get into other
22 ancillary equipment in Grade 2s and 3s.

1 MR. DANNER: All right, thank you
2 very much. Terry Turpin?

3 MR. TURPIN: Terry Turpin, FERC. I
4 kind of feel like we're starting into a
5 long-term circular conversation. I mean, I'm
6 all for a recommendation to tell PHMSA to
7 provide clarity on this, but I would note that
8 in the NOPR PHMSA put that question out there
9 asking, does anyone have suggestions on how to
10 quantify grave.

11 So, I think we're kicking the can
12 back to the folks that kicked the can to us and
13 we're going to kick the can back. I mean, I
14 don't envy them. I don't think this is a very
15 easy topic, but I don't think we're really
16 getting anywhere with that recommendation
17 either. Thanks.

18 MR. DANNER: So, as a Member of the
19 Committee, do you have a recommendation?

20 (Laughter.)

21 MR. DANNER: All right. Chad and
22 Diane and Peter.

1 MR. ZAMARIN: Thank you. Chad
2 Zamarin, Williams. I actually totally agree
3 with you, Member Turpin, but I also think that
4 the guidance that we got from Mr. Ross was
5 helpful.

6 It seems like the romanettes should
7 define, should be the criteria for what is
8 hazardous. And that's why I've got the concern
9 with the GPTC language on seen, heard, felt. I
10 would love to see more specific, you know,
11 something that has a 80 percent or greater LEL.
12 Like, that's a specific standard. That is
13 something I can measure, that is something that
14 you can demonstrate.

15 I mean, I'll see where the Committee
16 wants to go with the GPTC language on seen,
17 heard, or felt, but I do think it is helpful to
18 think about the romanettes as defining the
19 term, so that's why I think it's so important
20 we get those right and why I don't like the one
21 that seems the most ambiguous. Thank you.

22 MR. DANNER: All right, thank you.

1 Peter?

2 MR. CHACE: Pete Chace, NAPS. I
3 will put out a proposed recommendation then. I
4 think the seen, heard, or felt standard can be
5 clarified using the GPTC language, which is in
6 a location that may endanger the general public
7 or property.

8 I'll also propose that the purpose
9 of the Grade 1 leak definition is to identify
10 hazardous leaks. And it may be that leaks that
11 don't fit the hazardous leaks but are otherwise
12 a threat to the environment are appropriately
13 classified as Grade 2.

14 MR. DANNER: All right. And did you
15 capture that?

16 MR. PALABRICA: Yes.

17 MR. DANNER: Okay. I think he's
18 capturing that. Diane?

19 MS. BURMAN: Thank you. So I
20 totally agree. I think we're all in agreement
21 that we need to clarify the language. Member
22 Turpin, I really liked sort of your reminding

1 us about the questions that were asked. And I
2 think to the extent that this discussion is
3 helpful to give some information to PHMSA.

4 I do think that, you know, kudos to
5 Attorney Ross in terms of laying that out. I
6 think that was helpful. And to Commissioner
7 Chace over here. So thank you.

8 MR. DANNER: All right, thank you.
9 Alex, you had your tent card up again? No,
10 okay. I'm not seeing any tent cards right now.

11 So --

12 (Off microphone comments.)

13 MR. DANNER: All right. Sara
14 Longan?

15 MS. LONGAN: Thank you, Mr.
16 Chairman. Sara Longan, Army Corps of
17 Engineers. Just to build off of what Member
18 Zamarin said, and what I think is captured in
19 the conversation we're having this morning, is
20 just a process check on being consistent with
21 what we did yesterday for leak detection.

22 And what you described, Chad, we

1 actually were able to accomplish. And I think
2 it supports what, Rob, you have suggested.
3 That the romanettes be that criteria so that we
4 reduce this ambiguity in the seen, heard, or
5 felt criteria.

6 I don't have serious hardship with
7 those words, but I do think what we were able
8 to do yesterday for leak detection should be a
9 goal that we are consistent with here at
10 grading and repair.

11 MR. DANNER: All right, thanks for
12 that. Any other comments? We have a number of
13 bullets up on the slide.

14 (Off record comments.)

15 MR. DANNER: Okay. We haven't got
16 Peter's up yet.

17 (Long pause.)

18 MR. DANNER: All right, while we're
19 getting that language up, Erin, do you want to
20 go ahead?

21 MS. MURPHY: So, Erin Murphy, EDF.
22 Listening to the discussion and just thinking

1 about, you know, it's been referenced that
2 there is a numeric threshold that's been
3 proposed by the agency for Grade 2 leaks. And
4 I think the more vague language that I
5 recommended earlier, that the GPAC would
6 recommend that the Agency clarify the meaning
7 of grave environmental hazard was trying to get
8 to, you know, can the Agency think about a
9 numeric threshold, what else should PHMSA think
10 about to make sure that the Grade 1 definition
11 captures what constitutes that grave
12 environmental threat.

13 And I think I would want to propose
14 a numeric threshold for discussion, which would
15 be 100 kilograms per hour to constitute a Grade
16 1 leak. And, Arvind, if he wants to speak to
17 this can probably speak to it better than I
18 can, but essentially that is the threshold for
19 the sort of perceived threshold for detection
20 on satellites. So that's an extremely large
21 leak.

22 MR. DANNER: Arvind, do you want to

1 weigh in?

2 MR. RAVIKUMAR: Yes. Yes. I mean,
3 recognizing that satellite technologies improve
4 over time, the existing sort of best in class
5 satellites, can detect leaks that are at least
6 100 kilograms per hour, which is considered a
7 very large leak. And by formal EPA definition
8 that's considered a super-emitter. And I would
9 recommend, if you want to have a numerical
10 threshold, it should be at that level so that
11 you don't have all the small leaks in.

12 MR. DANNER: Okay. So I don't think
13 there is anyone taking notes right now so --

14 (Off microphone comments.)

15 MR. DANNER: You'll get it all.
16 Okay. All right, Chad Zamarin?

17 MR. ZAMARIN: Thanks. Chad Zamarin,
18 Williams. My only question may be, Erin, I
19 like a numeric standard and I'm going to defer
20 to others on what the number should be, but I
21 do worry about us keeping the language of grave
22 environmental concern and then us stating a

1 volume.

2 Are we really the right group to do
3 that? Should we agree that we call it a
4 hazardous leak, and we're defining that a
5 hazardous leak to the environment is something
6 that, you know, again, the definition is in the
7 romanettes and not the language that is grave
8 concern to the environment. I worry about us
9 being the, setting some guidance on the gravity
10 of a leak. I imagine that's a much bigger,
11 more complicated discussion to be had. So just
12 something I'd be interested in getting some
13 thoughts on. Thanks.

14 MR. DANNER: Erin?

15 MS. MURPHY: So I want to make sure
16 I'm understanding Chad Zamarin's comment
17 correctly. I think what we're proposing for
18 the 100 kilogram per hour numeric threshold
19 would be a recommendation that PHMSA add that
20 as one of the romanettes, so that would be one
21 of the criteria. Is that responsive?

22 MR. ZAMARIN: Chad Zamarin,

1 Williams. It is, but again, and I don't know
2 if we've given enough guidance for PHMSA to
3 work on the, kind of the definition and the
4 language in 760(b)(1). And that language where
5 we say, a Grade 1 leak is any leak that
6 constitutes a grave hazard to the environment,
7 but then down in the romanettes we're defining
8 a specific volume, which again, I support that
9 specificity, but I wonder are we going one step
10 too far to be the, you know, to be defining
11 what is a grave hazard to the environment. I
12 just, I wonder if that should be the definition
13 of a hazardous leak and let the details flow.

14 Because I'm not sure I have the
15 expertise to vote on something that says, I
16 know how to define what a grave hazard is to
17 the environment. But I am comfortable setting
18 a number that says, look, we as a group think
19 this is big enough, go get it immediately.
20 Thank you.

21 MR. DANNER: All right, thank you.

22 Pete?

1 MR. CHACE: Pete Chace, NAPS.R.
2 Thank you. I was going to bring this up during
3 the Grade 2 discussion, but I think for many
4 leaks, particularly on distribution systems,
5 being able to determine a leak flow rate is
6 really not possible unless you excavate the
7 leak. You'll find a lot of leaks that will
8 diffuse through the soil and underground. And
9 you can't really get a great estimate for how
10 much of that is leaking unless you actually dig
11 it up and essentially observe it.

12 So I think that having any sort of
13 definition that requires an operator to
14 determine a leak flow rate, particularly for
15 distribution and operators, it may be
16 difficult.

17 MR. DANNER: So could this be
18 limited to those areas where it would be or
19 could be done?

20 MR. CHACE: On an aboveground, above
21 grade leak I think so.

22 MR. DANNER: All right, thank you.

1 Brian?

2 MR. WEISKER: Brian Weisker, Duke
3 Energy. When I think about that size of a
4 leak, I think it will be readily apparent.

5 My concern is what Pete just
6 mentioned, is around being able to actually
7 quantify that. How do you validate, how are we
8 going to have to validate and prove with a
9 quantification that that number existed. So
10 that's my biggest concern. Requiring a
11 quantification to validate, yes, that's 100
12 kilograms per hour.

13 MR. DANNER: All right, thank you.
14 Arvind?

15 MR. RAVIKUMAR: I agree with Member
16 Chace's point about, you have to quantify them
17 to be able to know what the number is. But
18 what I would say is that, you know, 100
19 kilograms per hour is so large that we have, in
20 all of the studies that have been conducted, we
21 have never seen a leak that large in the
22 distribution system. In fact, we have never

1 seen a leak that is ten kilograms per hour in
2 the distribution system. So it's automatically
3 going to exclude the entire distribution system
4 if we are thinking of very large leaks.

5 MR. DANNER: All right, Erin?

6 MS. MURPHY: I hope this is still
7 responsive. I'm just thinking about sort of
8 how the definition is structured in the
9 discussion we're having.

10 And I think just want to emphasize
11 where I am at, which is continuing to support
12 retention of the grave hazard to the
13 environment language at (b)(1) so that that is,
14 you know, we're saying that a Grade 1 leak
15 constitutes a grave hazard to the environment.
16 And then noting that (b)(1) then says that a
17 Grade 1 leak includes a leak with any of the
18 following characteristics. So those
19 characteristics are thresholds.

20 So, what I am proposing, right, is
21 that 100 kilograms per hour, if a leak meets
22 that characteristic it has crossed the

1 threshold to constitute as grave hazard to the
2 environment. But I don't necessarily see this
3 definition as saying, you know, this is the
4 explicit universe and this is exactly what a
5 grave hazard is, which hopefully is sort of
6 responsive to some concerns.

7 MR. DANNER: Thank you. And I don't
8 have the rule language in front of, proposed
9 rule language in front of me. Just -- yes, so
10 any of the following characteristics. Okay.
11 That's what I wanted to check.

12 All right, thank you. Let's see.
13 Chad?

14 MR. ZAMARIN: Thanks. Chad Zamarin,
15 Williams. I, again, I understand the concerns
16 about, you have to measure the volume, but, I
17 mean, we just talked yesterday we're putting
18 leak survey requirements in place that require
19 measuring of the volume. And so, I am
20 comfortable with the concept, I like
21 specificity.

22 And so, I would think that PHMSA

1 will have to think about how the language is
2 worded, I think to address some of the concerns
3 of, can you do it, where can you do it. But it
4 seems like that makes sense. Thank you.

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

7 MR. DRAKE: This is Andy Drake with
8 Enbridge. We spent a lot of time yesterday
9 talking about ALDP and trying to quantify
10 things through the detection programs. I think
11 that that make sense. We should be able to use
12 the ALDP to be able to provide some
13 quantification of this. And I'm supportive of
14 100.

15 I actually think the other criteria
16 will probably flash at a lower level, and
17 that's good. But this is a good backstop and
18 it helps to provide clarity because I think
19 when we get to Grade 2 having that, some sort
20 of benchmarks that we're working off of will
21 help all of us around the table. But I'm good
22 with the hundred. And I think the ALDP can

1 help us get there.

2 MR. DANNER: All right, thank you.
3 Brian, you had your tent card up?

4 MR. WEISKER: I do. Brian Weisker,
5 Duke Energy. Question for PHMSA since, I mean,
6 hearing what Arvind said it's just, it's
7 probably, it's completely impractical for
8 distribution to have a hundred kilogram per
9 hour leak. Are we okay with having that
10 applied to transmission but not to distribution
11 that the hundred kilogram per hour just knowing
12 that it's physically impossible?

13 MR. DANNER: That was a question to
14 PHMSA. Did --

15 (Off microphone comment.)

16 MR. DANNER: Okay. No, they can't
17 recommend, so -- all right. Sara Gosman and
18 then Alex.

19 MS. GOSMAN: Well, I was going to
20 move on to this question of what constitutes a
21 hazardous leak, although the bullet point that
22 I was looking at is gone now. It's in the

1 third one there. Why don't I hold off while
2 Erin Murphy talks, if she is next in line.

3 MR. DANNER: Okay. Alex, can we let
4 Erin go first?

5 MR. DEWAR: Yes, go for it, Erin.

6 MS. MURPHY: Thanks. Yes, just
7 wanted to respond to Brian. I guess I wanted
8 to clarify that I think, what I heard Arvind
9 explain is that a leak of this magnitude has
10 never been identified, like, in a documented
11 study on a distribution system.

12 I guess I would have another
13 question if we were going to discuss what
14 you're proposing, which is to exclude
15 distribution systems from that definition
16 entirely, which is, is it possible to ever have
17 a leak of that magnitude anywhere on a
18 distribution system, because I think if it's
19 possible then we would want to keep this as a
20 broad definition. And also frankly, if it's
21 not possible then I'm not sure if we need to
22 add that explicit exclusionary language.

1 MR. DANNER: Brian?

2 MR. WEISKER: Brian Weisker, Duke
3 Energy. I'd ask Arvind that question, is it
4 possible?

5 MR. RAVIKUMAR: It's highly
6 improbable. I cannot definitely say what might
7 happen in the future. But the point is, if
8 it's a 100 kilogram per hour leak in the
9 distribution system, six of the other bullet
10 points will identify it rather than the
11 satellite looking at it.

12 MR. WEISKER: I retract my
13 statement.

14 (Laughter.)

15 MR. DANNER: So, just to be clear,
16 the conclusion is we don't need to have an
17 exclusion for -- all right, great. Thank you.
18 Alex?

19 MR. DEWAR: Yes.

20 MR. DANNER: Thanks for waiting.

21 MR. DEWAR: Yes. So I think the
22 spirit here is great, especially of aligning

1 ALDP standards to what we're talking about
2 here. I think the challenge is, as we get to
3 Grade 2, Grade 3 distribution, we're really
4 shooting in the dark here on what the right
5 threshold is.

6 And I think we, it seems like we can
7 all get on the same page that there ought to be
8 some integration of thresholds across ALDP and
9 elsewhere, but I just want to pose some caution
10 here toward trying to specify what those limits
11 are at this stage when, again, we're still very
12 early days here at getting the data,
13 understanding this. And we're trying to create
14 a whole new seemingly grade classification
15 system here based on environmental risk.

16 MR. DANNER: All right, thank you
17 for that. Sarah?

18 MS. GOSMAN: Yes. I would like to
19 actually, well, first I will say I support the
20 numeric threshold. Particularly because it is
21 just one of the possible ways that a Grade 1
22 leak is defined here. So I see it as a line in

1 the sand in terms of what constitutes a grave
2 environmental danger, but it's not the, you
3 know, it's certainly not the only way that we
4 can think about that.

5 So, as to Bullet Point 3 though, I
6 would feel more comfortable having the
7 discussion about the definition in the later
8 part as I think PHMSA wanted to hold this piece
9 until later. And I think that that is
10 appropriate. So, that's what I would
11 recommend, taking out Bullet 3.

12 MR. DANNER: All right, thank you.
13 Brian?

14 MR. WEISKER: I just want to, I
15 guess really, it's a clarification that, and
16 I'm going to put it on the record that we're
17 not expected to, you know, to prove that we're
18 not at a hundred, for every leak to prove and
19 calculate and measure that you're not at a
20 hundred kilograms per hour because that, you
21 know, kind of going back to the statement
22 before, what, we're not requiring measuring

1 that for every leak that we have to prove that
2 every Grade 2 leak isn't a hundred kilograms
3 per hour. That's my concern.

4 MR. DANNER: So there's a list of
5 criteria, and it's any one. So what I heard
6 is, you're going to get the others before you
7 get to this so that I don't think you have to
8 make that, you have to do that. So, Steve?

9 MR. SQUIBB: Steve Squibb, City
10 Utilities. I think the concern is we have,
11 say, a Grade 2 to 3 leak, but we still need to
12 prove that those don't meet that flow rate to
13 make it a Grade 1. Is that, am I tracking
14 that? Is that the proof in documentation we're
15 going to have to have? And that's
16 unreasonable.

17 MR. DANNER: Chad?

18 MR. ZAMARIN: Thank you. Chad
19 Zamarin, Williams. I do think, hopefully the
20 guidance in PHMSA can work through this. I
21 think that's a reasonable practical issue that
22 you have to, you could have someone saying,

1 well, you didn't check, you got to check
2 through this list and tell me that it doesn't
3 meet any one of these, show me where it didn't
4 meet a hundred kilograms per hour. We just
5 said, like, for distribution operators you
6 don't want them spending a lot of time and
7 energy measuring something that we said is
8 incredibly improbable.

9 So I do think that's a practical
10 issue that I think on the record is just
11 something that PHMSA should consider and
12 address because I think it makes a good amount
13 of sense to get that right. But I'm not sure
14 we'll solve it here today.

15 MR. DANNER: All right.

16 MR. ZAMARIN: Thank you.

17 MR. DANNER: Thank you.

18 Commissioner Burman?

19 MS. BURMAN: Ditto. Ditto, ditto,
20 ditto.

21 MR. DANNER: Okay. Is the
22 conversation, do we have any more tent cards

1 up? We have some language on here. There was
2 a Bullet 3, I think Sara asked that it be
3 moved. Was that --

4 MR. PALABRICA: It's gone.

5 MR. DANNER: It's gone, okay. So
6 are we ready to basically focus on this
7 language?

8 I'm not getting any nods one way or
9 the other. All right, I see two nods. Pete?

10 MR. CHACE: Just to make sure what
11 language we're talking about. I think we've
12 got grave threat to the environment and we've
13 got the seen, heard, or felt standard. Which,
14 are we talking about the second thing?

15 MR. DANNER: Well, we've got two
16 bullets so we're talking about both of them.
17 All right.

18 MS. GOSMAN: I'd be happy to make a
19 motion if, at this point in time.

20 MR. DANNER: All right. I was
21 trying to get a little body language that we're
22 ready for a motion so, okay, I am getting some

1 of that. All right, thank you. Sara, would
2 you go ahead and make a motion?

3 MS. GOSMAN: I move that the
4 proposed rule, as published in the Federal
5 Register, and as supported by the Preliminary
6 Regulatory Impact Analysis and Draft
7 Environmental Assessment regarding leak
8 grading, and repair requirements, that is Grade
9 1 criteria for the proposed rulemaking is
10 technically feasible, reasonable,
11 cost-effective, and practicable if the
12 following changes are made, clarify the seen,
13 heard, or felt criteria, (b)(1)(vii) consistent
14 with the GPTC guide language. GPTC, any leak
15 that can be seen, heard, or felt and which is
16 in a location that may endanger the general
17 public or property. The GPAC recommends PHMSA
18 clarify the meaning of grave environmental
19 hazard or provide more clarity in what
20 conditions pose a grave environment hazard,
21 including modifying the Grade 1 leak criteria
22 to include those leaks equal to or greater than

1 100 kilograms per hour.

2 MR. DANNER: All right, thank you.

3 Is there a second?

4 MR. DRAKE: Second.

5 MR. DANNER: All right, Andy Drake
6 seconds. Cameron, will you record the vote?

7 MR. SATTERTHWAITE: Okay. When I
8 say your name, if you agree with the motion say
9 yes, if not say no. Diane Burman?

10 MS. BURMAN: Yes.

11 MR. SATTERTHWAITE: Peter Chace?

12 MR. CHACE: Yes.

13 MR. SATTERTHWAITE: David Danner?

14 MR. DANNER: Yes.

15 MR. SATTERTHWAITE: Sara Longan?

16 MS. LONGAN: Yes.

17 MR. SATTERTHWAITE: Terry Turpin?

18 MR. TURPIN: Yes.

19 MR. SATTERTHWAITE: Brian Weisker?

20 MR. WEISKER: Yes.

21 MR. SATTERTHWAITE: Andy Drake?

22 MR. DRAKE: Yes.

1 MR. SATTERTHWAITE: Alex Dewar?

2 MR. DEWAR: Yes.

3 MR. SATTERTHWAITE: Steve Squibb?

4 MR. SQUIBB: Yes.

5 MR. SATTERTHWAITE: Chad Zamarin?

6 MR. ZAMARIN: Yes.

7 MR. SATTERTHWAITE: Chad Gilbert?

8 MR. GILBERT: Yes.

9 MR. SATTERTHWAITE: Arvind

10 Ravikumar?

11 MR. RAVIKUMAR: Yes.

12 MR. SATTERTHWAITE: Erin Murphy?

13 MS. MURPHY: Yes.

14 MR. SATTERTHWAITE: Sara Gosman?

15 MS. GOSMAN: Yes.

16 MR. SATTERTHWAITE: Sam Ariaratnam?

17 MR. ARIARATNAM: Yes.

18 MR. SATTERTHWAITE: It is unanimous,
19 the motion carries.

20 MR. DANNER: All right, thank you,
21 everyone. It is 10:30, do we need to take a
22 break or --

1 (Off record comments.)

2 MR. DANNER: All right. Let's take
3 a break. It is 25 till, can we be back at 10
4 till?

5 (Whereupon, the above-entitled
6 matter went off the record at 10:34 a.m. and
7 resumed at 10:57 a.m.)

8 MR. DANNER: All right. Well, let's
9 get started. Steve Squibb, this is a list of
10 topics that you wanted to put up. Do you want
11 to introduce this or --

12 MR. SQUIBB: Yes. Steve Squibb,
13 City Utilities. I'd like to just propose we
14 jump into the Grade 2 with this list of topics.
15 I want to make sure that's all of them. Yes, I
16 think that's most all of them there.

17 The first one there is just
18 discussion about the ten standard cubic feet
19 per hour and the leak extant criteria in that
20 section of the proposed language. I've got
21 some proposed language to present.

22 And that, is of significant

1 magnitude to pose significant potential harm to
2 the environment applying one of the following
3 criteria as determined by the operator. A,
4 estimated --

5 MR. DANNER: Wait.

6 MR. SQUIBB: -- weekly --

7 MR. DANNER: Hand on so that Sayler
8 can keep up.

9 (Long pause.)

10 MR. DANNER: All right, A?

11 MR. SQUIBB: A, estimated leakage
12 rate of ten cubic feet per hour, or more, as
13 indicated by suitable technology. Or estimated
14 leak extent, which is land area affected by gas
15 migration of 2,000 square feet or greater. Or
16 C, an alternative method for determining
17 environmental significance of a leak.

18 And I think the main point here is,
19 some discussion we had earlier about the
20 ability, or the inability, to measure flow rate
21 when we're out in the field and having a method
22 in the field to determine, you know, which is

1 basically Part B there, the extent of the leak.

2 And that's, I'm good for now. Thank
3 you.

4 MR. DANNER: Andy, and then Pete.

5 MR. DRAKE: This is Andy Drake. I
6 think I'd like to, this is interesting for
7 LDCs. I'd like to talk about transmission
8 separately.

9 I think one of the key things like
10 I'd like to bring up on transmission is that in
11 the requirement it talks about that all leaks
12 on transmission be graded as Grade 2 because we
13 operate high stress levels. All right.

14 And this goes back to the
15 conversation we were having earlier and that
16 is, sometimes we do, and I think we need to
17 differentiate that. If we're operating above
18 30 percent SMYS, that's above the leak rupture
19 threshold. PHMSA has already identified that
20 in this comment. That's where we want to say,
21 anything that's operating above 30 percent SMYS
22 should be considered in, you know, a Grade 2

1 leak.

2 But a lot of facilities are not, you
3 know. So we're talking about pipe. So if we
4 get out of the thought that most of the pipe is
5 not leaking, because we don't want to let it
6 leak, most of the leaks we're finding in
7 transmission are on ancillary equipment which
8 is not operating above 30 percent. And so, why
9 do those have to be now considered Grade 2?
10 They're not operating above the leak ruptured
11 threshold.

12 And I think this is just pure
13 engineering here. We've kind of lumped
14 everything into, well, transmission operates
15 above the leak rupture threshold so everything
16 that happens in transmission is now a Grade 2.
17 But that is not correct.

18 So let's at least acknowledge that
19 for things that are above the leak rupture
20 threshold, yes. For things that are not, no.
21 And then I think we at least get some
22 engineering continuity of how to handle this.

1 And I think as far as a flow rate
2 goes, I'm kind of looking maybe to someone like
3 Arvind to tell me, what is an appropriate flow
4 rate to determine significant for Grade 2 in
5 this discussion. And I appreciate your
6 expertise on this. And I think, and Erin,
7 yours as well. Would it help us guide how to
8 define what is a significant leak for
9 actionable criteria rather than the vague word
10 significant.

11 MR. DANNER: All right, thank you.
12 Pete?

13 MR. CHACE: Pete Chace, NAPS. I
14 had a follow-up question for Commissioner
15 Squibb. The issue with the flow rate is leaks
16 from sub, below grade, underground piping. And
17 I think this proposal addresses that. Where
18 did the 2,000 square feet come from, why not
19 1,000 or 3,000?

20 MR. SQUIBB: Steve Squibb, City
21 Utilities. I appreciate the promotion to
22 Commissioner, Commissioner Pete, but --

1 (Laughter.)

2 MR. DANNER: Trust me, it's not all
3 you think it is.

4 (Laughter.)

5 MR. SQUIBB: We'll all be
6 Commissioners before we're done here. I
7 believe that's a number that's used by
8 Massachusetts.

9 MR. DANNER: Okay, Arvind?

10 MR. RAVIKUMAR: All right. To
11 Andy's point, so we've discussed yesterday, and
12 earlier today, a bit about leak volumes and
13 leak rates. And what we saw is that leaks in
14 the distribution system are not very large.

15 What makes it an issue is a number
16 of leaks defined in the system not how big each
17 one is. And I think the largest ones are less
18 than 2 kilograms an hour. So I think the 10
19 SCFH number on the distribution side is, I
20 think reasonable.

21 But for transmission and gathering
22 we have seen large leaks. And these are

1 typically of the order of, if you look at
2 thresholds of five to ten kilograms per hour,
3 that would be about 250 to 500 SCFHs. That
4 seems like a reasonable leak in the
5 distribution, sorry, in the gathering in the
6 transmission system.

7 MR. DANNER: All right, Chad?

8 MR. ZAMARIN: Thank you. Chad
9 Zamarin with Williams. Maybe just to put a
10 little more thought and specificity around what
11 Andy was describing.

12 What we're proposing, and I got some
13 language I can describe or send to the team,
14 but, is that for transmission we get the right
15 leaks identified that were raised by PHMSA as
16 the concern for Grade 2 which is, leaks on
17 pipelines operating at high stress. And so,
18 I've got some language that would clarify that
19 a Grade 2 leak on a transmission line, in the
20 body of a pipe operating at above 30 percent
21 SMYS, which is what is in the, kind of the
22 PHMSA guidance on the, what constitutes high

1 stress, that's also what we consider to be kind
2 of the threshold between the leak rupture
3 boundary of how a pipe would behave at
4 different stresses.

5 So we would propose, and I'll get to
6 the language, but we would propose clarifying
7 that that applied to leaks of any size in the
8 body of a pipe operating above 30 percent SMYS,
9 and then have an or that would have a volume
10 threshold unique to transmission pipe. Because
11 right now all transmission and gathering pipe
12 fall into Grade 2. We're proposing that those
13 that are not on high stress pipelines and are
14 not above some transmission threshold be
15 handled as Grade 3. Just to be clear.

16 So I've got, the language is a bit
17 long, do you want me to email that to you? Is
18 that better? Okay. I'll do that right now.
19 Thanks.

20 MR. DANNER: All right. Any other
21 comments on that or we just want to wait for
22 the language? Andy?

1 MR. DRAKE: You know, I think that I
2 want to bring back a point we brought earlier
3 and that is this issue of timing. I think even
4 in the Grade 2 leaks, looking for a schedule
5 here is important that considers the impact to
6 the environment. A bigger impact.

7 Back to the teaching people to fish.
8 You know, I think when we look at it, being
9 locked into a schedule I think, first of all,
10 six months is not appropriate I think it would
11 at least be a year that you would want to try
12 to do these. Just to provide seasonality of
13 management.

14 But on a bigger scale, I think you
15 want people to be thinking about the total
16 environmental footprint that they're creating,
17 and create some sort of backstop. So, you
18 know, Erin, I appreciate you want to backstop,
19 it's not to go on forever, but maybe not to
20 exceed a year, some sort of year count, like
21 two or three years, but coordinate it with
22 other work and make operators think about, what

1 is the size of this leak compared to what will
2 happen. Even if we pull the pipe down and blow
3 it to atmosphere, what is the impact of that.

4 I think you're trying to get people
5 to think about scheduling that work with other
6 things that are going on so that we don't, that
7 we do minimize the impact. And I think there
8 is a precedence in OOOOa about that. And I
9 think we should leverage that.

10 OOOOa recognizes that operators
11 should be looking for how to schedule this work
12 to minimize the impact of bringing pipes down
13 to address small leaks. We should be
14 considering that. That's diligent.

15 And I think we should be tying what
16 EPA OOOOa does to what we're talking about here
17 so that there some logic in how we're managing
18 the total environmental footprint. Anyway,
19 just my thoughts here on that.

20 MR. DANNER: All right, anyone else?

21 Yes, Pete?

22 MR. CHACE: Pete Chace, NAPSR. On

1 the subject of Grade 2 criteria for
2 transmission and gathering.

3 It is true that there are
4 transmission lines that are not high stress. I
5 could point to an example of why we've got a
6 landfill that's a transmission line. I think
7 that operates about 25 pounds. I figured it
8 out, once it has a potential impact circle of
9 five feet.

10 So I think that the proposal for
11 leaks on the body of piping operating at high
12 stress gets to the objective. And I support
13 that proposal. Thank you.

14 MR. ZAMARIN: Thanks. This is a
15 check, John, did you receive that email?

16 (Off microphone response.)

17 MR. ZAMARIN: Great. Okay, thanks.

18 (Off microphone comment.)

19 MR. DANNER: Okay, Chad, is there
20 anything else? You have your card up.

21 MR. ZAMARIN: Sorry. No, I was
22 going to unpack the language --

1 MR. DANNER: Okay.

2 MR. ZAMARIN: -- just for clarity
3 once it's up there, but I'll wait. Thank you.

4 MR. DANNER: Okay. And, Pete, just
5 to be clear, the last bullet there, with the
6 two sub-bullets, you're okay with that
7 language? With regard to the Grade 2 criteria?

8 MR. CHACE: Yes.

9 MR. DANNER: All right.

10 (Long pause.)

11 MR. DANNER: All right, Chad?

12 MR. ZAMARIN: Thank you. Chad
13 Zamarin with Williams. I tried to use the
14 language that was consistent with what was in
15 the, in the romanettes.

16 But we had proposed modifying the
17 Grade 2 leak requirements to state that, any
18 reading of gas that does not qualify as Grade 1
19 that occurs in the pipe body of a transmission
20 pipeline, or Type A or C, regulated gas
21 gathering line operating at high stress, which
22 is defined as greater than 30 percent SMYS or,

1 and I think we can discuss the numbers. I
2 heard Arvind say five to ten kilograms per hour
3 may make sense for transmission lines but, or a
4 transmission pipeline, or Type A or C,
5 regulated gas gathering line with a leak
6 measured to be greater than some threshold is
7 our proposal. Thank you.

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

10 MR. CHACE: Thank you. Pete Chace,
11 NAPSRS. I have a late breaking developing
12 that's been brought to my attention by one of
13 my colleagues. If you look at, sir, excess
14 flow valve performance standards there is a
15 performance standard, allow pressure no more
16 than five percent of the manufacturers
17 specified closure flow rate, up to a maximum of
18 20 cubic feet per hour.

19 So it may be the 20 standard cubic
20 feet per hour is a more appropriate leak rate
21 than ten. Because it aligns with PHMSA's
22 standards for excess flow valve performance.

1 MR. DANNER: All right, Diane?

2 MS. BURMAN: Yes, I support Member
3 Chace's trying to insert that. I think that
4 works. Just for me, on the ten SCFH
5 requirements, I always think it's important to
6 explain the rationale on where like my concerns
7 might be coming from.

8 And I think that the language is
9 trying to address some of the, at least
10 alleviate some of my concerns because it forces
11 operators, and therefore eventually rate
12 payers, to buy expensive equipment to measure
13 flow rate, which can't be easily measured. So
14 it requires essentially the purchase of the
15 expensive equipment, which is an underlying
16 issue.

17 And so, the intent here is still
18 being met with these now new nuances that I
19 think are helpful. It really is important for
20 us to be able to do this without having to
21 purchase the equipment. And then I think if we
22 get to the 20 SCFH than I think it's helpful.

1 MR. DANNER: All right. Any other
2 cards up? Pete, is your tent card up? All
3 right, Sara?

4 MS. GOSMAN: Thanks. There's a lot
5 here so maybe I'll take on the first one. I
6 think the threshold of ten SCFH is one that we
7 strongly support. We want to see these leaks
8 get repaired and we want to see them get
9 repaired soon.

10 In terms of the questions about the
11 other one, so land area affected by gas
12 migration or an alternative method. I think I
13 would need to understand more about how that
14 alternative method would be determined and who
15 would be approving that, if that's an entirely
16 operator determined alternative. I think I
17 have significant concerns about that.

18 For B, I understand the issues. It
19 seems to me to be related also to just
20 questions of resources with operators. And so
21 for that reason I think we could maybe look at
22 a small operator exception that uses that

1 criteria.

2 MR. DANNER: All right, thank you.

3 Brian?

4 MR. WEISKER: Brian Weisker, Duke
5 Energy. I think one thought for the
6 alternative method is keeping the door open
7 for, as technology develops, for us to be able
8 to evaluate leaks. That's one thinking behind
9 the alternative method. And so I think as far
10 as the B, that's going to be a tool that
11 operators need that don't have, and again,
12 going back to the flow measurement requirements
13 that Chair Burman, or Commission, sorry, Burman
14 suggested to as well.

15 So I think those are, we need some
16 tools in our toolbox as operators to be able to
17 evaluate leaks and determine, all right, is
18 this a Grade 2 or not. And so, that's just
19 some of the thinking there.

20 MR. DANNER: All right, thank you.

21 Sara Gosman?

22 MS. GOSMAN: Yes, just in response

1 to that. Thank you. But this is wide open. I
2 mean, I don't know what the standard is here.
3 If this is an important classification issue,
4 because it relates to the timeline of the
5 repair, and it just seems to me to be something
6 that everything could go in.

7 MR. DANNER: Thank you. Erin?

8 MS. MURPHY: Thanks. Erin Murphy,
9 EDF. Yes, just, there is a lot here that I'm
10 trying to digest and catchup with. So to also
11 pick up where we are right now on, I think it
12 was Steve's proposal regarding the ten standard
13 cubic feet per hour rate, just a couple of
14 things.

15 I think the leak extent approach to
16 quantifying, or semi quantifying, the scale of
17 a leak does raise a couple of concerns for us.
18 I think there are some circumstances where that
19 approach can be effective, but there is some
20 variability there. In particular, there are
21 pinhole belowground leaks with a porous or
22 cracked soil where you can have a really small

1 extant measurement but still have quite
2 significant emissions from the leak.

3 So the extant method can be
4 effective in some situations where the leak
5 rates are low and the soils are of similar, but
6 there, in general we wouldn't recommend that
7 method across the board because it can be
8 really dependent on kind of the characteristics
9 of the soil and the location.

10 So I'm trying to think through, you
11 know, knowing that it is a metric that's used
12 in some jurisdictions, but it is a metric that
13 we've had some concerns with. I think the ten
14 standard cubic feet per hour leak flow rate is
15 what we view as a more accurate and preferable
16 metric. And maybe want to think about whether
17 the leak extent could be limited to certain
18 situations where it's appropriate. And then
19 also have just very significant concerns with
20 the wide open Part C proposal of an alternative
21 method.

22 I hear you that we want technology

1 to continue to develop. I see the standard
2 cubic feet per hour. That's a measurement,
3 right, that's not a single type of technology
4 so my hope would be that, you know, more
5 technologies are able to quantify leak flow
6 rate and provide operators with that metric.

7 Open to hearing about, you know, is
8 there a specific alternative method you have in
9 mind, but otherwise I'm not sure I feel
10 comfortable with (c).

11 MR. DANNER: All right, thank you.
12 Pete?

13 MR. CHACE: Pete Chace, NAPSR.
14 Regarding B, I think that would be applicable
15 for below grade or subsurface leaks. Perhaps
16 if that language was added that would help.

17 MR. DANNER: What was that language
18 again?

19 MR. CHACE: For Bullet B, estimated
20 leak extent of 2,000 square feet or greater.
21 That would apply to leaks that are below grade.

22 MR. DANNER: Okay. Sara and then

1 Brian.

2 MS. GOSMAN: So, thank you, Member
3 Chace. I'm wondering if you can give me a
4 sense of how many leaks that is because when I
5 think of pipelines I think of them being below
6 grade. And so, I'm wondering what the category
7 is here and what's left?

8 MR. CHACE: It's a majority of them.

9 MS. GOSMAN: Okay, thank you. I
10 want to take on the issue, again, there's a lot
11 here that I'm going to be thinking about. I
12 think the issue of repair timelines for
13 pipeline scheduled for replacement is
14 important. We agree that we don't want to be
15 causing operators to actually create more
16 emissions in the process.

17 I think on this issue it's also
18 important to us to limit this to situations in
19 which it truly is a lifecycle emissions issue.
20 And we are talking about situations where it
21 would just be more emissions ultimately.

22 And so for that reason I think we

1 are open to a longer repair timeline tied to
2 the schedule for replacement we want to see
3 some documentation of why that was.

4 MR. DANNER: Thank you. Brian?

5 MR. WEISKER: Brian Weisker, Duke
6 Energy. And so, Erin, you asked a question, I
7 think, if we had any specific technology
8 thoughts on C above. And I think if we did we
9 probably would have put them up there on the
10 screen.

11 So, in looking for B, you know, as
12 Mr. Chace described, for underground leaks and
13 the way that, I mean, just for understanding,
14 is you're barholing in trying to identify the
15 location of the leak. That's, and taking
16 measurements as you go. That's kind of the
17 process behind that is you're trying to find
18 those underground leaks and trying to find the
19 area impacted, as well as you're trying to
20 identify, dig in to where the actual leakage is
21 occurring. Hopefully that helps a little bit
22 with describing the process.

1 MR. DANNER: Diane? Or I mean, yes,
2 Diane.

3 MS. BURMAN: Yes. Thank you so
4 much. So I am, I'm going to read what New York
5 DPS put into the record because I think it's
6 helpful to this discussion. And it's only two
7 sentences, for this part.

8 In order to measure the flow, this
9 is in regards to the Grade 2 leak, ten cubic
10 feet per hour. In order to measure the flow
11 rate of the leak, operators would need to
12 require specialized and expensive devices. New
13 York DPS asked PHMSA to clarify that when an
14 operator eliminates all leak within the time
15 frame required for a Grade 2 leak that the
16 operator not be required to measure the flow
17 rate. Such a practice would result in the
18 leaks being repaired in the time frame PHMSA
19 proposes, but without the additional expense of
20 procuring and maintaining the specialized
21 equipment necessary to measure leak flow rates.

22 For me I am grappling with what we

1 did yesterday where we were looking at the
2 detection threshold for measurement, and we
3 were discussing that from a technology
4 perspective of .5 kilograms, or 26 SCFH, if I
5 remember. So I'm looking at this and thinking
6 that somehow operators are being, would need to
7 detect flow lower than the threshold for an
8 acceptable tool able to be used under the
9 distribution tool standard.

10 So it seems like there is a
11 disconnect. So for me, having this alternative
12 method here is helpful to, if we can still get
13 to the intent behind the regulation, and an
14 alternative methods exists without requiring
15 rate payers to bear the cost of what the
16 operator is going to have to do in buying this
17 expensive equipment, I think it's helpful. So
18 it's not looking to get rid of it, it's just
19 coming up with other viable ways of doing that.

20 MR. DANNER: Thank you. Erin?

21 MS. MURPHY: Erin Murphy, EDF.
22 Hearing the discussion I think the concern

1 articulated, which admittedly is a fairly
2 technical concern with the leak extant method
3 does relate to leaks, you know, associated with
4 below ground infrastructure. So I'm not sure
5 that the fix or the tweak that Peter proposed
6 earlier really meets our concern.

7 I'm also not trying to say that I
8 think it should be excluded entirely, but I'm
9 trying to be clear that I think it's
10 appropriate and can be, you know, helpful in
11 some situations, but perhaps not all. So I
12 think if we're trying to reach consensus
13 language here, I would be more comfortable with
14 a recommendation that PHMSA consider that
15 availability of the leak extant method for
16 appropriate situations and try to think about
17 if the Agency is looking at Massachusetts and
18 elsewhere what those limitations might look
19 like or how to appropriate, how to articulate
20 that appropriately.

21 MR. DANNER: Chad, then Andy.

22 MR. ZAMARIN: Thanks. Chad Zamarin,

1 Williams. Just to follow-up. I know we're
2 jumping around a little bit. I thought that
3 makes sense, Erin, what you said, but to jump
4 back to repair timelines and follow-up what,
5 Sara, your comments.

6 I would propose a repair timeline of
7 one year. And I think, you know, there are
8 places where for six months of the year we
9 can't access areas. We're not talking about,
10 you know, this going on forever.

11 But the opportunity to plan work
12 around, yes, environmental efficiency but also
13 permitting, market. You know, we don't want to
14 be going into a winter when we could wait, and
15 it's just as safe to do it in the spring when
16 we've got the market needs of the winter
17 coming.

18 So a year provides for, I think a
19 pragmatic cycle time for it to be most
20 efficiently planned. So I would propose that
21 the repair timeline for Grade 2 leaks be
22 modified from six months to a year. Thank you.

1 MR. DANNER: Thank you. Is
2 seasonality the only concern there because, I
3 mean, in that case nine months should be
4 sufficient to get to the next season?

5 MR. ZAMARIN: No, it's not. I mean,
6 as we mentioned, I think making sure that you
7 can plan as much of the work as possible at one
8 time. You can try to coordinate actions with
9 planned outages or planned maintenance. I
10 think that an annual planning cycle just makes
11 the most sense.

12 I don't think it means everyone is
13 going to wait till the 364th day to do the
14 repair. In fact, you know, I think that will
15 be very, very rare. But I think it provides
16 the minimum kind of expectation.

17 And if we want to add some words or
18 consider adding language that says, look, you
19 should do it as quick as practical considering
20 environmental efficiency work, you know, market
21 disruptions, kind of like language we did
22 earlier in the session, but I just don't think

1 six or nine months, I think we have the risk of
2 creating real and efficiency disruption. Thank
3 you.

4 MR. DANNER: Thank you. Andy?

5 MR. DRAKE: Andy Drake with
6 Enbridge. I want to come back to something and
7 be very deliberate to clarify.

8 And earlier, Sara, you referenced
9 repair timelines for pipeline that's scheduled
10 for replacement. What I was referring to was
11 not pipeline scheduled for replacement, that
12 may be more of a distribution issue. I'm
13 talking about creating a caveat or some special
14 consideration.

15 If we lock in a year that's fine.
16 But I think we still want operators,
17 particularly transmission operators, to think
18 about the environmental footprint that they're
19 creating. And if it, to your point,
20 documented. If it doesn't make sense to do a
21 big blowdown to deal with a leak that meets the
22 criteria, they would try to coordinate it with

1 other work.

2 I do think that there should be a
3 backstop on it, they should not just keep
4 kicking the can down the road indefinitely
5 because they don't want to schedule the work.

6 I think it's a matter of trying to coordinate
7 it with other things that they're doing to try
8 to minimize the total effect.

9 And I could throw out some language
10 but I would say, the one year is there, you
11 know, if an operator goes through this
12 exercise, which I encourage them to do and it
13 doesn't make sense to do this in that schedule
14 that they coordinate the work, and it will be
15 completed not to exceed two years, three years,
16 something like that, I think you're just trying
17 to keep forcing people to look at the total
18 environmental footprint that they're creating
19 but they don't get to kick the can down the
20 road indefinitely. That's not the point
21 either.

22 MR. DANNER: All right, thank you.

1 Pete?

2 MR. CHACE: Pete Chace, NAPS. I
3 just wanted to swing back quickly to the ten
4 standard cubic feet per hour.

5 I think yesterday we settled on a
6 screening standard for gas distribution systems
7 of one half kilogram per hour flow rate. What
8 does that work out to for standard cubic feet
9 per hour?

10 MR. RAVIKUMAR: About 22, 23.

11 MR. CHACE: So this would be all
12 leaks that they detected, right, because ten is
13 like half of the detection standard?

14 MR. RAVIKUMAR: (No audible
15 response.)

16 MR. DANNER: All right, Sara?

17 MS. GOSMAN: Just to respond, Member
18 Chace. I mean, there is also the alternative
19 of using the five ppm. And so I want to make
20 sure that we also take that into account as we
21 think through this, this number.

22 So, in response to Andy, I mean, I

1 think that we're, we recognize the issue of
2 lifecycle emissions. And I'll just say again
3 that I think that needs to be documented.

4 If we're going to extend the
5 timeline I think that's because we recognize
6 that that, we would actually be creating a
7 bigger impact to the climate by moving faster
8 on it. But I'd want that standard in there.
9 It seems to me that's the reason to do it.

10 In terms of a general extension of
11 the timeline, I'm concerned about what that
12 means for total emissions. And so I'm
13 wondering if you all have any data or support
14 for what that would look like if we extended it
15 from six months to a year in terms of the
16 climate impact?

17 MR. DANNER: All right, thank you.
18 John Gale?

19 MR. GALE: Thank you, Chairman. If
20 I could recommend for the Committee, we have a
21 lot of different items up here. Sayler is
22 actually running out of space quite quickly and

1 he's going to have to use a font that none of
2 us are going to be able to read. So if could
3 maybe focus on a couple and then kind of cut it
4 up a little bit and then move on to the other
5 couple, and then keep the discussion going.

6 So, a recommendation here, maybe
7 just start with the first bullet. The ten
8 standard cubic feet. Maybe merge it with the
9 last one? There seemed to be some agreement
10 there on the Grade 2 criteria for gas
11 transmission. And then complete those two
12 actions, and then move forward on the following
13 four. Maybe split those up as well. So just a
14 recommendation there for the Committee to
15 consider.

16 MR. DANNER: Is the Committee okay
17 with that? Okay. Thank you. We have
18 considered it and we agree.

19 (Laughter.)

20 MR. DANNER: Let's see. Brian?

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. Kind of going along the lines of what

1 Pete was just describing before. You know, so
2 we established that point, the .5 kilograms per
3 hour, it sounds like that's the 22-ish standard
4 cubic feet per hour, and keeping in alignment.
5 I propose that we would use that for our number
6 here.

7 That the .5 kilogram per hour as far
8 as a Grade 2 leak aligning with what we just
9 did, I think it was yesterday or the day
10 before, I don't remember, that that would align
11 between the two different sections of the, you
12 know, where we're surveying, and then defining
13 that as a Grade 2 leak. Keeping those in
14 alignment.

15 MR. DANNER: All right, thank you.
16 Just checking because Terry, Chad and Andy all
17 had tents up and now they don't.

18 MR. ZAMARIN: Yes.

19 MR. DANNER: Okay.

20 MR. ZAMARIN: That was going to be
21 on the timeline, so --

22 MR. DANNER: Okay.

1 MR. ZAMARIN: Yes. Thank you.

2 MR. DANNER: Very good. Diane?

3 MS. BURMAN: Yes, I support that. I
4 think that that gets us back to, you know, we
5 really talked about how when we're involved in
6 looking at something here it has to also align
7 back with other things that we did more
8 holistically. And that does get us to where we
9 had agreement yesterday. And it just helps, I
10 think, with making sure that this makes sense
11 from a regulatory perspective.

12 MR. DANNER: Thank you. Erin?

13 MS. MURPHY: So I think the ten
14 standard cubic feet per hour threshold is
15 really important here in what constitutes a
16 Grade 2 leak. And I don't necessarily think,
17 you know, recommending that PHMSA retain what
18 it has proposed here as a threshold is
19 inconsistent with the technology standard area.

20 The 0.5 kilograms per hour that was
21 modeled in analysis that was submitted to the
22 rulemaking docket, and that was proposed in a

1 sort of different format standard than what was
2 ultimately recommended by the Committee
3 yesterday, that was analyzed in an intention to
4 capture the sort of common mobile ALD
5 technologies that are in use by leading
6 operators on distribution systems and that are
7 being used to detect leaks. Frankly, that can
8 be much smaller than ten standard cubic feet
9 per hour, much less 0.5 kilograms per hour.
10 But sort of capturing this as a super-emitter
11 threshold.

12 So I want to emphasize that here
13 where we're talking about what should be
14 classified as a Grade 2 leak, what should be
15 prioritized for being on a faster repair
16 timeline, ten standard cubic feet per hour has
17 been really widely accepted in the distribution
18 sector as a super-emitting leak. I think I
19 went through some examples yesterday so I won't
20 pull out my notes again, but a number of
21 utilities use this in New York and California.

22 Have also spoken, this is not in the

1 record so it's anecdotal, but with folks at the
2 U.N. Environment Program who are working with
3 distribution utilities in Europe trying to
4 mitigate leaks on their systems and they use a
5 parallel threshold as well for what they
6 consider a super-emitter. So I think that's a
7 really important criteria for the leak grading
8 and would want to retain that.

9 MR. DANNER: All right, thank you.
10 I'm going to jump over a few people because I
11 think Arvind is going to respond to this.

12 MR. RAVIKUMAR: Yes. Just a point
13 of clarification. Just because Brian brought
14 up yesterday's discussion. The .5 kilogram per
15 hour threshold was the screening survey. What
16 actually identifies the leak for a repair is
17 the follow-up, which was set at the 5 ppm or
18 the one standard we set it at. I just wanted
19 to clarify that.

20 MR. DANNER: All right, thank you.
21 Brian?

22 MR. WEISKER: I have a question. As

1 a follow-up question for Arvind because I think
2 when we talked yesterday too that that .5
3 kilogram per hour, when we were going through
4 is like, that and above gets the vast majority
5 of the emissions I believe. I'm trying to
6 remember exactly what you said, but I think
7 that was a true statement.

8 MR. RAVIKUMAR: No, no, you're
9 absolutely right. What I'm saying is --

10 MR. WEISKER: Yes.

11 MR. RAVIKUMAR: -- the screening
12 doesn't actually identify the leak for repair,
13 it's the follow-up that you do with the other
14 technologies identified --

15 MR. WEISKER: Yes.

16 MR. RAVIKUMAR: -- for repair.

17 MR. WEISKER: But that .5 and above
18 kind of rate for leaks and across the
19 distribution system, that really gets after the
20 majority of emissions on the distribution
21 system.

22 MR. DANNER: Did you want to respond

1 to that?

2 MR. RAVIKUMAR: Sorry. Yes.

3 MR. WEISKER: Thank you.

4 MR. DANNER: Okay. Again, I saw
5 some tent cards go up and down again. Chad,
6 did you --

7 MR. GILBERT: Chad Gilbert with the
8 United Association. I may be off base here
9 since we've cut it down, but I do agree with
10 Chad. Extending the time frame to one year
11 makes sense to me in a construction viewpoint
12 because there's things that can happen that
13 would delay construction. So I think a hard
14 stop on six to nine months is not reasonable
15 for the industry. I think a year is more
16 reasonable --

17 MR. DRAKE: Okay.

18 MR. GILBERT: -- like Chad said.

19 MR. DANNER: Yes, we'll get to that.

20 All right, Andy?

21 MR. DRAKE: Andy Drake with
22 Enbridge. Maybe just a matter of getting in

1 some common, some parody here. I would
2 recommend that we talk Grade 2 topic leaks for
3 ten SCFH. That's Grade 2 criteria for LDCs.

4 It seems logical. I don't know
5 where the slide went. But there. The second
6 bullet shows, Grade 2 criteria of gas
7 transmission gathering. I think it just, for
8 parody so we know how this applies, I would
9 recommend we clarify that the top part we're
10 talking about is for LDCs otherwise you're
11 going to get some cross-pollinating here. Does
12 that make sense?

13 MR. DANNER: Yes. And I think that
14 that was our understanding.

15 MR. DRAKE: Yes. And I do
16 appreciate, Arvind, I appreciate your
17 clarification that the decisions we're driving
18 off of are on the pinpointing technology not on
19 the screening technology. I think that's
20 really important. That actually drives
21 operators, the cascading technologies.

22 MR. DANNER: All right. Diane and

1 then Pete.

2 MS. BURMAN: Yes, I actually would
3 like Pete to clarify. You had proposed going
4 to 20 SCFH? And I'm just trying to get some
5 clarity around that because I think that got
6 lost.

7 MR. DANNER: Pete?

8 MR. CHACE: I don't know if
9 necessarily proposed 20, just pointing out that
10 the performance standards for excess flow
11 valves allows that rate before they trip. I
12 don't understand how a leak can be a
13 super-emitter if it's below the screening
14 standard. And I, it seems to me we ought to
15 have the, it doesn't make sense to me to have
16 that number be lower than the minimum screening
17 standard an operator has to meet.

18 MR. DANNER: Thank you. Brian?

19 MR. WEISKER: I think it was Diane

20 --

21 MR. DANNER: You --

22 MR. WEISKER: -- or Diane was before

1 me. Sorry.

2 MR. DANNER: Yes. Yes.

3 MR. WEISKER: All right, thank you.

4 Brian Weisker, Duke Energy. And I was just
5 going to agree with what you were saying,
6 Diane. And that's, you know, so we're at the
7 proposed, or maybe proposed 20. And based on
8 what I heard from Arvind, and based on what I
9 heard that, you know, 0.5 and above reduces the
10 vast majority of emission from distribution,
11 you know, with this timeline. So we already
12 did Grade 1, Grade 2.

13 I think it aligns perfectly with it,
14 what we did yesterday at the 0.5 kilograms per
15 hour. Which almost aligns exactly to the 20,
16 like you mentioned, with excess flow valves
17 there, Pete. So I think that would be a good
18 solid proposal for us to discuss.

19 MR. DANNER: Okay, Diane?

20 MS. BURMAN: So I think this is a
21 really good discussion. I do worry that we're
22 setting now a standard that's going backwards

1 from where we had landed, but also is below the
2 capabilities, or likely below the capabilities
3 of the approved tools. And then gets back us,
4 gets us back into yet another cost to consider
5 even though there might be alternative ways of
6 meeting that. And also yet another survey that
7 we'd have to do to get these take care of this.

8 But I think that I also want to
9 level set. There are times over my ten years
10 as a state regulator that I have voted no on
11 something. Actually, more than once, but. And
12 then the next thing that comes for the
13 Commission to decide is somehow related to the
14 first item that I voted no on and that the
15 majority had spoken.

16 And I do try to, when I go to the
17 next part of it, to decide, is it now for me.
18 Understanding that people know where I was on
19 the first vote, are they, am I now only still
20 locking into my original position that doesn't
21 get me to say, okay, I understand the record is
22 sufficient to explain that they didn't agree

1 with the first part of it.

2 But as we are now grappling with the
3 next part we, I can't just keeping locking into
4 my first position I have to, I can say, I'm
5 going to be looking at this as the whole,
6 understanding where the whole is, even though
7 folks may not have, I may not agree that we
8 should have landed on X. And I just ask for
9 that kind of consideration as we move forward
10 so that we're not having to kind of re, you
11 know, litigate the first issues that we sort of
12 grappled with on day ones and day two, so that
13 we can make sure that, yes, we understand there
14 is an asterisks of where you may have been
15 initially on something but that this is now
16 based on some of those principles that we go
17 to, to get us here.

18 So if that can be sort of thought
19 through, that might help all of us for what
20 it's worth. So thank you for considering that.

21 MR. DANNER: Thank you. Erin?

22 MS. MURPHY: Yes. And I will not,

1 you know, keep, sort of, harping if the
2 discussion wants to move forward, but do just
3 want to be very clear that my understanding of
4 the technologies that are available and in use
5 is that a mobile ALD technology that's
6 detecting a 20 standard cubic feet per hour
7 leak will also be detecting ten standard cubic
8 feet per hour leak.

9 And so I think that the ten SCFH per
10 hour, which is again sort of widely accepted,
11 super-emitter threshold on the distribution
12 system level is really appropriate here in the
13 grading category where we're trying to identify
14 what should be prioritized for repair on a
15 faster timeline in light of the environmental
16 harm that's caused by the leak.

17 So if an operator is detecting a ten
18 standard cubic foot per hour leak, they should
19 be, you know, prioritizing it. And it should
20 be falling into the Grade 2 category.

21 I also just want to note on the Sub
22 C, the alternative method, which I expressed

1 broad concern for, it's helpful to pinpoint
2 that concern. You know, the phrasing right now
3 doesn't even require any sort of quantification
4 for the scale of the leak. Environmental
5 significance is very vague.

6 I think from my perspective
7 quantification is a leak flow rate which is
8 why, you know, Sub A is to me the most
9 appropriate. But Sub C, without even requiring
10 quantification, it's really, it's pretty
11 meaningless.

12 MR. DANNER: All right, any other
13 thoughts?

14 All right, Sara Longan and then Sara
15 Gosman.

16 MS. LONGAN: Sara Longan, Army Corps
17 of Engineers. And I'm not sure at which time
18 is most appropriate for me to share this
19 comment. Because I was going to try to stay
20 quiet until we get to the time line. And
21 Commissioner Burman just reminded me that I
22 felt like we were level, and now, I guesst, I'm

1 just growing in curiosity as to whether that is
2 the case.

3 Bottom line up front, I am so
4 grateful that all of us on this committee agree
5 that Grade 2 leaks need to be detected and
6 repaired soon and that we all have values that
7 we can align with there.

8 I think that we need to not only
9 consider the environmental harm, the
10 environmental impact, I guess, is a better
11 word, of what we're discovering, but that we
12 also are imposing potentially more
13 environmental harm if we are ratcheting this
14 down, whether it's ten SCFH or 20 SCFH, or
15 whether it's six months, which I can't support,
16 because it won't happen in Alaska. And it's
17 not just Alaska, it's complicated.

18 With Utqiagvik, Kaktovik, being
19 frozen for six months, that's not the whole
20 scenario here. It is if we have such high
21 standards where we are making operators
22 excavate and operate in the summer which, by

1 the way, they don't operate in the summer,
2 because we expect industry, we hold them to a
3 very high standard of having zero impacts on
4 our tundra. So just be careful.

5 Another thing that I want to raise
6 that is not specific to Alaska is if we are
7 increasing the excavation, and the repair, and
8 the digging of pipe, we have indigenous people
9 that we partner with and have to work with.
10 And they are hunting and are subsistence users.
11 That's not just six months out of the year,
12 that's all year.

13 So I feel like I'm hearing from the
14 members pretty clearly a justifiable rationale
15 on the ten to 20 SCHF. I'll try to be quiet
16 when we go to the next part of this on time
17 lines, but make sure that, in order to protect
18 the environment, we are not having unintended
19 consequences of causing additional impact.
20 Thanks.

21 MR. DANNER: Thank you. Sara

22 Gosman? MS. GOSMAN: I just want to

1 ask a clarifying question as to that second
2 bullet point here. So I think in general we
3 support some leaks on transmission and
4 gathering being moved to Grade 3, right, Grade
5 3 leaks. But I am looking at the requirements
6 now, and I'm seeing the repair criteria for 30
7 days.

8 And I'm trying to figure out how
9 this particular exception is going to work with
10 that. So, I mean, we have a tighter time
11 frame, as I read it, and please correct me if
12 I'm wrong, for Grade 2 leaks for transmission,
13 certain transmission and gathering. And if we
14 send it to Grade 3, right, we are moving from a
15 very tight time line all the way to the
16 possibility of five years if it's scheduled.

17 MR. DANNER: Thank you. Andy?

18 MR. DRAKE: I'm going to confer with
19 Chad for a few minutes on HCAs and Class 3s and
20 4s, which I think is what you're talking about.
21 And I understand the need to pin those down in
22 time so we're not talking about that.

1 But I was wanting to make sure that
2 we clarified the editorial change that I asked
3 for. It wasn't high stress transmission and
4 gathering, it was transmission and gathering.
5 The whole point of the conversation was to
6 recognize that not all transmission is high
7 stress.

8 So I would advocate to remove those
9 qualifiers, because that was whole point of the
10 conversation. That's why we wanted to make
11 sure there was a safety differentiation, and
12 that's why I asked Arvind about an
13 environmental definition. So it looks like it
14 applied to transmission and gathering.

15 And if Sara could give us a minute,
16 and I'll come back to you on the 30 days. It's
17 a good point. That's a whole different animal.

18 MR. DANNER: All right, Brian?

19 MR. WEISKER: Brian Weisker, Duke
20 Energy. So for the Bullet B up above too, so,
21 I mean, it's not immeasurable, right. So what
22 we're saying with that is, over that 2,000

1 square feet, is we're doing checks and bar
2 holing to identify the spread of gas, that if
3 there's gas concentration in that square foot
4 area, then it triggers it up to be a Grade 2
5 leak. So it's not that there's no -- I
6 shouldn't say there's no measurable leak.
7 We're identifying for gas concentration within
8 that square foot area.

9 And then also foresee -- I mentioned
10 earlier about new technology. There's also
11 some operators that utilize -- and some
12 engineering analysis to determine the extent of
13 a leak. So that's what Item Number C also
14 would allow for them to do as we're evaluating
15 leaks to determine, you know, the extent of
16 that leak and whether it would trigger into
17 Grade 2 or not.

18 MR. DANNER: All right, thank you.
19 Andy and Chad, are you still conferring?

20 MR. ZAMARIN: Chad Zamarin,
21 Williams. We are, but we'll do it out loud
22 too, because I'm going to unpack this issue,

1 and I think Sara pointed to it. We're not
2 proposing to remove the requirement for that
3 accelerated repair of Grade 2 transmission and
4 gathering leaks. And we think that this
5 standard though would identify the ones that
6 are safety concerns. So those would be Grade
7 2.

8 And when I talked about time line, I
9 did say a year. But we would still be
10 preserving the 30 day requirement if it were
11 in an HCA, a Class 3 or 4 location. We were
12 just -- we're moving to Grade 3 the ones that
13 were not of significance from a safety or
14 environmental perspective. Does that answer
15 your concern?

16 MR. DRAKE: I think the point that I
17 hear being made is that that issue you're
18 talking about will be clarified when we get to
19 the time line section. Because we're going to
20 clarify the response times. And so we'll
21 differentiate HCAs Class 3s and 4s in the
22 response time frame, not the grading criteria.

1 Does that make sense?

2 So to your point, we're not trying
3 to ask for a long time on Grade 2 leaks in HCAs
4 Class 3s, Class 4s. We're not talking about
5 that. But that provision still is intact. We
6 just haven't gotten there yet, because we
7 haven't talked time lines yet.

8 MR. DANNER: Sara or Erin, unless
9 Sara wanted to respond directly to that.

10 Okay, Erin?

11 MS. GOSMAN: Yes, thank you very
12 much for that response. I guess I feel like
13 the time line is for me very connected to this
14 discussion. That is I worry a lot about leaks
15 that are occurring on transmission and on high
16 pressure gas gathering lines in, you know,
17 Class 3 and Class 4 HCAs.

18 And if we're pulling some of those
19 out to put them in Grade 3, and if you're not
20 doing that, please let me know, but if they are
21 part of this category of ones that we are
22 pulling out, I would not want to approve that.

1 MR. DANNER: All right, Erin.

2 MS. MURPHY: Erin Murphy, EDF. As I
3 slowly work my way down this slide, just
4 looking and wanted to make totally sure that
5 I'm understanding the comma placement in the
6 list before we move forward, so the proposal
7 for transmission and gathering is that there
8 would be two minimum thresholds here for what
9 constitutes a Grade 2 leak, obviously in
10 addition to other thresholds that are part of
11 the proposal.

12 But the two minimum thresholds would
13 be anything that's not a Grade 1 in these
14 specific parts of transmission, Type A or Type
15 C. And then anything, and leak greater than
16 ten kilograms per hour anywhere on
17 transmission, Type A or Type C gathering, do I
18 have that right? I just want to make sure.

19 MR. DANNER: Chad, you want to
20 respond there?

21 MR. ZAMARIN: Yes, Chad Zamarin,
22 Williams. These would be two separate

1 criteria. So they could be separate
2 romanettes. For transmission we're saying that
3 Grade 2 would be leaks on high stress
4 pipelines. So I hope this is addressing your
5 concern, Sara, that these are on high stress
6 pipelines which is where we have the potential
7 for leaks to be a pre-cursor indication to a
8 bigger threat.

9 Or if it were, even if it were on a
10 high stress pipeline, any leak that crosses an
11 appropriate, and that's why I bracketed it, an
12 appropriate volume threshold for a transmission
13 pipeline, so I see those as independent.

14 And then, you know, I'm jumping
15 ahead to time line, those would be Grade 2.
16 And, you know, I'd proposed -- I'm not saying
17 that we change the Class 3 and 4 HCA
18 accelerated time line for repairing those.

19 MR. DANNER: Erin?

20 MS. MURPHY: Thanks, so just to
21 follow up, and I could check this, but also
22 maybe the transmission folks can answer it

1 faster than I can I check it. Is there
2 categorically no Type B gathering line at
3 greater than 30 percent SMYS, or could there be
4 a Type B that would be greater than 30 percent?

5 MR. DANNER: Pete, do you want to
6 answer that?

7 MR. CHACE: Yes. By definition,
8 Type B gathering is less than 20 percent SMYS.

9 MS. MURPHY: Thanks for that
10 clarification.

11 So I think for the second sub-bullet
12 on ten kilograms per hour, I don't see a reason
13 to exclude any gathering line if it's been
14 otherwise, you know, deemed subject to leak
15 survey and repair requirements. So I think I
16 would prefer that that just state a
17 transmission pipeline or regulated gathering.

18 MR. ZAMARIN: Chair, this is Chad
19 Zamarin with Williams. I'm sorry for those
20 lines --

21 MR. DANNER: Sure.

22 MR. ZAMARIN: I'm fine with that.

1 MR. DANNER: All right. Thank you.
2 And, Chad, you had your tent card up. Did you
3 want to say something else?

4 Okay, Erin?

5 MS. MURPHY: Appreciate that, and
6 just want to make sure that the language on the
7 screen reflects that. So, yes, thank you very
8 much.

9 MR. ZAMARIN: Okay.

10 MR. DANNER: Thank you, Brian,
11 thanks for waiting.

12 MR. WEISKER: Brian Weisker, Duke
13 Energy. Where we have C lined out, I'm
14 proposing we un-line that out.

15 And I feel like, in some way, if we
16 don't allow for some alternative method, we're
17 punishing operators that are spending the time.
18 They're doing thoughtful calculations to
19 determine the extent of a leak and its impact
20 on the environment.

21 Maybe it would be beneficial if we
22 threw in with, like, state regulatory approval

1 on that alternative method, if that would help
2 alleviate some of the concerns. I'm not sure
3 if that would help or not.

4 MR. DANNER: All right, Andy, and
5 then Erin?

6 MR. DRAKE: This is Andy Drake with
7 Enbridge. I think that we have to have -- I'm
8 looking maybe to John or Alan for Robert's
9 Rules of Order here. We haven't talked about
10 Class C gathering, because I think there are
11 some issues we need to work through about the
12 inclusion. I heard them yesterday. I don't
13 want to skate past it, but if we want to talk
14 about it now, it's fine. Or if we're going to
15 talk about Class C- gathering in Section 6 or
16 whatever that is, that's what I heard
17 yesterday.

18 So if put it in here, you're
19 basically preempting the conversation in a few
20 minutes. So whatever we decide on gathering,
21 we can come back and address that here. But if
22 we address it here, you need to call a time out

1 and have that conversation. So I'm fine
2 whatever you want to do.

3 MR. DANNER: John Gale?

4 MR. GALE: Yes, the committee, yes,
5 we are discussing gathering in the next
6 section, if I recall right. I think it's very
7 appropriate to have this conversation right now
8 and discuss gathering in this context. If then
9 in the conversation on gathering we think, you
10 know, maybe we're going to regulate it, but
11 there needs to be a different set of rules,
12 then we have that conversation on what those
13 rules should be for gathering.

14 And in a lot of cases, the
15 conversation's going to be, should we or do we
16 have the authority to even regulate the Type C
17 lines that's been raised by public comment? So
18 I think it's very appropriate to go ahead and
19 leave gathering in here. And in the committee
20 discussion on gathering, if there is a need to
21 modify any discussions we've had we can make
22 that recommendation.

1 MR. DANNER: All right, anything
2 more?

3 MR. DRAKE: I just to be clear, so
4 you want to talk about gathering now?

5 MR. GALE: No, just in the context
6 that you have it on the screen right now, in
7 the recommendation from Chad.

8 MR. ZAMARIN: Yes. And sorry, Chad
9 Zamarin, Williams, just to be clear, I think
10 what I heard earlier in the week, and what I
11 think you're also saying, is we're going to
12 talk about gathering applicability, and those
13 topics. And if there are any changes made,
14 those would cascade back through the --

15 MR. GALE: Hundred percent.

16 MR. ZAMARIN: Thank you.

17 MR. DANNER: All right, Diane, and
18 then Erin?

19 MS. BURMAN: Yes, I do think that we
20 need to figure out some language that can be
21 helpful for the alternative method for this.
22 My big focus really is on not picking winners

1 and losers. And to the extent that my, you
2 know, sole focus is, if there's a way to get to
3 where we need to be with the intent, without
4 folks having to spend money unnecessarily on
5 equipment to do that, I really feel like this
6 is, again, you know, the same conversation we
7 had the other day.

8 But more importantly, one of the
9 things that was really important to all of us
10 to have is some standard, and we got to that.
11 And so now I feel like this doesn't make sense,
12 because we're not going to be able to do this
13 under the standard that we agreed to. So I
14 just am a little concerned about that.

15 But I feel like folks would all
16 agree that don't spend money if there's an
17 alternative way that's viable to do that. I
18 feel like that's a good principle.

19 MR. DANNER: I don't have a problem
20 with the principle. I just want to make sure
21 that this isn't just a free ticket if the state
22 money, you know, wants to let something kind of

1 fly under the radar. That's just a concern I
2 raise. Erin?

3 MS. MURPHY: So on the gathering
4 discussion, I think I was going to propose what
5 has been implemented, which is, yes, just strip
6 out any type reference here, since it sounds
7 like the first sub-bullet is we know which
8 gathering types that would apply to anyway.

9 And then I don't know if we need to
10 add any more language at the transmission and
11 gathering line at the top, but to me it's clear
12 that this is whatever gathering lines are
13 subject to leak survey and repair requirements,
14 okay.

15 And then, apologies, I'm jumping
16 around. I guess I'm trying to think about the
17 alternative method pathway and, you know,
18 continue to hear what's being said, totally
19 want to see the development of additional
20 technologies. But I'm just struggling with the
21 open-endedness.

22 I don't know that the state approval

1 feels adequate, because that still leaves it
2 really open-ended and then could result in, you
3 know, really different methods across states
4 when I feel like what PHMSA's trying to do here
5 and what Congress has asked for is some
6 nationwide standards that include, you know,
7 incorporating environmental protection into
8 leak survey and repair practices.

9 So I don't know if I'm going to be
10 able to support that, you know, alternative Sub
11 C language and might recommend, if the
12 committee is open to it, voting on the
13 transmission and gathering and the distribution
14 recommendation separately.

15 MR. DANNER: Well, so is the
16 alternative method your only objection to the
17 distribution?

18 MS. MURPHY: Yes, as it's currently
19 phrased.

20 MR. DANNER: So I just wondered is
21 there's some qualifying language that could be
22 put on C that would make this less open-ended

1 and still give the appropriate age of the CC
2 authority to approve alternatives. I just
3 wondered if there was any thought that people
4 could offer there.

5 Sara?

6 MS. GOSMAN: So thank you for that.
7 I guess I'm just confused, because I think
8 there are a lot of places where state agencies
9 have an incredibly important role. But in
10 determining the environmental significance of
11 the leak, that seems to me to be an issue that
12 really needs to be addressed at the federal
13 level.

14 And, I mean, that's the
15 ticket into the question of whether these
16 repairs are going to be occurring on this time
17 line. I think that needs to be set as a
18 minimum standard at the federal level.

19 MR. DANNER: All right, thank you.

20 Erin?

21 MS. MURPHY: Yes, I think that's
22 right. And I'm trying to think creatively.

1 You know, I was emphasizing before, I think
2 what's really important is a quantification
3 ability and not just like is it significant
4 open-ended, you know, going on vibes kind of
5 thing.

6 So I'm trying to think if there's an
7 alternative method, yet I'm really just
8 wondering if Arvind has anything to add like,
9 you know, scientifically peer reviewed method
10 of quantifying the leak flow rate, which then
11 just feels to me like we're going back to Sub A
12 which is a leak flow rate quantification. So I
13 think I'm kind of landing on I don't know if I
14 can support the alternative method phrasing at
15 this point.

16 MR. DANNER: All right, thank you.
17 We'll get to Arvind in just a second. Brian?

18 MR. WEISKER: Brian Weisker, Duke
19 Energy, maybe if we propose following the
20 192.18 process in this, as far as the approval
21 process, you know, I think there's a lot of
22 variability in what folks are doing, trying to

1 keep those alternatives open, trying to keep
2 flexibility, trying to identify and repair
3 leaks. I'm just throwing that out, and maybe
4 that would be something that would put some
5 comfort level around that.

6 MR. DANNER: Thank you. Arvind?

7 MR. RAVIKUMAR: Okay. I wish I had
8 a magic bullet that could solve this challenge
9 here, but perhaps one proposal is, you know,
10 given that we already have a standard on the
11 board at ten SCFH for distribution, why not
12 just say an alternative method that the
13 relevant agency deems equal to the standard,
14 which is on the board at ten SCHF for the
15 distribution. MR. DANNER: Yes, that's

16 what I was wondering. I haven't decided yet,
17 but that's what I wanted to explore.

18 Diane?

19 MS. BURMAN: Yes, I think that
20 works. I think that we're trying to, again,
21 get back to what the standard is. So an
22 alternative method based on that, after

1 demonstrating it, makes sense.

2 MR. DANNER: Okay, Erin or Sara?
3 Sara?

4 MS. GOSMAN: Yes. So I'm thinking
5 about C with alternative and with a
6 notification to PHMSA. So give me a moment on
7 that one.

8 On transmission and gathering, so
9 I'm going to be more direct here. I think that
10 all leaks in the areas that are called out in
11 the rules, so this is HCA Class 3 or Class 4
12 locations, should remain in Grade 2 and that
13 they should be repaired within 30 days.

14 MR. DANNER: Thank you. Chad?

15 MR. ZAMARIN: Chad Zamarin,
16 Williams. Yes, Sara, I don't think that works.
17 I mean, we heard an example yesterday of a
18 valve, a small leak in a valve in Houston.
19 And if they would have been required to repair
20 that in 30 days, it would have caused, you
21 know, chaos potentially in the city of Houston.
22 I mean, we're trying to isolate the leaks.

1 It sound like this is a safety
2 concern and so we're trying to isolate the
3 leaks that pose a safety risk and address those
4 on a 30-day repair time line. But if we have
5 any leak on a transmission or gathering system,
6 even those that don't pose a safety risk, that
7 have to be repaired within 30 days, I think
8 that's a -- I just don't think that's
9 practical. I don't think it makes sense.

10 And so I think we're trying to find
11 the right balance and meet at a place that
12 works. But I just don't see how that's
13 practical.

14 MR. DANNER: Pete?

15 MR. CHACE: Pete Chase, NAPSR. I
16 believe it's appropriate to determine whether a
17 leak ought to be fixed or not based on the
18 physical characteristics of the line, not what
19 its legal classification is.

20 As I brought up before, there are
21 transmission lines out there that are not high
22 stress. For example, my land fill line in the

1 City of Toledo operating at about 25 pounds, if
2 there was a leak on that, well, it's a
3 transmission line, and it's going through a
4 populated area. You might have a distribution
5 line right next to it, maybe the same sort of
6 leak. And the leak repair standards would be
7 different. It doesn't make sense to me.

8 What does make sense though is that
9 if the -- I heard PHMSA mention that the
10 interest in maintaining the Grade 2 was
11 because of the high stress characteristics of
12 the line. Personally I believe this meets
13 PHMSA's intent. Thank you.

14 MR. DANNER: Erin?

15 MS. MURPHY: Okay. I wanted to
16 circle back on the distribution discussion. So
17 what I'm thinking about here, and I think Sara
18 said this really well a couple of minutes ago,
19 is that this standard is a really important
20 standard in that, you know, and I know there's
21 been a lot of discussion about the importance
22 of the leak grading framework writ large, and

1 what it means to update the leak grading
2 framework.

3 And so, you know, the idea of within
4 the leak grading framework having this big,
5 sort of alternative flexibility where some
6 operators might end up, you know, effectively
7 using really different processes to determine
8 what constitutes a Grade 2 leak does feel
9 concerning to me.

10 And as I think through that, and I'm
11 thinking about Brian's proposal for 192.18
12 process, this really feels to me more like if
13 the agency was going to add an additional
14 pathway for determining what constitutes a
15 Grade 2 leak, that would be a process that, you
16 know, rather than happening operator by
17 operator, it would hopefully happen in a way
18 that, you know, first of all, if PHMSA decided
19 to add an additional pathway, that it would
20 just be applicable across the board to all
21 operators.

22 And that would be a more open

1 process that, you know, multiple stakeholders
2 could engage in. And as I, you know, was
3 thinking through that, I'm like, well, that
4 sounds like a notice in comment rulemaking. So
5 do I really just think that, you know, PHMSA
6 should update these standards if it decides to
7 add an additional pathway.

8 I don't know if there's, you know, a
9 middle ground sort of agreement that the
10 committee could reach in a process like that if
11 that makes sense to others on the committee.
12 But it does feel to me, like, rather than
13 operator by operator, you know, any update to
14 the Grade 2 leak standard should be a more
15 inclusive process.

16 MR. DANNER: Thank you. Brian?

17 MR. WEISKER: Brian Weisker, Duke
18 Energy, and I don't know if I'll be comforting
19 or not, but I think C doesn't trump A or B,
20 right, so the other items still stand. I think
21 it provides flexibility at one of the areas
22 that we have, you know, as a distribution

1 system across the 50 states and many, many
2 operators. It provides some of that
3 flexibility in driving, again, the intent of
4 driving down and eliminating leaks. So I think
5 it's an important.

6 MR. DANNER: Sara?

7 MS. GOSMAN: I think Erin has
8 already asked this, but I think it would be
9 more helpful to me in the conversation if I
10 could understand what other alternative methods
11 you see coming down the line that this would be
12 used for. I mean, it doesn't have to be
13 specific, but I'm having trouble even
14 conceptualizing what those are.

15 MR. DANNER: All right. Who wants
16 to -- anybody want to a stab at answering that?

17 MR. WEISKER: I'll take a stab,
18 Brian Weisker, Duke Energy. I think it's not
19 just -- it's what tools are available today.

20 I would say the measurements in
21 engineering analysis and calculations to
22 determine what type of leak exists, so we have

1 the, you know, direct measure as it shows right
2 now, the ten cubic feet per hour, also doing
3 the extent of the area, and then allowing for
4 other operators that have a methodology of
5 measurements, ppm concentrations and trying to
6 calculate what the actual leakage rate may be.
7 Those are just some of the ideas behind that.

8 MR. DANNER: Clarifying question?

9 MS. GOSMAN: Yes. So I'm still just
10 not, I'm not getting the picture of what that
11 looks like. What I hear is different
12 calculations, but we have a leakage rate built
13 in here. We've also got the issue of leak
14 extent. I don't know what other calculations
15 we would make.

16 MR. DANNER: Brian, well, Andy?

17 MR. DRAKE: Andy Drake with
18 Enbridge, I'm just sort of outside looking in
19 on this conversation. I mean, first of all, I
20 appreciate your concerns. When we first read
21 it, it just struck me as non-inspirational. It
22 was so vague, it could be anything.

1 I think two things are happening
2 here. One, you ask what could happen and why
3 would we might want to look at alternative
4 methods. One would be we're beginning a SCHF,
5 and they might come up with a lot better
6 models.

7 I mean, some of these things up here
8 are pretty course models, 2,000 square feet,
9 da, da, da, da. Those are not new. Those are
10 older. I think you may find, as we progress,
11 that you may get better models, you know. And
12 I think that's important as we get better at
13 trying to figure out what is hazardous
14 safety-wise, what's hazardous to the
15 environment.

16 And two, I think the thing that
17 really brought comfort to me, and again this is
18 not my fight, you know, is 192.18 is a special
19 permit provision. That is a pretty rigorous
20 standard of care. And it is transparent to the
21 public. Everything that happens in there has
22 to be noticed, it's made available to the

1 public. They can see the conversations that
2 are happening there.

3 And I think that you're getting a
4 pretty rigorous review by an authority that
5 should help quell any, you know, randomness to
6 this, or ambiguity that it's just happening
7 willy-nilly among all these different
8 operators.

9 So it brought a lot of confidence to
10 me. But I do think the answer to your
11 question, to me, Sara, is we're at the
12 beginning of this conversation. We have gotten
13 criteria here, but I think to leave space for
14 us to keep thinking about better models, better
15 mousetraps, is good.

16 And just make sure that the process
17 to adopt them is rigorous and transparent.
18 That's how I am interpreting that. So the
19 details of that, I'll leave back to you all.
20 But that's how it struck me.

21 MR. DANNER: Okay. So I turn to Alan
22 for a little more on the 192.18 --

1 MR. MAYBERRY: Thanks, Mr. Chair.
2 Just a slight clarification, 192.18 is a
3 notification process that also has a level of
4 rigor and standard of care.

5 The special permit process is
6 separate. That's where you vary from the code.
7 And it also has a high level standard of care.
8 It's also a rigorous process and transparent.

9 MR. DANNER: All right, thanks for
10 that. Brian?

11 MR. WEISKER: I'm thinking of some
12 wording here. When we hit the break, I'll get
13 a few more specifics from some of our other
14 operators that can help with the specifics of
15 C. But was there something that, you know, the
16 alternative, that it demonstrates the
17 capability of identifying the ten cubic feet
18 per hour leak or greater. Would that some way
19 help with this?

20 That is the alternative, you know,
21 we have to demonstrate that the alternative is
22 capable of identifying the ten cubic feet per

1 hour or greater leak, so does that give it a
2 little more teeth for you.

3 MR. DANNER: Erin?

4 MS. MURPHY: Yes I think that's
5 helpful. To me that would satisfy Sub A
6 though. So I want to make sure I understand
7 the distinction.

8 MR. WEISKER: I think Sub A is a
9 direct measurement. Whereas Part B would be an
10 analysis, algorithms, some calculations that
11 would demonstrate that it would be the
12 equivalent of A.

13 MS. MURPHY: Direct response, so
14 okay, I think I'm understanding you're
15 suggesting the alternative would be that it's
16 able to determine leaks that are at or above
17 the threshold of ten standard cubic feet per
18 hour. But it might be some other technology
19 that might not give you, like, exactly a
20 numeric reading or something, but it's been
21 demonstrated to identify leaks at that
22 threshold. Is that a fair --

1 MR. WEISKER: Direct response, yes.

2 (Simultaneous speaking.)

3 MR. DANNER: Go ahead.

4 MR. WEISKER: Yes.

5 MS. MURPHY: Yes, thank you. I

6 think I would be comfortable with that.

7 MR. DANNER: All right, thank you
8 for that. Diane?

9 MS. BURMAN: Yes, I appreciate the
10 back and forth discussion on this, because I'm
11 comfortable with it too. I think it really --
12 I think the intent for me is that it will also
13 -- C allows for future technology in our
14 methods that may be developed to be used when
15 approved. And I really think this is a very
16 good sort of collaborative process. So thank
17 you for that.

18 MR. DANNER: Okay, I'm seeing cards
19 up. Brian, did you have more that you wanted
20 to say? Okay --

21 (Simultaneous speaking.)

22 MR. DANNER: So, are we okay with

1 this language? Do we want to -- is there
2 anything further we want to do on this, Chad?

3 MR. ZAMARIN: Yes, only because it
4 was removed. I had a reference, and it was
5 bracketed. But I do think some guidance on
6 what we think the appropriate threshold. I
7 think that was taken off the slide. We had had
8 ten kilograms per hour.

9 I'm open to the discussion, not
10 being kind of the expert in that space but --
11 and I'm okay with leaving it bracketed implying
12 that PHMSA needs to determine it, but that that
13 was something that came out of our discussion
14 and memorializes kind of the record of the
15 conversation.

16 I want to say five to ten kilograms
17 per hour was discussed. And maybe this isn't
18 the right place to set a hard and fast number.
19 But I do think it's helpful to capture the
20 discussion. Thank you.

21 MR. DANNER: All right, thank you
22 very much. Erin?

1 MS. MURPHY: Yes, I am supportive of
2 the five to ten range as well.

3 MR. DANNER: Anyone -- or Sara?

4 MS. GOSMAN: Yes, I'm supportive as
5 well. I think the such as gives me some
6 comfort. And I also appreciate the example with
7 the issue of 30 days for repairs. That does
8 help me to understand and remind me of what
9 we're talking about here. So yes, it makes
10 sense to me that we wouldn't want to have those
11 on the 30-day repair schedule.

12 I am still just wondering whether,
13 if we got here to, like, you know, greater than
14 six months, if we go to a year, right, whether
15 it addressed, like, whether we fit it within
16 that, this is a time line question, or whether
17 we move it to the world of 24 months to five
18 years based on scheduling.

19 MR. ZAMARIN: Chair, can I respond
20 to that, please?

21 MR. DANNER: Yes.

22 MR. ZAMARIN: Chad Zamarin, with

1 Williams. Sara, maybe when we talk about time
2 lines, I think when we get into Grade 3, this
3 is going to -- I'm comfortable committing to
4 you that having a more accelerated time line
5 for Grade 3s within HCAs, I think we can have
6 that discussion. It makes a lot of sense.

7 And I think, you know, if we've got
8 -- we could have a shorter time line in that.
9 I haven't thought it through. I appreciate
10 this conversation, but I understand the issue.
11 And I think we can do some work on that. Thank
12 you.

13 MR. DANNER: Okay. Have we closed
14 in on language now for this? Peter?

15 MR. CHACE: Pete Chace, NAPSR. Yes,
16 just for the record, I'm still having a tough
17 time with the ten standard cubic feet per hour
18 as it is below the leak screening detection
19 threshold. Having said that, I've said my
20 piece. And it's not worth me -- we'll go on
21 from here. It's not --

22 MR. DANNER: Okay, your views are

1 very valued here. Diane?

2 MS. BURMAN: Yes, I just want to
3 support my colleague and agree that it's on the
4 record in making sure that the standards we
5 have sort of make sense, so thank you. But
6 we're good.

7 MR. DANNER: All right. Thank you.
8 In that case, I would entertain a motion. Who
9 would like to make this motion? Brian, thank
10 you.

11 MR. WEISKER: Brian Weisker, Duke
12 Energy. The proposed rule, as published in the
13 Federal Register and as supported by the
14 Preliminary Regulatory Impact Analysis and
15 Draft Environmental Assessment, regarding Grade
16 2 leak criteria for the proposed rulemaking, is
17 technically feasible, reasonable,
18 cost-effective, and practicable if the
19 following changes are made, distribution, ten
20 standard cubic feet per hour in leak extent
21 criteria is of sufficient magnitude to pose
22 significant harm to the environment considering

1 one of the following characteristics.

2 A, establish leakage rate of ten
3 standard cubic feet per hour or more as
4 indicated by suitable technology, or B, for
5 below grade and subsurface leaks, estimated
6 leak extent land area
7 affected by gas migration of 2,000 square feet
8 or greater, or C, an alternative method
9 demonstrated to meet the capability of
10 identifying a leakage rate of ten standard
11 cubic feet per hour or greater consistent with
12 Method A with notifications to PHMSA in
13 accordance with 192.18.

14 PHMSA consider the availability of
15 leak extent approach for appropriate
16 conditions, transmission and gathering,
17 modifying Grade 2 leak requirements to include
18 any reading of gas that does not qualify as a
19 Grade 1 leak that occurs in the pipe body of a
20 transmission pipeline or a regulated gas
21 gathering line operating at high stress,
22 greater than 30 percent SMYS, or a transmission

1 pipeline, or regulated gas gathering line leak
2 measure to be greater than an appropriate
3 volume threshold for a transmission or
4 regulated gathering line such as five to ten
5 kilograms per hour.

6 MR. DANNER: Thank you, is there a
7 second? Yes, there is, Erin?

8 MS. MURPHY: Wait, I'm so sorry.

9 MR. DANNER: Oh, oh, oh, you're not
10 seconding.

11 MS. MURPHY: I was intending to
12 second and noticed what I believe is a typo and
13 just wanted to flag it, which is the
14 alternative method. It says ten standard cubic
15 feet per hour or greater, which would actually,
16 if I'm thinking about this correctly, make it
17 a less sensitive, right, like above ten would
18 mean -- if I'm wrong, but I thought that was a
19 typo, I do apologize for interrupting.

20 (Simultaneous speaking.)

21 MR. DANNER: Sorry, it says or more

22 --

1 MS. MURPHY: But it might be a less
2 sensitive --

3 MR. DANNER: No, I think it's saying
4 it has to detect --

5 MS. MURPHY: A minimum of --

6 (Simultaneous speaking.)

7 MR. DANNER: All right, I'm hearing
8 that it is correct as is. Sara?

9 MS. GOSMAN: So couldn't we just,
10 and I'm sorry, because Brian just spent a lot
11 of time working this. It's a really long
12 motion. But I think that the issue that if you
13 identify leakage rate of ten SCFH or greater,
14 right, it makes it sound like the greater is
15 actually a possibility. Because it's an or.

16 So I wonder if we could just say a
17 minimum rate of ten SCHF consistent with Method
18 A. I mean, that was my understanding of the
19 proposal.

20 MR. DANNER: Would you be -- is the
21 group okay with that? I would be okay with
22 that. And then I would ask our parliamentary

1 attorneys if we can just --

2 MR. WEISKER: Will I need to
3 withdraw my proposal and then --

4 MR. DANNER: Part C --

5 MR. WEISKER: -- gladly reread it.

6 MR. DANNER: You know, you're
7 delaying lunch. Yeah, go ahead. Why don't you
8 do that.

9 MR. WEISKER: So Brian Weisker, Duke
10 Energy, I withdraw my proposal and propose to
11 make a proposal.

12 MR. DANNER: Unfortunately I agree.
13 So go ahead.

14 (Laughter.)

15 MR. WEISKER: All right. The
16 proposed rule, as published in the Federal
17 Register and as supported by the Preliminary
18 Regulatory Impact Analysis and the Draft
19 Environmental Assessment, regarding Grade 2
20 leak criteria for the proposed rulemaking, is
21 technically feasible, reasonable,
22 cost-effective, and practicable if the

1 following changes are made, distribution, ten
2 standard cubic feet per hour in leak extent
3 criteria is of sufficient magnitude to pose
4 significant harm to the environment considering
5 one of the following characteristics.

6 A, estimated leakage rate of ten
7 standard cubic feet per hour or more as
8 indicated by suitable technology, or B, for
9 below grade and subsurface leaks, estimated
10 leak extent land area
11 affected by gas migration of 2,000 square feet
12 or greater, or C, an alternative method
13 demonstrated to meet the capability of
14 identifying a minimum leakage rate of ten
15 standard cubic feet per hour consistent with
16 Method A with a notification to PHMSA in
17 accordance with 192.18.

18 PHMSA consider the availability of
19 leak extent approach for appropriate conditions
20 for transmission and gathering, modify Grade 2
21 leak requirements to include any reading of gas
22 that does not qualify as a Grade 1 leak that

1 occurs in the pipe body of a transmission
2 pipeline or a regulated gas gathering line
3 operating at high stress, greater than 30
4 percent SMYS, or a transmission pipeline or
5 regulated gas gathering line leak measure to be
6 greater than an appropriate volume threshold
7 for a transmission or regulated gathering line
8 such as five to ten kilograms per hour.

9 MR. DANNER: Is there a second?

10 MS. MURPHY: There is.

11 MR. DANNER: Okay. It has been
12 moved and seconded.

13 So Mr. Satterthwaite, will you
14 record the vote?

15 MR. SATTERTHWAITE: Okay. I'll say
16 your name. If you agree with the motion, say
17 yes, if not, no.

18 Diane Burman?

19 MS. BURMAN: Yes.

20 MR. SATTERTHWAITE: Peter Chace?

21 MR. CHACE: Yes.

22 MR. SATTERTHWAITE: David Danner?

1 MR. DANNER: Yes.

2 MR. SATTERTHWAITE: Sara Longan?

3 MS. LONGAN: Yes.

4 MR. SATTERTHWAITE: Terry Turpin?

5 MR. TURPIN: Yes.

6 MR. SATTERTHWAITE: Brian Weisker?

7 MR. WEISKER: Yes.

8 MR. SATTERTHWAITE: Andy Drake?

9 MR. DRAKE: Yes.

10 MR. SATTERTHWAITE: Alex Dewar?

11 MR. DEWAR: Yes.

12 MR. SATTERTHWAITE: Steve Squibb?

13 MR. SQUIBB: Yes.

14 MR. SATTERTHWAITE: Chad Zamarin?

15 MR. ZAMARIN: Yes.

16 MR. SATTERTHWAITE: Chad Gilbert?

17 MR. GILBERT: Yes.

18 MR. SATTERTHWAITE: Arvind

19 Ravikumar?

20 MR. RAVIKUMAR: Yes.

21 MR. SATTERTHWAITE: Erin Murphy?

22 MS. MURPHY: Yes.

1 MR. SATTERTHWAITE: Sara Gosman?

2 MS. GOSMAN: Yes.

3 MR. SATTERTHWAITE: Sam Ariaratnam?

4 MR. ARIARATNAM: Yes.

5 MR. SATTERTHWAITE: It is unanimous,
6 the motion carries.

7 MR. DANNER: Okay, thank you very
8 much. It is 12:27, so we're going to take our
9 lunch break now. We'll be in recess until
10 1:30. Please be prompt.

11 (Whereupon, the above-entitled
12 matter went off the record at 12:26 p.m. and
13 resumed at 1:37 p.m.)

14 MR. DANNER: All right, good
15 afternoon. So you can see on the slide in
16 front of us these are the issues that we still
17 have with regard to leak grading and repair.
18 And it's my suggestion that let's take the top
19 -- the bottom two bullets off, and let's just
20 focus on the repair time lines right now, and
21 then we can get to the others afterwards. But
22 if we could just focus on the first one, it

1 might be more efficient for us.

2 So with that, I'd just like to open
3 the floor, see if there's anybody who would
4 like to start this conversation. Brian, thank
5 you.

6 MR. WEISKER: Brian Weisker, Duke
7 Energy. You know, we've had a lot of
8 conversation before, kind of intermixed with
9 when we were working our way through the
10 various topics along the way, about why we
11 believe that the six months needs to be
12 something more line one year as far as time
13 lines to repair between weather, seasons,
14 permitting, local ordinances, all the different
15 things along that route that, from a
16 distribution standpoint, that the six months is
17 unreasonable, that one year, that 12 months is
18 a more appropriate time line from a repair
19 standpoint.

20 MR. DANNER: All right. Thank you.
21 Terry Turpin?

22 MR. TURPIN: Terry Turpin, just to

1 provide a little sort of context and flavor on
2 the time line issues, I know, Sara, you'd asked
3 earlier about is it just weather type issue.
4 Just to give some flavor for what most of the,
5 at least the transmission companies that I have
6 experience with, and what projects have to deal
7 with, if they're going to have to go out to
8 repair something at a compressor station, a
9 valve, meter runs, I mean, they're going to
10 have permanent access. That's going to be
11 something that they can get to relatively
12 quickly.

13 As soon as they have to start
14 considering taking heavy equipment out to dig
15 up a pipeline, there are lots of B.C's windows,
16 there's lots of things that are outside of our
17 control, outside of their control, that they
18 have to line up.

19 If they have to have temporary
20 access to get to that area, they're going to
21 have to clear, you know, NHPA, they're going to
22 have to clear ESA. They're going to have to

1 clear State 401. So that's a lot of stuff to
2 try to get done
3 in a six-month window. So just not saying that
4 says, you know, put this to some future date,
5 just understand that it's a lot more than the
6 desire to get out there that they have to line
7 up. Thank you.

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

10 MR. DRAKE: Andy Drake with
11 Enbridge. I appreciate that comment. I'd just
12 add to it that valve settings are the same for
13 us, because they're on somebody else's
14 property. And so it's the same -- it's not
15 just the buried pipe, it's above ground things
16 that are off of our meter stations and
17 compressor stations.

18 But I did want to come back, Sara,
19 to the conversation we had earlier, so let's
20 just get to that quickly. And that is Grade 2
21 leaks longer than six months are okay, that's
22 more genericized. But when we talk about HCAs

1 and Class 3s and 4s, I think we want to be
2 clear that those are going to be done inside,
3 what did we say, 30 days. Is that right?

4 PARTICIPANT: That's the language.

5 MR. DRAKE: I think that's the
6 language. So Grade 2 leaks inside HCA's, Class
7 3s, and 4s, for transmission and gathering will
8 be done inside 30 days. And we said we would
9 bring it back. I just want to get to it
10 quickly so we can --

11 MR. DANNER: All right, is there any
12 concern with language that has as soon as
13 practicable, but not to exceed one year?

14 Erin Murphy?

15 MS. MURPHY: I have a more general
16 comment which I can hold.

17 MR. DANNER: Or you can go ahead.

18 MS. MURPHY: Yes, happy to go ahead.
19 So just kind of a more general comment as we
20 move into a discussion on repair time lines,
21 including Grade 2, what's proposed and what's
22 being discussed, I just want to emphasize that

1 safety and environmental protection are
2 mutually reinforcing objectives in the context
3 of leak management.

4 But when leaks are only defined in
5 the context of near term safety risks, we know
6 that leaks that have significant environmental
7 impacts can be overlooked. And large volume
8 leaks, which often referred to as super
9 emitters, as we've been discussing, are
10 responsible for a high proportion of methane
11 emissions from pipeline leakage. And we know
12 that fixing these leaks more quickly can help
13 to cost effectively mitigate the climate impact
14 of gas pipelines.

15 Additionally, finding and fixing
16 even smaller leaks on pipelines can further
17 improve the safety of the infrastructure and
18 minimize harmful methane emissions. This is
19 particularly relevant when leaks are allowed to
20 remain on gas pipeline systems for long
21 durations without remediation.

22 Under current federal baseline

1 standards and practices, unless a pipeline leak
2 is deemed eminently hazardous to people or
3 property, the operator may never have to repair
4 the leak. The proposed rule would
5 appropriately remedy this oversight gap by
6 establishing clear repair time lines.

7 As the proposal states, any leak of
8 methane from a gas pipeline system necessarily
9 entails environmental harm proportional to the
10 total release volume by contributing to climate
11 change. And even a small leak can result in
12 significant emissions and harm to the
13 environment and public safety if it is allowed
14 to release indefinitely without repair.

15 So the time lines that are set forth
16 in the NPRM and setting those time lines for
17 Grade 2 and Grade 3 leaks in clear way is
18 something that we view as really high value
19 both for environmental protection and public
20 safety.

21 I wanted to also reference some
22 modeling results that were submitted by

1 Environmental Defense Fund and a number of
2 other environmental organizations into the
3 record. I have talked about this modeling
4 before. It's the FEAST model which was
5 developed by a great scientist sitting a couple
6 of seats down, Arvind Ravikumar, and his team
7 at UT Austin. And they developed a
8 pipeline-specific version of FEAST to really
9 appropriately look at pipeline systems and
10 methane impacts.

11 So Arvind's team modeled, in
12 particular, you know, holding technology
13 stable, so not even thinking about advanced
14 technology deployment models, just baseline
15 technology use, but looking at the impact of
16 increased survey frequencies as well as more
17 rapid repair time lines. And even those, you
18 know, basic work practice adjustments do
19 contribute to really significant emissions
20 mitigation.

21 The results for the gathering and
22 transmission segments found that repairing

1 Grade 2 leaks in 180 days instead of 365 days,
2 and repairing Grade 3 leaks in 720 days, could
3 triple the emission reductions compared to the
4 legacy repair rules. And the results for
5 distribution also found nearly double the
6 emission reduction in scenarios that rely on
7 the improved repair time lines laid out in the
8 NPRM.

9 So want to just at least set that
10 stage, and I know we're getting into details
11 quickly here, just strong support for setting
12 clear time lines and for the time lines laid
13 out in the NPRM. Thank you.

14 MR. DANNER: Thank you. Andy, you
15 had your card up?

16 MR. DRAKE: Well, they made the
17 editorial change that I was looking for with
18 the gas transmission for HCAs. But while I
19 have this mic, this is Andy Drake with
20 Enbridge, Sara, I think as we look forward to
21 Grade 3 anomalies in transmission in HCAs, I
22 think we'll come up with a different, more

1 urgent time frame for those as well. So that
2 conversation's not ended yet, it's just we
3 haven't gotten to the Grade 3 part of that.

4 MR. DANNER: Anyone else? We have
5 two member proposals up here and your thoughts
6 on them. Are there any others, or changes to
7 these?

8 Sara?

9 MS. GOSMAN: I know that we've
10 looked at this language on market disruptions
11 before. And I'll just say again that it's a
12 very broad term. And it concerns me, because
13 I think the thing that we really need to be
14 thinking about here is customer outages, right?
15 That's the societal impact that we really want
16 to be addressing.

17 And so this seems like a much
18 broader term to me. And thus I think that we
19 could cabinet a little bit considering, I would
20 say, impacts to customers as a replacement for
21 market disruption.

22 MR. DANNER: Okay. Any thoughts on

1 that, Andy? Okay. I think we're getting a
2 thumbs up on that one. Erin?

3 MS. MURPHY: So thinking about some
4 of the conversation there's been around
5 seasonal impacts, I don't feel like I fully
6 understand the specific emphasis on a 12-month
7 time line being needed as opposed to a
8 six-month time line.

9 I know more than a couple of minutes
10 ago, awhile back in a different phase of this
11 conversation, I think Chair Danner asked about,
12 you know, a nine-month time line as something
13 that crosses over into the next season and
14 whether that would be appropriate.

15 MR. DANNER: Chad?

16 MR. ZAMARIN: Thanks, Chad Zamarin,
17 Williams. I think seasonality is one of the
18 issues, and I think we've heard there are a lot
19 of different issues that we've got to address.
20 But just as an example, I mean, in Wyoming,
21 this isn't even in Alaska which I'm sure there
22 are places that are even harder to operate in,

1 but in Wyoming the winter's already begun, you
2 know, long before it has in many other places.

3 And if we were to detect a leak in
4 what might feel like late summer, we oftentimes
5 are unable to get through roads. And it's just
6 impassible to make it out to the field. And so
7 that lasts until oftentimes April of the
8 following year. And so the window for activity
9 in somewhere like Wyoming is actually very
10 narrow.

11 And again, that's one example. I
12 think what we're trying to do is set a time
13 line that kind of accounts for all of the
14 different variables, whether it's permitting,
15 whether it's work planning and coordination to
16 make sure that we're not doing one repair and
17 coming back three months later and doing
18 another repair that could have been done at the
19 same time with less overall impact.

20 But there are definitely parts of
21 our system and across the landscape where I
22 think six months and even nine months would be

1 incredibly problematic and, frankly, not
2 practical. Thank you.

3 MR. DANNER: So if I could ask
4 though, I mean, it says the standard would be
5 as soon as practicable but not to exceed one
6 year. That would seem to me that if you don't
7 have conditions that make it impracticable,
8 you've got to hurry up and get out there. So
9 if you're not in Alaska or Wyoming, and you're
10 in my state where it just rains all the time,
11 then basically we want it soon.

12 MR. ZAMARIN: Yes, absolutely, I
13 mean, we're not waiting until the last day to
14 make repairs. And I think that's hopefully
15 what the language captures, that you get out
16 there as fast as you can. But you recognize
17 you've got crew availability, you've got work
18 and maintenance planning, you've got outage
19 management with customers that you've got to
20 manage, you've got seasonality, you've got
21 weather, you've got all of those variables that
22 you have to manage through.

1 And it is, I would say that in my
2 experience the vast majority of these leaks are
3 repaired much further within the window of 12
4 months. But there are many circumstances that
5 you won't be able to manage through. So I
6 think it's an appropriate outer bound that
7 accounts for those issues.

8 MR. DANNER: So my follow up
9 question though would be the as soon as
10 practicable standard, how do you enforce that?
11 Because it has, you know, because every delay
12 does increase carbon emissions, if you can get
13 to this, and repair this, you know, it's an
14 issue. So how do you enforce an as soon as
15 practicable standard?

16 MR. ZAMARIN: Yes, first of all, I
17 think there were very compelling comments from
18 the public that not every delay actually
19 increases emissions, that if we're not careful
20 we will drive activity that will be worse from
21 an environmental perspective.

22 I mean, we heard about leaks.

1 These are real situations. A 36-inch pipeline
2 that can even be brought down to 50 psi which
3 takes a lot of re-compression, which has its
4 own environmental foot print, we talked about
5 bringing blow-downs down, to not be able to
6 wait for scheduled maintenance and outages.
7 And oftentimes those are scheduled during the
8 work months of the year.

9 But, I mean, the data is pretty
10 obvious. I mean, if you had to blow-down even
11 at 50-pounds the remaining 50 pounds of a 36
12 inch pipeline to repair a small leak, the
13 environmental benefit is not only wiped out,
14 you've done the wrong thing.

15 And so I do think we're not talking
16 about long duration, we're talking about the
17 window that allows for smart planning and
18 coordination of work.

19 MR. DANNER: All right, thank you.

20 Brian?

21 MR. WEISKER: Brian Weisker, Duke
22 Energy. I do want to add another bullet

1 underneath the repair time line for Grade 2
2 leaks to be discussed. This would be an
3 allowance for a pipeline segment that's
4 scheduled for replacement, and is replaced
5 within five years, that the repair of a Grade
6 2 leak could be postponed to time up with that
7 pipeline segment replacement.

8 I think we heard a lot about that in
9 a lot if the public comments and about going
10 out and spending money on fixing a leak on a
11 pipe that's about to be replaced anyway. And
12 so that would be up in the top section, I
13 think, is where we passed over the line.

14 MR. DANNER: So instead of as soon
15 as practical it would basically be wait until
16 you replace the pipe, which could be four and a
17 half years or whatever?

18 MR. WEISKER: Correct

19 MR. DANNER: All right.

20 MR. DANNER: Sara?

21 MS. GOSMAN: Sara Gosman. The first
22 thing I wanted to say is, I think the language

1 in the distribution bullet should match the
2 language in transmission and gathering.

3 And then the second thing I would
4 say is that that's a big jump from what we
5 currently have at six months with no -- I don't
6 think there's any provision in Grade 2 for pipe
7 replacement to five years. And these are the
8 bigger leaks. And so, I'm concerned about what
9 that would mean in terms of just the methane
10 emissions and climate impact.

11 MR. DANNER: I would share those
12 concerns.

13 Anyone else? Brian?

14 MR. WEISKER: Yes, I mean, I
15 appreciate your comment. I do think we need to
16 build in some level of, I'll say, understanding
17 of what the impact from a state regulatory
18 standpoint, from a state commission standpoint,
19 from a costing standpoint, the value; you know,
20 what it's going to take and the time and effort
21 to go out and fix something that's just going
22 to be replaced in the not-too-distant future.

1 And we heard that from many of our operators.

2 That was a significant concern of theirs.

3 So, we definitely need to have some
4 allowance within this section for pipe that's
5 going to be replaced, to continue on, work with
6 our state regulators, as we build out and
7 schedule out that work, to go after and drive
8 those repairs, replace that pipe, and eliminate
9 those emissions.

10 MR. DANNER: All right. Diane? And
11 then, Erin.

12 MS. BURMAN: I do agree with the
13 proposed changes. I think six months is likely
14 way too optimistic in most cases. I think that
15 frost is a legitimate concern, and I also
16 think, just as where I sit, the whole of New
17 York, but New York City, in particular, does
18 not allow non-emergency evacuation from 12/1 to
19 March 31st. So, that's a consideration.

20 For me, also, it is incumbent upon
21 me in my role as a state regulator to look at
22 what this looks like from a state regulatory

1 distribution process and the rate impacts, and
2 needing to have a coordinated approach; and
3 also, needing to understand, when we're
4 looking at, does it make prudent sense to
5 repair, if you're going to replace, and what
6 that looks like; and knowing that you have a
7 long time that you have to go through a rate
8 process and have stakeholder engagement in the
9 rate process on the expenditure of money on
10 repair and/or replace, and what that looks
11 like.

12 So, I think this gives us the wiggle
13 room without putting at risk safety.

14 MR. DANNER: Thank you.

15 Erin?

16 MS. MURPHY: Yes, I just want to
17 restate one of the points I shared from the
18 modeling analysis, which is that, when we
19 compared legacy practices versus the repair
20 timelines in the proposed rule, which is a
21 six-month repair timeline for Grade 2 leaks, we
22 found nearly double the methane mitigation in

1 the scenarios relying on those improved repair
2 timelines.

3 Now, we've having a conversation
4 about whether to double that repair timeline
5 from six months to 12 months. Now, we're
6 having a conversation about to extend a
7 six-month repair timeline out to as long as
8 five years, that the leak doesn't have to be
9 mitigated if the pipe is planned for
10 replacement.

11 EDF and other environmental
12 commenters articulated a number of concerns
13 with this five-year replacement loophole for
14 Grade 3 leaks, as it's stated in the NPRM, and
15 that concern is heightened even further in the
16 context of Grade 2 leaks. We're talking about
17 leak-prone pipe which is pipe that is known to
18 leak and is very likely to be leaking.

19 And we're hearing from operators,
20 "We're ready to mitigate methane emissions.
21 We're ready to fix leaks on our pipes." It's
22 really hard to then hear, "But, actually, let's

1 not do that if we're supposed to be replacing
2 that pipe five years from now." That's a long
3 time for a super-emitting leak to be continuing
4 to release methane unmitigated.

5 MR. DANNER: Chad?

6 MR. ZAMARIN: Thank you.

7 Chad Zamarin, Williams.

8 And at the risk of getting out on an
9 issue that I'm not an expert in, to be clear, I
10 would not advocate for that requirement for
11 transmission. So, I think this is a
12 distribution issue we're discussing, it sounds
13 like, because of distribution replacement
14 programs.

15 But one of the concepts that I am
16 interested in us having somewhere in this
17 section is the ability for an operator to
18 demonstrate a full life-cycle emissions study
19 that demonstrates that it would be better to
20 wait to do something from an environmental
21 perspective than it would to do it now.

22 I don't know what that should look

1 like or how that's done maybe. We all agree
2 that's a consideration that needs to be
3 included and the right structure needs to be
4 put around that. But I would be supportive of
5 something that is done because you can prove
6 that it's actually a benefit from an
7 environmental perspective.

8 But I also wanted to be clear that,
9 the way this is structured, I think that's
10 okay, you've got distribution.

11 Thank you.

12 MR. DANNER: Brian?

13 MR. WEISKER: This is, I guess,
14 really for the state regulators, for Pete and
15 Diane. Really, how would you enforce "as soon
16 as practicable," as it's written in bullet No.
17 2?

18 MR. DANNER: Yes, that was a
19 question I asked earlier: how do you enforce
20 the "as soon as practicable"? Because that's a
21 big part of stretching it to a year, is making
22 sure we're hearing that most of them aren't

1 done, but, you know, if you've got an
2 obligation to do it as soon as practicable, we
3 have to be able, as a state regulator, to
4 enforce that.

5 So, it might be that we do that
6 through audits. I'm just not sure. That's why
7 I asked the question.

8 Peter?

9 MR. CHACE: I can only speak for
10 Ohio on this. I think as soon as practicable,
11 but not to exceed one year standard, I don't
12 believe we would cite someone for not
13 completing the leak as soon as we deemed to be
14 practical. Or probably where it would come in
15 would be in rate case discussions, looking at
16 past performance and deciding how to fund an
17 operator's projects going forward. I think
18 that's how we would do it in my state.

19 As far as the timelines, Ohio does
20 have leak grading and repair rules. We have a
21 one-year requirement for Grade 2 leaks, which
22 we extend to two years in the instance where a

1 main or a system is scheduled for replacement.

2 So, I think that extension of
3 timelines for piping that is scheduled for
4 replacement is legitimate. What the right
5 timeframe should be I don't know, but --

6 MR. DANNER: But, in Ohio, it's two
7 years, not five years?

8 MR. CHACE: That's right.

9 MR. DANNER: Okay. Erin?

10 MS. MURPHY: Yes, we'll just note on
11 that point, though, this was in the context of
12 the Grade 3 leak exception. So, really not
13 supportive or comfortable with the idea of an
14 exception like this in the Grade 2 context.

15 But the environmental commenters did
16 recommend a one-year extension option for the
17 Grade 3 leak. So, if the pipe is scheduled to
18 be repaired in the next one year, which would
19 mean, you know, for a Grade 3 leak that's on a
20 two-year replacement timeline in the NPRM, that
21 leak would be able to exist unmitigated for up
22 to three years, if the pipe was scheduled to be

1 replaced. So, that's what the environmental
2 organizations proposed.

3 MR. DANNER: Thank you.

4 Diane?

5 MS. BURMAN: I just wanted to give a
6 little context to sort of my role as a state
7 regulator and looking at "as soon as
8 practicable." And it really is based on the
9 circumstances of the whole and working with the
10 location; what's going on; how close is it to
11 the buildings; what else is needed. And
12 really, it's a judgment call that we would do
13 and work with them on that.

14 And so, I don't have a problem with
15 "as soon as practicable" because we have, in
16 most of our state regulatory processes, we have
17 to look at what makes sense from a
18 reasonableness standard, a prudent standard.
19 And so, those are the factors that are looked
20 into.

21 I mean, even just take, for example,
22 when we had COVID, and there were certain

1 requirements that you had to do, but it was not
2 practicable to do them because of COVID. And
3 so, you had to work within a framework to come
4 up with what makes sense and what takes
5 priority when you need to enter a house, even
6 though there might be someone in there with
7 COVID, all the different things that you look
8 at.

9 So, I'm very comfortable that, by
10 having "as soon as practicable," considering
11 the different impacts, with the backstop of,
12 but not to exceed a year makes sense.

13 MR. DANNER: Sara?

14 MS. GOSMAN: Sara Gosman.

15 I'm much more comfortable with a
16 two-year timeframe that Member Chace had said
17 was the situation in his State. I think that,
18 for me, makes some -- I mean, we want to
19 encourage pipe replacement. Look, we think
20 it's important. We, certainly, don't want to
21 discourage it. And we think that we certainly
22 need to take it into account.

1 I am worried about five years just
2 being too long. So, I think two years would be
3 a much more reasonable number.

4 MR. DANNER: All right. Steve? And
5 then, Chad Gilbert.

6 MR. SQUIBB: Steve Squibb, City
7 Utilities.

8 Just for clarification, on the "as
9 soon as practicable," the intent would be -- is
10 the intent toward the operator to somehow
11 justify their decision on timing of repair? Is
12 that the intent?

13 MR. DANNER: Well, the intent I see
14 is for the operator to get out there and do it
15 as soon as you can. And under no circumstances
16 should you take more than a year to get out
17 there.

18 But what I'm hearing from others on
19 your side of the table is that in most cases
20 they do it much sooner than a year, but because
21 of weather conditions and other reasons, there
22 are sometimes delays.

1 But I think my sense of language
2 like this is that, in the vast majority, you
3 should be able to do that within several
4 months, unless you have real obstacles, which
5 would be the rare occurrence. So, if that's
6 not correct, let me know.

7 All right. Chad?

8 MR. GILBERT: I was just going to
9 back Sara. I think the give on one year --
10 five years to me seems a little excessive. Two
11 years, I think that's movement on this side of
12 the table. So, I think that's fair.

13 MR. DANNER: All right. Thank you.
14 Diane? And then, Brian.

15 MS. BURMAN: Most of our rate cases
16 statutorily, are supposed to be done in 11
17 months, and we rarely meet that because of
18 ongoing engagement with the regulatory process
19 and stakeholders.

20 And the ones that seem to rise to
21 being even more challenging have to deal with
22 gas rate cases. Within the gas rate cases,

1 what is challenging is trying to get everyone,
2 all stakeholders, to come to a joint proposal,
3 to agree with funding for gas safety,
4 leak-prone pipe replacement. And it is a real
5 struggle.

6 And so, I look at this as, how does
7 this make sense? Because I'm worried that, if
8 we don't have an exception -- and I understand
9 within two years, but I think that's actually,
10 for Ohio, that may be fine. They have a
11 different perspective on some distribution
12 pipelines.

13 I'm really worried that: one, we're
14 getting stuck on what does "as soon as
15 practicable" mean when we have the backstop of
16 "not to exceed one year"? And it's really
17 focused on many different things -- looking at
18 the approval; the design; the funding through
19 rates; understanding the existing replacement
20 processes and regulatory structures.

21 But if you're going to be forcing
22 folks into fixing leaks on a main, instead of

1 replacing the main, you're delaying the
2 replacement of the main. It won't be replaced
3 if it's not leaking, once you repair it. And,
4 in fact, you're actually going the opposite of
5 what seems to me to be practicable.

6 So, I just look at this and say,
7 again, what are we trying to accomplish? How
8 can we give flexibility within that? And to
9 the extent that -- you know, this is a type 2.
10 Type 1s get fixed immediately.

11 So, I'm just trying to get a sense
12 of, how can we give some backstop with, then,
13 also having some flexibility in the real
14 practicality of trying to do this?

15 MR. DANNER: Thank you.

16 Chad Gilbert?

17 MR. GILBERT: Yes, I've got a quick
18 question for the Committee, anybody that can
19 answer this and kind of give me some color on
20 this. I mean, is the decision made five years
21 out that I'm going to replace this main?

22 (No audible response.)

1 MR. GILBERT: That's how it's done?
2 Five years? And how many of those projects are
3 actually replaced and not decommissioned?

4 MR. DANNER: So --

5 MR. GILBERT: I'm just not
6 comfortable. I'm just not comfortable with a
7 pipe, with a system being in the ground for
8 that long with leakage because it could expand.
9 The leakage could expand. Even though it's at
10 a lesser limit, it can expand. Five years is
11 plenty of time for it to have an incident on
12 that piping. So, I'm not comfortable with five
13 years.

14 MR. DANNER: So, just a point of
15 order, though. We can't be having folks from
16 behind me in the record. It's not being picked
17 up by the court reporter. So, if you want to
18 answer that question, you know, you might want
19 to go talk to a Committee member that you feel
20 would be willing to deliver that message for
21 you. Thank you.

22 Erin? Yes, Erin, and then, Brian.

1 And then, Chad and Steve.

2 MS. MURPHY: Thanks.

3 There's a couple of things I want to
4 bring up, as we're talking about this.

5 One is, you know, we're hearing
6 about the timelines, the various sort of
7 pressures on operators that relate to the
8 timeline that they're grappling with for leak
9 repair. And this brought to mind for me a
10 situation, a data analysis that we did
11 comparing expansion versus non-expansion
12 projects that were undertaken by a local
13 distribution utility.

14 And I just hold it up. I mean, what
15 we saw in that dynamic was that, like, this
16 utility in 2022 took, on average, 88 days to
17 complete their expansion projects and 179 days
18 to complete their non-expansion projects. In
19 2021, they took 148 days to complete their
20 expansion projects; 280 days to complete their
21 non-expansion projects. And these are capital
22 projects undertaken by the utility.

1 And I think that comparison is
2 helpful because it demonstrates that there is
3 prioritization that happens in terms of what
4 projects are undertaken. There's also
5 prioritization, you know, leak repair versus
6 other activities that an operator is balancing.

7 And I worry that this is not a
8 conversation about ability, or not only a
9 conversation about ability, but also a
10 conversation about how choices are made and how
11 activities are prioritized. And so, I just
12 really want to make sure we're recognizing that
13 there is this balancing that happens.

14 And part of what PHMSA is trying to
15 do here, PHMSA has been directed to do by
16 Congress is to update leak repair, leak survey
17 and repair policies and operator practices to
18 really elevate not only public safety, but also
19 protection of the environment. And I just
20 really want to make sure we're centering that
21 and not just kind of arbitrarily pushing out
22 timelines because that's a little easier and

1 more comfortable for operators.

2 I also want to make a point, another
3 point, on the exception for pipelines that are
4 scheduled for replacement. I don't know if
5 this is an elephant in the room, but it's
6 something that's addressed a little bit in
7 environmental organization comments and is a
8 topic in a lot of the states that have big
9 mileage of leak-prone pipes still remaining on
10 their systems.

11 It's that pipe replacement is a
12 major -- you know, that's a capital project.
13 It's an expensive undertaking. I know someone
14 mentioned earlier there's a PHMSA program or a
15 federal program that's provided grant funding
16 to many municipal utilities around the country.

17 But, for some of the investor-owned
18 utilities that have a lot of leak-prone pipe
19 mileage remaining on their systems, and that
20 are also operating in states that have really
21 ambitious climate policies, including really
22 ambitious building electrification policies

1 that may be looking to reduce natural gas
2 reliance in the years to come, there is, I
3 would say, a public debate happening around
4 whether the cost of all of the leak-prone pipe
5 replacement mileage that's sort of teed-up in
6 the next 10, 15, 20 years is appropriate, or
7 whether it's creating a risk of stranded
8 assets.

9 And I know I'm bringing in, like, a
10 really big conversation that is not the
11 conversation we're trying to have today, but I
12 do just want to acknowledge that context, and
13 that that is another sort of debate that's
14 happening in society right now. And so, to me,
15 you know, thinking about that feels like
16 another reason why the environmental community
17 really sees leak repair as, hopefully,
18 something that everyone can agree on.

19 And I think it's hard to see leak
20 repair being kind of pushed out because of pipe
21 replacement. And understand there's a lot of
22 dynamics and choices have to be made, but sort

1 of choosing one over the other doesn't
2 necessarily feel appropriate.

3 MR. DANNER: All right. Thank you.
4 Brian? And then, Chad, and then,
5 Steve.

6 MR. WEISKER: Brian Weisker, Duke
7 Energy. I do have a couple of comments.

8 I think some of those items that
9 were just quoted, Erin, were probably -- you
10 know, I don't know all the specifics -- but
11 greenfield projects, new projects, new
12 expansion, and comparing that to pipe
13 replacement and the scheduling of pipe
14 replacement. I don't think that's an
15 apples-and-apples comparison.

16 Chad, I think you asked the question
17 about scheduling and what that looks like. And
18 it's going to depend utility to utility. I'll
19 just give you an example for us at Duke Energy.

20 You know, we did a leak-prone, cast
21 iron, and bare-steel replacement project that
22 took a decade and a half to do. And it was

1 those projects were scheduled out with so many,
2 you know, working with our state utility
3 commission as far as scheduling out how many
4 feet per year and what that impact meant to the
5 customers, to the ratepayers, all of that.

6 So, planning, it's planned out for
7 quite a long ways. And I know there's several
8 of my peer utilities that are still in that
9 process of a methodical, planned-out,
10 programmatic approach to eliminate leak-prone
11 pipe.

12 I look at it as, you know, pipe
13 replacement is part of leak elimination. It's
14 not that we don't agree with eliminating leaks.
15 We do. We agree with eliminating leaks.

16 We're trying to marry that up in the
17 best way possible with the schedules that we
18 have and the programs that we have that we've
19 negotiated with our state regulators on pipe
20 replacement, so that we get the best value
21 holistically for the customers and for the
22 ratepayers whose dollars, ultimately, that we

1 will be affecting.

2 And I appreciate, I think it was
3 Diane or Pete -- I'm confused; I don't remember
4 exactly who. But there is the potential that
5 we will delay pipe replacement potentially.
6 Again, it's going to be specific to each
7 utility, each schedule that they have with
8 going after and repairing some leaks. There's
9 a potential to delay that pipe replacement into
10 the future.

11 So, I think those are all just
12 things that we need to be aware of, but I hope
13 I answered your question.

14 MR. DANNER: All right. Thank you.

15 Chad?

16 MR. ZAMARIN: Thank you. Chad
17 Zamarin, Williams.

18 And I just want to also follow up.
19 I do think that we need to be very careful
20 we're not misinterpreting data. Because, in my
21 experience, I can tell you that my company has
22 never prioritized a growth project over a

1 maintenance project.

2 And there may be operators that do
3 that. I can tell you the good operators don't
4 do that, and the vast majority of operators
5 that I know of would not do that.

6 It is, oftentimes, the case that
7 maintenance projects are more challenging than
8 new projects. And I can imagine, in
9 distribution systems, maintenance involves
10 going into the areas that are existing and have
11 more dense populated areas.

12 So, I don't know the data that
13 you're quoting, but I think we've got to be
14 careful we don't misinterpret that. Because my
15 experience is that we go after -- I mean, our
16 No. 1 priority is safety; it's not growth. And
17 so, I imagine there's more to this story, if we
18 were to dig into kind of the "why?" behind
19 those timelines, but, you know, that's probably
20 for another time.

21 The other thing that I'd mention --
22 and I think you got the answer there -- but I

1 have watched more as a -- again, we're not a
2 distribution operator, but I'm very interested
3 in energy infrastructure and efficiency. And I
4 have watched state programs and a tremendous
5 amount of investment in long-term programs to
6 address aging infrastructure.

7 And so, there are very defined
8 programs in major cities and in states that
9 have long-term scheduled pipe replacement
10 programs. And there are thousands and
11 thousands of people who work on those.

12 So, that is one of the reasons why I
13 keep coming back to that issue. I worry that
14 you don't want to ignore the fact that there
15 are a lot of people that have looked at old
16 aging infrastructure in our country and they've
17 put together plans that have been negotiated.
18 And they've done a tremendous amount of work
19 finding the balance between what the ratepayer
20 can afford; what work can reasonably,
21 practicably be done over a period of time.

22 And so, what I've seen are very

1 detailed, scheduled-out, and I think that's
2 what's being discussed here, pipe replacement
3 programs that exist that have scheduled
4 replacement. And so, it's not an unknown
5 whether that pipe would be up for replacement
6 over some period of time.

7 I won't debate the schedule. I
8 think the two years sounds reasonable, based on
9 what I heard from Member Chace.

10 And the only last thing I do want to
11 address is I think we should be cautious, not
12 bringing the stranded asset debate into the
13 conversation. Because I can tell you that I've
14 spent a lot of time looking at what the best
15 thing for our country and our society is. And
16 it sounds like, you know, you may disagree with
17 me, but I believe it's investing in our
18 existing infrastructure and decarbonizing the
19 existing value chain.

20 And I think that's what we're
21 talking about doing here. That is the most
22 efficient way to advance our society. We're

1 not going to tear the roads up and build new
2 roads for electric vehicles. We're going to
3 use the infrastructure that we have. And
4 frankly, the energy infrastructure in the
5 United States is a national treasure that we
6 have to invest in, preserve, and advance. And
7 so, I think that we should leave that debate
8 probably for a different forum.

9 Thank you.

10 MR. DANNER: All right. Thank you.

11 Steve?

12 MR. SQUIBB: Steve Squibb, City
13 Utilities.

14 Yes, I think Brian covered most of
15 my comments. I concur with what he was saying
16 as well.

17 I wanted to add, though, that
18 there's a lot of coordination that we do at
19 City Utilities, and I'm sure many other
20 utilities do, with coordinating replacements
21 with water infrastructure replacement projects,
22 other city capital projects, road construction.

1 And that coordination is very efficient and
2 effective for getting the most bang for your
3 buck on replacing all the infrastructure in our
4 communities, and less disruption on the
5 communities when you coordinate on those. So,
6 extending that timeframe to allow to do that
7 for replacement of a gas infrastructure makes
8 it more advantageous to do that.

9 Then, I also just wanted to mention
10 what Erin already mentioned. It was already
11 the PHMSA grant program that we're very
12 fortunate to have, focused on infrastructure
13 replacement. That's a five-year grant program
14 that will really be utilized to replace these
15 pipes; instead of repairing the leak, get it
16 replaced.

17 Thank you.

18 MR. DANNER: All right. Thank you.

19 Alex?

20 MR. DEWAR: Alex Dewar, BCG.

21 So, I think it's worth reflecting in
22 this conversation, clearly, we're all on the

1 same page here. The distribution is a very
2 different variety here. In most cases, we're
3 talking about standards just for operators. I
4 think, in effect, when we're creating this
5 floor for operators and distribution, we're,
6 effectively, backdoor in some ways, creating
7 standards for public utility commissions and
8 local regulators of those gas utilities.

9 And that calls into question, as,
10 Commissioner Burman, you've raised, that there
11 are inherently multiple sort of societal
12 tradeoffs when thinking about these types of
13 issues for gas utilities, given their
14 regulated, rate-based nature.

15 So, with regard to that, again, I
16 think we're also all on the same page that
17 there is a minimum standard here and that we
18 ought to be setting minimum standards. And the
19 intent of this is to set the bar and allow
20 states and operators clarity of what that bar
21 is, but to go above and beyond it.

22 And I think if we're kind of close

1 to aligning on what some of these standards can
2 be, we've discussed rating criteria, and now,
3 going forward, over the replacement timelines,
4 I think it's worthy to at least let the record
5 show, but, potentially, also, to include some
6 text here recognizing that this is a bit of a
7 different requirement and ask for gas
8 distribution utilities; and that that's going
9 to require an approach, a timeline to engage
10 with their stakeholders, with their local
11 regulators, that may be different than other
12 operators here.

13 And that's a positive thing, right?
14 It's really -- I think, Erin, to the points
15 you've raised -- about helping to lift the bar.
16 Some states are well over that bar already and
17 moving more aggressively on it; many aren't.
18 And then, also, many states, actually -- you
19 know, we talk a lot about leak-prone pipe and
20 gas replacement timelines. There are many
21 states with relatively small volumes still of
22 leak-prone pipe or at least gas replacement

1 cycles, but don't have standards in place that
2 could meet this.

3 Thank you.

4 MR. DANNER: All right. Thank you
5 for that.

6 Pete?

7 MR. CHACE: Pete Chace, NAPSR.

8 I just wanted to state, I guess, and
9 just clarify, I'm not recommending two years.
10 I'm just saying that that's what we do in Ohio.
11 It may not be right for the rest of the
12 country, although I think it should be because
13 Ohio is the best state.

14 (Laughter.)

15 Yes, we should recognize that
16 replacing is fixing all of the leaks on a
17 system. And I do think that an exemption for
18 piping of some sort scheduled for replacement
19 is appropriate. Sometimes in these meetings
20 it's a little too easy to spend other people's
21 money, and I think we should consider the
22 impact we will have on ratepayers with our

1 decisions today.

2 Thank you.

3 MR. DANNER: All right. Thank you.

4 Diane? And then, Sara.

5 MS. BURMAN: Thanks.

6 So, I have to, first, say, if Ohio
7 can do it, anyone can.

8 (Laughter.)

9 No, I was meaning supporting him.

10 (Laughter.)

11 You guys took it all wrong. You're
12 all wrong. That was all support -- or not. No.
13 Okay.

14 (Laughter.)

15 So, I am always, for me, I need to
16 look at things from the lens of what makes
17 sense, and again, what are we trying to
18 accomplish, but also analogies that I can sort
19 of grapple with and make sure it makes sense.
20 So, I'm going to give you just a little flavor
21 of my life.

22 I have a husband who doesn't want to

1 fix anything, right? I have a husband who
2 doesn't want to replace anything, including me.
3 I've been married to him 31 years.

4 (Laughter.)

5 And we had a driveway that we needed
6 to get paved and it was really getting really
7 bad. You know, kids were falling in the little
8 holes. And he didn't want to spend the money.

9 And we had to reach some sort of
10 decision of, well, when does this make sense
11 and at what point are we going to repair or are
12 we going to fully replace?

13 And there's just back-and-forth
14 discussion on what that looks like, right? How
15 do you figure that out? What in the limited
16 resources you have? You know, we wanted to
17 also put in a basketball court, and that's
18 going to be factored into does it make sense to
19 do that while we're looking at this.

20 So, all these factors to me sort of
21 in my personal life of either deciding to
22 repair or to replace the pavement for the

1 driveway kind of factor in, right? We,
2 eventually, decided to move, but that's beside
3 that, and downsize.

4 (Laughter.)

5 But I raise that because it's the
6 same sort of looking through there and working
7 with the principles of what you have and all of
8 the different funding, all of the different
9 other things you need to do. And so, it's not
10 just a, well, citing to here they do expansions
11 an "X" number of times, but they do
12 non-expansions an "X" number of times. Because
13 that doesn't necessarily equate because there
14 are many other factors that may go into that.

15 So, for me, I just kind of come back
16 to the goal should be to craft policies that
17 help to incentivize us, looking at proper and
18 smart maintenance of the system, which could
19 include rehabilitation. It could include
20 repair. It could include replace.

21 For example, when our cars break
22 down and we need to go to the car repair shop,

1 we always make a determination: are we going
2 to spend the money when they tell you it's
3 going to cost "X" number of dollars? Does that
4 make sense? You know? Should I replace it
5 because it's -- and so, all these things go
6 into it. Should I get a new car? So, all of
7 these things, for me, can be aligned with how
8 we also operate in the regulatory scheme.

9 Now, drivers for expansion really
10 look at economic development issues; reductions
11 in consumer costs; environmental quality
12 issues; reliability issues; what the landscape
13 is; whether you have support for that.

14 But, for me, I also come back to
15 NARUC, and I became a Commissioner in 2013.
16 And right from the beginning, there was a NARUC
17 resolution that was approved that talked about
18 encouraging regulators and industry, working
19 together, to consider sensible programs aimed
20 at replacing the most vulnerable pipelines as
21 quickly as possible, along with the adoption of
22 rate recovery mechanisms that reflect the

1 financial realities of the particular utility
2 in question.

3 Now, since then, there's also been a
4 lot that we've done from 2013 to now that does
5 change the landscape of a lot of things. But
6 our core principles are there, and we also
7 layer onto that other things. It's not just
8 about environmental concerns. It's about
9 environmental justice. It's about other things
10 we need to look at and make sure that we're
11 making the right decisions for our pathway
12 forward.

13 So, for me, I just want to make sure
14 that we're kind of not losing sight of the end
15 goal for all of us is to work together to come
16 up with workable policies that, in practice,
17 can be done in a way that is actually moving
18 the ball forward.

19 So, I just share that because that's
20 just my perspective. I feel like I'm getting
21 lost in the fight over five years or two years.
22 And I want to kind of bring it, you know, what

1 are we doing? And I want to bring it back to
2 just keep in mind, overall, what are we trying
3 to do, and not lock us into repair versus
4 replace, enhanced expansion versus
5 non-expansion.

6 So, that's my two cents. Thank you.

7 And Ohio rules.

8 (Laughter.)

9 MR. DANNER: All right. Thank you.

10 Sara?

11 MS. GOSMAN: Thank you, Commissioner
12 Burman. I love the example with your husband
13 and who fixes things. I think that would
14 resonate with a lot of us who have been married
15 for a while.

16 Okay, but on to the issue of repair.
17 I think part of my concern here is I want to
18 move, obviously, the bar environmentally, but I
19 look at this list of Grade 2 leaks, and they
20 strike me as leaks that we would want to
21 replace before five -- I'm sorry -- repair
22 before five years, even if it's scheduled for

1 replacement.

2 So, I'm looking at things like a
3 reading of 40 percent or greater via LEL under
4 a sidewalk in a wall-to-wall paved area. That
5 does not qualify as a Grade 1 leak, right?

6 I don't have to read them all down,
7 but like a reading between 20 percent and 80
8 percent of the LEL in a confined space. These
9 things, to me, are concerning from a safety
10 perspective.

11 And so, I think part of what I am
12 trying to handle here is a situation where
13 we're not talking about -- I mean, Grade 2 has
14 a bunch of different things in it. Just saying
15 that we can wait five years, if the pipe is
16 scheduled to be replaced, for all of those
17 possible leaks strikes me as, you know, not
18 just the environmental issues, right, but the
19 safety issues around that concern me.

20 MR. DANNER: All right. Thank you.

21 Brian?

22 MR. WEISKER: Say it again?

1 MR. DANNER: Brian.

2 MR. WEISKER: Sorry, I thought I had
3 someone whispering in my ear, too.

4 Brian Weisker for Duke Energy.

5 And I do appreciate all the comments
6 and all the energy around. I mean, it's an
7 important topic, but I want to go back just a
8 little bit to this morning, because I think to
9 just help frame what we're talking about.

10 I think, Pete, you did the analysis,
11 and 4 percent of all the methane emissions are
12 distribution. And I think, from the statistics
13 that we've had from Arvind, too, Grade 1, the
14 biggest bulk of that 4 percent.

15 Now, we're down into that next
16 level, that next tranche, I'll call it, of
17 Grade 2 leaks. And we're now getting down into
18 the very fine -- fine, fine, fine -- numbers of
19 emissions. So, it's just helping to set my
20 thinking, as we continue to talk and go through
21 that.

22 But I think, hearing everyone's

1 thoughts, Ohio, two years, I think I can get to
2 the two years for pipeline replacement. You
3 know, but we've listened to what others had to
4 say and everything around their programs and
5 their schedule. I think I can get there with
6 that.

7 I do also think I don't know that
8 any one of us on the Committee -- all 15 of us
9 probably have a different definition of "as
10 soon as practicable." I think you mentioned
11 that, Chairman, that that's a tough -- I mean,
12 what does that mean? And I think we'll get 15
13 different answers.

14 So, I would propose that let's just
15 strike that, you know, repair Grade 2 leaks.
16 You know, just the one year, and then, with
17 what we showed there with the distribution
18 pipeline schedule for replacement with the two
19 years. I think that would really be a sound
20 recommendation for all of us.

21 Thank you.

22 MR. DANNER: So, just to clarify,

1 you're saying, with regard to the second bullet
2 there, you would say just repair Grade 2 leaks
3 within one year and an exception within two
4 years?

5 MR. WEISKER: Correct.

6 MR. DANNER: Is that what I'm
7 hearing?

8 MR. WEISKER: Yes. Correct.

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

11 MR. ARIARATNAM: Sam Ariaratnam from
12 Arizona State University.

13 So, it's been a lot of interesting
14 discussions that I've listened to this
15 afternoon and part of this morning.

16 And just kind of one clarification,
17 with all due respect, Commissioner Burman, I
18 don't think we're here to craft policies.
19 We're here to make recommendations. Is that,
20 Alan, is that correct?

21 Okay. So, just to make sure on
22 that.

1 But, you know, I've dealt with a lot
2 of utilities, and gas distribution is,
3 obviously, a very important aspect of it. And
4 these utilities, I think they're doing a great
5 job in their replacement programs. Every one
6 of them pretty much has a replacement program.
7 They have an asset management. They have a
8 plan. They're looking well ahead at what
9 they're going to do.

10 And so, what we have right here, I
11 mean, I'm pretty comfortable with it. And I
12 don't know, I would motion that we would maybe
13 look to vote on this right now. I don't think
14 things are going to change with more
15 discussion.

16 MR. DANNER: All right, but we do
17 have at least one more card up.

18 So, Erin?

19 MS. MURPHY: So, listening to the
20 conversation, I think I could be comfortable
21 with the one-year timeframe for repair of a
22 Grade 2 leak if the "as soon as practicable" --

1 oops, well, there it goes -- language that was
2 there were to be retained. Nope, it's back.

3 I don't think I can support an
4 exception for distribution lines that are
5 scheduled for replacement within two years. I
6 want to remind us that the starting point is
7 the NPRM, which didn't contain any exception at
8 all for Grade 2 leaks. These are leaks that
9 are a significant environmental hazard.

10 We talked a lot about that numeric
11 threshold for Grade 1 leaks being something
12 that has never been seen on a distribution
13 system. So, the Grade 2 leaks from an
14 environmental perspective are the really big
15 environmental impact, when we're talking about
16 those 10-SCFH-per-hour super emitters.

17 So, respect if the community wants
18 to move to a vote, but I can't support an
19 exception for replacement on Grade 2 leaks.

20 MR. DANNER: All right. Thank you.

21 So, I would prefer to have the "as
22 soon as practicable" language in there because,

1 as we've discussed, it's probably difficult to
2 enforce, but it, nonetheless, sends a very
3 clear message that the responsibility on the
4 operator is to get these things fixed. And I
5 think if we just create a one-year deadline,
6 we're going to see things slide, and that is
7 not the recommendation I think that this
8 Committee wants to make.

9 I am not comfortable with the two
10 years, but I'm willing to go along with it
11 because, well, I feel we do need to get to some
12 closure here. And I think that's going to be
13 the best we can do.

14 I would also, though -- you know,
15 it's one thing to schedule for replacement and
16 it's one thing to actually replace. And so,
17 what I don't want to have is a delay, and then,
18 have a pipeline replacement be delayed as well.
19 And I think we have to have some provision that
20 would address that.

21 So, okay, Brian. Oh, I'm sorry,
22 Chad first.

1 All right. We've just got a few
2 more people to hear from.

3 All right. Sara?

4 MS. GOSMAN: Yes, I was just going
5 to respond to the point you just made because
6 it was one I was thinking about.

7 I'm assuming that the language
8 that's in the proposed regulations that relates
9 to Grade 3 is also applicable here; that
10 there's an evaluation process, and then, it
11 says, "schedule for replacement" and "is
12 replaced" within the period of time. So, that
13 was my understanding.

14 MR. DANNER: And that would satisfy
15 me.

16 All right. So, Brian, and then,
17 Andy.

18 MR. WEISKER: Brian Weisker for Duke
19 Energy.

20 This is on timeline. I just want to
21 validate, the reevaluation is yet to come,
22 correct?

1 (No audible response.)

2 All right. Thank you.

3 MR. DANNER: Andy?

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

6 I think that it is the operator's
7 intent to get there as soon as practicable, and
8 I think it's good guidance to leave it in. I
9 think we've got enough context in this record
10 of things that might compromise that. I just
11 hope that, as we get into enforcement, it does
12 not become a book that has to be created as to
13 all the things that had to be considered that
14 might compromise that -- just a matter of
15 practicability.

16 But I think leaving this in here is
17 important because the intention is to try to
18 get there quickly. And I think, for the most
19 part, people will get there pretty quickly.

20 But, on the two years, maybe a
21 question. And I don't know that this is a
22 language change. So, I don't want to mess up

1 Chad's proposal here, but it just may be a
2 record issue.

3 When I hear the conversation that we
4 had around this -- and again, I'm sort of
5 sitting out here as a listener more than a
6 participant -- but when we talk about
7 scheduling an exception for distribution-type
8 schedule for replacement that is within two
9 years or something, that has to be in
10 coordination with the replacement program
11 that's being discussed with the regulator.

12 This isn't willy-nilly, like, "Hey,
13 we're just going to do this whenever we want."
14 This is actually a replacement program that's
15 somewhere reviewed and controlled. It's not
16 happenstance.

17 So, I think there's some sense I
18 have of comfort that this isn't just, you know,
19 wildly -- this isn't the Wild West or something
20 here where everybody just does whatever they
21 want. This is, actually, something that would
22 be reviewed and discussed at some point.

1 Am I mistaken there?

2 MR. DANNER: No. No, you're not. I
3 mean, in our state, where we actually have an
4 expedited replacement program and we have done
5 preapproval to ensure that they will get that
6 money to do the preapproval, or to do the
7 pipeline replacement, it just means that, I'm
8 sorry, if you discover a leak, and under the
9 schedules that you have developed, it's not
10 going to be replaced for two years, you've got
11 to go fix it.

12 MR. DRAKE: I think it's, again,
13 back to the conversation, as soon as
14 practicable, unless -- and I think that's where
15 it comes into a discussion with the PUC --
16 somehow this is a small leak that doesn't make
17 sense to go after; that it's not just
18 willy-nilly that that would be decided, because
19 these are in conjunction with other programs.

20 MR. DANNER: Well, yes, but these
21 are Grade 2.

22 MR. DRAKE: Right.

1 MR. DANNER: So, okay. Alan?

2 MR. MAYBERRY: I actually appreciate
3 the thoughtful discussion. Because, I mean,
4 this is important. The enforceability is so
5 important because where we've seen issues in
6 the code is where loopholes are exploited.

7 So, I think it's a great
8 conversation you're having on the topic to make
9 sure that we get this as tight as possible;
10 that allows the flexibility, but not a really
11 wide loophole to walk through.

12 Thank you.

13 MR. DANNER: All right. I am not
14 seeing any more tent cards up.

15 So, Chad, do you want to go ahead?

16 MR. GILBERT: Yes. Is the preamble
17 up there?

18 MR. DANNER: It's not up, but they
19 will get it up immediately.

20 MR. GALE: Just real quick, if I
21 could, Chairman?

22 MR. DANNER: Yes?

1 MR. GALE: There was one remaining
2 issue at the top regarding the timeline for
3 Grade 2. But, considering the point where the
4 Committee is at on these two issues, I'd
5 recommend taking the vote, and then, we'll just
6 move that remaining issue to the next
7 discussion.

8 MR. DANNER: Is that all right? Is
9 that okay with the members?

10 All right. So, Chad, go ahead.

11 MR. GALE: We're going to need one
12 second to get the language up.

13 MR. DANNER: Oh, it was literally
14 one second.

15 (Laughter.)

16 MR. GILBERT: "The proposed rule, as
17 published in The Federal Register, and as
18 supported by the Preliminary Regulatory Impact
19 Analysis and Draft Environmental Assessment
20 regarding leak grading and repair requirements.

21 "Grade 2, Repair Timelines. For the
22 proposed rulemaking, it's technically feasible,

1 reasonable, cost-effective, and practicable if
2 the following changes are made:

3 "Repair Grade 2 leaks as soon as
4 practicable, considering impacts to customers
5 and environmental concerns, but not to exceed
6 one year. Exception for distribution pipelines
7 scheduled for replacement and is replaced
8 within two years."

9 MR. DANNER: Is there a second?

10 MR. DRAKE: Second.

11 MR. DANNER: Andy Drake has
12 seconded.

13 Cameron, will you record the vote?

14 MR. SATTERTHWAITE: All right. I'll
15 say your name. If you agree with the motion,
16 say yes; if not, no.

17 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 And we're now at the remaining
8 topics. Anyone want to volunteer to open the
9 discussion here?

10 Chad Zamarin?

11 MR. ZAMARIN: I'd like to raise one
12 that I hope is pretty easy. I don't know which
13 one it is on here, but this is the concept of
14 coming back to verify -- or is that a different
15 section?

16 (No audible response.)

17 Oh, because this is not a Grade 2.

18 Sorry. This is just a Grade 2?

19 (No audible response.)

20 Okay. Okay. Sorry, I'll take that
21 back.

22 MR. DANNER: Okay. Anyone else want

1 to comment on these topics?

2 Brian?

3 MR. WEISKER: Yes, Brian Weisker,
4 Duke Energy, for the first one, for the repair
5 timeline for existing Grade 2 leaks.

6 I propose that would be 36 months
7 following the -- change/modify the language to
8 be 36 months following the publishing -- date
9 of publication. Sorry.

10 MR. DANNER: And can you share your
11 thoughts on why 36 months is appropriate?

12 MR. WEISKER: Yes. I think for the
13 volume of leaks that we're working through,
14 processing through, as operators, in order to,
15 I'll say, really to allow us to ramp up --
16 we're going to be ramping up, obviously, new
17 surveys, new survey schedules, new repair
18 schedules.

19 All of that is going to be a
20 substantive amount of work, and that will allow
21 us the time necessary in order to really build
22 out our program; get the resources available;

1 all of that, in order to shift what's been a
2 program of evaluating leaks, and then, going
3 out and reevaluating and shifting that to a
4 repair approach.

5 MR. DANNER: All right. Anyone else
6 have some thoughts on that?

7 Sara Gosman?

8 MS. GOSMAN: Yes. Thank you.

9 This is more of a question for you.
10 I understood that part of the concern related
11 to the grading itself and the fact that
12 operators were not necessarily -- felt that the
13 process of grading was going to itself take too
14 long; and thus, wanted to move directly to
15 repair.

16 And so, I think that's a related
17 issue, right? I think we're assuming here that
18 all these existing leaks are going to be graded
19 and they're going to be graded as Grade 2. I
20 just wanted to make sure that we were having
21 the same conversation.

22 So, this is a situation where you've

1 graded all your leaks. You've determined that
2 they're Grade 2 and the timeline that you are
3 suggesting is 36 months.

4 MR. DANNER: Brian?

5 MR. WEISKER: Brian Weisker, Duke
6 Energy.

7 This will be, the way I look at
8 these, we're going to have a line in the sand
9 when the rule goes into effect. And that's
10 we're going to have the new grading. Really,
11 we've established a lot more requirements here
12 for the new grading criteria.

13 This is really the rearview mirror
14 looking back at old Grade 2/Grade 3 leaks, as
15 we go forward. And with those that we've, I'll
16 say, legacy-graded, for lack of a better way to
17 describe it, that those would be ramping up in
18 order to fix all of those, because there's a
19 lot of operators whose legacy program has been
20 around a reevaluation program.

21 So, the skilled technicians,
22 training, qualifications, and ramping up to

1 repair all of those; plus, then, the line going
2 forward. Because I think we'll have, probably
3 in all likelihood, some more Grade 2s, as we go
4 forward.

5 MR. DANNER: Andy?

6 MR. DRAKE: This is Andy Drake with
7 Enbridge.

8 Yes, I think I just have a question
9 to PHMSA here on the practical aspect of this
10 as far as implementation. This is requiring
11 operators to start fixing things they knew
12 about once the rule is published. But we
13 haven't really even talked yet about what is
14 the implementation schedule.

15 So, if the implementation schedule
16 moves out to coordinate with EPA, let's say, we
17 would start fixing things before the rule
18 actually implemented. Is that kind of what
19 this would mean, in essence? I mean, I'm just
20 trying to gauge, are we getting our cart and
21 horses out of order?

22 MR. GALE: No. I'm sorry, members.

1 Yes, Drake, this is John Gale.

2 No, I think we would have to
3 coordinate that, right? Obviously, you can't
4 get in front of the effective date of the
5 overall rule. And I think we have to look at
6 each of these components, you know, and their
7 given situation and how they apply.

8 I mean, there's some challenges
9 here. The 12 months was picked because you can
10 see that from GPTC. There's some states that
11 already have requirements that these leaks be
12 graded and repaired within 12 months. So,
13 that's an issue we have to address as well, if
14 there was any added extension given. But we're
15 going to talk compliance later as well.

16 MR. DRAKE: Okay. Direct response.

17 MR. GALE: Sure.

18 MR. DRAKE: Because the thing that's
19 catching my attention is implementation -- or
20 published versus implementation. And if we
21 said implementation, maybe that would make some
22 sense. But when we say published, when the

1 rule can be published in six months, but it may
2 not be implemented for a while -- and then,
3 we've got our cart and our horse out of order
4 again.

5 I don't mean to get into semantics,
6 but it's actually quite important.

7 MR. DANNER: Although the operators
8 could work ahead of time before the rule is
9 either published or implemented, right?

10 MR. DRAKE: I think they will. I
11 do, but I think requiring them to work out of
12 sync with the regulations that are happening
13 around them, that they're being asked to
14 coordinate with, is disruptive. And I think
15 that's kind of something we should at least
16 talk about.

17 MR. DANNER: All right. Sam? And
18 then, Sara, and then, Brian.

19 MR. ARIARATNAM: Sam Ariaratnam,
20 Arizona State University.

21 You know, regardless of whether it's
22 36 months or 26 months, maybe it should,

1 instead of after the date of publication, kind
2 of what you were saying, Andy, would be maybe
3 after the effective date of the final rule.
4 That's what I think. That would be more fair
5 to all parties.

6 MR. DANNER: All right. Thank you.

7 Sara?

8 MS. GOSMAN: Yes, I just want to try
9 my question again -- this time to PHMSA.

10 Are you expecting that operators
11 would regrade their existing leaks, based on
12 the current criteria? Or are they using the
13 legacy criteria? I know there's a lot of
14 overlap, but I just want to understand the
15 issue.

16 MR. MAYBERRY: Yes, Sara, I don't
17 anticipate operators would regrade. It would
18 just establish the schedule for the ones that
19 are considered Grade 2.

20 But, you know, to the extent they
21 would need regrading, that's subject to the
22 severity, you know, the changing conditions

1 that might affect that. But, no.

2 MR. DANNER: Brian, and then Chad.

3 MR. ZAMARIN: Yes, can I -- sorry,
4 Chad Zamarin with Williams.

5 I just want to make sure I
6 understand this right. So, are you saying,
7 Alan, that this is a requirement for the
8 operator repair timelines for existing leaks
9 that they've graded under their existing
10 grading scheme, and they do not have to update
11 those gradings for this new regulation?

12 MR. MAYBERRY: That's correct.
13 That's how it is.

14 MR. DANNER: Okay. Sara?

15 MR. GILBERT: So, I understand the
16 concern about the repair timeline for existing
17 leaks. I know that there's a huge backlog and
18 that this is going to take a lot of resources.

19 I wonder if we could talk a little
20 bit about prioritization here, because it seems
21 to me like there's the timeline question, and
22 then, there's the question of how we prioritize

1 the first ones. And to me, that seems like a
2 safety and environmental set of considerations;
3 that we want to go after ones that have higher
4 safety concerns, as well as bigger leaks that
5 can affect climate change more.

6 So, I'm just curious as a conceptual
7 matter what the members around the table think
8 about that.

9 MR. DANNER: Brian?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy.

12 I think, conceptually, you're going
13 to look at -- I think this holds true across
14 the board. Well, first off, from a safety
15 standpoint, if they become hazardous, you know,
16 they'll, I'll say, shift from a Grade 2 to a
17 Grade 1, and they'll be fixed, in essence, I'll
18 say immediately, but expeditiously, right?

19 And then, as an operator, I think
20 probably the majority would respond the same
21 way I would. We prioritize bigger to smaller.
22 That's kind of the prioritization.

1 You know, there's also what we
2 mentioned before. I mean, it's not just bigger
3 to smaller. There's permitting. There's all
4 the different things that we need to do in
5 order to -- you know, time of year; when we can
6 fix it; where it's at on the system. So, all
7 of those play a role in impacting that, but, in
8 general, that bigger to smaller prioritization
9 is what I would say is very much common.

10 I don't know; did that answer your
11 question, Sara?

12 MR. DANNER: Sara?

13 MS. GOSMAN: Sorry. Yes, I think it
14 did. I'm just wondering whether that is
15 already built into the proposed rule or whether
16 that's language we would need to add here.

17 MR. DANNER: All right. Thank you.

18 Erin, and then, Steve.

19 MS. MURPHY: Thanks. Erin Murphy,
20 EDF.

21 I'm thinking about this proposal to
22 extend the repair timeline for existing Grade 2

1 leaks. And I was just trying to check, and I
2 believe I found it in the NPRM's summary of the
3 GPTC guide: that GPTC requires -- or, I mean,
4 it's a voluntary system. But, under the GPTC
5 guide, operators are supposed to repair Grade 2
6 leaks within 12 months of detection.

7 So, just considering that context,
8 considering that these are leaks that are
9 already identified and graded by the operator,
10 the operator knows where they are, the 36-month
11 proposed extension doesn't seem necessary to
12 me.

13 MR. DANNER: All right. Thank you
14 very much.

15 Steve?

16 MR. SQUIBB: Steve Squibb, City
17 Utilities.

18 On the priorities of Grade 2s, a
19 Grade 2 is a Grade 2 to us, and we just fix
20 those as soon as practicable already. But we
21 would have to go out and do some sort of
22 another grading system to try to prioritize

1 those, I believe, which, to me, is not
2 practicable.

3 Thank you.

4 MR. DANNER: Thank you.

5 Sam?

6 MR. ARIARATNAM: Sam Ariaratnam,
7 Arizona State University.

8 So, I'm going to put the proposal in
9 of 12 months after the effective date of the
10 final rule.

11 MR. DANNER: Okay. Thank you.

12 We have a couple of proposals up
13 there. Do we want to talk about the
14 requirement for operators to identify the
15 criteria for priority repairs?

16 Well, Brian, do you have more to
17 say?

18 MR. WEISKER: Brian Weisker, Duke
19 Energy.

20 I could support what Sam just
21 proposed. I think that's a good approach, 12
22 months after the effective date of the final

1 rule.

2 MR. DANNER: All right. Thank you.

3 MR. WEISKER: And strike Proposal
4 One.

5 MR. DANNER: Okay. Brian is
6 withdrawing Proposal One.

7 All right. Diane?

8 MS. BURMAN: Yes, I just want to
9 support Erin, and I agree with you that GPTC
10 should be followed for leak grading and repair.
11 And that gets into a larger discussion later.
12 But GPTC has been a good approach.

13 MR. DANNER: All right. Thank you
14 for that.

15 Sara Gosman?

16 MS. GOSMAN: Yes, I think Sam's
17 proposal is very good. I'll just note that
18 we're going to have, I think, a discussion
19 about the effective date of the final rule.
20 And I think it will be important at that point
21 to remember that this particular provision is
22 tied to that effective date. Because, you

1 know, for me, in particular, I would want the
2 rule to go into effect on the quicker or faster
3 side, given this particular timeline.

4 MR. DANNER: All right. Thank you.
5 Brian?

6 MR. WEISKER: Oh, sorry.

7 MR. DANNER: That's all right.

8 Okay. Let me ask again, is there
9 anyone -- oh, Andy, are you raising your tent?

10 MR. DRAKE: Yes. Yes, I just
11 appreciate your comments here and I just want
12 to be out loud about that.

13 I do think there is a practical
14 issue on ramping up these programs we have to
15 decide. So, some of what's in the NOPR is
16 really optimistic to try to get this to go
17 across the entire industry that fast. So, I
18 just want to be transparent. If that's a
19 problem, we should talk about it here, you
20 know.

21 But I do think we have to figure out
22 how to practically stand this up, and get

1 vendors there and get people around this
2 quickly, you know, as quickly as we can. But
3 it's not going to be six months or whatever is
4 in this rule, whatever is in the NOPR.

5 So, if that changes where we are
6 here, let's just talk about it now. Because I
7 think I don't want to kick the can down the
8 road. If we need to talk about it now, let's
9 talk about it now.

10 MR. DANNER: All right.

11 Chad? And then, Sara?

12 MR. ZAMARIN: Sorry, Chad Zamarin
13 with Williams.

14 If Sara was going to respond on that
15 issue, I'll wait. I was going to move to the
16 next topic.

17 MR. DANNER: All right. Thank you.

18 Sara?

19 MS. GOSMAN: Yes, well, I think I
20 need to know what you all are thinking about an
21 effective date in order for me to be able to
22 judge this conversation before we have it.

1 MR. ZAMARIN: This is me talking on
2 the fly, but, as I've looked at this, I'm very
3 compelled to make sure that we time what we're
4 doing with OOOO. And so, my proposal would be
5 effective at the same time as OOOO, the earlier
6 of OOOOA's effective date or not to exceed
7 three years.

8 Because I think that's what's been
9 discussed by the EPA for their implementation
10 timeline. And so, I'm very concerned with
11 getting out of sync between all of the things
12 that we're trying to implement between OOOO and
13 this rulemaking.

14 Thank you.

15 MR. DANNER: All right. Sara?

16 MS. GOSMAN: Yes, okay. With that
17 information, I mean, to me, this seems like an
18 issue around known leaks, ones we already know
19 about, right, and moving forward on getting
20 them repaired.

21 And in that way, different from the
22 set of things about actually creating these

1 programs, right, and doing this grading with
2 the criteria that we're currently talking
3 through. And for that reason, I think that we
4 wouldn't want to actually set this to an
5 effective date because I think that it's
6 important to start this process sooner and,
7 actually, sort of start to work through it.

8 So, I was worried that you were
9 going to have to regrade your leaks. It
10 doesn't sound like you do. You know what the
11 grade is. It's just a question of getting them
12 done.

13 MR. DANNER: All right. Erin?

14 MS. MURPHY: Yes, I might just be
15 repeating Sara here, but I want to echo my
16 support for -- I do think I prefer tying this
17 to the date of publication and the NPRM,
18 because this is known leaks, you know, known
19 steps to be taken to repair those leaks. I
20 don't think this particular provision the
21 Committee needs to recommend pushing this out
22 to the effective date.

1 I continue to support the language
2 in the NPRM that proposes a shorter timeframe
3 for repair of these known Grade 2 leaks, and
4 just have to throw some numbers out there. And
5 I invite every utility to post these numbers
6 readily available on their website, so I can
7 read yours as well.

8 But ConEdison, you know, 2022,
9 average repair timeframe for Type 2A leaks,
10 which is a New York-specific category, is 17
11 days. Regular Type 2 leaks, average repair
12 timeframe in 2022, 16 days.

13 And I know every operator is
14 different, but I think it can be done.
15 Operators can move quickly on this. And so, 12
16 months continues to feel appropriate to me.

17 MR. DANNER: Andy?

18 MR. DRAKE: Just fact checking here.
19 The requirement that we're proposing in the
20 NOPR is 12 months, right? So, basically, what
21 we're saying is that, at the publishing date of
22 the rule, we would enforce the rule before its

1 implementation schedule. That's correct? Am I
2 reading that right? For this particular
3 provision, that you would move forward to do
4 this on this schedule before the implementation
5 date of the rule?

6 And I'm actually sensitive to your
7 comment, both of you, Sara and Erin. I'm
8 sensitive to your comment. Is there a place
9 where we come to a middle ground, where you let
10 people get their feet under them, but it's not
11 so long it's incredulous?

12 But you are, actually, enforcing the
13 requirement of the rule before the rule's
14 implementation date. Can you give a little bit
15 more time to let people get their feet under
16 them, to stand up and get going? You know,
17 which is a good-faith effort.

18 And I'm asking because I think
19 that's reasonable. But you're actually asking
20 them to enforce the requirement of the rule
21 before the rule is in place at the schedule of
22 the rulemaking. That just seems kind of

1 onerous right out of the chute. But I'm
2 asking.

3 MR. DANNER: So, Brian, I just want
4 to ask the question. Maybe there's a lawyer in
5 the room who can help me. Can we actually
6 require anything before the effective date of
7 the rule?

8 MR. WEISKER: I'm not a lawyer, but
9 did you call on me?

10 (Laughter.)

11 MR. DANNER: Well, no, actually, I
12 said I will call on you.

13 MR. WEISKER: I did sleep in a
14 Holiday Inn last night.

15 (Laughter.)

16 So, what do I have before? I'm
17 sorry.

18 MR. DANNER: Robert Ross, again, is
19 willing to raise his tent, I think.

20 (Laughter.)

21 MR. ROSS: Yes, generally, we can't
22 require you to comply with it like an element

1 of a rulemaking that is not yet effective. So,
2 the rule would have to be effective, you know,
3 and there could be requirements that have a
4 short timeline on the back end of that
5 effective date, you know, that we could measure
6 by reference to the publication date that
7 precedes the effective date or compliance date.

8 MR. DANNER: So, we could have a
9 date of publication in the rule, and that could
10 help with developing the timelines, as long as
11 the rule as become effective before the end of
12 whatever timeline we choose? Is that correct?

13 MR. ROSS: Yes.

14 MR. DANNER: All right.

15 MR. ROSS: There we go. The answer
16 is yes.

17 MR. DANNER: Okay. Thank you very
18 much.

19 Now, Brian?

20 MR. WEISKER: Brian Weisker, Duke
21 Energy.

22 I'm just going to withdraw this

1 proposal. Let's just move on. Based on the
2 comments that we had around not needing to
3 regrade, I'm pulling the proposal.

4 MR. DANNER: Okay. So, all right.
5 So, the proposal before us is the effective --
6 is on or before the effective date; repair one
7 year after the date of publication.

8 All right. Is there any more on
9 this first bullet? Or are we ready to move on
10 to the second bullet?

11 Sam?

12 MR. ARIARATNAM: Sam Ariaratnam,
13 Arizona State University.

14 That was my proposal.

15 (Laughter.)

16 You can't pull my proposal, Brian.

17 (Laughter.)

18 MR. DANNER: Okay. Let's make sure
19 that Sam gets credit for this one. Okay?

20 MR. ARIARATNAM: And I don't want to
21 pull it. I want to keep it up there.

22 MR. DANNER: All right. Is there

1 more comments on the first two bullets, the
2 first two subbullets? Or are we moving on to
3 the methodology?

4 Diane? Oh, okay, Sara?

5 MS. GOSMAN: Okay. Thank you.

6 This might be another question for
7 the lawyer, but I'm assuming that we can set
8 effective dates for different aspects of the
9 rule, right?

10 MR. ROSS: Yes, indeed. Or you
11 could style it as one single effective date,
12 you know, like with different compliance dates
13 for different provisions.

14 In terms of administrative
15 efficiency for the agency, as well as for
16 stakeholders who may want to indicate their
17 interests, you know, like by way of petitions
18 for consideration or litigation, it would,
19 clearly, be easier to have one effective date
20 for the whole rulemaking. But, then, if you
21 want to, like, have different compliance dates
22 for different elements, you could do that.

1 MR. DANNER: All right. Thank you.

2 Diane?

3 MS. BURMAN: Yes, I just want to
4 sort of underscore, when there's a reference to
5 a New York utility or New York stats, it kind
6 of makes me take a step back, one, because I
7 don't think it's just blank; here's the data,
8 so it proves X, Y, or Z. I think you need to
9 understand where it's coming from.

10 However, the fact that we are
11 mentioning GPTC and we're mentioning a New York
12 utility reminds me about cutting back to the
13 principles I first brought in, which is that,
14 when we have robust state programs that are
15 working well, we need to be mindful that the
16 regulatory structure being changes that's not
17 accommodating that is a problem; and that, to
18 the extent that we look at New York, I'm
19 willing to stand up and say adopt it all my
20 way. That would be great.

21 However, I recognize that we have to
22 have some standards, but we have to be flexible

1 in the fact that there are alternative
2 approaches that are already currently working
3 that are very much aligned and are not now
4 going away from that.

5 So, I just want to kind of look at
6 this and, also, push back a little bit on that
7 comparison of ConEd and the days that it took.
8 ConEd's Type 2s are based on GPTC. All
9 operators have to regrade and resurvey because
10 the grading was based on GPTC. Every leak may
11 need to be regraded.

12 And so, I really just have to
13 underscore that we can't just use that as,
14 well, let's just go to 17 days. So, just be
15 very mindful of that.

16 And again, I really do think that,
17 overall, a principle that allows an alternative
18 pathway for states that already have existing
19 programs is helpful.

20 MR. DANNER: All right. Thank you.

21 Sara? And then, Andy.

22 MS. GOSMAN: I'm sorry, can you skip

1 me for a moment?

2 MR. DANNER: Andy? And then, Sara.

3 MR. DRAKE: I was really hoping you
4 would go first, but --

5 (Laughter.)

6 This is Andy Drake with Enbridge.

7 I appreciate the concept possibility
8 that you are floating. I think there is
9 something there that we may be able to work
10 with. I'm looking at Sam. I know this is your
11 proposal on the table.

12 But I didn't sleep at Holiday Inn,
13 either, but I'm not a lawyer.

14 I heard that we don't want to tie
15 off of the publication date because that's not
16 enforceable. We have to tie off of the actual
17 date, the effective date.

18 But what if we took -- and I think
19 this may have been where you were going, Sara
20 -- if we took the effective date and we said
21 that, inside the effective date there would be
22 an implementation requirement for within 18

1 months, very quickly, we would do this? And
2 then, we would have a separate implementation
3 schedule for the rest of the program?

4 And I think that gets to what you're
5 trying to do without, you know, trying to get
6 everybody to jet up to speed before the
7 implementation of the rule.

8 My intent was to try to address your
9 concern. And I hear it. It's just I think 18
10 months to get people -- once this is
11 implemented, you've got 18 months to get this
12 started, and then, you've got another timeframe
13 we'll talk about in a little bit to get your
14 whole program into place. But don't tie it to
15 the program, or we're going to end up in a
16 fight, because it's a practical matter about
17 putting these programs up.

18 Does that help kind of get what
19 you're looking for?

20 MR. DANNER: Sara?

21 MS. GOSMAN: Yes, I think we're
22 coming to the same place. And I would say, I

1 mean, just for simplicity's sake, it makes
2 sense to have an earlier effective date, and
3 then, to talk about compliance deadlines, as we
4 get to these questions around the different
5 aspects of the rule.

6 So, PHMSA had put in its preamble
7 that they were intending a six-month effective
8 date. So, what you're suggesting, Andy, I
9 think if I've done the math correctly, is, you
10 know, this particular provision was tied to the
11 publication date. So, a year following the
12 publication date. So, that would have been six
13 months following, right, the effective date?

14 So, you're pushing that out to 18
15 months. I just want to sort of make sure that
16 we're in the same place in terms of where our
17 months are.

18 MR. DRAKE: Direct response?

19 MR. DANNER: Direct response.

20 MR. DRAKE: Andy Drake with
21 Enbridge.

22 I heard something that sounded kind

1 of backwards. I think we publish before the
2 effective date. And so, we have a hard time
3 tying -- you know, okay, I think I just heard
4 it backwards then.

5 But I think what would make sense is
6 we publish whenever we get published, and then,
7 implement quickly this requirement. And I was
8 throwing out 18 months because I think, once
9 it's published, you're giving people, in
10 effect, basically, 18 months to do this, and
11 then, we decide separately how long will it
12 take to implement a separate part. And that
13 would be the whole program standing up and
14 being implemented. It would be on a different
15 timeframe.

16 So, there would be two timeframes of
17 implementation when the rule is published. One
18 would be 18 months to do this; the second would
19 be a longer period of time to stand up the
20 entire program.

21 And I think that that separation
22 solves the problem, if we can just figure out

1 how to tack down. Is that clear, Sara?

2 MR. DANNER: But we still have to be
3 mindful of the effective date, right?

4 MR. DRAKE: Well, that becomes the
5 effective date.

6 MR. DANNER: Okay. So, it's
7 established as the effective date?

8 MR. DRAKE: Yes.

9 MR. DANNER: Okay. Sara?

10 MS. GOSMAN: Yes, sorry if I wasn't
11 clear before. As I read the proposal, the
12 repair timeline starts from the publication
13 date and runs a year. And so, if we switch it
14 to the effective date, which I think from a
15 legal perspective makes some sense, then, at
16 that point what we're looking at is, let's just
17 say, for a generic effectiveness date, we said
18 six months, which seems fast. But, then, we
19 would talk about compliance dates moving from
20 there, which would at least allow us to have
21 that broader conversation.

22 So, I'm just pointing out that how

1 this was proposed, assuming there was an
2 effective date of six months, what we were
3 looking at was a six-month timeline for
4 repairs, because of the way that the proposal
5 was.

6 And so now, what we're talking about
7 is having an effective date, and I would say
8 having an early -- I would say sticking with
9 PHMSA's six months, and then, starting the
10 clock then. That makes some sense to me.
11 That's should be how it is. But the clock
12 starts at that point. And now, we're moving to
13 18 months.

14 Again, I just wanted to clarify the
15 situation here.

16 MR. DANNER: Chad?

17 MR. ZAMARIN: Yes, let me try. I'm
18 trying to help bring all this together.

19 Based on everything I just heard,
20 what I would propose is that we have an
21 effective date of the rule that is, as I
22 mentioned, the earlier of the effective date of

1 0000 or 36 months. And I would add to that,
2 for this specific section, that the effective
3 date be 18 months from publication.

4 I think that that can be a way of
5 having -- we're building two programs at once
6 right now, an EPA program and a PHMSA program.
7 It's going to be very difficult to implement
8 one, and then, have to rework it to fit with
9 another. So, trying to get those to converge.

10 But if we wanted a tighter timeline
11 on this tied to publication date, you could set
12 a different effective timeline for this set to
13 publication date. That's what I would propose.

14 MR. DANNER: Yes, okay.

15 And, Diane, do you want to weigh in
16 on this?

17 MS. BURMAN: Yes. Well, I think it
18 goes to the timeline issue. And so, I know,
19 originally, we started out with, I think, 36
20 months.

21 And I guess I'm just kind of raising
22 -- it's question. I'm assuming that most

1 operators are going to have to purchase new
2 equipment. And I'm just wondering, are we sure
3 that vendors -- are we sure that we have the
4 supply chain, the training, you know, all the
5 different procedures done, and qualifications
6 are going to have to be done within this
7 timeframe.

8 So, I just raise sort of a
9 practicality. What does this mean to get us
10 ready? And it's not just are the operators
11 ready. There's a whole bunch of things that go
12 into it.

13 So, I'm not looking to make this
14 difficult. I'm just flagging that we need to
15 consider what it will look like.

16 MR. DANNER: Yes, these are the
17 known leaks. They're existing.

18 So, thank you.

19 Erin?

20 MS. MURPHY: I wanted to make sure I
21 understood an earlier comment, because I
22 thought I heard Brian say, recognizing that

1 this would not require regrading of leaks, that
2 there was less concern in the distribution
3 sector about extending the timeline that's in
4 the proposed rule.

5 Did I misunderstand that?

6 MR. DANNER: Brian?

7 MR. WEISKER: Brian Weisker, Duke
8 Energy.

9 No, you did not.

10 MR. DANNER: Erin?

11 MS. MURPHY: So, it feels to me,
12 then, the conversation we might be having right
13 now is just a debate over how exactly this is
14 structured in this segment of the proposal and
15 not a debate about whether operators feel like
16 they need an extension from what's in the
17 proposal, which makes me wonder if this is
18 actually a conversation to be had when we get
19 to the effective date portion of the Committee
20 meeting.

21 MR. DANNER: All right. Thank you.

22 Andy?

1 MR. DRAKE: This is Andy Drake with
2 Enbridge.

3 Just to be clear, this is not an
4 issue with transmission. Okay. So,
5 transmission, Grade 2, we're already working on
6 this schedule.

7 So, I think it was really just to
8 help the vast number of distribution and
9 municipality operators kind of get their feet
10 under them in what they know and get ready to
11 go.

12 But, you know, if we want to kick
13 this conversation down to the timeline part, or
14 to the next section, that's fine with me, too.
15 I'm really deferring more to the distribution
16 folks here.

17 MR. DANNER: Brian?

18 MR. WEISKER: Brian Weisker, Duke
19 Energy.

20 I do think this gets, when we get to
21 the effective date -- because when the
22 effective date, what it is will, obviously,

1 affect the effective date for the rule,
2 obviously. And so, depending on what this is,
3 it could have an impact on -- so, when the
4 publish date, effective date, and that time in
5 between when leak surveys continue, Grade 2
6 leaks continue to -- we find them, right? We
7 find them with, I'll say, the legacy grading
8 approach, and that timeframe I think is what
9 comes into play here, if we don't tie this
10 provision to the effective date.

11 Does that make sense?

12 MR. DANNER: Thanks.

13 Chad?

14 MR. ZAMARIN: Chad Zamarin,
15 Williams.

16 Yes, I would propose we do table
17 this and maybe come to the implementation
18 timeline discussion prepared with proposed
19 language, recognizing that we need to include
20 in that discussion the timeline for repair of
21 existing Grade 2 leaks.

22 Thank you.

1 MR. MAYBERRY: I'm just going to
2 add, you know, I think we've heard the concern,
3 and the record is there, that we have a
4 transition issue here between a program that
5 anticipated a 12-month repair timeline, if the
6 GPTC was being followed, to the new federal
7 standard. And there's a technical issue
8 regarding the implementation date, the legal
9 issue versus the publication date. You know,
10 we see the record and we'll address it as we go
11 forward.

12 MR. DANNER: All right. Thank you.

13 Andy?

14 MR. DRAKE: This is Andy Drake with
15 Enbridge.

16 I appreciate that, Alan. I
17 appreciate this long conversation. But I'm
18 glad we had the conversation now. I think we
19 had the long conversation that really helped
20 alleviate a concern. And that is, you want a
21 quick implementation schedule. If we have one
22 date in that, and it's tied to the effective

1 date of the rule, then we're going to push back
2 because we have to stand up these big programs.

3 But if we can bifurcate that and say
4 there's two stages of the transmission here --
5 there's a first gear that's going to come on
6 fast to do this, and then, there's a second
7 gear to stand up the programs -- that, I think,
8 is very practical.

9 And so, I think we may have solved
10 the problem here. So, I appreciate kind of
11 getting out of order, but it was really
12 important because I didn't want to -- Sara, I
13 just didn't want you to feel like we were
14 skating past something. It's like, no, there's
15 two things going on here, and we need to make
16 sure we're clear on what they are.

17 MR. DANNER: Okay. So, we're going
18 to see some language a little later on when we
19 deal with the timelines. I think that's the
20 sense of the group, is that we take that first
21 bullet off, and then, focus on the next two.

22 Is there any conversation on these

1 two?

2 Diane?

3 MS. BURMAN: Yes, I just want to
4 make the point that they know we have to also
5 consider, and just for the record, it is, how
6 do we handle a leak that's found on publication
7 date six months later or one year? So, just
8 keep in mind that we're going to need to
9 address more than existing leaks and just an
10 issue.

11 MR. DANNER: All right. Thank you.

12 Peter?

13 MR. CHACE: Pete Chace, NAPSR.

14 I just wanted to point out that
15 760(a)(4)(A), there's a requirement for a
16 methodology including an analysis of the volume
17 and migration of gas emissions. As we covered
18 before, determining the volume of gas emission
19 of buried piping for distribution systems can
20 be a problem.

21 MR. DANNER: All right. Thank you.

22 Any further comment on these?

1 Brian?

2 MR. WEISKER: On the first bullet
3 there -- Brian Weisker, Duke Energy, sorry --
4 it appears that, with this requirement for
5 operators to methodize and prioritize Grade 2
6 leaks and identify criteria for priority
7 repair, in essence, we're making another grade.
8 It's like we're going to have Grade 2As and 2Bs
9 with this proposal, as it's written, versus
10 just we have Grade 2 leaks. We've established
11 the timeline on what we agreed to just before
12 on those Grade 2 leaks.

13 So, I'm not sure that the proposal,
14 as written -- it would almost be like we're
15 bifurcating, you know, to have a Grade 2A and a
16 2B, so to speak.

17 MR. DANNER: So, help me. How do
18 you determine the order in which you address
19 things now?

20 MR. WEISKER: Direct response?

21 MR. DANNER: Yes, yes. Sorry.

22 MR. WEISKER: It depends. So,

1 sizably, how quickly can I get permits? Time
2 of year. Do I have an asphalt paving
3 moratorium?

4 We mentioned before, depending on
5 where you're at, do I have anything from I
6 can't -- depending on the location where I'm
7 doing work, there's just environmental impacts
8 from the work being done. All of that kind of
9 plays in. So, it's not just one -- it's not
10 just a simple always biggest to lowest. You
11 balance all of that in your decisionmaking.

12 MR. DANNER: But if you look at
13 this, what you just recited is, basically,
14 what's there. So, it doesn't sound like it
15 would take, that this would be an onerous task.
16 I mean, this is just my view.

17 So, do you want to respond to that
18 or should I -- I'll go to Steve.

19 MR. WEISKER: So, we've got a 30-day
20 repair requirement. So, we just agreed to the
21 -- so, Grade 2 leaks with a repair deadline of
22 less than 30 days must be reevaluated every two

1 weeks. So, that --

2 MR. ZAMARIN: Point of
3 clarification. This is Chad Zamarin. I think
4 that's referring to if they had been deemed a
5 30-day repair because of an HCA, is that
6 correct? Or is that --

7 MR. GALE: Chad, yes, that is
8 correct. I mean, it would apply, obviously, to
9 the HCA Class 3s and 4s. But, I mean, I look
10 at staff, but I think this also would apply in
11 a situation where, if the operator, based on
12 the first sentence of paragraph 4, decides it
13 should be a 30-day repair, then this criteria
14 would also apply.

15 MR. WEISKER: And that's my point.
16 We've got a one-year requirement that we just
17 agreed to, and now, there's a subset of that
18 that's a 30-day, in essence, making another --
19 a 2A, so to speak.

20 MR. DANNER: All right. Thank you.
21 Steve? And then, Erin, and then,
22 Peter and Chad.

1 MR. SQUIBB: Yes, Steve Squibb, City
2 Utilities.

3 I think, since we now have "as soon
4 as practicable," to be repaired as soon as
5 practicable for Grade 2s, I think we have no
6 need for this. This, to me, could be struck.
7 And we're going to get to them as soon as
8 possible.

9 And it would be an onerous process
10 for many operators, I think, to come up with
11 this methodology, in my opinion.

12 MR. DANNER: All right. Thank you.

13 MR. SQUIBB: So, I propose to strike
14 this section.

15 MR. DANNER: All right. Thank you.

16 Erin?

17 MS. MURPHY: Thanks.

18 Erin Murphy, EDF. A couple of
19 points.

20 First, on the applicability of the
21 30-day portion of Subpart 4 here, it is reading
22 a little bit unclear to me if that 30 days is

1 only a reference to the prior paragraph,
2 Subpart 3, about HCA Class 3 or 4 locations for
3 transmission or gathering lines, or if there is
4 also this broader possibility that I think
5 PHMSA staff just referenced of an operator
6 otherwise determining that there's a need for
7 repair within 30 days. So, I think one
8 recommendation is just that the Committee may
9 consider to PHMSA to clarify that point.

10 And I actually think I'm hearing
11 what some of the distribution folks on the
12 Committee are saying and don't necessarily see
13 a need for a sub 30-day criteria within Grade 2
14 leaks.

15 But I do want to express support for
16 the broader idea of a prioritization
17 methodology for Grade 2 leaks. I just wanted
18 to note that this is something EDF has worked
19 with operators on, both related to Grade 3
20 leaks, because in the legacy leak world where
21 the grades are only related to safety, we're
22 focusing on Grade 3 super emitters.

1 And also, we've worked with
2 operators on this related to prioritization of
3 leak-prone pipe replacement. And we've seen
4 that this is, you know, very doable I think for
5 leak-prone pipe replacement, incorporating
6 emissions information on known leaks on
7 pipelines into DIMP models and other
8 decisionmaking frameworks that the utility
9 already has in place.

10 So, I don't know if there's interest
11 on the Committee of sort of talking about how
12 to make a recommendation to PHMSA that this
13 methodology could potentially be worked into
14 existing prioritization frameworks that an
15 operator might have, but just making sure that,
16 I think, in particular, Subpart I, the volume
17 and migration of gas emissions, is
18 incorporated, if it's not already, into
19 prioritization.

20 Thanks.

21 MR. DANNER: Thank you.

22 Chad?

1 MR. ZAMARIN: Thanks. Chad Zamarin,
2 Williams.

3 I think I'm reading this similar to
4 how maybe I heard Erin describe it. The way
5 that I understood this is that, as you read
6 through this section, it requires
7 prioritization methodologies for Grade 2 leaks,
8 but it requires these very specific
9 requirements for Grade 2 leaks that were deemed
10 to have a 30-day repair timeline.

11 And per this section, if you go back
12 through the section, the way you end up with a
13 30-day repair timeline is you're either a
14 transmission or gathering line in an HCA Class
15 3 or 4, or you've got your own operating
16 procedures that require it to be an urgent,
17 30-day anomaly.

18 So, I think my understanding of this
19 is it says, yes, you should have prioritization
20 methodology, but in those areas where you've
21 got these 30-day repair requirements, which I'm
22 reading as only those two categories -- and so,

1 it's not what I think I heard from PHMSA, that
2 this would be required for all.

3 But I think, if we can clarify that,
4 I think it makes sense to have these for those
5 30-day requirements. Is that clear? Am I
6 reading that correctly?

7 MR. DANNER: Go ahead, Sayler.

8 MR. PALABRICA: Yes, so the 30-day
9 repair is for the transmission in the Class 3
10 and 4 locations, and for those leaks where in
11 the methodology or procedures that they've
12 created under this section they have determined
13 in consideration of the factors listed there,
14 justify repair within 30 days.

15 MR. DANNER: Okay.

16 MR. PALABRICA: So, it's an
17 operator-defined criteria. And in that
18 instance, the conditions would apply.

19 MR. ZAMARIN: Thank you.

20 I mean, based on that, I support the
21 language as drafted with that clarification.

22 Thank you.

1 MR. DANNER: All right. Thank you.

2 Erin? And then, Steve and Brian.

3 MS. MURPHY: Erin Murphy, EDF.

4 So, just to make sure I understand,
5 what PHMSA staff has just clarified is that
6 this Subpart 4 prioritization methodology is
7 only applicable to the transmission and
8 gathering 30-day leaks? Not to all Grade 2
9 leaks?

10 MR. PALABRICA: Oh, sorry. The
11 prioritization methodology applies to all
12 leaks. The additional requirements tied,
13 specifically, to 30-day repair, which is the
14 accelerated reassessment, applies for the
15 30-day repairs.

16 MS. MURPHY: Thank you.

17 MR. DANNER: Okay. Is that clear,
18 Erin?

19 (No audible response.)

20 Yes.

21 All right. Steve? And then, Brian.

22 MR. SQUIBB: I think it was

1 answered. I was asking the same clarification:
2 does this section apply to distribution,
3 Section C(4)?

4 MR. PALABRICA: Yes.

5 MR. SQUIBB: Okay. Thank you.

6 MR. DANNER: All right. Brian?

7 MR. WEISKER: Brian Weisker, Duke
8 Energy.

9 I'm still a little confused with the
10 explanation on this. So, this does apply to
11 just -- I think I'm hearing this right -- this
12 does apply to distribution? This does require
13 within your own procedures that you have a
14 criteria to evaluate Grade 2 leaks and have a
15 subset of those that would be required for this
16 30-day repair, is that correct?

17 MR. PALABRICA: That is correct.

18 MR. WEISKER: Then, I would propose
19 a direct response, please.

20 Then, I propose, as Steve proposed
21 before, that we strike this section because
22 it's making another leak grade. We're going to

1 have leak 1s that are repaired immediately;
2 Leak 2A-ish that would need to be repaired on
3 30 days. I'm sorry, leak 1, but Grade 2A on 30
4 days, and then, Grade 2 that are on a year.

5 MR. DANNER: All right. Chad? And
6 then, Erin.

7 MR. ZAMARIN: Thanks. Chad Zamarin,
8 Williams.

9 Yes, I have a hard time with the
10 clarification that we just heard. I'm not sure
11 why it would have been written the way that it
12 is, if that criteria was meant to apply to all
13 Grade 2 leaks. You would have just written,
14 you know, "This applies to Grade 2 leaks."
15 Instead, there was an exception. There was a
16 clarification that it applied to 30-day.

17 And so, I'm struggling with why that
18 language would have been included if you're
19 going to interpret it to mean that you have to
20 have those criteria applied to all Grade 2
21 leaks, and not just to the 30-day Grade 2
22 leaks.

1 So, I don't know if we're going to
2 solve it, or if that's kind of the final
3 clarification. But it just seems odd to me
4 that that would have been drafted the way that
5 it is, if it was intended to apply to all Grade
6 2 leaks, and not just to those that are deemed
7 the most critical.

8 MR. DANNER: All right. Thank you.

9 Sorry, do you want to respond? You
10 didn't want to? Okay.

11 All right. Erin, and then, Diane.

12 Okay. Diane?

13 MS. BURMAN: I'm just really
14 confused. It doesn't make sense to me. And
15 I'm trying to figure out this section. And I
16 think even Erin mentioned DIMP. So, I feel
17 like we don't need this if we're going to
18 address it in DIMP. And it just seems very
19 confusing. I'm just trying to figure out the
20 rationale.

21 MR. DANNER: Okay. Well, Joe is
22 going to make it clear for all of us.

1 MR. KLESIN: Yes, Joe Klesin, PHMSA.

2 From what I recall, it applies to
3 all Grade 2 leaks, and then, the transmission
4 gathering subsection for 30-day repair, it was
5 also written this way, so that it would also
6 apply to that subset for the 30-day repair.
7 So, it would apply to both, both buckets, the
8 transmission line/gathering, 30-day repair
9 timeframe, and the regular Type 2 leaks.

10 Did that clarify it? Apparently
11 not.

12 MR. ZAMARIN: Direct response?

13 MR. DANNER: Yes, Chad.

14 MR. ZAMARIN: Chad Zamarin,
15 Williams.

16 No, it doesn't make any sense. I
17 mean, those are a subset of Grade 2 leaks. So,
18 if it was intended to have this apply to all
19 Grade 2 leaks, it would have just said, I
20 assume, or I think most people drafting it
21 would have just said, "Each operator must have
22 a methodology for prioritizing of Grade 2

1 leaks, and the methodology must include the
2 following parameters."

3 Instead, it says, "including a
4 criteria for leaks that weren't repaired within
5 30 days." It was a reevaluation requirement,
6 and then, goes on to talk about the specific
7 criteria.

8 It just seems -- I don't know; maybe
9 I'm reading it wrong, but it doesn't make sense
10 to me.

11 MR. DANNER: Sara?

12 MS. GOSMAN: Yes. Thanks.

13 Chad, I think that the important
14 language here is at the beginning, which tells
15 you that it's broader, right? "Each operator's
16 operations and maintenance procedure must
17 include a methodology for prioritizing the
18 repair of Grade 2 leaks, including...."

19 So, I think that -- I mean, language
20 can always be improved, but I read it as
21 starting there, and then, having a set of
22 prioritization factors here.

1 So, I think this is actually a
2 really important part of this particular set of
3 repair criteria. And I think it's very
4 consistent with everything that I know about
5 how we've structured this regulatory program.

6 That is, so much goes into that
7 operations and maintenance procedure. That's
8 how you make decisions, and it, then, shows
9 PHMSA, when they do inspections, how you have
10 decided what you're going to address first.
11 So, it gives you discretion to determine what
12 your priorities are, but it makes you write it
13 down, so that everybody else knows what your
14 priorities are.

15 And so, from that perspective, I
16 don't see the -- I recognize that anything that
17 requires you to put things down in writing can
18 be more work, but I just think it's a
19 show-your-work version of regulation. And to
20 me, it makes a lot of sense to have it in
21 there.

22 MR. DANNER: Chad?

1 MR. ZAMARIN: Thank you. Chad
2 Zamarin, Williams.

3 And I'm actually not even debating
4 whether or not it makes sense. What I don't
5 want is an operator to pick this section up and
6 misinterpret it the way that I did. Because I
7 think that's a real problem.

8 And so, I actually don't have, you
9 know, to be clear, like I don't have an issue
10 with the concept of prioritization of repairs.
11 I have a real serious issue with -- I mean, I
12 know I'm not the smartest person in the room,
13 but I can't read that and interpret it very
14 easily.

15 So, maybe just the need for better
16 clarification of the language. Because we've
17 just spent 30 minutes talking about it and
18 going around in circles a bit. And I think
19 clear regulations are really important.

20 Thank you.

21 MR. DANNER: Thank you.

22 Peter, and then, Brian.

1 MR. CHACE: Yes, thank you.

2 I mean, there are a wide range of
3 Grade 2 leaks and the GPTC guidance does
4 support that, that you may have to have
5 different approaches to maybe accelerate some,
6 and some can be kept on that annual schedule.

7 But I think we should decide if the
8 requirement to fix leaks as soon as practicable
9 or a year, essentially, puts down a marker for
10 operators to, essentially, act like responsible
11 adults and fix the tough leaks first.

12 My personal belief is I agree with
13 Member Squibb that this seems like maybe more
14 process and less fixing things than we really
15 should be shooting for.

16 MR. DANNER: All right. Brian?

17 MR. WEISKER: Brian Weisker for Duke
18 Energy.

19 Peter said what I was going to say,
20 that we've added now, with the Grade 2 leaks,
21 as soon as practicable or within a year. And
22 so, it does set out as soon as practicable or

1 within a year.

2 But, I mean, as this is written
3 here, I mean, this clearly defines that we
4 would have to establish a criteria for a 30-day
5 leak. And so, I strongly believe that this
6 section is making another grade of leak, in
7 that we've done Grade 2, and that we should
8 strike this language. We've got the "as soon
9 as practicable" in what we just voted on
10 before.

11 MR. DANNER: All right. Thank you.

12 Andy? And then, Chad. I'm sorry.

13 Andy, and then, Sara, and then, Chad.

14 MR. DRAKE: This is Andy Drake with
15 Enbridge.

16 I'm trying to see how big the dog is
17 in this fight. I guess just to sort of check
18 in here, I mean, when we start talking about
19 scheduling, it says "as soon as practicable."

20 So, to your point, Sara, show your
21 homework, and we're prioritizing. Is this to
22 consider things like permitting, customer

1 impact, and those kind of things? Because
2 that's going to have a lot to do with
3 prioritization and the scheduling of the
4 repair.

5 I mean, if we just look at pure
6 size, we would say, well, this one is a big one
7 and this one is a little one, but that isn't
8 going to be the end of the discussion.

9 So, I'm with Chad. This is going to
10 turn into a discussion that's about enforcement
11 pretty quick. And I want to know what that
12 target looks like. So, when we show our
13 homework -- and I hope it's not a book that
14 we're writing, because I appreciate where Brian
15 is. I mean, there should be some defensibility
16 about our scheduling, but it shouldn't be that
17 onerous. But I think it has to take into
18 consideration the whole of it, not just the
19 size of it, because that's the practical way
20 and how it will play out in remediation.

21 MR. DANNER: All right. Thank you.

22 Sara?

1 MS. GOSMAN: Yes, so I guess I'll
2 note, the language says, "including." So, of
3 these particular provisions. So, I would think
4 that it could encompass other things in the
5 analysis.

6 But I think it's an important
7 question what PHMSA expects out of an analysis
8 like this. So, I wonder if our enforcement
9 person could say what the intent was here as to
10 what an operator might have to do, or LDC.

11 MR. DANNER: Okay. Joe, do you want
12 to answer?

13 MR. KLESIN: Okay. So, for typical
14 Grade 2, prioritize within that Grade 2
15 criteria, which might end up repairing leaks
16 sooner rather than later -- your Type 2A, as
17 you're saying.

18 But, at the same time, the
19 requirement for a 30-day repair for
20 transmission lines and gathering lines,
21 prioritized within that realm, there may be
22 situations where you already have a 30-day

1 repair timeframe for that, and you have a frost
2 condition for the leaks that are out there that
3 require you maybe to eliminate that leak sooner
4 than the 30-day period.

5 Does that clarify it?

6 MS. GOSMAN: Yes, but, then, I'm
7 wondering about the rest of it. So, you talked
8 about the 30 days. But, you know, in terms of
9 the general priorities here and the methodology
10 for that, and what they would have to put in
11 their procedures, I wonder if you could talk to
12 that?

13 MR. KLESIN: A lot of the stuff
14 that's listed in the proposed rulemaking speaks
15 for itself, in my opinion.

16 MR. DANNER: Andy?

17 MR. DRAKE: Direct response.

18 Andy Drake with Enbridge.

19 I appreciate that. I think we keep
20 pulling a little bit more out of this. Because
21 30 days is pretty quick. I mean, we're going
22 to be prioritizing. Obviously, by just the

1 definition of it, you're prioritizing; you're
2 getting there.

3 And I think the documentation of why
4 it couldn't get there on day five versus day
5 seven should be pretty thin. You know, it
6 should be the equipment or something.

7 But I'm more worried about the other
8 ones. And this may be more of an LDC issue.
9 But it has to, as we talk about prioritization,
10 the things that are in here aren't -- it is not
11 an all-inclusive list. I want to make sure
12 that those things are the things that are
13 driving the prioritization schema about
14 remediation and actually how it's going to play
15 out.

16 I mean, we may decide, oh, this is a
17 big one; we want to go get it. And then, we
18 start talking about permitting, and
19 blah-blah-blah, blah-blah. And by the time
20 we're done, it's like, well, I can't get there.
21 So, it didn't effectuate the high priority
22 because I couldn't -- it effectuated its

1 prioritization schedule on remediation.

2 But I just want to make sure that
3 we're creating a record -- so, I'm kind of
4 looking at Alan -- creating a record that that
5 prioritization methodology, one, shouldn't be
6 too onerous, and two, it should consider a lot
7 of things beyond this list that are going to,
8 in reality, play out in how you actually get to
9 it.

10 MR. DANNER: All right. Thank you.

11 Steve? Oh, I'm sorry. Chad, and
12 then, Steve.

13 MR. ZAMARIN: Thanks. Chad Zamarin
14 with Williams.

15 Yes, and just to be clear -- I know
16 we're beating this pretty hard. I apologize
17 for that. But I think we've already heard,
18 like, 30-day requirement, you're getting after
19 it. And to prioritize activities that you
20 would do within 30-day windows, I mean, these
21 are very rare. These are urgent issues.
22 You're doing everything you can to get out

1 there and address the issue.

2 We heard even one-year response,
3 Grade 2s, in the LDCs, there may be some
4 differentiation, but it doesn't sound like
5 there's a whole lot. Again, that's a window of
6 time. You're getting out there and you're
7 fixing all your Grade 2s.

8 I, actually, would have thought this
9 would make more sense in Grade 3s, where we're
10 talking about longer timelines, and it may make
11 sense to be prioritizing.

12 But, to be clear, like this will
13 require us to build programs where we have to
14 document and rank with various different
15 criteria every single leak, and then, we'll be
16 subject to audit and demonstrate that we've
17 gone through that prioritization exercise.

18 And on a 30-day, even on a year, I
19 don't think that makes a whole lot of sense.
20 Now, if you're talking about managing leaks
21 over long periods of time, then maybe it makes
22 more sense.

1 But I do want to be clear. Like
2 that's how I envision this. That's what we do.
3 When something is written that requires us to
4 factor these criteria in, we're going to put
5 the procedures, the systems, the software, and
6 then, demonstrate that when audited.

7 Thank you.

8 MR. DANNER: All right. Steve?

9 MR. SQUIBB: Steve Squibb, City
10 Utilities.

11 Yes, Chad, that was my comment, and
12 I'll say it again: that the cost of setting
13 this up, it's like setting up a new grade in
14 our IT systems, our tracking systems. And I
15 don't that anybody has accounted for the cost,
16 the compliance cost of all that, and the value,
17 the cost-benefit of even doing this.

18 So, I think it would be very
19 erroneous.

20 MR. DANNER: Thank you.

21 Erin?

22 MS. MURPHY: Yes, Erin Murphy, EFF.

1 I hear the discussion and just want
2 to raise up a couple of points I made earlier
3 that I think, at least from our organizational
4 experience of engaging with some operators on
5 prioritization opportunities, it is that it's
6 often an ability to update existing sort of
7 prioritization. I mean, operators have to have
8 some way to prioritize the repairs, the leak
9 repairs and the other operational activities
10 that are happening on their system.

11 So, I wonder if this is more of an
12 update to existing leak repair prioritization
13 practices to make sure that, you know, the
14 couple of criteria that PHMSA has identified
15 are included. Because I do think, on a
16 one-year timeframe, you know, something is
17 going to come first and something is going to
18 come at the end of the year.

19 And is there a way that doesn't have
20 to build a whole new program, but to update
21 existing practices, to just incorporate these
22 considerations? And, of course, the newest

1 consideration for a lot operators might be the
2 climate impact.

3 MR. DANNER: Alan?

4 MR. MAYBERRY: I'm just a little
5 confused.

6 You know, with some states having a
7 Grade 2A or Grade 2, some companies having a
8 Grade 2A or a Grade 2, I would imagine there's
9 already an existing approach to prioritizing
10 the leaks that are out there. So, it shouldn't
11 be anything new, I was thinking.

12 But, you know, if you have more
13 concise language that drives at that, you know,
14 if the goal is to address safety and reduce
15 methane emissions, you've got to have a way to
16 prioritize. So, what's a better way of
17 establishing that system without establishing a
18 new leak grade, which is not the intent of this
19 Code we're talking about?

20 MR. DANNER: John Gale?

21 MR. GALE: Thank you, Chairman and
22 Committee.

1 We apologize for the confusion
2 around this section. We, obviously, need to do
3 a better job on that.

4 We took a vote up here. We're going
5 to blame Chris McLaren, since he's not in the
6 room today.

7 (Laughter.)

8 But we have, you know, trying to get
9 a sense of the Committee discussion, made some
10 revisions up here that I think is worth looking
11 at. And we think it takes in the tone we've
12 heard.

13 We do point out that, in GPTC, under
14 Grade 2, there is a requirement for a
15 prioritization of Grade 2. That is fairly
16 consistent with our proposal.

17 But we think, by splitting out these
18 two requirements here, it lets you focus on
19 your discussion on the prioritization process
20 and if there should be a recheck for the 30-day
21 repairs that are required for the gas
22 transmission lines.

1 Thank you.

2 MR. DANNER: We have a number of
3 tents up.

4 We also have not taken a break this
5 afternoon. I just want to get a sense of the
6 Committee. Do we need to take 10 minutes? Or
7 do you want to just burn through?

8 All right. So, Peter, you're next.

9 MR. CHACE: Pete Chace, NAPSR.

10 I'll point out what Alan said, that
11 many of these operators all do have different,
12 like Grade 2-plus or 2A, which I would submit
13 that that demonstrates this part of the Code is
14 unnecessary because it's already happening.

15 MR. DANNER: All right. Thank you.

16 Alan?

17 It's like a promotion. It's
18 awesome.

19 You know, we've got too many Saras;
20 we've got too many Chads. Okay.

21 MR. DRAKE: Andy Drake with
22 Enbridge.

1 I appreciate, John, your comment,
2 and I think that's appropriate. I think we've
3 had a lot of record here.

4 But I do think maybe just something
5 for consideration to PHMSA in this regard is:
6 so much of what GPTC is providing is a
7 methodology. And I think what we should be
8 saying to the operators is: develop a
9 procedure or a methodology that defines how you
10 prioritize. But we don't need to write a book
11 on every single anomaly.

12 If we're following that procedure or
13 that methodology in evaluating and
14 prioritizing, that should be the litmus test.
15 And I think there is a lot of value in that.
16 We're considering these things. That's what
17 GPTC does.

18 But what I heard earlier -- and I
19 got a little nervous about -- is, somehow we're
20 going to create a record on every single
21 anomaly. Like, wow, you just created a huge
22 amount of work.

1 And that's an enforcement issue.
2 I'm sure Rod's excited about the possibility of
3 having to figure out how to do that.

4 And that's where you're hearing a
5 little bit of angst over here. That's a lot of
6 work; for what value?

7 So, I'd just put that out there, and
8 I appreciate, John, your comment.

9 MR. DANNER: Brian? Oh, Chad?

10 MR. ZAMARIN: Yes, maybe since you
11 want to go to break, I mean, I am good with
12 this clarification, John. I appreciate that.
13 I think it does clean it up. So, thank you.

14 MR. DANNER: Erin Murphy?

15 MS. MURPHY: Yes, I'm also
16 supportive of this language and did just want
17 to note, you know, the references to the GPTC
18 prioritization. I think one component of the
19 NPRM that builds on that is the consideration
20 of environmental impact that I don't believe in
21 GPTC. So, this makes a lot of sense to me.

22 MR. DANNER: Thank you.

1 Sara?

2 MS. GOSMAN: Yes, just before we go
3 on break, I mean, this is fine with me.

4 I, honestly, think that my
5 understanding was that it was, Andy, about
6 methodology. It was a way to sort of show your
7 work on methodology, as opposed to individual
8 leak decisions. So, that was how I read it.
9 That was what I was hoping PHMSA would tell us.

10 But, in any case, I certainly
11 support that. I think we need to have a clear
12 understanding of how operators are prioritizing
13 leaks, and that is the "show your work" that I
14 want to see.

15 MR. DANNER: All right. Then, I
16 propose we strike the bottom part out here.
17 Let's get the slide up.

18 And I would entertain a motion.

19 Erin?

20 MS. MURPHY: I will read it.

21 "I move in support of the following:

22 "The proposed rule, as published in

1 The Federal Register, and as supported by the
2 Preliminary Regulatory Impact Analysis and
3 Draft Environmental Assessment, regarding leak
4 grading and repair requirements, Section
5 192.760, Sub C, Sub 4, for the proposed
6 rulemaking is technically feasible, reasonable,
7 cost-effective, and practicable if the
8 following changes are made:

9 "Revise the introductory text
10 paragraph Sub 4 to read as follows:

11 "Each operator's operations and
12 maintenance procedure must include a
13 methodology for prioritizing the repair of
14 Grade 2 leaks. This methodology must include
15 an analysis of, at a minimum, each of the
16 following parameters:

17 "And move the two-week recheck
18 requirement for repairs with a 30-day repair
19 timeline to Sub C, Sub 3."

20 MR. DANNER: Thank you.

21 Is there a second?

22 MR. ZAMARIN: Second.

1 MR. DANNER: All right. Chad
2 seconds it. Chad Zamarin seconds it.

3 And so, Cameron, would you take the
4 vote?

5 MR. SATTERTHWAITE: All right. I'll
6 say your name. If you agree with the motion,
7 say yes; if not, no.

8 Diane Burman?

9 MS. BURMAN: Yes.

10 MR. SATTERTHWAITE: Peter Chace?

11 MR. CHACE: Yes.

12 MR. SATTERTHWAITE: David Danner?

13 MR. DANNER: Yes.

14 MR. SATTERTHWAITE: Sara Longan?

15 MS. LONGAN: Yes.

16 MR. SATTERTHWAITE: Terry Turpin?

17 MR. TURPIN: Yes.

18 MR. SATTERTHWAITE: Brian Weisker?

19 MR. WEISKER: Yes.

20 MR. SATTERTHWAITE: Andy Drake?

21 MR. DRAKE: Yes.

22 MR. SATTERTHWAITE: Alex Dewar?

1 MR. DEWAR: Yes.

2 MR. SATTERTHWAITE: Steve Squibb?

3 MR. SQUIBB: Yes.

4 MR. SATTERTHWAITE: Chad Zamarin?

5 MR. ZAMARIN: Yes.

6 MR. SATTERTHWAITE: Chad Gilbert?

7 MR. GILBERT: Yes.

8 MR. SATTERTHWAITE: Arvind

9 Ravikumar?

10 MR. RAVIKUMAR: Yes.

11 MR. SATTERTHWAITE: Erin Murphy?

12 MS. MURPHY: Yes.

13 MR. SATTERTHWAITE: Sara Gosman?

14 MS. GOSMAN: Yes.

15 MR. SATTERTHWAITE: Sam Ariaratnam?

16 MR. ARIARATNAM: Yes.

17 MR. SATTERTHWAITE: It's unanimous.

18 The motion carries.

19 MR. DANNER: All right. Thank you

20 all.

21 We are now going to take our break.

22 It is 3:54. Let's come back at 10 after, and

1 we'll get going on the next subject.

2 (Whereupon, at 3:54 p.m., the
3 foregoing matter went off the record and went
4 back on the record at 4:12 p.m.)

5 MR. DANNER: All right. Let's go
6 back on the record.

7 I was so excited that we got through
8 Grade 2, I forgot that we still had Grade 3.
9 So, here we are.

10 Who wants to open the discussion?

11 Wait a minute.

12 (Pause.)

13 I'm going to try to find the right
14 slide.

15 (Pause.)

16 Sara?

17 Did we vote on the last one? Yes.

18 We passed it. It was unanimous.

19 (Laughter.)

20 So, hang on. We're just looking for
21 the right slide to put up.

22 (Pause.)

1 All right. They're looking for the
2 remaining issues.

3 But this one is up on the slide. So
4 now, it's ready for discussion.

5 I see two cards.

6 Chad, is your card up?

7 MR. ZAMARIN: It is. Chad Zamarin
8 with Williams.

9 I just wanted to recognize, maybe
10 for the benefit of the group trying to think
11 back to yesterday, I thought there were some
12 pretty compelling comments by the public
13 commenters with real data. I don't remember
14 the exact specifics.

15 But this is the issue of operators
16 having to go out and, effectively, recheck,
17 reevaluate it, and ensure that the grading of
18 their leaks still applies.

19 And I was at least pretty compelled
20 by some of the data that we're sending a lot of
21 people out to reevaluate leaks and we're not
22 having much regrading that's occurring.

1 And so, that's my understanding of
2 this issue. And so, based on that, again, it's
3 more of just a pragmatic perspective. It felt
4 like going out every 30 days over the course of
5 a year is pretty unreasonable.

6 Thank you.

7 MR. DANNER: Okay. Is there data
8 and were we just hearing anecdotes in the
9 testimony?

10 MR. ZAMARIN: I'm sorry. Thank you.

11 Chad Zamarin with Williams.

12 I remember I think it might have
13 been the ConEd member who actually gave
14 percentages. There were thousands of leaks
15 that had to be reevaluated and there was a
16 very, very small percentage that actually
17 changed their designation.

18 And so, there was a concern about
19 the cost. There was even a dollar amount that
20 was referenced. And we can go back, I think,
21 to the transcript.

22 But I would encourage that to be

1 considered. But, yes, I heard specific data
2 from at least one operator; it may have been a
3 couple. But they told me that there's a very
4 low percentage of reclassification that's
5 occurring, but we're doing a lot of evaluation,
6 was my takeaway.

7 Thank you.

8 MR. DANNER: All right. Thank you.

9 Brian? And then, Erin.

10 MR. WEISKER: Brian Weisker, Duke
11 Energy.

12 Yes, the person I think you're
13 probably referencing, Chad, was from Southern
14 Company Gas, and that was where they went. His
15 analysis looked for over either a seven- or
16 eight-year period -- what? -- 2015 up through
17 -- or 2013 up through 2023. So, that's 10
18 years.

19 But over a stretch, 68,000-plus
20 leaks that they've evaluated, and as they went
21 back, only it's a half a percent ever were --
22 and this is on an annual check -- that half a

1 percent were ever upgraded. So, that's 44,000
2 hours to check leaks. And I'd put that into
3 dollars. I mean, we're talking millions.

4 We also have another example from
5 another utility in Texas, the same scenario.
6 It's 2 percent where any kind of a grade has
7 been upgraded.

8 So, I think it's very clear from a
9 safety standpoint, doing this monthly is not
10 necessary. So, the proposal that I put on the
11 table is that this would be done every six
12 months; that we've gone to an annual Grade 2
13 for an annual repair, and that we would
14 reevaluate on a six-month period. And instead
15 of going out and doing all these reevaluations
16 -- month, month, month, month -- we use those
17 resources to fix leaks.

18 MR. DANNER: Thank you.

19 Erin?

20 MS. MURPHY: Apologies. Comment
21 withdrawn.

22 MR. DANNER: All right. We have a

1 proposal in front of us to reevaluate Grade 2
2 leaks on a six-month interval.

3 Is there any further discussion on
4 that?

5 Sara?

6 MS. GOSMAN: So, I'm confused about
7 it. So, I understand that there are situations
8 where the leaks just remain the same. And so,
9 it doesn't make sense to keep evaluating them
10 because you end up back where you were.

11 But it strikes me that there are
12 also situations where that doesn't happen and
13 where we need to have updated information. And
14 I wonder how you know that coming into it,
15 right, if you have a six-month interval? That
16 is, you're making sort of a rough cut here,
17 assuming that you're not going to need to worry
18 about those leaks.

19 But I wonder how you know that
20 information. It strikes me that one of the
21 values of reevaluation is that it's a kind of
22 preventative mechanism that allows for

1 reconsideration of the issues.

2 And in that vein, I think we're
3 going from a month here to six months. It
4 strikes me that's a pretty -- that goes out
5 pretty far. And I wonder if we can talk about
6 something in the middle there.

7 MR. DANNER: Brian, do you want to
8 respond?

9 MR. WEISKER: All right. Brian
10 Weisker, Duke Energy.

11 I would actually, Sara, saying we're
12 going from in the current approach, where Grade
13 2 leaks can be reevaluated on an annual basis,
14 the data that we had a couple of examples that
15 show -- so, those are annual. We're going out
16 on an annual basis and reevaluating, and a half
17 percent of the time it's only been upgraded.

18 Now, we're going down to six months,
19 right? So, we've set the bar for the annual,
20 for the actual repair, and the reevaluation now
21 being proposed is at six months. So, I would
22 actually propose we're tightening down on that

1 reevaluation frequency from what exists today,
2 not the other way.

3 MR. DANNER: All right. Thank you.
4 Peter?

5 MR. CHACE: Pete Chace, NAPSR.
6 Just to point out the six-month
7 interval is consistent with the GPTC guidance.

8 MR. DANNER: All right. Thank you.
9 Chad?

10 MR. ZAMARIN: I was going to
11 actually ask that, because I remembered
12 someone, one of the commenters, saying they
13 thought it made sense to follow GPTC
14 guidelines.

15 I always, you know, if that has been
16 a working solution, I would defer to others
17 that know better if it has been, but that would
18 seem to make sense to me.

19 Thank you.

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

22 MS. MURPHY: Yes, I'm supportive of

1 this.

2 MR. DANNER: Of moving to the
3 six-month?

4 MS. MURPHY: Yes.

5 MR. DANNER: All right. Any other
6 discussion?

7 (No response.)

8 We have a motion in front of us.

9 Brian, do you want to take that on?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy.

12 "The proposed rule, as published in
13 The Federal Register, and as supported by the
14 Preliminary Regulatory Impact Analysis and
15 Draft Environmental Assessment, regarding leak
16 grading and repair requirements reevaluation
17 frequency for Grade 2 leaks, for the proposed
18 rulemaking, it is technically feasible,
19 reasonable, cost-effective, and practicable if
20 the following changes are made:

21 "Revise the reevaluation frequency
22 for Grade 2 leaks to a six-month interval."

1 MR. DANNER: Is there a second?

2 MR. DRAKE: Second.

3 MR. DANNER: All right. Andy Drake
4 seconds.

5 Cameron, would you take the roll?

6 MR. SATTERTHWAITE: All right. I
7 will say your name. If you agree with the
8 motion, say yes; if not, no.

9 Diane Burman?

10 MS. BURMAN: Yes.

11 MR. SATTERTHWAITE: Peter Chace?

12 MR. CHACE: Yes.

13 MR. SATTERTHWAITE: David Danner?

14 MR. DANNER: Yes.

15 MR. SATTERTHWAITE: Sara Longan?

16 MS. LONGAN: Yes.

17 MR. SATTERTHWAITE: Terry Turpin?

18 MR. TURPIN: Yes.

19 MR. SATTERTHWAITE: Brian Weisker?

20 MR. WEISKER: Yes.

21 MR. SATTERTHWAITE: Andy Drake?

22 MR. DRAKE: Yes.

1 MR. SATTERTHWAITE: Alex Dewar?
2 MR. DEWAR: Yes.
3 MR. SATTERTHWAITE: Steve Squibb?
4 MR. SQUIBB: Yes.
5 MR. SATTERTHWAITE: Chad Zamarin?
6 MR. ZAMARIN: Yes.
7 MR. SATTERTHWAITE: Chad Gilbert?
8 MR. GILBERT: Yes.
9 MR. SATTERTHWAITE: Arvind
10 Ravikumar?
11 MR. RAVIKUMAR: Yes.
12 MR. SATTERTHWAITE: Erin Murphy?
13 MS. MURPHY: Yes.
14 MR. SATTERTHWAITE: Sara Gosman?
15 (No response.)
16 Is Sara around here?
17 MS. GOSMAN: Yes.
18 MR. SATTERTHWAITE: Sam Ariaratnam?
19 MR. ARIARATNAM: Yes.
20 MR. SATTERTHWAITE: It's unanimous.
21 The motion carries.
22 MR. DANNER: All right. Thank you

1 very much.

2 And now, we are moving on to Grade 3
3 -- at last.

4 Is there anything that you need to
5 put up?

6 All right. So, let's just go right
7 into the discussion.

8 Andy Drake?

9 MR. DRAKE: Andy Drake with
10 Enbridge.

11 Sara, back to the HCAs. So, let's
12 start with that.

13 I think HCAs on transition gathering
14 systems, we're talking a max of one year, and
15 then, transmission systems for Grade 3 outside
16 HCA grade Class 3s and Class 4s would be three
17 years.

18 Just putting that out there because
19 we're sort of bifurcating the Grade 3 by HCA.
20 So, we're just continuing to carry that same
21 bifurcation through from Grade 2 to Grade 3.

22 I just wanted to give you some

1 tangibility of where we are.

2 MR. DANNER: All right. Brian?

3 Okay.

4 MR. GALE: Chairman, if I may?

5 MR. DANNER: Yes, John Gale.

6 MR. GALE: Yes, thank you.

7 You know what we're going to do is
8 go back to a couple of the issues we raised in
9 our comment review and maybe help the
10 discussion.

11 We know there was an issue on pipe
12 replacement, as we discussed under Grade 2 as
13 one of the issues.

14 There was, obviously, a discussion
15 of the repair timeframe.

16 And the other one that might get
17 pushed off until later, like we did with the
18 other, is how to handle the existing leaks and
19 the repair timeframe for the existing leaks.

20 MR. DANNER: All right. Thank you.

21 Peter?

22 MR. CHACE: Pete Chace, NAPSR.

1 Just to start the conversation, I'll
2 relay a scenario from my colleague in Illinois.

3 For example, in the city of Chicago,
4 they have segments of cast iron main that are
5 connected with some things referred to as bell
6 and spigot joints. It's an older technology.
7 You know, a bell, and then, a spigot fits
8 inside it with caulking.

9 These segments of pipe are about
10 11-feet long, and every 11 feet you will have a
11 small Grade 3 leak because it's just inherent
12 with how bell and spigot joints are. These
13 things, they have a very low leak rate and
14 you'll get a little spot like that about every
15 11 feet on this cast iron.

16 They're on a 15-year replacement
17 cycle through the State of Illinois. So, I
18 think our question there is: is it worth a
19 mandate to fix those? I would submit that, in
20 that particular instance, it may not be.

21 MR. DANNER: All right. Thank you.

22 Anyone else wish to comment?

1 Chad Zamarin?

2 MR. ZAMARIN: There's been a lot of
3 good discussion. I also thought there was some
4 pretty good discussion that I'm not an expert
5 on, but the concept that, it seemed like in the
6 congressional mandate there was -- and I'm not
7 speaking for transmission right now. I think
8 we've talked about transmission. But it did
9 seem like in the congressional mandate there
10 was language that would, I think, pretty
11 explicitly imply that there's some category of
12 leaks that it doesn't make sense to repair in a
13 situation like what I think Member Chace just
14 described.

15 So, I'm wondering if -- and this
16 goes back to kind of my concern about you have
17 long-term repair programs that are upgrading
18 our infrastructure. In those kinds of
19 situations, is there some ability to not
20 mandate repairs when, instead, we would rather,
21 I think, see those replaced over what I think
22 those local jurisdictions have deemed the

1 appropriate period of time?

2 Thank you.

3 MR. DANNER: All right. Thank you.

4 Brian?

5 MR. WEISKER: Brian Weisker, Duke
6 Energy.

7 Kind of following up with Member
8 Chace's and Zamarin's comments, as I look at
9 the explicit language from Congress, it was --
10 and this is in quotes -- "identify, locate, and
11 categorize all leaks that are either: one,
12 hazardous to human safety or the environment
13 or, two, have the potential to become explosive
14 or otherwise hazardous to human society" -- or
15 excuse me -- "to human safety."

16 And so, I agree with the comments
17 that we've said so far. I think the
18 requirement on fixing all Grade 3 leaks is
19 something that wasn't necessarily part of what
20 was expected from the congressional mandate.
21 And so, I think that we'll need to do some
22 discussing about it here.

1 MR. DANNER: All right. Thank you.

2 Sara?

3 MS. GOSMAN: Yes, I will just say
4 that, you know, I think the language "have the
5 potential" is really important there, and
6 thinking about what constitutes a leak; that
7 Congress wanted PHMSA not only to identify,
8 right, but categorize. So, that leads me to
9 think that at least -- at the very least --
10 Grade 3 is a very broad category.

11 I want to go back to this question
12 of the repair timeline. So, I see in here the
13 possibility of requesting an extension of leak
14 repair. And it's done through the notification
15 process, and it's done with a justification
16 about why that extension should occur.

17 So, I think my preference would be
18 to keep to the timeline proposed by PHMSA, but
19 encourage you to use the extension process if
20 there are particular leaks that you feel like
21 need to be repaired on a longer timeline.

22 MR. DANNER: Brian?

1 MR. WEISKER: Brian Weisker, Duke
2 Energy.

3 I think one area, when I think
4 about, you know, we've definitely broadened
5 Grade 2, I think based on what we talked with
6 and the data from Arvind, and looking at where
7 are the emissions coming from. You know, we've
8 really brought in -- what I would say would be
9 probably legacy Grade 3 leaks are now into
10 Grade 2.

11 And I think that gets at the heart
12 of the congressional language, when we talk
13 about whether or not we've moved up, I'll say,
14 what would be considered potentially as far as
15 hazardous to human safety or the environment.
16 And so, I firmly believe that the language and
17 the intent was not to fix all Grade 3 leaks.

18 And so, I've got to put some thought
19 around it, but I think there's some threshold
20 potentially, hearing what I heard from Member
21 Chace as well, where we need to draw a line on
22 what is required for repair and what will be

1 wasting time, money, emissions in order to go
2 out and repair some very, very small leaks.

3 I think I would try and remember,
4 Arvind, as we defined Grade 2 now, Grade 2 and
5 above, I think we've already identified that
6 that gets by far the majority of the emissions
7 that are coming from the distribution system.
8 And I think we've talked through that.

9 MR. DANNER: All right. Thank you.

10 Erin? And then, Diane.

11 MS. MURPHY: Erin Murphy, EDF.

12 On the topic of the congressional
13 language and what universe of leaks should be
14 Grade 3, what universe of leaks should be
15 repaired, I think other Committee members are
16 raising a good point, that there is in that
17 language an idea that some leaks are not in the
18 universe of leaks that need to be set on an
19 urgent repair timeline.

20 So, I do think it makes sense in the
21 context of the Grade 3 definition for us to
22 talk about that, and, yes, kind of trying to

1 think through that and open to discussing it.

2 On the revised repair timeline
3 that's being proposed here, I won't restate all
4 the things I stated at the very beginning of
5 the leak repair conversation, but will just
6 emphasize that EDF and other environmental
7 commenters strongly supported the proposed
8 repair timeline for Grade 3 leaks and presented
9 modeling to demonstrate the emissions
10 reductions that can be achieved by the repair
11 timeline that was proposed by PHMSA.

12 I also -- and this is a little bit
13 of a flip from what Sara proposed or mentioned
14 -- we had some concerns with the exception to
15 delay repair of leaks. And I think one thing I
16 would be interested in hearing from other
17 Committee members on is, if there was
18 discussion about extending the Grade 3 repair
19 timeline from 24 months to 36 months, you know,
20 does that give operators enough comfort to
21 think about making that exception process for
22 extending leak repair less of a really wide

1 opportunity?

2 Thanks.

3 MR. DANNER: All right. Thank you.

4 I wasn't watching this side. So,
5 let's see, let's start with Diane.

6 MS. BURMAN: Thanks.

7 I do support extending the timeline,
8 and I am concerned about that. If we don't do
9 that, it's going to necessitate -- it's going
10 to necessitate substantial rate plan
11 modifications, and we're going to need a longer
12 period for existing leaks. I think that's
13 warranted.

14 So, I think we need to have
15 additional time to allow the LDCs to revise
16 their leak strategies to complete. So, just
17 I'm concerned and I support this.

18 MR. DANNER: Thanks.

19 Andy Drake?

20 MR. DRAKE: This is Andy Drake with
21 Enbridge.

22 I think that, to answer your

1 question, Sara, I think that there are so many
2 things we have to think about here, that I
3 think it's just important to pause and reflect
4 on first.

5 We're going to turn on surveillance
6 in a whole lot of sectors that haven't been
7 turned on before. So, right out of the chute,
8 there's going to be a lot of 1s and 2s to fix
9 we didn't know about maybe, and there's
10 probably going to be a whole lot of 3s. And I
11 think you're going to overrun the
12 practicability of the ability to do that in a
13 very tight timeframe, even in the transmission
14 sector.

15 I think that, if we're talking to
16 people about looking at the environmental
17 impact of blowing these things down, we just
18 need a little bit of time to coordinate this
19 with other work, especially given the scale
20 that we're talking about.

21 And I think that's not an
22 unreasonable way to kick this program off, is

1 give them 36 months to let people coordinate
2 these very small leaks to be coordinated with
3 other work that's going on.

4 I do know there is an issue here
5 about no contest, or whatever it is, no
6 exception -- an exception clause where you can
7 downgrade. I think that, to me, we're going to
8 use one or two of those vehicles a lot in the
9 early stages of this program, especially on the
10 little leaks.

11 I think, actually, three years is a
12 pretty big commitment to the public that we're
13 going to get on this hard. These are little
14 leaks.

15 And maybe I'll look at Arvind for a
16 second, you know. I'd like to know how big is
17 the rock we're talking about on the wagon here.
18 We've been talking a lot about the big ones,
19 1s, and now 2s, and now, we're down into 3s.
20 Is this a big rock? I'm trying to quantify how
21 urgent this is.

22 Because it could be lots and lots

1 and lots of little ones. Okay, is that a big
2 volume or just lots and lots of big volume of
3 numbers, I mean like anomalies to go after?

4 MR. DANNER: Okay. Arvind?

5 MR. RAVIKUMAR: Thanks, Andy.

6 So, emission rates are not directly
7 correlated with the class because class is not
8 based on an emission rate. What that means is,
9 when you go to match these things, you're going
10 to see small leaks, large leaks, medium-sized
11 leaks in any class you find. And how you
12 repair it is based on the class and not on the
13 leak rate.

14 So, perhaps to address your point,
15 one option would be to put a threshold on what
16 those large leaks in Class 3 could be, and that
17 would come under the repair timeframe.

18 MR. DANNER: All right. Thank you.

19 Sara?

20 MS. GOSMAN: Yes, Arvind had a very
21 interesting idea there, I think.

22 So, yes, I just want to make sure

1 that we understand sort of where we've come
2 from. So, transmission and regulated gathering
3 were not in this category at all in the
4 proposed rule. And we are now moving out
5 repairs, if we take out the HCA and Class 3 and
6 4, out to 36 months from what was, I believe,
7 six months in the proposal.

8 I think that's a big jump and as a
9 just sort of category of things. So, I feel
10 like we need to be careful here about how far
11 we go. So, if we start at 24 months, we
12 already are in a place where, again, sort of
13 operators of transmission and regulated gas
14 gathering have a lot more time to repair, based
15 on just the fact that they've moved to Grade 3.

16 I can see in some ways the value of
17 some extension, but I think it's important for
18 us to grapple with that fact, because, again,
19 we're not starting at 24 months here. We are
20 starting back in a world in which, you know,
21 transmission and regulated gas gathering was
22 not in this category at all.

1 MR. DANNER: Thank you.

2 Brian?

3 MR. DRAKE: Request to go with a
4 direct reply.

5 MR. DANNER: Okay, go ahead, Andy.

6 MR. DRAKE: Andy Drake with
7 Enbridge.

8 The fact that we were at six months
9 was an engineering mistake in the way the rule
10 was written. They assumed that all of the
11 transmission facilities were high-stress and
12 needed to be handled in an emergency fashion
13 because they represent a safety issue. And
14 that's how we ended up separating out of Class
15 2 for everything in transmission. That was a
16 technical mistake in the way the rule was
17 written.

18 Everything that's in transmission is
19 not operating at a high stress level that's
20 above 72 percent -- I mean, above 30 percent
21 leak rupture threshold. So, saying that
22 everything should have started at six months is

1 predicated on an engineering mistake in the way
2 this was written. So, I'm taking exception to
3 that.

4 We didn't start at six months. We
5 started at six months because the basis of the
6 rule is broken.

7 MR. DANNER: All right. Thank you.
8 Brian? And then, Chad.

9 MR. WEISKER: Thank you.
10 Brian Weisker, Duke Energy.

11 Just a couple of thoughts. And I
12 appreciate, Erin, your comment from before
13 about, I think, understanding and realizing
14 there's probably a point of where it does not
15 make sense on fixing Grade 3 leaks.

16 So, I'll just make a couple, just
17 reference a Washington State University study
18 that was done, and it's referenced in AGA's
19 comments.

20 But you'll see where the analysis
21 concluded that repairing small Grade 3 leaks,
22 conservatively, creates nine times more

1 emissions than the Grade 3 leak for a year;
2 repairing a Grade 3 leak that is under asphalt
3 creates 11 times the emissions of that Grade 3
4 leak, and repairing a Grade 3 leak under cement
5 creates nearly 18 times that emission for Grade
6 3 leaks.

7 So, I think those are all things we
8 need to grapple with. So, I'm going to just
9 start out and I'll kind of use the framework
10 that we did for leak 2 and use it as a starting
11 point to say, all right, within the Grade 3
12 leak category, for those that we would repair
13 under the proposed timeline, that we would
14 mirror that same language, where it was that
15 would be 5 standard cubic feet per hour for a
16 leak that is, as we do the probing and testing,
17 that's migrated through 1,000 square feet.

18 And then, keep that same language
19 that we had for C for the alternative method.
20 That proves to be the equivalent of being able
21 to identify that 5 SCFH style of leak. So, it
22 would just kind of mirror that same approach

1 with that as a proposal for us to consider.

2 Right? You know, from a Grade 3 leak
3 standpoint, as far being those to be able to be
4 repaired.

5 MR. DANNER: All right. Thank you.

6 Erin? And then, Diane.

7 MS. MURPHY: Thanks.

8 So, two different thoughts. First,
9 on the HCA and Class 3 and 4 transmission and
10 regulated gathering, I wanted to, I guess, ask
11 the group to make sure I'm understanding
12 correctly and remembering the Committee's
13 recommendations from Grade 2.

14 My recollection of the Grade 2
15 recommendation is that that would include any
16 leak on transmission or regulated gathering
17 that's 10 kilograms per hour or greater. So, I
18 just want to clarify my understanding that this
19 says HCA and Class 3 and 4 gas transmission
20 lines, but if a leak was found on these lines
21 that is 10 kilograms per hour or greater, it
22 would be a Grade 2. Are we in consensus there?

1 MR. ZAMARIN: Yes. Direct response.
2 And I actually think what we voted on was 5 to
3 kilograms per hour.

4 MS. MURPHY: Yes. Thank you.

5 MR. ZAMARIN: But, yes, we are.

6 Thank you.

7 MR. DANNER: All right. Thank you.

8 Diane?

9 MS. BURMAN: Thank you. I
10 appreciate it.

11 MR. DANNER: I'm sorry. Erin, did
12 we cut you off?

13 MS. MURPHY: Sorry, I had one other
14 point on distribution.

15 I just wanted to respond to the
16 quick proposal that Brian threw out verbally,
17 and I think there's a lot to discuss there.

18 I will admit that I was thinking
19 about a threshold from a different perspective
20 of maybe setting more of a floor, I guess. I
21 think the number that was in my mind was 1 SCFH
22 per hour, or something along those lines. And

1 I think I heard you say 5 SCFH per hour. I
2 also don't know if we're just, like, throwing
3 numbers back and forth off the top of our heads
4 and maybe should put some more thought into it.
5 But, yes.

6 MR. DANNER: All right, Diane?

7 MS. BURMAN: Thank you. So, I have
8 a couple of thoughts. One is taking a step
9 back on, again, what are we trying to
10 accomplish, where have we been, what has
11 worked, and kind of moving from that.

12 So, for me, what's important to me
13 when we're looking at repairs and replacements
14 is how do we maximize safety and environmental
15 benefits while minimizing pressures on the
16 rates customers pay for gas service? And also
17 looking at what the impact is to the
18 communities as we are doing these repairs and
19 replacements.

20 And so, for me, it comes to the
21 level of when we're looking at grade three in
22 particular, what's the risk-based approach that

1 makes sense? What programs have worked well?

2 The DIMP program is something worthy of
3 consideration.

4 For some of these grade three leaks,
5 it may make very little sense at all to repair
6 for the sake of repairing, especially if you
7 have readings that are so low that they're
8 really only there because you don't have a
9 non-zero reading. So, I just put that out
10 there because we do have to, even within the
11 grade three, we do have to look at how we are
12 doing this in a way that's rational, especially
13 as we're moving towards more in this category.

14 For me, I'm kind of looking at this
15 and trying to understand how do we get back to,
16 again, that risk-based approach, how do we get
17 back to DIMP, which we, even in this
18 conversation before, we talked about, and how
19 do we address type three leaks?

20 I, frankly, think that we should be
21 addressing these through the DIMP programs with
22 omissions officially becoming a risk threat,

1 and repair the worst first, and have some kind
2 of outlier as a maximum, you know, in my mind,
3 five years, to do so, but that we are actually
4 trying to come up with something that's
5 workable as we also grapple with these impacts
6 on customers, both from a monetary perspective,
7 but also from the impact of what this means in
8 terms of the disruption in doing that. So,
9 those are things for me I kind of throw out
10 there as thinking about and considering.

11 MR. DANNER: All right, thank you.
12 Any other thoughts at this time? Peter?

13 MR. CHACE: Thank you, Pete Chace,
14 NAPSR. I'm kind of surprised I'm the only one
15 with my tent up, but I think we should maybe,
16 first of all, consider what we've achieved so
17 far. All -- we're looking for leaks more
18 frequently, and all leaks that are in the grade
19 two category, including every leak emitting
20 more than some certain number of standard cubic
21 feet per hour, are going to get addressed and
22 fixed.

1 Based on what I've seen with the
2 numbers PHMSA provided in the NPRM, emissions
3 from grade three leaks seem like a very small
4 piece of the puzzle to me, and based on what
5 I've heard from public comments, it seems like
6 it could involve a lot of expense to
7 ratepayers. With that in mind --

8 And also, if you consider the
9 mandate to fix and repair grade two leaks is
10 going to come as something new for many
11 operators, maybe it makes sense to, as the
12 saying goes, let them crawl before they can
13 walk. If we have a mandate to repair all grade
14 one and grade two leaks, my preference would be
15 to sit back and see if they can handle that,
16 and my preference would be to adhere to the
17 GPTC guidance on grade three leaks, which is a
18 reinspection on an annual basis until they are
19 upgraded or cleared.

20 MR. DANNER: All right, thank you.

21 Erin?

22 MS. MURPHY: Yeah, I appreciate that

1 comment and, you know, agree, you know,
2 recognizing that there's so much really strong
3 policy recommendations in the NPRM, as well as
4 in this committee's recommendations.

5 I will say that, you know, the way
6 we think about this rulemaking and sort of
7 management of methane emissions writ large
8 across the oil and gas supply chain is that
9 we're really talking about some fundamental
10 shifts in the way we think about, you know, how
11 we use natural gas as a fuel, and the
12 importance of mitigating methane emissions, you
13 know, as much as possible across the supply
14 chain is crucial, I think, particularly as Chad
15 Gilbert said a while back, that we're going to
16 be continuing to rely on this fuel for some
17 amount of time into the future.

18 So, from my perspective, this is
19 really about making sure that PHMSA has strong
20 nationwide policies, and operators around the
21 country are really incorporating norms of
22 finding and fixing, you know, all of the leaks

1 on their system, well, we just talked about not
2 quite all, right, but many of the leaks on
3 their systems and normalizing that.

4 So, I think, you know, the idea that
5 grade three leaks are subject to a clear repair
6 timeline is really important. You know, I
7 think we're going to get into a discussion
8 hopefully of sort of what is that lower bound
9 of what triggers repair and what's the
10 reasonable repair timeline, but I think the
11 foundation of this, you know, part of NPRM is
12 important.

13 MR. DANNER: All right, thank you.
14 Brian and then Andy?

15 MR. WEISKER: Brian Weisker, Duke
16 Energy. I just want to -- I heard,
17 Commissioner Burman, your comments on the DIMP
18 side, and it sounds like an interesting
19 thought, that we would manage grade three leaks
20 via DIMP, and I'm just trying to think my way
21 through that, pull that string, I'll say, a
22 little bit on what that would potentially look

1 like.

2 MS. BURMAN: Yeah, and I don't --
3 can I -- sorry.

4 MR. DANNER: Do you want --
5 (Simultaneous speaking.)

6 MS. BURMAN: I get so excited.

7 MR. DANNER: -- a direct response?

8 MS. BURMAN: Yeah, sorry.

9 MR. DANNER: You're getting in front
10 of Andy, but Andy will --

11 MS. BURMAN: Yeah, sorry.

12 MR. DANNER: He'll be okay.

13 MS. BURMAN: I do think this is
14 really worthy of discussion, and it gets into
15 really what's the other viable pathways that we
16 can look at and how can we also utilize the
17 DIMP program, the risk-based approach, to
18 incorporate what we're doing? And frankly, the
19 other issue is do we really have a handle on
20 how much this is going to cost ratepayers?
21 And, you know, we just need to also be very
22 careful of that.

1 MR. DANNER: All right, thank you.

2 Andy?

3 MR. DRAKE: Andy Drake with
4 Enbridge. I'm going to come back to something
5 Arvind threw out there, just a thought that I
6 just want to tease out here a little to see if
7 it had any traction or practicability here, and
8 that is, you know, when we look at grade three,
9 is it possible, and I know this is probably
10 going to cause a little angst here, but is it
11 possible to look at the Pareto proposition
12 within the grade three class family and say
13 this level creates a lot of volume methane and
14 we should have two grades, a grade A and B
15 inside grade three?

16 And the reason I'm doing that is,
17 one, the Pareto proposition. Do you go after
18 this other bigger one faster and try to get
19 something happening there?

20 The other part of it is really just
21 a practical matter, and that's what I hear,
22 comments from everybody in PUCs, states,

1 operators, public comments, is the lesser
2 threes that I'm hearing in the high numbers are
3 highly tied to leak-prone pipe, which is now
4 tied to or should be tied to, and I'm going to
5 emphasize should be tied to, and that may be
6 part of what comes out here, some sort of
7 replacement program. And if it's tied to
8 a replacement program, the schedule for that
9 really becomes very complex, and for us to
10 decide that we can just pound our hand on the
11 table and say all those are just going to be
12 done in blank, it's like we're going to replace
13 all the cast iron in two years. It's like, uh,
14 no you're not. That isn't going to happen, so
15 let's come back to the table and figure out how
16 to do that practicably, but who around the
17 table is accountable to resolve that? And I
18 think that's the state PUCs.

19 Sorry, I didn't mean to give you a
20 homework assignment, but they are accountable
21 to try to figure out the complexity of
22 reliability, all kind of issues about rate

1 recovery, the systemic nature of these and how
2 they impact with other things going on inside
3 the state like road repairs and things that are
4 happening in there. For us to get in the
5 middle of that and just decide, well, we just
6 want it to be two, I think wow, that seems
7 really bravado on our part. I just caution us
8 to be practical at how we look at that, and I
9 want to -- sorry, Chairman, I -- there are
10 people around in this room that have done cast
11 iron replacement programs.

12 I know Brian's done one. We've done
13 on in Toronto. And I think it's fair, hey, how
14 long did that take? You're kind of a role
15 model. I can tell you ours took eight to nine
16 years, and that's not as old a system as some
17 in this room. Some in this room, 15 years,
18 some 16 years.

19 The point, some of these systems,
20 this is a significant undertaking, and to just
21 say we don't care, just two, that's not
22 appropriate here. And I think we need to

1 leverage the people in the room and the
2 accountabilities we have out there to make that
3 decision.

4 I think part of what this group can
5 say is if it falls in this group and it is
6 leak-prone pipe, the operator will engage with
7 the PUC to develop a program, because that's
8 what's not happening consistently, and I think
9 then, at that point, we need to start trusting
10 those people to develop programs that are
11 prudent and well-considered, but that's -- I
12 just throw that out there because I really
13 appreciate where you went, Arvind. I think
14 that could be a part of this solution.

15 MR. DANNER: So, thank you. Before
16 we go on, and Sara is next, but you asked about
17 the PUC. You know, in my state basically,
18 prudence is, you know, if there a legal
19 requirement to do something, then it is deemed
20 prudent and we don't -- we say it's not in
21 rate. So, basically, we rely on those who are
22 making the laws and making the rules. Now,

1 that doesn't mean that -- we're kind of in a --
2 we're in a rulemaking.

3 We're in a quasi-legislative
4 position here today informing PHMSA, and so we
5 do want to be mindful of the costs, but I think
6 we also have to be mindful of what Congress
7 intended, and so, you know, that informs our
8 policy making as much as the dollars and cents,
9 because whatever we decide here is what the
10 obligation is on the PUC. So, I just -- you
11 know, I'm just kind of giving you the scenario
12 for us in our state. Andy?

13 MR. DRAKE: Thank you, Chairman,
14 just a direct response. I just think that the
15 complexity of that needs to be considered. The
16 complexity of that thing may consider just
17 practicably it can't be done. It's not even
18 maybe even a rate issue. It's can it even be
19 done? And I just want us to be sensitive to
20 that.

21 The people that would understand
22 that might be very close to the problem, and I

1 think it's appropriate to get them engaged to
2 decide what is a practical solution? And it
3 may vary from place to place. That's really my
4 point.

5 MR. DANNER: All right, thank you.
6 Sara?

7 MS. GOSMAN: So, I like the idea of
8 creating tiers here of larger leaks and smaller
9 leaks in terms of timelines, but I do think
10 it's important to have timelines because that's
11 how we're going to move forward on this world
12 in which we really need to be addressing
13 climate change. So, I think that timelines
14 matter to me.

15 I think also I just -- sometimes we
16 talk with each other and I think we forget a
17 little bit about sort of other people who don't
18 speak pipeline, right, and what they think.
19 People who don't speak pipeline do not
20 understand why a leak could just go forever,
21 right?

22 You talk to them. I've talked to

1 many members of the public. They don't
2 understand a world in which a pipeline would be
3 leaking, the operator knows it's leaking, and
4 it just continues along.

5 So, I say that not -- you know,
6 we're here as technical advisors, right, but
7 because I think sometimes we need to remember
8 that outside of this room, right, are a lot of
9 people who are wondering why pipelines are
10 leaking in the first place and leaking for, you
11 know, many, many years.

12 So, I think that we need to figure
13 out a system that moves on the biggest leaks
14 and does it within a reasonable time frame. I
15 also think that, you know, there is this leak
16 extension repair, and I'm going to defer here
17 with Erin.

18 I mean, I do think that's a very
19 common way we've handled some of these issues,
20 and if the, you know, a large part of a sector
21 of the pipeline industry is not able to make a
22 deadline, that's a lot of, obviously,

1 notifications to PHMSA, but in some ways I'd
2 rather have that individual determination by
3 PHMSA and allow for extensions than right now,
4 you know, set a longer timeline for forever, or
5 at least until PHMSA comes back to it in a
6 regulation.

7 So, I just think there's room here
8 for the practical realities of trying to make
9 this happen, but I really would prefer that not
10 to be in just sort of a generic timeline, but
11 would be dealt with individually.

12 And I'm putting a lot of PHMSA. I
13 admit it, right, like this is -- they could get
14 overwhelmed by this number, but I think that's
15 just the reality of a kind of program where
16 we're going to have to go out and do a lot more
17 than we've ever done.

18 MR. DANNER: All right, thank you.
19 Brian, you had your tent up? It's -- oh, okay,
20 no, I thought you had yours up too. Chad?

21 MR. ZAMARIN: Thank you, Chad
22 Zamarin, Williams. And I totally appreciate

1 and understand your comment, Sara, and it is
2 also important. One of the things we talk a
3 lot about is, you know, we've been building
4 natural gas infrastructure in the United States
5 since the 1800s, and it's only been in the last
6 very short period of time that we've recognized
7 the impact that methane can have.

8 And so, the infrastructure, we have
9 a massive energy infrastructure system in the
10 United States, and I don't see anyone saying we
11 want leaks forever. In fact, we've seen states
12 working on very difficult challenges of going
13 into urban areas and trying to dig up and
14 repair aging infrastructure that, at the time
15 it was built, leaks were an acceptable part of
16 the design.

17 I mean, we, on the transmission
18 side, have had to phase out -- I mean, our
19 pipes were originally built with couplings
20 because we didn't have welding technology that
21 could be done on large diameter pipe, and those
22 couplings very commonly leaked, and so it was

1 accepted as a part of the design of the
2 infrastructure, and so we're with you though.

3 We want to get that infrastructure
4 modernized, but we spent over 100 years
5 building a massive infrastructure system and
6 we're trying to bring it up to the standard
7 that we all now understand it needs to be, and
8 I am the biggest advocate because I want to
9 focus on the benefits of natural gas when we
10 use it as a fuel to displace dirtier fuels.

11 I don't want to -- methane is our --
12 I will be the first to say our value chain's
13 Achilles heel is methane emissions. We have to
14 be able to keep the methane in the system so
15 that we can focus on the benefits of natural
16 gas for society, because I am convinced that
17 they are, here and now, could be the most
18 powerful tool we have to address global
19 emissions.

20 And so, I think we're with you. I
21 am absolutely with you, but I do think -- and
22 Chair Danner, you mentioned the congressional

1 intent. I mean, there was a sentence that was
2 very clear. It said that PHMSA needed to
3 include a schedule for repairing or replacing
4 each leaking pipe, except a pipe with a leak so
5 small that it poses no potential hazard.

6 So, there was clearly an intent to
7 address this issue, and I think the factors
8 that we're talking about are so important in
9 how we address that issue. You know, I think a
10 lot about -- and I'll tell you, the last ten
11 years, we've been blessed with very low-cost
12 natural gas that has actually allowed us to
13 invest in renewable technologies and in natural
14 gas infrastructure.

15 Natural gas prices are forecast to
16 be almost double over the next ten years what
17 they were during the last ten years, and if we
18 load unnecessary costs -- and what I'm -- and I
19 really want to understand. I don't know if
20 Arvind or anyone else can help with this.

21 It feels like the smallest
22 contributors of emissions could be the most

1 expensive repairs to make if we don't get this
2 right. That becomes a tax on the poor, the
3 person that is least able to bear a higher
4 utility bill, because the only way we recover
5 those costs is to pass those costs onto the
6 consumer, and so we've got to be really careful
7 that we don't spend -- it takes as much to fix
8 a really tiny leak oftentimes as it does a
9 large leak, so we've got to make sure we're
10 identifying if there's a smart threshold.
11 Thank you.

12 MR. DANNER: All right, thank you
13 very much. Diane?

14 MS. BURMAN: Yeah, I think Chad said
15 it very well. I did want to come back to sort
16 of where Brian was and you, Sara, in -- so how
17 do we figure this out, right? A lot of what
18 you're asking for, DIMP really would cover, and
19 then it's really just about looking at having a
20 fix date so that those old, old leaks
21 disappear, but really the DIMP programs --

22 And again, coming back to what are

1 the good programs that are working that we can
2 sort of fold into and use as a model, and make
3 sure that we're really having some
4 consideration by PHMSA on this pathway that
5 allows us to do this in a way that makes sense,
6 that maximizes safety and environmental
7 benefits, while also keeping in mind the
8 ratepayers and the community at large.

9 MR. DANNER: Thank you. Alan?

10 MR. MAYBERRY: You may want to
11 consider recommending that we develop a tiered
12 approach, say, for that first sub-bullet for
13 distribution within the, for the range of 24 to
14 36 months.

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

17 MS. GOSMAN: Yeah, I mean, I think
18 there are -- thank you. I think we could sort
19 of move to concepts here, and that might help,
20 I think, the discussion.

21 You know, there are tiered
22 approaches. There's also prioritization. I

1 feel like those are two different ways of
2 getting at the same issue, which is that we
3 want to start with the biggest ones and move
4 down. I think that this is a massive task, and
5 I recognize that.

6 I think when I think about these
7 issues, I think we definitely have some --
8 Congress clearly intended that some small leaks
9 would not be part of this program, right, so I
10 think we can all agree on that. The question
11 is how large that group is, and so that's sort
12 of where I'm focused, and not on -- and to get
13 to my issues around leaks that, you know, last
14 for a long time at least.

15 I think DIMP is a very helpful way
16 of managing leaks, but I think part of what
17 Congress wanted us to do, or, sorry, us, right,
18 like PHMSA -- we're giving recommendations --
19 is to set some clear timelines here, and that,
20 I think, is what PHMSA attempted to do.

21 You know, I can't sort of stop here
22 without saying that, you know, I think energy

1 poverty is a huge issue, an issue, Chad, that
2 you raised, that I think is absolutely -- I
3 mean, there are regressive effects of higher
4 rates for energy, but I also just want us to be
5 thinking too about the broader justice issues
6 around pipelines, like that's one piece of the
7 puzzle, right.

8 There are also questions around
9 community impacts and who lives near pipelines.
10 So, I think that's a much larger discussion
11 that has a lot of different components to it.
12 I will say that one of the, you know, one of
13 the people we heard from as a public member was
14 somebody who had a pipeline going through his
15 backyard and he talked about his concerns with
16 that.

17 So, I think we, when we think about
18 these issues, we do have to think broadly about
19 justice and how we're affecting people, and I
20 think there are many ways in which we can do
21 that.

22 MR. DANNER: All right, thank you.

1 Brian?

2 MR. WEISKER: Brian Weisker, Duke
3 Energy. I have a question again for Arvind. I
4 know Andy asked you about the size of the rock,
5 and kind of in line with, Sara, what you just
6 said, you know, that we're moving on the
7 biggest leaks, that we're repairing the biggest
8 leaks and that, you know, we have the data.

9 Pete pulled the data earlier that
10 four percent of the emissions are from the
11 distribution segment, and I'll say that without
12 a doubt, you know, if you look at -- it's going
13 to be a graph of, you know, grade one, grade
14 two, and grade three, so we're going to have
15 more threes than we have twos and way more than
16 we have ones, and then cost is going to be the
17 exact -- you know, it's going to be much, much,
18 much more expensive to go after, you know, all
19 of these smaller leaks.

20 And I guess really my question is,
21 you know, where we set the grade two criteria,
22 you know, of that four percent, I think we said

1 earlier -- I mean, is it getting, you know, 90
2 percent of the four percent, 80 percent, 75,
3 100 percent? What, you know, what's -- you
4 know, or do you not know, I mean, what that is
5 because it's -- I know it's the majority.

6 MR. DANNER: All right, thank you.
7 Erin?

8 MS. MURPHY: Do you want to direct
9 respond, first? Because I was going to talk
10 about something else, yeah.

11 MR. RAVIKUMAR: Thank you. So,
12 here's the challenge. So, you have data on the
13 leaks in the distribution system and then you
14 have data sublet to PHMSA about the number of
15 miles of pipe and of different grades.

16 There's nothing that matches the
17 grades and the leaks, so we don't actually know
18 what fraction of large leaks are grade three,
19 but I would support the five SCF number that's
20 on the board right now.

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

1 MS. MURPHY: Yeah, so I guess, I
2 know we're talking about different things at
3 the same time. I'm thinking about, you know,
4 this discussion of how do we ensure that the
5 biggest safety threats and emission sources
6 within the grade three category are addressed?

7 And to me, the prioritization
8 framework that was in the grade two category,
9 which, if an operator is engaging in that
10 prioritization already, feels like it might
11 also be appropriate and hopefully, you know,
12 not such a heavy lift to just apply to a larger
13 group of leaks to engage in that
14 prioritization, and to my mind, that might be a
15 simpler approach rather than creating, you
16 know, subgrades within grades or something like
17 that.

18 So, that's something that I would be
19 supportive of and might be helpful for me in
20 getting more comfortable with, you know,
21 supporting a longer repair timeline.

22 MR. DANNER: Thank you. Peter?

1 MR. CHACE: Pete Chace, NAPSR. Just
2 to reiterate my numbers, again I went through
3 PHMSA's NPRM, about four percent of the
4 emissions are estimated to come from
5 distribution mains, another seven percent from
6 meters, and it did get me thinking, I don't
7 love the idea of a tiered grade three approach
8 because if a grade three leak was a big leak,
9 then it would be a grade two leak, but this is
10 a half-baked idea at this point with the larger
11 number maybe coming from meters.

12 Does it make sense to break this
13 down as aboveground or belowground piping?
14 Aboveground piping would certainly be much
15 easier to fix and less costly to ratepayers.

16 MR. DANNER: All right, thank you
17 for that. Chad?

18 MR. ZAMARIN: Yeah, I was thinking
19 more on -- I actually support, I think I
20 mentioned it -- it seemed like a prioritization
21 methodology made more sense actually for leak
22 categories that have longer timelines.

1 So, I would support having similar
2 language in this section, but I also think that
3 should, based on the congressional intent and
4 the discussion that I'm hearing, I also think
5 that should come with some threshold that I
6 think you all are discussing of repair criteria
7 under which you would not be required to make a
8 repair.

9 MR. DANNER: Brian?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy. I'm thinking about your thought there,
12 Pete, when you say by far the most, you know,
13 the most costly repairs on grade three are
14 going to be belowground.

15 It's going to be -- I mean, that's,
16 as I mentioned before, right, any of those that
17 are excavation, asphalt, concrete, that vastly,
18 vastly drives the costs up versus fittings, and
19 tightening, and things of that nature. I'm
20 playing out that in my head.

21 I'm just thinking -- sorry, I'm
22 thinking on the fly here, but is that a

1 delineator in the grade three bucket that, you
2 know, we have a timeline for aboveground, and
3 then on belowground, it's a reevaluation on a
4 set frequency? That's -- I'm playing that out
5 in my head. I need a minute to think about it,
6 sorry.

7 MR. DANNER: That's all right.
8 We'll come back to you. Diane?

9 MS. BURMAN: Yeah, again trying to
10 kind of think through this, what if you're
11 starting with ten SCF and go down from there as
12 the worst leaks are repaired, so it's like ten,
13 nine, eight, seven?

14 MR. DANNER: All right, Sara?

15 MS. GOSMAN: Thank you, Commissioner
16 Burman. I think the idea of using the
17 methodology and the various factors laid out
18 that we were discussing before, I think,
19 captures volume, and while I'm very focused on
20 volume because I think about that as the major
21 issue here, I think we could get at it through
22 sort of a broader set of factors.

1 I also just want to emphasize here
2 that, you know, we're having a conversation
3 really about two things, right: which of the
4 leaks should be repaired at all and then this
5 question of prioritization or going after the
6 biggest risks.

7 So, you know, I think Congress
8 directed PHMSA to have a schedule for repairing
9 or replacing each leaking pipe, except a pipe
10 with a leak so small that it poses no potential
11 hazard, with appropriate deadlines. So, I
12 think that's the direction to PHMSA, so I think
13 we want to be able to stay within that
14 direction and not move far off of that.

15 MR. DANNER: Peter?

16 MR. CHACE: Again, I will point out
17 the definition of a grade three leak is a leak
18 so small to propose that it would pose no
19 hazard.

20 MR. DANNER: All right, I'm not
21 seeing any tent cards up. We have some
22 language on the board. Erin?

1 MS. MURPHY: Erin Murphy, EDF.
2 Yeah, I'm just trying to evaluate everything
3 that's up here, a couple of thoughts. One is I
4 said a lot earlier about the repair exception
5 for pipelines that are scheduled for
6 replacement, and I won't say all of that again,
7 but do continue to not be supportive of that.

8 And sorry, I should clarify that in
9 our written comments, and now I probably am
10 repeating myself from before, but in our
11 written comments, EDF and a number of other
12 environmental organizations actually
13 recommended a tightening up of the exception to
14 one additional year, such that any grade three
15 leak would be repaired within three years or
16 the pipe replaced.

17 MR. DANNER: Thank you. Brian?

18 MR. WEISKER: Brian Weisker, Duke
19 Energy. A little counter to what you just
20 mentioned, but our proposal was to go from five
21 years to ten years on those that are scheduled
22 for pipeline replacement. We especially feel

1 that it's very warranted for these, again,
2 very, very small leaks. So, I don't know if
3 we're together on that.

4 I do wonder if, yeah, would it be
5 wise to, this is just throwing it out to the
6 Chair, to take a short break? We're at -- I
7 don't know when we're finishing up here, so.

8 MR. DANNER: All right, we're almost
9 at 20 after 5:00. Can we take a five-minute
10 break? Is that actually a thing? So --

11 (Laughter.)

12 MR. DANNER: Why don't we do that and
13 let's, like, all sort of hang out and not
14 wander away?

15 MR. WEISKER: Thank you.

16 MR. DANNER: Okay, thank you.

17 (Whereupon, the above-entitled
18 matter went off the record at 5:16 p.m. and
19 resumed at 5:26 p.m.)

20 MR. DANNER: So, we have a hard stop
21 at 6:00 and we have some things to do this
22 afternoon. So, Brian, are you ready to --

1 MR. WEISKER: Brian Weisker, Duke
2 Energy. I'm going to put out a proposal here.
3 So, for all aboveground grade three leaks of
4 five standard cubic feet per hour or greater,
5 that those would be repaired with a
6 not-to-exceed 36-month timeline, and then that
7 all other grade three leaks, as is proposed,
8 that we would do a one-year reinspection cycle
9 on the remainder of the grade three leaks until
10 either, A, if aboveground, it goes to the five
11 standard cubic feet per hour, then it would go
12 into the repair bucket, or for the belowground,
13 if they get to a grade two leak level.

14 I don't know that you need that part
15 of it, but it would just literally be that for
16 aboveground grade three leaks of five standard
17 cubic feet per hour or greater would be
18 repaired within 36 months, and all others would
19 be on a one-year, all other grade three leaks
20 would be on a one-year reinspection cycle.

21 MR. DANNER: Okay, there it is.
22 Reactions? Sara?

1 MS. GOSMAN: Yeah, thank you so much
2 for this proposal. I just want to make sure I
3 understand it. So, what about five SCF
4 underground? I just want to make sure that I
5 understand where that is going in these
6 buckets.

7 MR. WEISKER: Direct response?
8 Those would go into the one-year reinspection
9 bucket.

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

12 MR. DRAKE: This is Andy Drake with
13 Enbridge. I appreciate putting the strawman
14 out there. I think that's relevant. And at
15 break, we were talking about the gas
16 transmission in 36 months, more an answer to
17 your question. I think it really comes down to
18 a matter of almost supply chain, quite frankly.

19 Most of the issues that are driving
20 class three leaks on transmission are equipment
21 and facility. You know, they're aboveground
22 facilities' equipment. The problem for us is

1 just getting the equipment. Lead time now for
2 valves is 24 months or more. So, just wanting
3 it to happen quickly won't make it happen.

4 Most of the things we're talking
5 about in that class are facilities and
6 equipment that take some kind of lead time to
7 get. It's not just someone going out there
8 with a wrench. And I think that if it were
9 someone going out there with a wrench, we could
10 take care of that quickly.

11 These things are going to have to
12 have some provisions for us to deal with supply
13 chain reality, and that's where we pushed it
14 out to 36 months, because it's not just an
15 exception. I think that's going to be more the
16 rule, particularly for transmission.

17 MR. DANNER: Thank you. Erin?

18 MS. MURPHY: Erin Murphy, EDF. I
19 guess we'll just express some disappointment
20 because I thought we were actually getting
21 really close to consensus, and this feels like
22 a step further away from consensus and a

1 proposal that most all belowground grade three
2 leaks would not actually be repaired if I'm
3 understanding this correctly.

4 So, yeah, I mean, this feels like
5 we're further away from consensus. I was
6 thinking during the break about, you know,
7 feeling supportive of a five standard cubic
8 feet per hour threshold for grade three leaks,
9 but that would be above and belowground.

10 MR. DANNER: Chad?

11 MR. ZAMARIN: Thanks, Chad Zamarin
12 with Williams. Let me see if maybe I can help
13 us get something done here because I think I'm
14 hearing there's a lot of concern and
15 frustration with the need to repair what could
16 be very small leaks from regulators and
17 operators. I'm hearing there's a desire on the
18 other side to go further. Maybe just to check
19 the group, I mean, if we -- I'm compelled
20 by hearing the data and the science, if we were
21 to say five for both above and belowground, and
22 that's a threshold, and we agree to the other,

1 would we be able to agree to this proposal
2 that's on here just as process check? Because
3 that felt like the right place for me, but I
4 agree. I don't want to move backwards if we
5 were close to getting something done. Thank
6 you.

7 MR. DANNER: Erin?

8 MS. MURPHY: So, just speaking for
9 myself here, from my perspective, I think
10 there's two proposals on the table related to
11 repair of grade three leaks on, and this is
12 distribution, right, distribution lines that
13 are scheduled for replacement, we have one year
14 and we have ten years.

15 I want to circle us to the middle,
16 which is where the NPRM is, which is five
17 years, and I think specifically for grade three
18 leaks, that is something that I could support,
19 and then -- yeah. Oh, sorry, I'm sorry. I'm
20 trying to collect my thoughts rapidly.

21 The other thing I wanted to flag,
22 which we didn't talk about before, and this is

1 just a lack of technical knowledge on my part,
2 the leak extent method, I am familiar with the
3 2,000 square foot threshold because I know that
4 is what is utilized in Massachusetts. I don't
5 have a good technical understanding off the top
6 of my head of like, how, what a 1,000 square
7 foot threshold means.

8 So, I would want to see inclusion of
9 the same language that was included in the
10 earlier proposal, that PHMSA would evaluate
11 sort of the appropriate conditions where the
12 leak extent method can be used effectively.

13 MR. DANNER: All right, thank you.
14 Peter?

15 MR. CHACE: Yeah, thank you. Pete
16 Chace, NAPS. I was going to ask how you
17 figured out whether a leak was more than or
18 less than five standard cubic feet per hour on
19 a buried pipe without excavating the pipe, but
20 it looks like this 1,000 foot thing is
21 addressing that. Thank you.

22 MR. DANNER: Sara, and then Chad?

1 MS. GOSMAN: Yeah, so, Sara Gosman.
2 I'm in the same place as Erin is. I feel like
3 it was a big move for me to move to five SCF in
4 terms of a minimum, but I was there at the end
5 of the break, but it seems to me like that's
6 where we should land.

7 I also want to make sure that the
8 language up there reflects the prioritization
9 conversation that we had, because I think
10 that's a really important part of the
11 discussion around extending the repair
12 timeline. So, I wonder if PHMSA could put that
13 language back in? I believe there was some
14 language in there already.

15 And then, you know, I think there's
16 a wide range here in terms of the pipeline
17 schedule for replacement, but it does seem to
18 me one possibility is to just stick with the
19 NPRM at five years. Thank you.

20 MR. DANNER: All right, thank you.
21 Chad?

22 MR. ZAMARIN: Yeah, I was just going

1 to mention that someone from the audience who I
2 think has good expertise did mention that they
3 thought that we should keep it at the 2,000
4 square feet, that I think it was, you know, ten
5 SCF and 2,000 square feet on the grade two, but
6 we just kind of --

7 I don't know, Brian, you cut in half
8 both, but I did get a comment that you had
9 decreased the flow rate, but keep the same
10 2,000 square feet. It looks like we're
11 addressing it by saying PHMSA needs to figure
12 out what the right way to do that is, but I did
13 get a comment to that effect.

14 MR. DANNER: All right, thank you.
15 Brian?

16 MR. WEISKER: I want to hear the
17 comments. I'm going to throw out another idea
18 here. So, if we did a repair -- so, go to the
19 second proposal, repair exception for grade,
20 for gas distribution pipeline leaks with an
21 emissions rate -- so, this -- well, I do want
22 to take a second.

1 So, I think we probably want to -- I
2 guess there's two ways to look at it, a repair
3 requirement or a repair exception. So, the way
4 we had it with grade two in the square foot
5 analysis, that was a requirement, right, so
6 this is kind of written as an exception.

7 So, if we reverse that and said all
8 right, a repair requirement for grade three
9 leaks for gas distribution pipelines with a
10 leak greater than or equal to five standard
11 cubic feet per hour, or a leak extent of 1,000
12 square feet for both aboveground and
13 belowground leaks, but then keeping the
14 pipeline schedule replacement exception for if
15 the pipe is going to be replaced within ten
16 years, that repair exception would be for that
17 replacement. Did that make sense, what I'm
18 saying? I'm not sure if someone's typing or
19 not.

20 MR. DANNER: Can you repeat that for
21 the members?

22 MR. WEISKER: Sure, so a repair --

1 I'm trying to mirror what we had for grade two,
2 so, but a repair requirement for grade three
3 leaks that are greater than or equal to five
4 standard cubic feet or a leak extent greater
5 than the 1,000 square feet.

6 I include in there also the
7 alternative that we had, or an alternative
8 methodology that equals to that five standard
9 cubic feet requirement, and then that would be
10 the requirement for repairing a grade three
11 leak. I'll call it the floor, so to speak.
12 Then that would be on a 36-month timeline, and
13 then keeping the ten-year replacement as
14 proposal one, so that kind of --

15 MS. MURPHY: Direct response?

16 MR. DANNER: Yes.

17 MS. MURPHY: Appreciate that
18 proposal, Brian. I would, I guess, friendly
19 amendment, hopefully, just in light of this
20 uncertainty around the leak extent method,
21 which I am just not certain of what it means to
22 adjust that, would suggest an edit there of a

1 leak extent method equivalent to five standard
2 cubic feet per hour, and am also supportive of
3 the additional alternative method that's
4 equivalent of five standard cubic feet per hour
5 as was reflected in the earlier slide.

6 And then I would also want to
7 mention there was that additional sentence in
8 the earlier consensus that I don't -- without
9 seeing the words, I don't remember them, but
10 that PHMSA would evaluate the conditions for
11 leak extent method just because there's some
12 like soil variability stuff, I think, with the
13 efficacy of it. And apologies, one more point.

14 MR. DANNER: Go right ahead.

15 MS. MURPHY: I'm really struggling
16 with the ten-year proposal.

17 MR. DANNER: All right, thank you.

18 Diane?

19 MS. BURMAN: Thank you. I just want
20 to make sure I understand. The 2,000, I
21 thought, was based on the Maryland --

22 MS. MURPHY: Massachusetts.

1 MS. BURMAN: Yeah, Massachusetts,
2 sorry, so I'm not sure why we're not using
3 2,000 and going to 1,000, so just I need some
4 clarification on that, and then I have another
5 -- yeah, that's why I'm just -- I feel like I'm
6 stupid on this, so I'm trying to understand it.

7 MS. MURPHY: Direct response?

8 MR. DANNER: Sure.

9 MS. BURMAN: Don't say I'm stupid on
10 it.

11 (Laughter.)

12 MS. MURPHY: I am also stupid on
13 this. Yeah, I'm aware of the existence of the
14 leak extent method and its use in
15 Massachusetts, and that it's articulated as a
16 2,000 square foot standard.

17 I don't understand like technically
18 what it means to change that to a 1,000 square
19 foot standard, and that's why I'm recommending,
20 you know, a suggestion that this would be, that
21 the committee recommends to PHMSA, you know,
22 approval of a leak extent method that's

1 equivalent to five SCF --

2 MS. BURMAN: Okay.

3 MS. MURPHY: -- because I don't know
4 what that would be.

5 MS. BURMAN: So, can I respond?

6 MR. DANNER: Absolutely.

7 MS. BURMAN: Thank you. I think
8 that what I'm struggling with here is that
9 we're all trying to come up with alternative --
10 we all agree that we need to come up with some
11 kind of alternative language that makes sense
12 and what that looks like. How can we
13 collaborate together in getting there?

14 There are probably many different
15 ways depending on where it is, what state
16 you're in, within the state, what you're
17 looking at, and so for me, I come back to, you
18 know, if we also look at how to incorporate
19 some of this in DIMP and leave it to that
20 process, which PHMSA also knows well, there may
21 be a way of doing that.

22 And it's not -- here, it's not

1 saying that something lower won't get repaired.
2 It's that it only won't have a time frame, but
3 that it actually can get handled through DIMP
4 where, when there's the risk ranking, it rises
5 to the top.

6 So, you know, in other words, kind
7 of how I think about it, when the higher risk
8 items are addressed, there's a priority within
9 the DIMP, and that program can work from a
10 risk-based process. So, I just kind of think
11 about not boxing us into not being able to have
12 workable, viable programs that are out there.

13 MR. DANNER: All right, thank you.
14 Chad Gilbert, did you have your card up?

15 MR. GILBERT: You know, my thoughts
16 are, I mean, we've done a lot of work today and
17 we've gone a long ways, and we've done a
18 compromise, and we've compromised on this side
19 of the table because, I mean, we come in this
20 morning and we thought we were, our timelines
21 would be a little stricter than what they are
22 and we have compromised.

1 The thing that I want to be able to
2 relay to the public, to the members, to my
3 membership, to the public, on social media, is
4 that we're going to upgrade the infrastructure
5 of the natural gas system and we're going to
6 reduce methane. We've done it in this
7 committee, right?

8 We've come into GPAC and we've
9 compromised, and we found a way to help the
10 environment, and we've also found a way to make
11 natural gas viable for the future by limiting
12 these methane reductions.

13 I don't want to get down and get
14 tired, and I'm tired, and I welded for 25
15 years, and this is getting really tough for me.
16 I've got two pairs of glasses and I still can't
17 see it now. It's late in the day and that's
18 just, that's me though, but I don't want to put
19 something so vague.

20 And to me, ten years just doesn't
21 feel like the urgency is there. And I'm asking
22 industry, is there any way that we can do

1 better than that? Is there anything that you
2 guys think that we could do to show a little
3 more urgency and help us on our, on what we're
4 trying to do throughout the nation?

5 MR. DANNER: All right, thank you
6 for that. Brian?

7 MR. WEISKER: Just a reminder to --
8 Brian Weisker, Duke Energy, sorry. You know,
9 it's not that nothing's being done too, right.
10 These are going to continue to be reevaluated.
11 I want to ask for some thoughts from my, the
12 state regulators as well.

13 What's your thoughts on the ten-year
14 pipeline schedule replacement and how that fits
15 into, you know, your thoughts as far as, you
16 know, replacement programs? I'd like just to
17 hear a little bit as well.

18 MR. GILBERT: Direct response, Mr.
19 Chairman?

20 MR. DANNER: Yes.

21 MR. GILBERT: You know, I think that
22 with just a little bit more compromise, I think

1 we're going to be there, but to lessen -- and I
2 know there's a lot of people with smaller
3 utilities looking and they're thinking oh, my
4 God, what am I going to do, and there is a cost
5 to the consumer, but I promise you all on our
6 end, on labor's end, we're going to do
7 everything we can do to fund grant programs to
8 help those smaller utilities.

9 We're worried about that. That's
10 why we're extending the timeline is because we
11 know there are smaller communities throughout
12 the United States that have a tight budget on
13 distribution, small, rural areas that we're not
14 wanting to leave out.

15 And I think it's a great opportunity
16 right now for industry, regulators, labor,
17 environmental community, to make a push on the
18 federal government to help us accomplish this
19 new infrastructure, this rebuilt, repaired
20 natural gas infrastructure, the best
21 infrastructure in the world that we can use for
22 years and years to come. I just really think

1 if there's any way we could drop that number
2 just somewhat, I think I would be good.

3 MR. DANNER: Steve?

4 MR. SQUIBB: Steve Squibb, City
5 Utilities. Yeah, Chad, thanks for that, and
6 you mentioned grant programs, and, you know,
7 we're fortunate to have the municipal program
8 from PHMSA for infrastructure replacements and
9 I think that's where the grants need to be from
10 is for pipe replacement, and I think we should
11 refocus our resources on the pipe replacement
12 with this provision here instead of spending
13 our money on the leaks and all of the
14 additional emissions from that activity for
15 these very, very small emission leaks.

16 And like you mentioned before, the
17 smaller systems, it's going to be quite a
18 financial burden on the very small systems.
19 It's not just a small system issue either.
20 It's a financial burden for all gas utilities
21 that is pretty significant here, I believe.

22 And as far as just the municipal

1 side of things too, that's -- we're essentially
2 a not-for-profit. You know, that's direct
3 impact on our citizens, our communities, and,
4 you know, I don't know the --

5 And I think Chad mentioned before
6 earlier just the poor and the poverty. I don't
7 know how that's going to -- that's going to be
8 significant for them. Thank you.

9 MR. GILBERT: Direct response, Mr.
10 Chairman? I understand that and I feel for
11 that. I mean, I'm thinking about that now, and
12 we're trying to address that through certain
13 things like CTE programs going to those
14 underserved communities, partnering with the
15 community, and having apprenticeships in those
16 communities.

17 We're doing it on our own right now
18 without industry. I mean, we're spending
19 memberships' money to try to go into these
20 communities and help them. I mean, the
21 struggle is real for us. I mean, we understand
22 poverty. There's no doubt about it.

1 We bring more people out of poverty
2 in the labor movement than anybody ever has in
3 the history of this country, and we're
4 continuing to do that, and we're going to
5 continue to do that. And I know there's a
6 funding issue. I just think together, we can
7 help that funding issue.

8 We can help if we work together, but
9 I really feel we need something to show the
10 public that we're working together and we're
11 moving forward with reducing methane emissions,
12 helping the environment, but we're also
13 strengthening our natural gas grid.

14 I mean, it's a win-win if we use our
15 head, guys, but, you know, and I'm open, but if
16 you could just give us a little bit off that
17 ten years, it would help. And we're giving
18 five -- I mean, five is where it was at. Thank
19 you.

20 MR. DANNER: All right, thank you.
21 Andy?

22 MR. DRAKE: This is Andy Drake with

1 Enbridge. Chad, that's a great point, and when
2 I hear this conversation, what I hear is a
3 balancing act, that we need to be -- we're
4 trying to get enough fuel to figure out left to
5 right, how to balance it.

6 What I hear in listening to this is
7 if we pick a really short time frame, we have
8 to be very careful that it doesn't go too short
9 because what will happen, I think, you get to a
10 very myopic solution.

11 People are going to drop out of
12 their long-term big replacement programs and
13 they're going to go to just fixing one anomaly
14 at a time, and you're going to not solve the
15 problem because I can't fix the whole,
16 whatever, you know, LPP pipe in this short time
17 frame, so I'm just going at a tactical one leak
18 at a time, and that's not, to your point,
19 that's not what we want.

20 To go to too long a time frame --
21 well, to say if you pick too short of a time
22 frame, I think you're going to get a lot of

1 exceptions. That's probably not what you want.

2 That's probably not what anybody wants.

3 Now, the rule is, people with a
4 logical question in society is going to ask is
5 why the hell are we excepting, you know, taking
6 exception to the rule all of the time? The
7 rule is obviously not right.

8 The other part of it, and I hear
9 that in your voice and I think we need to
10 respect that, is too long a time frame and, you
11 know, you're accommodating the greatest common
12 denominator. So, you're like, well, three of
13 you decided you needed ten, so we picked it,
14 and the other 80 percent of you didn't need
15 ten, but, you know, they can take ten. Well,
16 that's not the point either.

17 I'm trying, and I'm going to lean on
18 Brian. I appreciate any input on the PUCs,
19 but, you know, these programs, how long -- if
20 we're trying to incentive the behavior you're
21 talking about, how long do those programs take?
22 What's the right rhythm of it? What's the bell

1 curve or what's the distribution look like on a
2 curve? Is it the average is eight, seven, or
3 is the average 15? I don't know.

4 The numbers I've heard standing up
5 here as people talked was around ten, but maybe
6 they tail off pretty fast and lots of the
7 numbers are down in the seven and eight range,
8 and I agree with you. I think we're really
9 close here and we just need to sort of balance
10 that a little bit with some more information.

11 So, I'm game for folks around the
12 table. I hazard to open it up to the audience.
13 I'm sure there would be a lot of opinions
14 there, but maybe just a little bit more
15 thoughtfulness about where are we on that sweet
16 spot on that time? Does that answer your
17 thought?

18 MR. GILBERT: Direct response, Mr.
19 Chairman? And this is to Diane. Most of these
20 lines probably are cast iron, correct? I mean,
21 that's what we're looking at, some of these
22 older lines that are in the ground that are

1 leaking?

2 MS. BURMAN: Not all -- right, so
3 can I just give a little context? And I don't
4 want to -- so, in New York, we have leak-prone
5 pipe replacement programs, and we work very
6 carefully in setting targets for them, and
7 we're very aggressive in New York.

8 Some of our programs are over a
9 number of years, ten to 20. It all depends on
10 the locations. It depends on, you know, what's
11 happening in terms of trying to do it.
12 Because, again, it's through the rate cases and
13 what makes sense, right?

14 If there is an issue for safety, it
15 gets fixed, but as we look to the replacement
16 programs, it's also about coordinating. It's
17 not just about the leak. It's also about
18 what's happening, right?

19 What's happening in the community?
20 What economic development opportunities are
21 coming? You know, in our upstate area, we're
22 going to have Micron come. Now, our state is

1 focused on decarbonization and moving more
2 towards renewables.

3 I said actually differently than
4 many people in New York as a state regulator
5 because I have been very open about the need,
6 similar to you, of gas. Micron coming in is
7 going to need significant amounts of gas. It's
8 going to be providing huge economic
9 opportunity.

10 Now, that's not for here. That's
11 for when we go and talk in our gas planning
12 programs. That's when we go and we talk about
13 how are we doing our decarbonization. And so,
14 the reality is, for me, is that some of our
15 leak-prone pipe replacement programs are
16 looking at 18 to 95 miles, excuse me, 18 to 95
17 years. It all depends.

18 Some, we've done, and we show every
19 rate case how we're progressing, but what
20 happens is also it's not just an easy fix
21 because we have to also incorporate other
22 things that are needed for our gas planning,

1 for our gas safety, for other infrastructure
2 needs, for training of workers.

3 And so, for me, this isn't the place
4 for us to come and, you know, the professor
5 talked about, you know, this not being -- goal
6 is not policy. Now, I'm a policy regulator,
7 right, an economic regulator, so for me, the
8 goal is about the recommendations that are
9 going to lay the groundwork for the
10 regulations.

11 I don't want to be usurped in what
12 we're doing there when we're on track with our
13 different rate cases and our gas planning, to
14 somehow derail that because now we have to now
15 tweak all of that and we're going to --
16 something is going to have to fall off, and
17 that's just sort of the reality of this kitchen
18 sink and what is it that we're doing.

19 So, for me, I'm comfortable with
20 looking at doing this in the framework of
21 existing pipeline replacement programs, in the
22 framework of DIMP, in the framework of risk

1 assessment, in the framework -- this isn't
2 about not doing it. We're going to have a lot,
3 a lot of repair and replacement that we're
4 going to have to do.

5 MR. DANNER: All right, thank you.
6 Sara? And I note to everyone that it is four
7 minutes until 6:00.

8 MS. GOSMAN: It is four minutes to
9 6:00. Yeah, I think that at this point, I
10 can't support ten. So, you know, I think that
11 everything else on this slide looks good to me,
12 and I think that's a -- you know, I'm willing
13 to move that far, but ten years to not repair a
14 pipe for a pipe replacement is just too long
15 for where I think we should be on this.

16 So, my suggestion would be to carve
17 out the different votes and have us vote on the
18 repair timeline, which I'm in favor of there,
19 as well as in the grade three criteria, but
20 take out the ten years for the schedule
21 replacement and repair. Have us vote on that
22 separately.

1 MR. DANNER: All right, do you think
2 there's any negotiation on that number if that
3 --

4 MS. GOSMAN: I don't hear anything
5 from the other side, so that's --

6 MR. DANNER: I don't either.

7 MS. GOSMAN: Yeah.

8 MR. DANNER: So, if we offered them
9 seven, what would they say, no? Are you --
10 what's that?

11 MR. WEISKER: If you offered seven,
12 would I say yes?

13 MR. DANNER: I don't know if she's
14 offering. Are you offering seven? I'm
15 throwing that out, so, yes. Andy?

16 MR. DRAKE: For the record, if we
17 say seven, we're working out of a little bit of
18 a deficit here, and I think this is really
19 important just for posterity is that we know
20 there will be programs that will be coming to
21 PHMSA for exception, and there is an exception
22 process here which I think is really good and

1 solid, but I just want it recorded that we're
2 picking a number almost by design that will be
3 in the middle, which is fine.

4 So, you should expect some pretty
5 heavy traffic on the road about we need a
6 program longer than seven because we've looked
7 at the condition states. I think that's really
8 important for us to keep in mind. We're not
9 going to force everybody under seven.

10 What we're saying is that seven is a
11 backstop number. We want you to benchmark off
12 that, and we're going to use the exception
13 process based on the due diligence of the PUCs
14 in combination with the operator to come to
15 PHMSA and say we need a different program
16 length because, blah, blah, blah.

17 And I just want to get everybody
18 around the table shaking their head because
19 that's the reality of what's going to happen,
20 and if we're all good with that, then I would
21 say, Brian, we can maybe answer that question,
22 but I just want to make sure that we're fluent

1 that this, or we're all agreeing that we're
2 going to be using the exception process, but it
3 will probably be the operator in conjunction
4 with the local regulator coming back to PHMSA
5 because of the specifics of that site. Does
6 that --

7 MR. DANNER: And PHMSA will have to
8 --

9 MR. DRAKE: Does that make sense?

10 MR. DANNER: And PHMSA will have to
11 determine whether that's in the public interest
12 and whether they would approve it. Sara?

13 MS. GOSMAN: Yeah, I'm confident
14 that PHMSA can move through those exceptions,
15 and I think that really is, it's just a
16 different philosophy, right? I think that we
17 set an aggressive timeline and we allow PHMSA
18 to make those exceptions, and I think that
19 PHMSA can do that.

20 MR. DRAKE: Can I respond?

21 MR. DANNER: Andy?

22 MR. DRAKE: Direct response, Andy

1 Drake.

2 MR. DANNER: Yes.

3 MR. DRAKE: Thank you for that,
4 because that's what I really want to get clear.
5 We're setting an aggressive target because of a
6 lot of reasons, but that's going to be
7 aggressive, so there's going to be folks that
8 are going to come in saying that's not working
9 here for these reasons, and we need to at least
10 provide sensitivity to PHMSA that we recognize
11 you're probably going to get a lot of traffic
12 on this highway, and that it's just an
13 aggressive number, so after that, I think maybe
14 now we're in a position to answer your
15 question, Chairman.

16 MS. GOSMAN: Well, Chair, can I just
17 --

18 MR. DANNER: All right, Sara?

19 MS. GOSMAN: I mean, I don't think
20 this is actually super aggressive, but to the
21 extent that it is for individual operators,
22 right, then at that point, I think they should

1 be able to go to PHMSA, and I'm in complete
2 support of that notification provision. I
3 think it's central to understanding any of
4 these timelines, that there is, you know, a
5 mechanism out here and one that PHMSA can look
6 at. I just want that review.

7 MR. DANNER: All right, thank you.
8 Alan?

9 MR. MAYBERRY: I just need a
10 clarification. Sara, were you comfortable with
11 seven?

12 MS. GOSMAN: So, I guess I'd like to
13 hear from Brian in particular before I commit
14 to that number. I just wasn't hearing anything
15 off of ten. So, if he's not there on anything
16 off of ten, then I think we should just vote
17 separately and I would vote for five.

18 MR. DANNER: I heard he was okay --

19 MR. WEISKER: Can I answer?

20 (Simultaneous speaking.)

21 MR. WEISKER: I mean, I can
22 pontificate about where a lot of others are in

1 their pipeline replacement programs and what it
2 means, but I can go with seven.

3 MR. DANNER: All right.

4 MR. DRAKE: Can I offer a little
5 anecdotal benchmarking here? Based on the
6 email traffic he's getting right now, I would
7 say seven is causing a lot of stress out there.

8 (Laughter.)

9 MR. DANNER: Well, you know, it's
10 causing me a little stress too, but -- Alan?

11 MR. MAYBERRY: Remember, we still
12 have to write a final rule and do a cost
13 benefit analysis on it, so we'll be assessing
14 this, suffice it to say, which is all of this
15 that we're talking about here.

16 MR. DANNER: Okay, Erin, Peter,
17 Chad, and Diane?

18 MS. MURPHY: Erin Murphy, EDF. Some
19 of us don't have any email traffic because
20 we're here on our own representing a broad
21 swath of organizations and the public who care
22 a lot about, you know, strong action on climate

1 change, but don't have the resources to spend
2 all of this time and go back and forth.

3 So, this is really frustrating for
4 me because I think that, you know, our -- the
5 organization I work for and many others, you
6 know, did not support any exception for
7 delaying leak repair on pipes that are
8 scheduled for replacement, and, you know, we're
9 willing to see a one-year extension there.

10 And I was trying to come to a
11 compromise with five years, which is what PHMSA
12 proposed, and I'm hearing seven years, and I'm
13 struggling because I feel like we've all done a
14 lot of work to try to come to consensus, but I
15 also feel pretty frustrated that just because
16 there are not as many voices in this room at
17 this moment who feel that urgency that I'm
18 trying to express, we're not going to get
19 there. So, I'm, I guess, struggling, and will
20 decide when we vote.

21 MR. DANNER: All right, Peter, Chad,
22 and Diane?

1 MR. CHACE: Pete Chace, NAPSR. I've
2 been thinking hard about this, and in addition
3 to the other reasons I described, looking at
4 the PIPES Act, it does say to include a
5 schedule for repairing or replacing each
6 leaking pipe, except a pipe with a leak so
7 small that it poses no potential hazard, and
8 that's what a grade three leak is.

9 I believe we're exceeding our
10 instructions from Congress, and because of that
11 reason, I intend to vote no, just so no one is
12 surprised, on anything mandating a repair of
13 grade three leaks. We'll just have to agree to
14 disagree.

15 MR. DANNER: All right, and that
16 would include if it was ten? You would still
17 vote against it?

18 MR. CHACE: It says we're not
19 supposed to --

20 MR. DANNER: All right, Chad?

21 MR. ZAMARIN: Thank you. Chad
22 Zamarin with Williams. And I -- Member Chace,

1 I'm disappointed to hear that, and Erin, I'm
2 also empathetic to your frustration. I can
3 feel it on multiple fronts here, which tells me
4 that maybe we found the right place, and so I
5 would actually encourage maybe everyone taking
6 a moment, taking a breath.

7 I am not a distribution operator,
8 and I appreciated Chair Danner kind of putting
9 something out there, because it feels like when
10 you have hard things to do and you've got a lot
11 of different factors and constituencies to
12 bring together to solve difficult problems,
13 it's usually the right answer when no one's
14 perfectly happy. That's how compromise is
15 reached. That's how, frankly, great things are
16 done.

17 When we go to our corners and we
18 aren't willing to work together and support a
19 consensus or a solution that we can all carry
20 forward, I think we don't do as well. So, I
21 would actually encourage some reflection and
22 thought on -- I see a lot of really important

1 things that have been accomplished here, a lot
2 of important things that are up on the board.

3 It's not perfect, but there are
4 robust, rigorous processes for addressing where
5 this might not fit for one particular state or
6 operator. So, I am comfortable making the
7 motion in the hopes that, you know, we've got
8 enough, you know, compromise and meeting in the
9 middle that folks can get on board with it, and
10 I think there's too much important stuff here
11 to not get this memorialized.

12 So, I'm very hopeful that everyone
13 would be supportive of this because this is a
14 big, big deal that we're implementing for the
15 industry, and it would be a shame, you know,
16 for us not to recognize that we've all had to
17 make compromises and come together to get
18 something done. So, I'm prepared to make the
19 motion and hope it has support, but I will --

20 (Simultaneous speaking.)

21 MR. DANNER: All right, we have one
22 more card up, Diane, and then I'll let you make

1 the motion.

2 MS. BURMAN: Yeah, I do appreciate
3 that. I'm somebody who is always focused on
4 how can we come to some collaborative decision
5 making. I do want to just clarify for the
6 record it's -- over my ten years, we're now at
7 six to 25 years for leak-prone pipe
8 replacement, and it depends whether you're
9 downstate or upstate.

10 We do a really good job of
11 addressing our leak-prone pipe replacement
12 programs. This is not an outlier, and I think
13 it's really important to look at sort of the
14 dynamic of what it means for a state, what it
15 means even within the state, the different, you
16 know, areas, old pipe, how long it is, what
17 you're having to do.

18 I really, really worry that we're
19 making up, you know, a number to fit, and
20 again, it comes back to when I started from the
21 very beginning, the consideration by PHMSA for
22 an alternative pathway by allowing the states

1 that have existing programs to figure out a way
2 for that to be able to be done.

3 I just see this as tripping into
4 regulatory oversight that's dismissing the
5 ongoing good work of the states in this area,
6 and it really worries me, and I really want to
7 see how we can figure out how to do this in a
8 way that makes sense. I see a risk-based
9 approach. I see working with the state
10 regulators, and I see somehow folding this
11 into, you know, the DIMP program as one way of
12 doing that.

13 MR. DANNER: All right, thank you.
14 I see some more tent cards have gone up. So,
15 Chad, we will take two more quick comments and
16 then we'll probably take the vote. So, we'll
17 start with Chad.

18 MR. GILBERT: I just want to point
19 out that if this is, if some of this pipe is
20 cast iron pipe, corrosion can spread and expand
21 in that cast iron pipe, so there is a real
22 safety issue here on cast iron that is leaking

1 in the ground, and to wait ten years is not
2 acceptable for safety, for the public safety.

3 MR. DANNER: All right, thank you.
4 Sara?

5 MS. GOSMAN: So, one of the things I
6 love about GPAC is that when I'm most
7 uncomfortable, somebody says something from the
8 other side of the room that makes me think
9 yeah, I can handle it, right?

10 So, Chad, I really, you know, I was
11 -- I'm not being, you know, facetious. I
12 really was inspired by your comments and I am
13 -- you know, I think they are good comments and
14 ones I can certainly understand and accept.
15 So, I am ready to vote yes on the proposal on
16 the slide if we can move forward.

17 MR. DANNER: Thank you very much.
18 Chad, do you want to make a motion?

19 MR. ZAMARIN: I do, and I do want to
20 also just mention, Member Chace, I do feel like
21 the work that was done on the five SCF did
22 define -- I was trying to read through the

1 language and understand where basically
2 non-hazardous was defined, and I didn't feel
3 like it was, and I think we've addressed that.
4 I don't know if that addresses your issue.

5 And I just wanted to mention one
6 other thing. This is not a trivial issue. We
7 do have, just to put it into context, I've got
8 a chart here that shows there are over 40,000
9 miles of bare steel mains that are still in
10 operation and still about 10,000 miles of cast
11 iron mains, and so this is a big -- and it has
12 gotten really hard and expensive to replace
13 infrastructure. We need to fix that issue from
14 a permitting and just capability perspective,
15 but I am prepared to move the motion.

16 I move that the proposed rule as
17 published in the Federal Register and as
18 supported by the preliminary regulatory impact
19 analysis and draft environmental assessment
20 regarding leak grading and repair requirements
21 grade three criteria and repair timelines for
22 the proposed rulemaking is technically

1 feasible, reasonable, cost-effective, and
2 practicable if the following changes are made:
3 repair timeline, revise general repair timeline
4 from 24 months to 36 months, HCA and class
5 three and four gas transmission lines one year,
6 grade three criteria, repair is required for
7 grade three gas distribution pipelines with an
8 emissions rate greater than or equal to five
9 standard cubic feet per hour, or a leak extent
10 method equivalent to five standard cubic feet
11 per hour, or an alternative method demonstrated
12 to meet the capability of identifying a minimum
13 leakage rate of five standard cubic feet per
14 hour with a notification of PHMSA in accordance
15 with Section 192.18.

16 Repair is required within 36 months
17 unless the pipeline is scheduled for
18 replacement and replaced within seven years.
19 All other grade three leaks are to be
20 reevaluated at a one-year inspection,
21 reinspection interval. PHMSA would evaluate
22 where a leak extent method would be appropriate

1 and equivalent. PHMSA will consider the
2 prioritization process for elimination of grade
3 three leaks.

4 MR. DANNER: Is there a second? All
5 right, Arvind had seconded it, so, Cameron,
6 will you record the votes, please?

7 MR. SATTERTHWAITE: Okay, I'll say
8 your name. If you agree with the motion, you
9 can say yes, if not, no. Diane Burman?

10 MS. BURMAN: No.

11 MR. SATTERTHWAITE: Peter Chace?

12 MR. CHACE: No.

13 MR. SATTERTHWAITE: David Danner?

14 MR. DANNER: Yes.

15 MR. SATTERTHWAITE: Sara Longan?

16 MS. LONGAN: Yes.

17 MR. SATTERTHWAITE: Terry Turpin?

18 MR. TURPIN: Yes.

19 MR. SATTERTHWAITE: Brian Weisker?

20 MR. WEISKER: Yes.

21 MR. SATTERTHWAITE: Andy Drake?

22 MR. DRAKE: Reluctant yes.

1 MR. SATTERTHWAITE: Alex Dewar?

2 MR. DEWAR: Yes.

3 MR. SATTERTHWAITE: Steve Squibb?

4 MR. SQUIBB: Yes.

5 MR. SATTERTHWAITE: Chad Zamarin?

6 MR. ZAMARIN: Yes.

7 MR. SATTERTHWAITE: Chad Gilbert?

8 MR. GILBERT: Yes.

9 MR. SATTERTHWAITE: Arvind

10 Ravikumar?

11 MR. RAVIKUMAR: Yes.

12 MR. SATTERTHWAITE: Erin Murphy?

13 MS. MURPHY: Yes.

14 MR. SATTERTHWAITE: Sara Gosman?

15 MS. GOSMAN: Yes.

16 MR. SATTERTHWAITE: Sam Ariaratnam?

17 MR. ARIARATNAM: Yes.

18 MR. SATTERTHWAITE: It passes. The
19 motion passes 13 to two.

20 MR. DANNER: All right, thank you,
21 everybody, and I know this was a difficult
22 vote. So, this brings us to the end of today.

1 It is 6:12. Tomorrow, we have our last day.
2 It is Friday and we have to get through
3 gathering and reporting LNG and hydrogen
4 compliance deadlines. So, we'll be here at
5 8:30, and we will be efficient and punctual,
6 and I'll see you tomorrow. We're in recess.

7 (Whereupon, the above-entitled
8 matter went off the record at 6:12 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee

Before: PHSMA

Date: 11-30-23

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.



Court Reporter

NEAL R. GROSS

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