

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

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GAS PIPELINE ADVISORY COMMITTEE

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FRIDAY, DECEMBER 1, 2023

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

GAS PIPELINE ADVISORY COMMITTEE MEMBERS PRESENT  
 HON. DIANE BURMAN, New York State Public  
 Service Commission

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

SAMUEL T. ARIARATNAM, Arizona State University

PETER E. CHACE, Public Utilities Commission of  
 Ohio

ALEX DEWAR, Boston Consulting Group

J. ANDREW DRAKE, Enbridge Gas Transmission and  
 Midstream

WILLIAM "CHAD" GILBERT, United Association  
 International

SARA ROLLET GOSMAN, University of Arkansas  
 School of Law

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

ERIN MURPHY, Environmental Defense Fund

ARVIND P. RAVIKUMAR, University of Texas at  
 Austin

STEVE SQUIBB, City Utilities of Springfield,  
Missouri  
TERRY L. TURPIN, Federal Energy Regulatory  
Commission  
BRIAN R. WEISKER, Duke Energy Natural Gas  
Business Unit  
CHAD J. ZAMARIN, The Williams Companies, Inc.

PHMSA STAFF PRESENT

ALAN MAYBERRY, Associate Administrator for  
Pipeline Safety; Designated Federal  
Official  
TRISTAN BROWN, Deputy Administrator  
DAVID BIRCH, OST  
CLAYTON BODELL  
ROBERT BURROUGHS  
LAUREN CLEGG  
IAN CURRY  
AMAL DERIA  
SETH DICKSON  
SEAN FORD, OST  
BEN FRED  
JOHN GALE, Director, Office of Standards and  
Rulemaking  
ALEXANDRA IORIO  
ROBERT JAGGER  
MARK JOHNSON  
JENNIFER KELLY, OST  
JOE KLESIN  
CHRIS McLAREN  
MARY McDANIEL  
LANE MILLER  
STEVE NANNEY  
SAYLER PALABRICA  
MIA PETRUCCI  
GABRIELA ROHLCK  
EMMA M. ROSS  
ROBERT ROSS  
CAMERON SATTERTHWAITTE, Office of Standards and  
Rulemaking  
RODRICK "ROD" SEELEY, National Safety  
Coordinator, Pipeline Field Operations  
ANNA SETZER  
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JOSEPH ST. PETER  
MASSOUD TAHAMTANI, Deputy Associate  
Administrator  
CONOR WALSH  
ERMIAS WELDEMICAEL  
JOE WILLIAMS  
BRIANNA WILSON  
DAVID YORK

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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. It is Friday, the first day  
5 of December, 2023. And this is our fifth day  
6 of the GPAC for this week. Thanks for hanging  
7 in there.

8 So as you can tell from the agenda  
9 up there, we still have a little bit to do on  
10 leak grading and repair and then we have gas  
11 gathering reporting, LNG and hydrogen  
12 compliance deadlines and CO and some  
13 miscellaneous proposals today.

14 So let's get right into it. I would  
15 ask today just for the benefit of the court  
16 reporter, please identify yourself before  
17 speaking. And so I will just say I'm Dave  
18 Danner, chair of the GPAC. And I'm going to  
19 turn it over to Alan right now for a few  
20 introductory comments this morning.

21 MR. MAYBERRY: Yeah, good morning,  
22 everyone. I just wanted to go over a few

1 logistics and just the go forward plan based on  
2 where we are right now.

3 Number one, suffice it to say we're  
4 not going to finish leak detection and repair.  
5 So we will make plans to have another meeting,  
6 and we will be issuing a Federal Register  
7 notice expected in the next two weeks. We're  
8 going to accelerate that. We will probably  
9 have a 15 day notice or more and then schedule  
10 the meeting accordingly. But to that end, we  
11 will also be working with the members to  
12 establish a date for the meeting. So I wanted  
13 to mention that.

14 And then as far as what we planned  
15 to get through today, I want to turn it over to  
16 John Gale to go over a few other items.  
17 Thanks.

18 MR. GALE: Thank you, Alan, and  
19 thank you for that very aggressive schedule you  
20 just put on my lap.

21 Yes, members, just real quick. As  
22 the chairman mentioned, we have a few more

1 issues to address. In terms of today,  
2 obviously we're optimistic we should be able to  
3 get through leak grading and repair. We only  
4 have about three topics there and then we'll  
5 move to gas gathering.

6           Depending upon the time left after  
7 the discussion of gas gathering, which we all  
8 know is going to be very short, you know, we'll  
9 figure out what is really the next appropriate  
10 item.

11           We may move the LNG and hydrogen  
12 discussion up because as we discuss it and as  
13 we make progress, we're thinking really the  
14 issues on reporting and compliance deadlines  
15 probably should move to the end after we've  
16 completed all of the technical discussions and  
17 also it's kind of just basically related to how  
18 much time is left today for what we  
19 optimistically think we can complete.

20           So that being said, Chairman, we can  
21 begin our first discussion if we can turn to  
22 the slide that outlines the remaining issues on

1 grading and repair.

2 So what we've identified as three  
3 remaining issues --

4 MS. BURMAN: Chair, before we start  
5 I just wanted to give some opening statements.

6 MR. DANNER: Yeah, John are you?

7 MR. GALE: Yeah, I'm fine.

8 MR. DANNER: Go ahead, Commissioner.

9 MS. BURMAN: Thank you. On November  
10 5, I ran the New York City Marathon. And there  
11 is over 51,000 people. And I came in -- I beat  
12 236 of them. I share that because others may  
13 define that not a success. For me, it's about  
14 how do we look accomplishing our goals and  
15 defining success. It also was on the day of my  
16 two year anniversary from my brain surgery.

17 And so I share that with you really  
18 because I believe in being open and  
19 transparent. But for me, it really is about  
20 things that I thought I could never do. I'm  
21 showing myself that I can. And so for me, this  
22 has felt like a marathon. And I know we're



1 going to get there, and I know we're going to  
2 do great things.

3 So I did feel -- I tossed and turned  
4 all last night. I felt a little icky about the  
5 way it ended and for me trying to process what  
6 that looks like and what that means.

7 As a state regulator when I take a  
8 vote, I usually have an opportunity to explain  
9 my vote. And I do so deliberately for the  
10 record but also because I think that it's  
11 important that folks don't see my vote as a  
12 vote against things, but rather trying to  
13 explain my position.

14 So I'm going to take this  
15 opportunity now to do that because I also  
16 think because it's so directly tied to what we  
17 do in New York and the states on pipeline  
18 safety, I really do feel the need to make sure  
19 that it's categorized in that and that, you  
20 know, for the record and for PHMSA folks. So  
21 thank you for indulging me.

22 We as GPAC members came together

1 this week and our collective voices all seemed  
2 aligned with wanting to get right the  
3 critically important issues around enhancing  
4 and protecting pipeline safety.

5 We have focused among other things  
6 on discussing the importance of natural gas  
7 pipeline leak detection and measurement data  
8 tools and encouraging opportunities for new  
9 technologies and cost-effective standards and  
10 methods for enhancing pipeline safety and  
11 environmental considerations.

12 Natural gas is an essential fuel for  
13 the U.S. economy providing fuel for heating,  
14 electricity and other services to customers.  
15 However, we have in some areas natural gas  
16 delivery infrastructure that is aging and  
17 technologies that were novel at the time of  
18 installation may no longer hold that position.

19 Thus, thoughtful dialogue around  
20 what states are doing to repair and replace and  
21 in some areas repurpose and retire is  
22 appropriate.

1 State public utility commissions  
2 oversee the safety, reliability and  
3 affordability of gas infrastructure, working  
4 closely with local gas distribution companies.

5 I must underscore state regulators  
6 play a significant and vital role in supporting  
7 and encouraging appropriate and responsible  
8 pipeline safety infrastructure efforts.

9 PHMSA has historically worked well  
10 with state public utility commissions and other  
11 stakeholders to support sensible state programs  
12 aimed at prioritizing safety, including fixing  
13 the most vulnerable pipelines as quickly as  
14 possible. And commissions do so in line with  
15 the adoption of rate recovery mechanisms that  
16 reflect the financial realities of the  
17 particular LDCs in question.

18 Safety is one of the most important  
19 drivers for LDC pipeline and infrastructure  
20 repair and replacement programs. Methane  
21 emission reductions has also become an integral  
22 part of a good pipeline safety program. In

1 fact, I believe in the urgency of emission  
2 reductions and minimization.

3 The September 2018 gas pipeline  
4 explosions in Massachusetts helped to  
5 underscore the continued pressing need for  
6 LDCs, state energy regulators, federal  
7 regulators and other stakeholders to work  
8 together to improve the safety and efficiency  
9 of the gas distribution network.

10 The most effective approach for  
11 success to do this depends on many, many  
12 factors including, but not limited to, aging  
13 type of infrastructure, cost of repair and/or  
14 replacement, location of the pipe, community  
15 impacts and the actual miles of pipes that need  
16 to be repaired or replaced.

17 I feel perhaps I failed in my role  
18 on GPAC to properly articulate and most  
19 prominently address on our last big discussion  
20 why it was important and then we voted on the  
21 type three leaks, and I felt the obligation to  
22 vote no.

1 I engaged I putting off initially  
2 setting what principles were for me and  
3 instead, I was learning on the fly on important  
4 technical issues that required more thoughtful  
5 reflection on what the real practical  
6 implications would be.

7 For example, I couldn't see any  
8 rational basis to just pick the number seven  
9 year when we didn't have the full data on what  
10 really is a reasonable time frame for a leak  
11 prone replacement program. New York, you heard  
12 I confirmed what the average leak prone time  
13 frame is, 6 to 25 years. That made me stop and  
14 question why then are we setting what may just  
15 been an aspirational but completely unrealistic  
16 number? But the time frame to repair or  
17 replace isn't the only factor to look at. But  
18 that is what I felt like I would have done if I  
19 had voted yes.

20 I feel a responsibility to actually  
21 make sure the recommendations I support are to  
22 give PHMSA considerations that are derived from

1 our collective experience and take the time to  
2 ask what else is missing from our evaluation?

3 We have done really well this week  
4 when we agreed first in our principles and then  
5 set to work on more specific recommendations or  
6 things for PHMSA to consider.

7 Yesterday, I felt like I should have  
8 done better to follow what has worked for me in  
9 our principle-based processes and so it left me  
10 unsettled.

11 I say this next part with due  
12 respect. I don't think our discussions are  
13 fully taking into consideration a true  
14 understanding of what state programs are doing  
15 to be successful, the intricacies of our rate  
16 processes and all of the complexities that  
17 exist at the operator level.

18 I do think that PHMSA can work on  
19 what is in the record that we have set before  
20 us on how to incorporate so that the principles  
21 that clearly recognize the state programs and  
22 their rules in reducing emissions. In fact, I

1 do see that there is a pathway that can be  
2 found to create a transition that enables  
3 states like New York to stay on their current  
4 path with time to evaluate the rule in final  
5 and ability to demonstrate equivalency to an  
6 appropriate standard.

7 Let me be clear. I am more  
8 committed than ever to GPAC. The value of this  
9 stakeholder engagement is so vital. We have  
10 more work to do. We should meet more  
11 regularly. And I will continue to advocate  
12 with my fellow GPAC stakeholders, and as we  
13 move forward continue to suggest considerations  
14 by PHMSA while they finalize the regulations  
15 and looking at it from a reasonable, rational,  
16 fact-based decision-making process.

17 In conclusion, I am mindful of  
18 wanting to move forward to address leaks  
19 through replacement and repair in a way that  
20 maximizes safety and environmental benefits  
21 while minimizing pressure on the rates  
22 customers pay for gas service. I know we can

1 do that. Thank you all for allowing me this  
2 opportunity to share my thoughts. Thank you.

3 MR. DANNER: All right. Thank you  
4 very much. Alan? I'm sorry. Andy, I did --  
5 that's the second time I have done that.

6 MR. DRAKE: I feel like I'm getting  
7 a promotion. This is awesome. No, I just --  
8 this is Andy Drake with Enbridge. I just  
9 wanted to take a moment to say thank you. I  
10 share a lot of the sentiments that you  
11 expressed. And I think it's important for us  
12 to understand that we're in a learning,  
13 vertical learning place.

14 And I think the number we picked, we  
15 picked. I deferred to the committee. I just  
16 don't think it was well-founded in technology  
17 and facts and data. And we're friendly faced  
18 with quite a practicability challenge I think  
19 really. And I think it's important that I  
20 share your sentiments. Thank you.

21 MR. DANNER: All right. Are there  
22 any other comments before we move on? All



1 right. Thank you very much. And back to John  
2 Gale.

3 MR. GALE: Thank you, Chairman.  
4 Just again, members, we have three remaining  
5 issues here under grading and repair. We have  
6 the topic of post-repair inspections or  
7 rechecks, the issue of upgrading and  
8 downgrading and should that downgrading be  
9 allowed and for the investigation of repairs of  
10 leaks following environmental changes.

11 So with that said, Chairman, back to  
12 you, sir.

13 MR. DANNER: All right. So why  
14 don't we start with post-repair inspections?  
15 Is there anyone who wants to start the  
16 conversation? Chad Zamarin?

17 MR. ZAMARIN: Yeah. I would propose  
18 that this be considered for removal. I think  
19 of this as if I had a leak at my house and a  
20 plumber repaired the leak and then I paid for  
21 that plumber to come back 14 days later to  
22 verify that his repair was made correctly.

1 I think we expect when a leak is  
2 repaired that it's verified repaired at the  
3 time of repair. And it seems pretty  
4 unreasonable, impractical and very wasteful to  
5 have a post-repair 14 days up to 30 days after  
6 the repair is made.

7 MR. DANNER: Thank you. Pete?

8 MR. CHACE: Pete Chace, NAPS. This  
9 is an issue that we've looked at at the state  
10 level. We have a reinspecting requirement for  
11 hazardous leaks or Grade 1 leaks. The exact  
12 terms we use are after sufficient time to allow  
13 the soil to stabilize and essentially for the  
14 gas to leach out of the soil up to 30 days.

15 The reason why we did that is  
16 because we just found one too many band clamp  
17 repairs on a Grade 1 leak. But we came back  
18 later on an inspection, and it was a Grade 1  
19 leak again. That's been our experience. But  
20 we do it strictly for the purpose of safety.

21 MR. DANNER: All right. But you do  
22 find value in the post-repair inspections?

1 MR. CHACE: For hazardous leaks, we  
2 do.

3 MR. DANNER: Okay. Brian.

4 MR. WEISKER: Brian Weisker, Duke  
5 Energy. I think when we look at it, I guess,  
6 for a hazardous leak I'm trying to play out  
7 just for a Grade 1 leak going back and  
8 inspecting. I think various repairs, whether  
9 it's a band clamp or there are others where, I  
10 mean, a cut out and replace, I think you  
11 determine at the time that you did the repair  
12 that you don't have any gas present. And so  
13 that's where I'm at with this is that we make  
14 the repair. We determine that there's no gas  
15 present and then the repair is done, and we  
16 move on.

17 MR. DANNER: Pete?

18 MR. CHACE: Just a quick response to  
19 that. Thank you. There are some limitations  
20 on this, right? If the leak is above ground,  
21 to me a reinspection is pointless. And if the  
22 leak was repaired through a piping replacement,

1 there is no need for a reinspection.

2 MR. DANNER: So what would your  
3 recommendation be for reinspection? What would  
4 you limit it to?

5 MR. CHACE: I can tell you what we  
6 did in my state, and that is we have a  
7 reinspection requirement for repairs, not  
8 piping replacement, but repairs of below grade  
9 piping for hazardous Grade 1 leaks.

10 MR. DANNER: All right. Chad?

11 MR. ZAMARIN: Yeah. I think this is  
12 a great example of why it's important to set a  
13 minimum standard and then states can certainly  
14 go beyond that if they're unique circumstances  
15 warrant.

16 I mean, I think I said I would  
17 prefer it be removed. I think there is  
18 obviously now more rationale than maybe I saw.  
19 But I would still if this shouldn't just be  
20 that an operator should consider whether a  
21 post-repair inspection is necessary and then  
22 you can allow states to mandate if needed. But

1 it just seems like on transmission I can't  
2 imagine -- and this applies to all leaks.

3 Like I can't imagine a scenario on a  
4 transmission or gathering line where we would  
5 come 14 days later. I mean, we require  
6 inspection of a repair to be made at the time  
7 it's made. And I think there is a long solid  
8 track record of that being the most effective  
9 and efficient way of making a repair.

10 MR. DANNER: All right. Does PHMSA  
11 want to share its rationale for including this  
12 in its proposal?

13 MR. KLESIN: Yeah. Joe Klesin,  
14 PHMSA Eastern Region. Yeah, consistent with  
15 many operators that use the re-check  
16 requirement, you know, there are scenarios  
17 where, and it might rightfully so -- more so  
18 for LDCs, high population areas -- where you  
19 may have a leak migration pattern that  
20 encompasses multiple facilities, that's not  
21 always known to the operator who goes out and  
22 makes the repair.

1                   So this is something that ensures,  
2                   you know, once the operator makes a repair, you  
3                   know, the pipe gets buried, that there is a  
4                   recheck done to ensure complete repair of the  
5                   leak and that nothing was left behind. Thank  
6                   you.

7                   MR. DANNER: All right. Thank you.  
8                   Brian and then Steve? Oh, John Gale.

9                   MR. GALE: Just two points of  
10                  clarification.

11                  MR. DANNER: Okay. I'm sorry. For  
12                  the benefit of court reporter, I just want to  
13                  remind people, and I've forgotten myself. But  
14                  let's identify yourselves.

15                  MR. GALE: John Gale, PHMSA,  
16                  regarding pipe replacement, we did not intend  
17                  for this section to apply to pipe replacement.  
18                  Obviously we probably need to clarify that, but  
19                  it's for pipe repairs, which is not pipe  
20                  replacement.

21                  And also I will note that the 14  
22                  days, Joe, correct me if I'm wrong, if I

1 remember right, that was consistent with the  
2 New York, right? We got that from New York,  
3 correct?

4 MR. KLESIN: That's correct.

5 MR. GALE: Yup, all right. Thank  
6 you.

7 MR. DANNER: All right. Now Brian  
8 and then Steve and then Sara.

9 MR. WEISKER: Brian Weisker, Duke  
10 Energy. I listened in to what Chad proposed  
11 and, you know, the suggestion of a recheck and  
12 then with what, you know, Pete mentioned for  
13 what they do in Ohio, and I think probably  
14 different states do different things.

15 I think that would be an appropriate  
16 approach here as far as, you know, again, I  
17 think we're going to fix the leak. When we go  
18 out and fix the leak, we get verification that  
19 the leak is fixed. And if we stick with a  
20 recheck and having to go back, I just see this  
21 as a non- efficient use of resources. We  
22 validate it, we fixed it, and then let's move

1 on to fix the next leak.

2 MR. DANNER: Steve?

3 MR. SQUIBB: Steve Squibb, City  
4 Utilities. Yeah, just to provide my  
5 experience. At City Utilities, we have a  
6 recheck process. And I just check with my  
7 folks, and we rarely, if ever, have any other  
8 indication of a leak when we go back to do a  
9 recheck.

10 We obviously verify that that leak  
11 has been repaired at the time of repair. And  
12 like the plumber example, it's repaired. We  
13 don't leave until we get -- you know, verify  
14 it's repaired. So I think that's the most  
15 efficient use as opposed to coming back with  
16 another truck roll later to verify that.  
17 That's inefficient. Thank you.

18 MR. DANNER: I mean, I would note  
19 that when a plumber makes a repair and the  
20 repair doesn't work, there is a homeowner to  
21 call. In this case, there's not often a  
22 homeowner to notice that the pipe is still



1 leaking and make a call.

2           And if what I'm hearing from Pete is  
3 that they have, on occasion, found that repairs  
4 are incomplete or ineffective, you know, the  
5 question is do we limit it to a certain kind of  
6 pipe or do we or do we just get rid of it  
7 altogether and that's my question. So I turn  
8 to Sara.

9           MS. GOSMAN: Thank you, Chair. Sara  
10 Gosman. I guess I wonder how onerous this  
11 particular requirement is. I assumed that, you  
12 know, we would want to make sure that the leak  
13 repair has actually worked, that that would be  
14 part of what an LDC would do in terms of, you  
15 know, its management procedures.

16           And I also think it's important to,  
17 if we're going to create this program, that we  
18 have something on the back end here to make  
19 sure that these leak repairs have worked.

20           So I think this is a very reasonable  
21 requirement that allows for certainty that  
22 we're really getting to the place we need to

1 get to in terms of a reduction in methane  
2 emissions.

3 MR. DANNER: All right. Brian.

4 MR. WEISKER: Brian Weisker, Duke  
5 Energy. So, Sara, the way this provision is  
6 written from how onerous, an operator must  
7 conduct a post-repair inspection at least 14  
8 days but no later than 30 days after the date  
9 of repair to determine if the repair is  
10 complete.

11 So every single repair we do, we're  
12 now rolling another truck to go on out, to  
13 reinspect what we inspected at the beginning of  
14 the process. We inspected it. We found a  
15 leak. We've repair it. We validate that the  
16 repair is fixed. And then we're doing a whole  
17 other re-roll of a truck.

18 I mean, from an emissions its, A,  
19 truck emissions going out. And then just from  
20 a resource standpoint, it is a lot of resources  
21 now. If you think about what we've just voted  
22 on on the previous day is for your Grade 2

1 leaks, Grade 3 leaks with the requirement for  
2 fixing. This would be a significant amount of  
3 truck rolls and effort, resource time going to  
4 just validate what we validated 14 days before.

5 And I just don't think to me that  
6 makes -- it just doesn't make sense. Let's  
7 take those resources and put them to use to  
8 fixing other Grade 3 leaks versus going out to  
9 reinspect what we did 14 days before that we  
10 inspected on the day when we did the work.

11 MR. DANNER: Alan Mayberry.

12 MR. MAYBERRY: I was going to ask,  
13 would you suggest an alternative because --  
14 and, yes, maybe a vast majority may be that way  
15 but what about say the situation where you may  
16 have multiple leaks. You repair one, but it  
17 may be -- and you have gas migration that  
18 varies, you know, greatly whether you're  
19 dealing with sandy soil or clay soil that may  
20 be coming from a totally different location.

21 So, you know, there are -- as we  
22 work to establish a national minimum standard,

1 you know, we've got to be able to address the  
2 fact that you may not have gotten it.

3 MR. DANNER: Brian, direct response?

4 MR. WEISKER: Brian Weisker, Duke  
5 Energy. I do think an alternative in what we  
6 had proposed in our comments would be that if I  
7 make the repair and I have no reading, I get a  
8 zero reading for gas, and then the soil, there  
9 is no gas in the soil, we've done our  
10 inspection and we're done.

11 If there is residual gas readings,  
12 that we would come back then, 30 days to  
13 validate that the repair was successful. And  
14 if it's going down, not at zero, we could come  
15 back again 30 days later. I think that  
16 approach -- because then if it's going up, we  
17 know, either there's another leak there or  
18 there is an issue.

19 So I think that would be a very good  
20 compromise position that when we fixed it, we  
21 get zero, check, we're done. If we fixed it  
22 and there is still a residual reading in the

1 soil, we will come back within 30 days to  
2 validate that.

3 MR. DANNER: Thank you. Chad?

4 MR. ZAMARIN: Chad Zamarin,  
5 Williams. I think we need to keep in mind  
6 we've increased controlling frequencies. We've  
7 increased survey frequencies. We're talking  
8 about what I hear as rare, very bespoke unique  
9 conditions and yet we're then creating an  
10 extremely broad and blunt requirement for every  
11 situation. Like that is bad, bad policymaking.

12 And I mean we're talking about the  
13 unique circumstances that require special  
14 consideration. And then we're taking that up  
15 to a level where we cast that requirement to  
16 every single situation. Like that's not an  
17 efficient like direction of regulations.

18 I mean, I don't know of any  
19 transmission and gathering repairs that require  
20 a 14 day recheck. And you're talking about  
21 sending people out. I mean, at the time we  
22 make repairs, we do x-rays. We do gas leak

1 detection. I mean, we require the repair to be  
2 inspected at the time of repair.

3 I am hearing that it sounds like the  
4 vast majority of distribution line repairs  
5 don't have the unique situation that you  
6 described, Alan. I get it, there are always  
7 going to be those what ifs. That's actually  
8 why a risk-based approach, a performance-based  
9 approach is the best kind of tool when you  
10 can't define something that applies to all  
11 situations or the vast of situations.

12 So, again, I don't have any problem  
13 with the concept where it makes sense. The  
14 problem here is we're casting it across every  
15 situation, the vast, vast majority of which for  
16 it doesn't make sense, above ground  
17 appurtenances, below ground where you don't  
18 have soil instability issues, which is the vast  
19 majority of below ground, you know,  
20 transmission, gathering.

21 And so I still feel like this has a  
22 place for operators and state regulators where

1 it makes sense. But I'm not sure it makes  
2 sense as a minimum standard for all operators  
3 in all situations.

4 MR. DANNER: All right. Alan  
5 Mayberry?

6 MR. MAYBERRY: I can appreciate  
7 that. It's just that, again, you know, put  
8 yourself in our shoes as we develop the  
9 national uniform standard.

10 And, you know, while most operators  
11 will do the right thing, we don't necessarily  
12 count on that. In fact, we don't see that. So  
13 there are loopholes if we make, you know, the  
14 gap too wide people can just unintentionally or  
15 intentionally exploit them and, you know, we  
16 want to be able to address that.

17 MR. DANNER: Okay. Sara, Arvind and  
18 then Diane. Sara?

19 MS. GOSMAN: Thank you. Thank you  
20 very much for that information. Again, I just  
21 -- I'm assuming, and you can let me know, but  
22 for things like Grade 1 leaks, I would hope

1 that you all would be out making sure that that  
2 leak repair was, in fact, done, that it's  
3 successful, right, within a certain period of  
4 time.

5 And, you know, I see a bit of the  
6 argument in the very small leaks. But for me,  
7 particularly on Grade 1 and Grade 2, it seems  
8 like it's just a practical, you know, result  
9 here that we need to figure out whether these  
10 leak repairs are working.

11 And if they are, right, and  
12 operators and LDCs can show that, that really  
13 they're not seeing anything coming off of these  
14 reinspections or post-repair inspections, then  
15 I think that's information to PHMSA that PHMSA  
16 can consider in revising this particular  
17 requirement.

18 MR. ZAMARIN: Can I direct respond  
19 there, please?

20 MR. DANNER: Yeah.

21 MR. ZAMARIN: Thanks. Chad Zamarin,  
22 Williams. You know, just as an example, a



1 primary repair technique for transmission and  
2 gathering lines would be to install a steel  
3 sleeve over a leak and weld that sleeve on both  
4 ends of the sleeve. I mean that is a repair  
5 that made at the time has non-destructive  
6 testing that is performed. And then when gas  
7 is reintroduced into the pipeline, leak  
8 detection is performed.

9           There is absolutely no need -- I  
10 don't know of -- in my career I've worked on a  
11 lot of old systems. We don't have to go back  
12 14 days later to verify that that repair was  
13 made correctly.

14           And, Alan, I'm looking at you and  
15 PHMSA. I would be interested to know, that has  
16 got to be an extremely small, if not -- again  
17 the requirement for testing of those repairs is  
18 extensive at the time it's made. We're talking  
19 about now sending crews back out to repair  
20 locations to do inspection -- this just doesn't  
21 make any sense.

22           MR. DANNER: Alan Mayberry?

1                   MR. MAYBERRY: I think we're talking  
2 about apples and oranges between repair of the  
3 leakage you describe versus an interconnected  
4 distribution system of say cast iron or  
5 unprotected steel where you may be dealing with  
6 multiple issues to address one leak so two  
7 different issues.

8                   MR. ZAMARIN: Direct response,  
9 please. Chad Zamarin, Williams. This  
10 requirement applies to all pipes, all  
11 situations. And so what you just said is  
12 exactly right. Like treating everything, but  
13 it sounds like it's not everything that we're  
14 concerned about.

15                   MR. DANNER: Alan Mayberry?

16                   MR. MAYBERRY: And that's why, you  
17 know, I was looking for some proposed  
18 alternatives, which I think we're taking care  
19 of here. Yeah, we're good.

20                   MR. DANNER: All right. Thank you.  
21 Arvind?

22                   MR. RAVIKUMAR: Thank you. Arvind

1 Ravikumar, University of Texas. What I thought  
2 I would do here is maybe talk a bit about what  
3 we actually know about repair failures.

4           There is not a lot of data on this.  
5 We just know anecdotally from companies talking  
6 about where leaks can reappear. But there was  
7 one study that was done in the State of  
8 Massachusetts around the urban area of Boston  
9 in the distribution system about two years ago.

10           This study was actually partly  
11 funded by PHMSA. And the explicit goal of the  
12 study was to go find out how effective are  
13 repairs. And what they found out is that the  
14 failure rate is about 20 percent in the  
15 distribution system for repairs that were  
16 completed.

17           And an additional thing they found  
18 out was that much of the leaks that reappeared  
19 happened within the first year. So at the end  
20 of the first year, if you don't see the leak  
21 reappear, the chance that it reappears in year  
22 two, three, four after the repair are very

1 less.

2 But overall we find between 10 to 20  
3 percent of leaks that did not -- of repairs  
4 that didn't work and it started leaking again.  
5 I just thought I would put that information out  
6 there. It's one study from the distribution  
7 system in Boston, but it's data that's  
8 available.

9 MR. DANNER: And do you know to  
10 differentiate between cast iron and bare steel  
11 and other pipe that is cathodically protected  
12 or in just better condition?

13 MR. RAVIKUMAR: I don't think that  
14 differentiation is available. It's just on  
15 repairs that were made and what happened to  
16 those repairs.

17 MR. DANNER: Thank you. I  
18 understand, Brian, you had a proposal, you have  
19 some language that you want to offer. Should I  
20 let the others speak first and --

21 MR. WEISKER: Brian Weisker, Duke  
22 Energy. I would let Chad and Alex who had

1 their tents up and Diane and then I come in if  
2 that's okay.

3 MR. DANNER: That was my question.

4 So we have some tent cards up. Alex?

5 MR. WEISKER: Thank you.

6 MR. DEWAR: Alex Dewar, BCG. I  
7 think there is an important question about what  
8 inspection really means going forward with the  
9 availability of data and the use of those data  
10 within corporate operations.

11 I think, you know, we talked a lot  
12 about detection. They stated in the session  
13 this week that there is also operational data.  
14 And the integration of that can be incredibly  
15 powerful for understanding much more accurately  
16 and predictively system operations.

17 And I think especially with these  
18 types of reinspection questions, once you know  
19 what the issue is that you're looking for,  
20 operators know then the data that they need to  
21 be monitoring. And that's one aspect to think  
22 about here is and to be more forward-looking

1 with regard to the role of technology and the  
2 advancement, especially on the integration of  
3 Aymo to all of this, which operators are doing.

4 Is there a way to think about what  
5 the post-repair inspection really means? Does  
6 this have to be a physical inspection or is  
7 there a standard that can utilize the  
8 availability of data that will be frankly  
9 faster, cheaper and in some cases more  
10 effective in identifying this?

11 Now accepting that's a real emerging  
12 standard and it's very hard to set minimums for  
13 that, but potentially open that up as a way to  
14 bridge, I think, this debate, right, to say  
15 that it may not have to be just physical  
16 inspection if operators can bring the right  
17 data and demonstrate that they're using it the  
18 right way.

19 MR. DANNER: All right. Thank you  
20 for that. Diane?

21 MS. BURMAN: Yeah, I agree with some  
22 alternative language to help sort of set the

1 stage in what's appropriate. I am concerned  
2 that it applies to everyone. And I think kind  
3 of listening to this discussion and Alan, your  
4 comments, I think we can get there so thanks.

5 MR. DANNER: Thank you. Chad  
6 Gilbert?

7 MR. GILBERT: Chad Gilbert with the  
8 United Association of Plumbers and Pipefitters.  
9 And I just want to state that I think we ought  
10 to concentrate on the distribution leaks here  
11 because of the criteria and the inspection upon  
12 the gathering and the transmission. Once the  
13 repair is made on gathering and transmission  
14 the third-party inspection almost 100 percent  
15 of the time is checking that. And I just think  
16 it would be a waste of resources and it adds  
17 extra cost to the transmission or the gathering  
18 system on these kind of regulations. Thank  
19 you.

20 MR. DANNER: Thank you very much.  
21 Brian?

22 MR. BRIAN WEISKER: Brian Weisker,

1 Duke Energy. So what's on the screen is what I  
2 would propose. And I think this hopefully  
3 helps alleviate a lot of the concerns that  
4 we've talked about so that you would do -- and  
5 I also want to, before I get to that, Arvind, I  
6 appreciate your comment. I think, you know,  
7 every system is different whether it's legacy,  
8 cast iron, predominantly protected steel or  
9 plastic. And the repairs will be, you know,  
10 depending on your system obviously are going to  
11 look different.

12 But, you know, the first one is if  
13 we make the repair, and there is no gas. We've  
14 completed zero gas. We've done our inspection.  
15 We move on. If there is still gas  
16 concentration there from a blow down leak, the  
17 question of I got a leak, but did I get the  
18 leak, this is a way for us to then come back  
19 and validate, right? We come back within 30  
20 days, the gas is mitigated. We've got the  
21 leak.

22 If not, is it decreasing? Well, we



1 think we got the leak. We'll come back again.  
2 And then if it's going up, well, we have a new  
3 leak, right? And so we would initiate the  
4 process of a new leak.

5 And then if you see in bullet number  
6 three there, it's really around when it would  
7 not be required. So you can see there,  
8 anything on the list there, that would  
9 alleviate the requirement for coming back for a  
10 recheck.

11 MR. DANNER: So can you tell me why  
12 repairs for excavation damage are called out?  
13 What's the justification there?

14 MR. BRIAN WEISKER: The same  
15 scenario, just that for a recheck. So the  
16 damage happened. I go out. I have made the  
17 repair. I have a zero percent. So I've  
18 validated that the repair I made fixed the  
19 excavation damage and then I move on.

20 MR. DANNER: All right. Thank you.  
21 All right. We have a proposal up before us.  
22 Diane?

1 MS. BURMAN: I just want to sort of  
2 level set. This holistically also goes into  
3 that we are going to have more frequent  
4 inspections. So it's going to catch that, too.  
5 So this just isn't getting rid of something.  
6 It's also trying to come up with an  
7 alternative. But the landscape is more  
8 frequent inspections will be in existence.

9 MR. DANNER: Erin Murphy?

10 MS. MURPHY: Would you be open to  
11 adding -- Brian, would you be open to adding a  
12 clarification to item three that would not  
13 apply when item one is applicable just to be  
14 very clear that any time there is a reading  
15 greater than zero percent, the post-repair leak  
16 recheck would be conducted.

17 MR. BRIAN WEISKER: Brian Weisker,  
18 Duke Energy.

19 MR. DANNER: Oh, I'm sorry. Are you  
20 waiting for me? I'm sorry. I was waiting for  
21 you.

22 MR. BRIAN WEISKER: Brian Weisker,

1 Duke Energy. I'm a little confused. So we're  
2 adding to where a check is not required  
3 something that would -- I'm confused. It felt  
4 like we were adding to the not required a  
5 requirement to do rechecks.

6 MR. DANNER: Erin Murphy?

7 MS. MURPHY: Erin Murphy, EDF. So  
8 as I read this, right, item one is clear that  
9 an operator must conduct a post-repair leak  
10 recheck if the zero percent gas concentration  
11 reading cannot be achieved. But then sub-three  
12 says that a post-repair recheck is not required  
13 for these five circumstances.

14 So I'm just wondering if we can  
15 clarify that if there is a gas concentration  
16 reading in those circumstances, you would still  
17 conduct the recheck because the way it sounds  
18 to me right now you wouldn't even have -- under  
19 this proposal, the committee would be  
20 recommending that an operator wouldn't even  
21 necessarily be worrying about that check if  
22 they were in this exception under sub-three.

1 MR. DANNER: So in other words you  
2 would eliminate sub-three?

3 MS. MURPHY: Maybe I'm  
4 misunderstanding sub-three because I wasn't  
5 trying to eliminate it.

6 MR. DANNER: Oh, okay. Well, then  
7 maybe I am. Brian?

8 MS. BURMAN: Can I weigh in on what  
9 I think is a -- I think what --

10 MR. DANNER: Sure, Diane.

11 MS. BURMAN: Yeah, I'm sorry. Erin,  
12 I think I'm hearing you that you're saying we  
13 have number one. And therefore if after the  
14 repair the gas concentration reading is above  
15 zero, you're going to do a recheck no later  
16 than 30 days. And you're just trying to make  
17 sure that number three isn't an exception to  
18 number one.

19 MS. MURPHY: Yes.

20 MR. DANNER: All right. Thank you.  
21 Sara?

22 MS. GOSMAN: Yeah, I would -- Sara

1 Gosman. I would agree that I wouldn't want  
2 three to swallow up number one in terms of  
3 making sure that we are checking leaks.

4 You know, I guess I just want to go  
5 back to the study that Arvind mentioned. I am  
6 assuming that in those situations there was  
7 this kind of check in terms of gas  
8 concentration readings and still we had a 20  
9 percent failure rate. So I think by doing this  
10 we're, you know, at least in some systems,  
11 saying that we're okay with a 20 percent  
12 failure rate because we're not going to be  
13 rechecking.

14 MR. DANNER: All right. Chad and  
15 then Brian.

16 MR. ZAMARIN: Thanks. Chad Zamarin,  
17 Williams. I would suggest that maybe to help  
18 clarify, you know, the conversation we had  
19 about transmission gathering and maybe make  
20 this clear, should we put an introductory line  
21 here that says for Grade 1 and 2 gas  
22 distribution, below ground gas distribution

1 leaks?

2                   There's a lot here so I'm trying to  
3 read through that to figure out what is this  
4 actually applying to, and I think that's what I  
5 read it's meant to apply to, at least as  
6 proposed.

7                   MR. DANNER: So, again, you would  
8 put -- at the beginning of one you would say  
9 for --

10                   MR. ZAMARIN: For --

11                   MR. DANNER: -- for distribution  
12 lines?

13                   MR. ZAMARIN: For Grade 1 and 2  
14 leaks on below ground distribution lines.

15                   MR. DANNER: Okay. The language  
16 will be up shortly. It was there. Pete?

17                   MR. CHACE: Pete Chace, NAPSR. I  
18 wanted to make sure I understood with number  
19 one. My experience with leaks is that you  
20 won't get a zero percent gas concentration  
21 reading for a couple of days after the repair  
22 is completed. So that makes it seem like zero

1 percent gas concentrations can't -- it seems  
2 like every repair done on a subsurface leak may  
3 meet that qualification. Is that your intent?

4 MR. DANNER: Brian?

5 MR. BRIAN WEISKER: Brian Weisker,  
6 Duke Energy. I don't know that that's I will  
7 say applicable across the board that you don't  
8 get zero percent immediately after you do a  
9 repair, I think probably leak by leak by leak,  
10 system by system, whether it's standard  
11 pressure, a higher pressure, et cetera.

12 I think as we got it right here, you  
13 know, with a Grade 1 and Grade 2, so that would  
14 -- as you've kind of described what happens in  
15 Ohio, I think that would help, you know? All  
16 right. So we're going after our largest leaks  
17 for any type of validation with readings in  
18 the soil.

19 Sara to answer -- I'm thinking of  
20 Sara or Erin. I apologize. For down below  
21 where we have -- so like an excavation damage,  
22 when you think about someone's excavated down

1 damage, gas blowing that we go out -- you know,  
2 this isn't a leak survey what do we have  
3 scenario. We've gone down, and we've made, you  
4 know, a significant repair to the system. This  
5 would be that there may be some residual gas in  
6 the soil from that same scenario there where we  
7 do a pipeline replacement, right? We've  
8 replaced a section of that pipe.

9 And the same thing where, you know,  
10 if we've done a remediation where the pipe has  
11 just been completely abandoned that there's no  
12 -- again, rolling a truck back out to validate  
13 if there was any residual in the ground to me  
14 is -- you know, we've made the repair. We  
15 validated whatever we did is -- whether it's  
16 through the testing we did at the scene when we  
17 made the repair, you know, the repair is done.  
18 We're just spending time and money really for  
19 no value. And so that -- I think, this gets a  
20 very solid approach that's defensible and makes  
21 good sense.

22 MR. DANNER: Thank you. Erin



1 Murphy?

2 MS. MURPHY: Erin Murphy, EDF. I  
3 think I'm better or starting to understand  
4 better the three exceptions. So the way I was  
5 thinking about this is the operator completes  
6 the repair or completes the work and then  
7 checks the gas concentration. And then under  
8 sub-one, they would make this determination  
9 whether or not they're going to come back.  
10 Thinking about what Pete said gets me thinking  
11 about, you know, what's appropriate there.

12 But what you're proposing is that  
13 for sub-three, there would be no gas  
14 concentration reading check. So there would be  
15 no trigger for -- no possible trigger for a  
16 recheck for those five scenarios. Is that --  
17 am I now accurately characterizing sub-three?  
18 I just want to make sure I understand.

19 MR. DANNER: Brian, do you want to  
20 respond?

21 MR. WEISKER: Brian Weisker, Duke  
22 Energy. I think the answer to what you're

1 asking is yes. The scenarios for I, II, III,  
2 IV and V, it is extremely, extremely not likely  
3 that there will be any reason to go back and  
4 validate the validity of the repair that was  
5 made under those scenarios.

6 MR. DANNER: All right. And just to  
7 be clear, so there would be no recheck required  
8 for an Grade 3, is that right?

9 MR. WEISKER: Brian Weisker, Duke  
10 Energy.

11 MR. DANNER: Yeah.

12 MR. WEISKER: As proposed, yes.  
13 Thank you.

14 MR. DANNER: Okay. Thank you.  
15 Terry Turpin.

16 MR. TURPIN: Terry Turpin. So just  
17 to rephrase that. I'm trying to understand it  
18 as well and have almost no background in this  
19 kind of stuff.

20 So what you're essentially saying is  
21 for those things in three, the confidence that  
22 the leak source has been identified is so high

1 that there is no reason to second guess that  
2 you got the leak repaired, right?

3 In other words, in other  
4 circumstances where you're rolling up to a  
5 scene where it's from a leak survey, you kind  
6 of have to root around and figure out where  
7 that leak is coming from and there will always  
8 be some question did you get -- to Alan's  
9 point, did you get the one that was the  
10 problem?

11 In these circumstances, you know,  
12 excavation damage, it's pretty obvious where  
13 the leak is coming from. So that's what you're  
14 saying. In these four circumstances, there is  
15 no question that you got the leak so why go  
16 back and hit it again?

17 If that's right, then are there any  
18 other circumstances that, like, what would be  
19 the circumstances that you would have to go  
20 back to conduct it? Because it seems like this  
21 covers most all of the repairs you run into,  
22 right, except for the random leaks. This is

1 where my ignorance kicks in. Thank you.

2 MR. DANNER: Brian?

3 MR. WEISKER: Brian Weisker, Duke  
4 Energy. Where the requirement to come back  
5 would be, as you'd see, so we do the repair.  
6 There is still residual gas readings in the  
7 ground. So you've made the repair. You're  
8 validating that the repair, what you see on the  
9 pipe right in front of you is fixed, and it's  
10 not leaking, but there is still residual leaks  
11 in the ground. And then that would trigger the  
12 going to number two. Does that answer your  
13 question? Thank you.

14 MR. DANNER: All right. Pete and  
15 then Sara Gosman.

16 MR. CHACE: I'd offer when you're  
17 considering what kind of leaks are most  
18 interesting to recheck, it's probably by the  
19 type of repair and the type of piping.

20 If you were to take, say, a segment  
21 of plastic pipe and you squeeze it off and you  
22 reinstall a new segment of pipe to replace that

1 leak, that's a pretty good repair. If you've  
2 got a situation where you've got, say a pipe is  
3 gouged and maybe you put a clamp on it, maybe  
4 that is something where you don't know if that  
5 leak repair is going to hold or not.

6 So I would say that what Member  
7 Weisker is trying to capture here is to screen  
8 out those leaks where a recheck would not be  
9 particularly fruitful.

10 Also I think I sent John, I guess,  
11 some thoughts on some language that would maybe  
12 be cleaner. I don't know if you got that or if  
13 that's worth looking at but that's what I got.

14 MR. DANNER: All right. Thank you.  
15 John, did you receive some language?

16 MR. GALE: Yes.

17 MR. DANNER: Okay. That will be up  
18 shortly. Then Sara?

19 MS. GOSMAN: Sara Gosman. So can  
20 you tell me how many of the, as a percentage,  
21 of the leaks right now in your systems would  
22 have these readings that would trigger a

1 recheck?

2 MR. DANNER: Brian?

3 MR. WEISKER: Brian Weisker, Duke  
4 Energy. Like specific to my system, I think  
5 you would see for us it would be pretty low.  
6 We've replaced all of our cast iron and all of  
7 our bare steel. So our leak-prone pipe, we  
8 finished that replacement program. So I think  
9 my system is probably in a different scenario  
10 than others who still have a lot of leak-prone  
11 pipe that they're still going after with their  
12 pipeline replacement program.

13 MR. DANNER: Sara?

14 MS. GOSMAN: So pretty low, you mean  
15 in like the single percentages?

16 MR. WEISKER: Brian -- direct  
17 response?

18 MR. DANNER: Yeah, go ahead, back  
19 and forth. That's fine.

20 MR. WEISKER: Brian Weisker, Duke  
21 Energy. Yes, very low single percentages is  
22 what I would expect to see here.

1 MS. GOSMAN: Okay. I'm sorry.  
2 Chair, direct response.

3 MR. DANNER: I will --

4 MS. GOSMAN: Okay.

5 MR. DANNER: You guys go back and  
6 forth until I cut you off.

7 MS. GOSMAN: All right. Thank you.  
8 Please feel free to cut me off. All right. I  
9 wonder if Steve could also answer my question.

10 MR. SQUIBB: Steve Squibb, City  
11 Utilities. Thanks. That's my comment I had  
12 ready. For our system, I don't have the  
13 percentages or the stats handy, but, yeah, I  
14 just checked with my folks over that area says  
15 occasionally, not very often that we would have  
16 to come back.

17 And, again, it's mainly for that  
18 residual gas for that gas from that leak that  
19 we just repaired is still in the soil. And  
20 that's what we're detecting. That's why we  
21 can't get to zero.

22 So we have techniques we can try to

1 air out that soil and move air to get rid of  
2 that residual gas and then that will allow us  
3 to get the zero percent reading for that leak.

4 But, again, our system, again, no  
5 cast iron, no bare steel. We have legacy  
6 plastics.

7 MR. DANNER: Sara?

8 MS. GOSMAN: Yeah. So just to  
9 respond, I mean, as I think through what we're  
10 doing here, we're going from a recheck  
11 requirement that would apply across different  
12 types of pipelines and for all leaks to single  
13 digits in the distribution world for Grade 1  
14 and Grade 2. I just observe that because this  
15 is a big shift from what PHMSA proposed.

16 And it seems to me that one thing  
17 that we might consider is to have -- and I want  
18 to double-check with Member Chace, but if I  
19 heard correctly, Ohio has a recheck requirement  
20 for Grade 1 leaks.

21 I mean, I would be curious to see if  
22 that one is conditioned at all because it seems



1 like we may be -- what we are maybe talking  
2 about are the smaller leaks, say Grade 3, as  
3 opposed to the ones where there is an immediate  
4 repair needed.

5 MR. DANNER: Okay. And I note that  
6 there is language at the bottom of the page  
7 now. And I believe that is Pete's language.  
8 Okay. Pete, do you want to respond to that  
9 before I turn to others?

10 MR. CHACE: What we have at the  
11 bottom of the slide is close to what we've come  
12 up, and we did this after going around and  
13 around with state operators.

14 You know, like I said before, I  
15 think what's interesting is maybe the type of  
16 repair that's done. And what we are trying to  
17 get here are hazardous leaks where you do a  
18 repair with say a clamp or something like that.  
19 And sometimes those clamps, you just got to  
20 check to make sure they hold.

21 If you have a smaller leak, we have  
22 always taken the position that you will pick it

1 up again on the next leak survey.

2 MR. DANNER: All right. Thank you.  
3 Commissioner Burman?

4 MS. BURMAN: Yeah. I just want to  
5 remind myself, this is about due to residual  
6 gas in the soil. So I just think that's  
7 important for us to keep in mind.

8 MR. DANNER: Thank you. Arvind?

9 MR. RAVIKUMAR: Thank you. Arvind  
10 Ravikumar, University of Texas. I want  
11 clarification on the subsection three. Is that  
12 list exhaustive or are there scenarios that  
13 you're not thinking of here that might come up  
14 and then would put in a state of confusion?

15 MR. DANNER: Brian?

16 MR. WEISKER: Brian Weisker, Duke  
17 Energy. I don't know that it's exhaustive.  
18 And there may be some confusion. So when I  
19 look at Member Chace's proposal, I think it  
20 takes a lot and makes it pretty concise. And  
21 then I would just say instead of hazardous  
22 leaks, just say all below grade -- we double

1 grade here -- below ground -- subsurface I'll  
2 say, subsurface Grade 1 and Grade 2 leaks  
3 repaired, reclassified other than by  
4 replacement of an affected section of -- I  
5 would say affected replacement or abandonment  
6 of a replacement section of pipe must be  
7 reevaluated after allowing the soil to vent no  
8 more than 30 days after.

9 But what I would like to have in  
10 that is unless -- well, let me think about  
11 that. If we replaced it -- unless you have a  
12 zero percent reading at the time the repair is  
13 complete.

14 MR. DANNER: All right. And that  
15 the wording -- if you agree to that language,  
16 what does that replace above? All of it?

17 MR. WEISKER: It would replace it.  
18 Let me think about it. I want to make sure --  
19 I want to read through this.

20 MR. DANNER: We'll come back. Thank  
21 you. Arvind and then Chad.

22 MR. RAVIKUMAR: Thanks for the

1 clarification, Brian. This is not a new  
2 proposal, but I'm just wondering, I mean, we  
3 just discussed over the past few days several  
4 frequencies for distribution leaks, different  
5 grades.

6 So I'm sort of thinking about what  
7 those repairs are and should they come back  
8 within 15 days for some of the excluded  
9 categories. Why not just say, you know, you're  
10 going to come back here anyway as part of a  
11 leak survey frequency, do a recheck at that  
12 time? It's not an additional truck going out  
13 to this place, but part of the next survey  
14 that's going to happen anyway.

15 MR. DANNER: Do you want to respond  
16 to that Brian?

17 MR. WEISKER: I do. I think to me -  
18 - I couldn't agree more. I mean, we've already  
19 tightened down on the leak survey frequency.  
20 We will -- so we make a repair, we're going to  
21 be back around in a very short -- much, much,  
22 much shorter from our leak survey, that we will

1 validate the repair at the next leak survey.

2 MR. DANNER: All right. Thank you.  
3 Chad and then Sara.

4 MR. ZAMARIN: Thanks. Chad Zamarin,  
5 Williams. I do agree. I mean, that was my  
6 comment earlier that we have increased patrol  
7 frequencies. We've increased survey  
8 frequencies with technology designed to find  
9 these leaks.

10 But I would ask -- I do think I like  
11 Member Chace's proposal and the way that it  
12 summarizes things. I would ask that we clarify  
13 that it's distribution leaks if we're going to  
14 totally replace the language above. Thank you.

15 MR. DANNER: All right. Sara  
16 Gosman?

17 MS. GOSMAN: Yeah, thank you. Sara  
18 Gosman. So I just want to again understand  
19 Ohio's program. So do you limit it to  
20 situations in which there is a zero percent gas  
21 reading taken at the time that repair was  
22 complete, that recheck requirement or not?

1 MR. CHACE: Pete Chace, NAPSR. I  
2 think I understand where the zero percent gas  
3 leak is coming from, that there is no soil  
4 saturation issue. We don't have that language.  
5 We just say if the piping is underground and if  
6 you repair it through some way other than  
7 piping replacement, wait for that excess gas to  
8 leach out of the soil and then go back and do a  
9 recheck.

10 MR. DANNER: All right. Thank you.  
11 Chad? All right. Sara?

12 MS. GOSMAN: So I think I can  
13 support the original language there in Member  
14 Chace's proposal. I would feel a lot more  
15 comfortable if we were to take the laboratories  
16 of democracy in the states and use those as our  
17 basis instead of craft a new policy right here  
18 that seems more restrictive to me.

19 MR. DANNER: So is there really  
20 anything in here that would keep a state from  
21 having standards that are higher than this?  
22 Sara?

1 MS. GOSMAN: Well, I don't know what  
2 other states are doing. I guess that's my  
3 other question. Pete, do you have information  
4 on sort of state programs and --

5 MR. DANNER: So my original  
6 understanding was that the proposed rule from  
7 PHMSA was actually based on the New York  
8 current regulation.

9 MS. GOSMAN: Okay.

10 MR. DANNER: And that this language  
11 here would not interfere with what New York is  
12 doing.

13 MS. GOSMAN: The language below?

14 MR. DANNER: Well, yeah, the  
15 language below.

16 MS. GOSMAN: With or without the  
17 zero percent gas reading?

18 MR. DANNER: Yeah, I think New York  
19 could still -- I will let Diane Burman explain  
20 here.

21 MS. BURMAN: I don't think it will  
22 interfere, but that's always been my fear from

1 day one here, right? So I do think that we  
2 have to be careful of taking one state and  
3 saying, well, let's not just adopt this into  
4 here without sort of understanding all the  
5 systems. Our classification system is  
6 different.

7 Here we are, I think, trying to get  
8 at -- and I think Arvind had actually the best  
9 alternative so we might want to see some  
10 language on that. But I do think that we are  
11 really trying to get at when it makes little to  
12 no sense from a value proposition and there is  
13 other opportunities like with the patrol and  
14 like with the frequent inspections that are  
15 already going to be increasing, how do we  
16 grapple with that to make sure that this  
17 doesn't become a costly endeavor that is adding  
18 no value and that there is other alternatives  
19 to do that?

20 So I do like the language. I do  
21 think that the clarification on Grade 1 and  
22 Grade 2 is important. I do think keeping in



1 number three is important. So I'm good with  
2 this, but I also can see another proposal that  
3 makes it even easier. So Arvind, if you want -  
4 -

5 MR. DANNER: Okay. So, Diane, you  
6 were focusing on the first part. Did you have  
7 a comment on Member Chace's proposal?

8 MS. BURMAN: Yeah, I think if we do  
9 Member Chace's proposal, I think we still may  
10 need number three in there to clarify.

11 MR. DANNER: I see. All right.  
12 Thank you. Erin Murphy? No? Okay. Brian?

13 MR. WEISKER: Brian Weisker, Duke  
14 Energy. I'm very good with the proposal I  
15 have. I think Member Chace's proposal is  
16 covered up above. But if I did put it -- if we  
17 -- so I'll just leave it at that and see if we  
18 have support around what's up there for E1, 2,  
19 3 is listed and then strike Member Chace's  
20 proposal. I'm not sure if Member Chace is good  
21 with that or not, but --

22 MR. DANNER: Member Chace?

1 MR. CHACE: Pete Chace, NAPSR. I  
2 have no objection.

3 MR. DANNER: Erin Murphy?

4 MS. MURPHY: I was going to say that  
5 I was supportive of Member Chace's proposal,  
6 but that's fine.

7 MR. DANNER: Well, actually, I'm --  
8 that's where I'm coming at, too. So, Brian, go  
9 ahead.

10 MR. WEISKER: Well, it's all struck  
11 now. Brian Weisker, Duke Energy. If we keep  
12 Member Chace's proposal, the unless a zero  
13 percent reading is taken at the time of repair,  
14 now we're going -- so I made the repair. I  
15 fixed it. If we don't have that language,  
16 we're going back to check something that we've  
17 got a zero percent reading on when we fixed it  
18 so. And then I think --

19 MR. DANNER: So you're talking about  
20 the language that's in parentheses at the  
21 bottom of the page?

22 MR. WEISKER: Yes, I am.

1 MR. DANNER: Okay.

2 MR. WEISKER: And then also, I mean,  
3 we -- and I think, well, as long as E stays  
4 we're saying -- so the Line E as written and  
5 then Member Chace's proposal, I can support.

6 MR. DANNER: All right, Lisa and  
7 then Diane. I'm sorry. Sara and then Diane.

8 MS. GOSMAN: Sara Gosman. So I  
9 can't support this based on survey frequency.  
10 I'm thinking about the three years outside of  
11 business districts. I think that's just too  
12 long for everything that we would want. I  
13 mean, that basically takes it out too long for  
14 me if we're going to cover everything.

15 I do continue to like Member Chace's  
16 proposal. I guess I feel like what I heard was  
17 that there might be some issues around gas  
18 readings that would -- it's more important to  
19 check after a certain period of time here after  
20 allowing the soil to vent and stabilize.

21 So I'm a little confused. It seems  
22 like a different set of assumptions or, you

1 know, facts around when you're going to be  
2 reading gas in the soil. And that's just a  
3 clarifying question around the two.

4 MR. DANNER: Thank you. Brian?

5 MR. WEISKER: Brian Weisker, Duke  
6 Energy. I think it gets -- Member Chace's  
7 language I think gets what you're asking. So  
8 if there are still readings, if you don't have  
9 that zero percent reading, what we mentioned  
10 about as letting the air I'll say breathe,  
11 stabilize, any of the residual methane that is  
12 in there to be released. If it's not zero,  
13 then there would be that 30 day calendar come  
14 back to validate. But if it's zero, we got the  
15 repair done and there are no readings, then we  
16 would not come back and do a recheck. I think  
17 that alleviates your concern, Sara?

18 MR. DANNER: All right. Alan?

19 MR. MAYBERRY: Okay. We'll do  
20 members. We're fine.

21 MR. DANNER: Erin and then Lisa --

22 MS. MURPHY: I have a --

1                   MR. DANNER: It's Friday. I'm going  
2 to go home.

3                   MS. MURPHY: All right. I will just  
4 jump in with my separate point. I just wanted  
5 to say in response to the point Chad Zamarin  
6 made a couple of minutes ago that I do  
7 recognize that there are distinctions between  
8 like the way repairs function on different  
9 types of pipe, and I'm open to thinking about  
10 sort of applying this to more distribution type  
11 infrastructure.

12                   The one thought that came to mine  
13 for me is that, you know, we're talking about  
14 distribution transmission and gathering here  
15 where leak repairs might be made and wondering  
16 if rather than just saying that this applies  
17 only to distribution if there is a way to think  
18 about this and I maybe defer to you  
19 technically. But like is it a percentage or  
20 like is there another way to sort of define a  
21 threshold for when the recheck would be  
22 appropriate.

1 MR. DANNER: Chad Zamarin?

2 MR. ZAMARIN: Thank you. Chad  
3 Zamarin, Williams. No, thanks for that  
4 question. I think we're talking about very  
5 different operating environments. Gathering  
6 and transmission, you know, operate in a very  
7 different environment than distribution. And  
8 then also gathering and transmission on the  
9 gathering side are limited to larger diameter  
10 steel pipe. And so we're talking about a  
11 population of pipe that has very different  
12 repair methodologies, different operating  
13 environments.

14 And so I think this was crafted  
15 clearly for distribution systems and unique  
16 conditions. We have not seen this issue in  
17 gathering or transmission systems. So I think  
18 it would be a creep into the wrong -- and I  
19 think we heard that from the regulators. I  
20 think it would be a creep into the wrong space.  
21 Thank you.

22 MR. DANNER: All right. Erin, do

1 you want to respond to that?

2 MS. MURPHY: Yeah, thanks. That's  
3 helpful, and I think that's maybe what I am  
4 working my way to in a roundabout way which is,  
5 you know, there is a lot of conversations about  
6 what the applicability is for leak survey and  
7 repair requirements to the universe of gas  
8 pipelines that are in the United States.

9 And so if, in the future, there were  
10 to be -- or in this rulemaking if there were to  
11 be expansion of the universe of gathering lines  
12 that are conducting leak survey and repair and  
13 if some of them were potentially a lower  
14 pressure or a smaller diameter pipe is what I'm  
15 thinking about whether, you know, that is a  
16 situation where some of these circumstances  
17 where a recheck would be valuable might come  
18 into play.

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

21 MS. GOSMAN: Yeah. So I'm wondering  
22 if I can ask PHMSA again why they proposed

1 applying this to transmission and gathering.

2 MR. DANNER: Joe?

3 MR. KLESIN: Repeat that? Sorry.

4 MR. DANNER: The question was why  
5 when you proposed your rule did you include  
6 transmission and gathering?

7 MR. KLESIN: Again, not knowing the  
8 situations of where transmission lines might be  
9 located near premises, HCAs, Class 3, Class 4.

10 MR. DANNER: All right. Thank you.  
11 Alan Mayberry?

12 MR. MAYBERRY: The proposal for the  
13 committee to consider -- and this is where I  
14 will say, too, that I think we have enough on  
15 the record here to move forward. But the  
16 committee may want to consider adding to item  
17 three here for recommending that PHMSA  
18 consider, you know, the congressional mandate,  
19 the record of this meeting, the GPAC discussion  
20 and then public comments to refine the criteria  
21 in item three for rechecks and, you know, but I  
22 defer to you.



1                   MR. DANNER: All right. Well, we  
2 still -- you know, before we are going to vote  
3 on language, I just want to get some  
4 clarification. Are we keeping the first line  
5 of the post-repair recheck is for Grade 1 and  
6 Grade 2 gas distribution only? Sara Gosman?

7                   MS. GOSMAN: Yeah, I like Alan's  
8 suggestion here. I think we're getting into  
9 the weeds a lot. And, you know, I will say,  
10 like I have heard some persuasive arguments in  
11 terms of particular repairs that may not be  
12 required to be rechecked. I think that's a  
13 fair point. I think PHMSA has heard it as  
14 well.

15                   Just this is very specific language  
16 in the world of distribution. And as a public  
17 member, I don't feel comfortable voting on it  
18 because I don't think I understand fully the  
19 implications of this.

20                   I know that it's going to bring it  
21 down a lot in terms of the actual leaks that  
22 are going to be rechecked. I mean, just as a

1 practical matter, that's the information you  
2 gave me. And with that, I feel like this is  
3 better punted to -- not punted. I don't want  
4 to say that at all. We're making a  
5 recommendation to PHMSA to reconsider this set  
6 of reinspection requirements. And I think we  
7 can just move on from there.

8 MR. DANNER: Alan Mayberry?

9 MR. MAYBERRY: Thank you, Sara.  
10 And, admittedly, we cast a wide net up-front.  
11 And we've received many comments. Great  
12 discussion today. And I think that's helped to  
13 inform us, you know, as we move forward.

14 MR. DANNER: All right. Brian, and  
15 then Chad.

16 MR. WEISKER: Brian Weisker, Duke  
17 Energy. I think what I'm hearing is that --  
18 our thought is we make a recommendation for  
19 PHMSA to consider Member Chace's proposal.

20 Or to consider -- or we do one, two,  
21 and recommend PHMSA consider the exceptions for  
22 three. I'm just a little confused.

1                   MR. DANNER: Yeah. I am too. So,  
2 what I thought we were doing, is we were taking  
3 Member Chace's proposal and then adding three  
4 as rewritten onto the bottom of that.

5                   Is -- John Gale, is that not your  
6 understanding?

7                   MR. GALE: Yeah. Thank you,  
8 Chairman. So, the original idea was we would  
9 add it to number three, so, to the Weisker  
10 proposal. Obviously we could also add number  
11 three to the Chace proposal.

12                   So, I guess depending on the  
13 Members' recommendation, we could just move  
14 forward on the Weisker proposal with one and  
15 two, right?

16                   And then too basically have PHMSA  
17 consider the following exceptions based on  
18 Congressional mandates, GPAC discussion, et  
19 cetera.

20                   Or, the more generic Chace proposal  
21 and then add that same kind of language to the  
22 Chace proposal. Whatever your prerogative is

1       there.

2                   MR. DANNER: All right. Brian?

3                   MR. WEISKER: Brian Weisker, Duke  
4 Energy. I recommend that we just use the  
5 Member Chace proposal as written there.

6                   And then, have -- recommend PHMSA  
7 reconsider the second part. I think that will  
8 -- I think that will work.

9                   MR. DANNER: All right. Thank you.  
10 Commissioner Burman?

11                   MS. BURMAN: Yeah. I do like that.  
12 I think it works. And, I just want to make  
13 sure that, because I do think this is a  
14 collaborative discussion.

15                   But, we've gotten a lot of  
16 information and we're all trying to make sure  
17 that the recommendation for consideration is  
18 one that we could all come to agreement with.  
19 I think that might work.

20                   MR. DANNER: Thank you very much.

21                   MS. BURMAN: We're not locking  
22 ourselves in.

1 MR. DANNER: Sara Gosman?

2 MS. GOSMAN: Well, right now this  
3 explained as exceptions. I think that we  
4 should add in there the sort of public safety  
5 concerns that I think are really important to  
6 this discussion.

7 Because otherwise, it reads as, we  
8 want you to reduce these requirements, but we  
9 don't necessarily want you to be thinking about  
10 these other issues like public safety and  
11 environmental protection.

12 So, I would add those to this list.

13 MR. DANNER: So, in other words,  
14 recommend PHMSA consider the following  
15 exceptions based on, and then you would add to  
16 that list?

17 MS. GOSMAN: Well, no, I'm sorry.  
18 It's exceptions, isn't it. Recommend PHMSA  
19 consider the public safety and environmental  
20 implications of the following exceptions.

21 MR. DANNER: All right. Sayler,  
22 have you captured that?

1 MR. PALABRICA: In a very small  
2 font.

3 MR. DANNER: A very small font.  
4 Yeah, so that's why I asked the question, I  
5 can't read it.

6 So, Brian?

7 MR. WEISKER: Brian Weisker, Duke  
8 Energy. If you delete from, you know, one, two  
9 three, move -- you probably want to take the  
10 Member Chace proposal up.

11 And then -- well now really small  
12 font.

13 (Off-microphone comments.)

14 MR. WEISKER: The small font -- can  
15 we, can we -- under -- from Member Chace  
16 proposal all the way up to the three, two, and  
17 one, delete that.

18 (Off-microphone comments.)

19 MR. DANNER: I think he wanted to  
20 retain the (e).

21 MR. WEISKER: Correct.

22 MR. DANNER: The first line.

1 MR. WEISKER: The first line was it.

2 MR. DANNER: All right. Sara?

3 MS. GOSMAN: Sara Gosman. Maybe  
4 it's telling me that I'm talking too much. I  
5 would feel better if we just started with  
6 recommend.

7 I mean, I feel like the proposal  
8 above is part of the discussion that we've been  
9 having that I would like PHMSA to consider.

10 That is, by recommending that PHMSA  
11 consider these issues, right, we are not making  
12 a specific proposal.

13 MR. DANNER: So, I think that the  
14 recommendation there is that you move one and  
15 two -- move one to the bottom of two.

16 Is that --

17 MR. PALABRICA: So, one becomes two?

18 MR. DANNER: One becomes two. And,  
19 Sara, did you have additional editing that you  
20 wanted to do there?

21 MS. GOSMAN: I would put that as  
22 sort of VII, sub-seven.

1 MR. DANNER: All right. Brian?

2 MR. WEISKER: Brian Weisker, Duke  
3 Energy. We had for E, grade one and two leaks  
4 was listed there. And now, it's gone.

5 So, I'm confused with what we've --  
6 by putting that in the next --

7 MR. DANNER: No. We were asking  
8 that the E line, or that mentioned  
9 distribution, or --

10 MR. WEISKER: Distribution grade one  
11 and two leaks.

12 MR. DANNER: Yes.

13 MR. WEISKER: And, that listed the,  
14 what we now have as Roman Numeral VII, it's  
15 kind of -- it's not an -- Roman Numeral VII is,  
16 it's not an exception. It's one that would be  
17 required.

18 MR. DANNER: Yeah. All right.  
19 Commissioner Burman?

20 MS. BURMAN: I think the editing got  
21 messed up. I think that it's supposed to be,  
22 all we were doing -- all that, I think, Sara



1 was looking to do, was take the recommend to  
2 PHMSA sentence and move it up.

3 And that the rest would remain. So,  
4 it was Chace's, Member Chace's proposal as well  
5 as the exceptions, for lack of a better word,  
6 the exceptions section that was there.

7 I do think we should also keep in  
8 mind that we're asking them to consider the  
9 exceptions based on the mandates from Congress,  
10 the GPAC discussion and public comments.

11 But, really important to me, is  
12 other changes that they make in the proposal  
13 should be considered as well.

14 So, for example, the fact that we're  
15 increasing frequency of inspections and other  
16 things, that impacts sort of the weight of the  
17 need for this or not, so.

18 MR. DANNER: So, if something like,  
19 and other provisions in the proposed rules.

20 MS. BURMAN: Yes.

21 MR. DANNER: All right. Sara?

22 MS. GOSMAN: Yes. So, let me just

1 try again here. Sara Gosman. So, what I --  
2 what I see this now, Roman Numeral VII as, is a  
3 particular proposal. Right?

4 Whereas -- which is an exception,  
5 just to be clear. So, I think that the -- if  
6 there is language in there that relates to  
7 exceptions that you would like PHMSA to  
8 consider, I think that should, we should take  
9 that out of that particular language and put it  
10 down under as many as we need to, sub-seven,  
11 sub-eight.

12 But, this is -- this is a proposal.  
13 And, I think my -- at this point, my  
14 recommendation would be to have PHMSA listen to  
15 the discussion, understand that there are these  
16 issues.

17 And, consider what we've talked  
18 about. But, not to make a particular proposal  
19 for gas distribution.

20 I think that's built into the idea  
21 that we have a list of exceptions that they  
22 should consider.

1 MR. DANNER: Right. And so, in  
2 doing that, in the editing here, you're -- you  
3 would leave what is currently little seven in  
4 there as a -- as little seven.

5 MS. GOSMAN: No, I wouldn't.  
6 Because, I mean, as I read it more, I think  
7 it's a particular recommendation, right?

8 It's language that is meant to be  
9 the answer to this question of leak recheck for  
10 certain situations and distribution.

11 MR. DANNER: So, would you -- are  
12 you rewriting it or deleting it all together?

13 MR. GOSMAN: I think it's covered by  
14 the previous Roman numerals.

15 MR. DANNER: Okay.

16 MS. GOSMAN: But, I'm a -- you know,  
17 if Brian feels like there's more that he wants  
18 to add in terms of giving PHMSA information  
19 that's built into that standard, I mean, we  
20 could even say, consider state programs and  
21 their, you know, how they have reached that  
22 requirement.

1           So, I think that would be fine too.  
2           And, we can even mention Ohio separately if we  
3           would like, right?

4           MR. DANNER: I mean, I'm trying --  
5           I'm trying to edit the particular language  
6           that's up here.

7           So, first of all, let's capture what  
8           Commissioner Burman was saying. You know, so,  
9           it's based on mandates from Congress, the GPAC  
10          discussion, other provisions in the NPRM and  
11          public comments.

12          Or, other provisions in the proposed  
13          rules and public comments. And then, -- and  
14          then, you --

15          MS. BURMAN: Can --

16          MR. DANNER: Yes, Commissioner  
17          Burman?

18          MS. BURMAN: I'm sorry. So, I see  
19          this as we're not just all in a kind of  
20          agreement that we want to put forward for PHMSA  
21          to consider things.

22          But, we're not necessarily locking

1 ourselves into it. You have the discussion.  
2 However, I do think for voting purposes, it's  
3 important to lay out the things that we might  
4 have taken a vote on, but, not saying we're in  
5 full agreement on.

6 And so, I think that to the extent  
7 that the first section addresses that we're  
8 considering it, and then these are the things  
9 that -- not limited to that. But, these are  
10 the things to consider.

11 And, it's not -- I'm seeing it as  
12 not lacking any one into having to have these  
13 as the exceptions that you're saying you must  
14 do.

15 But, rather the language ahead of it  
16 is the language that's saying look, we're  
17 asking you to consider this based on what we're  
18 -- what all these things, and by the way, these  
19 are things that are really important.

20 MR. DANNER: All right. Brian?

21 MR. WEISKER: Brian Weisker, Duke  
22 Energy. I think this gets what we're saying.

1 I want to read it real quick.

2 MR. DANNER: Are you -- Brian?

3 MR. WEISKER: Brian Weisker, Duke  
4 Energy. One other thing, I don't think, and  
5 this is wordsmithing.

6 But, reclassified, I think it's just  
7 repaired. I'm not sure what we're saying with  
8 re- -- so, just but otherwise, I think this is  
9 exact. I'm good.

10 MR. DANNER: Okay. Number seven  
11 does kind of stand out as having a different  
12 structure than the others, which all started  
13 with exceptions.

14 So, it's -- we're asking that PHMSA  
15 consider applicability to all sub-surface leak  
16 applicability of, I think we need an  
17 applicability of something.

18 So, Brian?

19 MR. WEISKER: I'd say the  
20 applicability of post-repair recheck.

21 MR. DANNER: Okay. That would work.

22 Pete?

1 MR. CHACE: Yeah. Pete Chace. And  
2 after this point I might propose it wasn't  
3 intended as an exception. It was just intended  
4 as restating what we had talked about more  
5 concisely.

6 MR. DANNER: Yeah. All right. Sara  
7 and then Brian.

8 MS. GOSMAN: Yeah. So, Sara Gosman.  
9 I mean, I think I understand that. But, it  
10 does limit what is currently in the NPRM.

11 And, for that -- and, in that way, I  
12 think we are here discussing a more limited  
13 version of the repair requirement.

14 And, until I see that as, if -- the  
15 words don't matter, right?

16 But, like exception or another  
17 proposal that limits, right, the NPRM. And,  
18 that's why I would put them together.

19 MR. DANNER: So, yeah. The others  
20 are exceptions. But, we use the word exception  
21 for all the others.

22 And so, this is stated a little

1 differently. But, it also works with the first  
2 paragraph. So, I think I'm okay there.

3 Steve?

4 MR. SQUIBB: Steve Squibb, City  
5 Utilities. Yeah, I hate to delay this or to  
6 keep this going.

7 But, to stay in the weeds a little  
8 bit, Brian mentioned that the reclassified  
9 part, I wonder if Member Chace would elaborate  
10 on that?

11 How that part of your language  
12 applies? And, do you have to recheck to verify  
13 the reclass was correct?

14 MR. CHACE: That is what my direct  
15 response is. Like if you are, --

16 MR. SQUIBB: Yes.

17 MR. CHACE: Instead of a complete  
18 repair, you take a grade one leak and  
19 reclassify it as a grade two.

20 MR. DANNER: Steve?

21 MR. SQUIBB: So, that reclass to  
22 grade two would require a recheck to that



1 reclass? I'm confused.

2 MR. CHACE: Yeah. Our logic is if  
3 the leak started up again, it would then be a  
4 hazardous leak and something worthy of  
5 rechecking.

6 MR. DANNER: Anything further,  
7 Steve? All right. Sara and then Brian.

8 MS. GOSMAN: Yes. I'm just reading  
9 this through again. And, I'm comfortable with  
10 it.

11 But, I would say that we should take  
12 out the red language there at the top, because  
13 grade one and two leaks, because one of the  
14 things we're asking PHMSA to consider is  
15 exceptions for grade three.

16 That's how I read that particular  
17 provision.

18 MR. DANNER: All right. But, we're  
19 still limiting this to distribution.

20 All right. Brian?

21 MR. WEISKER: Brian Weisker, Duke  
22 Energy. I heard this from Member Chace, the

1 reclassified. I think we're going to talk  
2 about downgrading and upgrading in a minute.

3 So, I think we can eliminate that  
4 from here and talk about that in the upcoming  
5 topic. If we just strike the --

6 MR. DANNER: Or reclassified.

7 MR. WEISKER: Or reclassified,  
8 correct.

9 MR. DANNER: Are you -- Peter Chace,  
10 are you okay with that?

11 MR. CHACE: Of course. I have no  
12 objection.

13 MR. DANNER: All right. All right  
14 Members, any other wordsmithing before we  
15 consider a vote here?

16 All right. Brian, you have your  
17 tent up. Okay. Are we ready for a motion?  
18 Does somebody want to make a motion?

19 Brian? What's that?

20 MR. MAYBERRY: The preamble.

21 MR. DANNER: Oh, yeah. We -- all  
22 right. The preamble language is up there.

1 MR. MAYBERRY: Okay. Thank you.

2 MR. WEISKER: Brian Weisker, Duke  
3 Energy. Making a motion for the proposed rule  
4 as published in the Federal Register and as  
5 supported by the preliminary regulatory impact  
6 analysis and draft environmental assessment  
7 regarding leak grading and repair requirements.

8 Regarding post-repair checks for gas  
9 distribution Section 192.760(e) for the  
10 proposed rulemaking is technically feasible,  
11 reasonable, cost effective, and practicable if  
12 the following changes are made:

13 Recommend PHMSA consider the public  
14 safety and environmental implications of the  
15 following considerations based on the mandates  
16 from Congress, the GPAC discussion, state  
17 programs, other provisions from the NPRM, and  
18 public comments.

19 Roman Numeral I. Exceptions for any  
20 leak is eliminated by routine maintenance work,  
21 such as adjustment or lubrication of above  
22 ground valves or tightening of packing nuts on

1 valves with seal leaks.

2 Roman Numeral II. Exceptions for  
3 grade three leaks.

4 Roman Numeral III. Exceptions for  
5 leaks on above ground pipeline facilities.

6 Roman Numeral IV. Exceptions for  
7 repair, for excavation damages.

8 Roman Numeral V. Exceptions for  
9 mediation of a leak involving pipeline  
10 replacement.

11 Roman Numeral VI. Exceptions for  
12 remediation where the leaking pipeline was  
13 abandoned.

14 And, Roman Numeral VII.  
15 Applicability of post-repair rechecks to all  
16 subsurface leaks on a gas distribution pipeline  
17 repaired, other than by the replacement or  
18 abandonment of the effected section of pipe  
19 must be reevaluated after allowing soil to vent  
20 and stabilize, but not more than 30 calendar  
21 days after the repairs unless a zero percent  
22 gas reading was taken at the time the repair

1 was completed.

2 MR. DANNER: All right. Thank you  
3 very much. Is there a second?

4 MR. RAVIKUMAR: Second.

5 MR. DANNER: Thank you. Avrind has  
6 seconded. Cameron, will you take the vote?

7 MR. SATTERTHWAITE: Okay. I'll say  
8 your name. If you agree with the motion, say  
9 yes. If not, say no.

10 Diane Burman?

11 MS. BURMAN: Yes.

12 MR. SATTERTHWAITE: Peter Chace?

13 MR. CHACE: Yes.

14 MR. SATTERTHWAITE: David Danner?

15 MR. DANNER: Yes.

16 MR. SATTERTHWAITE: Sara Longan?

17 MS. LONGAN: Yes.

18 MR. SATTERTHWAITE: Terry Turpin?

19 MR. TURPIN: Yes.

20 MR. SATTERTHWAITE: Brian Weisker?

21 MR. WEISKER: Yes.

22 MR. SATTERTHWAITE: Andy Drake?

1 MR. DRAKE: Yes.

2 MR. SATTERTHWAITE: Alex Dewar?

3 MR. DEWAR: Yes.

4 MR. SATTERTHWAITE: Steve Squibb?

5 MR. SQUIBB: Yes.

6 MR. SATTERTHWAITE: Chad Zamarin?

7 MR. ZAMARIN: Yes.

8 MR. SATTERTHWAITE: Chad Gilbert?

9 MR. GILBERT: Yes.

10 MR. SATTERTHWAITE: Arvind

11 Ravikumar?

12 MR. RAVIKUMAR: Yes.

13 MR. SATTERTHWAITE: Erin Murphy?

14 MS. MURPHY: Yes.

15 MR. SATTERTHWAITE: Sara Gosman?

16 MS. GOSMAN: Yes.

17 MR. SATTERTHWAITE: Sam Ariaratnam?

18 MR. ARIARATNAM: Yes.

19 MR. SATTERTHWAITE: It us unanimous,

20 the motion carries.

21 MR. DANNER: All right. Thank you

22 very much. Let's go back to the -- all right.

1                   MR. SATTERTHWAITTE:     You're even  
2 ahead of me.

3                   MR. DANNER:        Yeah.        Great.     All  
4 right.     So, we have two more issues here,  
5 upgrading and downgrading.

6                   Erin Murphy?

7                   MS. MURPHY:     Thanks Chair Danner.  
8 I'd like to make a bit of a broader statement  
9 before we dive into the next topic.

10                   I'm just reflecting on the last  
11 couple of days and the hours that this  
12 Committee has remaining together today.

13                   And, want to note that, you know,  
14 this is a significant rule, the leak detection  
15 and repair rule that we've been working  
16 through. There's a lot of material in here.

17                   I think this Committee has done a  
18 really admirable job of working through a lot  
19 of the details of the sections that we've been  
20 covering.

21                   But, I also, you know, would like to  
22 consider that I don't think it's realistic for

1 this Committee to weigh in, you know, every  
2 single subpart of a proposed rule.

3 And, I think it's possible to  
4 provide, you know, a meaningful report to PHMSA  
5 without attempting to do that.

6 And, I know the PHMSA staff  
7 commented a little bit this morning about the  
8 reordering of the topics we're going to cover  
9 today.

10 I also was pretty surprised to hear,  
11 and have kind of been processing, that PHMSA is  
12 thinking about reconvening this Committee for  
13 continued discussion on this proposed rule. I  
14 know we were actually planning to get through  
15 two proposed rules this week.

16 So, I, you know, want to recognize  
17 this Committee as a body that's convened by  
18 PHMSA. And so, it's really PHMSA's discretion  
19 in terms of, you know, structuring the  
20 Committee's approach on sort of what topics the  
21 agency is really looking for insight on.

22 I also recognize Committee Members



1 might, you know, choose to raise additional  
2 topics, which has happened throughout the  
3 course of the week.

4 I would like to propose, and really  
5 this is again for PHMSA to consider that, you  
6 know, we prioritized the top areas where PHMSA  
7 is really looking for insight from the  
8 Committee with the remainder of hours we have  
9 together today.

10 And, that Committee Members have an  
11 opportunity to submit a brief written statement  
12 perhaps in the next week on any remaining  
13 topics that were not covered.

14 And, that that constitutes the  
15 report from the Committee on this proposed  
16 rule. I think that would enable, you know, in  
17 January or whenever the next Committee meeting  
18 is convened, for this Committee to turn to the  
19 class location rule, which was also expected to  
20 be, or was hoped to be covered this week.

21 So, I just wanted to make a point on  
22 sort of efficiency. I know there's so much

1 here and it's so important.

2 But, I also think that, you know,  
3 we're not agency staff. We're stakeholders.  
4 And so, there's got to be some limit on the  
5 amount of time that we spend, you know,  
6 crafting a report and providing input to the  
7 Agency.

8 Thank you.

9 MR. DANNER: Thank you. I  
10 appreciate that. And, I especially appreciate  
11 the sentiment behind it.

12 My questions have to do with, this  
13 Committee was created by Statute. And, I want  
14 -- I think I would want to make sure that we  
15 hear from, or have advice from, PHMSA counsel,  
16 with regard to our processes and what have --  
17 and the product that we put out.

18 Robert Ross, do you want to make any  
19 observations?

20 MR. ROSS: Merely a request for an  
21 opportunity to talk about it internally. So,  
22 that we can make absolute sure that we're going

1 to comply with all procedural requirements.

2 MR. DANNER: It is ten after 10:00.

3 It might be a good time for us to take a break.

4 Let's get through the tent cards that are up

5 here. And then, we'll take a break. Sorry

6 Terry.

7 (Laughter.)

8 MR. DANNER: So, you have to be

9 careful though, because PHMSA is taking the

10 coffee away at like right after the break.

11 So, okay. I don't know who was

12 first. Andy?

13 MR. DRAKE: This is Andy Drake with

14 Enbridge. I appreciate the marathon meeting

15 here.

16 But, I think to me, what's happening

17 here is actually quite amazing. The

18 interchange that's happening, it is.

19 The conversations that we're having

20 are so long, because I think we're at the front

21 of the ship. And, I don't know how we

22 replicate that by going offline and trying to

1 do that with letters to each other.

2 I think the value is in this  
3 conversation. You're setting a precedent for  
4 things that haven't been done before.

5 And, I don't think it's appropriate  
6 to even, maybe not even appropriate. It may  
7 not even be practicable to try to replicate  
8 that via letters.

9 You know, so I think the value is in  
10 this conversation. And, I think it's been  
11 illustrated by the length of the conversations.

12 My goodness, I thought the last  
13 conversation was going to take 15 minutes.  
14 And, it didn't. It took a long time.

15 And so, I am not supportive of that  
16 recommendation.

17 MR. DANNER: All right. Thank you.  
18 Chad?

19 MR. ZAMARIN: Thanks, yeah. And,  
20 Erin, I appreciate, we want to get things done.  
21 I don't know that if there's any -- well, I was  
22 going to say, no one wants to get to

1 classification more than me.

2 But, I know it's delaying Andy's  
3 retirement and his wife is not happy about  
4 that. And, but I agree with Andy.

5 I -- and, I actually had a  
6 conversation with Arvind and you know, we were  
7 talking about how rulemakings happen and how  
8 much transparency there is.

9 And, I think this is a -- the way  
10 that Alan, you, and frankly when we've had  
11 Chair Danner and when Commissioner Burman has  
12 chaired, I think the model that's been  
13 developed here creates a really important forum  
14 for transparent engagement and interaction  
15 between key stakeholders and representatives of  
16 key stakeholder groups.

17 I've heard incredibly positive  
18 feedback from people. And, just being able to  
19 see daylight shown on how the regulatory  
20 rulemaking process is done.

21 And, I think this is a best  
22 practice. And so, I really appreciate the way

1 that we all come together, work on hard issues.

2 Do that in broad daylight. There's  
3 no, you know, there's no behind the scenes  
4 development of these rules. It's done very  
5 transparently.

6 And so, I think this is such an  
7 important forum. And, that's why I think in-  
8 person is important.

9 I think that -- I think we have to  
10 increase the opportunity for more. We've  
11 heard, I want to make sure we've got as much  
12 public availability as possible. I support all  
13 those comments.

14 But, I think this is such a unique,  
15 unfortunately, an important transparent process  
16 that we need to see it through and make sure  
17 that we fully consider all of the issues then.

18 That's why I dedicate my time to  
19 this, because I do believe we're doing really  
20 important work. And, that this process makes  
21 it so much better.

22 Thank you.

1 MR. DANNER: Thank you. Commission  
2 Burman?

3 MS. BURMAN: So, making the analogy  
4 to the marathon. When I ran it, at the halfway  
5 mark, I wanted to give up.

6 And then, I continued on after some,  
7 you know, salts. And, for me, the last six  
8 miles were also the really most important miles  
9 to run.

10 And, I feel that if we chill that,  
11 not only do I think it actually violates the  
12 tenants of the Statute convening us, I think  
13 that it is not helpful to the collaborative  
14 process.

15 Even though it's hard and it means  
16 that we have to, you know, come back, I think  
17 it was ambitious to expect to get through all  
18 of this.

19 And, I think that the conversation  
20 has actually produced some really thoughtful  
21 things for the record for PHMSA. So, I would  
22 really be upset, but I also think it would be a

1 problem with the Statute.

2 MR. DANNER: Alan Mayberry?

3 MR. MAYBERRY: I just wanted to  
4 commend the different stakeholders for working  
5 together. This is probably the most robust  
6 conversation I've seen at a PAC meeting ever.

7 And, thanks for bearing with us on  
8 the process change. I think that's contributed  
9 to the great discussions that have been  
10 happening.

11 You know, and, we always look for  
12 suggestions on how to improve it. You know,  
13 it's that deliberations continue.

14 You've seen, we try to invoke and  
15 say, well, we've gotten the input from the  
16 Committee. And, we have a great record, we can  
17 move forward.

18 I try to be very selective invoking  
19 that, because the discussion has been so good.  
20 But, if you have other ideas on how we can  
21 improve efficiency, you know, please bring them  
22 forward.



1 Thank you.

2 MR. DANNER: Thank you. Sara  
3 Gosman?

4 MS. GOSMAN: I really value the in-  
5 person conversations that we have. And, I do  
6 feel like they're very important.

7 I think, I just want to make an  
8 observation that there are a lot of very  
9 specific things being brought to the table with  
10 very specific wording.

11 I think that it's on all of us to be  
12 sure that those are really critically important  
13 issues that we need to spend our time talking  
14 about, because they are in the record. You  
15 know, they're in front of PHMSA.

16 And so, thinking about what we  
17 really want to discuss with the time that we  
18 have, is the pitch that I would make to  
19 everyone around the table.

20 MR. DANNER: Thank you very much. I  
21 would add to that. I think that, you know, we  
22 are an advisory committee.

1           And yet I sometimes feel that we  
2 fall into the habit of actually drafting as if  
3 we were drafting the Statute or drafting the  
4 rules ourselves.

5           And, what we should be doing is sort  
6 of keeping it at a higher level of sharing the  
7 principals and giving back to PHMSA what our  
8 thoughts are.

9           I mean, there are other shortcomings  
10 to these meetings. I mean, obviously the, you  
11 know, these meetings are held in the  
12 Washington, D.C. area during the workday.

13           There's not a lot of people, you  
14 know, sitting behind me who simply are  
15 interested members of the public or people  
16 from, you know, the other 49 states.

17           And so, you know, we're not a  
18 totally inclusive group here. And, I think we  
19 have to keep that in mind.

20           But, with that, I think that we do  
21 need to focus on the big stuff. And, make sure  
22 that we give PHMSA what it needs in fulfillment

1 of the Statutory mission.

2 So, let's take our break. And, when  
3 we come back, we will hear from PHMSA after  
4 they've had a chance to talk with their  
5 counsel.

6 And then, we can move on for the  
7 rest of the day. Thank you.

8 (Whereupon, the above-entitled  
9 matter went off the record at 10:17 a.m. and  
10 resumed at 10:35 a.m.)

11 MR. DANNER: All right. We'll go  
12 back on the record. I'm going to turn it over  
13 to John who's going to introduce some legal  
14 folks from PHMSA.

15 Thank you. John?

16 MR. GALE: Yes, thank you, Chairman.  
17 John Gale, PHMSA, regarding the comments and  
18 the recommendation from Member Murphy. Ben  
19 Fred from our Office of Chief Counsel would  
20 like to give a response.

21 Ben?

22 MR. FRED: Good morning. Ben Fred,

1 PHMSA Chief Counsel's Office. So we looked at  
2 the charter and all the applicable rules  
3 regarding Member Murphy's question. There's no  
4 problem ending the meeting today. There's no  
5 requirement that the Committee cover all of the  
6 issues that they were originally planning to  
7 cover.

8           Regarding the question about post-  
9 meeting -- the filing of post-meeting comments,  
10 under the Committee's charter the report that  
11 the Committee issues consists of the meeting  
12 transcript and the slides, so the post-meeting  
13 comments would not be considered part of the  
14 report that the Committee files. The comments  
15 can certainly be submitted to the docket.  
16 PHMSA can consider and would consider such  
17 comments, but they wouldn't be part of the  
18 Committee's report. Hopefully that answers the  
19 question.

20           MR. DANNER: All right. Thank you.

21           Committee members, do you have any  
22 questions for Ben Fred? Commissioner Burman?

1 MS. BURMAN: Yes, I just want  
2 clarification on if we are having another  
3 meeting to address the topics that we don't get  
4 to. I really do think that it was overly  
5 ambitious to expect to get through all of this  
6 and that it was -- over the last few days it's  
7 been the intent that if what we don't get to  
8 we're going to come back for another meeting.  
9 Really does seem like this goes against the  
10 spirit of what we're trying to do.

11 MR. MAYBERRY: Respond?

12 MR. DANNER: Alan Mayberry?

13 MR. MAYBERRY: Yes, just to answer  
14 that, yes, we are planning to have another  
15 meeting.

16 MR. DANNER: Andy Drake?

17 MR. DRAKE: This is Andy Drake with  
18 Enbridge. I think just to help frame why the  
19 meetings face to face are so important, just go  
20 back and look at the voting record when we were  
21 virtual versus when we were in face-to-face  
22 settings. Here we've been able to have some

1 pretty robust conversations, maybe a little too  
2 robust, but we've been really able to have  
3 pretty a good exchange with one another. And I  
4 think you're finding a great deal of alignment.

5 If you go back and look at when we  
6 were virtual, we had split votes on almost  
7 everything. That just tells me there's some  
8 value in us being here. And I think there's an  
9 importance of us -- our accountability is to  
10 adjudicate these issues or vet these issues to  
11 try to decide is it practicable, reasonable,  
12 cost-efficient? That's complex and I don't  
13 know how we're going to do that if we can't get  
14 into the details of how those play out. So I'd  
15 just throw this out there as a practical basis  
16 for why I think it's important for us to be  
17 face to face.

18 MR. DANNER: All right. Thank you.

19 Alan and then Erin?

20 MR. MAYBERRY: Yes, that said -- I  
21 appreciate that, Andy. I'm sure we can -- the  
22 Committee can still be -- find some efficiency.

1 I think as we look to what we plan to cover the  
2 rest of the day, we're certainly looking for  
3 that, but thank you.

4 MR. DANNER: Erin?

5 MS. MURPHY: Thanks, and appreciate  
6 the clarification from hearing staff. I just  
7 want to be clear that I don't disagree with any  
8 of the remarks. I'm very supportive of the in-  
9 person meetings and the discussion and agree  
10 that it's really valuable to strive to find  
11 consensus as a committee.

12 I think my point is rather that with  
13 these large and complex rulemakings it seems to  
14 me that the advisory committee is not mandated  
15 by law to review every single provision of a  
16 proposed rule, and it's really PHMSA's  
17 determination to invite committee feedback on  
18 certain topics. And I think that that can help  
19 hopefully in the future ensure that the  
20 Committee is able to focus on sort of the key  
21 items in certain rulemakings and where it makes  
22 the most sense to take time.

1                   And to be frank, I think that one  
2 week for one proposed rule review feels  
3 adequate to me in terms of the amount of time.  
4 And I think it might be more about sort of  
5 prioritization and not so much about trying to  
6 cut off discussion.

7                   MR. DANNER: And thank you for that.  
8 I too -- I've been trying to make sure that we  
9 distinguish between what's the big-ticket stuff  
10 and what's the small-ticket stuff. And I feel  
11 that we really haven't done that this week in  
12 terms of -- we've just gone through everything,  
13 which has been very interesting, but I am  
14 weighing -- I mean the time constraints that I  
15 have have gotten a lot worse as the result of  
16 me spending a week here with regard to my day  
17 job. And so any efficiencies that we could  
18 find of course I would very much appreciate.

19                   Commissioner Burman?

20                   MS. BURMAN: Yes, I feel this  
21 complements my day job and helps me do a better  
22 job. I am going to ask for clarification from



1 Attorney Fred over here because I do think that  
2 we have to be very mindful that the -- if we're  
3 going to now talk about just doing this in  
4 quick order, the Committee really has to be the  
5 one to decide what we see as relevant or not  
6 relevant. I think it really goes to  
7 the spirit of the intent of the statute for us  
8 to deliberate, and to have it all of a sudden,  
9 after we've been discussing that we're going to  
10 get -- try to get through as much as we can and  
11 what we can't get through we're going to have  
12 to come back, that recognition of coming back  
13 was really from the get-go understanding that  
14 this was truly ambitious.

15 So I just want to make sure, when  
16 you talk about a closed meeting what that means  
17 from a -- clarification purposes on the items  
18 that the Committee itself still feels the need  
19 to talk through and has not gotten through.  
20 And frankly, we would have looked at things a  
21 little differently I think if we knew that  
22 there was going to be this artificial time

1 constraint.

2 MR. DANNER: Chad?

3 MR. ZAMARIN: Thanks. Chad Zamarin,  
4 Williams. I just want to hopefully maybe put  
5 some of the Committee members' minds at ease.  
6 As an operator I think we've done a really good  
7 job. These are very important issues. They're  
8 very impactful issues. This is the most -- in  
9 my view this is the most impactful and  
10 challenging rulemaking that I've experienced  
11 and I was here for Integrity Management 1.0,  
12 Integrity Management 2.0.

13 I mean, this is an entirely new  
14 field for many, many operators. And we sound  
15 at times, I hope, educated on these issues.  
16 There are literally thousands of operators  
17 across the United States for which this is  
18 going to now set the foundation for the future  
19 of considering environmental impacts and  
20 emissions in the work that they do. I think  
21 that that is really, really important.

22 I mean, think about -- we called it

1 the mega rule when we worked on the last update  
2 to Integrity Management. It wasn't even the  
3 first one, right? It was an update. And we  
4 broke that into multiple different meetings.  
5 This is really important. And I have not seen  
6 us spend a lot of time on -- the comments that  
7 get submitted are exhaustive. I have not seen  
8 us spend a lot of time on issues that I view as  
9 not being very meaningful from an operator's  
10 perspective. So I know they take too long.

11 And look, I actually think like on  
12 the last issue if we had started with the  
13 principals, I think we may not have had to  
14 have gone into all the details. So maybe  
15 there's some process improvement that we can do  
16 that makes that more efficient because truly,  
17 when I started that conversation I didn't  
18 understand it.

19 I thought of it, like you heard me,  
20 in the paradigm of we're doing something that's  
21 not needed. There was a lot of education there  
22 that was helpful. We got to I think the right

1 answer, but I promise you I haven't seen us  
2 work on things that aren't really meaningful  
3 and value-added. So thank you.

4 MR. DANNER: All right. Thanks for  
5 that.

6 All right. Let's get back into it  
7 then.

8 PARTICIPANT: Mr. Fred?

9 MR. DANNER: Oh, I'm sorry. I  
10 didn't see you Ben Fred. Go ahead.

11 MR. FRED: Thanks. Just to clarify  
12 in terms of my statement regarding the meeting  
13 ending today. The Committee could decide as a  
14 body to end the meeting today. Does that  
15 clarify?

16 MS. BURMAN: Yes, but we would have  
17 to decide as a body.

18 MR. FRED: Correct.

19 MS. BURMAN: Right? Okay. Thank  
20 you.

21 MR. DANNER: Okay. So just to  
22 clarify, it's -- what Commissioner Burman said

1 is that the Committee would have to make that  
2 decision, and Ben Fred agreed with that.

3 So all right. Are we ready to go  
4 back into discussion then on this -- I think  
5 this is the last issue.

6 MR. GALE: If I could, Chair?

7 MR. DANNER: Yes, John Gale?

8 MR. GALE: Yes, thank you, Chair.

9 So actually in the spirit of the discussion and  
10 making sure that the Committee focuses on the  
11 bigger issues, right, what your time is most  
12 deserved for, we've actually taken one topic  
13 off. And the staff will try to do maybe even a  
14 better job of looking at the issues as we go  
15 forward when we meet next, to make sure that  
16 those issues are the most important issues.

17 Now we try to identify those issues  
18 as we summarize and review the comments and  
19 give you our response, but of course if  
20 Committee members want to raise issues, that's  
21 their prerogative. But that being said, we  
22 only have one issue left in this topic, which

1 is the Investigation of Repairs of Leaks  
2 Following Environmental Changes. The proposals  
3 were contained in Section 192.723(e) and  
4 192.760(c)(5).

5 Joe, is there anything you want to  
6 say just to get -- I know it's been a while  
7 since we've talked about this proposal, so we  
8 thought maybe a little fresh context might help  
9 the members' discussion here to make sure they  
10 understand what this proposal is concerning.

11 MR. DANNER: Okay. Joe Klesin?

12 MR. KLESIN: Yes, Joe Klesin, PHMSA.  
13 Yes, these are basically environment conditions  
14 that would exist that would alter the migration  
15 pattern, the natural venting of an existing  
16 leak, thus increasing the severity of the class  
17 location to the point where immediate action or  
18 repair would be necessary. Examples: frost  
19 conditions, flooding, other conditions again  
20 that would -- new pavement potentially laid  
21 down in an area that was normally unpaved that  
22 allowed for venting, those sort of examples.

1 MR. DANNER: All right. Is there  
2 anyone who would like to open the discussion  
3 here?

4 All right. Brian?

5 MR. WEISKER: Brian Weisker, Duke  
6 Energy. I'll say that the -- so it's  
7 duplicative in two spots and my start would be  
8 that the two -- that the 192.723(e), echo,  
9 portion could be struck. And then where we're  
10 at right now, which is -- I think we're in the  
11 192.760(c)(5) section. As it's written this is  
12 going to require that all -- so in the  
13 anticipation of freezing ground, heavy rain,  
14 flooding, or new pavement we -- that all Grade  
15 2 repairs have to be -- or all Grade 2 leaks  
16 would have to be repaired. That's how that  
17 one's written. So that just doesn't make sense  
18 to me as far as -- I guess it's really not  
19 logical.

20 If we went to -- if we go back to  
21 where we were yesterday, we've got Grade 2  
22 leaks. We've got the timeline to fix it. We

1 got the timeline for reinspection. So in this  
2 scenario here it just -- to me it doesn't make  
3 sense that we would be going out -- I mean, if  
4 the storm's coming out -- take it from my  
5 perspective as an operator in the Carolinas,  
6 right? Hurricane coming in. You get notice of  
7 that. You really have what, a couple days  
8 sometimes, two, three, four days maybe to be  
9 prepared for that? Going out and hurrying up  
10 and trying to fix our Grade 2 leaks as though  
11 -- is not on our mind.

12 We're prepping for the storm, right?  
13 We're prepping for being able to respond to the  
14 storm, to go out and do a patrol post-storm, to  
15 be able to do -- survey wherever damage may  
16 occur, prepping the system, installing any kind  
17 of snorkels. There are so many different  
18 things I can sit there and think of that we're  
19 doing in preparation of a storm coming in.

20 And then I go -- then I want to go  
21 to my friends up in the northern portions. I  
22 mean freezing ground. In essence what this is



1 saying is saying then is you can have no Grade  
2 2 leaks going into winter. If the ground's  
3 going to freeze -- I mean, just like the other,  
4 we had really cold weather. Again, ground  
5 froze, thaw. Freeze, thaw. So this -- that's  
6 where I go to. It just -- it doesn't -- this  
7 doesn't seem practical as it's written.

8 MR. DANNER: All right. Steve  
9 Squibb?

10 MR. SQUIBB: Steve Squibb, City  
11 Utilities of Springfield, Missouri. Yes,  
12 that's -- I concur with Brian. It's just not  
13 physically possible to repair all the Grade 2  
14 leaks before a flash flood or a -- for example.  
15 So what we typically do is we do a patrol of  
16 those areas that have been impacted to see --  
17 to assess where damage might have been. So  
18 that's what we currently do. And then we do a  
19 follow-up leak survey as needed for affected  
20 parts of our system. So I think that's more  
21 reasonable. Thank you.

22 MR. DANNER: Any other -- oh, Chad?

1                   MR. ZAMARIN: Thanks. Chad Zamarin,  
2 Williams. I'm just wondering what the  
3 Committee would think. This feels like the  
4 kind of requirement that should be part of a  
5 risk-based approach and that if we were to  
6 recommend that this language be considered to  
7 be modified that an operator must have as part  
8 of their integrity management program and risk-  
9 based approach a process for identifying those  
10 leaks that do require this kind of action.  
11 Because I do worry about if we had a Grade 2  
12 leak on a valve. This seems like a pretty  
13 blanket approach to something that I think  
14 we're looking for, situations where these  
15 conditions could actually create a threat.

16                   MR. DANNER: Yes, so I look at it --  
17 I'm from the Pacific Northwest. We have been  
18 having a lot of wildfires lately. I would be  
19 concerned about leaks on valves that are above  
20 ground in wildfire-prone, wildfire risk areas.  
21 We also have a lot of earthquakes. I don't  
22 know the best way to approach this, but I don't

1 want this to get lost. I mean, these are  
2 things that -- I don't want to have a pipe  
3 leaking and then have a wildfire go through the  
4 area. So I'm just raising that.

5 Okay. Sara?

6 MS. GOSMAN: I want to make sure I'm  
7 on the correct provision here. So we are  
8 looking at 723(e) and not (f), is that correct?

9 MR. DANNER: That is correct.

10 MS. GOSMAN: Okay.

11 MR. DANNER: It's not extreme  
12 weather, Sara. Sorry.

13 MS. GOSMAN: Okay.

14 MR. DANNER: Sorry, Sara.

15 MS. GOSMAN: So on (e) I guess -- so  
16 from my perspective if you know about a leak, a  
17 requirement to investigate it seems like a very  
18 logical thing to do. I don't see in here a  
19 requirement to repair other than the sort of  
20 standard repair requirement. So I feel like  
21 I'm missing something about this conversation  
22 because I'm looking at this language -- it says

1 investigate known leaks. I would assume we'd  
2 want to do that if there were environmental  
3 changes.

4 MR. ZAMARIN: Can I direct respond  
5 just real fast? I may have jumped ahead. This  
6 is Chad Zamarin with Williams. I was looking  
7 at 760(c)(5). Sorry.

8 MR. DANNER: All right.

9 All right. Peter?

10 MR. CHACE: Pete Chace, NAPSR. I  
11 actually find myself -- I think I'm in  
12 agreement with Member Zamarin on this. We have  
13 integrity management and DIMP programs. A lot  
14 of these things are written right into the  
15 language in DIMP, for example, and it seems to  
16 me that that's what those rules are for.

17 MR. DANNER: All right. Thank you.

18 Steve?

19 MR. SQUIBB: I forgot to take my  
20 tent down. Sorry.

21 MR. DANNER: That's fine.

22 Brian?

1 MR. WEISKER: Brian Weisker, Duke  
2 Energy. I think -- so, Sara, you're looking at  
3 (e). Then if you look to (f) below it where  
4 it's extreme weather events and surveys after  
5 an extreme weather event where there is likely  
6 caused damage. So that's I think -- so the one  
7 above, (e), it's kind of -- (e) I will say is  
8 replicated with what's in the section I was  
9 referring to for the repair, which is 192.76 --  
10 I'm sorry, I'm still -- I think I have it  
11 right. So 76 -- the numbers get all screwed up  
12 for me. But it's under No. -- it's under the  
13 Grade 2 leak and it's item No. 5.

14 So that's -- so you have that right  
15 there on investigating a known leak where we  
16 talk -- for just -- so that there. Then you  
17 have the one below it for investigating for  
18 extreme weather that seem I'll say duplicative.  
19 But then also in the -- but before -- go back  
20 to the repair criteria. It's now go out and  
21 repair in anticipation of an event. So I mean  
22 I think to me where I look at it as an operator

1 is --

2                   And I understand what you're saying,  
3 Chairman Danner, on -- with a wildfire. I  
4 think that risk-based approach for -- if I have  
5 a Grade 2 leak and there's something that I  
6 think I need to go out from a risk standpoint  
7 and fix because of conditions, I think that  
8 risk-based approach probably -- it does make  
9 sense, but as far as having -- we have  
10 inspection requirements before and as well as  
11 language in here to repair before. That's  
12 what's I guess somewhat duplicative and  
13 confusing.

14                   And so my thought is in the section  
15 that we have as far as -- going back to the  
16 survey section, which is the one -- the (e)  
17 portion, if we just strike that investigation,  
18 we still have below it the extreme weather  
19 requirements for survey. That would be below  
20 that.

21                   And then in the section for the  
22 repair I think there needs to -- if we're going

1 to go out and repair something in anticipation  
2 of freezing rain, freezing ground, heavy rain,  
3 flooding, that that would be -- that there  
4 needs to be -- that needs to have some risk --  
5 just really a risk-based approach, whether --  
6 where that falls into versus just a carte  
7 blanche all Grade 2s need to be repaired in  
8 anticipation of these types of events.

9 MR. DANNER: All right. Thank you.

10 Commissioner Burman and then Sara?

11 MS. BURMAN: So state regulators  
12 work with their utilities in how to deal with  
13 weather-related events and especially within  
14 emergency response plans or Emergency Response  
15 Manuals and dealing with also what does it mean  
16 in terms of being prepared for seasonal  
17 situations. I feel like we're kind of trying  
18 to step into what's under state authority in a  
19 way that is not necessarily helpful.

20 And so I'm -- my whole focus  
21 whenever I hear about a weather -- an upcoming  
22 potential weather issue is are we prepared to

1 handle that? Is everything needing to be done?  
2 To the extent that there's something that -- it  
3 needs to be repaired from the leak, can it be  
4 put off until after the weather event or is it  
5 directly tied to needing to do it because it's  
6 going to help with dealing with the situation  
7 with the weather-related event?

8           So I really can't -- I really worry  
9 that if this is then -- you're being told you  
10 have to go out and do the repair even though it  
11 might be easier to -- it might be actually more  
12 appropriate to wait until after the event  
13 passes through so (1) workers aren't put at  
14 risk; (2) also you have workers who are focused  
15 on the emergency response that needs to be  
16 done. It seems to me that would make more  
17 sense.           Remember, weather-related  
18 events are not easy to predict as well, so  
19 we're going to also then be getting -- we  
20 already have issues where people are second-  
21 guessing forecasting on weather and whether  
22 utilities need to staff up or not and get



1 resources. This adds another layer of  
2 complexity that really is situational-based for  
3 the state regulator to work with the operators.

4 MR. DANNER: Thank you. Sara?

5 MS. GOSMAN: Yes, so thank you. I  
6 think that we're talking about two different  
7 things here. One is a leak investigation  
8 requirement and one is the question of what we  
9 do in terms of repairs.

10 So in terms of repairs I think  
11 prioritizing based on risk is something that I  
12 could certainly get behind. But again, I'm  
13 stuck with a sort of basic look at the language  
14 here and thinking why you wouldn't want to  
15 investigate a known risk. That seems to me to  
16 be a very important part of a safety program.

17 In terms of the extreme weather  
18 event provision, I know there's been some  
19 concern about the lack of clarity with that. I  
20 mean, there is a provision for transmission I  
21 believe that's in 192.613. And I'm wondering  
22 if that's an appropriate vehicle to apply here

1 in the context of other kinds of pipelines.

2 MR. DANNER: Thank you. Brian?

3 MR. WEISKER: Brian Weisker, Duke  
4 Energy. I look at -- so like 192.613, I see  
5 that as after -- it's kind of a -- I'll call it  
6 a patrol -- patrol is probably the right word  
7 -- following a weather event to go out and  
8 patrol your system. You're looking for where  
9 -- observing the damage. I'm thinking of --  
10 I'm biasedly thinking of a hurricane that came  
11 through. I look for the damage, not system  
12 damage to the infrastructure necessarily for  
13 the pipeline system, but for where I see downed  
14 trees or I see damaged homes.

15 And that -- then that trigger would  
16 trigger me in the section that I have now for  
17 extreme -- the extreme weather survey that I  
18 would do that -- a leakage survey in the area  
19 where that -- there's a chance that damage has  
20 occurred to the -- to my pipeline segment.

21 So that's where I see 7 -- where  
22 192.613 following the storm surveillance, that

1 we go out. And then that would trigger what I  
2 see from the surveillance for me to do that  
3 survey after the event. So I see them kind of  
4 -- I see those married up together. That  
5 192.613 kind is a precursor then to what is not  
6 (e), but (f). It's the extreme weather survey.

7 But what (e) is -- this is an  
8 investigation that kind of is the mirror of  
9 what 192.76(c)(5) is. So I think if we just  
10 would strike (e) from the survey standpoint --  
11 we have the after extreme weather survey listed  
12 there. And then when I go to 192.76(c)(5),  
13 that's really -- it's saying that I need to  
14 repair before the storm. And that just doesn't  
15 -- it's not logical.

16 But I do understand the point of --  
17 I think it was you, Mr. Chace -- as far as  
18 there may be -- or, Chairman Danner, too --  
19 there's a risk-based thought to that that there  
20 may be based on risk -- I know a storm's coming  
21 in. Hey, I want to try to fix that leak. But  
22 again, I think the likelihood of that -- I

1 mean, that's -- when I'm thinking about a storm  
2 coming in, I'm doing my storm preps for what is  
3 -- not going out trying to fix non-hazardous  
4 leaks.

5 MR. DANNER: All right. Chad?

6 MR. ZAMARIN: Thanks. Chad Zamarin,  
7 Williams. Kind of in the interest of trying to  
8 get to progress as we've discussed, is there a  
9 way thematically to address this? I mean, I'm  
10 struggling with the mandate to repair all Grade  
11 2 leaks, and I think it makes sense to suggest  
12 PHMSA evaluate and consider a risk-based  
13 approach to repairing leaks ahead of extreme  
14 events.

15 And is there some other -- I mean, I  
16 don't know that I'm following the (e)/(f)  
17 conversation. I think we -- it sounds like we  
18 all agree that there needs to be a process for  
19 survey or a reassessment of these locations  
20 after an extreme weather event. So is there a  
21 way we can just kind of summarize I think the  
22 direction? Because I sense we would probably

1 get on the same page. Thanks.

2 MR. DANNER: All right. Thank you.  
3 Commissioner Burman?

4 MS. BURMAN: Yes, so we actually  
5 have -- during pending storms have told our  
6 utilities in different situations stand down on  
7 anything not related to the storm that can be  
8 put off and go through what that looks like.  
9 So I just think that we really need to keep in  
10 mind that it is an on-the-ground sort of  
11 determination and we really need to empower the  
12 determination of what a weather-related event  
13 is and what preparation needs to be done to be  
14 -- for the operator and the state regulator to  
15 work together on.

16 So also a lot of times if you're  
17 going to try to be repairing something in a  
18 municipality and they're getting ready a storm  
19 situation, they're not going to take too kindly  
20 to seeing trucks there not helping to be ready  
21 for the storm, but to be there doing something  
22 that's unnecessary. And actually there's been

1 complaints sometimes on that kind of thing.

2 It is also hard -- I do think that  
3 the definition of a weather-related event is a  
4 challenge and we need to kind of keep that in  
5 mind. Eighteen inches of snow in Syracuse is a  
6 very different thing from eighteen inches of  
7 snow in New York City, And some people even now  
8 say extreme weather is cloud cover. So just be  
9 aware of that.

10 MR. DANNER: Thank you. Sara?

11 MS. GOSMAN: Yes, I strongly agree  
12 with Chad's idea here. I think we should move  
13 conceptually. And I'm again very aware of the  
14 time. I think that we can get there as a  
15 conceptual matter. I agree that there's some  
16 duplicative nature here of these provisions,  
17 but that strikes me as something that PHMSA in  
18 drafting this and going back to it could fix.  
19 What we're really talking about here is this  
20 question of when you repair. And I think we're  
21 in agreement that we should prioritize that  
22 based on risk.

1                   And I don't think that I can support  
2 something that says that you can't -- you  
3 shouldn't investigate known leaks, right?  
4 Seems to me like that's something that we would  
5 want in there. But I think at a broad level,  
6 right, we -- I think we agree that it's  
7 important to recognize when there are known  
8 leaks and work towards addressing them and also  
9 that we understand that this has to be  
10 prioritized in terms of risk so that not  
11 everything has to be done right before the next  
12 storm. We're there on that, those concepts.

13                   MR. DANNER: Brian?

14                   MR. WEISKER: Brian Weisker, Duke  
15 Energy. So from a conceptual standpoint it's  
16 really that any -- if we're going to focus on  
17 if there's a requirement or that there be a  
18 risk-based approach to any -- for fixing a  
19 Grade 2 leak before a weather event, that would  
20 be the driver, not just the carte blanche.

21                   I also think when we were talking  
22 about weather events and we have new pavement

1 installed in here as well, which I don't know  
2 why that would be in here. And then  
3 conceptually the idea of after a storm event, a  
4 significant weather event, a patrol which leads  
5 to a survey in any area that was -- that had --  
6 the likelihood of damage to your system based  
7 on what is observe from that patrol -- I think  
8 that's my conceptual thought on this.

9 It's not ignoring it. I think we've  
10 got -- we've already -- the new -- what we've  
11 agreed to, I mean, fixing the leaks and the  
12 increase in surveys, all of that obviously  
13 still applies. This would be just really  
14 focused in on that conceptual of when a weather  
15 event is about to happen.

16 MR. DANNER: Thank you. Peter?

17 MR. CHACE: Quickly I want to point  
18 out, quite frankly, in my experience when  
19 there's an extreme weather event, utilities  
20 have bigger and better things on their mind  
21 than worrying about their Grade 2 leaks. These  
22 extreme weather events are going to result in



1 very real service and reliability issues that  
2 they have to address. Also I will point out  
3 that leak surveys are not the only way that  
4 leaks come to the attention of the utility.

5 MR. DANNER: Chad?

6 MR. ZAMARIN: Yes, well, I was going  
7 to suggest some simple language, but it looks  
8 like someone's been doing better work for me.  
9 This is Chad Zamarin with Williams. Yes, I was  
10 going to consider something to a similar  
11 effect, that we just have language that says  
12 consider modifying this section to use a risk-  
13 based approach. And I think this language is  
14 probably pretty good. We may want to add,  
15 because I thought Commissioner Burman's  
16 comments were important, while considering  
17 local safety and environmental conditions, or  
18 something to that effect. So I do think it's  
19 important that there may be circumstances that  
20 just aren't safe to go out and do work, but I  
21 think it's -- conceptually we're in the right  
22 direction. Thanks.

1 MR. DANNER: All right. Thank you.  
2 Erin Murphy?

3 MS. MURPHY: Yes, I would support  
4 even further simplification and recommend that  
5 PHMSA consider a risk-based approach for the  
6 investigation or repair of Grade 2 leaks  
7 following environmental changes. I know some  
8 folks made a point about the new pavement  
9 issue, so I'm fine with just simplifying it so  
10 that PHMSA can evaluate whether that falls  
11 under this or not.

12 MR. DANNER: Yes, I think  
13 simplifying it makes a lot of sense. You know,  
14 I raised the issue about fire. Fire is  
15 something that you would do -- you'd want to  
16 get there in anticipation of the fire, not  
17 during or after the fire. So I would just ask  
18 that we have language that somehow brings that  
19 in. Diane Burman?

20 MS. BURMAN: Just keep in mind that  
21 we're sort of overstepping and making obsolete  
22 DIMP, and I'm concerned about that. I don't

1 think that's the intent, so --

2 MR. DANNER: Well, I think actually  
3 by asking them to consider a risk-based  
4 approach I think that they would be looking at  
5 DIMP as probably the starting point for  
6 something like that. Erin?

7 MS. MURPHY: I would like to  
8 recommend a further simplification of my prior  
9 simplification, which would be to remove  
10 investigation and keep this focused on a risk-  
11 based approach for repair.

12 MR. DANNER: All right. I'd be good  
13 for that.

14 Is there any further thoughts on  
15 this language? Yes?

16 MS. BURMAN: I know that there was a  
17 desire to have it simplified, but I did like  
18 sort of the listing out of the different  
19 categories including environmental. So the  
20 flooding, the new pavement, the heavy rain. I  
21 really think just to get people kind of  
22 thinking about all those different categories

1 and -- I don't think it -- having it in waters  
2 it down, but I do think it makes sure it's very  
3 clear. So I just -- I don't know, I just want  
4 to process the deletion of that. Is that of  
5 concern for anyone? I'm not sure.

6 MR. DANNER: I think we can  
7 certainly have an illustrative list, just  
8 environmental changes, comma, such as or  
9 including. And, Arvind?

10 MR. RAVIKUMAR: Yes, I think I  
11 support Chairman Danner's remark on saying  
12 these are the examples, because each state is  
13 going to have their own version of what an  
14 extreme weather is. And I think we should  
15 defer to state authority and state regulations  
16 when it comes to defining what an extreme  
17 weather is. And so maybe we need explicit  
18 language around that, but these are examples,  
19 but there could be others should be recognized.

20 MR. DANNER: Thank you. Sara?

21 MS. GOSMAN: Yes, Sara Gosman. Just  
22 to respond to that, I mean, I think that's

1 where something like 192.613 is helpful because  
2 we have language in there about extreme weather  
3 events. So I think there was a suggestion that  
4 we might reference that language.

5 MR. DANNER: Okay. Do you have some  
6 -- how would you insert that into the sentence?  
7 Sara?

8 MS. GOSMAN: I don't think we need  
9 to include that in this language. I think that  
10 PHMSA has that in front of it and can consider.

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

13 MR. ZAMARIN: Thanks. Chad Zamarin,  
14 Williams. I agree. I think looking at  
15 standards like that just -- when I read 613, it  
16 was clear that that was built for a  
17 transmission line in an area of subsidence  
18 risk. Where we've seen those threats are in  
19 hilly, mountainous, slope subsidence risks. So  
20 I think it's an applicable concept and a  
21 construct that should be looked at. So I agree  
22 with Sara. Thank you.

1 MR. DANNER: All right. Thank you.

2 Brian?

3 MR. WEISKER: Brian Weisker, Duke  
4 Energy. I just have one final request for the  
5 proposed list to remove new pavement. And I  
6 don't think it -- we're talking about weather  
7 events, not just -- I mean, new pavement to me  
8 just doesn't align for what we're talking  
9 about. I think there's -- the expectation of  
10 us as utilities to coordinate with our local  
11 government agencies when a road is to be paved  
12 that we have our -- any -- if we have a leak,  
13 let's get it fixed so we don't cut the road a  
14 week later. But I think written like that, I'm  
15 good with.

16 MR. DANNER: All right. Is there  
17 any discussion on that point?

18 All right. We have language in  
19 front of us. If there are no further edits or  
20 tweaks to the language, I would consider a  
21 motion on this language.

22 Commissioner Burman?

1 MS. BURMAN: I make the motion. And  
2 just before I do that, the favorite part of  
3 when we go to vote is when I see all the -- I  
4 feel like a rock star when all the cell phones  
5 go up and -- so just so you know, I'm going to  
6 look.

7 (Laughter.)

8 MS. BURMAN: Anyway, the proposed  
9 rule as published in the Federal Register and  
10 as supported by the Preliminary Regulatory  
11 Impact Analysis and Draft Environmental  
12 Assessment regarding leak grading and repair  
13 requirements, investigations or repairs of  
14 leaks following environmental changes for the  
15 proposed rulemaking is technically feasible,  
16 reasonable, cost-effective and practicable if  
17 the following changes are made: PHMSA consider  
18 a risk-based approach for the repair of Grade 2  
19 leaks following environmental changes that  
20 affect gas migration; for example, freezing  
21 ground, heavy rain, flooding or other changes;  
22 provide for consideration of local safety and

1 environmental conditions.

2 MR. DANNER: Thank you. Is there a  
3 second? All right. Chad Zamarin has seconded.  
4 Cameron, will you take the vote?

5 MR. SATTERTHWAITE: Okay. I'll say  
6 your name. If you agree with the motion, say  
7 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 is unanimous;

18 the motion carries.

19 MR. DANNER: All right. Thank you

20 very much.

21 John Gale, do you want to tee up the

22 next subject?

1 MR. GALE: Yes. Thank you, Mr.  
2 Chairman. By the way, congratulations. We  
3 have completed Graded and Repair.

4 We are moving onto Gas Gathering.  
5 And also we're almost below 100 slides left. I  
6 mean, I know everyone's excited about that.  
7 And Mr. Sayler Palabrica, who's been doing  
8 amazing work over here working on the slides is  
9 going to lead us through the discussion of gas  
10 gathering. Sayler?

11 MR. PALABRICA: Thanks, John. Like  
12 you said, I'm Sayler Palabrica with the Office  
13 of Pipeline Safety Standards and Rulemaking.  
14 And so to get into the discussion of the  
15 proposed requirements applicable to gas  
16 gathering lines -- so in the current  
17 requirements for leakage surveys Type A and  
18 offshore regulated gas gathering lines are  
19 subject to transmission line requirements for  
20 leakage surveys and repair. Type B gathering  
21 lines are subject to -- are also subject to  
22 transmission line requirements for leakage

1 surveys and repairs except that leak detection  
2 equipment is required for those surveys.

3 For Type C gathering lines we  
4 estimate that approximately 25 percent of Type  
5 C gathering lines are subject to leakage  
6 surveys with leak detection equipment and  
7 repair of hazardous leaks, however the  
8 remaining Type C gathering lines are accepted  
9 under the PIR or class location unit exception  
10 for the smaller diameter Type C gathering  
11 lines.

12 Additionally, right-of-way patrols  
13 are required only for Type A and offshore  
14 regulated gas gathering lines and emergency  
15 plans are not required for Type B gathering  
16 lines but are required for Type A and Type C.

17 In the NPRM -- so the NPRM applies  
18 gas transmission leakage survey, advanced leak  
19 detection program requirements, and leak repair  
20 requirements for all regulated gas gathering  
21 lines.

22 So we go into the specifics.

1 Offshore and Type A gathering lines, gas  
2 transmission requirements apply to such lines  
3 unless they are accepted from certain  
4 requirements in 192.9. So for those sections  
5 affected by the NPRM this includes the  
6 definitions in 192.3, the design and  
7 configuration of pressure relief devices in  
8 192.199, the amendments to the Procedure Manual  
9 requirements implementing Section 114 in  
10 192.605, the revised failure definition which  
11 will be discussed later in 192.617, the revised  
12 patrol requirements for gas transmission lines  
13 in 192.705, the leakage survey amendments for  
14 gas transmission lines in 192.706, the new leak  
15 grading and repair requirements that the  
16 Committee previously discussed in 192.760, the  
17 advanced leak detection program requirements in  
18 192.763, the clarifications on the  
19 qualification of leak detection and  
20 investigation personnel proposed in new 192.769  
21 which will also be discussed later, and the  
22 emissions mitigations from operation of

1 blowdowns in 192.770, and finally the relief  
2 device maintenance in proposed 192.773.

3           So for Type B gathering lines we  
4 propose to require such lines comply with  
5 Procedure Manual requirements in 192.605. In  
6 addition we propose to require compliance with  
7 the emergency plans requirement in 192.615 and  
8 that the leakage survey and ALDP standards  
9 applicable to gas transmission lines in  
10 proposed or modified 192.706 or 192.763 would  
11 apply. And the leak grading investigation  
12 repair documentation requirements applicable to  
13 gas transmission lines in 760 would apply. And  
14 finally, we propose to require compliance with  
15 patrol requirements to Type B lines of the gas  
16 transmission line requirements.

17           For Type C gathering lines we  
18 propose to require compliance with the -- to  
19 have them Procedure Manuals in accordance with  
20 192.605 except for with certain exceptions for  
21 sections that they're not required to comply  
22 with, which I think we get into later.

1           Leakage survey and advanced leak  
2 detection program standards applicable to gas  
3 transmission pipelines in proposed or revised  
4 192.706 and 192.763. So that includes leak  
5 grading, investigation, repair, and  
6 documentation requirements applicable to  
7 transmission lines.

8 Additionally, we propose to require all Type C  
9 gathering lines to comply with the leakage  
10 survey requirements. And then finally, we  
11 propose to require Type C gathering lines  
12 comply with gas transmission line patrol  
13 requirements in 192.705.

14           Finally, for the proposed rule we  
15 address the compliance with the National  
16 Pipeline Mapping System in Part 191. Currently  
17 the NPMS requires data for gas transmission and  
18 LNG facilities, for gas facilities. In the  
19 NPRM we propose to require operators of Type A,  
20 Type B, Type C-regulated onshore gas gathering  
21 lines to report geospatial data to the National  
22 Pipeline Mapping System. Additionally, we

1 requested a comment on if NPMS participation  
2 should also be required for Type R gathering  
3 lines not regulated under Part 192.

4 So moving on to comments. Regarding  
5 comments on PHMSA's authority to apply  
6 standards to regulated gas gathering lines, the  
7 Pipeline Safety Trust commented that despite  
8 Type C and R gathering lines not existing prior  
9 to the promulgation of the PIPES Act of 2020,  
10 PHMSA has clear authority to regulate all types  
11 of gathering lines under the PIPES Act and its  
12 general authority to prescribe safety standards  
13 for pipeline facilities.

14 In a letter from the Attorney  
15 General of New York, et al. -- commented that  
16 the proposed changes to patrolling and  
17 surveillance requirements for Type B and C and  
18 offshore gas gathering pipelines were  
19 consistent with Section 113 of the PIPES Act.

20 Multiple industry trades and  
21 operators commented that Class 2, 3, and 4  
22 locations are subject to leak detection

1 requirements created under Section 113 of the  
2 PIPES Act, but that Class 1 locations and  
3 offshore gas gathering lines were not.

4 Continuing on, comments on  
5 authority. Industry trades commented that the  
6 proposed rule contains requirements beyond its  
7 mandate under Section 113, particularly through  
8 the proposed requirements applicable to Type C-  
9 regulated onshore gas gathering lines which are  
10 in Class 1 locations. The commenters suggested  
11 that PHMSA would draw the proposed regulations  
12 with regard to Type C gas gathering lines.

13 Industry trades and an operator  
14 commented that PHMSA's assertion that Section  
15 114 of the PIPES Act contained a, quote, self-  
16 executing mandate that applies to regulated  
17 Type C onshore gas gathering lines in Class 1  
18 location was incorrect.

19 The Chief Legal Officer from the  
20 State of Louisiana, et al. opposed applying the  
21 new provisions in the NPRM to offshore gas  
22 gathering lines.



1           The Pipeline Safety Trust supported  
2           applying the Section 114 provisions; i.e., in  
3           the procedure Manual requirements in 605 to  
4           Type C and Type B gas gathering lines reasoning  
5           that they are not currently subject to many  
6           critical safety requirements.

7           Continuing on comments on  
8           applicability. Industry trades expressed  
9           concern that the proposed 192.9 would overlook  
10          the fact that pursuant to proposed 192.773  
11          grandfathered Type C lines are not required to  
12          be equipped with relief devices. And that's a  
13          requirement to have procedures for the  
14          maintenance of relief devices.

15          And industry trade group recommended  
16          accepting Type B and C gas gathering lines on  
17          designated and secure locations less than 10  
18          acres in area such as compressor or meter  
19          stations from leakage survey and patrol  
20          requirements. They commented that surveying  
21          short segments of pipe within these facilities  
22          is unnecessary as they are covered by surveys

1 of pipelines entering and exiting the station.

2 The Attorney General of New York, et  
3 al. commented that the proposed changes to the  
4 applicability to Type B and C gathering lines  
5 would fill a major regulatory gap.

6 PHMSA notes. PHMSA regarding the  
7 authority to apply to gas gathering lines.  
8 PHMSA has authority to regulate offshore  
9 gathering and Type C-regulated onshore gas  
10 gathering lines to meet the needs for pipeline  
11 safety and to protect the environment under 49  
12 USC 60102. Additionally, the Section 114(a)  
13 mandate is codified in 49 USC 60108, which is  
14 generally applicable to persons owning or  
15 operating a, quote, gas pipeline facility  
16 including operators of regulated rural  
17 gathering lines. Finally, PHMSA will clarify  
18 Procedure Manual requirements for pipelines  
19 designed without pressure relief devices.

20 Moving onto comments on the  
21 Procedure Manual Requirements in 605 as they  
22 apply to gas gathering pipelines via a

1 reference in 192.9. The Attorney General of  
2 New York, et al. expressed support for the  
3 requirement reasoning that it would support  
4 alignment with Section 114 of the PIPES Act.

5 Industry trades did not oppose  
6 requirements for Procedure Manuals in  
7 principle, but raised concerns that cross-  
8 reference to 605 imposes additional requirement  
9 -- regulatory requirements beyond those listed  
10 in 192.9.

11 And industry representative  
12 suggested that PHMSA clarify whether Type B and  
13 C operators are required to comply with  
14 continuing surveillance, investigation of  
15 failures, and control room management  
16 requirements as this was not clear and would  
17 need to be adjusted to avoid discrepancies.

18 PHMSA notes that PHMSA intends to  
19 clarify Procedure Manual requirements in the  
20 final rule to address the comments.

21 Moving onto comments on patrols for  
22 Type B and C gas gathering lines. The Attorney

1 General of New York, et al. commented that they  
2 appreciate the new surveying and patrol  
3 requirements for Type B and C gathering lines  
4 and for offshore gas gathering lines.

5 Industry trades commented that  
6 additional patrol requirements on operators of  
7 gathering lines would be onerous and should not  
8 be required without PHMSA at least considering  
9 the class location of a pipeline given that  
10 gathering lines are smaller in diameter and  
11 often located in remote areas.

12 An operator commented that an  
13 application of the transmission line patrol  
14 requirements to gas gathering lines was  
15 unreasonable and would add a significant burden  
16 to operators.

17 Continuing with comments on  
18 patrolling. An industry trade commented that  
19 it would neither be reasonable, nor provide  
20 value for patrols of gathering lines to be  
21 conducted monthly.

22 An operator commented that PHMSA did

1 not provide an adequate explanation for why it  
2 was necessary to increase the frequency of  
3 patrols for gas gathering lines particularly  
4 for Type C gas gathering lines that just  
5 recently became regulated and whose operators  
6 are still working to set up programs. The  
7 commenter suggested PHMSA instead recommend  
8 Type A gathering lines be patrolled twice a  
9 year, not to exceed seven months, and patrolled  
10 once a year for Type B and C lines.

11 An industry representative suggested  
12 accepting smaller diameter gathering lines that  
13 are not located near buildings from patrols and  
14 leakage surveys which is the 192.9(f) PIR or  
15 class location unit exception.

16 Continuing, an industry  
17 representative commented that the concept of  
18 HCAs has never applied to Type A, B, and C gas  
19 gathering lines and that requiring it would be  
20 a significant regulatory expansion.

21 PHMSA requests Committee feedback on  
22 the proposal to extend to patrol requirements

1 to Type B and C regulated gas gathering lines.  
2 PHMSA notes that the Committee has previously  
3 discussed the frequency of gas transmission and  
4 gathering pipeline patrols. PHMSA also notes  
5 that the agency does not expect operators of  
6 gathering lines to identify high-consequence  
7 areas under integrity management and will  
8 clarify in the final rule.

9 Moving onto comments on leakage  
10 surveys. An operator expressed opposition to  
11 requiring more frequent leakage surveys for gas  
12 gathering lines.

13 Industry representatives didn't  
14 oppose leakage surveys in general for gas  
15 gathering lines in Class 2, 3, and 4 locations  
16 consistent with the scope of Section 113 of the  
17 PIPES Act, but raised concerns with the risk  
18 assessment, and those comments will be repeated  
19 later.

20 An industry representative suggested  
21 eliminating the requirements that PHMSA pre-  
22 approved an operator's use of human senses as a

1 leak detection technique for Type C gas  
2 gathering lines.

3 The Pipeline Safety Trust commented  
4 that PHMSA should not allow leakage surveys  
5 without leak detection equipment on gathering  
6 lines even with prior notification and review.

7 Regarding comments on the survey  
8 frequency specific for gas gathering lines for  
9 leakage surveys, the Pipeline Safety Trust  
10 commented that leakage survey and patrol  
11 frequency and methodology should apply to all  
12 gas gathering lines but suggested that leakage  
13 surveys on such lines be more frequent.

14 The commenter recommended leakage  
15 surveys to be conducted as follows: For Type A  
16 and B lines four times a calendar year at an  
17 interval not to exceed four-and-a-half months.  
18 For Type C lines three times a year not to  
19 exceed -- with an interval between surveys not  
20 to exceed five-and-a-half months. And for Type  
21 R gas gathering lines two times a year, not to  
22 exceed seven-and-a-half months.

1 PHMSA notes that the Committee  
2 previously discussed survey frequencies for gas  
3 transmission lines which would be applicable to  
4 gas gathering lines subject to transmission  
5 line patrol frequencies.

6 For suggested additional  
7 requirements from commenters, public and  
8 environmental advocacy groups, a form letter  
9 campaign, and an individual commenter asked  
10 PHMSA to require the rulemaking be applicable  
11 to Type R gathering lines and the Pipeline  
12 Safety Trust suggested all gas transmission  
13 blowdown mitigation regulations should apply to  
14 gas gathering lines.

15 PHMSA appreciates the comments and  
16 will take these into consideration in future  
17 rulemaking.

18 Moving onto comments on the National  
19 Pipeline Mapping System. Various corporations,  
20 a form letter campaign, and a few individual  
21 commenters commented that all pipeline mileage  
22 should be reported to the National Pipeline



1 Mapping System.

2 A state representative said that the  
3 requirement would expand damage prevention  
4 efforts and help ensure leaks are found and  
5 repaired.

6 Industry trade groups opposed  
7 requiring NPMS participation for regulated gas  
8 gathering lines. One organization commented  
9 that the NPMS is not cost-justified and PHMSA's  
10 risk assessment did not adequately take into  
11 consideration the associated costs of data  
12 collection.

13 Multiple industry representatives  
14 expressed opposition to the requirement for  
15 gathering lines to comply with NPMS  
16 requirements noting that the data has not  
17 historically been maintained by operators and  
18 would be costly to collect.

19 Multiple industry representatives  
20 said that the Pipeline Safety Act and 49 USC  
21 60132 specifically excludes distribution and  
22 gathering systems from the NPMS, adding that

1 requiring gathering operators to participate in  
2 NPMS was unlawful, unnecessary, and  
3 unsupported.

4 A letter from Senator Cruz et al.  
5 commented that circumventing congressional  
6 direction on the scope of NPMS would waste  
7 resources and invite litigation.

8 The GPDC suggested PHMSA consider  
9 removing the NPMS requirements for gathering  
10 line operators and questioned the value  
11 associated with providing geospatial data  
12 because it does not appear to be correlated to  
13 emissions or leaks.

14 Industry representatives commented  
15 that the NPMS is a large administrative burden  
16 for small or newly-regulated operators and  
17 would require high-precision surveying and new  
18 data collection equipment for Type R and Type C  
19 operators.

20 NAPSR proposed excluding Type B  
21 gathering lines from NPMS requirements due to  
22 their low operating pressure and typically

1 short length.

2 The Pipeline Safety Trust supported  
3 the proposal and suggested also including Type  
4 R gathering lines in the requirement.

5 An operator commented that adding  
6 gathering lines to the NPMS public viewer would  
7 be a threat to the security of such facilities.  
8 The commenter suggested that information on  
9 production facilities be redacted to reduce the  
10 risk of terroristic damage to pipelines if  
11 PHMSA maintains the requirement. The commenter  
12 continued that the proposed requirement would  
13 cost the industry significant time and money  
14 without additional benefit to public safety.

15 An industry representative and an  
16 individual commenter said that the cost  
17 associated with geospatial mapping for Types A,  
18 B, and C gathering pipelines would be  
19 burdensome and suggested PHMSA consider an  
20 extension of the compliance period for this  
21 section.

22 The GPDC commented that PHMSA had

1 changed its position on its discretionary  
2 authority to collect geospatial data from gas  
3 gathering operators.

4 PHMSA notes. PHMSA requests  
5 Committee recommendations on the proposal to  
6 require NPMS participation for Type A, B, and C  
7 gathering lines. PHMSA further notes that  
8 while the mandate for NPMS and 49 USC 60132  
9 does not include gathering, PHMSA separately  
10 has the statutory authority to propose the  
11 collection of information from operators  
12 including geospatial information through notice  
13 and comment rulemaking. PHMSA further notes  
14 that the proposed NPMS requirement does not  
15 apply to Type R gathering lines.

16 Moving onto comments on the RIA.  
17 Industry commenters stated that the existing --  
18 that the Regulatory Impact Analysis should  
19 account for the costs of excluding Grade 3  
20 leakage classification from gas transmission  
21 pipelines and Type A and C gathering lines.

22 Industry trades noted that since

1 Type C gathering lines are not included in the  
2 Section 113 mandate that PHMSA needed to  
3 consider non-regulatory alternatives for such  
4 facilities in the risk assessment.

5 Multiple industry trades said that  
6 the risk assessment for regulations on Type C  
7 gathering lines failed to satisfy the  
8 requirements of the PIPES Act and Pipeline  
9 Safety Act by not including sufficient  
10 technical justification, not addressing cost  
11 recovery mechanisms by system type, and  
12 consideration of non-regulatory options for  
13 Type C gathering lines.

14 Operators expressed concern that the  
15 cost for Type A pipelines are treated  
16 identically to gas transmission pipelines.

17 Industry trades pointed out that for  
18 gas gathering line -- that gas gathering  
19 operators face different fee structures  
20 compared to gas transmission or distribution  
21 operators.

22 An operator requested a cost

1 effectiveness study commenting that PHMSA  
2 didn't establish a valid baseline, accurately  
3 account for the costs, or quantify the benefits  
4 in the PRIA.

5 Industry trades contended that PHMSA  
6 failed to adequately identify the costs and  
7 benefits associated with the proposed leakage  
8 detection and repair requirements for Type C  
9 gathering lines. Industry trades commented  
10 that the risk assessment did not identify the  
11 benefits of requiring operators of Type C  
12 onshore gathering lines to remediate or replace  
13 pipelines known to leak, nor did it consider  
14 the full extent of the proposed changes to the  
15 written procedures required in 192.605 for Type  
16 B and C gathering lines.

17 An industry representative commented  
18 that PHMSA's approximations for developing and  
19 maintaining O&M Manuals was drastically  
20 underestimated and that the commenter was  
21 unable to reproduce the estimated life cycle  
22 costs of developing or maintaining the plans.

1           Industry trades commented that PHMSA  
2 did not identify any benefits that are fairly  
3 attributed to the significant increase of  
4 frequency for patrols of gas gathering  
5 pipelines and does not meet the recent  
6 decision-making requirements in the Pipeline  
7 Safety Act.

8           Industry trades oppose extrapolating  
9 2010 to 2020 leak data to gas gathering mileage  
10 as a whole commenting, quote, small leak sample  
11 data and small aerial surveys cannot provide an  
12 adequate picture for the gas gathering pipeline  
13 industry.

14           Industry trades commented that if  
15 PHMSA does not remove Type C gathering lines  
16 from the rule altogether, PHMSA must  
17 demonstrate in a cost benefit analysis the  
18 benefits of the proposed requirements justify  
19 the costs.

20           And PHMSA will consider the comments  
21 in the PRIA and update the risk assessment as  
22 appropriate.

1                   So this concludes the briefing and  
2 PHMSA response to comments regarding  
3 requirements applicable to regulated gas  
4 gathering lines.

5                   MR. DANNER: All right, thank you.  
6 Committee members, do you have any clarifying  
7 questions for Sayler?

8                   All right, then we will go into  
9 public comment. John Gale, is there something  
10 preliminary?

11                  MR. GALE: I was just (audio  
12 interference).

13                  MR. DANNER: All right. We're going  
14 into public comment. So, microphone is here,  
15 we can line up on the right for those who wish  
16 to comment this morning. I would ask that you  
17 keep your comments under two minutes.

18                  MR. HITE: I'll work to keep my  
19 comments under two minutes, but we're not going  
20 to be timed again like Commissioner Burman did  
21 to us the other day, are we?

22                  MR. DANNER: Well, I've generally



1       been watching the clock, and so there will --

2                       (Simultaneous speaking.)

3                       MR. HITE: I'm just kidding.

4                       MR. DANNER: There will be a hook if  
5 you go on too long, but say what you need to  
6 say.

7                       MR. HITE: Okay, I'm just kidding.

8                       MR. DANNER: Good morning, yeah.

9                       MR. HITE: Good afternoon. My  
10 name's Matt Hite, I'm with GPA Midstream  
11 Association. GPA members are in the process of  
12 complying with significant changes to PHMSA's  
13 regulations. In November of 2021 PHMSA issued  
14 a final rule that prescribed new safety  
15 standards for more than 90,000 miles of Type C  
16 gas gathering lines in Class One locations, and  
17 imposed new reporting requirements on more than  
18 230,000 miles of Type R gas gathering lines.

19                       According to the latest PHMSA data,  
20 more than 500 operators of gas gathering lines  
21 are in the process of complying with these new  
22 requirements. The regulations that the

1 Committee is considering today would profoundly  
2 change the once-in-a-generation rules that  
3 PHMSA issued two years ago. GPA's members need  
4 time to accommodate those new rules before  
5 PHMSA moves the goalpost. And PHMSA should not  
6 be moving the goalpost without considering the  
7 data that Type C gathering lines are now  
8 providing to the Agency.

9 Congress did not include Type C  
10 gathering lines in the Section 113 rule-making  
11 mandate for a reason. Mandating advanced leak  
12 detection programs on gas regulations is  
13 unreasonable. Transmission and distribution  
14 operators have had more than five decades of  
15 experience implementing PHMSA's regulations.  
16 The proposed rule gives gathering line  
17 operators six months to gain that experience  
18 and implement an advanced leak detection  
19 program for more than 90,000 miles, newly  
20 jurisdictional pipelines.

21 Finally, the Committee has heard a  
22 lot about state-based leak detection and repair

1 standards that apply to gas distribution lines  
2 and other public utilities. The Committee has  
3 also heard a lot about infrastructure  
4 replacement and cost recovery programs that are  
5 available to public utilities. Gathering lines  
6 are not regulated as public utilities and do  
7 not have experience with these state-based  
8 public utility standards, or access to these  
9 cost recovery programs.

10 We are not a pass-through is what  
11 I'm trying to get at, so we absorb the cost.  
12 And not only was this not accounted for in the  
13 cost benefit analysis, it wasn't even factored  
14 in with Type C. Thank you.

15 MR. DANNER: All right, thank you  
16 very much.

17 MR. COYLE: Thank you. Keith Coyle  
18 on behalf of GPA Midstream Association and The  
19 American Petroleum Institute. I wanted to  
20 touch briefly on the concerns with the risk  
21 assessment, particularly for Type C gathering  
22 lines.

1           What we have up on the slide are the  
2 factors that PHMSA is supposed to consider in  
3 developing a risk assessment. The first factor  
4 is regulatory and non-regulatory options.  
5 PHMSA did not consider any non-regulatory  
6 options for Type C lines, and the only  
7 regulatory option that PHMSA considered was the  
8 mandate that doesn't apply.

9           When we're looking on the cost  
10 benefit side of the preliminary regulatory  
11 impact analysis, we've provided extensive  
12 comments to show that PHMSA failed to  
13 adequately consider those concerns in preparing  
14 the risk assessment. Things like we're not a  
15 public utility, we don't have access to cost  
16 recovery mechanisms, and we've also noted that  
17 PHMSA did not quantify the safety benefits of  
18 this proposed rule.

19           When it comes to the explanation of  
20 the reasons for selecting the options that  
21 PHMSA considered, the only explanation that was  
22 provided in the RIA was the mandate made me do

1 it. But, the mandate does not apply to Type C  
2 gathering lines.

3 And then, on the technical data and  
4 information -- we've already pointed this out  
5 in our comments as well. Type C gathering line  
6 operators just started supplying data and  
7 information to PHMSA. PHMSA did not consider  
8 any of that data or information in preparing  
9 this rule.

10 We're not saying that the gathering  
11 industry should never be subject to leak  
12 detection requirements. We're not saying that  
13 the gathering industry should never have  
14 advanced leak detection programs. What we are  
15 saying is this statute creates a process where  
16 we have risk assessments that are thoughtful  
17 and that are prepared, that are made available  
18 for public comment, and that are presented to  
19 you for consideration. None of those things  
20 have happened with respect to Type C lines.

21 Thank you.

22 MR. DANNER: Thank you.

1 MR. LAMBERT: Good morning. Jason  
2 Lambert, Williams Companies, an operator of  
3 thousands of miles of Types A, B, and C and  
4 offshore gas gathering lines. Williams  
5 conducted a review of costs and a feasibility  
6 of conducting a 12-times per calendar year  
7 right of way patrol of our gas gathering  
8 pipelines.

9 A right of way patrol has an  
10 approximate cost of 76 miles per mile to  
11 inspect. If Williams identified five  
12 significant concerns in its gathering right of  
13 way patrols during a single patrol, it would  
14 have spent approximately \$84,000 per concern  
15 found. If the patrol -- excuse me -- frequency  
16 is increased and the hypothetical number of  
17 finding stays the same, Williams would have  
18 spent just over \$1,000,000 per dollar -- excuse  
19 me, \$1,000,000 per concern found. And this is  
20 assuming the concerns found were tied to the  
21 gathering line leaking.

22 Williams questions the cost benefit

1 and whether there is an appreciable safety risk  
2 reduction of this increased patrol requirement  
3 for gathering lines, particularly when  
4 considered against patrols for Type C gathering  
5 in Class One locations. Thank you.

6 MR. DANNER: Thank you.

7 MR. CAREY: Good morning. Patrick  
8 Carey for on Kinder Morgan. I just wanted to  
9 share some experience that we've had relative  
10 to development of O&M Procedures for gathering  
11 systems. We started on this process about ten  
12 years ago, most of our footprints of  
13 approximately 10,000 miles of gathering has  
14 been through acquisitions. And part of the  
15 process we go through is to bring all of those  
16 new assets up underneath the same type of O&M  
17 Procedures.

18 So, we've had a good starting point  
19 for those procedures, when we built through  
20 that process. However, the devil's in the  
21 details when you start looking at the  
22 implications and some of the things that Matt

1 pointed out, as far as the change that's going  
2 on.

3           When you look at what happened with  
4 RIN 3, we spent considerable time going back  
5 through those same O&M Procedures in order to  
6 reflect the changes that came out of there,  
7 relative to what was in the API standards when  
8 they were generated. So, it's not an  
9 inconsequential effort, and again we had a  
10 better starting point than a lot of the others  
11 there in the industry. So, I think that  
12 there's some pretty significant implications.

13           To switch gears a little bit with a  
14 little bit more detail relative to the issues  
15 that are on the table, as far as how much has  
16 to go into this. If you looked at the GPAC  
17 meeting that we had, I believe it was in June  
18 of 2019, relative to the gathering rule, the  
19 implications on MAOP is the specific issue I  
20 want to talk about. Because, you know, part of  
21 the public comments there were the need for  
22 data and information on gathering systems.



1           And really, you know, the larger  
2 diameters having MAOPs, again, going back  
3 through that process I had described, we had  
4 established MAOPs. So, you know, I naively  
5 thought that we were in pretty good shape for  
6 that. When the final rule came out, we found  
7 that it was quite a bit different. We have a  
8 line that's fairly new, that started building  
9 probably the early 2000 time frame, built to  
10 192 specifications, standards and testing so  
11 that we had good hydro tests for those lines.

12           Unfortunately, when the rule came  
13 out the details stated specifically that that  
14 hydro test had to be within the five years  
15 previous to the rule. So, you only could go  
16 back to 2018. So, here we had tests that were  
17 approximately 2015 and -- 2005 to 2015. A good  
18 subpart J test with all the documentation of  
19 it, but yet it couldn't be used. We had to go  
20 back and look at establishing the MAOP with the  
21 highest operating pressures.

22           So, now you have a line that has an

1 MAOP established under a grandfather clause  
2 when it really has a valid hydro test. So,  
3 from a perception perspective, the public's  
4 going to look at this and say all right, here  
5 you have a grandfathered piece of pipe, when in  
6 actuality you have a valid, strong test. You  
7 know, after the test that particular line  
8 segment was operated under the appropriate O&M  
9 Procedure, so there's really no concern that a  
10 degradation of that line over that period of  
11 time as well.

12 So, point being is that the devil's  
13 in the details, and all of those procedures  
14 that were identified as being needing to flesh  
15 out between when Sayler went through the public  
16 comments. We need to make sure that the  
17 appropriate time is taken for those so that  
18 they do align, and that there's not that  
19 unintended consequence, as I mentioned, on the  
20 MAOP. Thank you.

21 MR. DANNER: Thank you.

22 MR. MORTON: Good morning. I'm Jeff

1 Morton with Enterprise Products, representing  
2 GPA Midstream members. I wanted to reinforce  
3 the statement about these Type C lines.  
4 There's about a little over 90,000 miles of  
5 pipelines we're talking about, and these Type C  
6 lines are located in low risk, Class One rural  
7 locations.

8           You know, 90,000 miles is  
9 significant when you talk about operators that  
10 have never been subject to these rules. Some  
11 of these gathering systems are operated by  
12 smaller operators, and as we discussed in the  
13 last couple days, rate cases and, you know, the  
14 consumer paying for these costs, it's been  
15 stated -- we don't have that option, it's not a  
16 pass-through.

17           So, some of these systems are  
18 operated by smaller operators that will not  
19 have the resources required to satisfy these  
20 regulations -- new technicians, developing new  
21 programs, purchasing new expensive leak  
22 equipment. So, as such, some of these

1 gathering lines could be shut in, just because  
2 they could become cost prohibitive to operate.

3 As stated, these lines only became  
4 regulated in May of '22 and operators are still  
5 struggling to get their arms around those  
6 regulations. And several have submitted  
7 request for extension to PHMSA to get  
8 additional time to get those pipelines in  
9 regulation.

10 So, in short, since Type C gathering  
11 pipelines were not included in the  
12 Congressional mandate, we don't believe it is  
13 appropriate for PHMSA to include these  
14 pipelines in this rule-making at this time.  
15 Give these operators a chance to get their feet  
16 under them, let them learn to crawl before they  
17 start this marathon. Thank you.

18 MR. DANNER: Thank you.

19 MS. KURILLA: Hi. Erin Kurilla, the  
20 American Public Gas Association. I understand  
21 that there's language from 49 U.S. Code 60132  
22 for the National Pipeline Mapping System, can

1 that be brought up on the side? Thank you so  
2 much.

3 As actually highlighted in red here,  
4 when Congress is this deliberate about what a  
5 provision should apply to and what it should  
6 not, I think we need to tread very carefully.  
7 I believe that the legislative process is the  
8 proper place to consider removing an exemption  
9 for an asset of pipelines for which this  
10 provision would apply to.

11 I'm very concerned about the  
12 precedent, if the rule is promulgated as  
13 written, that this would have in allowing the  
14 Agency to go beyond what Congress intended very  
15 explicitly, and applying something to a group  
16 of assets that were very explicitly exempted.  
17 So, thanks for your consideration on that.

18 MR. DANNER: Thank you.

19 MR. COYLE: Thanks. Keith Coyle for  
20 GPA Midstream Association and The American  
21 Petroleum Institute again. Just a little bit  
22 of history about the language that's up on the

1 screen, this is something that Congress added  
2 to the Pipeline Safety Act back in 2002. The  
3 Genesis for this language was actually a  
4 voluntary digital pipeline mapping program that  
5 PHMSA created in the 1990s.

6 That program had an exception for  
7 gathering and distribution lines, and that is  
8 why that language ended up in the statute.  
9 That language has not been changed in the past  
10 20 years. We've had four reauthorizations of  
11 the Pipeline Safety Act, it's never been  
12 changed.

13 So, as you're looking at this  
14 language -- and I've only got a little bit of  
15 time to make a legal argument, so I'm going to  
16 do the best that I can -- I'd like you to think  
17 about four questions. Does that statute  
18 authorize the National Pipeline Mapping System  
19 Program? Yes. Does that statute provide an  
20 exception for gathering and distribution lines?  
21 Yes. Is the Agency asking you to ignore the  
22 statute? Yes. Should the Agency be ignoring a

1 statute? Of course not.

2 So, I think the right thing that  
3 should happen here, if people have concerns  
4 about National Pipeline Mapping System, there's  
5 a building on the other side of Washington that  
6 we can take those concerns to and get new  
7 legislation. Thanks.

8 MR. JOHNSON: I learn a lot every  
9 time I come to one of these meetings. As I  
10 stated on Wednesday, my name is Maury Johnson.  
11 I'm a private citizen, I'm a landowner, I've  
12 been impacted by a major pipeline, the Mountain  
13 Valley Pipeline. I belong to many groups and  
14 organizations whose missions are to protect  
15 their community, environment, their  
16 constitutional guaranteed rights, and to fight  
17 against social and environmental injustices. I  
18 want to thank everybody here who has taken the  
19 time to be at this to work on the safety of the  
20 American public and to take it seriously.

21 Unfortunately, this doesn't apply to  
22 everybody in the pipeline industry. I know it

1 applies to all of you all, I'm sure you all  
2 thinks that's number one. Become apparently  
3 clear to me that some people put the bottom  
4 line above the public safety -- that's my  
5 opinion from my experiences over the last eight  
6 years. I hope this doesn't apply to anyone  
7 here.

8 I hope that, in the very near  
9 future, PHMSA and the industry addresses a very  
10 important issue -- we're going to talk about  
11 gas leaks and gathering and stuff, and that's  
12 really great, I see some very positive things  
13 happening. But, where we put pipelines, how  
14 close they are to homes, schools, churches --  
15 we need to urgently address cathodic protection  
16 rules.

17 Something that become very apparent  
18 to me and my neighbors is the coding integrity  
19 and requirements. Transparency is one of the  
20 basic fundamental rules that PHMSA and the  
21 industry must address. All too often you ask  
22 for information that's critical for decisions



1 and to know what's going on in your community,  
2 and you're told, oh, that's confidential and  
3 you can't have it. I was told that number of  
4 times this past week. I'm ready to join into  
5 discussions with anyone, anywhere, anytime so  
6 that we have a better public safety system.

7 Thank you.

8 MR. DANNER: Thank you.

9 MS. SANDERS: Hi. Good afternoon,  
10 everyone. My name is Sander, and apparently  
11 I'm very short, because I have to adjust this.  
12 I own a consulting firm who works for many  
13 small operators in the country, and I want to  
14 make kind of two points today.

15 First of all, I want to follow up on  
16 the comments of Erin and Keith about NPMS. Not  
17 only is there a clear exemption from the  
18 statute but I think it's really important to  
19 look at the discussion in the rule-making, and  
20 specifically the preamble for the drivers of  
21 why gathering is being asked to be put in NPMS.  
22 And that is damage prevention and emergency

1 response.

2 I would offer to you that we have a  
3 system for damage prevention, and that's the  
4 811 system. We have spent decades promoting  
5 811, and I don't know anyone that should  
6 support or back the effort of using NPMS's  
7 damage prevention tool, for many reasons. And  
8 I'm going to run out of time if I, my two  
9 minutes, if I try to explain all those today.  
10 But, needless to say is NPMS is not a damage  
11 prevention tool.

12 Second is it's not an emergency  
13 response tool either. I think it once was  
14 thought of that but it is not, for many  
15 reasons. In fact, it's not accessible to many  
16 emergency responders, especially in rural  
17 communities who have an incident who doesn't  
18 have access to Wi-Fi or cell coverage. So, it  
19 is not something that -- the justification for  
20 putting gathering in is not going to result in  
21 any increases to damage prevention or emergency  
22 response, as laid out in the preamble. I just

1 want to make sure that that's very clear.

2           Second is, in terms of what Jeff  
3 said in particular, and Pat, about the  
4 burdensome nature -- not only to gatherers in  
5 general but especially the new guys who are  
6 being brought into this -- is that in my  
7 history with gathering, in more than two  
8 decades of working on the issues relating to  
9 gathering, there has always been a discussion  
10 about a slow and steady ramp up of regulations.

11           And we went back to PHMSA -- I wrote  
12 a letter to PHMSA, on the docket, that's  
13 sitting there from 2002 talking about the  
14 importance of gathering data. And we have  
15 exactly about 12 months of data on the record,  
16 which doesn't tell us anything at this point.  
17 And the thought was to collect the data and  
18 then continue on, as we get better data then  
19 hone in on the risks associated with gathering.  
20 And that hasn't happened, we haven't even given  
21 the gatherers a chance yet.

22           We don't have the data to prove

1 anything, and yet here we're justifying, or  
2 trying to justify, enormous expansions of  
3 regulatory burden on these small operators, and  
4 even the large operators. It doesn't make  
5 sense and nor does it align with the historical  
6 discussion that's happened before this group,  
7 and in every rule-making on gathering for as  
8 long as I've been around and others have been  
9 around. Thank you for your time and  
10 consideration.

11 MR. DANNER: Thank you.

12 MR. MURK: So, apparently I'm taller  
13 than Lindy, because I had to raise the mic.  
14 So, I think the good news I guess of going  
15 later in the public meeting discussion, pretty  
16 much everything's been said and Lindy just  
17 stole the four bullets pretty much that I was  
18 going to mention, on why we don't think NPMS is  
19 important for this particular effort.

20 But, I did want to hit on a couple  
21 things. One, thanks to PHMSA for the clarity  
22 on O&M, that was one issue that we had raised,

1 and appreciate your recognition of that. Two,  
2 I want to just reemphasize what Lindy just  
3 mentioned, as well as Jeff Morton with  
4 Enterprise, on, you know, from a Type C  
5 standpoint this is a segment of our industry  
6 that is really just getting its feet under it  
7 with new regulations that have been put in  
8 place over the last two years.

9 And really needs to get, as Jeff  
10 mentioned, we need to crawl before we can  
11 really walk and start running in this area.

12 And so, give us time. We're not necessarily  
13 opposed to potential future regulation in this  
14 area but we need more data, as Lindy said, and  
15 we need time to get moving as an industry in  
16 this area.

17 And then, the last thing, just to  
18 reemphasize what was said around NPMS. You  
19 know, I agree with Lindy, it's not meant to be  
20 a safety information database, it's meant to be  
21 public information that's available and used  
22 for that purpose. And 811, damage prevention

1 programs, public awareness programs, line  
2 markers, all of that that's in place and  
3 required by regulation is there for safety.

4 So, that's pretty much what I wanted  
5 to say. And just supporting again Keith  
6 Coyle's comments, who -- he commented on our  
7 behalf on the legalities of some of these  
8 things that have been put in place via this  
9 regulation. So, thank you.

10 MR. DANNER: So, before you go,  
11 could you state your name for the record?

12 MR. MURK: Oh, I'm sorry. Yeah,  
13 Dave Murk, Senior Director of Pipelines at the  
14 American Petroleum Institute.

15 MR. DANNER: All right, thank you  
16 very much. All right, so you're coming up for  
17 the third time now, is that just to get around  
18 the two minute exemption? Is that what you're  
19 doing?

20 MR. COYLE: Yeah, I just wanted to  
21 have one more comment on the --

22 MR. DANNER: Very briefly.

1 MR. COYLE: Type R lines. Thanks.  
2 And I appreciate the Committee's indulgence, we  
3 did have other members lined up. It's Friday,  
4 some of them had to go home, so. And I  
5 appreciate the time.

6 Just a quick comment on the Type R  
7 lines. There's been some commentary that we  
8 should subject those to various regulations in  
9 this proposal. I just want to make clear,  
10 right now Type R lines are not jurisdictional  
11 to the Agency, they're only subject to the  
12 Agency's information collection authority. We  
13 just started providing reports for Type R  
14 lines.

15 There was no consideration of any of  
16 the information in those reports in the risk  
17 assessment for this rule, there was no language  
18 in the proposed rule that would actually apply  
19 any of these requirements to Type R lines. We  
20 think it's entirely inappropriate to regulate  
21 anything with respect to Type R lines in this  
22 proceeding. Thank you.

1 MR. DANNER: Thank you.

2 MR. CARAM: Hi. Bill Caram,  
3 Pipeline Safety Trust. I know there will be a  
4 lot of discussion about emissions from  
5 gathering pipelines, which of course we support  
6 and expect. But, I also want to remind the  
7 Committee that, and PHMSA, that while Type C  
8 gathering pipelines are in rural areas and in  
9 Class One, that does not mean they are not  
10 without safety risks. People do die and are  
11 injured from explosions from these pipelines,  
12 including 3-year-old Delancey Tercero, was  
13 killed by an explosion from a ten-inch, what is  
14 now considered a Type C gathering line in 2018,  
15 in Midland, Texas.

16 So, aside from the impact on  
17 climate, leak detection and repair will make  
18 people like Delancey safer, and I just want to  
19 remind everyone of that. The public needs to  
20 know where these pipelines are and that there  
21 are no leaks, through frequent surveys and the  
22 use of advanced leak detection technology.



1 Thank you.

2 MR. DANNER: All right, thank you  
3 very much. All right, that concludes the  
4 public comment. It is 12:00 o'clock, I suggest  
5 we take a break for lunch until 1:00 o'clock.  
6 We will reconvene at 1:00 o'clock promptly.  
7 Thank you much.

8 (Whereupon, the above-entitled  
9 matter went off the record at 12:01 p.m. and  
10 resumed at 1:05 p.m.)

11 MR. DANNER: All right, good  
12 afternoon, everyone. We're missing a few  
13 members but we're going to get started. You  
14 can see on the slides the topics that we, as a  
15 committee, have to discuss with regard to gas  
16 gathering. And so we'll kick it right off with  
17 applicability to all Type C gathering lines.

18 Chad, you have your tent card up.  
19 Do you want to get into it or do you have some  
20 preliminary comments?

21 MR. ZAMARIN: Preliminary comments,  
22 but they're applicable to the topic.

1 MR. DANNER: All right. All right.

2 MR. ZAMARIN: I thought it might  
3 help because I do think one thing to consider,  
4 the gathering industry is a bit  
5 underrepresented and so I thought it might be  
6 helpful just to give some background here and  
7 how gathering fits and why we're where we are  
8 from a bit of a mismatch between regulatory  
9 frameworks, between gathering, transmission,  
10 and distribution.

11 But just from a historical context  
12 perspective, you know, natural gas production  
13 started in the United States over 200 years  
14 ago. And primarily, well, at the time, and for  
15 most of those 200 years, that was conventional  
16 development in the United States. And  
17 gathering was built as a part of production.  
18 Those were primarily low pressure systems that,  
19 almost as soon as the well was producing, the  
20 pressure would start declining.

21 And so, for the long history of  
22 gathering lines they were not subject to a

1 regulatory framework, they were just built as  
2 part of the production infrastructure in the  
3 United States. And I think it's obvious,  
4 everyone gathering, this are the systems that  
5 bring the production to our transmission  
6 infrastructure, our transmission infrastructure  
7 then carries the gas to distribution companies,  
8 power plants, LNG export terminals.

9 And over the last 15 years, what  
10 really has changed, really in the last ten or  
11 11 years is the rapid expansion of  
12 unconventional development in the United  
13 States. And this is what's created much higher  
14 pressures. Now we're just not drilling  
15 vertical holes into formations, we're drilling  
16 down into the source bedrock and we're then,  
17 you know, we have technology that can turn the  
18 drill bit and move, you know, several miles  
19 horizontally. And then we stimulate the rock  
20 and create a very high pressure gas well.

21 And as a result over the last ten to  
22 15 years, we've been building higher pressure

1 gathering systems. Much higher pressure and  
2 larger than was historically built across the  
3 United States.

4 Now, there are challenges that go  
5 with that. I do want to just also point out  
6 that over the last 10 to 15 years we've  
7 increased the, I mentioned this earlier, gas  
8 production by 60 percent here in the United  
9 States. During that same time, we've reduced  
10 Co2 emissions from the power sector by 60  
11 percent because of switching from coal to  
12 natural gas power generation. It's been the  
13 largest contributor of lowering emissions here  
14 in the United States over the last 15 years.

15 And as we get into this  
16 conversation, I just want us to be thoughtful  
17 of the fact that the transmission  
18 infrastructure has been regulated for 50 years.  
19 Distribution infrastructure, regulated for 50  
20 years. We are trying to figure out how to get  
21 an industry that hadn't been regulated up to  
22 speed with the capabilities of industries that

1 have been regulated for a long time.

2 Also important to know, as was  
3 mentioned by the public comments, in the  
4 transmission industry, we have FERC as an  
5 economic regulator, in addition to providing  
6 other regulatory oversight. We all have heard  
7 a lot of discussion about the distribution  
8 companies having economic regulators that are  
9 also safety regulators at their state level,  
10 where they can go through programs to  
11 effectively manage the investments that are  
12 needed in infrastructure.

13 The gathering industry does not have  
14 that -- that same kind of regulatory construct.  
15 And so when you hear a lot of the angst I just  
16 want to make it clear, it's not that this is an  
17 industry that I think doesn't want to achieve  
18 the same level of performance as the  
19 transmission and distribution industry, they're  
20 just starting from a much different regulatory  
21 framework and a much different place from a  
22 technology and historic perspective.

1 I can tell you that at Williams we  
2 operate gathering transmission. We don't  
3 operate distribution but we obviously deliver a  
4 third of the nation's natural gas to  
5 distribution companies, power plants and LNG  
6 terminals. We are focused on zero emissions,  
7 wellhead to burner tip, wellhead to water.

8 And that means, from the gathering,  
9 the transmission, the distribution, putting it  
10 on an LNG ship and sending it to our friends  
11 and allies around the world. You know, imagine  
12 if over the last two years we wouldn't have  
13 been able to almost triple the amount of gas we  
14 deliver to Europe after the invasion of Russia  
15 into Ukraine.

16 Like, this value chain can do  
17 incredibly important things, but how we get  
18 each sector within the value chain up to that  
19 zero standard I think is the question. And  
20 what I have been struggling with is, how do we  
21 make sure that the roadmap, you know, we've  
22 kind of been working hard to get gathering up

1 to speed on some aspects of kind of the  
2 regulatory model.

3 And now we've got a regulation and  
4 we're kind of saying, okay, let's thrown them  
5 in this too. I do want to make sure that I  
6 think a lot of, my thoughts are going to be  
7 around, how do we make sure that we are  
8 developing a roadmap, we're not, you know,  
9 installing a chimney on a house that hasn't  
10 been built yet while we're still building the  
11 foundation. We're figuring out how to bring in  
12 industry that hasn't had the same regulatory  
13 framework to the same place that we want all of  
14 our infrastructure to be.

15 So just a little bit of context  
16 there that hopefully helps at the stage of why  
17 we're hearing a lot of the comments that we  
18 are. A lot of concerns with, are we following  
19 legislative.

20 You know, I think our industries  
21 that are more mature from a regulatory  
22 perspective have had a long history of

1 following legislation into regulation, into  
2 implementation. This is an industry that we're  
3 trying to take kind of from zero to warp speed  
4 very quickly. So just a little bit of  
5 background that hopefully helps provide some  
6 context. Thank you.

7 MR. DANNER: All right, thank you.  
8 Any other comments before we get started?

9 I just want to make sure it's out  
10 there. Thank you for giving us the discussion  
11 about natural gas and, you know, that it has  
12 replaced coal. I mean, there is increasing  
13 evidence and increasing discussion though, that  
14 the methane releases from natural gas are more  
15 serious than we thought compared to coal. And  
16 there is some saying it's not even better than  
17 coal.

18 I mean, I just, I don't mean to get  
19 into debate on that, I just want to acknowledge  
20 that this is, there are carbon emissions that  
21 come from the natural gas, and if there are  
22 leaks in the gathering line system, that those



1 get emitted into the atmosphere. So I just  
2 want to make sure we don't lose sight of that.  
3 So thank you.

4 How do we want to begin the  
5 discussion? Andy?

6 MR. DRAKE: Andy Drake with  
7 Enbridge. Just thought it might be timely. I  
8 know some of the members are going to leave  
9 before we get to the end of the day, which I  
10 appreciate.

11 I just want to try to provide some  
12 perspective, maybe not on gathering, but just  
13 in general. We've been talking a lot about  
14 some very important things. Some of them I  
15 think kind of minutia when it comes to saving  
16 and eliminating greenhouse gas.

17 And I just kind of want to back away  
18 from the tree for a minute and go, the  
19 importance of things, what really is driving  
20 methane?

21 This is having effect, but it's  
22 important for us to keep calibrating, what's

1 having the big effect. Blowdowns is what's  
2 having the big effect.

3 And I think it's important for us to  
4 try and calibrate that in the context of our  
5 efforts and where our energy goes, this risk-  
6 based focus, right? I think when we look at  
7 this, I mean, based on the information that  
8 PHMSA has provided, 1.7 million tons over 15  
9 years is what we expect to drop out of the  
10 methane picture from this rule over 15 years.  
11 Okay, that's four million cubic feet per year.

12 If we look at class location, so  
13 yes, this is serving us, to why do we want to  
14 accelerate this conversation on class location,  
15 based on estimates that we have that if we did  
16 the class location rule and didn't have to  
17 blowdown the pipe to do class locations, just  
18 on candidates that pass the criteria, we're  
19 talking about 336 million tons over 15 years.  
20 That's 200 times more savings than what we're  
21 talking about here.

22 So, I know people think we're

1 talking about trying to get out of doing  
2 something, what we're really talking about is  
3 trying to do something that makes sense. And  
4 we're putting a lot of energy.

5 I mean, we talked for about an hour  
6 and a half about looking at leaks and whether  
7 we're sure we made the repair on the leak.  
8 Okay, I think it makes sense for us to spend  
9 some time talking about, what do we do to limit  
10 blowdowns. And I think, you know, things,  
11 there's other examples, I mean, that we can  
12 take into consideration here, but I think it's  
13 important for us to look at the regulatory  
14 structure.

15 The regulations we work to require  
16 us to blowdown because the regulations, in a  
17 lot of cases, were written 50 or 60 years ago.  
18 You know, to be very blunt, this is sort of  
19 like chopping down a tree with a rock tied to a  
20 stick. I mean, there are a lot of better  
21 technologies that we have right now that we  
22 should be deploying.

1           The class location methodology is a  
2 very crude tool that came into place a long  
3 time ago. Dent repair, requiring us to make  
4 immediate repairs and blowdowns on dents with  
5 gouges. Is because that rule was written back  
6 when in-line inspection tools couldn't see  
7 inside the dents. That was a long time ago.

8           We can see inside the dents now to  
9 make assessments of whether that metal loss  
10 inside that dent is egregious or not. We can  
11 do finite element analysis now. That's not  
12 even recognized in the code.

13           Those kind of things should be  
14 updated to help use those tools to make better  
15 choices. To mitigate blowdowns.

16           And I just want to be out loud about  
17 that to the Members. Don't lose track of where  
18 we are in the woods. There is a lot of better  
19 things we could be doing, a lot of other things  
20 that we could be doing that will have a  
21 significant impact on moving this needle.

22           And I think we're getting really up

1 against the tree pretty tight here on how to  
2 lower leak issues when we are losing track of,  
3 there is bigger animals in the cage here that  
4 could make a lot bigger difference. So  
5 appreciate getting that in before folks left,  
6 but I think it's really important for us to  
7 keep that perspective.

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

10 MS. MURPHY: Erin Murphy, EDF. Hear  
11 that, and don't disagree. Want to emphasize  
12 that our perspective is, what is every level --  
13 lever, it's Friday afternoon. What is every  
14 lever that we can pull to mitigate methane  
15 emissions across the oil and gas supply chain?  
16 So always up for a conversation about those  
17 other levers that can be pulled, but my  
18 comments will focus on the lever at hand that  
19 we're talking about which is the leakage  
20 emissions from gas gathering lines.

21 I think my comments essentially go  
22 to the first bullet on the applicability to all

1 Type C gathering lines. I would also amend  
2 that to open up for discussion the  
3 applicability to all Type R gathering lines,  
4 which are the unregulated or reporting  
5 regulated only gathering lines.

6 EDF and other environmental groups  
7 strongly support PHMSA's proposal to extend  
8 leak survey and repair standards to Type C  
9 gathering lines, which are already federally  
10 regulated. And we further strongly advocate  
11 that PHMSA extend leak survey and repair  
12 standards to Type R unregulated gathering lines  
13 to ensure full coverage of this infrastructure,  
14 protect rural communities from safety and air  
15 quality threats, and reduce harmful climate  
16 pollution.

17 Chad stole some of my thunder, and I  
18 totally will echo a little bit what he was  
19 explaining, which is just that that rapid  
20 expansion of hydraulic fracturing practices has  
21 contributed to significant build out of gas  
22 gathering pipelines in the United States over

1 the last 20 years or so.

2 And want to note that generally a  
3 gathering line is better than no gathering line  
4 in that it can take away gas that might  
5 otherwise be vented or flared. So we recognize  
6 that this infrastructure is, you know, can be  
7 part of a responsible oil and gas production  
8 operation, but think that therefore it needs to  
9 be a responsible part of that operation and the  
10 methane emissions need to be managed  
11 appropriately.

12 A couple of high level points on why  
13 this is so important. First, to talk about the  
14 scale of methane emissions from this  
15 infrastructure. There has been some relatively  
16 recent research that specifically focuses on  
17 the scale of methane leakage from gathering  
18 lines and found that it's greater than was  
19 previously understood.

20 Cusworth et al. study found that  
21 across several U.S. basins, pipelines comprised  
22 on average about one quarter, 23 percent, of

1 all observed super-emitting oil and gas methane  
2 emissions.

3 And a 2022 study, Yu et al.,  
4 analyzed results from a series of aircraft  
5 measurements, which were campaigns that were  
6 conducted during the 2019 to 2021 in the  
7 Permian Basin, and compared those measurements  
8 alongside data sets of pipeline location and  
9 mileage to find emission factors from gathering  
10 lines ranging from 2.7 to ten metric tons of  
11 methane per year, per kilometer of pipeline.

12 Those emission factors are in a  
13 range of 14 to 52 times greater than what is  
14 used by U.S. EPA for national inventory  
15 estimates. And in an EDF analysis that we have  
16 submitted to the rulemaking docket here, based  
17 on that study and other peer reviewed  
18 literature, estimated that U.S. gas gathering  
19 pipeline leaks emit between 482,000 and 1.89  
20 million metric tons of methane annually.

21 And I want to emphasize that those  
22 survey campaign studies involved multiple



1 flyovers to check and ensure that the analysis  
2 only included leaks and didn't capture one time  
3 blowdown events.

4 I'll talk a little bit about health.  
5 Gathering lines pose a unique health risk  
6 because they transport unprocessed gas.  
7 Unprocessed gas contains volatile organic  
8 compounds and hazardous air pollutants, HAPS.  
9 And leakage of those can contribute to  
10 increased risk of cancer, respiratory distress,  
11 and neurological problems.

12 The threat radius for HAPS is about  
13 a half mile, putting anyone in close  
14 proximity to a leaking gathering  
15 infrastructure at a greater risk of exposure to  
16 those toxins. And VOCs contribute to the  
17 formation of ground level ozone which can lead  
18 to a host of respiratory issues.

19 This is also an environmental  
20 justice issue. Researchers have found that gas  
21 gathering in transmission pipelines are more  
22 likely to be located in socially vulnerable

1 communities in the United States, indicating  
2 that some of these negative health and safety  
3 impacts from gathering lines can be an  
4 environmental justice concern.

5 So from our perspective, sort of  
6 thinking about all of those issues together,  
7 improved leak detection and repair practices on  
8 Type C and Type R gathering lines, would  
9 improve safety air quality and reduce climate  
10 pollution.

11 I'll reference briefly the FEAST  
12 modeling that I've talked about a couple of  
13 times that we submitted into the docket. Those  
14 modeling results demonstrated that extended  
15 coverage of gathering lines under leak  
16 detection and repair standards would lead to  
17 significant emissions reductions, found that 70  
18 to 80 percent reductions can be achieved  
19 compared to baseline monitoring requirements  
20 for gathering lines, which in some instances is  
21 no monitoring requirement. And those  
22 reductions would be, yes, yes, would be even

1 greater in comparison to the lines that were  
2 not previously covered.

3 I also, at some point, want to talk  
4 a little bit about the data that's been  
5 reported by gathering line operators. I think  
6 some of the commenters referenced that PHMSA  
7 had not incorporated that data into its  
8 proposed rule. I want to note that that data  
9 was reported for the first time this year,  
10 2023. And that was reporting for the 2022  
11 calendar year.

12 And PHMSA had sent the NPRM, that  
13 we're reviewing right now, over to the White  
14 House Office of Management and Budget for  
15 review before that data had come in to the  
16 Agency. And, you know, I agree that when there  
17 is information that can be considered it's  
18 always good to do that, but do just also want  
19 to note that if agencies had to stop and  
20 restart a rulemaking every time they receive  
21 new information they might not ever complete  
22 any rulemakings. And they're not obligated to

1 do that every time there is new information.

2 So, there is some interesting  
3 takeaways from that data that I can get into,  
4 but don't, you know, want to sort of push back  
5 against this notion that the lack of  
6 incorporation of that data into the NPRM in  
7 some way undermines the really important  
8 proposal that's PHMSA has put forward. Thanks.

9 MR. DANNER: All right, thank you.  
10 On Monday we saw a slide, I think it was Slide  
11 7, that had a comparison of the different  
12 sectors.

13 MR. DANNER: Slide 8. It's in  
14 there. In that neighborhood. That's the one.  
15 So you can see how big the gathering sector is  
16 compared to, for example, transmission.

17 Do you have anything that breaks the  
18 gathering down by types under the --

19 MR. GALE: We do. John Gale, PHMSA.  
20 Yes we do, Chairman. We can pull up Slide 9  
21 please?

22 So this is a breakout of gathering

1 line data. And what we found interesting when  
2 we looked at this data, which is different than  
3 transmission one, the majority of the leaks  
4 were associated with venting, as Member Drake  
5 mentioned.

6 In the gathering sector though, we  
7 actually saw a large number of leaks, there  
8 were leaks, or emissions that were related to  
9 leaks on the gas gathering infrastructure. And  
10 that was one of the primary reasons we thought  
11 it was appropriate to address all the gathering  
12 that was in the NPRM.

13 As you can see under pipeline leaks,  
14 you got 112. I'll let Sayler explain to me  
15 what the KT part is. Kilotons of methane. You  
16 know, and if you relate it to the blowdowns  
17 it's actually more than the blowdowns in this  
18 scenario, unlike in the transmission sector.

19 MR. DANNER: All right, thank you  
20 for that. Chad and then Erin.

21 MR. ZAMARIN: Thank you. Chad  
22 Zamarin, Williams. This is actually an

1 important slide to really understand.

2 Methane had not been regulated, and  
3 there are actually systems and devices, it's  
4 like I talked about when coupled pipe was our  
5 standard for installing transmission pipe. I  
6 mean, most of the emissions, from the gathering  
7 and processing industry, is from equipment that  
8 at the time frankly, I mean, like a pneumatic  
9 operator.

10 A pneumatic operator actually uses  
11 methane to operate. And intentionally vents  
12 methane to the atmosphere every time it  
13 operates. And some of these are constantly  
14 operating. They were designed that way,  
15 they're operating as designed. I don't claim  
16 to mean that we shouldn't be replacing  
17 pneumatic operators, but there are literally  
18 tens of thousands of pneumatic operators  
19 operating across the United States, that every  
20 time they operate intentionally, release  
21 methane.

22 I mean, what this is showing is that

1 the very few pipeline leaks lead to gathering  
2 leaks. And the most significant are in areas  
3 like tanks, pneumatic operators, combustion  
4 slip, compressor stations. Most of those are  
5 in facilities that are regulated by EPA and  
6 OSHA.

7 And so, this is a very complicated  
8 part of the value chain. If you look at  
9 gathering systems, they're not built like  
10 straight line transmission systems, they spider  
11 web across base operating basins.

12 And so, I don't mean to suggest that  
13 we shouldn't be developing leak detection  
14 repair programs on gathering systems. In fact,  
15 we're working aggressively to design technology  
16 that can do that, and to figure out how to  
17 upgrade the infrastructure.

18 But for a sector of the industry,  
19 like Type C gathering, that's only been  
20 regulated by PHMSA for one year, to expect that  
21 we're ready to throw an advance leak detection  
22 and repair standard on top of an industry that

1 is just starting with building the  
2 infrastructure to manage pipeline safety  
3 regulations, it's like, I mean, it's like going  
4 from zero to warp speed and you're going to  
5 kill the passenger.

6 I mean, we've got to have, I think  
7 we need a roadmap for how you bring an industry  
8 that wasn't built for the regime. We're trying  
9 to force upon it, how do you bring an industry  
10 up to that, to that standard thoughtfully so  
11 that you don't shock the system in a manner  
12 that is really problematic for our industry.

13 Thank you.

14 MR. DANNER: Thank you. All right,  
15 Erin and then Chad Gilbert.

16 MS. MURPHY: Erin Murphy, EDF.  
17 Appreciate the data being pulled up here. And  
18 want to sort of reemphasize that EPA does an  
19 incredible amount of work to pull together the  
20 best estimates across the board for greenhouse  
21 gas emissions. It does take time to update  
22 those inventories and sort of the processes and



1 data that the agency uses.

2 Some of the studies that I  
3 referenced are not incorporated into this,  
4 right? And so, some of the freshest data that  
5 we get coming out of the field continues to  
6 demonstrate heightened emissions above some of  
7 the estimates that EPA is relying on.

8 I also just do want to point out,  
9 and this is documented in an analysis we  
10 submitted into the docket that accompanies our  
11 comments, that the EPA Subpart W for gathering  
12 lines relies on EPA GRI-1996 study which was  
13 based on a small sample of measured data  
14 obtained from distribution mains. As well as  
15 an EPA generated estimated for the number of  
16 leaks per mile of gathering pipelines by  
17 material.

18 So that's a bit outdated and not  
19 quite the best data from our perspective. And  
20 that's something we're continuing to talk to  
21 EPA about.

22 But do just want to emphasize the

1 scale of leakage here, I think is frankly  
2 something we don't quite know at this point  
3 because it would take a lot of surveying to  
4 really capture that. But we're starting to  
5 gather better understanding of it and seeing  
6 that it's quite an issue.

7 And, you know, there is a number of  
8 items up here on the screen that are being  
9 addressed in the standards that EPA has  
10 proposed to mitigate methane emissions from  
11 upstream oil and gas, but I want to emphasize  
12 that there is a gap, from my perspective in  
13 what EPA has proposed and that is pipelines.  
14 Right?

15 Some of the ancillary  
16 infrastructure, like compressor stations, is  
17 covered under the EPA proposal, but the  
18 pipelines themselves are not. And that is why  
19 it is so critical that PHMSA really step into  
20 this space as it has already begun to do, and  
21 as it has proposed to do here, and just extend  
22 that leak survey and repair coverage to a

1 broader swath of this infrastructure.

2           Also want to point out that we had  
3 some of this conversation when we were talking  
4 about transmission survey frequencies and the  
5 appropriate advance technologies for surveying  
6 transmission pipelines. It tends to be an  
7 aerial approach for transmission, as well as  
8 for gathering.

9           And we have talked to operators who  
10 are, you know, starting to work with some of  
11 those technology providers and have an aerial  
12 survey go out. And it will cover all their  
13 transmission and gathering lines, or whatever,  
14 you know, sort of geographic area, they select.  
15 All of the transmission gathering lines within  
16 that quadrant.

17           And that's going to happen if you're  
18 only picking the little length of transmission,  
19 but there is some ancillary gathering in that  
20 area. So there are, I think there are a lot of  
21 situations where it's really just a logical  
22 step to incorporate this pipeline

1 infrastructure into those leak survey and  
2 repair practices.

3 MR. DANNER: All right, thank you.  
4 Chad Gilbert?

5 MR. GILBERT: You know what, first  
6 thing I'd like to thank the Committee for how  
7 hard they worked on distribution. Or excuse  
8 me, on the, yes, on the distribution system and  
9 the hard choices that we made to attack some of  
10 these problems that we're having in the  
11 distribution industry. And I just don't think  
12 we quit now and say, oh, it's gathering. We  
13 know we have a big problem, but we can't do  
14 anything.

15 And I understand some of Chad's  
16 concerns about how we go about that and how we  
17 get the industry involved. And give them time  
18 to look at some of these lines that haven't  
19 been regulated in the past. But, you know,  
20 when we built the gathering lines, especially  
21 in the Permian and in New Mexico, in the  
22 something, everybody is thinking about it but

1 me.

2 But anyway, when we built those  
3 lines there was no x-ray on those gathering  
4 systems. We didn't really check the cover.  
5 There was no regulations, so we did the best  
6 possible job we could. But there was a big  
7 difference between constructing a gathering  
8 line and constructing a transmission line.  
9 Huge difference.

10 And to say the least, to tell the  
11 truth, we cut a lot of corners on the  
12 gathering. We did. Because we thought that,  
13 like Chad said, that these lines were going to  
14 run for a certain period of time and then they  
15 were going to pan out.

16 But a lot of these lines now are  
17 being used on the -- coming from the wellhead  
18 where we're fracking in these areas. So it's  
19 really concerning what we have in the ground in  
20 certain areas.

21 You know, I live now in the State of  
22 Texas. I was born in Oklahoma, and I love my

1 state. And I love the oil and gas industry, as  
2 I've stated before. But we have to address  
3 these problems.

4 And my vision is not so much on the  
5 methane reduction, which I know that's where a  
6 lot of these problems are coming from in the  
7 oil and gas industry, but just on safety. And  
8 it was just like Bill gets up here and talks  
9 about the incident that we had in Texas. If  
10 everybody don't feel that in their gut,  
11 something is wrong. And that was 100 percent  
12 preventable.

13 We have to take the responsibility  
14 of fixing what we know is not adequate. And in  
15 order to do that, we have to have a starting  
16 point, like Chad said. And mapping all  
17 regulated pipelines, to me, is a great start.

18 You know, I use the NPMS almost  
19 daily. It's a great tool. And I bet a lot of  
20 these people in here that work in the oil and  
21 gas industry use it too. We need to know where  
22 these lines are.

1           And I know the problem, because the  
2 gas companies don't even realize where some of  
3 these gathering lines are. They didn't map  
4 them. We didn't map them when we built them.  
5 We just knew that there was a 24 inch, or a 12  
6 inch gathering out here that run to a 24 inch  
7 transmission line, so we come out the wellhead  
8 and we just took off across the country, or  
9 across the terrain, and connected that  
10 wellhead. That well line.

11           So, I would just like to ask  
12 everybody that's sitting here on the Committee  
13 to take the same concerns and time on the  
14 gathering lines as we did on the distribution  
15 lines. Remember what we said on the  
16 distribution lines and what concerned us about  
17 certain leaks and how that could affect the  
18 public. Or how that could affect the  
19 environment.

20           Let's don't lose sight of what we  
21 did there, and then take another part of the  
22 industry and say, oh no, we're going to be

1 hands off there. We're going to be hands off  
2 there because it's too big of inconvenience.

3 But to tell you the truth, I talked  
4 to utilities and they're like, Chad, this is  
5 going to be expensive, we're going to have to  
6 increase, you know, we're going to have to have  
7 rate increases. And we know that.

8 And the public, I think, is willing  
9 to pay for that if we can keep natural gas  
10 viable. Now we're getting into a different  
11 world to where most of this is private. Most  
12 of the income coming off these lines is private  
13 money. It's not utility money, it's not paid  
14 by the consumer. Or by the rate hikes in the  
15 taxes.

16 So I just think that we know we have  
17 a problem. Anybody that's in here, that's been  
18 in the pipeline industry for the past 20 years  
19 knows there is a problem in certain places in  
20 Texas. They know what's in the ground in  
21 Texas.

22 And we need to take that into



1 consideration. And we need to make sure that  
2 there is never another, or we do everything we  
3 can do to never have another accident like we  
4 did in Texas.

5 And there's ways of doing that. And  
6 that's with better leak detection, that's with  
7 fixing leaks in the gathering systems. And  
8 that's mapping the gathering systems.

9 Now how we do it, and what's best  
10 for the industry, that's a discussion. But I  
11 don't even think there should be a discussion  
12 if we're going to do it or not. Thank you.

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

15 MR. RAVIKUMAR: Thank you. Arvind  
16 Ravikumar, University of Texas. What I'll do  
17 in the next couple minutes is just let the  
18 Committee and the public, for the record, know  
19 what kind of information we have available on  
20 pipeline leaks and the gathering system.

21 And I bring that up because it comes  
22 to a point, a very important point that Andy

1 made earlier today that, you know, we need to  
2 look at what is the appropriate numbers for  
3 these sectors. We already did transmission  
4 earlier at ten kilograms an hour. We did  
5 distribution at .5 kilograms an hour. What is  
6 the appropriate number for a gathering  
7 pipeline?

8           Fortunately, this is one area where  
9 we have quite a bit of data just in the past  
10 two years. I understand that EPA has not  
11 incorporated this data, but part of it is just  
12 because these are very recent information. We  
13 have just started going out and looking at  
14 emissions from gathering pipeline leaks just  
15 over the past 18 to 24 months.

16           And I want everyone to pay close  
17 attention to the numbers I'm saying here  
18 because it's very different from what we have  
19 been discussing over the past four days. There  
20 have been at least three major campaigns that  
21 measure methane emissions from pipeline leaks.

22           One of those studies measured an

1 average pipeline emission, pipeline leak  
2 emission rate of 175 kilograms per hour, per  
3 leak. I want to reemphasize that it's 175  
4 kilograms per hour, per leak.

5 And compare this to what we have  
6 been discussing the past four days, for  
7 transmission it was ten kilograms an hour. For  
8 distribution it's .5 kilograms an hour. So the  
9 leaks that we are finding in the gathering  
10 pipeline systems are two orders of magnitude  
11 larger than what we have been seeing in the  
12 transmission or the distribution sector. So  
13 175 was one study.

14 There was another study that was  
15 done in 2022 where the average emission rate  
16 was about 166 kilograms per hour, per leak.  
17 And the other study in 2022 as well had an  
18 average emission rate of between 150 and 200  
19 kilograms per hour.

20 Now, these are three independent  
21 studies. And they all come back to very  
22 similar numbers of 150 to 200 kilograms per

1 hour. In fact, in one of the studies the  
2 largest leak they found on a gathering pipeline  
3 was close to 5,000 kilograms an hour.

4 5,000 kilograms an hour is a huge  
5 leak. The emissions from that leak alone, from  
6 that one single leak, is equal to the emissions  
7 for an entire year from a natural gas power  
8 plant of 500 megawatt rated capacity. It's a  
9 huge leak.

10 And the reason I bring up all of  
11 this is that there is a point thinking about,  
12 you know, what is the right number for  
13 gathering system as opposed to the transmission  
14 and distribution system. And, you know, we  
15 have been talking about how satellites can see  
16 hundred kilograms per hour leaks, those are the  
17 biggest leaks. Those are the things we want to  
18 go attack first in order to address the methane  
19 emissions in the gathering pipeline system.  
20 Thank you.

21 MR. DANNER: Thank you. Chad Z.?

22 Chad Zamarin.

1 MR. ZAMARIN: Thank you. Chad  
2 Zamarin, Williams. I do want to just,  
3 hopefully I think we keep focusing this,  
4 because I think it is important, because I do  
5 want to just emphasize a few things.

6 And I agree with you, Chad, and Bill  
7 Caram's comments. I mean, we've got to address  
8 safety on all pipelines. We did spend a  
9 significant amount of time in the last  
10 rulemaking working to address the issues that  
11 lead to the incident in Texas on that ten inch  
12 pipeline and so, and had very, you know, long  
13 and robust discussions around safety and  
14 extending safety to gathering systems.

15 And I think, you know, we, I can  
16 tell you that we raised the bar very high  
17 relative to where gathering companies were  
18 comfortable with at the time. If you recall  
19 those were some very challenging, but we did  
20 the right thing.

21 And so, I am not advocating for not  
22 extending this to gathering. I think we

1 appropriately identified the largest lines, the  
2 highest pressure, the closest to people. Those  
3 are the lines that have the potential for also  
4 having the largest releases.

5 You can see here that pipeline leaks  
6 constitute eight percent of the leaks in the  
7 gathering industry. Like that -- we've got to  
8 have programs that go after all of these.

9 But in an industry that hasn't been  
10 regulated, my concern is we're casting a  
11 program across something that we don't really  
12 fully understand yet. I mean, we've heard  
13 studies referenced. They're relatively recent,  
14 they're relatively new.

15 I would like to see us extend the  
16 program to Class A and B, which is what the  
17 Congressional mandate said very clearly. It  
18 did not say Type C, it said, in Class location  
19 1, in Class, sorry, in Class location areas  
20 consistent with Types A and B, and not Type C.  
21 It was very clear that it was not to extend it.

22 And I truly believe it's because

1 we've got to take this journey in a way that  
2 gets it right. That doesn't say we're going to  
3 take, and I appreciate that information,  
4 Arvind. If we can work with that, I think that  
5 helps us start to figure out how we start  
6 focusing the lenses and make things more clear.

7 But we're talking about studies and  
8 information that are only now emerging. We're  
9 talking about an industry that's only had one  
10 annual cycle of reporting that we've now  
11 required, with that last regulation, reporting  
12 of all gathering lines. We've required the  
13 extension of integrity management to allot a  
14 lot more infrastructure.

15 And with extending this program to  
16 Type A and B, we're talking about thousands of  
17 miles of gathering infrastructure. So we're  
18 not talking about doing nothing, but we are  
19 talking about focusing on the largest lines and  
20 the lines that are closest to population.

21 That's what Congress said. I think  
22 that's why it makes sense because we've got,

1 we've got to figure out how to do that, use  
2 that and then make the next step. I have no  
3 problem with PHMSA continuing rulemakings in  
4 this area, but I have a real problem  
5 understanding that we can map out a roadmap  
6 that makes sense with such little experience  
7 and information in this space. Thank you.

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

10 MR. MAYBERRY: Well, two points.  
11 One, just, I'm sure you can appreciate our  
12 position in the last several years just  
13 witnessing the build out of construction of  
14 gathering lines. They sure look and act like  
15 transmission lines.

16 And certainly are the subject of  
17 some failures that have been noted. One of  
18 which was noted. So, there is a need to take  
19 action.

20 So I really, regardless of the  
21 outcome of this rulemaking, I encourage the  
22 industry to push, and keep pushing, to improve



1 how these pipelines are managed. That said,  
2 you know, realizing there are a variety of  
3 perspectives here, I would recommend that the  
4 Committee consider giving us a recommendation  
5 on the timing. Recognizing that, you know, it  
6 is an industry that hasn't been regulated. Or  
7 a type of pipeline that hasn't been regulated.

8 What would you recommend that we  
9 consider as we phase in an approach to address  
10 the safety issue before us?

11 MR. DANNER: All right, thanks. Now  
12 there is a number of cards up and I just want  
13 to make sure that people get heard, but hearing  
14 what Alan is wanting us to focus on, maybe  
15 comments can be kind of starting to move in  
16 that direction. Alex, you're next, followed by  
17 Pete.

18 MR. DEWAR: There we go. Alex Dewar  
19 from BCG. Look, I think reflecting on the  
20 conversation here that this is creating a new  
21 approach in a new class, and trying to do  
22 something new entirely, I think getting the

1 order of operations and the structure right on  
2 that is important.

3 And so, maybe just to share a  
4 perspective from my own experience working with  
5 a number of my clients on setting their  
6 greenhouse gas emission targets and reduction  
7 programs, there is a typical approach on how we  
8 do that. Which is, you have to start with  
9 data. On that data then you can start to set  
10 targets. And on those targets you define  
11 actions, and specifically weigh tradeoffs in  
12 those actions. And then that becomes a self-  
13 repeating cycle.

14 I think, Alan, to your point, you  
15 know, the question you asked is, well, how long  
16 should that take, right? You know, what  
17 exactly, if we're going to go through those  
18 steps, and if we can agree that that's the  
19 right order of operations, how long should that  
20 take?

21 I mean, I can say, you know, we've  
22 done that with our clients and starting from

1 scratch and working internationally with  
2 national oil companies that really have no  
3 basis for this, you know, this can be done in a  
4 matter of years. Typically not months, it's  
5 years. Especially the data point. But it can  
6 be one to two years to really get that process  
7 going.

8 It's not going to be perfect, but  
9 you have to start somewhere. And I think if  
10 that is the right order, and we can agree on  
11 that, you know, data targets tradeoffs.

12 I think on the data point what that  
13 does call for here, I think, is an appropriate  
14 level of survey frequency. I think you can  
15 debate exactly in the proposal here what,  
16 whether that's too fast or too slow. But  
17 hopefully we can all agree that starting the  
18 surveys is the right point on that.

19 And I would just go out there and  
20 say, it also, you know, means really sending  
21 the NPMS to this as well. Because, you know,  
22 one of the benefits of greater availability of

1 data from third parties then is that data can  
2 be utilized, both by corporates, by regulators  
3 and others in that process. And I think  
4 knowing where pipelines are matters as far as  
5 that goes. So that's on data.

6 I think on targets, less relevant  
7 for PHMSA here, but at least understanding that  
8 and having the appropriate reporting back on  
9 that, I think can get to a better view of that  
10 pie chart, right? And we shall recognize that  
11 pie chart that was put up there is a guess.

12 And, again, Arvind, the data that  
13 you shared, those data points would suggest  
14 some of those numbers are probably vast  
15 underestimates right there because we just  
16 don't know in that, right? But if those flow  
17 rates are really seen, I think we're going to  
18 find a much bigger slice of that, of that pie  
19 chart, right?

20 And then third, you know, on  
21 tradeoffs, I think we also need to reflect on  
22 what we don't know in all of this. And we've

1 talked about market implications and broader  
2 integration with safety in other steps of the  
3 value chain that we do know well, especially  
4 distribution, I think less anticipated or less  
5 known, what those implications and tradeoffs  
6 are in the gathering step.

7 And especially when we think about  
8 full emissions impact on a lifecycle basis,  
9 there are real tradeoffs here and gathering on  
10 the speed to building or extending gathering  
11 pipelines to reduce emissions from upstream  
12 where you're trying to get molecules to market  
13 and avoid flaring and venting upstream. That's  
14 a whole another dimension of tradeoff that  
15 starts to come into play here.

16 So, again, I think if we go data,  
17 targets, tradeoffs and action, in that order,  
18 hopefully we can kind of come to some point of  
19 alignment on that.

20 MR. DANNER: All right, thank you  
21 very much. Pete?

22 MR. CHACE: Pete Chace, NAPSR.

1 First of all, I appreciate PHMSA pulling that  
2 data together. And it's good to see that to be  
3 able to understand, you know, get a picture of  
4 what's going on in the field. I have two  
5 general comments.

6 I think one, I feel like we're  
7 conflating some different concepts during this  
8 conversation. I thought we were here to reduce  
9 methane emissions without compromising safety,  
10 but I'm hearing a lot of extending safety  
11 regulations to gathering systems. Now that may  
12 be a good idea, personally I think it is, but  
13 it may be a different rule discussion. I feel  
14 like we're confusing two different concepts.

15 Also, looking at that chart, I  
16 wonder if the objective is to reduce methane  
17 emissions, wouldn't it make more sense for us  
18 to focus our regulatory efforts on technical  
19 and performance standards for compressors,  
20 holding in our storage tanks and pneumatic  
21 operators? That's where most of the emissions  
22 seem to be coming from. That's all I have,

1 thank you.

2 MR. DANNER: All right, thank you.

3 Alan?

4 MR. MAYBERRY: Yes, just for  
5 clarity. We have already, and it was noted in  
6 comments today, and of course on the docket,  
7 that we have instituted regulations covering  
8 gathering lines. And that was, you know, it's  
9 been a number of initiatives. It was our Gas  
10 RIN #2 Rule. Here today obviously, or this  
11 week, it's extending it further related to leak  
12 detection and repair. So yes.

13 MR. DANNER: All right, thank you.  
14 Andy, you had your card up, are you, is that --  
15 you're done? All right. Sara, then Erin, then  
16 Chad.

17 MS. GOSMAN: Thanks very much. This  
18 is Sara Gosman. So, I've been listening to  
19 everyone around the table and I want to add a  
20 few points to this discussion. I mean, I'll  
21 start by saying that PST strongly supports  
22 supplying these leak detection requirements to

1 Type C gathering pipelines.

2           You know, we've heard some comments  
3 on whether PHMSA has authority to regulate  
4 these pipelines. That's obviously in an answer  
5 from their lawyers, but from my perspective the  
6 answer is clearly yes. Congress referenced the  
7 pipelines that were regulated at the time in  
8 the Pipes Act. So this is really an issue of  
9 what should happen when pipelines become  
10 regulated after the date of the act.

11           Under Section 60102(a), Congress  
12 directed PHMSA to prescribe minimum safety  
13 standards for pipeline transportation and for  
14 pipeline facilities. That includes  
15 transporting gas, and transporting gas includes  
16 the movement of gas through regulated gathering  
17 lines, right? We are well within the world of  
18 bread and butter here on PHMSA's authority.

19           I would also just say, you know, we  
20 have in the Pipeline Safety Act, both  
21 protecting safety and protecting the  
22 environment, right? These are built in to the



1 standards.

2 I think it's also important to  
3 recognize, while we are focused here on leak  
4 detection, that does have implications for  
5 safety. And as Bill Caram noted, right, we do  
6 have concerns about these particular pipelines  
7 and how -- the risks they pose to the public.

8 They also have health impacts. As  
9 we've heard from Erin and from commenters. I  
10 think we have to start dealing regularly with  
11 issues around environmental justice. In the  
12 world of pipelines, this is one place where I  
13 think that argument is very strong.

14 I've heard that there is some  
15 concern about data, implications for markets.  
16 You know, we have data on gathering pipeline  
17 emissions through research. And it indicates  
18 that we have a significant source here.

19 So I don't think we should wait  
20 until we have every piece of information that  
21 we would want for perfect analysis. I love  
22 analysis, I love data, right? But if we wait

1       until then, we have waited well passed the time  
2       when we could do something here about the world  
3       of safety, and also, environmental impacts.

4                 And I just feel like I want to pull  
5       this   back   to   explain   why   I   think   a  
6       precautionary approach is really important  
7       here. So, you know, the scientific consensus  
8       is that we need to reduce current emissions by  
9       45 percent by 2030, right, and reach net zero  
10      by 2050 to keep that global temperature  
11      increase to 1.5 degrees Celsius as called for  
12      in the Paris Agreement. That is a huge lift.  
13      And it's a lift for everyone, right? We're  
14      just talking about pipelines here.

15                But I think we all want to be in the  
16      business of trying to address that. That is,  
17      we want to see that we took the measures that  
18      we could to try to mitigate climate change.  
19      And I think this is a big part of that. I  
20      think it is a different way of understanding  
21      regulation. And it is much more precautionary  
22      in its approach.

1 I'll end by saying that the fact  
2 that companies can't directly pass off cost to  
3 customers, I don't think is a reason to exempt  
4 them from regulation when there is a need,  
5 frankly. And here there is.

6 You know, I think we can -- the  
7 issue of who pays for this and ramp up in terms  
8 of regulation, these are issues really about  
9 regulation but not about applicability. And I  
10 think applicability should be here to all Type  
11 C pipelines.

12 MR. DANNER: All right, thank you.  
13 Erin, then Chad, and then Andy.

14 MS. MURPHY: Thanks. Erin Murphy,  
15 EDF. So, we were at least talking about trying  
16 to move into a conversation about timelines and  
17 what's realistic or appropriate for PHMSA to  
18 direct for operators to commence leak survey  
19 and repair on some of these gathering lines.  
20 And so, on that point I wanted to reference  
21 some of the data that we saw reported by  
22 gathering operators that was released to the

1 public April or May, I think, of this year.  
2 2023.

3 So we looked at the data that was  
4 filed. Saw that over 460 companies reported  
5 operations of unregulated or the Type R  
6 gathering lines to PHMSA. 351 of those  
7 companies also reported operating regulated  
8 gathering or transmission lines.

9 We saw that on the reporting form  
10 for Type R unregulated gathering lines PHMSA  
11 had included an opportunity for operators to  
12 report on leaks that were repaired or planned  
13 for repair. I will side note one of my  
14 recommendations to PHMSA on reporting forms.  
15 It would be great to also know about the number  
16 of leaks that are known on an operator system  
17 but may not be planned for repair so that we  
18 can get a sense of the whole universe of known  
19 leaks.

20 But we did get this information and  
21 saw that 87 Type R pipeline operators reported  
22 a total of 4,300 leaks to PHMSA. So that's

1 4,300 leaks that had either been eliminated or  
2 are scheduled for repair on Type R lines.

3 And I want to raise this up because  
4 I think I'm confident that that is a fraction  
5 of the actual number of leaks on unregulated  
6 gathering lines, but I think it demonstrates  
7 that there are operators that are already, you  
8 know, responsibly managing their systems and  
9 identifying and fixing leaks on them despite  
10 not have a federal requirement to do so. I  
11 think that that shows leadership.

12 It also shows that this is feasible,  
13 right? And a lot of these operators have  
14 familiarity. They already have leak survey and  
15 repair programs in place so we're not talking  
16 about standing up a new program from scratch,  
17 we're talking about an expansion of coverage of  
18 the infrastructure, using tools that are  
19 familiar using, you know, tracking management  
20 options for your leak backlog that are  
21 familiar, applying that to an additional  
22 mileage of lines that we know are a major

1 source of methane emissions and that are a  
2 safety issue as well.

3 So, from that perspective, I mean, I  
4 don't want to keep reiterating, but we think  
5 the expansion to Type C and Type R is entirely  
6 appropriate. I'm happy to start talking about  
7 timelines and what that would look like. I  
8 think it's not shocking that our perspective  
9 would be the sooner the better to start  
10 standing up these programs.

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

13 MR. GALE: Thank you, Chairman.  
14 John Gale, PHMSA. Just back to Member Chace's  
15 comments regarding the compressor stations.  
16 Just some information for the Committee to  
17 consider.

18 When we got into this issue, it was  
19 very clear that compressor stations were a very  
20 big problem when it came to emissions on both  
21 transmission and gathering lines. But we also  
22 become aware very quickly that EPA had

1 rulemakings, as you guys are very well aware,  
2 addressing the issue of compressor stations.  
3 And that is why we created an exception in our  
4 rulemaking, pointing back to the EPA's quad  
5 rules.

6 That being said, when we looked at  
7 gathering, and when we look at transmission as  
8 well, right, we also felt the need in  
9 transmission area to cover the issue of  
10 fugitive emissions even though it was much  
11 smaller than compressors. When it came to  
12 gathering, gathering lines actually have a much  
13 higher rate of fugitive emissions than  
14 transmission lines.

15 And simply the proposal does is to  
16 apply that same fugitive emission standard that  
17 we propose for transmission to the gathering  
18 lines. And again, the gathering lines have a  
19 higher fugitive emission rate than the  
20 transmission lines in that area.

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

1                   MR. ZAMARIN: Thanks. Chad Zamarin  
2 with Williams. And I appreciate that, John. I  
3 think we've talked, you know, transmission is -  
4 - I mean, you're talking kind of apples and  
5 oranges there as we've mentioned many times. I  
6 mean, for the most part transmission is high  
7 pressure and not all gathering is.

8                   In fact, the majority of the mileage  
9 of gathering is not high pressure, which is why  
10 we were so thoughtful in crafting the  
11 classifications during the safety rules to  
12 target those things that are the concern. The  
13 high pressure pipelines, whether they're older  
14 lines being used for newer production or newer  
15 lines being built that look, you know, we said,  
16 if it walks like a duck, it quacks like a duck  
17 you know it's a duck. It's like a high  
18 pressure transmission pipeline but it's called  
19 a gathering line.

20                   Which again, we spent a long time  
21 figuring out how to properly kind of eat the  
22 elephant. You got the start one bite at a time



1 and you got to start where the priorities are.

2 And if you really care about  
3 emissions, and I'll go back to what Andy said.

4 And this is what bothers me. Like we're  
5 talking about very labor intensive, costly  
6 efforts to reduce emissions. We could have one  
7 meeting on class location.

8 I want to put this in context. The  
9 emissions from blowdowns from class location  
10 replacements are equivalent to all of the  
11 emissions from the distribution sector. Like  
12 we could do one rulemaking that would cost us  
13 nothing, and we could eliminate the equivalent  
14 of the entire distribution sector's emissions  
15 immediately.

16 And here we are talking about eight  
17 percent of a system. One data point, because  
18 there has been one year of reporting, and we're  
19 going to say, go take this massive investment  
20 into an area that frankly is not where the  
21 energy, the juice will not be as worth the  
22 squeeze. So that's what I'm struggling with.

1 I am not advocating for us not  
2 casting the safety framework and the emissions  
3 management framework over all of our  
4 infrastructure and our value chain, it's doing  
5 it in a smart way where we're getting the  
6 greatest benefit for the resources that we have  
7 to deploy.

8 And so, if we talk timelines, I was  
9 ready to suggest that we implement these rules  
10 for Type A and B, which we're talking thousands  
11 of miles of gathering that haven't been  
12 subjected to the same regulations. They did  
13 have more than a year. Those were first  
14 subjected to PHMSA regulations in 2006.

15 We then increased the amount of  
16 integrity management regulations that went into  
17 effect just a year ago. And then, you know,  
18 have PHMSA provide a roadmap and a study on how  
19 you extend these requirements to class, to Type  
20 C and beyond over the next five years. Do a  
21 study and initiate another rulemaking, if it  
22 makes sense.

1                   But to take one year of experience  
2                   and data and extend that to, now we're talking  
3                   about hundreds of thousands of miles of  
4                   pipeline that have just started reporting. And  
5                   I think it's -- I just think we've got to do  
6                   this is a way that is intelligent and ensures  
7                   we're not wasting resources that could be  
8                   better deployed on areas where we'll have  
9                   greater impact. Thank you.

10                  MR. DANNER: All right, thank you. Andy,  
11                  and then Alex.

12                  MR. DRAKE: This is Andy Drake with  
13                  Enbridge. And I appreciate that comment. A  
14                  couple of things.

15                  We've been talking about safety and  
16                  environment. I think I just want to come back  
17                  to safety for a minute. I think we put a lot  
18                  of energy into RIN #3. We put a lot of energy  
19                  into that. And we brought a sector into this  
20                  that had not been regulated before, and held  
21                  them to a very high standard. To move the  
22                  safety needle.

1           And I think of the safety issue as  
2 sort of iterative.   And that is, high  
3 consequence,       medium       consequence,       low  
4 consequence.   Now we're ramping into gathering  
5 on safety.

6           But I hear the conversations around  
7 the table about safety.   I don't want anybody  
8 to think that we're dismissing that, we're  
9 taking that lightly.   We're trying to work in a  
10 logical risk-based approach to deal with that.  
11 To address that and move the needle where it  
12 makes the biggest sense.

13           I think that when it comes to  
14 gathering on the emission side, and to Chad's  
15 point.   We've made a step even on the methane  
16 side here with A and B are in.   And we may have  
17 some conversations here in a little bit about  
18 NPMS, which is not, I mean, they don't do  
19 anything with where they are located it's just  
20 is the bureaucratic standard of care on NPMS  
21 really appropriate here.   That's really where I  
22 think that conversation could go.

1           But I think that we just need to  
2 recognize the obvious, that this industry is in  
3 a different place. They're on a different --  
4 they're in a different place in maturity in how  
5 to do this and what they're trying to do. And  
6 I think that it's important for us to at least  
7 really consider that.

8           I heard a couple of things in the  
9 comments. I agree with you, Sara. I think,  
10 and you and I know because we talked about that  
11 at that break, I think PHMSA does have the  
12 right, so to speak, the authority, the  
13 accountability even, to regulate this.

14           I think the question is, did they  
15 consider this in adding this sector to this  
16 rule? And I think that's an important  
17 procedural question to answer. Because we want  
18 to create a sustainable rule here also.

19           The sense that I kind of am getting  
20 here is that, well while we're here we're just  
21 going to sweep these other sectors of the  
22 industry in. That's not appropriate. They're

1 not in the same place from a maturity  
2 standpoint to even begin to effectuate that.  
3 And we need to be deliberate. What would it  
4 take for them to get ready and able to  
5 effectuate this?

6 And I think that's where I hear the  
7 conversation is. So what's the next, so what  
8 are the next steps that we should be looking at  
9 to set them up for success? They're not.

10 Here is the transmission that's  
11 pretty mature and you guys just need to do  
12 that. It's like, they are not set up to do  
13 that. So I'm kind of back where your question  
14 earlier is, Alan, what would it take to get  
15 them set up to do that?

16 I do think we need to check off the  
17 procedure thing. I'm not a lawyer, that's a  
18 separate conversation. But I do think that's  
19 important to create a sustainable rule, and I'm  
20 sure you know what that means.

21 But I do think it's important --  
22 it's not just important. It's imperative on our

1 part. What would it take to set this segment of  
2 the industry up to be able to effectuate this?  
3 They're not in the same place as transmission  
4 and distribution.

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

7 MR. DEWAR: Alex Dewar, BCG. In the  
8 interest of maybe adding a little bit more  
9 structure to this, to advance it. And at the  
10 encouragement of Commissioner Burman.

11 And I think, Andy, building off of  
12 what you said there, maybe we can kind of take  
13 this a little bit issue by issue here and just,  
14 you know, recognizing let's take gathering into  
15 this, right?

16 If we can start with that point on  
17 data, and specifically I think those are issues  
18 around survey and control frequency, as well as  
19 potentially NPMS, and, I don't know if folks  
20 are open to it, but having more of a focused  
21 conversation about that. What is the right  
22 timeline to bring that in to start ruling that

1 out? That might be some ground we can capture  
2 here. Maybe it's the most contentious thing,  
3 maybe we can actually get some alignment on  
4 that before going to the other issues.

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

7 MR. GILBERT: I want to touch a  
8 little bit on the cost analysis side of this.  
9 Right now you have, in the State of Texas,  
10 you're fracking, moving that fuel to the LNG  
11 terminals, shipping it to Europe for a  
12 tremendous profit. A really good profit. And  
13 everything is in the state. Everything is  
14 going right out of the country to Europe.

15 This is what I fear. If we don't do  
16 this now when the profit is there, there is  
17 companies that are making a tremendous amount  
18 of money in the State of Texas right now due to  
19 cheap labor rates and other things, that if we  
20 don't do it now, what happened in 1983 when the  
21 work just went away and the money wasn't there.  
22 Nobody had any money. We didn't have any



1 money. We lost everything we had when the  
2 pipeline industry shut down in the State of  
3 Texas.

4 But, and everything sat for 20 years  
5 until the market come back. Until we started  
6 frack -- till the fracking technology come  
7 available.

8 But that's the problem. We need,  
9 for a cost analysis aspect of this, what I'm  
10 trying to see is, if we don't do it now, if we  
11 don't take the steps to rebuild our  
12 infrastructure and we don't take the steps to  
13 do the right thing now, in the future the money  
14 may not be there. In the future the profits  
15 for the industry, for the operators, may not be  
16 there.

17 And there is profits there now.  
18 There really is. I mean, I think you all would  
19 agree with that. I mean, the LNG profits are  
20 up right now. So now is the time to invest  
21 your money into your infrastructure, not wait  
22 'til that profit margin falls. That's my

1 point. Thank you.

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

4 MS. GOSMAN: Great. I think we  
5 should all be able to agree that Type C  
6 gathering lines should be part of this program.  
7 I think the question is really about timelines  
8 here.

9 But I think that initial question of  
10 whether they're in is one that I think should  
11 be -- we should all be able to agree with.  
12 And, you know, I hear a lot of concerns about  
13 costs, standing up programs, right.

14 The fact that gathering lines  
15 haven't been subject to, you know, the same  
16 level of regulation as transmission and  
17 distribution, and I guess I just would come  
18 back again and say, I mean, we have a history  
19 of regulation in this country, right, where at  
20 some point we started regulating people, right?

21 And so, I mean, if that were the  
22 answer to our regulation problem we just, we

1 just wouldn't, you know, we either would be --  
2 I mean, if we're talking applicability, right,  
3 we just wouldn't regulate people because we'd  
4 say, well, we haven't regulated them before so  
5 therefore we shouldn't regulate them going  
6 forward. I don't think that's what we are  
7 talking about here, right? We're talking about  
8 how do we, you know, to use your language,  
9 right, bring people up to speed. I think  
10 that's a fair conversation to have.

11 What I don't think that means is  
12 that somehow we set lines here about who's in  
13 and who's out. I think we've got to be at the  
14 point here, given all the concerns that have  
15 been raised, that they're in. And then we ask  
16 the question, what does that mean?

17 And then I just want to, you know, I  
18 feel some responsibility, right, to remind all  
19 of us that, you know, Erin talked about this  
20 before, but there is a whole world of public  
21 members out there who are looking, who are  
22 living in communities with gathering lines, in

1 rural communities with gathering lines, for  
2 whom this is a huge issue, a really, really  
3 important issue. And so I think those folks  
4 are not in the room but we really should be  
5 thinking about them when we think about this  
6 question. I just don't want them to be left  
7 out of this conversation.

8 And I guess maybe one more point.  
9 You know, I start from the presumption that  
10 PHMSA has good reasons for what it does in its  
11 rules because they've spent a lot of time  
12 pulling together their rules. So, you know, if  
13 we don't think that PHMSA has a good reason I  
14 think we should ask PHMSA what its reason was.  
15 But I don't think we should assume that they  
16 suddenly put something in, you know, at  
17 midnight the night before, right, just because  
18 they decided to do so.

19 And I'm characterizing. I don't  
20 mean to characterize here, Andy, your comment,  
21 but I just want to be respectful here of  
22 PHMSA's process. And also of course, you know,

1 we are allowed to make recommendations about  
2 the choices that they made.

3 MR. DANNER: Thank you very much.  
4 Diane?

5 MS. BURMAN: I found this  
6 conversation very helpful. (Audio  
7 interference.) Hello? Okay, there I go.

8 Anyway. So I think that there are  
9 some threshold issues that we, as a Committee,  
10 are not going to be able to get to. But it  
11 doesn't mean we don't get to the next. So for  
12 the threshold issue is, should they be  
13 regulated or not? That's a legal question.  
14 That's something that's probably going to be  
15 outside of our, you know, scope here, unless  
16 Robert wants to weigh in now and, you know,  
17 then we debate. But, no, he doesn't, sorry.

18 And it's really not appropriate for  
19 us to weigh in on some of the legal  
20 underpinnings of that. And it's not fair to  
21 ask those that think that there is no legal  
22 basis to regulate, for us to then start to make

1       them then have to answer yes or no and then go  
2       to it.

3                       So I would like to put, sort of on  
4       the record, that we recognize that there are  
5       threshold, legal and regulatory issues that we  
6       are not -- that the folks, wherever they sit,  
7       are not weighing in on.

8                       And then the next thing is, all  
9       right, what are we trying to accomplish. In  
10      this case we're trying to have some -- PHMSA is  
11      trying to have some oversight over this.  
12      Whether they can or they can't is not our  
13      debate.

14                      And with that, what does it look  
15      like as they move forward in having a  
16      successful roadmap that actually doesn't cause  
17      a disruption, right? It's the same thing we  
18      look at when we're talking about  
19      decarbonization of the clean energy system.  
20      How do you move successfully, how fast do you  
21      go, what does it look like? All the different  
22      factors you have to look at so that you're

1 actually not going to go backwards as you try  
2 to go forward.

3           So for me, I think I also liked,  
4 Alex raised three different principles when he  
5 was talking. And I only remember two of them,  
6 and one of them I think is out of order. So I  
7 feel like he said it well, and kind of gave  
8 that test of the things we should look at.

9           One of the things that I'm very  
10 sensitive to is that this is not, you know, the  
11 same thing as imposing on an already regulated  
12 community. More regulations, and they know how  
13 to deal with us, we know how to deal with them.  
14 And so, we have to be cognizant of the fact  
15 that there is always, when you're standing up  
16 something, there is always clunkiness in the  
17 first startup of something. And so we need to  
18 also go perhaps a little slower than we would  
19 want. And make sure that we are appropriately  
20 looking at what that looks like and what's  
21 there for that.

22           And so for me, the compliance issue,

1 and the extension of time issue, I think for me  
2 is a big one. But also in terms of making sure  
3 that we are not just saying we'll do it, but  
4 we're also -- there has to be a recognition  
5 that how this gets done is going to need a lot  
6 of engagement in a way that helps provide  
7 people to feel comfortable that there is honest  
8 brokers in terms of, as it gets rolled out.  
9 And some of the kinks and alternatives in doing  
10 that. What that means when you're talking  
11 about different things is really important.

12 So, I've spoken too long. Alex has  
13 the three principles and I think that then  
14 gives us the roadmap, including in folding it  
15 in with kind of where Andy and Chad were  
16 talking. As well as you, Sara.

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

19 MR. ZAMARIN: Thanks. Chad Zamarin,  
20 Williams. And I, yes, I agree with  
21 Commissioner Burman.

22 And I do think that this is an area



1 where I struggle with. I think we can set  
2 targets for where we want to be, but we're  
3 trying to figure out how to get there with -- I  
4 don't think there has been enough information  
5 and analysis for us to make good sound  
6 judgments on whether it's reasonable, cost  
7 effective, practicable. Even technically  
8 feasible.

9 I mean, this is an entirely  
10 different set of assets that have been under  
11 the regulatory umbrella and now we're saying,  
12 well, it was good for transmission, it was good  
13 for distribution, and you know what, tomorrow  
14 it should also be good for this other sector.  
15 And so, I am advocating for us implementing it  
16 on those parts of the gathering system that we  
17 said needed a higher standard of care.

18 And doing that as quickly as we're  
19 going to do it with everything else. But  
20 before we extend that to tens, even hundreds of  
21 thousands of miles beyond that, then we have to  
22 better understand. And I think that's what I

1 took away from what Alex said. And the way I  
2 think of it is, you want to capture  
3 information, make good decisions, put that into  
4 action, but then make sure that you reevaluate  
5 and adjust what you're doing.

6 By implementing this on A and B  
7 we're going to learn a lot. I find that data  
8 very interesting. And if we're shining a  
9 spotlight on a sector in the industry with  
10 those size leaks and we set targets today based  
11 on that, my guess is three years from now those  
12 are going to be obsolete because if it's truly  
13 that, like, I don't want to say easy, but we're  
14 looking for those things, those are not going  
15 to be the issue very quickly. Like we're going  
16 to find those, we're going to address those.

17 So I don't want to make decisions  
18 that are going to be long-term targets and  
19 requirements that are based on what we know  
20 today in a space where we've only, like, I  
21 mean, we've gotten the first annual report from  
22 this set of operators ever. And so, I just

1 worry that, again, my recommendation would be  
2 that we include Type A and B in the rulemaking.

3           There was a reason why Congress did  
4 not ask PHMSA to include Type C. And I think  
5 they got it right. Let's figure out what we  
6 learned from A and B, let's do a thorough cost  
7 analysis and risk analysis, and then propose  
8 regulations for C and beyond. That's, to me,  
9 the right way to implement regulations.

10           And, Sara, I also, I agree with you  
11 on things that haven't been regulated, but this  
12 would be like saying, you know, you're going to  
13 come to my house and take away my 1985 Toyota  
14 because it doesn't meet the emission  
15 regulations of today. Like, we got to figure  
16 out how to phase this in.

17           I think we all agree, we want every  
18 stick of pipe to the same standard. The  
19 methane stays inside the pipe. The system is  
20 emissions free. But how do we get everyone  
21 there and do it in a way that uses the  
22 resources most effectively? I think we've got

1 to start with A and B, and then learn from that  
2 experience and do it right as we extend it to C  
3 and beyond. Thank you.

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

6 MR. GALE: Thank you, Chairman  
7 Danner. Just for the Member's discussion  
8 points, just a couple of things to clarify. By  
9 definition, a Type C line is a line that's  
10 operating at 20 percent or more SMYS. So it's  
11 not the lines, like the Type B lines that are  
12 operating below 20 percent of SMYS.

13 And at least within context of Type  
14 C, not discounting Erin's comment earlier about  
15 Type R, but in terms of Type C lines, we  
16 estimate there is approximately 90,000 miles of  
17 Type C lines out there. Of those 90,000 miles  
18 of pipe, about 20,000 are already subject to  
19 our leak detection requirements, and to do leak  
20 detection surveys with technology. So I just  
21 wanted to make sure the Committee were aware of  
22 that information.

1 MR. ZAMARIN: And sorry, point of  
2 clarification. And why are those 20,000, John,  
3 required?

4 MR. GALE: The 20,000 was actually  
5 recommended by the Advisory Committee as we  
6 debated the gas gathering rule, applying it  
7 based on a safety factor, or safety risk, in  
8 terms of proximately to people. I believe it's  
9 one house within a PIR, if I remember right.

10 MR. ZAMARIN: Right. So from a --

11 MR. GALE: Safety standpoint, not  
12 environmental.

13 MR. ZAMARIN: Sorry. Just hopefully  
14 clarify, Chair, if I could? I hope that's  
15 clear. That's means that those are within, we  
16 are doing leak surveying inside of PIRs, which  
17 is the impact, potential impact radius of a  
18 pipeline. And if there is a structure within  
19 that radius, then that pipe is being assessed  
20 for leaks.

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

1                   MR. DRAKE: This is Andy Drake with  
2 Enbridge. I really think that -- I kind of  
3 lost my place. I think that, one thing that I  
4 heard here, you said, you know, we have to  
5 trust PHMSA, and we do.

6                   But in the context of, I think,  
7 what's happening here, and Alan said it, and I  
8 think it's important for us to be mindful of  
9 this, PHMSA cast a broad net on purpose and is  
10 asking this Committee to figure out how it fits  
11 and how it plays out. I mean, we've seen that  
12 several times. We're going to take all the  
13 Grade 2 leaks prior to a weather event and  
14 require them to be repaired. Like, we can't do  
15 that, so how do we do that?

16                   We're going to do all, I think it  
17 was all leaks had to be evaluated as to whether  
18 the, to the effectiveness of the repair.  
19 Whether that's leaking. Well, all right, we  
20 know that doesn't fit. And we spent hours  
21 boiling that down to what fit.

22                   So I think why C is in here is a

1 great question. I think, just personally, I  
2 keep looking for an expeditious way to deploy  
3 this, to be very honest with you. How can we  
4 do this, how can we do this? How do we get  
5 this to fit and go?

6 And the problem that I'm having, and  
7 I just want to throw that out there, everybody  
8 else may have just figured out by now, but how  
9 do we deal with the complexities and nuances of  
10 the things we don't even understand about this  
11 sector? And we've had really long  
12 conversations about how to play this rule in  
13 sectors that we understand pretty well.

14 We've got a lot of time in that  
15 saddle, we understand how this works. We got a  
16 lot of data, we got a lot of systems, we got  
17 things to setup. And we argued for forever  
18 about those things. But we understand them.

19 I'm not sure how to quickly just do  
20 this because they're in that different of a  
21 place with their systems maturity, with the  
22 understanding what they are. And I'm genuinely

1 trying to figure out how, or if, you can just  
2 fuse them into this rule and try to intercept  
3 where transmission and distribution are with  
4 where we, with how we understand our systems  
5 and expect them to make that growth curve in  
6 the very short period of time.

7 I don't know if we're going to even  
8 understand the right things to be talking  
9 about. Like, how well they know where their  
10 pipes are. How well they understand their  
11 systems. They're fundamentally just getting  
12 going.

13 So I appreciate your comments there  
14 about, we got to start somewhere. I agree with  
15 you, we got to start somewhere, but do they  
16 need to start where we are is like, that's my  
17 question. Is how do you intercept the two?

18 MR. DANNER: All right. Alex?  
19 Diane, did you have your card up?

20 MS. BURMAN: No, I don't.

21 MR. DANNER: Okay.

22 MR. DEWAR: So, I mean, in the



1 interest of starting somewhere, maybe leak  
2 surveys. Could we have a discussion on that?  
3 And come to some, I mean, we've talked  
4 extensively about flow rates in the past, about  
5 timing of that.

6 I think, Arvind, you've thrown out,  
7 you know, data around emission events well over  
8 a hundred kilograms per hour. Maybe we can  
9 start on that.

10 MR. DANNER: Well, we're kind of in  
11 the middle of the conversation about Type C, so  
12 I --

13 MR. DEWAR: That would be premised  
14 on accepting I think what was said before that  
15 we just, by Commissioner Burman I think, that  
16 we just maybe have to set that aside and start,  
17 you know, more in the detail and try to work  
18 that through.

19 MR. DANNER: All right. Hold that -  
20 -

21 MR. DEWAR: Yes.

22 MR. DANNER: Hold that thought.

1 MR. DEWAR: Yes. Yes.

2 MR. DANNER: Okay. Sara?

3 MR. DEWAR: Sorry, what?

4 MR. DANNER: Oh, you have more?

5 MR. DEWAR: Yes. I --

6 MR. DANNER: Yes. I'm sorry.

7 MR. DEWAR: So, to go back to the  
8 principles. And I'm glad you referenced back  
9 to that.

10 What I laid out, and again, this is  
11 based on working with operators, going from  
12 zero to 60, right, on very little to doing  
13 comprehensive work on setting their GHG  
14 emissions reduction roadmaps and implementation  
15 programs is, we typically start with data, then  
16 target setting, and then action, but especially  
17 incorporating tradeoffs in that action. So  
18 data, targets, tradeoffs, driving action.

19 And so that's, the premise being, if  
20 we can start on that data conversation, that  
21 might be a helpful way to start, right, because  
22 if we get some view of what types of data would

1 be coming out, at what frequency, that maybe  
2 can inform a deeper discussion about what the  
3 timing for implementation around action will be  
4 going forward. That's the idea at least.

5 MR. DANNER: All right, thank --  
6 thank you. And let's think about that, but  
7 let's hear first from Sara, then Erin, then  
8 Arvind.

9 MS. GOSMAN: All right, thank you so  
10 much. Sara Gosman. So, I think my point was  
11 just that we should, we should assume PHMSA has  
12 reasons, right? They may not be ones that we  
13 agree with, but yes, that was more my point.

14 So I think that as we consider this,  
15 just a couple of things. I just want to make  
16 sure that we understand that PHMSA made a  
17 decision about their regulated gathering lines  
18 that at the time were regulated. Just because  
19 I feel like it's important for this  
20 conversation to understand that this wasn't a  
21 decision to exclude Type C gathering lines,  
22 they didn't exist as a category at the time,

1 right?

2 And then I want to get back really  
3 to our standard here because there's been a  
4 reference to it several times. I mean, I look  
5 at these particular provisions and I think they  
6 tell us that we should include Type C. And so  
7 here's why, right?

8 I think it's technically feasible to  
9 do leak detection. There is technology  
10 available. Feasibility is, can it be done,  
11 right? I think it can be done.

12 Is it reasonable? We have different  
13 views I'm sure on that question, right?  
14 Because here we should consider not only cost  
15 to the gathering line industry, but essentially  
16 the costs that are already being imposed,  
17 right, to broader society, to climate. We are  
18 creating benefits here through putting these  
19 particular Type C gathering lines into a  
20 program.

21 And I think we need to be cognizant  
22 of all of those different aspects when we think

1 about reasonableness. And to me the end result  
2 is I do think it's reasonable.

3 Cost effective, this rule includes  
4 technology options so that companies can choose  
5 cost effective approaches. And we had a whole  
6 discussion about the alternative and going to  
7 PHMSA to determine if there was some other  
8 approach that people could use, right? That is  
9 a way of addressing cost effectiveness.

10 And so, I think that we have  
11 discussed that. And I think that's of course a  
12 very important part of all of this.

13 Practicable, I think that's where  
14 the conversation has been here. And then I  
15 think that's about, really questions of  
16 timelines. And so I keep wanting to go to, you  
17 know, back to where Alan started here, which  
18 is, I think that we are having a question about  
19 timelines and practicability.

20 We are not having -- I don't feel  
21 like we should have a discussion here about  
22 whether these pipelines are in at all. And so

1 I think that's where we want to focus our  
2 discussion. That's where we can move forward,  
3 I think, in agreement.

4 Otherwise I think that we're just  
5 going to go back and forth on these questions  
6 because I do think applicability matters to  
7 everything else that we're about to discuss.  
8 That is, it doesn't make sense to discuss  
9 anything specific about NPMS or patrol  
10 frequency or leak surveys if we are not in  
11 agreement as to whether they're in at all. So  
12 that's my pitch.

13 MR. DANNER: All right, thank you.  
14 Erin and the Diane.

15 MS. MURPHY: Erin Murphy, EDF.  
16 Really appreciate those comments from Sara and  
17 want to, I think emphasize that, you know, for  
18 us the starting point here is, sure, we could  
19 get more data, and we would like to get more  
20 data, but we have enough information to see and  
21 understand that methane emissions, as well as  
22 safety on gathering lines are a concern.

1           And that Type C and Type R gathering  
2 lines are a pretty significant source of those  
3 methane emissions because we're talking about  
4 the infrastructure that's in more rural areas.  
5 And a lot of the surveys that have been done  
6 have been covering those more rural areas.

7           I wanted to note that, and I know  
8 this gets us into other components of the  
9 proposal, but we weren't able to do a breakdown  
10 of which type each of the leaks we identified  
11 on gathering lines could be attributed to  
12 because we don't have that information.  
13 Because gathering lines aren't all in the NPMS  
14 and that data isn't available elsewhere.

15           So we used a private industry  
16 database that we pay for a subscription to get  
17 access to, to get some information about  
18 gathering line infrastructure to inform the  
19 analysis in some of the studies that have been  
20 referenced. But we don't have the best data we  
21 could because there has been a lot of push back  
22 in the 20 -- the gathering lines rule that was

1 finalized in 2021. And I feel like we're  
2 hearing a lot of it again even about providing  
3 some of that information.

4 So we're working, you know, we're  
5 doing the best we can. We have scientists and  
6 researchers going out and collecting a lot of,  
7 you know, really actionable data that leads us  
8 to this place of, this infrastructure is a  
9 significant source of methane emissions.

10 And then, and I won't restate  
11 everything Sara said, but the technologies are  
12 available, the work practices are known. This  
13 is not rocket science, this is technologies  
14 that are being developed, that are out there.  
15 The leading operators are already picking up  
16 and using. And are even already voluntarily  
17 reporting to PHMSA, you know, that they're  
18 going out and proactively repairing some of  
19 these leaks.

20 So, from our perspective this is low  
21 hanging fruit. And on my train ride into this  
22 meeting this morning I was listening to a



1 podcast and got an ad from BP, which I feel  
2 like the algorithm really finds me, talking  
3 about all, everything they're doing to clean up  
4 their infrastructure from top to bottom.

5 And so, it's so frustrating to hear  
6 that message of doing everything and making  
7 natural gas so clean, and then to hear this  
8 push back, push back, push back on we need more  
9 time, we need more information. No, we know  
10 what we need to do. It's pretty clear, let's  
11 do it.

12 MR. DANNER: All right. Arvind, you  
13 had your tent up, you're okay? Alan Mayberry.

14 MR. MAYBERRY: I wanted --

15 MR. DANNER: What's that? Well, I'm  
16 sorry, usually you end up with a procedural  
17 matter that's why I, should I let Diane got  
18 first?

19 MR. MAYBERRY: I tell you what, why  
20 don't you let Diane go first --

21 MR. DANNER: Okay.

22 MR. MAYBERRY: -- then Chad, and

1       then I'll --

2                   MR. DANNER: All right.

3                   MS. BURMAN: All right. Thank you  
4       for acknowledging me.

5                   So, I just want to go back. I am  
6       really uncomfortable with taking on the  
7       ownership of making a recommendation on the  
8       threshold issues that relate to the legal  
9       underpinnings of whether or not the statute  
10      applies. And actually then sort of directing.  
11      That would really be directing PHMSA to, you  
12      know, either yes it's under your jurisdiction  
13      or not.

14                  I'd like to ask Attorney Ross over  
15      here to sort of kind of give us some guidance  
16      on whether this is our -- I mean, that's what  
17      I was trying to get to. Let's put that on the  
18      side, understanding where we are. But it's a  
19      legal issue and it's delving into something I'm  
20      not comfortable with.

21                  MR. ROSS: Thank you, Commissioner.  
22      Robert Ross from PHMSA. We have a, the benefit

1 of the written comments, the public comments,  
2 and extended conversation here about, you know,  
3 expressing people's positions on the legal  
4 authority of PHMSA to apply, you know, its leak  
5 detection and repair program to Type C  
6 gathering lines and other, you know, kind of  
7 legal prerequisites. And I think for the  
8 purposes of our consideration, you know, we're  
9 going to review each of those data sources, you  
10 know, and arrive at a conclusion.

11 You know, clearly in the NPRM we  
12 took the position that we did. And we have the  
13 benefit of everyone's comments and we will  
14 review those carefully.

15 And given the limited amount of  
16 time, you know, I suspect that there are a  
17 number of other things that we would really  
18 appreciate the Committee's feedback on that are  
19 listed up on the slide and in the NPRM.

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

22 MR. ZAMARIN: Yes, Chad Zamarin,

1 Williams. And look, I do appreciate this  
2 discussion, but I also, I do want to make it  
3 clear because I know it can get frustrating,  
4 but this is not push back because we don't  
5 share the same goal. I don't believe that we,  
6 in this rulemaking, have been able to  
7 adequately consider how to bring the entire  
8 gathering industry up to the same level of  
9 standard as transmission and distribution.

10 We've spent a ton of time and  
11 thoughtful investment in technologies that  
12 work. But now we're talking about a  
13 fundamental issue of how to bring an industry  
14 that has not been regulated up to the same  
15 standard as industries that have been regulated  
16 for over 50 years.

17 I would suggest that we do vote on  
18 the applicability. I would suggest voting on  
19 PHMSA undertaking an alternative rulemaking on  
20 Type C and beyond. On the remaining gathering  
21 mileage that we include Type A and B, which was  
22 in the Congressional mandate. And has also

1       been the focus of the safety investments that  
2       we passed during the last rulemaking on  
3       integrity management.

4               But I think we need to address this  
5       issue because I think a separate rulemaking is  
6       warranted that would require the focus and  
7       analysis that is warranted for this big of an  
8       expansion to a sector that hasn't been  
9       regulated.     And so, I'm not suggesting it  
10      shouldn't be regulated, Sara, I'm just  
11      suggesting that I think it requires its own  
12      process before we're ready to say that it's  
13      been tailored and tuned to be most effective,  
14      most cost effective, most reasonable, most  
15      practicable.

16             And so, I would actually propose  
17      that we vote on -- my recommendation would be,  
18      and let the votes fall where they may, my  
19      recommendation would be that we include Type A  
20      and B, and we recommend that PHMSA undertake a  
21      separate rulemaking on Type C and beyond.  
22      Thank you.

1 MR. DANNER: All right. Alan?

2 MR. MAYBERRY: I just wanted to add,  
3 well, two items. One, follow-up to what Mr.  
4 Ross had covered, but also just to give you a  
5 little context, if you look for Calendar Year  
6 2021, the annual report totals for Type A, B  
7 and C gathering were 17,123. With the  
8 implementation of reporting, or increased a  
9 coverage of these gathering line pipelines,  
10 that number jumped to 111,966 in 2022.

11 When all said, the fact that if you  
12 look at the total leaks by cause, for gas  
13 gathering in 2022, look at repairs made, the  
14 total was 4,110 in the most recent year. I'm  
15 kind of covering this backwards. But then go  
16 back to 2021, it was only 227.

17 So why am I saying that? One, you  
18 know, I think it does reflect the fact that we  
19 have moved into this area of regulating and we  
20 are seeing the results of that and the good  
21 work of this Committee.

22 And I bring that up to say that, you

1 know, as we go forward you may want to  
2 consider, and really in line with, slight  
3 variation of what you talked about, Chad, you  
4 may want to consider the phase-in aspect of  
5 Type C, considering the fact that we've already  
6 pulled those into safety regulation, but just  
7 how the time frame, as far as pulling that  
8 further in, considering that they're already  
9 covered under Part 192. So, that may be a  
10 suggestion.

11 The other I was going to mention,  
12 that you may want to, just to address the  
13 concern over Type R, which really wasn't  
14 covered much in the proposed rule, was you may  
15 want to consider recommending we perform, which  
16 we'll probably do anyway, a five year study  
17 based on the information collection that we're  
18 doing for that.

19 We plan to do it anyway, that's why  
20 we're collecting the data to get smarter on  
21 that infrastructure so we know where to go  
22 next. So you may consider recommending

1 something like that.

2 MR. DANNER: All right, thank you.

3 Erin?

4 MS. MURPHY: Well, I'll hold my  
5 comment.

6 MR. DANNER: Arvind?

7 MR. RAVIKUMAR: Thank you, Chairman.

8 I think I would agree with those comments as  
9 well. Thinking about a phased-in approach for  
10 the Type C, and then recommending a study to  
11 PHMSA on the Type R gathering lines over the  
12 next two to three years.

13 You know, based on what we heard  
14 from the Attorneys at PHMSA, I think this is a  
15 complex debate. And I appreciate everyone's  
16 comments and thoughts on this.

17 I also think that we might have a  
18 bit more consensus on some of the other points,  
19 which we have discussed extensively over the  
20 past four days, and have the applicability  
21 question phrased in terms of what we just heard  
22 from the Attorneys, as well as Alan.



1 MR. DANNER: Thank you. Andy?

2 MR. DRAKE: This is Andy Drake with  
3 Enbridge. I think, I appreciate your guidance,  
4 Alan. I think that it might behoove us if we  
5 could take ten minutes and just -- I think  
6 we're kind of locking up here. And this may be  
7 the value of the breakout sessions where we're  
8 just face-to-face, is just take a minute and  
9 let us talk with each other on how do we  
10 transition, how does that look?

11 And I think we're all sort of saying  
12 the same thing but different words. How do you  
13 ramp up and transition into this? So if we  
14 could maybe take ten minutes? We could come  
15 back maybe a little bit more consolidated. I  
16 just feel like we're sort of scattered a little  
17 bit on this side right now.

18 MR. DANNER: All right. I think  
19 this has been a really interesting, and  
20 honestly productive discussion. We had to get  
21 this out.

22 Let's take a break. Let's come back

1 at five minutes to 3:00, and that will give you  
2 some time for breakout. Thank you.

3 (Whereupon, the above-entitled  
4 matter went off the record at 2:39 p.m. and  
5 resumed at 3:06 p.m.)

6 MR. DANNER: Chad, go ahead.

7 MR. ZAMARIN: Thanks. Chad Zamarin  
8 with Williams. And I do sense that we're  
9 likely not going to get to maybe a perfect  
10 agreement. And I also worry that trying to  
11 figure out how to fit everything into the work  
12 that we're doing may take a lot of time and  
13 energy. And I think that is reflective of the  
14 issue. So I'd like to propose that we do  
15 consider and vote on not doing nothing.

16 I think we agree that we need to  
17 figure out how to bring Type C and even Type R  
18 gathering into leak detection repair but that  
19 PHMSA initiate a separate rulemaking to  
20 specifically focus on how to extend these  
21 requirements to those pipelines. And so I  
22 would propose language that just says that the

1 Committee recommends that PHMSA initiate a  
2 separate rulemaking for Type C and Type R  
3 gathering, that we include Type A and B in the  
4 current rule. And that will allow the right  
5 process for focusing on this issue and making  
6 sure that we get it right.

7 MR. DANNER: All right. Is there  
8 any comment on this proposal? So Sara?

9 MS. GOSMAN: Yeah, thanks so much.  
10 I mean, I think we've had a good conversation  
11 here over these last couple days. I think you  
12 can appreciate that this just does not work for  
13 us.

14 I mean, I think the concern is that  
15 in a world in which rulemaking went fast and we  
16 could see sort of the endpoint here in a timely  
17 manner, we perhaps could get behind this. But  
18 I think that this is just kicking the can down  
19 the road. And I really think we can handle  
20 this within compliance deadlines.

21 But I feel like we've hashed this  
22 out and we're where we are. So I mean, I again

1 appreciate it. But this is a nonstarter for  
2 me. I'm going to vote no.

3 MR. DANNER: Okay. And Option 2, is  
4 this also coming from you, Chad?

5 MR. ZAMARIN: Sir, I think that was  
6 Sayler or someone just trying to capture my --

7 MR. DANNER: Oh, okay.

8 MR. ZAMARIN: -- proposal. Is that  
9 correct?

10 MR. GALE: If I may, Chairman?

11 MR. DANNER: Yes, John Gale.

12 MR. GALE: Yeah, so Option 1 was the  
13 recommendation from Arvind before the break or  
14 at least what we captured from what Arvind  
15 said. Option 2 was what we understood what  
16 Chad, Member Zamarin wanted to recommend.

17 MR. DANNER: Erin? Peter than the  
18 Erin, I'm sorry.

19 MR. CHACE: Pete Chace, NAPSR.  
20 Thank you. I had time to read through and  
21 think about the re-authorization over the  
22 break. And it does look to me like it says

1 regulate gathering lines in Class 2, 3, or 4  
2 locations. That would rule out Type C and Type  
3 R lines. With that logic, although those may  
4 be good places to look for methane emissions  
5 and I think they probably are, I think this is  
6 above and beyond what Congress authorized us to  
7 do.

8 MR. DANNER: Thank you for that. My  
9 own view on that is that I am not going to  
10 focus on the legal arguments here. They will  
11 be what they are, and I'm going to vote on what  
12 I think the policy should be because.

13 And so I think that I'm going to  
14 assume for purposes of these options that PHMSA  
15 does have the legal authority. And if I'm  
16 wrong, of course, that will take care of how  
17 it's going to proceed. But that's how I'm  
18 going to view these options. So just speaking  
19 for myself. Erin?

20 MS. MURPHY: Thanks. Erin Murphy,  
21 EDF. So just direct response to Pete there, I  
22 want to note that the PIPES Act of 2020

1 included this Section 113 directive to PHMSA to  
2 undertake the development of advanced leak  
3 detection and repair standards. And it did lay  
4 out some specific categories there.

5 But at the time that PIPES 2020 was  
6 enacted, Type C did not exist as a regulated  
7 category. And then also I want to emphasize  
8 and I agree with Chair Danner and have been  
9 trying not to weigh too much into the legal  
10 issues here. But PHMSA is proposing the  
11 extension of leak survey and repair  
12 requirements to all Type C regulated lines  
13 under its core authority to set minimum  
14 pipeline safety standards that protect public  
15 safety and environment.

16 And from our perspective, the NPRM  
17 is very well within that core authority of  
18 PHMSA. I want to also just echo Sara's point  
19 that I'm not able to support the proposal that  
20 Chad Zamarin articulated. And I sent in some  
21 language that I think is now on the screen as  
22 Option 3 which would be voting to support the

1 NPRM regarding leak survey and repair for Type  
2 C gathering lines and recommending that PHMSA  
3 evaluate leak survey and repair standards for  
4 Type R gathering lines and initiate rulemaking  
5 accordingly within two years.

6 MR. DANNER: Diane?

7 MS. BURMAN: Yeah, I'm just  
8 struggling with this. I believe strongly that  
9 we should not be weighing in on the legal  
10 issues. And I understand that there are people  
11 on different sides of it.

12 I think that we do have an ability  
13 to figure out a way forward. And so, for me,  
14 it was trying to look at it, putting aside the  
15 legal jurisdictional issues because it's not  
16 withstanding, right? And so I don't think that  
17 you can say but I'm going to weigh in on the  
18 policy part of it.

19 I think for me, you can actually get  
20 past that and say sort of what should we do  
21 knowing that there's also going to be sort of  
22 decision making that people aren't going to

1       come to agreement on, on the legal issues. And  
2       so looking at trying to -- for me, it's either  
3       Option 1 or Option 2 because Option 3 is  
4       specifically weighing in the legality of the  
5       NPRM and whether or not it allows Type C  
6       gathering lines or not. Option 1 is a much  
7       more nuances sort of approach of really trying  
8       to say putting aside the threshold issues we  
9       get to it.

10               Option 2 is actually not taking a  
11       position except trying to get to a middle  
12       ground which is saying, listen, we're, for our  
13       purposes, limiting the application of the rules  
14       of Type A and Type B. We believe that -- in  
15       some ways, we believe that there's a need to  
16       address this issue. It may get addressed  
17       outside of us from a legal perspective.

18               But we think the best course is a  
19       separate rulemaking on Type C and Type R. And  
20       even that is still giving the threshold issue  
21       of whether or not they have the ability to do  
22       it under the current statute is still left as



1 an open question and not us weighing in it. So  
2 Option 1 and Option 2, I can definitely vote on  
3 that. Option 3, the language does not get me  
4 there.

5 MR. DANNER: All right, thank you.  
6 Chad and then Terry?

7 MR. ZAMARIN: Thanks. Chad Zamarin,  
8 Williams. And also that language, I appreciate  
9 the typing up there. But I'm happy to say  
10 initiate a separate rulemaking as fast as  
11 practicable. I mean, I understand the concern  
12 about time.

13 But look, I said this earlier. I  
14 think the gathering industry is incredibly  
15 under-represented in this room and not well  
16 understood frankly even by PHMSA who's been  
17 regulating distribution and transmission for  
18 over 50 years. And gathering is just now being  
19 brought under the regulatory framework.

20 I mean, my company operates  
21 gathering, and I have no idea how feasible or  
22 cost effective these rules are. And we've been

1       trying to figure that out. These are much more  
2       complex systems than transmission.

3               And not that distribution aren't  
4       complex, but there's a lot more history of, I  
5       think, applying these types of standards.  
6       There's also, we said, I agree it shouldn't be  
7       the primary factor. But there's no mechanism  
8       for socializing the cost of investment in  
9       gathering.

10              I have no idea if this rule will put  
11       gatherers out of business because this will be  
12       borne by each individual operator. I do  
13       appreciate, Member Gilbert, your comments about  
14       profitability. But a lot of that's on the oil  
15       side of the industry right now.

16              I mean, we have gas prices that are  
17       at prices lower than they were ten years ago.  
18       And I just think this is a scenario where we've  
19       got to be thoughtful. I think we we've said it  
20       on the record.

21              I'm happy to say we believe that  
22       Type C and Type R should be included in

1 rulemaking. But it needs to be done in a  
2 separate rulemaking. So we do it in a  
3 thoughtful and appropriate manner.

4 And I think it feels like we're  
5 rushing it into a rule that may not have been  
6 best suited or tailored for those specific  
7 assets. So again, I don't support Option 3. I  
8 think that's probably pretty clear. And I'll  
9 stick with kind of what I've said on Option 2.  
10 Thanks.

11 MR. DANNER: Terry Turpin and then  
12 Chad Gilbert.

13 MR. TURPIN: Terry Turpin, FERC.  
14 And from where I sit, I'm getting really  
15 uncomfortable getting into the Options 2 or 3  
16 actually. I think our charge in front of PHMSA  
17 is to provide them advice on the NPRM that they  
18 had issued. Whether they want to take a  
19 separate rulemaking or go down a different path  
20 from the APA procedures, I'm not there. So I  
21 mean, I can vote for Option 1, but I couldn't  
22 vote for any of the others.

1 MR. DANNER: All right, thank you.  
2 Chad Gilbert?

3 MR. GILBERT: I think what we're  
4 trying to do is just get started with this. I  
5 mean, I agree it's going to take time. I agree  
6 that you phase this in.

7 But I also think that we need to get  
8 started. We don't need to -- as oil and gas  
9 industry, we don't need to put ourselves in a  
10 corner and just say no. No, we're not going to  
11 regulate Type C gathering lines.

12 I think the best thing we can do is  
13 regulate the Type C gathering lines, include  
14 them in the NPRM, and put an extended time  
15 frame on implementation. I mean, that's fair.  
16 And that's what we're trying to do here is be  
17 fair. I mean, we had some communication that I  
18 haven't seen in a long time.

19 I've seen industry. I've seen  
20 labor. I've seen the intellectual community,  
21 the environmental community, the pipeline  
22 safety community all talking, laughing, getting

1 something done. And we got something done in  
2 the distribution sector.

3 We can do that on the gathering.  
4 It's there. And I understand that maybe oil is  
5 profitable in -- just take from where I'm at,  
6 Texas. But I also think that as of right now,  
7 natural gas is very profitable due to the war  
8 in Ukraine, due to us supplying Europe with  
9 natural gas, with the LNG.

10 And I mean, all I'm trying to do  
11 here is I'm trying to do two things. I'm  
12 trying to make sure pipelines are safe. And  
13 I'm trying to make sure a community that is not  
14 in this room, a rural community that has  
15 legitimate concerns about pipeline safety and  
16 about emission controls is heard.

17 And I'm trying to articulate that  
18 the best I can. But if we're going to kick the  
19 can down the road again, we've had these  
20 problems since the 1980s. Nothing has been  
21 done about it except a defensive mode where we  
22 ain't going to do nothing. We ain't going to

1 do nothing. We don't have enough money.

2 When we come back to do a separate  
3 rulemaking, it's going to be the same reply.

4 But in my experience and what I'm seeing,  
5 there's tremendous profits being made in the  
6 state of Texas right now in the gas sector.  
7 The time to do this is right now.

8 This is the time to do it while it's  
9 economically feasible. And I don't know any  
10 other way to relay that. And I hope people at  
11 the table understand what I'm trying to say.  
12 Thank you.

13 MR. DANNER: Thank you. Sara then  
14 Andy?

15 MS. GOSMAN: I think that we're just  
16 in different places. But I do feel the need to  
17 just put some more things on the record to make  
18 sure people understand where we're coming from.  
19 You have been regulating gas-gathering systems  
20 for a while.

21 This would be an extension. But  
22 these pipelines, the biggest difference, I

1 mean, it's greater than 20 percent SMYS, right,  
2 or operating at greater than 125 PSIG of  
3 pressure. If it's -- if -- sorry. If the  
4 pipeline is not metallic or the stress level is  
5 unknown, this kind of pipeline is something  
6 that PHMSA, the industry, understands well.

7 The main difference here is we're  
8 moving to Class 1. And that's a risk-based  
9 determination that has to do, I think, largely  
10 with safety issues. We are now adding in I  
11 think an important element here of  
12 environmental issues.

13 I don't think that people don't know  
14 how to do this or necessarily don't know what  
15 the issue is. I think we do. So I think this  
16 is something that looks good on paper, but in  
17 reality is not going to get us any further.

18 And I think when it came time to  
19 actually look at that rulemaking, I don't think  
20 we'd be in a different place. I mean, I think  
21 we would still have people saying we don't want  
22 to be regulated. And so I think that Option 1

1 gets us to the kind of concerns that I've heard  
2 about timelines.

3 I really think that that is a  
4 reasonable compromise. And I am in the  
5 business of trying to make compromises. But I  
6 don't think this is a compromise at all, right?

7 I just think it's a way to avoid  
8 regulation right now. So I just wanted to make  
9 sure that was on the record. These are rural  
10 areas. There are people there. They're not  
11 close always to the pipeline.

12 But we should be thinking about  
13 them. We should be thinking about the  
14 environmental issues. And I think we should  
15 just go ahead and vote because I think we're  
16 just coming at this from different places.

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

19 MR. DRAKE: This is Andy Drake with  
20 Enbridge. After the break, genuinely went out  
21 there thinking we could figure out some way to  
22 do a transition plan, some kind of way to phase



1 this in. And I honestly thought that there  
2 would be some way that we could come back with  
3 something that would be a different approach to  
4 bring this group in to this rulemaking.

5 And the more conversations that we  
6 were having in there, the more I kept hearing,  
7 I don't know, I don't know. And the thing that  
8 I'm concerned about is that this place is so  
9 different in where they are maturity-wise.  
10 Maybe the 20 percent, maybe that's something we  
11 could talk about.

12 But trying to define different  
13 thresholds, there's not even a sense of how to  
14 collect the data. And I think that's  
15 fundamentally a problem. And I think that  
16 trying to intercept the two, it warrants its  
17 own discussion to figure out how to do it.

18 And nobody here is saying not to do  
19 it. I take exception to that. Everyone here  
20 is saying we want to do it, but we want to  
21 figure out how to do it.

22 And it's not kicking the can down

1 the road. I appreciate as soon as practicable,  
2 we can accelerate this. We can get this group  
3 back together again.

4 Just to be honest with you, when we  
5 were talking about the integrity rule so many  
6 years ago, this group met every month. So  
7 sorry, I'm sure that's exciting for people from  
8 Washington and places, but this group met every  
9 month. We needed to, to figure this out.

10 If we need to get back together  
11 again quickly and do this, I'm all for it. But  
12 I'm worried that we're just trying to force  
13 this in here. And there are so many unknowns.  
14 We're not even talking about them right now.  
15 So it's hard to start talking about what would  
16 a transition plan look like is what I'm hearing  
17 quite frankly.

18 MR. DANNER: Thank you. Erin?

19 MS. MURPHY: So it does feel to me  
20 like there's not a lot of movement. I wanted  
21 to make sure I was really clear on the option  
22 that I had presented which I do view as a

1       compromise option. I want to reiterate that  
2       EDF, a number of other environmental  
3       organizations, and thousands of members of the  
4       public are calling on PHMSA to extend lead  
5       survey and repair standards to all gas-  
6       gathering lines in light of the urgency of  
7       reducing methane emissions to mitigate climate  
8       change and protect public safety.

9                 So in the spirit of trying to find  
10       compromise and common ground on this Committee,  
11       I was proposing supporting the NPRM as it  
12       applies to Type C gathering lines but that  
13       PHMSA evaluate Type R gathering lines and  
14       initiate a subsequent rulemaking for them. It  
15       doesn't seem like there's going to be full  
16       committee support for that perspective. But  
17       that is the most I can go in the spirit of  
18       compromise, and perhaps it is time to move  
19       towards voting.

20                 MR. DANNER: Well, all right. I'm  
21       going to call on myself here. This is where  
22       I'm trying to think of how do we thread needles

1 here. One of the things that I would want to  
2 have is recognizing that there may be a legal  
3 question.

4 I'd like a sense that this Committee  
5 agrees that Type C should be regulated, that an  
6 implementation could be moved out a number of  
7 years. And we recommend then that PHMSA  
8 conduct workshops or whatever on any questions  
9 about implementation. And then if we do that,  
10 I would be willing to take Type R just off the  
11 table, knowing that they're doing a study on  
12 that.

13 So would there be a willingness to  
14 simply acknowledge that Type C should be under  
15 regulation, that the date can be pushed out so  
16 that we can have whatever conversations need to  
17 be placed. And I don't think you can go out  
18 further than two or three years. But at least  
19 go out two or three years and then let's -- I  
20 don't think we need to vote on Type A and B.

21 I think we agree on that. And we  
22 don't really need to vote on Type R because

1 PHMSA is already doing something. Just I'm not  
2 seeing anybody gagging. So I just throw that  
3 in your direction to see if there's any there,  
4 there. And then I'm going to call on Chad  
5 because he tent up.

6 MR. ZAMARIN: Thanks. Chad Zamarin  
7 with Williams. And I do agree with the process  
8 that you just described. It's why I proposed  
9 even going further and recommending the  
10 initiation of a separate rulemaking because  
11 that is a formal process that would drive  
12 exactly what you described.

13 I mean, again, my concern is that  
14 we've talked about tailoring very specific  
15 thresholds, capabilities, repair requirements.  
16 We've kind of fit a shoe to a foot that we know  
17 how to size on distribution and transmission.  
18 And that's what I'm trying to say is that I  
19 believe we should bring Type C into this kind  
20 of regime.

21 But we need to also make sure -- I  
22 mean, I've heard legitimate concerns regarding

1 the cost-benefit study and how it was  
2 performed. And it might not have been thorough  
3 enough. There's not enough data. I think we  
4 need to make sure that we tailor this so having  
5 -- I mean, that's what I'm advocating for. I'm  
6 not advocating for taking a long time, but --

7 MR. DANNER: Well, yeah, and if I  
8 may. What I don't want to do is I don't want  
9 to leave here without having at least me on the  
10 record that Type C needs to be in this program.  
11 And I don't want that to be kicked down the  
12 can.

13 I don't know -- I mean, the rules  
14 exist. I think if there's a workshop on how to  
15 implement that, a lot of the questions can be  
16 worked out. And if a separate rulemaking is  
17 needed, PHMSA knows how to do it. So I would  
18 just -- I think we go with a delayed  
19 implementation as opposed to saying let's start  
20 another rulemaking. And I just think we could  
21 identify and fix whatever problems there are in  
22 the rules and let them be looked at over time.

1 MR. ZAMARIN: Can I comment?

2 MR. DANNER: Yes, you may.

3 MR. ZAMARIN: Thank you. Chad  
4 Zamarin, Williams. I don't disagree. And I  
5 actually would support that if you'd include  
6 that language that is part of that, PHMSA  
7 should evaluate whether a separate rulemaking  
8 is appropriate. I think that makes good sense  
9 because there's a conversation --

10 MR. DANNER: I'm only speaking for  
11 myself. So I mean, I have to see what others  
12 around the room have to say. Alan?

13 MR. MAYBERRY: Well, I was going to  
14 mention that I'm concerned just from efficiency  
15 alone, we're in rulemaking on Type C. So as  
16 we're setting up separate rulemaking, it's  
17 probably not the most efficient thing to do  
18 because we've got a well-established record.  
19 We've heard comments. So it's a matter of,  
20 okay, where do we go next with implementation?  
21 It sounds like -- I don't think it's been said  
22 explicitly. But there's widespread agreement

1 that regulating Type C is agreed to at some  
2 point, phase 10, right?

3 MR. DANNER: Do you want a direct  
4 response to that, Chad?

5 MR. ZAMARIN: I would, thanks. Chad  
6 Zamarin, Williams. I agree, but not under the  
7 detailed requirements that we've just  
8 recommended over the last five days.

9 That's my concern is that I'm not  
10 sure that this rule has been tuned to the  
11 specific considerations of Type C gathering.  
12 And that's why I was proposing -- I'm fine with  
13 phasing it in, recognizing we may need  
14 different thresholds. We may need different  
15 repair criteria.

16 And in evaluating through a study,  
17 we may determine that we need a separate  
18 rulemaking. Like, I'd be fine with that kind  
19 of language. But I think there should be  
20 recognition of the issues that we've heard.

21 MR. DANNER: All right, thank you.  
22 So Arvind, Alex, Diane, Sara, and Erin is the



1 order I have. So Arvind first and then Alex.

2 MR. RAVIKUMAR: Thanks, Chairman.

3 Arvind Ravikumar of Texas. As I've been  
4 listening to all of these conversations, I'm  
5 being swayed towards Member Turpin's argument  
6 that our role is here to comment on what's  
7 being proposed by PHMSA, not tell them what  
8 additional rulemaking they will need to make in  
9 the future. So thinking through that sort of  
10 philosophy, I think Option 1 comes closes to  
11 what that would do, recommending on phased  
12 approach for Type C and then recommend a study  
13 or evaluate for Type R gathering lines at a  
14 later date. Thank you.

15 MR. DANNER: All right, thank you.  
16 Alex?

17 MR. DEWAR: Yeah, Alex Dewar, BCG.  
18 I mean, really briefly, I think if we can come  
19 together on a set of activities that we think  
20 needs to happen here in order to make for a  
21 good effective rule on it. That may be a path  
22 forward on this. I think there are a few

1 tangible things.

2 Alan, you talked about 20,000 miles  
3 that's currently now under regulation. And  
4 there will be more data on that. There are  
5 broader efforts underway, the interagency  
6 working group on the greenhouse gas measurement  
7 and monitoring was convened or released their  
8 report this week.

9 There's a lot of things in motion  
10 here or can be put in motion. I think to get  
11 to effective, rigorous, but narrowly and  
12 focused kind of crafted rules for this segment  
13 on the industry, I think that's maybe where we  
14 ought to spend our time now trying to lay out  
15 what needs to happen, right? It needs to  
16 happen relatively quickly here. But there are  
17 I think a set of things that need to happen in  
18 order to make these rules or at least for those  
19 of us in the room here today to agree that the  
20 rules can work for Type C.

21 MR. DANNER: All right, thanks for  
22 that. Diane?

1 MS. BURMAN: Thanks. So I'm having  
2 a hard time reconciling that we can vote on the  
3 policy on whether or not Type C is in the rule  
4 or not. And then also looking at it as, well,  
5 PHMSA will know what to do on the separate  
6 rulemaking. I think that our job is to make  
7 sure that we are -- from where I set, that we  
8 are not inappropriately raising legal  
9 jurisdictional issues that we understand there  
10 are different sides of what that looks like and  
11 to make sure that what we're giving is clear  
12 ability to work within the framework of what  
13 should be done.

14 So to me, Option 1 and Option 2 can  
15 be combined in some way that makes sense. So  
16 one of the things that I think that I'm getting  
17 tripped up with is that in Option 1, the third  
18 bullet says, initiate rulemaking accordingly  
19 within two years. So we are recognizing that  
20 we have an ability to say, yeah, you should do  
21 a rulemaking accordingly within a certain time  
22 frame. Okay?

1 I don't understand then why we can't  
2 look at Option 2 which has something on  
3 initiate a separate rulemaking on Type C and  
4 Type R gathering. And somehow look at Option 1  
5 and give a little bit more broader to PHMSA  
6 should adopt a phased-in approach regarding  
7 Type C gathering, period. They should consider  
8 this in light of the implementation of the  
9 November 2021 safety of gas-gathering final  
10 rule.

11 And it may also require them looking  
12 -- again, we're not weighing in -- on whether  
13 or not there needs to be a separate rulemaking  
14 on Type C and Type R gathering. And then  
15 continue, PHMSA will hold. And so all the rest  
16 -- and we'll need to tweak 3.

17 But it gives options, and it also  
18 allows us to not get trapped into, well, you  
19 don't need to have a separate rulemaking. You  
20 may. That may actually be what you need to  
21 legally do.

22 It may be that you can consider it

1 under the implementation of the gas-gathering  
2 final rule. And I think that if we can come up  
3 with somehow merging Option 1 and Option 2.

4 And frankly, Chair Danner, I thought your  
5 suggestions was good and you didn't take credit  
6 for it.

7 You said, well, it's my position.  
8 No. We'll throw it up there with what we have  
9 because it is part of looking at this in a way  
10 that gets us to more collaborative process.

11 MR. DANNER: Thank you. I'm  
12 understated sometimes.

13 (Laughter.)

14 MR. DANNER: Thank you for that.  
15 Sara, then Erin, and then Andy.

16 MS. GOSMAN: I'm up? All right,  
17 Sara Gosman. Okay. Well, I was going to give  
18 up, but I'll try a little bit more. I mean, I  
19 think phased-in approach for us really means,  
20 like, delays in effective date. So I just want  
21 to be clear on that because I don't know what  
22 phased-in approach means for you all.

1           I think that I don't think it's our  
2     role to tell PHMSA when and where to have  
3     another rulemaking. We have a rulemaking in  
4     front of us. So I think that it seems to me  
5     reasonable to agree that PHMSA needs to look at  
6     some of these issues around effective date and  
7     to think about them.

8           I think also if we could just have a  
9     statement in there that Type C gas-gathering  
10    pipelines should be subject to leak survey and  
11    repair requirements, right? I mean, that's  
12    where we are, I think it should be in this  
13    Option 1 because otherwise, like, we're talking  
14    about later rulemaking. But we're talking  
15    about it really because we're not sure that we  
16    want these pipelines in. And I think like that  
17    was my assumption going into this  
18    recommendation. So if that's not the case, if  
19    you're saying, yes, they absolutely should be  
20    in, I think we should put that up on the board.

21           MR. DANNER: Yeah, that is what I  
22    said. I think they captured it in the first --

1 I think they thought they were capturing it  
2 when they wrote it this way. But I actually  
3 said that we need to just acknowledge that  
4 PHMSA -- that Type C should be under these  
5 rules.

6 And then I am talking about a  
7 delayed implementation. And the workshops were  
8 more on not just on timelines but also any  
9 issues about implementation, things that might  
10 need to be changed that we hear from the  
11 industry. So I would expand that one as well.  
12 So thank you. Erin?

13 MS. MURPHY: Thanks. Erin Murphy,  
14 EDF. Building on this discussion, I just,  
15 yeah, want to really emphasize that PHMSA and  
16 its proposed rule explored and explained in  
17 depth why it was proposing these leak survey  
18 and repair standards for Type C gathering lines  
19 in addition to the other types of pipelines  
20 that have been discussed this week and that are  
21 in the NPRM.

22 PHMSA also invited comment on the

1 extension of leak survey and repair  
2 requirements to Type R gathering lines. So  
3 this isn't coming out of nowhere, right? This  
4 is something that the agency gave thought to  
5 and explained in the NPRM.

6 So I guess similarly, I'm not sure  
7 what phased-in approaches -- I'm not sure what  
8 appropriate implementation timelines are in a  
9 workshop format. From my perspective, Type C  
10 lines were part of the NPRM. And we strongly  
11 support the adoption of leak survey and repair  
12 standards for those lines.

13 The discussion of what is the  
14 effective -- well, I shouldn't get in the  
15 effective date. But what is the compliance  
16 deadline for those lines to me is a separate  
17 discussion that it feels like we're getting  
18 into. And we're definitely open to  
19 conversations about what do compliance  
20 timelines look like. But want to be very clear  
21 that the idea of Type C needing to be pushed to  
22 a separate rulemaking is not something that we



1 see is needed -- that I see is needed.

2 MR. DANNER: All right, thank you.

3 Andy?

4 MR. DRAKE: Andy Drake with  
5 Enbridge. I think in the interest of trying to  
6 merge, going to the first option, I think  
7 there's something -- there's a sense of  
8 something missing there that I think is  
9 fundamental to this conversation and that is  
10 that we would just accept all the conversations  
11 we've had to date and just apply them to  
12 gathering C. And we just give them time frames  
13 to get in compliance with them.

14 I think that's fundamentally -- what  
15 I'm hearing is troubling. We spend a lot of  
16 time talking about all of these criteria based  
17 on something we were very familiar with. Now  
18 we're trying to extrapolate something we don't  
19 know very much about and how it effects that  
20 world.

21 I think as we talk about the  
22 workshops, I'd say -- I appreciate

1 implementation challenges. I think we have to  
2 say we should be in the workshops talking about  
3 the applicability of the criteria to that  
4 sector which is what we just spent the last  
5 three days doing to the two sectors we're very  
6 familiar with. I think that's just prudent.

7           So if we can at least open, expand  
8 that thought to incorporate that in those  
9 workshops, I think we're starting to get to  
10 some of the concerns that are being expressed.  
11 And whether you want to make a provision about  
12 it, if it requires a rulemaking once we get  
13 down to it separately, okay. I'm a little bit  
14 optimistic that we might be able to figure that  
15 out as we go, but that fundamental tenet to  
16 what the angst is.

17           MR. DANNER:       So in other words,  
18 something along the lines of if a second  
19 sentence on Bullet 2 that would say PHMSA  
20 should consider separate rulemaking on these  
21 implementation challenges if necessary. Is  
22 that --

1 MR. DRAKE: Yeah, I'm sort of  
2 holding that in last resort, but --

3 (Simultaneous speaking.)

4 MR. DANNER: Well, I know.

5 MR. DRAKE: But the key idea was  
6 pick up this issue of the applicability of the  
7 criteria to the sector. We just spent a week  
8 talking about the applicability of the criteria  
9 to sectors that we knew a lot about. Now we're  
10 just going to say, well, you all get it.

11 We'll just give you more time to  
12 figure it out. It's, like, that's not  
13 appropriate. That's not how this discussion  
14 happened. So I think it just is a reflection  
15 of the obvious. Have a workshop that reflects  
16 some of these conversations with that sector  
17 and then figure out how the things we've agreed  
18 to so far should be revised or changed or if  
19 necessary to that sector.

20 MR. DANNER: All right. Chad?

21 MR. ZAMARIN: Thanks. Chad Zamarin  
22 with Williams. Yeah, I'm struggling. I agree

1 with -- I think there have been some  
2 improvements here. But I also do want to go  
3 back on the record the fact that I think I'm  
4 the only representative if an owner operator of  
5 gathering assets.

6 And it is an incredibly under-  
7 represented stakeholder that we're talking  
8 about here. And I worry about that and that  
9 the GPAC recommendation may not adequately  
10 reflect enough stakeholder input which is why  
11 I'm struggling with this issue. And I can't  
12 support -- if we're going to split Type C and  
13 say it's in now and then have a rulemaking in  
14 Type R within two years, I can't support that.

15 I mean, we're talking about we can  
16 fly fixed wing aircraft along a transmission  
17 pipeline. That's practical. We can't do that  
18 along most of our gathering systems.

19 They're very complex systems that  
20 route very differently. I mean, we're routed  
21 on transmission because of FERC siting  
22 authority in very straight, linear,

1 transmission systems. That's not how gathering  
2 systems are built and how they navigate across  
3 various basins.

4 We're trying to figure out how to  
5 differentiate with -- just as I mentioned, our  
6 company has funded launching two satellites.  
7 And they were launched over eight months ago  
8 and were just now getting some calibration data  
9 back. So, like, we don't know yet what we can  
10 do with the technology that's available.

11 And so I'm struggling with saying  
12 that these rules will work for gathering Type C  
13 and Type R gathering or at least Type C  
14 gathering, even if we implement them in over a  
15 phased approach. I appreciate the language in  
16 Bullet 2. I think I can support that.

17 I do think it's important that if  
18 it's determined that we haven't sufficiently  
19 factored all that needed to be into the cost --  
20 into the RIA which I think there are some  
21 legitimate concerns I've heard that it may  
22 require a separate rulemaking. PHMSA can

1 always do that, right? I mean, PHMSA can make  
2 that determination kind of irrespective of our  
3 recommendation.

4 I think that should be -- I would  
5 like to see that as you described it on the  
6 page. But I think it should also just be  
7 accepted that if that's the appropriate path  
8 that they should. But I would support Option 1  
9 without the third bullet.

10 MR. DANNER: All right, thank you.  
11 Sara and then Terry. Or Sara, Erin, and Terry.

12 MS. GOSMAN: Sara Gosman. So I  
13 think I figured out the fundamental  
14 disagreement here which is I think we're having  
15 a conversation about costs and questions about  
16 just whether these programs can be stood up and  
17 expanded. I come at this from the perspective  
18 of there is -- gas-gathering is regulated.

19 We have 20 percent of these folks  
20 who are already doing leak detection. These  
21 are not different types of pipelines. They're  
22 in different places.

1           And we are talking about greater  
2 than 20 percent SMYS. So I think that the  
3 differences that matter here are really about  
4 resources and they're about these programs.  
5 And that, to me, gets again to sort of  
6 implementation.

7           It doesn't get me to this question  
8 of which ones are in and which ones are out.  
9 And I really think that's the fundamental  
10 question here. I just don't see a reason to  
11 allow for our discussion about whether these  
12 pipelines should have leak detection programs  
13 at all which is really where we're at here  
14 because they won't if we push this off to  
15 another rulemaking with unclear outcomes.

16           MR. DANNER: All right, thank you.  
17 Erin and then Terry.

18           MS. MURPHY: Comment withdrawn.  
19 Thanks.

20           MR. DANNER: All right. Terry?

21           MR. TURPIN: Terry Turpin, FERC. So  
22 much like Sara, I thought I had an aha moment.

1 Maybe, maybe not. It seems like we're jumping  
2 to cure the gap.

3 I think I finally understand what  
4 Chad was getting at. But we're trying to cure  
5 the gap of -- it seems like, many of us think  
6 that we don't have enough representation by the  
7 folks who manage these systems to make informed  
8 recommendations upon the practicable, et  
9 cetera, et cetera, on those systems. And we're  
10 jumping to, okay, so to do that, let's push off  
11 implementation of phased-in approach or let's  
12 have a different rulemaking.

13 And it seems like, whoa, whoa, let's  
14 back up a second. Why don't we just say we  
15 would recommend to PHMSA that they seek more  
16 information from these regulated entities on  
17 the practicality. I mean, it's the workshop  
18 thing.

19 But don't be so specific as saying  
20 PHMSA, go hold workshops. I think it's more  
21 you have -- the Committee thinks you have an  
22 information gap. We think you ought to address



1 that information gap before moving forward.  
2 And then we don't have to get into designing  
3 the cure for them because I think that's what  
4 we're trying -- that seems to be what we're  
5 tripping up. Thank you.

6 MR. DANNER: Alex? Oh, I'm sorry.  
7 Chad, did you have your card up? Oh, I'm sorry  
8 because there's two Chads. We have too many  
9 Chads.

10 MR. GILBERT: Thank you, Chairman  
11 Danner. I appreciate that. I'm getting closer  
12 on Option 1 from a safety standard. If we're  
13 willing to -- if industry is willing to  
14 implement Type C leak detection and grading and  
15 repairing, I understand take one thing at a  
16 time, right?

17 And I think Chad has a good idea. I  
18 don't know if we -- maybe if we tighten that up  
19 just a little bit with some language from Sara  
20 or Erin. But that's closer for me. Thank you.

21 MR. DANNER: All right, thank you.  
22 Alex and then Diane.

1 MR. DEWAR: Alex Dewar, BCG. Terry,  
2 maybe just to respond to that, I think it's  
3 both PHMSA needing more information and  
4 guidance. But the industry itself actually  
5 getting more -- a better understanding and data  
6 on this.

7 And that's an evolving process. And  
8 I think a particular attribute of the gathering  
9 sector is the degree to which these assets have  
10 been transacted, integrated in different ways,  
11 in different operating companies and so forth  
12 in the past. I mean, just building on what  
13 Chad has said, it's just a very different set  
14 of dynamics at play, right, with regard to  
15 where are these assets, what is the actual flow  
16 data, how it's tracked.

17 What are the role of these assets in  
18 different markets I think is actually very  
19 poorly understood overall in the sector. So  
20 there's a multitude of challenges here. And I  
21 think if we're talking about a phased-in  
22 approach, it's also we're talking about what

1 does that get us, right?

2           What does that buy? I think there  
3 are some tangible things. It buys real  
4 experience from PHMSA starting to regulate some  
5 of these assets. It buys opportunity to do  
6 frankly more studies that the federal  
7 government, that the academic community, that  
8 others can do.

9           So I'd like to see us and I'm happy  
10 to kind of work up what some language could be  
11 in Option 1 to lay out what the aims of that  
12 would be, right, because I think that is  
13 important here. It's not just delay for  
14 delay's sake. It's delay to get to a better  
15 product. I think that needs to be the  
16 objective if it's not being done now.

17           MR. DANNER: Yeah, I think my  
18 concern is I don't want to leave here with any  
19 idea that Type C should not be regulated under  
20 these rules. And whether these rules can be  
21 amended or they can be discussed and  
22 implementation worked out, that's great. But I

1 don't want to be seeing three years or five  
2 years down the road we're stilling having a  
3 debate on whether -- how gathering lines can  
4 further evade regulation. That's what I don't  
5 want.

6 Okay. Andy?

7 MR. DRAKE: Andy Drake with  
8 Enbridge. I appreciate Terry's comment. I  
9 really do think we should take -- hold a  
10 workshop out and just seek information and  
11 input.

12 I think a workshop might be a little  
13 optimistic. I think you're looking to try to  
14 gather a lot of information on this and a  
15 process to kind of vet this out. So I think  
16 that was a good comment. I just want to  
17 reflect that here.

18 MR. DANNER: And just on that point,  
19 thank you. I'm looking at it from the way we  
20 do things in our own state. And we have  
21 workshops that are -- they're not actual  
22 adjudications or anything like that.

1           But we also go through a written  
2 comment period before we do them. And then we  
3 hold the workshops rather like we're doing  
4 today where it becomes a conversation. And so  
5 that's what I was envisioning was very  
6 Washington state centric. So my apologies for  
7 that. Diane?

8           MS. BURMAN: In New York sometimes  
9 we've held workshops that says, tomorrow, you  
10 will do X. So we have to be cognizant, right?  
11 So I feel like I'm getting a little confused  
12 and just want to make sure that we're  
13 processing.

14           And Chair Danner, with all due  
15 respect, you keep talking about, you know, a  
16 recommendation that Type C gathering lines  
17 should be regulated and how it gets looked at.  
18 If I'm hearing you right, how it gets looked  
19 at, whether it's done by a rulemaking or in  
20 some phased-in approach in the current  
21 regulations. I'm just trying to make clear --  
22 I'm trying to separate out the legal issues

1 that may or may not exist on the rule.

2 And for me, it's not about saying --  
3 it's not about whether I believe something  
4 should be regulated or not. It's about whether  
5 or not if we are to regulate, what that looks  
6 like. And it may be that it needs to have a  
7 separate rulemaking legally. So for me, the  
8 ways are important and the opportunity for  
9 that. So I don't want it to be the takeaway  
10 that somehow we're all agreeing that under this  
11 rule they should be regulated because that gets  
12 us back to the legal issues.

13 MR. DANNER: Well, I think we  
14 disagree on that, but I understand what you're  
15 saying. I mean, I think we have proposed rules  
16 here. I think that we should -- I mean, my  
17 view is I would like us to agree that they  
18 should fit under those rules.

19 We will delay implementation so that  
20 we can further identify the issues that are in  
21 the second bullet. And then whatever  
22 appropriate action is taken to reconcile the

1 practices with the rules and maybe that's  
2 another rulemaking. That's how I would look at  
3 it. Alan Mayberry?

4 MR. MAYBERRY: We have the record  
5 established to go forward, whether it's the  
6 legal issue that was brought up, the issues,  
7 the input, the concerns of implementation, the  
8 fact that we have a proposed rule that includes  
9 Type C gathering. Just consider the fact that  
10 we take all that into account as we develop the  
11 final rule and consider the implementation time  
12 frame. If it requires a different notice, a  
13 supplemental notice a separate notice, we have  
14 that authority already. And we're used to  
15 using that authority when we need to after we  
16 assess the record that we've established.

17 MR. DANNER: All right, thank you.  
18 Erin, then Arvind, then Diane?

19 MS. MURPHY: Thanks. Erin Murphy,  
20 EDF. Just appreciate Chair Danner's comment  
21 just now and want to maybe build on that to  
22 emphasize and remind all of us that Type C

1 gathering lines are already regulated by PHMSA.  
2 There are about 90,000 miles or 70,000 miles of  
3 those lines.

4 And there are about 20,000 miles  
5 that are already subject to leak survey and  
6 repair standards. We're discussing whether  
7 this NPRM proposal for the remainder of those  
8 Type C lines would also be subject to leak  
9 survey and repair standards. So we're not  
10 debating whether or not to recommend to PHMSA  
11 whether to regulate Type C lines. They are a  
12 regulated category of line.

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

15 MR. RAVIKUMAR: Yes, someone brought  
16 up academic studies. And as someone who  
17 actually does these measurements, goes out and  
18 measures emissions, I want to talk a bit about  
19 what we mean when we say we should do an  
20 academic study on knowing about emissions  
21 because it's not just saying it here. There  
22 are real challenges in doing this partly



1 because of lack of information.

2 For example, Type C or Type R  
3 gathering pipelines, we don't even know where  
4 many of them are located. We go fly an entire  
5 area, we measure the emissions, we see the  
6 pipelines.

7 We see the emissions from the  
8 pipelines. And when we call up operators and  
9 say, hey, here's a big emission from a  
10 pipeline, the typical answer is usually not our  
11 pipeline because that information on who owns  
12 that gathering pipeline or is it a Type C or  
13 Type R pipeline is not publicly available. So  
14 you can't just say do an academic study but not  
15 have all the data available because there's no  
16 basis for doing a study on that.

17 MR. DANNER: All right, thank you  
18 for that. Diane? Oh, okay. Andy?

19 MR. DRAKE: Andy Drake with  
20 Enbridge. Arvind, I think you just did a great  
21 job articulating what we're hearing in the  
22 breakout sessions about the challenges of the

1 sector just coming in here. We've made so many  
2 decisions already predicated on what we know.

3 And we assume we can just project it  
4 to that sector. They don't know. They're not  
5 set up to deal with that. They're just barely  
6 getting started.

7 Erin, I appreciate your comment  
8 about they're regulated, 20,000 miles of them  
9 are. And they just got there. And I don't  
10 hear anybody -- well, I'm not going to say  
11 that.

12 I'm not proposing that this goes to  
13 nothing, that we don't do this. I think you're  
14 trying to get some sort of process where you  
15 can consider the voices that haven't been heard  
16 yet on how to do this. How applicable is the  
17 conversations that we've had all through this  
18 week to that sector? How does that play? How  
19 do they put that into place?

20 And it may play very differently in  
21 that sector which may be really good. Maybe we  
22 want to start them off with, hey, it would be

1 really good if you went after 100 or greater.

2 And here's how we would go about doing this.

3           This is the information you need to  
4 get by this time frame so that you can lay that  
5 information together. That's something we  
6 haven't even talked about because we don't need  
7 to because we know where we are. And I think  
8 that's really the essence of this conversation.

9           So as we talk about trying to move  
10 this, those are the kind of things that I think  
11 are really germane to advancing that  
12 conversation. I don't think anybody has -- I  
13 don't hear many people saying they don't want  
14 to do this at all. It's how.

15           How does that apply to this place,  
16 and how do we make it work? And in kind of  
17 what order does it move or progress? So I  
18 appreciate your comment, Arvind, because I  
19 think you did a great job of illustrating the  
20 challenge in this sector that has to be  
21 considered that we haven't even talked about  
22 with the other sectors.

1 MR. DANNER: Okay. Chad?

2 MR. ZAMARIN: Thanks. Chad Zamarin,  
3 Williams. I think I may be having maybe  
4 feelings kind of like Commissioner Burman  
5 expressed this morning. I'm really struggling  
6 for a couple of reasons.

7 One, I've been working on pipeline  
8 safety for my entire career. And I've been  
9 doing that in a way where every single day I  
10 focus on trying to improve pipeline safety.  
11 And I've been very focused on driving emissions  
12 benefits over the last several years.

13 And I struggle with hearing things  
14 like this is pushback on something that we need  
15 to do. This is trying -- I've never said we  
16 shouldn't include these in regulations. And as  
17 the only operator of gathering infrastructure,  
18 trying to articulate the differences of that  
19 industry versus what is very clear when you  
20 read this rule.

21 Rule requirements that are designed  
22 based on what we know about transmission and

1 distribution lines. It's very clear when you  
2 read the rule that that's where that expertise  
3 comes from, not from the gathering space. And  
4 so I'm not sure I can support the idea that I  
5 know we want to do things fast.

6 We want to cover all pipelines. We  
7 want -- there's a lot of things we want to do.  
8 But doing it the right way, it's like we're not  
9 talking about the how.

10 We're not talking about how you make  
11 sure that you do things through a thoughtful --  
12 I get that that may sound, like, slow. But  
13 it's trying to get to right. It's trying to  
14 make sure that we don't waste resources on  
15 activities that don't provide benefit.

16 And I've seen regulations that do  
17 that. I know within our company we're forced  
18 to do things that don't add value from a safety  
19 perspective and it drives me crazy. That's why  
20 we keep banging on the table about class  
21 location from both a safety and emissions  
22 perspective.

1           And that's just like the first. We  
2           can't even get to that one. So I'm really  
3           struggling with, again, a group that frankly --  
4           and even -- this is no offense to PHMSA. If  
5           the average inspector has spent 95 percent -- I  
6           don't know -- I'll get this wrong.

7           But the vast majority of their time  
8           on distribution or transmission assets, if you  
9           polled the agency. And so I'm really  
10          struggling with the idea that there was  
11          direction from Congress. We're going to expand  
12          this to thousands of miles of pipe. The right  
13          thing to do would be use more than one year's  
14          data because the regulations have only applied  
15          to this sector for one year, that we take the  
16          information we learn.

17          We refine the tools and the  
18          techniques. And we implement it in that  
19          manner. And just somehow it feels like we lose  
20          that. And so I'm struggling with whether or  
21          not it makes sense to keep going. Maybe we  
22          just need to vote on some language because I'm

1 not sure I can figure it out.

2 MR. DANNER: Thank you. Terry?

3 MR. TURPIN: Terry Turpin. So I  
4 hear what you're saying. I keep trying to  
5 figure out -- I mean, I think we're stuck on  
6 everybody is retreating to their sort of base  
7 positions. And I'm back to my original  
8 thought.

9 Base positions of offering what the  
10 solution is to the problem. And I think really  
11 think maybe what we can do is just come up with  
12 language that says because the Committee does  
13 not believe PHMSA has gotten enough information  
14 about how the gathering system operates. Or  
15 you can choose your words here.

16 We suggest they seek more  
17 information, et cetera, et cetera, to build the  
18 space. I mean, to make the recommendation to  
19 PHMSA to build the space into the current  
20 process you have to go get this information and  
21 figure out how to best -- is this going to end  
22 up being practical? What I keep hearing are

1 intrinsic positions of folks say, it's not  
2 going to be -- we don't -- actually, we don't  
3 know if it's going to be practical.

4 So let's hear that. Let's not get  
5 right to the -- and the way to cure that is to  
6 say rulemaking in two years. My cynicism is  
7 going to come out here. In all honesty,  
8 telling PHMSA to come back to rulemaking in two  
9 years.

10 There's a presidential election.  
11 There's some congressional elections. There's  
12 some Acts being considered. Who knows if  
13 they'll have the bandwidth?

14 Like, let's not get into that space.  
15 Let's get it focused on if the issue here is  
16 that we don't have the representation of the  
17 gathering system here to help inform the  
18 discussions that we've been having and I've  
19 learned so much. I mean, none of this is  
20 really my background, right?

21 I've learned so much this past week.  
22 Then let's make the space to get those folks



1 here in the current process and make that as  
2 the recommendation to PHMSA. And then they  
3 could adjudicate for themselves.

4 I mean, is that going to fit in this  
5 NOPR, the final rule timeline? Is that  
6 something they need to pull out to a separate  
7 rulemaking? Do they have the resources and  
8 bandwidth?

9 What's the most advantageous way to  
10 approach it? But that way, we're giving them  
11 the floor and the space to get the information  
12 that we say they need to make an informed  
13 decision. Thanks.

14 MR. DANNER: All right. We have  
15 three options on the table right now. We can  
16 only vote on one of them. I'm not anticipating  
17 that any of them are going to win. Well, let  
18 me find out what the -- should we vote on all  
19 three of them one at a time? Diane?

20 MS. BURMAN: Yeah, so I am left  
21 concerned because -- and I don't mean this  
22 disrespectfully -- of your statements that you

1 disagreed with me on the principle of Type C in  
2 the regulation. And I was trying to make it  
3 clear that whatever we were doing from an  
4 option perspective and how I may vote would not  
5 be weighing into the legal jurisdictional  
6 issues. So I was trying to get to sort of the  
7 notwithstanding matter and then look at it from  
8 a policy perspective.

9 I now am concerned that my voice  
10 sort of not being heard in that for me I was  
11 comfortable with Option 2. I think Arvind --  
12 and working through some of that and maybe  
13 putting in some language. I think Arvind  
14 presented some solution to try to get there.

15 And I think within that framework,  
16 we could've worked within it to come up with  
17 how to do that so that we're not closing -- and  
18 kind of this gets to Terry's position of not  
19 locking ourselves into whether it'd be done  
20 through the existing regulations or the  
21 rulemaking but that we do have that as an  
22 option, right? And that there is some strong

1 sentiment to that. This seems to close that  
2 door.

3 And I'm afraid that if I vote really  
4 for any of it that it seems to be that you were  
5 saying what you want to have is X which is that  
6 we must do this and under the existing  
7 regulations. And it could then be done by a  
8 rulemaking. That doesn't make sense. It's  
9 either under the existing regulations or it's  
10 not. So I'm just letting you know that I'm not  
11 sure that I'm going to be comfortable voting  
12 for any of them at this point.

13 MR. DANNER: Thank you for that. I  
14 think when I said that we disagree, it was my  
15 understanding of what you were saying about the  
16 overriding legal issue which I was just saying  
17 I acknowledge that there is that question about  
18 the jurisdiction of PHMSA to regulate Type C.  
19 And just my view on that is I'm going to go  
20 ahead with my recommendation, understand that  
21 those legal issues get worked out on their own.  
22 But I'm going to focus on the police underneath

1 the legal issue.

2 MS. BURMAN: Direct response?

3 MR. DANNER: Sure.

4 MS. BURMAN: And I do respect that.

5 I just think that it then didn't go to then  
6 getting past the threshold issue of legal. It  
7 was then and so therefore we shall -- we are  
8 going to be recommending X.

9 And I just -- I think this has  
10 delved into an area that gets back to where I  
11 started. And I don't want to have a second day  
12 where I feel kind of icky about what we're  
13 doing. And I do feel like there is some wiggle  
14 room for forget about the two sides that may  
15 disagree on that issue.

16 I feel like there's a majority of  
17 opinion that we could actually get to a  
18 collaborative that we could all agree with.  
19 Frankly, the thing we can all agree with is  
20 that the rule does apply to Type A and Type B.  
21 So from a positive perspective, at least we got  
22 that.

1                   MR. DANNER: Okay. Thank you. I  
2 don't know that we need to vote on that issue  
3 because I haven't heard any debate on it and I  
4 haven't heard anyone say that it should, so  
5 yeah. So thank you for that, Diane. Erin?

6                   MS. MURPHY: Erin Murphy, EDF. I  
7 don't know if we need to or want to vote on,  
8 like, all of the different options. But I did  
9 just send an updated version of language to  
10 Option 3 that reflected the comment I made  
11 earlier about wanting to be open on a  
12 discussion of the compliance timeline.

13                   So I think hopefully that's what's  
14 happening right now. But I've already  
15 explained my inability to support Option 2.  
16 I'm also not able to support Option 1 because  
17 just the phrasing as I see it implies a  
18 possibility of sort of -- well, I'm not sure  
19 what it implies.

20                   But I think that there's information  
21 in the record PHMSA has proposed. It's very  
22 clear that Type C gathering should be subject

1 to leak survey and repair. Thanks.

2 MR. DANNER: All right. So that is  
3 your revised language.

4 MS. MURPHY: Yes.

5 MR. DANNER: Okay. So I don't know  
6 if -- I mean, Option 1, I think I started that.  
7 I don't think it necessarily reflects  
8 everything that I was thinking of. And I might  
9 -- just unless somebody else is going to take  
10 ownership of it, I would probably pull that or  
11 let somebody else adopt it. Brian?

12 MR. WEISKER: I'm just sitting here.  
13 I've been pretty quiet here listening. And I  
14 just don't know for -- I don't know if I'm  
15 voting on any of these. Am I voting in support  
16 of a legal recommendation?

17 I don't think I am when I'm  
18 listening to all the guidance that we've been  
19 talking about. You struck Option 1. I was  
20 going to throw out some language that may be  
21 something about notwithstanding the legal  
22 issues.

1 MR. DANNER: Yeah, go right ahead.

2 MR. WEISKER: Does that -- I don't  
3 know. Notwithstanding the legal issues, comma,  
4 and then we move on with all the other stuff if  
5 that -- I just don't -- and I'm not saying I'm  
6 voting one way or another. I'm just throwing  
7 out as I've been listening to what all the --  
8 all the talk about where we're at because just,  
9 for me, my biggest concern that I've listened  
10 to and I've heard it time and time again. I  
11 just don't -- I don't know the capability of  
12 the gathering system to implement what's being  
13 proposed. Just I don't have -- I don't feel  
14 like we have the information to do that.

15 MR. DANNER: All right, thank you  
16 for that. Andy and then Terry.

17 MR. DRAKE: It's Andy Drake with  
18 Enbridge. In the interest to continue to  
19 emerge and think, I would recommend that we  
20 take Erin's second bullet and replace it with  
21 the struck out third bullet under Option 1.

22 MR. DANNER: Okay. Do you have any

1 other comments on that third option?

2 MR. DRAKE: I don't know. What's  
3 highlighted there is not what she proposed.  
4 Not hers.

5 MR. DANNER: Erin, the question is  
6 would you be okay with a third bullet on Option  
7 1 moving to replace the second bullet on your  
8 Option 3?

9 MS. MURPHY: No, sorry.

10 MR. DANNER: Chad? Oh, I'm sorry.  
11 Terry?

12 MR. TURPIN: Boy, I'm getting  
13 confused. I was going to actually offer to  
14 take ownership of that Option 1 if, Chairman,  
15 you didn't want it. Anyway, I've been trying  
16 to come up with something for the points I've  
17 raised. But it's kind of hard to multi-task  
18 and I'm very bad at it.

19 So I was thinking on Option 1.  
20 Like, from my point, if this second bullet were  
21 the principle of it, right, that PHMSA should  
22 seek additional information. And we took the



1 top bullet and sort of tucked it in there.

2 Why do we need this additional  
3 information? To consider phased-in approach,  
4 to consider whether an additional rulemaking is  
5 needed, et cetera, et cetera. We can build on  
6 that. But I think that then gets to the point  
7 I was raising.

8 MR. DANNER: Yeah, and I think my  
9 hang up is I think the first sentence of Option  
10 3 is very important to me and it's not in  
11 Option 1. And that's the issue that I have  
12 right now. Chad?

13 MR. ZAMARIN: Yeah, thanks. Chad  
14 Zamarin with Williams. I hear you. But I  
15 think if -- of all the things I've heard, I  
16 think having an option that -- and again, we  
17 may need to vote on separate options. I think  
18 that Member Turpin has described what I think  
19 is a more sensible approach. And I think even  
20 if some may not agree with it, I think we  
21 should still put the words on the page so we  
22 know what we can consider. Thank you.

1 MR. DANNER: All right. Sara?

2 MS. GOSMAN: Yeah, just to explain  
3 that second bullet there in Option 3, I mean, I  
4 think -- I feel like over the course of this  
5 conversation I have come to the place where I  
6 don't think that we should be recommending  
7 specific timelines for rulemaking. I think the  
8 language there tells PHMSA that they should  
9 evaluate this issue and take action. And that  
10 was sort of -- and Erin was kind enough to  
11 listen to me on this.

12 So that's why that language looks  
13 like it does. I think that Erin's second -- on  
14 Option 3, Erin's second sentence on the first  
15 bullet gets a lot of the things that I'm  
16 hearing about seeking information, considering  
17 public comments, right? And I really think  
18 that's -- if we just boil it down here that  
19 there's been a lot of concerns raised about  
20 implementation.

21 I think that us telling PHMSA to  
22 consider a broad range of comments, not just

1 the gathering industries comments about whether  
2 they can do this but also the public's  
3 perspective on this. And take a look at that  
4 issue. I think that's what they should do  
5 anyways.

6 That's part of their responsibility  
7 as an agency. But that's certainly something  
8 that I could support. Otherwise, I really feel  
9 like Option 3 is where I fall with a potential  
10 for a separate bullet point here that we could  
11 perhaps -- a broader group of us could agree on  
12 which relates to really PHMSA considering these  
13 public comments, stakeholder perspectives on  
14 the issue of compliance here on the leak  
15 detection and repair program.

16 I think if we could have some  
17 language like that that stood alone that we  
18 could all agree on, I feel like that would be a  
19 step. It would. And then otherwise, I think  
20 my instinct here is we've had a good and robust  
21 discussion. And I feel like at that point, we  
22 should just vote between Option 2 and Option 3.

1                   MR. DANNER: Andy, you had your tent  
2 card up. Are you --

3                   MR. DRAKE: Just conferring with  
4 Chad here for a minute.

5                   MR. DANNER: Sure, sure.

6                   MR. DRAKE: While we're typing here,  
7 I just want to make sure that we're in the same  
8 place. This is Andy Drake with Enbridge. That  
9 the key issue I think that we're hearing on  
10 this is not just timelines. It's applicability  
11 of the criteria that we've discussed ad nauseam  
12 the last four or five days to this sector  
13 because we've been talking about the  
14 applicability of that criteria to distribution  
15 and transmission, not gathering.

16                   And that piece has to be visited  
17 explicitly because it hasn't been discussed.  
18 And it's fundamentally critical to deploying it  
19 into that sector. It's not just a timeline.

20                   It's not, like, well, they just need  
21 a little more time to figure it out. We didn't  
22 even vet out thresholds, repair criteria, in

1 the lens of that sector. And I think that's  
2 what we're trying to get to. It needs to be  
3 thought through how that fits there, not just  
4 give them more time to figure it out.

5 MR. DANNER: All right. Chad, do  
6 you want to step in quickly?

7 MR. ZAMARIN: Sure thing. Chad  
8 Zamarin with Williams. I was just looking at  
9 John Gale. Hey, John, trying to be responsive.  
10 And it sounds like we may be getting close to a  
11 proposal that's endorsed on Option 3. Looking  
12 at Option 1, I tried to capture some of the  
13 concerns raised by Commissioner Burman and the  
14 thoughts by Member Turpin and restructure that.  
15 So I emailed you something, John, that I think  
16 is worth putting up if there are two different  
17 kind of paths that we might consider, try to  
18 capture that.

19 MR. DANNER: All right.

20 MR. ZAMARIN: Yeah, and I'm willing  
21 to retract Option 2 just for -- it sounds like  
22 nobody -- yeah.

1 MR. DANNER: That's great because it  
2 makes the font bigger.

3 MR. ZAMARIN: Yeah.

4 (Laughter.)

5 MR. DANNER: All right. Erin and  
6 then Sara?

7 MS. MURPHY: Erin Murphy, EDF. Just  
8 hearing Andy's comment, now I kind of want to  
9 make sure I understand where folks are at  
10 because the first bullet in what is now Option  
11 2 that I proposed was really trying to focus on  
12 supporting PHMSA's proposal to apply leak  
13 survey and repair standards to Type C gathering  
14 lines. And I want to recognize that there's  
15 been a lot of discussion over the last couple  
16 of days about what this Committee is  
17 recommending to the agencies for consideration  
18 on the technology standard and some of those  
19 other pieces.

20 And I'm thinking back to in  
21 particular the technology standard where we  
22 recommended the 10 kilogram per hour threshold

1 for transmission and gathering. So just want  
2 to be clear that if I need to propose or  
3 rephrase, I'm happy to do that. That I am  
4 cognizant of those recommendations and not  
5 trying to walk back from those, right?

6 I think those were strong  
7 recommendations. So not trying to fall back  
8 to, like, the 5 ppm that's in the NPRM. But I  
9 do think I'm hearing more than just sort of  
10 what is the technology standard and what are  
11 the leak survey frequencies from you but bigger  
12 concerns about applicability of leak survey and  
13 repair standards to Type C.

14 MR. DANNER: Thank you.

15 MR. DRAKE: Direct reply?

16 MR. DANNER: Is that a direct  
17 response?

18 MR. DRAKE: I thought so.

19 MR. DANNER: Okay.

20 MR. DRAKE: It's intended to be.

21 MR. DANNER: All right. Well,  
22 you're cutting in line, but go right ahead.

1           MR. DRAKE: I think there are some  
2 issues there, Erin. I don't know that they're  
3 the biggest issues. But they are issues there  
4 that we spent a lot of time talking about how  
5 they fit here.

6           And we saw them play out differently  
7 in each of the sectors. I think we just need  
8 to make sure how they play out here. I do  
9 think there's some issues particularly about  
10 transition.

11           How do you -- what kind of --  
12 getting the cart and the horse in the right  
13 order so that this can be implemented in this  
14 sector are very different than the things that  
15 we had to deal with to implement it in gas  
16 transmission and distribution. And those  
17 things, it's not just time. It's not just  
18 time.

19           It's what you need to do to get in  
20 the game. So there's a couple things there if  
21 that makes sense. And I'm not trying to stick  
22 a stick in anybody's spokes.



1 I think it's just being very  
2 articulate for the record. Those things should  
3 be thoughtfully looked at. We spent a lot of  
4 time thoughtfully looking out for them in  
5 transmission and distribution. Give that equal  
6 space here in whatever form we want to do that  
7 with. We're just running out of time to do it  
8 today or whenever, tomorrow.

9 MR. DANNER: All right. Sara?

10 MS. GOSMAN: Sara Gosman. So I keep  
11 hearing that there's an issue around what I  
12 take to be different standards that should  
13 apply to gathering. But I think for the  
14 reasons that Erin said as well as I think just  
15 -- I mean, where I'm coming from is I think  
16 that ultimately when the ramp up has happened,  
17 Type C should be subject to the same  
18 requirements as Type A and Type B.

19 Compliance deadlines can be very  
20 carefully done. They can focus on this aspect.  
21 They can focus on that aspect. I think that's  
22 a lot of what PHMSA can consider.

1                   But ultimately, I think that's where  
2 I want to see the program. And then it's just  
3 a question of how do we get there. And I  
4 agree. We don't have time for this because I  
5 think we've had this initial conversation about  
6 whether they should even be looking at Type C  
7 right now.

8                   But I think the conversation that  
9 they should have is about exactly looking  
10 program by program element and thinking about  
11 when this needs to come into effect so we have  
12 a system in place that logically builds on each  
13 other. But ultimately to get to the place  
14 where we want to get to which is standards  
15 across the gathering industry. And I guess I  
16 just haven't heard other than the fact that  
17 they're in rural areas that they don't have as  
18 much experience with regulation.

19                   I mean, to me, the technologies are  
20 the technologies. The concept of leak repair  
21 is well understood. The questions around  
22 repair timelines I feel like are compliance

1 issues.

2 And so I'm left wondering why this  
3 category of pipelines which is ultimately a  
4 pipeline, right? I mean, the sector is the  
5 sector. And I just don't think that -- I think  
6 that we are just in different places here about  
7 what that looks like.

8 And I think I just feel like I want  
9 to make clear for the record here that I think  
10 ultimately we are talking about gathering  
11 pipelines. And really it's just about  
12 implementation here ultimately. I don't think  
13 that we need to be drawing lines further than  
14 we have drawn through this world of regulation.

15 And I think that if we could find  
16 agreement on the fact that ultimately gas-  
17 gathering -- Type C gas-gathering should be  
18 subject to the standards in the rule now. And  
19 it's just a question of how they get there. To  
20 me, that seems like a fair place to land. But  
21 I'm not sure. In fact, I'm pretty sure that  
22 you all are not there.

1                   MR. DANNER: All right. Chad and  
2 then Andy?

3                   MR. ZAMARIN: Thanks. Chad Zamarin  
4 with Williams. Yeah, I'm very, very far from  
5 there. And I hope -- and I think you know,  
6 Sara, I am all about compromise and  
7 collaboration.

8                   I don't think I've ever had a no  
9 vote in the Committee. But it is different.  
10 And this is where I just said I referenced  
11 Commissioner Burman's talk this morning. I  
12 think I'm doing a poor job articulating.

13                   PHMSA's own chart showed that a  
14 gathering system is not the same as a  
15 transmission pipeline system. I mean, we don't  
16 have gas operating pneumatic devices as a  
17 significant emission source on transmission or  
18 distribution systems. That was one of the  
19 largest sources of emissions on gathering  
20 systems.

21                   Gathering compression is very  
22 different than mainline transmission

1 compression where we typically have turbines or  
2 large reciprocating engines. We have field  
3 compression and gathering. And gathering we  
4 have as we've discussed unprocessed gas.

5 So we have tanks. We have treating  
6 facilities. We have processing facilities. It  
7 is a very different set of assets. And when I  
8 look at the requirements that we've talked  
9 about, you can tell just by reading them that  
10 they come from an understanding of distribution  
11 and transmission systems, not a thorough  
12 consideration of the unique attributes of  
13 gathering.

14 And I think those issues have been  
15 raised. And it's easy and that's why I'm  
16 struggling with the under-representation of  
17 this industry because I think if you go back to  
18 that chart we started with and we focus on  
19 pipeline leaks, we're talking about 8 percent  
20 of the gathering emissions. And it's going to  
21 be 95 percent of the investment.

22 Like, that doesn't make any sense.

1 And so that's what I'm trying to avoid and why  
2 I'm not ready to say we can apply transmission  
3 and distribution requirements to all of the  
4 gathering universe. I think we've tried to say  
5 that the ones that look like a duck, quack like  
6 a duck, walk like a duck, treat it like a duck.  
7 But if it's not, don't. Let's make sure we  
8 tailor it appropriately.

9 MS. GOSMAN: Can I just have a quick  
10 response, just because I wanted to clarify what  
11 I was saying, right? I understand gathering  
12 pipelines are different from other types of  
13 pipelines. But we are in agreement, I think,  
14 that Type A and Type B are in.

15 And so what I'm saying is I feel  
16 like the characteristics of Type C pipelines  
17 are not different enough to put us into a  
18 different category altogether. It does affect  
19 the question of timelines. And yeah, I think  
20 we ventilated it enough.

21 MR. MAYBERRY: I had a couple of  
22 questions. Is the Committee feeling that with

1 the current line of discussion that we're close  
2 to developing something that can be agreed to?  
3 I'm not sensing that.

4 But yet we're still talking back and  
5 forth around the applicability of Type C  
6 gathering lines. I mean, I'm not really sure.  
7 I'm not sensing that you're going to be there.  
8 So do you want to consider taking a vote here?

9 MR. DANNER: I was actually having a  
10 little sliver of hope that some of this can be  
11 merged together. But let's hear from Andy  
12 first because Andy always gives me hope.

13 MR. DRAKE: I appreciate that  
14 optimism. I'll try to do my best here on  
15 rising up to the challenge. Andy Drake with  
16 Enbridge. I think you said something, Sara,  
17 that's really, I think, key and that is you  
18 don't see a difference between Type C gathering  
19 and the other sectors we've talked about today.

20 And I think that is the crossroad.  
21 They are very different. And that's what we're  
22 trying to make sure is considered because we

1 have not taken those differences into  
2 consideration as we talked about the standards.

3 We are talking about applying the  
4 leak detection in the system now. I think  
5 that's a pretty significant step. It's just  
6 that we haven't had any conversation about the  
7 uniqueness of that sector and how it affects  
8 this rule.

9 And that's not appropriate. So all  
10 we're asking for is some provision to talk  
11 about the uniqueness of that sector and how it  
12 plays out and how to get -- and they starting  
13 up which is also a different dimension of  
14 uniqueness which is about timing. But there is  
15 a nuance there.

16 So I think we're not -- maybe we  
17 are, really far. But when I look at it, I'm  
18 trying to get down to Option 2. I just want to  
19 bring down the piece about looking at the  
20 criteria in the lens of this sector to see if  
21 there are differences here that would require  
22 or necessitate adjustments. As we have



1 adjusted those criteria between distribution  
2 and transmission already because we talked  
3 about them. We just haven't talked about them  
4 here for gathering.

5 MR. DANNER: Erin?

6 MS. MURPHY: Erin Murphy, EDF. So  
7 PHMSA conducted a significant rulemaking on  
8 gas-gathering lines that took many years to  
9 complete -- that took enough years to complete  
10 that Congress had to direct the agency in the  
11 PIPES Act of 2020 to finalize that rule. And  
12 there was a significant record that was  
13 developed.

14 There was a lot of stakeholder input  
15 from industry and from others that resulted in  
16 the creation of the new Type C category of gas-  
17 gathering lines and the establishment of  
18 reporting for Type R as well as other  
19 components. So I think the idea that there  
20 hasn't been any discussion or understanding at  
21 the agency of gathering infrastructure feels  
22 unfair to me. And Option 1 just gives me so

1 much concern because it sounds like the  
2 Committee is putting forth this perspective  
3 that there's all of this missing information.

4 And I just want to remind folks that  
5 there's a lot of discussion in the proposed  
6 rule. There's a lot of discussion in the  
7 record here about these Type C lines. Again,  
8 PHMSA invited public comment on whether to  
9 extend leak survey and repair standards to Type  
10 R to all gas-gathering lines.

11 There's a really strong foundation  
12 here, and it's entirely appropriate and  
13 urgently needed to extend leak survey and  
14 repair standards to those lines. And again, I  
15 think the question of compliance timelines is  
16 important to be discussed and what the sort of  
17 amount of time is that's needed for industry to  
18 meet these standards. But the initial question  
19 of whether standards are appropriate for this  
20 sector doesn't feel like a question to me  
21 because we know that standards are needed.

22 MR. DANNER: All right, thank you.

1 Terry? Oh, wait. I'm sorry. I didn't see  
2 Commissioner Burman's -- all right. Terry, go  
3 ahead.

4 MR. TURPIN: Well, I was just going  
5 to offer one other proposal. So as I read  
6 Option 2 -- well, first off, it seems like we  
7 are converging slightly. But the biggest  
8 problem is -- I'm back to recognizing the  
9 information gap.

10 And looking at the middle bullet  
11 point in Option 2, that is like saying to a  
12 government agency, please breathe air. I mean,  
13 that's their job, right? I mean, that really -  
14 - I'm sorry. That doesn't have much real  
15 instruction or recommendation.

16 So I would strike the bullet, the  
17 second. We recommend you consider public  
18 comments. If you're not, you're not following  
19 the APA. So I would take that out. You could  
20 put Option 1 in place of that bullet. And do  
21 we have something that's workable if that's  
22 done?

1                   MR. DANNER:           So establishing  
2 appropriate compliance timelines, that's not  
3 exactly like breathing air. It's -- I think  
4 we're talking about the possibility of delayed  
5 implementation.

6                   MR. TURPIN:           Sorry.     I mean the  
7 second bullet of Option 2. The other bullets I  
8 agree.

9                   MR. DANNER:     No, I'm just saying you  
10 said that appropriate compliance timelines,  
11 that's like breathing air. I would say no,  
12 actually what we're talking about here is  
13 probably when you're talking about appropriate  
14 compliance timelines, that could be delayed  
15 implementation. So that is something new that  
16 I think you'd want to have in a recommendation.

17                   MR. TURPIN:     Right. My reference  
18 was to the public comments and take  
19 perspectives.     I think the appropriate  
20 compliance timelines is covered in the  
21 appropriate implementation timelines in Option  
22 1.

1                   MR. DANNER: All right, thank you.  
2     Andy?

3                   MR. ZAMARIN: Chair, this is Chad  
4     Zamarin, Williams. I just want to clarify.  
5     I'm not sure it was fully understood. I think  
6     what Member Turpin was recommending not to  
7     strike entirely the second bullet and not just  
8     say anything on the matter.

9                   He was recommending moving all of  
10    Option 1 in place of Bullet 2 I think in Option  
11    2 to see if that brought the two concepts  
12    together sufficiently to gain support. I don't  
13    know that I -- I haven't been able to think  
14    through that. But I think it's worth taking a  
15    moment to make sure everybody understands. I  
16    think that's what you were saying.

17                  MR. DANNER: Okay. That's what I  
18    understood as well.

19                  MR. ZAMARIN: Okay. But I thought  
20    your concern was that took away the potential  
21    for timelines not to be considered. But that  
22    is included in Option 1.

1                   MR. DANNER: Okay. I was looking at  
2 it as a standalone to say that didn't have  
3 value by itself without an Option 1 and I  
4 believe it does. So thank you. Andy and then  
5 Diane?

6                   MR. DRAKE: Andy Drake with  
7 Enbridge. I agree. If we did that, Terry,  
8 that would address my concern. I think, Erin,  
9 to your point about deferring to PHMSA, they  
10 know a lot. They're familiar with this sector.

11                   Just reflect would we be comfortable  
12 deferring to PHMSA to set an appropriate  
13 standard for gas transmission and distribution  
14 on Monday? Obviously not. We had five days of  
15 intensive conversation to provide guidance on a  
16 very mature industry.

17                   That's an industry they've had in  
18 history on for 60 years. So now we're saying,  
19 well, you know enough about gathering. We  
20 don't need to talk about it.

21                   That doesn't make any sense to me  
22 just to be honest. I mean, Chad listed off

1 seven things that are huge that are totally  
2 unique to the gas-gathering industry that we  
3 haven't talked about in the last five days. So  
4 that's a big deal.

5 I'm not saying -- again, I think we  
6 move forward with this. We're trying to move  
7 forward with this. But we need to respect it.  
8 We haven't even talked about it. So how do we  
9 create space to talk about it? I'm good to  
10 come back tomorrow.

11 But we can't just say, oh, you guys  
12 got it. That's not doing what the GPAC was  
13 brought here to do. So somehow we had to  
14 create a vehicle to hear what are the nuances  
15 in that sector and take them into  
16 consideration.

17 We won't be able to do that because  
18 we passed a rule that says we ran out of time.  
19 So PHMSA has to set up a vehicle to get those  
20 nuances and consider them in a rulemaking.  
21 That's all I see happening above in Option 1.  
22 It's not slow down the rule. It's get the

1 information to make an informed choice which is  
2 what we've been doing for the last five days on  
3 distribution and on transmission.

4 MR. DANNER: Thank you. Diane?

5 MS. BURMAN: I'm coming back Monday  
6 if everybody wants. So I am hopeful that we  
7 can get there. But I just want to kind of  
8 remind folks that we still have a lot of things  
9 that are unknown, right?

10 What does a phased approach look  
11 like? Does it look like phased approach  
12 Monday and instituted Tuesday? What comes  
13 first? How does that get applied?

14 What does it mean in terms of  
15 implementation timelines and challenges, et  
16 cetera? As a state regulator over my ten  
17 years, there have been times when we've stood  
18 up programs. And it's always a challenge when  
19 you start to regulate a new part, include other  
20 people in it, other sectors.

21 And what's really important is that  
22 we make sure that we're really sending a



1 message that it is important to not just --  
2 because we believe it's -- because PHMSA  
3 believes that this is what they want to  
4 regulate that they don't regulate in a way  
5 that's not smart and that doesn't help actually  
6 do the very thing that we want to accomplish.  
7 So for me, where I have seen as my state  
8 regulation where we have failed, where we wind  
9 up getting viable, credible petitions for  
10 clarification or petitions for rehearing where  
11 we have to then modify what we're doing from  
12 information from the industry. It's helpful to  
13 me to take pause that even though it may feel  
14 like it's a lot longer because we just want to  
15 get something out that it's really helpful to  
16 get that buy-in, to fully understand.

17           There are many times that we don't  
18 fully understand the intricacies, whether it's  
19 standing up a renewable program for a  
20 community. Whatever it happens to be, there  
21 are so many different nuances that we need to  
22 be mindful of. And I feel like the one thing

1 that we're all in agreement with is  
2 understanding that we want to get it right.

3 We want PHMSA to get it right. And  
4 we want it to really be something that can  
5 work. So I am struggling with us trying to  
6 feel like, okay, we got it here, and we're  
7 missing the bigger picture which is the message  
8 really is about needing to make sure that  
9 before the program is stood up as it applies to  
10 gas-gathering that it is really a workable  
11 program that is helping to embrace the industry  
12 to get us to a better place.

13 MR. DANNER: Sara Gosman?

14 MS. GOSMAN: Thank you, Commissioner  
15 Burman. And I think that's a very good goal  
16 and one that in terms of just thinking through  
17 all the issues. I think the issues are that I  
18 feel like PHMSA has a record in front of it  
19 that's adequate and that really these are  
20 questions around implementation.

21 And I just think that's the -- it's  
22 just a different conversation. But I do really

1 think that having conversations around where we  
2 can come together and think through carefully  
3 around standards is, of course, important. And  
4 I agree with that completely.

5 I think at this point, I would ask  
6 for a very short break because I just want to  
7 talk to a few folks. And then I want to go  
8 ahead and vote on the options in front of us  
9 would be my recommendation, if that's okay.  
10 Otherwise, we can move to a vote. That's fine.

11 MR. DANNER: So we're going to have  
12 an Option 3 coming up, and I think it's  
13 Terry's. And so before we break, let's get  
14 that up there.

15 MS. GOSMAN: Okay.

16 MR. DANNER: All right, thank you.  
17 It is 4:38. Folks, let's be back at 4:45. And  
18 I will start talking then regardless of whether  
19 you're in your chair or not. But be back here.  
20 Okay?

21 (Whereupon, the above-entitled  
22 matter went off the record at 4:38 p.m. and

1 resumed at 5:04 p.m.)

2 MR. DANNER: All right. I said we'd  
3 be back at 4:45. So, we have language here.  
4 So, how many options do we have at this point?

5 All right. Thanks. Could we go  
6 back to Option 3, then?

7 So, I've been having some  
8 conversations here and there, and I have a Hail  
9 Mary that I would like to throw out there.  
10 What I would propose is to take the first  
11 bullet, and then, add a sentence that "PHMSA  
12 shall establish appropriate implementation  
13 timelines, understanding that there may be a  
14 need for delayed timelines."

15 And then, I would ask that "PHMSA  
16 shall seek additional information, as necessary  
17 to provide guidance in implementing these  
18 rules, including" -- and then, you put the list  
19 down there.

20 And I would ask, because the  
21 applicability is -- on the second bullet, the  
22 second sub-bullet, the "applicability" I would

1 change to "tailoring," "the tailoring of the  
2 NPRM's leak survey and repair criteria to this  
3 sector," and then, leave the rest as is.

4 MS. BURMAN: Chair, could we also  
5 just make sure, for purposes of editing, that  
6 we don't lose the initial --

7 MR. DANNER: Absolutely.

8 MS. BURMAN: -- revised edit?

9 MR. DANNER: Absolutely.

10 So, that would be -- thanks, Sayler.

11 If you could put that in red or something?

12 Anyway, I don't know that this will  
13 fly. I'm thought we were so close. I was  
14 going to give it a few minutes to see if we  
15 could bridge that chasm.

16 And then, change the "applicability"  
17 in the second sub-bullet to "tailoring."

18 And what I was asking for in the  
19 second bullet is "PHMSA seeks additional  
20 information, as necessary to provide guidance  
21 in implementing these rules, including" --

22 "To provide guidance in implementing

1 these rules, including" --

2 So, anyway, I'm sending that over  
3 your way with my googly eyes, hoping that  
4 you'll -- Erin Murphy?

5 MS. MURPHY: Thanks. Erin Murphy,  
6 EDF.

7 I think a couple of points here. I  
8 think there have been some wording tweaks from  
9 my original proposal, and I want to at least  
10 attempt to lay them out, in case we might be  
11 finding consensus.

12 So, the first sentence, you know, my  
13 intention is that the Committee would support  
14 the "applicability of leak survey and repair  
15 standards to Type C gathering lines." I guess  
16 "the need for," I don't know if that was in my  
17 original phrasing. So, I want to be very clear  
18 that my recommendation is that the Committee  
19 supports the "applicability" of those standards  
20 to type C.

21 And then, on the second bullet, I  
22 think my preference or recommendation would be

1 that PHMSA would consider tailoring the leak  
2 survey and repair criteria to the gathering  
3 sector, in recognition of, you know, we had a  
4 lot of conversations about transmission and  
5 distribution. There might be similar, you  
6 know, considerations for gathering.

7 I would not support the including of  
8 considering whether a separate rulemaking is  
9 appropriate.

10 MR. DANNER: All right. Terry? All  
11 right. So, Chad?

12 MR. ZAMARIN: Thanks. Chad Zamarin,  
13 Williams.

14 I just think on the first bullet, I  
15 think the term "applicability," for me, I think  
16 I've heard concerns with us wading into the  
17 legal interpretation. And I don't want to just  
18 sound like I'm making any endorsement of a  
19 legal position, and it just feels like that's  
20 what that does.

21 I think we've said we all agree that  
22 there needs to be standards for Type C

1 gathering lines, but I think there are some  
2 concerns with the Committee looking like we're  
3 opining the legal issue.

4 MR. DANNER: Yes. My own view on  
5 that was I thought the need was fine,  
6 remembering that this is not statutory  
7 language. These are, basically, principles  
8 that we're informing PHMSA of our views on  
9 this. Terry Turpin?

10 MR. TURPIN: Yes, Terry Turpin,  
11 FERC.

12 Yes, that's where I'm at with the  
13 need, too. I mean, I think, before, as it was  
14 phrased, you know, "endorses the NPRM" and  
15 other words is very problematic, I think, from  
16 the Committee, from my perspective.

17 So, I mean, I kind of like the --  
18 just, I mean, it sounded to me like where we  
19 were at was everyone was agreeing that these  
20 lines, you know, that leak survey and repair  
21 standards ought to be brought to this segment.  
22 And so, that's all I was trying to reflect with



1 that change, to go back to "supports the need  
2 for."

3 MR. DANNER: All right. Otherwise,  
4 this was acceptable? Andy?

5 MR. DRAKE: Andy Drake with  
6 Enbridge.

7 I appreciate the use of the word  
8 "tailor." And just to be out loud, Erin, I  
9 didn't know where you were talking about  
10 inserting language that just said, "the  
11 applicability of the criteria." And was it,  
12 were you saying, "the applicability of  
13 criteria" or "standards"?

14 Because I think it's I'm fine with  
15 "applicability of the standards," of standards  
16 to them, but I think "tailoring the criteria"  
17 is where I think it's really important.  
18 They're sort of two different places.

19 MR. DANNER: All right. Thanks.  
20 Diane? And then Erin.

21 MS. BURMAN: Yes, the word  
22 "applicability" is a concern for me because of

1 the legal implications. I think "the Committee  
2 supports the need" works. I don't really  
3 understand why we wouldn't in there, "Consider  
4 whether a separate rulemaking is appropriate,"  
5 especially if we're adding in language on, you  
6 know, the first bullet. It sort of seems to  
7 be, for me, challenging that to have that  
8 "Consider whether a separate rulemaking" --  
9 It's not taking a position; it's just asking  
10 them, you guys, to look at that.

11 MR. DANNER: All right. Erin,  
12 Arvind, and then, back to Chad.

13 Oh, I'm sorry. Sam? The wrong tent  
14 card. Sam? You're up.

15 MR. ARIARATNAM: Right. Interesting  
16 discussion on that.

17 But, on the very first bullet, why  
18 not just say, "The Committee supports leak  
19 survey and repair standards to Type C gathering  
20 lines."?

21 MR. DANNER: Well, would that be the  
22 same as "the need for"? I mean, because we

1 don't have -- are you saying the ones that are  
2 in the rule or?

3 MR. ARIARATNAM: Yes. Just simplify  
4 it, right? "Supports leak survey and repair  
5 standards to Type C gathering lines." And  
6 "shall then" -- "PHMSA shall establish  
7 appropriate implementation of timelines."

8 MR. DANNER: All right.

9 MR. ARIARATNAM: Because we're  
10 looking at a lot of words like "applicability  
11 of," "the need for," all of that. I mean, just  
12 simplify it.

13 MR. DANNER: Ah, you've never been a  
14 regulator.

15 (Laughter.)

16 MR. ARIARATNAM: Never plan to be  
17 one, either.

18 MR. DANNER: Erin?

19 MS. MURPHY: Thanks.

20 So, I did just want to note that the  
21 original language I proposed about endorsing  
22 the NPRM, I proposed that based on a previous

1 Committee voting slide regarding gas  
2 transmission pipeline leak surveys. I don't  
3 remember from what day at this point. So, that  
4 was something that I drew from a previous  
5 slide, when there was consensus to support  
6 language in the NPRM. That's why I had  
7 proposed that here.

8 I think, from my perspective, you  
9 know, "applicability" is important. And, you  
10 know, if "applicability" is removed and this  
11 just says that "The Committee supports leak  
12 survey and repair standards for Type C  
13 gathering lines, and PHMSA should seek  
14 additional information on a number of topics,  
15 including considering whether a separate  
16 rulemaking is appropriate," this does not read  
17 like a Committee recommendation that PHMSA  
18 adopt the proposed leak survey and repair  
19 standards for Type C lines.

20 It reads like a Committee  
21 recommendation that PHMSA needs to gather  
22 information and conduct a separate rulemaking

1 or gather information, do a supplemental  
2 notice, right? So, to me, that really changes  
3 the nature of the recommendation in a way --

4 MR. DANNER: Yes.

5 MS. MURPHY: -- that I can't  
6 support.

7 MR. DANNER: In fact, if you can go  
8 back to the other page of options, I made this  
9 point, too -- that I think that that first  
10 bullet of Option 2 was one that I needed to  
11 see. And so, I would like the Committee to  
12 consider putting that back into whatever the  
13 other option is that we're talking about now.

14 Let's see. Diane?

15 MS. BURMAN: Yes, I will just point  
16 out, I do have an issue when one member  
17 suggests something, whoever that member is --  
18 that just taking a pause before the Chair says  
19 yes to it. We just all are trying to grapple  
20 with the changes, and I think it becomes  
21 somewhat challenging where we're tripping into,  
22 you know, sort of the changes before we process

1 it.

2 So now, we're back to something  
3 different than we had two minutes ago.

4 MR. DANNER: Yes. I'm --

5 MS. BURMAN: Now, we're back to  
6 Option 1 and Option 2?

7 MR. DANNER: My apologies for that.  
8 I was simply --

9 MS. BURMAN: So, I'm just trying to  
10 follow.

11 MR. DANNER: Yes.

12 MS. BURMAN: I don't mean it as a  
13 criticism. I'm really just trying to make sure  
14 that we're all digesting it before jumping.

15 MR. DANNER: No. Yes, and your  
16 comment is well-taken.

17 MS. BURMAN: Right. And so, one  
18 thing, the recognition of that the language  
19 came from another, the transmission section, on  
20 another part that we voted on, I appreciate  
21 trying to be consistent. The distinction,  
22 though, is here there is a disagreement over

1 the justification, legal justification, for it.  
2 So, using those words makes it seem like we are  
3 weighing in on what I consider the threshold  
4 issue that is not for the Committee to decide  
5 on the legal underpinnings.

6 MR. DANNER: Okay. Well,  
7 understood.

8 We'll go over to Chad, and then,  
9 Terry, and then, Andy.

10 MR. ZAMARIN: Thank you. Chad  
11 Zamarin, Williams.

12 Yes, I agree. I think this is a  
13 threshold issue, kind of fundamental issue,  
14 which I sense that we may need to look at the  
15 two separately and have those that I think  
16 support where we were on the third option,  
17 which I think I can get there, where we were,  
18 and maybe with some of the minor modifications.

19 But I think we start -- it sounds  
20 like there's just going to be some of these  
21 that aren't going to cross over very well.

22 MR. DANNER: Yes, I think I'm moving

1 back to Option 2. So, Andy? Oh, Terry?

2 MR. TURPIN: Terry Turpin, FERC.

3 On Option 3, on the topic of  
4 considering whether a separate rulemaking is  
5 appropriate, I think, for my money, whether  
6 it's in or out, I mean, the reality is, if  
7 we're suggesting to PHMSA they seek additional  
8 information, there, I mean, just that  
9 suggestion is going to have them to have to  
10 wrestle with whether another rulemaking is  
11 needed.

12 So, I'm not sure that there's  
13 anything gained by striking it or leaving it  
14 in. There's no statement. It's a fact of life  
15 for PHMSA.

16 MR. DANNER: All right. Thank you.  
17 Andy?

18 MR. DRAKE: Andy Drake from  
19 Enbridge.

20 I agree. That's sort of self-  
21 evident. If they need to do something, they're  
22 going to do it. So, I think all we're saying



1 is here is giving the we support, if you need  
2 to, go.

3 But this -- not to be jumping to  
4 final conclusions -- but this version is the  
5 one that seems to resonate the most with me. I  
6 think it reflects where we are on this segment  
7 in maturity of the conversation.

8 We're, basically, saying -- the  
9 problem I'm little bit having about the  
10 applicability of the NPRM to Type C gathering  
11 is that we're proposing or supposing that the  
12 NPRM as it is right now applies. And it's like  
13 that's a bridge too far. We haven't even had  
14 the conversation yet.

15 What we're saying is, we think  
16 standards for leak detection and surveying  
17 should apply to them, and then, we're trying to  
18 give context to how to define that  
19 applicability: tailor it.

20 So, I thought Terry's language, or  
21 whoever's language it was, was pretty good.  
22 And I really liked the tailoring part, because

1 I think that's the key piece that's missing in  
2 the conversation so far. It's just have the  
3 conversation and tailor those requirements.  
4 It's not wipe them out and start over again.  
5 It's not.

6 But, to cut through it, I think this  
7 version is the one that seems the closest to  
8 me. If we go back to the other one, I have  
9 some heartburn again.

10 MR. DANNER: So, I keep going back  
11 to what I said earlier is that we're saying  
12 that Type C should be put under regulation;  
13 that it's okay to implement the implementation.  
14 And I originally proposed a workshop for  
15 gathering information, not necessarily, but I  
16 am worried that this does sound like, "Hey,  
17 hold off. We'll do more rules on this. Don't  
18 do anything now." And that's what's giving me  
19 pause now, and it's kind of moving me away from  
20 this.

21 And I don't know; I hope you can  
22 move me back. So, Chad?

1 MR. ZAMARIN: Yes, Chad Zamarin with  
2 Williams.

3 I'm going to try to, only because I  
4 do -- and this is what I've been grappling  
5 with. I'm not sure that I can -- well, I know  
6 on Option 2 I cannot vote that I believe it to  
7 be technically feasible, cost-effective,  
8 reasonable, and practicable.

9 And if I can't do that -- I operate  
10 gathering lines. I mean, we spent two hours  
11 talking about the extent of a leak on a  
12 distribution system. Like we understand how  
13 these things work on distribution systems. And  
14 now, we're just saying all that work we did on  
15 distribution and transmission, you know what?  
16 Throw it on top of gathering.

17 So, I'm at least trying to get to a  
18 place where, as a Committee, we can say there  
19 are some principles that reflect the fact that  
20 we like the idea of leak survey and repair  
21 being extended to a sector that hasn't been  
22 regulated, and PHMSA -- but be careful. Be

1 careful to do no harm.

2 I don't sense the same level of  
3 understanding of the potential impacts and of  
4 the cost-benefit of the different things we're  
5 asked to do. So, I'm just trying to support  
6 something that recognizes that.

7 And I would encourage everyone to  
8 think about the language that we vote on. I  
9 mean, that preamble is important. It's there  
10 for a reason.

11 And I'm struggling with how, on  
12 Option 2, any one of us could say we know that  
13 this is cost-effective; we know that this is  
14 feasible; we know that this is technically --  
15 you know, it is reasonable and practicable.

16 MR. DANNER: Erin?

17 MS. MURPHY: I would like to make a  
18 statement. I think we've gotten so deep into  
19 this, and I feel like this conversation has  
20 really lost the thread of what a Type C  
21 gathering line is and what is in the NPRM.

22 A Type C gathering line is

1 equivalent in many ways to a Type A gathering  
2 line, other than its geographic location in  
3 relevance to human population density. So, in  
4 terms of the environmental impact, they're the  
5 same, right?

6 When you think about leaks on those  
7 lines, and in terms of the engineering  
8 feasibility of conducting a leak survey and  
9 repairing a leak on a Type C line, it's not an  
10 unknown thing. This Committee has discussed  
11 very briefly and reached consensus that Type A  
12 and B, everyone agrees, are in for leak survey  
13 and repair. And that's not a topic of debate.

14 So, I just can't support any type of  
15 language like this because, from my  
16 perspective, the information is so clear and is  
17 already before the agency on the  
18 appropriateness of applying leak survey and  
19 repair standards to these lines.

20 MR. DANNER: All right. Thank you.

21 Alan, did you want to say something?

22 MR. MAYBERRY: No.

1 MR. DANNER: Oh, okay. Andy?

2 MR. DRAKE: It's Andy Drake with  
3 Enbridge.

4 I beg to differ. I think that's the  
5 piece that may be the very crux of what the  
6 difference is. There are differences. There  
7 are differences in what's involved in those  
8 facilities. We don't, typically, have  
9 processing plants in A and B settings, but we  
10 will now.

11 And then, what's in there? All this  
12 equipment, all these things we now have to deal  
13 with, those aren't in A and B.

14 So, as we ask the industry to  
15 comment on throwing in A and B, they go, "Okay,  
16 well, we don't have these kinds of things to  
17 deal with in that." So, it sets a certain  
18 scope, a complexity, and then, timeframes, and  
19 everything else we're talking about makes  
20 sense.

21 But the minute we go, "No, now it's  
22 C," we've put in a lot of other kinds of

1 facilities and equipment, and we've increased  
2 the scale from whatever, 5 or 8 thousand miles  
3 to 90,000 miles. So, those things have  
4 significant impact on the ability to turn this.

5 If we were turning just A and B,  
6 okay, well, all the valves are gas-actuated,  
7 but it's only a handful of valves. Okay, but  
8 what if we say, "Well, now, it's all the valves  
9 on 90,000 miles."? It's like we don't make  
10 enough valves to do that anywhere. We couldn't  
11 do that in five years. There's not enough  
12 manufacturing supply to do that.

13 Well, that should be considered  
14 here. And that's all we're saying. We need to  
15 consider that. We just can't say, "Well, it's  
16 all the same, so here we go."

17 It's not been considered. We need  
18 to at least have a chance to talk through it.  
19 And nobody here is saying -- which I think is  
20 huge progress -- nobody here is -- well, maybe  
21 I shouldn't say, "nobody." But this group  
22 isn't saying not to move forward with the

1 rulemaking.

2 We're saying move forward with the  
3 rulemaking. Just give due process to  
4 understand the difference of this sector and  
5 take it into consideration. That's it. That  
6 seems very reasonable.

7 MR. DANNER: Erin?

8 MS. MURPHY: I hear that, but we had  
9 these very detailed conversations through the  
10 course of this Committee meeting about  
11 transmission and distribution, about the  
12 appropriate technology, the appropriate survey  
13 frequency.

14 We haven't had that conversation,  
15 and we could have that conversation, in the  
16 course of this GPAC meeting, right? So, there  
17 isn't a need for seeking additional information  
18 and pushing this to a supplemental rulemaking.  
19 This conversation could happen.

20 And frankly, as I made comments to  
21 this morning, the Committee cannot meet for  
22 eternity. So, if the Committee isn't going to



1 discuss it, PHMSA still has the information  
2 before it in the record to evaluate in this  
3 rulemaking.

4 MR. DANNER: Okay. There are two  
5 tent cards up right now, and then, I'd like to  
6 -- I think I'm not seeing additional movement,  
7 and I'm just wondering if we should call the  
8 vote.

9 But let me -- I'll give Alex an  
10 opportunity, and then, Chad.

11 MR. DEWAR: Alex Dewar, BCG.

12 Just trying to resolve this a little  
13 bit, to create an analogy here, with the gas  
14 distribution discussions, we focused a lot on  
15 leak-prone pipe, on replacement cycles. I  
16 mean, that's been decades in the making and  
17 there is a wealth of information and data out  
18 there on that. And so, you know, we could  
19 anchor this discussion in those data and that  
20 experience.

21 But the same thing doesn't exist for  
22 Type C gathering, just to be clear on that,

1 right? Even operators don't have, by and  
2 large, very clear data about the assets that  
3 they have -- for a lot of reasons, right, that  
4 I'm happy to go into.

5 But the challenge is that I don't  
6 think that conversation can be had in the same  
7 way -- and I very much appreciate what you're  
8 saying. I think there needs to be a bit of a  
9 separate process and a recognition that our  
10 goal ought to be to create, effectively, the  
11 equivalent of what we have in distribution, of  
12 categorizing leak-prone pipe; you know, doing  
13 the equivalent on that. But that is, you know,  
14 more than just further discussions, right?  
15 That is a process.

16 And that's why things like bringing  
17 in the NPMS is actually a really critical  
18 consideration, even understanding where these  
19 assets are. It's not necessarily clear. I  
20 mean, there's paper-based documentation of some  
21 of these.

22 Anyway, just to back up Chad a

1 little bit here, you know, I think we all want  
2 to bring it in, but it's just in a very  
3 different position and starting point on it,  
4 right?

5 And I think that's why I'm  
6 supportive of, you know, a clear statement from  
7 the Committee that says this ought to be  
8 regulated, but it really needs its own bespoke  
9 process to get that right.

10 MR. DANNER: All right. Thank you.  
11 Chad?

12 MR. ZAMARIN: Chad Zamarin,  
13 Williams. Thanks.

14 I think this is the exact issue, and  
15 I'd be fine with us going through a process to  
16 understand the nuances of gathering and the  
17 implications of extending the rules that we, I  
18 think, clearly can tell were designed around  
19 transmission and distribution. I mean, I'd be  
20 all for that, and that's what I'm actually  
21 suggesting should happen.

22 I think this does it in a way that

1 allows PHMSA to stay on the track that they're  
2 on. But that's my concern, is that -- and  
3 frankly, that leaves me even -- I would rather  
4 do what you just suggested, Erin, and have an  
5 open forum where we build the information and  
6 knowledge, so that we make smart decisions,  
7 like I think we're doing in distribution and  
8 transmission. I'd rather do that than to do  
9 what we're doing here.

10 I mean, I think we should have come  
11 in here focusing on Type A and B, taking the  
12 time to understand the complexities of Type C,  
13 and get it right after we learn from extending  
14 it to A and B. To be clear, that I think is  
15 the smart approach.

16 I think we are jumping way ahead of  
17 where we understand the technology to be and  
18 we're making decisions that could have very,  
19 very, you know, weak cost-benefit, emissions  
20 benefit outcomes. And so, that's my concern.

21 I'm willing to support this because  
22 I trust in PHMSA to take those concerns and

1 comments and do their best, as they always do.  
2 But understand, like, that is the issue, that  
3 we haven't gone through that detailed  
4 understanding of the intricacies to make smart  
5 policy decisions.

6 Thank you.

7 But, on that note, I'm prepared to  
8 vote on this and would support this.

9 MR. DANNER: Okay. There's some  
10 language in brackets there. You might want to  
11 -- do you want to remove "applicability of" in  
12 your option here?

13 MR. DANNER: This is Member Turpin's  
14 option, but I would, yes, but I will defer to  
15 him.

16 MR. DANNER: Well, it's moved since  
17 --

18 MR. TURPIN: It seems like it's a  
19 communal option at this point.

20 (Laughter.)

21 MR. TURPIN: I would remove  
22 "applicability." I mean --

1 MR. DANNER: Remove "applicability  
2 of" --

3 MR. TURPIN: Yes, remove  
4 "applicability of."

5 MR. DANNER: -- from this option?  
6 All right. Diane, the final word.

7 MS. BURMAN: I think what Chad said  
8 really is important for us to hear, because  
9 we're really going with an alternative approach  
10 to what really I think is the smarter approach.  
11 And we're kind of back to, you know, where we  
12 were yesterday at the end in feeling that we  
13 have to push into getting to a vote.

14 And frankly, I think we all agree --  
15 we all agree that Type A and Type B is in the  
16 rule. The challenge is on the Type C and what  
17 that looks like, right?

18 And it's not that we don't want to  
19 do anything with Type C. The reality is that  
20 we are out of our depth in the challenges.

21 And so, you're hearing from folks  
22 who have some understanding of gas gathering

1 lines, and they themselves are raising the red  
2 flag that, hey, we need to make sure that we're  
3 doing this in a thoughtful, correct way.

4 And so, I actually am concerned that  
5 we're pushing forward because we want to be  
6 able to say that we got to a vote. And I think  
7 we're going backwards again.

8 It was here originally, but the  
9 longer we talk, it goes back to my original  
10 issue of: what are we trying to accomplish?  
11 How are we trying to accomplish it? And how  
12 are we doing it in a thoughtful way? And I  
13 really think that we should all be on the same  
14 message of what we're trying to do.

15 MR. DANNER: All right. Thank you.

16 I think it's -- oh, Sara, do you  
17 have one more thing you want to say?

18 MS. GOSMAN: Yes. We're so close  
19 here, but I'm not sure we're close enough.

20 So, I mean, I like the word  
21 "tailoring." I think that's appropriate, given  
22 the conversations we've been having over the

1 week. That's a huge thing for I think where I  
2 was thinking on this.

3 But my concern, you know, this has  
4 been reframed really as an information issue.  
5 And I'm back to feeling that the information  
6 needed to be provided by the gathering industry  
7 in terms of comments to the docket, right?

8 That what we're really talking about  
9 here, perhaps, is sort of a question around  
10 information that we each individually hold.  
11 But I think that's, then, a reason to send this  
12 to PHMSA to consider information that's in the  
13 docket or, you know, people do make  
14 supplemental comments after this particular  
15 meeting.

16 I think this is not that information  
17 doesn't exist at all. It's that there is a  
18 discussion here about whether -- to what extent  
19 these standards should be tailored to the  
20 sector. And that is not conversation we're  
21 able to have right now, and I understand that,  
22 given who's around the table and perhaps



1 something about what information has been  
2 provided so far.

3 I think that my preference would be  
4 to have this language really be encouraging  
5 PHMSA to consider implementation challenges and  
6 appropriate implementation timelines, and  
7 tailoring these standards to this sector. I  
8 think that's the bulk of what we're talking  
9 about here.

10 I worry about situations where we  
11 seek additional information because that slows  
12 down the rulemaking, creates another process  
13 for PHMSA. I think that's just another way,  
14 effectively, to create a separate rulemaking.  
15 And I don't think that's necessary.

16 I think that we could encourage  
17 PHMSA here to take some of these issues into  
18 account in finalizing the rule. And that's  
19 very much what they should do. I mean, they  
20 should consider all of the comments and decide  
21 what's appropriate in their final rule. I  
22 think that's good process and something that we

1 should encourage.

2 But I really think that's where the  
3 common ground is.

4 MR. DANNER: All right.

5 Andy, you will have the last word,  
6 and then, we will move to a vote.

7 MR. DRAKE: I'm going to throw a  
8 curve ball. So, this may suspend the vote for  
9 a minute.

10 But I appreciate what you're saying.  
11 Andy Drake for Enbridge. Sara, I appreciate  
12 what you're saying and I think that's exactly  
13 what the issue is. It's we haven't had a  
14 chance to talk through how this applies to this  
15 sector.

16 We really don't want an information-  
17 gathering section, some oblique meeting in some  
18 faraway land that, you know, we're not a party  
19 to and we can't see the conversation and the  
20 interchange.

21 The interchange here was the hugely  
22 valuable part for transmission and

1 distribution. We just haven't had it in this  
2 sector.

3           What would be an alternative here is  
4 we're one on Friday at 5:30. We're coming back  
5 to talk about class and several pieces of this  
6 rulemaking. Why don't we make a provision to  
7 have this group do that at the next meeting?  
8 That's all that's missing here.

9           I think we've made huge progress.  
10 We have made huge progress. Type C gathering  
11 lines, we support the Type C gathering lines  
12 we'll be exposed to and required to meet the  
13 standards of leak and survey. That is huge.

14           So, all we're really missing is just  
15 an opportunity to talk about how it plays. Why  
16 don't we just create the opportunity and be  
17 done with it?

18           MR. DANNER: So, I don't know if  
19 that's a curve ball or not. Are you asking  
20 that we hold this over and bring it back when  
21 we come back?

22           MR. DRAKE: I think that's essence

1 of what we're talking about. And it hit me  
2 when you said it. It is, why are we asking for  
3 more information in some oblique meeting down  
4 the road? We're having a meeting of this  
5 Committee in a month or two, or whatever, as  
6 fast as we can get back together in. Have it;  
7 declare this issue, and move on.

8 We've agreed that C is exposed to  
9 this. We just need to adjudicate how it fits  
10 -- not adjudicate it -- figure out how it fits.

11 MR. DANNER: Yes, I think one of the  
12 issues is, as you're hearing some people, it's  
13 they're willing to delay the effective date or  
14 the implementation date, but they're not  
15 willing to delay the promulgation of the rule  
16 itself. And I think that that is kind of the  
17 crux of what's going on here, at least for me.

18 So, if we are going back in a month  
19 -- Andy?

20 MR. DRAKE: What's the fastest way  
21 to guns?

22 (Laughter.)

1                   MR. DRAKE:     I'm serious.     The  
2     fastest way to guns to address this is, well,  
3     you could call a public meeting and start  
4     gathering information.  Is that going to happen  
5     faster than getting this group back together  
6     again?  I daresay that's going to happen.

7                   But the thing that you get out of  
8     getting this group back together -- and it's  
9     exactly what, exactly what Sara was talking  
10    about -- you get the opportunity not only to  
11    have the conversation, but you have this  
12    opportunity to make a decision among this  
13    group, which you can't replicate in an offsite  
14    meeting.

15                  MR. DANNER:    So, Sara?

16                  MS. GOSMAN:   All right.  Since I've  
17    opened this up, let me just say I think it's a  
18    huge move for you all to be here saying, look,  
19    we think that Type C needs leak survey and  
20    repair standards.  And I think that's great.  
21    And while I wish we had gotten there earlier in  
22    this whole conversation, we're there, right?

1           You know, I'm open to having a  
2 discussion in the tailoring world that we have  
3 just gone through with transmission and  
4 distribution. I would like that to be an  
5 efficient discussion because I feel like we  
6 need to get through the rule and get it out.

7           But I do think that's a fair ask at  
8 this point. And I think if that's what we're  
9 talking about, we're talking about the kinds of  
10 conversations we've had so far and not about  
11 straight-up applicability at the front end to  
12 entire sort of group of pipelines. Then, I  
13 think that's, you know, I want this out as soon  
14 as possible, but I also want the discussion  
15 that needs to happen. So, I'd be supportive.

16           MR. DANNER: All right. There's a  
17 lot of other discussion we have to do, and this  
18 one might take a little while. So, I mean, I  
19 would be okay with it. Diane?

20           MS. BURMAN: So, if I'm hearing  
21 right, Member Drake is looking to put off the  
22 vote here, so that we can do it at the next.

1                   And, Sara, you're supportive of  
2                   that?

3                   With the understanding of your caveats?

4                   MS. GOSMAN: Yes, I'm supportive of  
5                   the tailoring discussion. I do wonder whether  
6                   we could agree on some language that solves the  
7                   issue of just whether we agree that Type C  
8                   gathering lines should be subject to leak  
9                   survey and repair standards, because I think  
10                  that has to be decided here and now, before we  
11                  have that discussion.

12                  MR. DANNER: So, is there --

13                  MS. BURMAN: So, I'm not sure why  
14                  we're taking a vote when we're still working  
15                  through this. And I feel like we're back to  
16                  where we were yesterday. I feel like we are so  
17                  close. We all need to kind of think through  
18                  this. Some people may need to talk to others  
19                  about that.

20                  And I feel like it's smart for us to  
21                  start off with this as the voting slide for  
22                  next time, and perhaps we can also have

1 conversation among ourselves that may get us  
2 there.

3 MR. DANNER: Thank you.

4 Yes, is it possible that this slide  
5 and the other two option slides could be  
6 emailed to the members for their consideration,  
7 for just us to --

8 MR. KLESIN: Yes, Chairman.

9 MR. DANNER: -- study the issue?

10 All right. It sounds like we have  
11 an agreement to -- oh, Sara? Yes.

12 MS. GOSMAN: So, I thank you,  
13 Commissioner Burman.

14 I feel like I want to vote on the  
15 two separate things if we don't have agreement.  
16 That is, the reason I want to have the  
17 conversation that, Andy, you were talking about  
18 is because I think we've come a long way  
19 already, and I want to memorialize that.

20 And I want it to be a conversation  
21 around tailoring and implementation challenges  
22 and implementation timelines. I don't want to



1 repeat the conversation that we've had here. I  
2 think that would be a waste of our time. We  
3 have had that conversation.

4 We need to finalize what we have  
5 decided in terms of whether you want to call it  
6 applicability or need, or whatever. We're  
7 going to need to get to the language, and then  
8 -- then -- we can hold that other conversation  
9 to the rest. Otherwise, I think we should  
10 vote.

11 MR. DANNER: So, what is it we would  
12 be voting on right now then?

13 MS. GOSMAN: So, some version of  
14 bullet one.

15 MR. DANNER: Diane?

16 MS. BURMAN: I understand the desire  
17 to get that. I do feel like we're all working  
18 together. And I think you can have my full  
19 commitment to work with you to make sure that  
20 we stick to the same sort of principles of  
21 where we are, and not sort of change things up  
22 and say, okay, we're going to go backwards.

1           Keeping that slide that we were all  
2 working off of I think is showing the good  
3 faith. That really is, for me, the voting  
4 slide. I don't know what we got to now, but  
5 the one that we were working off of. We could  
6 take out the preamble language for our purposes  
7 and give the voting slide that we were working  
8 off of.

9           And I feel like we can, in between  
10 this meeting and next, think about it;  
11 individually call each other, if we need to, to  
12 the extent that it's appropriate legally, and  
13 work through this. So that we come back sort  
14 of ready, fresh, and literally, focused on what  
15 is it that we need for information purposes to  
16 be able to drill down in a way that I think is  
17 getting to where you want to be and I think is  
18 appropriate conversation.

19           MR. DANNER: All right. Alan?

20           MS. GOSMAN: Chair, can I have a  
21 direct response?

22           MR. DANNER: Yes, you may.

1 MS. GOSMAN: Thank you so much.

2 I mean, I think that we have to set  
3 a standard here that is a determination that  
4 the rest of this conversation is worth it,  
5 right, that we really do want to invest in this  
6 the next time. And to me, that seems  
7 fundamentally about, not that we have to have  
8 the discussion about Type C gathering lines and  
9 whether they should be subject to standards.  
10 And what we're really talking about is  
11 tailoring.

12 So, I completely hear you, but I  
13 think it is a make-or-break for me. Because,  
14 otherwise, I feel like we should just vote on  
15 the two separate languages. Because I think  
16 that, if we're going to have a conversation  
17 next time about whether some of these gathering  
18 lines should be in or out, just as like a  
19 fundamental level, then I don't think we should  
20 have that conversation. I think we should vote  
21 on the two things here and let PHMSA take care  
22 of it.

1                   So, that's why I'm being so  
2                   insistent on this, because I think that has to  
3                   be in place for me to feel like that I want to  
4                   push this to the next meeting.

5                   MR. DANNER: Chad?

6                   MR. ZAMARIN: Thanks. Chad Zamarin,  
7                   Williams.

8                   Yes, I agree with Commissioner  
9                   Burman. I think putting the concepts together  
10                  on that slide were important. And now, we're  
11                  kind of going backwards and we're back to  
12                  drafting, it feels like. And this could go on.

13                  And as I mentioned, I'm struggling  
14                  with the ability to vote without having good  
15                  information. And I think the idea of coming  
16                  back together and going into the complexities  
17                  might help us understand what we're voting on.

18                  So, I can't support splitting up  
19                  what we just spent the last several hours  
20                  working on putting together and just forcing a  
21                  vote at the end of the day.

22                  MR. DANNER: My concern is that, if

1 we hold a vote on the other end, it feels like  
2 we are not considering any caveats to it or any  
3 further language; that that vote might not  
4 carry, which would be concerning to me.

5 Oh, Diane? I'm sorry, yes.

6 MS. BURMAN: That's okay. I think  
7 my superpower is invisibility.

8 (Laughter.)

9 MS. BURMAN: So, I'm going to offer  
10 this up. Everyone who's worked with me on GPAC  
11 or Voluntary Information-sharing Working  
12 Group, or LIPAC, or many other things that I've  
13 worked on, knows that my word is my word.

14 And I really understand where you're  
15 coming from, but we are going to go backwards  
16 if we vote on two options today. We are  
17 really -- I am committed to in good faith not  
18 allow us to let this fall off the table. But  
19 to vote now is not going to get us to where we  
20 want to be.

21 And I feel like the conversation we  
22 need to have -- and let's say we come back and

1 it all devolves and goes crazy, right? You can  
2 at any point call it and say, "Let's vote on  
3 the options that we were going to vote on at" -  
4 - I can't see my time now -- "5:45 Friday."

5 I really believe that we are that  
6 close. I believe that getting some more light  
7 on the things that we're missing and looking at  
8 this, we can come back with that first slide --  
9 not this one -- with that first slide and go  
10 through it. And really, in between, we're  
11 going to be able to get there.

12 MR. DANNER: Alan?

13 MR. MAYBERRY: I'm just going to  
14 offer up -- I mean, this slide represents  
15 really where the Committee is, in my mind. And  
16 we have a placeholder on where we left the  
17 discussion in the prior slide. It's well-  
18 established. It's in the record.

19 You know, we're saying we'll pick  
20 this up at the next meeting. So, you may want  
21 to consider, you know, that this is what you'll  
22 decide on today. Put a bookmark on the prior

1 discussion, the other discussion, everything  
2 that led up to this, and then, we'll pick it up  
3 at the next meeting.

4 Just a thought.

5 MR. DANNER: All right. Chad  
6 Gilbert, and then, Chad Zamarin, and then,  
7 "Chad" Burman.

8 (Laughter.)

9 MR. GILBERT: It's an interesting  
10 conversation, but, again, I'm going to bring it  
11 back down to my level, and hopefully, everybody  
12 here understands.

13 I'm a builder. Let's build off  
14 something that we all agree on. It's right  
15 there. Let's build off that and leave  
16 accomplishing something.

17 I know a lot of engineers. I know a  
18 lot of regulatory folk. I know a lot of  
19 lawyers. You all like to get it right the  
20 first time, but sometimes you can't do that.  
21 Sometimes you've got to build off what you  
22 agree on.

1                   Let's vote on this, adjourn, and go  
2 home. One way or the other, let's find out  
3 where we are on the Committee on who supports  
4 repair standards, if the Committee supports the  
5 repair standards for the Type C gathering  
6 lines. Let's just vote on this, and then, be  
7 done with it until we meet again.

8                   MR. DANNER: Chad?

9                   MR. ZAMARIN: Yes, again, what I  
10 can't -- I don't like the chopping this up at  
11 the last minute. I support standards if, as  
12 said on the other side, PHMSA goes and  
13 considers the unique factors that have been  
14 raised at this meeting. I don't think that's a  
15 big ask.

16                   And frankly, if that's not going to  
17 happen, I think we should implement on A and B,  
18 and then, see how that goes, and then, extend  
19 to C.

20                   I don't think the slide we were on  
21 was a big ask. Like it was saying we're  
22 memorializing that we support C, but we want to



1 make sure that, in doing so, we've done no harm  
2 and, PHMSA, consider these factors.

3 Now, we're saying, no, we just want  
4 to say we support Type C, even if nothing else  
5 ever happens, but we have a discussion at a  
6 GPAC meeting. That's where I'm struggling with  
7 taking a proposal at the very last minute and  
8 just cutting it in half and losing half of the  
9 intent of the proposal. There's a reason we  
10 put it together, and now, I mean, we're losing  
11 that entirely.

12 MR. DANNER: Diane?

13 MS. BURMAN: Yes, I'm not going to  
14 be able to vote tonight. I think that I  
15 offered up what I think is a good-faith pathway  
16 forward, and I don't feel comfortable; in light  
17 of yesterday, I can't go back into the same  
18 position. And I don't see how us waiting -- we  
19 could still get to the same position and vote  
20 at the next meeting. But to put this out  
21 there, I think we, then, lose everybody's  
22 willingness to, then, come back to the table,

1 because it's already been chopped up.

2 And we haven't agreed to this  
3 language. There's a lot of concepts in here  
4 that are surrounded by other things that need  
5 to be aligned in there.

6 MR. DANNER: All right. Thank you.  
7 Terry?

8 MR. TURPIN: Terry Turpin from FERC.

9 That's where I'm at, too. I mean, I  
10 think at this point it feels like we're just  
11 voting to vote, so we can say we have something  
12 on paper, when I don't understand what it is on  
13 paper that we're accomplishing.

14 We all seem to recognize the  
15 conversation is half done. And, I mean, to  
16 Chad's point, we did build a lot here today. I  
17 mean, we started out at very different  
18 positions and we got close. And now, the more  
19 we're talking, the more it's going the other  
20 way.

21 And I'm not sure what voting on  
22 anything at this point accomplishes, other than

1 to say we're voting to say we haven't finished  
2 our conversation. I don't understand that.

3 So, I would say let's just call it,  
4 put a fork in it. We'll come back and start it  
5 -- with the commitments. I mean, I make the  
6 same commitment as Diane did. I mean, we could  
7 all make that same commitment, come right back  
8 and pick this up in an informed position, and  
9 accomplish the goals.

10 Thank you.

11 MR. DANNER: Sara?

12 MS. GOSMAN: Thanks all.

13 I'll make one more attempt to  
14 explain. So, I thought the big move here was  
15 to really talk about the tailoring aspect; that  
16 that was where we had gotten to -- not  
17 information that we wanted PHMSA to consider,  
18 although we always want PHMSA to consider  
19 information, but that we thought we could get  
20 to a place where we would have the conversation  
21 that we had about transmission and  
22 distribution, if given some time to pull back,

1 think about those issues, and come back to the  
2 table.

3 And I don't mean to put a poison  
4 pill in here. Really that's the conversation I  
5 think we should have at this point. And I'm  
6 worried that, if we push everything off to the  
7 next time, and we're still back to the question  
8 of we don't have enough information; we want  
9 to, like, go through a bunch of language here  
10 to try to figure out how to tell PHMSA all of  
11 these issues, then we haven't done anything  
12 other than, like, extended it, you know, to the  
13 next meeting.

14 And then, I just really do feel like  
15 we've had a good discussion, but we're not in  
16 the same place and we need to just stop.

17 So, I guess I just want to make that  
18 pitch one more time to you all, because I do  
19 feel like it's not at all meant to make things  
20 more difficult. It's just meant to memorialize  
21 sort of where I thought we had gotten to in  
22 this exciting, breakthrough moment for me at

1 least about sort of what we were doing.

2 MR. DANNER: Andy?

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

5 I'm where you are, Sara. I think  
6 this is pretty straightforward. I don't mean  
7 to be pointing at this language, but I think  
8 where we are is pretty straightforward.

9 But I'm sitting here hearing people  
10 are anxious. I don't even understand why,  
11 frankly. So, there must be something under  
12 there.

13 But I think, just to get to the  
14 bottom line, I mean, this is where I'm with  
15 Terry. Okay, we are where we are. It's  
16 whatever clock -- you know late. But we have  
17 made a lot of progress.

18 Whether we vote on this or not is  
19 not as material to me as all that, because if  
20 we do or don't vote on it, it doesn't -- I  
21 don't know how much it changes things. I mean,  
22 we still have to come back and figure this out.

1           But I do think, for the record, to  
2 me, we have made motions about Type C gathering  
3 being subject to these leak survey and repair  
4 standards, or to a leak survey standard and  
5 repair standards. We need to figure out  
6 exactly how that applies to them, and that's  
7 our homework for the next meeting.

8           I think that's a more effective  
9 venue than throwing it out into the public.

10 Because I share your concern. If we say, well,  
11 PHMSA should just go out and gather  
12 information, that really doesn't -- that's not  
13 as efficient an interchange as this Committee  
14 is. And I think that we sort of owe that to  
15 PHMSA, to help metabolize all that information.

16           And that will happen, but I have to  
17 defer to people. We're running out of time. I  
18 don't know why everybody is anxious, but I  
19 agree with you on that.

20           MR. DANNER: So, I am sensing that  
21 this motion does not have enough support to  
22 carry.

1 MS. GOSMAN: That's fine. I'll  
2 withdraw it.

3 MR. DANNER: All right.

4 MS. GOSMAN: Thank you, Chair.

5 But I do appreciate Andy's statement  
6 on the record because I think that's really  
7 important to me to set sort of where we are and  
8 where I think we're going in this next meeting.

9 And I hope that if anybody has big  
10 concerns about what that statement was that are  
11 related to the substantive piece, that they let  
12 us know -- soon.

13 MR. DANNER: Okay. Yes. I think  
14 what Diane said is right. I think everybody  
15 here is working in good faith, and you have our  
16 words that we will pick it up where we left it  
17 off. We will bring this language back.

18 I mean, we could vote on this  
19 language now, but I think the idea of holding  
20 it over and having a good discussion next time  
21 -- a good, efficient discussion, not a multi-  
22 day discussion -- but let's see what we can do

1 with that.

2 All right. Is there anything  
3 further? Otherwise, we will go into recess and  
4 we will reconvene whenever Alan tells us to  
5 reconvene.

6 MR. MAYBERRY: Well. I wanted to  
7 turn it over to our Deputy Administrator.

8 But, first, I wanted to mention, you  
9 know --

10 MR. DANNER: Go off the record  
11 first?

12 MR. MAYBERRY: Yes, we can go off  
13 the record first.

14 (Whereupon, the above-entitled  
15 matter went off the record at 5:56 p.m.)

16

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## A

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Before: PHSMA

Date: 12-01-23

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.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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