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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PUBLIC MEETING

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WEDNESDAY

JUNE 26, 2019

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The Pipeline and Hazardous Materials Safety Administration met in the U.S. DOT Media Room 1200 New Jersey Avenue, SE, Washington, DC, 20590 at 8:30 a.m., David Danner, Committee Chair, presiding.

COMMITTEE MEMBERS PRESENT

DAVID DANNER, Committee Chair; Chair, Washington Utilities and Transportation Commission
W. JONATHAN AIREY, Retired Partner, Vorys, Sater, Seymore, and Pease, LLP
RONALD BRADLEY, Vice President, Gas PECO
MARK BROWNSTEIN, Associate Vice President & Chief Counsel, U.S. Climate & Energy Program, Environmental Defense Fund
DIANE BURMAN, Commissioner, New York State Public Service Commission*
J. ANDREW DRAKE, Vice President, Asset Integrity and Technical Services, Enbridge Gas Transmission and Midstream
ROBERT HILL, County Development Director & Emergency Manager, Brookings County, South Dakota
SARA LONGAN, Deputy Commissioner, Alaska Department of Natural Resources
MARY PALKOVICH, Vice President, Gas Engineering & Supply, Consumers Energy
SARA ROLLET GOSMAN, Assistant Professor University of Arkansas School of Law
RICHARD WORSINGER, Director of Energy Resources City of Rocky Mount, North Carolina
CHAD ZAMARIN, Senior Vice President of Corporate Strategic Development, The Williams Companies

PHMSA STAFF
HOWARD "SKIP" ELLIOT, PHMSA Administrator
DRUE PEARCE, Deputy PHMSA Administrator
ALAN MAYBERRY, Associate Administrator for Pipeline Safety
AMAL DERIA
LINDA DAUGHERTY
JOHN GALE
STEPHEN GORDON
CHRIS McLAREN
STEVE NANNEY
CAMERON SATTERTHWAITE
MASSOUD TAHAMTANI

ALSO PRESENT

CLAYTON BODELL, Williams
KEITH COYLE, GPM
CHRISTOPHER KUHMAN, API
MARY FRIEND, NAPSR
SUSAN GINSBERG, Independent Petroleum Association of America
MATTHEW HITE, GPA Midstream Association, Vice President of Government Affairs
JEANNETTE JONES, Noble Midstream
RANDY KNAPP, PPI
THERESA PUGH, Theresa Pugh Consulting
CARL WEIMER, Executive Director, Pipeline Safety Trust
CHARLES YARBROUGH, Texas Pipeline Association
AARON MARTINEZ, Andeavor
JOSHUA LOWERY, O'Donoghue & O'Donoghue LLP

***Present via teleconference**

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

(8:35 a.m.)

CHAIR DANNER: All right, good morning everybody. Today is June 26th, 2019 and this is the meeting of the Gas Pipeline Advisory Committee, and we are back on the record.

So do we need to take roll today, or are we good with that?

PARTICIPANT: I think we're good.

CHAIR DANNER: All right. I note that Chad Zamarin has joined us in person today. Welcome.

MEMBER ZAMARIN: Thank you.

CHAIR DANNER: And Commissioner Burman will be joining us in progress. So with that, I'm going to turn it over to Alan for some morning remarks and then we'll get work.

MR. MAYBERRY: Good morning everyone. I hope everyone had a nice evening, and welcome, Chad.

I want to start off with just a bit of good news is, one of our rules has made its way

over to the Office of Management and Budget. It's the notice of proposed rulemaking on valve and rupture detection.

So we're pleased to see that progress. So I just wanted to mention that. And I'll turn it back over to you. That's my good news for the morning.

CHAIR DANNER: Okay.

(Laughter.)

CHAIR DANNER: And I'm hoping that we'll get some proposed rules today that we'll take over to OMB at some point. So we are working on language regarding the scope.

And maybe, I think what I would like to do is turn it over to Andy get a progress report on discussions that he had with industry folks on following up the discussion we had yesterday afternoon.

MEMBER DRAKE: Sure. Thank you. This is Andy Drake with Enbridge.

As we discussed last night, we had a, at the end of yesterday's session we had a

breakout session among the industry's representatives and trade associations to try to vet out the proposal that was tabled yesterday.

I do think it's fair to frame that the industry has been really wrestling with this issue for a very long time. The issues about data collection over a long period of time.

The field for decision makings is across all of the industry, and that's a pretty big lift. That, greater than 12 3/4 issues I think is considered a significant lift from where they were even, they, we, were a few weeks ago.

I think the issue that was put on the table was not something that the group was prepared to vet on the fly. I think that's a fair comment.

It was a big challenge, a lot of unknowns. And there was a sense, to be very frank, we could not reach consensus last night with all the trade associations. So I think that's where the trade associations is.

Now, that said, we, I heard a lot, and

I think Chad did as well, some of the other members did as well, from several of the lager operators, and those that are present in the room.

And some representatives from some other trade associations that we think that this proposal could be vetted out. And there's a possibility that this is a practical next step.

And so the industry representatives on GPAC and I counseled this morning, and we believe that in the interest of trying to take that next step, that despite the fact that we could not reach consensus last night on moving forward, we are electing to move forward with the discussion to vet out this issue.

We think that there is possibility and promise there and we'd like the Committee to engage in a conversation. And I'd like to ask the Members, just by show of hand, that they are in alignment with this discussion. Just so that I think everybody in the room can see that there is support.

So if the trade association member, or the industry representatives on the GPAC could raise their hand showing that they'd like to vet this out, I'd like that just for the record?

CHAIR DANNER: Okay. So let the record show the five industry members have raised their hands.

MEMBER DRAKE: I think what we'd like to do in this discussion, I think there's some tenants that Sara Gosman put forward. We'd like to vet some of those out.

I think we'd like to try to vet out the risk-based approach that I think is very fundamental to the flight plan of prioritizing in a long term direction for the industry. And I think the PIR is a big part of that, so we'd like to vet out how the PIR fits into this discussion.

I think we'd like to take some of those issues that you put on the table and discuss things like, what standard of care is appropriate, how could they be instituted, in both implementation and time frame, and which

ones are the biggies.

Which ones are not all the same. Which ones are really important, which ones are nice to have. Sort of get a sense for what the key fundamental things is we want to do with this particular tranche of pipes.

So with that, I can turn it over to Chad. I know Chad has a lot of thoughts on the PIR and how that might play in, or we can open it for the rest of the discussion.

And, Alan, you probably have done some homework over the night as well, I'm sure.

MR. MAYBERRY: I want to clarify, the focus of discussion is the range of 8.65 to 12 3/4, right? I think there's, above 12 3/4 is kind of where we were with this general agreement for that.

MEMBER DRAKE: There is agreement that if we take above 12 3/4, we vetted that yesterday, that that is one tranche. And what kind of obligations are associated with that tranche were very clear yesterday. Except maybe

for the PIR discussion.

This middle tranche is eight inch to 12 inch nominal. And I think that there is a separate set of issues that we're trying to vet out for that group, or what we talked about yesterday, a tranche.

I do think issues about new construction, forward looking, is an issue we should keep isolated because a standard of care going forward is much easier to institute than some of the retroactive issues. So I think we should disassociate looking forward versus looking backward.

It just helps from a practicability standpoint, maybe get some things that are good lines in the sand that we should draw, that we can take advantage of. Society can get value out of and industry can institute much more reasonably. Is that fair?

CHAIR DANNER: All right, I see that Steve has put some language up on the screen. Maybe, Chad, do you want to speak first before we

talk to this? Chad?

MEMBER ZAMARIN: Thanks. Chad Zamarin, Williams.

I think, the way that I've tried to think about this, maybe over the last 24 hours, it seems like we have maybe two issues I think that can be woven into one solution. But I think when we talk about eight inch nominal pipe and larger, maybe not just this eight to 12 inch, I think we're saying that there is some fundamental requirements.

And so I think the introduction of the PIR, maybe we're missing where it has its most potential impact. I think what we're saying here is that a pipeline eight inches or greater should be subject to some minimum, primarily focused on damage prevention, leakage survey or emergency planning, line marking.

I'm not sure that we want to use the PIR. I think the PIR was introduced because we were talking about a broad set of requirements applied to a pipe, so I wonder if we should

consider just saying that for eight inch and larger there is some minimum amount of requirement.

And then for some population of pipe we're going to allow the use of the PIR to not have to go beyond that minimum because it's got a different risk profile.

So I think we may be confusing where PIR really helps us by putting it in this particular area. So I don't know if you're following my logic, but I just wonder if, we're almost saying here that any pipe greater than eight inches should, at a minimum, have line marking over -- I think we're talking about over 125 pounds still, aren't we?

So eight inch greater than 125 pounds, correct? Yes. Would have, subject to line marking, emergency planning.

I mean, we can talk through each of these elements, is, what are the right kind of minimum requirements. But I wonder if that should just be independent of some maximum size.

And then we talk about the benefit of allowing the PIR to be used for the purpose of other requirements that might be added to pipelines.

Because, really, what the PIR does is it takes care of those issues that would have impact outside of just the top of line. And so it seems like these are taking care of that very, on the top of the line issue that a PIR most doesn't have a big influence over.

If you're going to have damage, it's because someone is standing on top of your pipeline.

And so my thought is maybe the PIR doesn't make sense here. And maybe the limit to 16 inch doesn't make sense, we're just saying, this is the floor requirement for pipes of eight inch, 125 pounds and greater.

And then we maybe have a separate discussion is, okay, what pipes should have application of additional requirements beyond those. Thanks.

MR. MAYBERRY: If I may, when you say additional requirements, above and beyond the four so maybe -- yes.

MEMBER ZAMARIN: Yes. So I think it's what we're talking about when we talk about the pipes above 12 3/4 that are, we're saying now, subject --

MR. MAYBERRY: Well, definitely above.

MEMBER ZAMARIN: -- a broader set of regulations. And then the PIR may allow us to say, look, we're not taking away damage prevention, we're not taking away emergency planning, but we're not going to extend all these additional requirements to a pipe that has a very limited PIR.

MR. MAYBERRY: Right. Okay.

CHAIR DANNER: All right, Jon.

MEMBER AIREY: The productive discussion that we've had last night doesn't organize it this way. It's, eight inches to 12 inches would be treated separately and with a lower level of regulatory requirement and lower

cost profile since that hasn't been vetted broadly and the 12 inches and above has been.

So I would suggest that we might want to split it out that way because that's been consistent with the discussions that have taken place with the industry s.

CHAIR DANNER: All right, Sara.

MEMBER GOSMAN: I think at the end of the day I'm interested in making sure the substance is there, but I conceived of it when I began this discussion yesterday as a floor for all pipelines. And then I think the question would be, what are we going to add to it as the risk profile changes in terms of diameter increasing, and also PIR.

So, again, I would like to see us come to consensus on this in whatever way we can frame it up. But that was my original thinking on how we would do it.

CHAIR DANNER: Andy.

MEMBER DRAKE: This is Andy Drake with Enbridge. I think that's an excellent point.

And I'm going to throw this to Mary in a second because I think she has a really good thought here, in that we talked yesterday about a preamble and trying to record the thinking that we have here.

How many times have we leveraged the preamble that we developed 20 years ago for integrity management in the flight plan of the gas transmission in the street.

And I think what we're doing here right now is trying to set the context of the thinking that we want to leverage in a forward position for many, many years.

And I think recording what is the floor, what is the thinking about gathering and incentivizing a risk-based approach to make decisions and how do you sort of setup that next tranche to solve, sort of following in that pattern and thinking, is really important.

And I know Mary was pretty passionate about that. I'll let her --

CHAIR DANNER: Okay. Mary, Ron, has

his card up too but I think since you're on point, you're following up, Ron, I'll ask your indulgence and let Mary go first.

MEMBER PALKOVICH: Sorry, Ron. But what we talked about, and what I think is important, is that the preamble includes what Andy suggested and lays sort of the overall kind of intent and flight plan that we've been talking about tranches and how we build upon the data we're going to get from the annual reports, now that we've got that past.

But we really should weave in some language around the RP1173 and the pipeline safety management systems concepts of building on the data and continuously evaluating risk.

CHAIR DANNER: All right, thank you. Ron.

MEMBER BRADLEY: Ron Bradley, PECO. So I just wanted to make a comment. That I'm encouraged by this conversation.

You know, and I tend to think back to the days when I was asked to be a part of this

Committee and I think our charge is to find the right balance. It's definitely to make sure that we protect the safety of all people around our pipelines.

Not only our workers and industry, but the public, it's just a core tenant. And I'm encouraged that we're stopping here. I think it's a great conversation. I support where we are.

I just think that you have to, people have to know where our pipes are and people have to be comfortable working around our pipes. And we have to be responsible to let the world know that we've got something down there that's got a pretty volatile chemical in it.

So I'm encouraged by this. I appreciate some of the push from representatives of the public and I think we're moving in the right direction. I think putting this on the floor, just to start, is the right place to be.

I think there's got to be more though in the future coming years as we keep driving

through this, but you got to get started somewhere.

CHAIR DANNER: So it's my understanding -- so this is part of a package. So obviously you've got the one that's dealing with the, what we talked about yesterday with the larger pipes.

And so Steve and his team put together some language, and I think it would be best to show the package, so that we know what the package looks like.

And then in addition, I think there is some discussion about what might go in a preamble. If we want to go there as well.

So maybe, Steve, if you could show us what the other language is.

MR. NANNEY: All right, just to start, to go back on what we were talking about yesterday.

We were going through the mileage and having a discussion on it. And just for everybody's memory is, what we estimate the total

gas gathering mileage to be is 426,000 miles. So just to understand that.

And then when you break it down is whether we're talking about eight inch and above or eight inch and below. As you can see, we broke it out, the eight inch to less than 12 inches, the 46,000 miles.

And then the 12 inch itself is another almost 20,000 miles. And then the mileage for the 12 to 16 and then the greater than 16 was about 25,000 miles.

So the total miles, on all of those, were 90,000 miles. Of the 426,000. Just to let everybody understand what the mileage is we're talking about.

In going to the next slide, we broke it down to where you could actually see an eight inch, ten inch, 12, all the way down, what the mileage is.

And I've looked before, I know the mileages add up. So it's just here giving you each a nominal diameter.

And from that is, we listened yesterday on what we were hearing the voices from the Committee say, and we've basically got three slides. I'll go through.

One is dealing with the eight inch, in two different versions, and one is what PHMSA was proposing on the greater than 12 inch.

And so just going to the next slide is what we had up while you were talking. As you can see here, it's in, hold on, let me, I'm sorry, I have a hard time seeing that, if you can believe that. But I've gotten older, I guess.

As you can see here, for our Committee voting slide, we've got pipelines larger than or equal to 8.625 inches, which is eight inch nominal in diameter, through 12.75 inches in diameter. With a building intended for human occupancy or another impacted site within the PIR.

And, again, the items that we were looking at, based upon the Committee, and we've heard different items to be in there over the

past 12 or 18 hours is, one would be a damage prevention program similar to what's in 192.614.

The second one would be an emergency plans and response program, similar to 192.615. The third would be leakage surveys in accordance with 192.706. The next would be line markers in accordance with 192.707. And then lastly would be public awareness under 192.616.

So that's the items, either a combination or all, that we've heard discussed the past 12 or so hours here at the Committee. So that's the ones we've got on the slide based upon that.

And of course, we'll take any suggestions from the Committee. But before we do that, let me go to the next slide and let you see it.

Is the only thing there that we tweaked is you can see we've got a larger than or equal to eight inch in diameter through 16.

And the reason we went through 16 was to cover the ones that did not have a PIR.

Because when you look there, we took the PIR, similar to what Chad was talking about earlier, we took it out.

And so there is no PIR basis, it would be all the mileage from eight inch through 16, whether there was a house close to it or not. And it would still have the same five items.

And then going to the next slide. Again, this slide is what PHMSA was proposing to the Committee. And it's the one with regards to pipelines larger than 12.75 inches in diameter.

And again, what we would like there is that you can see the first bullet under it is for newly regulated gas gathering lines. If an operator does not know the stress level and the MAOP is greater than 125 pounds, then the segment meets the Type A criteria.

And then the next bullet would be, modify the diameter criteria for the newly regulated Type A Area 2 gathering lines in Class 1 locations and operate at, at least 20 percent SMYS or above 125 pounds for non-metallic pipe.

And it would be as follows. All segments with a diameter greater than 12.75 inches and a segment may be accepted if it is 16 inches or smaller in diameter and has no building for human occupancy or other impacted site in the PIR.

And the blue bullets was the key part that we were wanting to make sure that the Committee today voted on. So that's the three cases, as we see it, that have been discussed.

And, again, the last case is what PHMSA came in proposing to the Committee.

(Off mic comments.)

MR. GALE: Yes, it's the site.

MR. NANNEY: Yes, it's the last --

MR. GALE: I looked at his screen too, there's no blue.

(Off mic comment.)

MR. NANNEY: Okay. Okay. The last two, Mark, I'm sorry.

CHAIR DANNER: Yes, I'm getting cataract surgery next month so I'm, you know, I

can't see anything up there.

(Laughter.)

CHAIR DANNER: Chad or Andy first.

All right, Andy.

MEMBER DRAKE: I have a request that we hold a placeholder to go back to the slide that showed the eight to 12. But I think Chad wants to talk about this slide in particular, maybe if we can just get a placeholder to go back to that other slide.

(Off mic comment.)

MEMBER DRAKE: Sometime in the near future. I know you want to talk about something specific to this slide.

MEMBER ZAMARIN: Yes. Chad Zamarin, Williams. I actually have a, we're kind of making sausage and I want to just recognize that maybe an idea that I propose we entertain.

I would propose, as I think I was saying, that that first slide for the population of pipe greater than eight, greater or equal to eight inch, that we establish, and I would say we

not limit the upside there, we just say that there's a minimum amount required.

I would propose that that be damage prevention, line marking, emergency planning, public awareness and design and installation requirements for new pipe.

And that we not include leak survey in that requirement. But then for pipe greater than 12 3/4, kind of moving to you second slide, I would propose that we include then the, you would extend those additional requirements, which are leak survey, corrosion control, MAOP to pipelines greater than 12 3/4, but you have the ability to use the PIR to exclude extending those requirements.

And I would propose that that be independent of kind of beyond, you know, not cap that at some size. To me, those are requirements that you, diameter has always been a, to me, a frustrating criteria, because it's not really what you're after.

You need to understand the diameter

and the pressure in order to understand the impact of the pipeline, and that's why I think PIR should be allowed to be used as a way to exclude pipe and focus your efforts on pipe that have a structure within the PIR.

So I don't know if that, we need a chance to soak on that or think about what that looks, but it feels like if we're establishing a minimum set of requirements for pipe over eight inch nominal, then we apply additional requirements to the pipelines that have a higher risk profile. And those are pipelines that have a diameter greater than 12 3/4.

And if an operator chooses to, confirm to have at least one structure within the PIR.

CHAIR DANNER: So can you clarify for me, and I'm concerned about taking leak surveys out of any pipe over eight, so tell me exactly what is the subset that you're excluding leak surveys from?

MEMBER ZAMARIN: So if you have a pipeline, what I'm suggesting then is that if you

have a pipeline greater than 12 3/4, which is kind of back to where we originally were, if you have a pipeline greater than 12 3/4 and you have a structure within the PIR, then you're going to have to perform leak surveys.

But if you have a pipe greater than 12, I'm just suggesting that, when I think of what should be the minimum requirements for a pipeline, somewhat irrespective of pressure and diameter, which is what we're, risk, which is what we're talking about in this population of eight to 12 inch, eight to 16 really, I don't see how leak survey makes sense because it's a predictive tool and you would want to focus your leak survey efforts on pipelines that have the greatest potential to impact people.

I recognize that damage prevention, emergency planning, public awareness, you know that's a pipeline that somebody can walk on top of, put a backhoe bucket in the ground and create an unsafe condition.

But I think of leak survey as actually

-- it's a predictive tool to look at the risk of something bad happening. And I would just say, I'm trying to figure out how to rationalize in my mind what should be those minimum requirements for any pipe. Irrespective of pressure, diameter, PIR.

But then you're using those additional requirements for those pipes that have the higher risk profile. Again, I'm kind of rambling there but I don't know if that make sense.

CHAIR DANNER: All right, Andy.

MEMBER DRAKE: This is Andy Drake with Enbridge. I like the proposal that we're at least starting to frame here. The details I think is what the conversation is about.

I do think that when we talk about the new pipe in particular, I agree that we should be instituting that requirement on the eight inch and larger pipes. I would offer, and I think this is the challenge of the day, is how do you make this practicable.

But when you look at the new, the

design criteria language it says, or replaced. And I think we should at least have some sort of caveat in there for new pipe. That when you say, or replace, that there's some short segment of pipe that we would not encumber with system design requirements.

So if you're going to replace 40 feet of pipe, you're either doing a pipe replacement, the 40 feet will be designed to the new criteria. But we can't go back and cleanup system design issues like valve spacing and longer CP issues.

That's kind of -- incentivized people do some very strange things, and we don't want to get into that. I think it's just, those kind of things I think are the things that we try to work through here.

I agree with Chad, I think a floor of requirements about, this is just the minimums that we do, is kind of what we want to walk through here. But even in doing that, I think things like line marking, the line marking requirements say line of sight.

We have to remember that these pipes are very, very rural very often. And if we're going to say an eight inch pipe that's in the middle of nowhere, so to speak, is going to have to have line marking, line of sight, it will be the only thing you see on the horizon is these markers going off. Is that where we're trying to go?

I think where we're taking it is a requirement that in a convention that we're used to deploying it, in more urban environments, and taking it into a very rural environment. And we just need to decide what is prudent there.

Those kind of things, I think, are the challenges of this next couple of hours. Is, how do you take some of these existing requirements and plug them into an industry that's in an environment that those rules were not really intended to apply to. Is that fair?

CHAIR DANNER: All right, thank you. Mark.

MEMBER BROWNSTEIN: So I very much

appreciate the nature and spirit of the conversation.

Just for food for thought, as we think about what those minimum requirements are, I fully appreciate why we're making a priority of protecting people. But I just want to remind all of us that the Pipeline Safety Act of 1992, which amended the Natural Gas Pipeline Safety Act of 1968, expands the DOTs responsibility to include environment protection in addition to safety.

Specific amendments that came into effect in 1992 talk about requiring that giving PHMSA the option of requiring pipeline operators to submit reports on any condition that is a hazard to the environment, considering whether an operator's inspection and maintenance plan is sufficiently protective of the environment, and promulgating minimum safety standards for pipelines and facilities that are designed to protect the environment.

So this is the reason why leak detection and repair becomes such an important

piece, because for us to be fully discharging, and for PHMSA to fully be discharging its responsibilities as directed by Congress, I think we need to think about environmental impacts, along with personal impacts.

And that's why the PIR thing may wind up being too constraining. As a, particularly as it relates to leak detection repair.

CHAIR DANNER: All right, Andy.

MEMBER DRAKE: I think that's reasonable and appropriate and a good reminder for us. I think the thing that I think is important for us here as we engage in this is, cart and horse, what order. I can't do a leak survey if I don't know where the pipe is. You got to know where the pipe is.

So first, in this cascading requirements, this is the floor. I got to know where the pipe is with some certain degree of accuracy, and then we engage in public awareness and damage prevention and things like that, which are appropriate floors.

I do think there is the possibility here of a discussion where you provide the opportunity to get the floor set, and then a longer period of time to get to the next step.

So if it's some period of time, two, three, pick a number, I don't care, to get a location set, maybe do a leak survey in four or five, so that you get the floor and then you work. And I think that this is actually a great place to incentivize technology.

What we think of leakage surveys in an urban environment is probably not the right tool for a rural environment. We want to be using satellite imagery, we want to be using aerial photography, aerial infrared cameras and planes.

That's not industry convention everywhere. And I think giving that space helps that technology get into place where we can use it in an appropriate place.

MEMBER BROWNSTEIN: Chair, if I could just ask a clarifying question.

CHAIR DANNER: Yes, go ahead.

MEMBER BROWNSTEIN: So when you say phasing, right, there's two ways, I hear it in two different ways, right?

One is to say, okay, for any new pipe going forward, which where presumably we will know the location of the pipe because we just paid it, right, you would do, you know, leak detection and repair would be part of the convention going forward. So that's one way to think about it.

The second way to think about it is, you say no, in fact leak detection repair is really important for existing pipe, but yes, we don't know where some of this stuff is, and so we will give operators time to figure that out.

So the requirement, instead of binding in the first two years or rural promulgation might be three or four years into rural, into when the rule is promulgated, to give operators the time to get their records in order.

You're nodding your head yes, I like that. Okay. And we can probably agree on that.

MEMBER DRAKE: For the record, this is Andy Drake. And yes, I'm nodding my head yes.

(Laughter.)

CHAIR DANNER: Okay, Chad and then Sara.

MEMBER ZAMARIN: Yes, Chad Zamarin, Williams. I do struggle though with, yes, we are focused on the missions. And our largest sources of emissions are not leaks in rural gathering systems, it's at the compressor stations, it's due to operational blow downs.

And the challenge I do think we need to recognize, again, we're kind of, we're building a ship while standing in the water and we're not giving a lot of time to vet this. We're working hard.

The ultimate solution, today, the primary tool for leak surveying a rural gathering system will be putting someone on the ground, having them walk the right of away and use a gas detector, manually surveying the line.

And I just worry that extending that

today, we don't fully understand the cost or impact of doing so.

We are working very hard on technology that would make that more practical. And we could do that more broadly.

But I do worry that with today's capabilities we're going to be deploying a lot of resources on, yes, it's important, and yes, we need to get to every leak on our systems. But the largest of those leaks are not, are typically at our compressor stations or due to operational blow downs.

And it's just, I worry that we're pushing a regulation too soon before the technology really makes it feasible or practical. Thank you.

CHAIR DANNER: All right, Sara and then, Mark -- Mark did you have a follow-up?

MEMBER BROWNSTEIN: So just let me respond to that. I, as I think about this, and I take your point, we've been doing a lot of work with many folks in industry to find better,

faster, cheaper ways to do leak detection, right? No one is going to stand here and say that infrared cameras are the, you know, the be all and end all.

So I'd be very comfortable with the idea of putting in place the requirement to do leak detection repair, but then direct PHMSA, maybe working with this Committee or working with a work group, to develop the most cost-effective way to achieve that outcome.

And then, so, the requirement is there, and then subsequently, let's get together, you know, in some kind of process, and figure out what's the most cost-effective way to do that.

Obviously, we know walking the line with infrareds is a possibility, but we can all stipulate that that may not be the most cost, the most cost-effective way to get this done. And so we work on that.

And if we take Andy's point of view that this is something that builds over a three or four year period, that gives us all the time

to figure this out. Which I think serves everyone's interest, right?

We're saying that this is important, but we're also saying that we've got work to do to develop the technologies. To figure out the most cost-effective way to do it.

CHAIR DANNER: So basically what I'm hearing then, Mark, is what you're saying is, we need some sort of a placeholder that says, or a ramp, a ramp up to be determined, but something that memorializes that we are going to do leak surveys on everything eight and above?

MEMBER. BROWNSTEIN: Isn't it -- It's required, and PHMSA is directed to come up with an interpolation or a guidance document, you know, familiar with this context of, I'm familiar in this, more in the context of what EPA does, right?

Which is, they have a requirement in place, you have to do leak detection, but then the agency produces a guidance document, which talks about the various ways in which this could

be done most cost-effectively. Right?

And it's a good opportunity. I mean, yes, look, it's a good opportunity, right? We're all committed to advancing the state of the art here, so let's use this the opportunity to do that. We would be very committed to that.

CHAIR DANNER: Okay, Sara.

MEMBER GOSMAN: So I'm interested in Chad's proposal on using PIR, I guess all the way up, on the diameter. And I know that PHMSA had proposed a threshold in which they would apply the requirements, the 16 above, the 16 inches or above, I'm sorry I can't remember, just as a -- without PIR.

And so I can see administrative reasons why that might be an easier program to address those types of lines.

I can also see that there might just be a determination that those lines are of more risk, and so we aren't going to do the PIR determination.

But I'm wondering if PHMSA could tell

us a little bit about why they decided to move from PIR to just all lines in at that particular threshold to help me understand that particular issue.

Because I think we have come out and said we're interested in PIR as a way of trying to get at risk of gathering lines. So I'm thinking about what Chad has said.

CHAIR DANNER: Okay. Maybe Steve can respond to that.

MR. NANNEY: All right. Well, again, as I think the chart, Andy asked to be put up, it shows the PIR pressure diameters, is a good one to have.

But the reason we looked at it for the larger diameters is, like what we said yesterday is, for the shale gas, the new lines, what we've been seeing is the higher pressure, higher diameter.

And so with that we felt like that you needed to require the full gambit of what the code required you to do. And by that I mean, is

the pressure testing, all the various design factors to use, whether you were within a PIR, whether you were crossing a railroad or a highway, whether it was two lane, four lane, six lane, whatever, that we felt like you needed to protect it.

So that's why we had greater than 16 inch as far as being that. And you can see there is, just by the PIRs and everything, with the greater diameters, and, you know, we've been seeing the 1,000 pounds and higher, they have a lot more consequence. So that's the reason we selected that.

And also we know that most of them are going to be the newer lines. And so we were trying to, from cradle to grave, making sure that they're in accordance with the code. Just like what we've been hearing this Committee say the past two days.

MR. GALE: One more thing to add. This is John Gale. In looking, Sara, in looking at the incident costs by diameter, I'm looking at

the average incident cost, when you get to roughly 20 inches, from 16 inches, the average inch in cost almost doubles and the median ends up cost, it more than doubles.

So that's why we looked at 16 or basically at that 20 inch line, there was a dramatic increase in the average cost of an incident involving a gas pipeline.

CHAIR DANNER: Okay, Alan.

MR. MAYBERRY: I'm just going to say, you know, one of the areas that I'm concerned with is getting something we can actually move into a final rule in the process involved.

I mean, we hear a lot about the delay of rulemaking and the process. I'm just really concerned with ending up with something that we can actually move with success.

We really, either way we end up, we are going to advance safety. That's our goal here. That's all of our collective goals.

I think back to, you know, there's a recommendation that the NTSB gave us on leak

detection. It came out of a prior action. It was pretty far encompassing that, directs us to, recommends that we develop leak detection regulations.

Now, we've addressed that in a couple of ways. One is, we're doing research and we find a good bit of research in that area.

Two is, we have the rule that we just send over to OMB, related to rupture detection. But we're still some ways from actually developing, where the technology being involved enough to where we can actually have a leak detection system that's SCADA based, for instance, for distribution lines.

So we're kind of chipping away as we can, and that's why I'm, just in this area of leak surveys, while I agree it's good practice, I just wonder if we really ought to let the research play out, the technology play out.

We are increasing the lines that we cover, but then address, as we collect data and as technology evolves, we will not stop here. I

think that's, we've made that very clear.

This is a journey, we're going to keep improving as we go along. So I just like to mention that.

I don't want to get, I'm really concerned about the process when we leave here about developing a final rule and then just taking a, I want to be able to move something that, or end up with something that can really move through the system effectively. Thanks.

CHAIR DANNER: All right, Chad.

MEMBER ZAMARIN: Chad Zamarin, Williams. That is why I raised it as an issue. I think it's the one that we don't have the great solution for today and it will, probably will get raised as being a challenge.

But the idea that maybe there is some, there's a path towards getting the technology that enables us to do that more broadly is the right answer.

But just on the issue of kind of, John, your comments about capping the use of the

PIR at 20 inches, and I don't know if we want to put that chart back up there, but I still just, and I hear you about incidents of 20 inches having the higher cost, but my guess is that often times we're talking about incidents that have higher pressure and larger diameter.

I just struggle with when we just used diameter on its own is just not a very good indicator or risk. The whole purpose of the PIR is that it takes into account both the diameter and the pressure and gives you an indication of what could happen.

If I have a 20 inch diameter pipe with only 125 pounds, it's very, and right next to it I have a 12 inch pipe with 2,200 pounds, I have two very different risk profiles. And I need to know both of those pieces of information to understand the difference between the risks of those pipes.

Which is why I like the use of, the ability to use PIR to focus the application of requirements.

And so I still think that if we're moving towards having some minimum requirements that apply to all pipe, and then we're talking about additional requirements that would apply to certain pipe, I think it's prudent to have the tool of using the PIR to try to focus those additional requirements on pipe that have a higher risk profile. Almost irrespective of some maximum size.

I know we've got a floor of pressure, 125 pounds, so that does kind of limit the PIRs used. But again, a 36 inch pipe that has very low pressure, it looks a lot different than a 36 inch pipe that has very high pressure.

And the only way to understand that is through understanding the PIR.

CHAIR DANNER: Okay, Mark.

MEMBER BROWNSTEIN: Yes, so, Alan, absolutely, totally agree with you. And this is exactly why we're having this conversation because we're trying to get to something that can give you greater clarity.

And so it's precisely why we're spending some time on this. And why I think actually it's, if I have to say, I think it's pretty elegant for us to be able to say there's a leak, basically detection repair requirement, and work to be done to figure out how to do that most cost-effectively.

And in terms of time line, right, if we go with Andy's idea that this phases in over time, right, that gives us a certain amount of latitude. As a practical matter, it's going to take the better part of a year or so, even if we succeed in getting this all done today, for this regulation to become effective, let's say.

You can take a year and then you take a three or four phase. So we're talking about four or five years from now, right, we figured out how to do this cost-effectively.

I'll confess to being a lawyer, but I've worked with enough engineers, when I was in the utility business to know that at the end of the day, for engineers, you just need to tell

them what needs to happen. What do you want me to do?

And once you tell them, they figure it out. And I think that if we say very clearly, the expectation is, is that you're going to do leak detection and repair and that you've got a four to five year window to figure out how to do that most cost-effectively, that's the kind of parameters that any engineer can work with. Right? And we'd be, in some ways, remiss if we weren't clear on what the expectation was.

So I think actually it gives you what you need, which is, yes, we're going to move forward with this today. And it gives the engineers what they need, which is clear direction, and a time frame over which to accomplish it.

CHAIR DANNER: All right, Andy and then Sara.

MEMBER DRAKE: This is Andy Drake with Enbridge. I agree with that, that thought.

And I think, and, Alan, to define, to

give guidance as part of this Committee, is part of our charge. And I think to say that this next, where we are going as an industry is, we want to try to understand where leaks are.

To do that in this industry we have to solve a problem. So we should structure clarity around that problem and give a time frame. I think that's reasonable.

We want to move in the direction of deploying leak surveillance on this industry. But to do it, the industry has to solve a problem.

And I think what you're saying is, give guidance to the problem and a challenge in time frame. And I think that's appropriate, that the industry should be given some time to define an appropriate, cost-effective, practicable solution to do a leak survey on these type of pipes by X.

I think that's appropriate. I really, I think that's a good challenge. And I think in that context, I think that is something that is

appropriate.

The other thing that I think we want to look at is the PIR, which disappeared from up there. But I'm going to hold off until we get that slide back up because I think is actually quite illustrative of Chad's point.

CHAIR DANNER: Robbie, can we get the other slide up? The PIR.

MEMBER DRAKE: It's going to come down to, what is the characteristic of the big pressure pipes and what do they look like and what does the duck look like and then what does a not duck look like.

If we look at, you know, we've got the little X's there, a 30 inch, 1,000 pound pipe, which is pretty typical of transmission piping, that's an impact zone of about 660. That correlates to the current corridor width that we're using to assess class, which is crude consequence tool, but nonetheless, our forefathers figured out 660 was a good bandwidth to look at for transition pipes. And it does

nicely correlate to this.

If you start, when you start to look at, well, we're just going to throw diameter at it, and then if you look at a 20 inch pipe, just drop down that red line vertically down a little bit, you come down to the gray line, that shows a 20 inch pipe operating at 1,000 pounds is about 425 feet. I calculated it, but I mean.

Okay, so that's a very different consequence picture. It's 420 feet or 400 feet.

I think what's interesting is if you don't, if you try to pick a cutoff of diameter and you're not thinking about impact radius, a 16 inch, 1,440 pipe creates a 425 foot impact radius.

So, oh dear, well, we picked 20. It's like yes, but that's not the whole picture, which is what Chad is saying.

If you have a 16 inch pipe that's at 1,440, it has an impact radius of 425 feet. I think the point is, is if we drew a line and said, pick a number, I would say 400 feet, okay,

a 20 inch pipe at 1,000 pounds is more like it's going to trip, it's not going to come out of that clasp. A 16 inch pipe at 1,440 is not going to come out of that clasp.

But a 20 inch pipe at 600 pounds is going to come out of that. Which is probably appropriate. It's starting to look very different in its impact profile.

Now, I picked 400 feet because it's kind of, some sort of easy nexus to track here. But I'm trying to use it to illustrate Chad's point, is that if you pick a diameter, that's interesting.

But that is half of the equation, literally. But it doesn't define impact. And if we stick to a simple solution to a complex problem, we're probably not going to be happy with some of the trades we're making.

So I am less worried, or perhaps just pure risk pragmatism, I would be more incentivized, understand my impact, and put the energy in places where I create more impact.

Even if that's a 12 inch pipeline.

But I wouldn't want to get distracted with a 20 inch pipe that's at 200 pounds. That's not the same risk. And I think that's what we're trying to articulate here.

I'm glad to talk around numbers, if we want, but I think it's really important to get the concept ironed out about why is this important. And tapping it on a number that we just say, well, that's just too damn big, it's like, finish the equation. Too damn big at what? And make a decision. That more informed is what we're trying to drive industry towards constantly. Not just the gas company but the whole industry.

Driving and incentivizing more information and better choices is what we really think is one of those fundamental things that belongs in the preamble. Married to it. I think, Steve, you should pay attention, she's taking notes.

CHAIR DANNER: All right.

MEMBER DRAKE: So I just throw that out there.

CHAIR DANNER: All right, I'm glad somebody is writing. Thank you. Sara.

MEMBER GOSMAN: So when I think about the PIR set of issues, I want to make sure I understand what, which requirements we're going to tie to PIR and which ones we're going to put in our base.

Because I think to me, the risk-based concept makes a lot of sense, but I want to know what those particular requirements are and how closely they tie to consequence, which is what we're really trying to get at there, aren't we?

So could you, Chad or Andy, could you articulate for me sort of what's in your base versus what you want to tie to PIR?

MEMBER ZAMARIN: Sure. Chad Zamarin, Williams. And maybe the PHMSA team will have to help me but I'm trying to decipher kind of the way this rule is structure.

And I think what ultimately happens

is, if you're saying that there are these fundamental floor kinds of requirements for eight inch and greater, again, I propose that those be damage prevention, line marking, emergency planning and public awareness.

And we can talk about what we do with new pipe. I think we've talked about it. It seems like there is some alignment around a new pipeline in having different requirements.

But I then, the way that I read the document and the way that it was being drafted, if you're greater than 12 3/4, then you would become a regulated pipe, and we would go back to those requirements that were kind of identified for pipelines that would now be regulated under this new requirement. And the additional requirements.

Those that we just mentioned were going to be some of the requirements, but then additionally, leak survey, MAOP, corrosion control. I think those are the primary ones. I don't know if I'm missing anything else.

MEMBER DRAKE: The construction requirements.

MEMBER ZAMARIN: Right. The design installation, construction, additional inspection and testing --

MEMBER DRAKE: For new lines, yes.

MEMBER ZAMARIN: -- for new or replaced lines. So we're kind of jumping back to Section 5, the things we talked about that would be applied.

And what I'm suggesting is that, I like the minimum list, and when I thought about it I thought about, these are things that if I'm standing on top of a pipeline, irrespective of kind of the PIR, I want to know that it's marked, I want to know that you have a damage prevention program, I want to know that there's a public awareness program.

Because those are the things that are going to help me, somewhat irrespective of how big the risk profile is, because that's just a fundamental risk on any pipeline operating above

125 pounds. If we could maybe agree to that.

And then though, if we're going to go further, again, these are pipes that have never been subject to requirements before and we're going to start implementing things that will require people to get out on the ground and continuously monitor and walk pipelines for leak surveys.

Or perform corrosion control activities that are, I'd like to think we're focusing those efforts in areas where we have the greatest potential to impact people.

And so that's why I'm suggesting that those are the additional requirements that that PIR process would allow you, now, I think the way that it's written is, if you're greater than 12 3/4, those requirements are in, you can use the PIR to exclude a pipe if there isn't a structure within the PIR of that pipe. That's the way that it's been written.

And I just want to make sure, John, Steve, Alan, I just, Chris, I think I

interpreted, hopefully I got it right, but I think that's generally how I read how this would work.

CHAIR DANNER: Okay, Sara.

MEMBER GOSMAN: So, again, just to clarify. So if I had to articulate my concern about PIR, the one concern that comes to the top for me is -- is on the new construction side. Because that's the situation in which if you end up with an occupied building or an impacted site, right, because of development, you can't go back and change it.

So I guess for me, if the baseline includes that new construction, then what we're talking about really is corrosion control, MAOP, right? Is what I'm looking at here.

And those, to me, seem very tied to consequence. And then I think I'm comfortable with bringing PIR all the way up.

CHAIR DANNER: Okay, Mark and then Andy.

MEMBER BROWNSTEIN: So what I hope is

a friendly amendment to the framework that Chad just put out there, I thought where we were going was to take the leak detection and repair and make it a baseline, right, subject to what we were just, some of the ideas that we were just kicking around.

MEMBER ZAMARIN: I'm sorry, Chad Zamarin, Williams. I was just going back to what I had originally proposed.

I'm getting my head around how we craft something on leak detection and repair that, that works. And I think to Alan's point that we'll get through OMB, that won't be something that is a lightning rod for, we just can't do that, so you're putting a requirement out there that is going to make it difficult.

I think, it sounds like there are some ideas in how we can do that, but I was just going back to what my original kind of proposal was. So, yes.

CHAIR DANNER: All right, Andy.

MEMBER DRAKE: This is Andy Drake with

Enbridge. Yes, you have to appreciate we may be seating next to each other, but we aren't getting much of a chance to chat. This is evolving as we're talking.

But I feel confident that we can address that. And I think that in last night's conversation with the industry constituents, I think there was a very much consensus around new construction could be put as a floor issue.

I think we do have to deal with a -- or replaced part of it. Because that replaced piece starts to encumber us with very low thresholds that's not, that's more maintenance work.

So if we can disassociate, figure out how to qualify that, I think there's alignment that that can be a good floor candidate.

CHAIR DANNER: Oh, yes, follow-up, sure.

MEMBER GOSMAN: A clarifying question. So floor down to eight inch nominal. Okay.

CHAIR DANNER: Andy. I'm sorry, Alan.

MR. MAYBERRY: For that really ages me calling me Andy.

(Laughter.)

CHAIR DANNER: Too many --

MR. MAYBERRY: Yes.

(Laughter.)

CHAIR DANNER: My bad, my bad. All right.

MR. MAYBERRY: I was just kidding. No, I just was going to say, I think it's understood that, regardless of where this body recommends we go, we do have the cost benefit requirement that we will have to fulfill, I think that's been talked about this morning. I just wanted to clarify, make sure everyone knew.

CHAIR DANNER: All right, I'm aware. Okay, I don't see any other cards up. What I would like to propose is that we take our break a little earlier.

And let's take about 15 minutes. And that will allow us to have, Mary -- Mary's working I see. What's that?

(Off mic comment.)

CHAIR DANNER: Thank you. Thank you. You're helping all of us.

And, yes, I think we need to put pen to paper, share some ideas offline. So why don't we take a 15 minute break and we'll be back. Andy?

MEMBER DRAKE: Before we all run to the door, I think it might help actually if we can do a synergy here. If you could give me 20 minutes, I'd like to caucus with the industry folks who have been patiently sitting or listening to us re-shake this on the fly or build the boat while we're standing in the water. I like that actually, I'm going to enlist that in my analogy book.

But I think if we could just get 20 minutes it would give us a chance to circulate on what we like to do, come back with some language even. And may challenge PHMSA to try to get some language on the break too. So I'm kind of giving you a homework assignment that I'm going to give

ourselves, is that fair?

So we can come back and try to get into --

CHAIR DANNER: I think that's great.

MEMBER DRAKE: -- proposal talk.

CHAIR DANNER: It's 20 to ten right now, so we can come back at 10 o'clock and see where we go.

Wait a minute, before we break, Steve?

MR. NANNEY: Yes. Well, one question. I think we heard a lot of back and forth, but when we're leaving, are we looking at eight inch and greater, eight inch and greater doing all of these requirements?

MEMBER BROWNSTEIN: Plus, construction.

MR. NANNEY: Plus, new construction. Is that what I heard?

MEMBER ZAMARIN: I think that's what we would propose. It would be nice to look at that, but also then I would advocate that we at least propose the ability to use PIR on a broader

set of pipes.

Because, again, we're saying we're going to apply a minimum standard to all pipe, but we're going to then, if you're greater than 12 3/4, you're in with these additional requirements, unless you can demonstrate, through the use of a PIR, that you don't have a structure that could be impacted. Something of that nature.

MR. GALE: And just to clarify, Chad, you're talking about using the PIR solely for cathodic protection in MAOP establishments, is that correct?

MEMBER ZAMARIN: That's effectively, I think, how it would work. Yes.

MR. GALE: So, yes, so basically these five things here, plus construction, eight inches and above, period, cathodic protection, MAOP establishment, utilizing the PIR at a certain diameter?

MEMBER ZAMARIN: Yes.

MR. GALE: Greater than 12.

MEMBER ZAMARIN: Yes, I think that's right.

MR. GALE: Okay.

MEMBER ZAMARIN: I'm going to hold on locking in my nodding until we get back, but --

CHAIR DANNER: All right. So Steve and then Jon. Alan, your card is up, are you? All right. Go ahead, Steve.

MR. NANNEY: Yes. When I was hearing that is, the thing I wanted to make sure that everybody understood, when you're saying PIR, we're only talking about having to do this, would be the footage in the PIR.

So if you're on either side of the PIR, you would not have to do any of this. Even if it grows, you would have a pipe in the ground that would not have done this.

And so an impacted site would be part of it also, correct? Is that what I'm hearing?

I'm just trying to make sure everybody on both sides that are talking are at the same understanding.

CHAIR DANNER: Yes.

MR. NANNEY: Okay.

CHAIR DANNER: All right, Jon.

MEMBER AIREY: The one caveat I think should be out there that everyone has had trouble identifying is, how to deal with leak survey. I think leak survey is an open question on the 8 to 12.

CHAIR DANNER: Yes, and I agree. And thank you for reinforcing that, I appreciate it.

Okay, we are going to take a break until 10 o'clock and then we'll come back and have, hopefully, some more language to discuss.

(Whereupon, the above-entitled matter went off the record at 9:41 a.m. and resumed at 10:17 a.m.)

CHAIR DANNER: All right, we are back on the record. Thank you, everybody. I'll turn it over to Andy. Maybe you want to -- do you want to give us a report?

MEMBER DRAKE: Yeah, I think Chad's analogy is coming through louder and louder.

This is Andy Drake with Enbridge. You know, building a ship while you're standing in the water or a plane while you're flying it is a challenge, and I think that's where we're finding ourselves.

We're trying to write a rule at great detail with a huge industry sector and a lot of unknowns and a lot of other issues that are coming onto the table here pretty quickly, which is appropriate. That is the obligation of this committee.

I think that some of that is I think we can agree to some very good tenets that we, and even some guidance criteria that we would give to PHMSA for consideration in developing and fleshing out a proposal or a rule-making, and I think that we've come to those largely.

I do think that specifically there were some issues that came up I think that we can maybe record here or figure out how to work into some language, but one of them was this issue of new design criteria, and that is we have to

figure out how to deal with composite pipe, and we need to have some sort of placeholder to specifically --

And I think industry is willing to offer up, this is what composite pipe looks like. This is what it means. This is how we would like to use it, and I think that some time frames, being specific on some time frames that industry has to provide that guidance and criteria would be very helpful because it will avoid a trip wire in the rule, and that is there is composite pipe out there. We need to figure out how to use it and what to do with it in a reasonable time, so this is just sort of forward looking.

I think the other issue is leak detection. I think there is a lot of leak detection obligations that are now coming into the rule-making with the larger than 12.75, which is appropriate. As we start looking into the eight to 12-inch pipes, I think it is a large unknown.

I don't think there's a disagreement

over the theme of trying to figure it out and a need to try to understand what we do on leak detection in the eight to 12-inch pipe range, but I think to figure out how to do it practicably is really important, which is some of the discussion we had earlier. I don't know that it would be helpful to this group to try to break down into how to do that.

I think we might -- I think it may be helpful that industry would provide some sort of guidance on what we think the issues are and a time frame for which this would come back and be reconsidered or vetted.

I don't want to get into separate rule-making, but some process that we would lay out on how to think through that and how that could be done would be appropriate.

I think there are several other issues that we talked about here that might require some kind of criteria or specificity to help shape, you know, or inform the process, and I think it would be appropriate for industry and other

stakeholders to provide some sort of input by a deadline for issues that we think should be specifically considered, and we talked about line of sight marking, I think, in particular.

I think the industry sector would have to provide some sort of feedback to PHMSA within a period, 30 days, 60 days, that says, this is what practicable and appropriate means on this issue for your consideration.

But I do think that we have, in the past, we have precedence to move forward with rule-making where we can agree directionally and thematically and conditionally on how we would inform the process and give PHMSA the discretion to consider that guidance information and how to deploy that, and I think that's probably the best that we can get to at this juncture.

I don't know that another 20-minute or half-hour segment is going to help resolve all of those details. I'm just trying to preserve a placeholder to try to get that guidance to PHMSA for their consideration, but I think

thematically, we can agree to these issues.

Is that fair? I don't mean to speak for everybody on the industry sector that sat in that same discussion, but --

CHAIR DANNER: Okay, I'm seeing at least some heads nodding, so, all right. So, yes, it looks like the industry group is in agreement with what you have just said. Sara?

MEMBER GOSMAN: So I really appreciate this discussion and I agree that -- I mean, on the one hand, we've been thinking about this rule for a very long time. On the other hand, when you get down to it and the specifics, of course there's always questions about exactly how this is going to work.

So I think there are areas where there are questions about how we're going to actually apply these requirements in the context of gathering lines, but what I'm encouraged by and what I would like us to be able to say to PHMSA is we have a basic set of concepts here about how this should work.

We have a set of baseline requirements that we think PHMSA should apply to pipelines that are greater or equal to eight-inch nominal. These include -- well, we started out, right, with damage prevention, public awareness, line markers, sorry, emergency plans, thank you, and we need to think a little bit more about leakage surveys and exactly how those are going to work, and then we have these other requirements like design installation and construction that should be applied to new or replaced lines, but we're going to have to think carefully about how to do that, particularly for replacements.

And then in terms of corrosion control and MAOP, I think what I heard a little bit during the break was a concern, at least as to corrosion control, that perhaps the horse is leaving the barn if we don't end up putting corrosion control in at the beginning, so maybe that's an issue that we need to punt back to PHMSA on the question of what can we really accomplish safety-wise in terms of using PIR?

But again, back to sort of the fundamentals here, I think I'd like us to all be in the same place on the question of the categories at least, right, and then let's work through.

Give PHMSA, the expert agency, the ability to work through the details with the information the industry can give PHMSA on best practices, what's out there in terms of the appropriate types of practices, and keep having this conversation.

CHAIR DANNER: All right, thank you. Chad?

MEMBER ZAMARIN: I'm Chad Zamarin with Williams. I agree. I think, I do think kind of writing this level of detail in two days just by, no offense to any of us around the table, but by us is probably dangerous, so I do think that the themes of --

You know, we are, I think, suggesting that there are some minimum requirements for all pipe eight-inch and greater. I think we've had

good discussion around what those are.

Obviously we've heard what I think we would like those to be, but also recognize that a couple of those, I think, are untested and we don't know exactly the practicality or the, kind of the parameters around those that need to be thought through.

And I would just reiterate, I think you mentioned those, the design installation and construction requirements. I think there are some potentially unintended consequences there. The leak survey, I think, is one that, while again -- I do just want to go back to if you read the -- you know, we are fully supportive of reducing emissions on our pipelines, but if you go back to the mandate and kind of the rulemaking, and if you look at all of the comments, it was about --

And I went through yesterday and I earmarked every time where I saw larger diameter, higher pressure, looks like a transmission line, this was a safety rule, this was focused on

extended safety requirements to, you know, to pipeline systems.

And so I just want to make sure we at least, you know, keep that in mind, that that's what we came here, I think, kind of prepared to focus on, so I think we haven't, I think, thought through the practicality of leakage surveys.

And so, but the idea that there would be some amount of minimum requirements that PHMSA would fully flesh out for those pipes greater than or equal to eight-inch nominal pipe size, and then maybe some additional requirements that would be subjected to pipelines that are larger than 12 and three-quarters and, you know, with some thought around consequence, something better than just using an arbitrary diameter as a dictation of consequence, I think, is a concept that's important.

And then I think we talked about, Mark, I think the idea of continuing to encourage technology and technology development for leak surveys I think is something that we fully

support.

Alan, when we were side-barring, had mentioned that there is DOT funding going towards the effort, but I think it's something that we can continue to, you know, show support in driving more R&D, more technology adoption, more ability within the code to allow us to use newer emerging technology.

CHAIR DANNER: All right, Commissioner Burman?

MEMBER BURMAN: Thank you. Can you hear me?

CHAIR DANNER: No, we can't hear you.

MEMBER BURMAN: You cannot hear me?

CHAIR DANNER: Now we can. Thank you.

MEMBER BURMAN: Okay, thanks. So I am very, very encouraged by what I am hearing. I really do like the idea of having this from a flexible perspective.

I do think trying to flesh out a very detailed proposal now that would likely not give us what we need in isolation for an

implementation perspective long term would be dangerous if we tried to do that today, so I like the idea of what's being proposed.

I also like that it does seem to deal with a lot of the issues that people had concerns with, including the time frames and trying to give some flexibility to PHMSA, but also not just leaving it to then, they are then charged with moving forward without the ability to engage with those who would be able to provide the context.

So I do think it's very important that industry and others be able to continue to be engaged going forward. So for me, this sounds very good and I am very supportive. Thank you.

CHAIR DANNER: All right, thank you. Okay, so I think we have a list of issues and a concept for going forward on this. Do we want to hear -- I mean, this has been a discussion among industry folks and the public having separate conversations. I don't know if PHMSA has been, has weighed in on this yet. Alan, do you want to?

MR. MAYBERRY: Yes, we'll have some voting, potential voting language here in a second that addresses the concepts that were brought up, so.

CHAIR DANNER: All right, and then in addition, was there any thought given to preamble language that -- Mary?

MEMBER PALKOVICH: Mary with consumers. So I drafted just some rough language that PHMSA can beautify, but it's really just around in the spirit of the Plan Do Check Act, which is 1173, that the GPAC plans to continue improving pipeline safety by evaluating existing and new data, assessing and prioritizing risks, and proposing reasonable regulatory language, with some bullet points below that that say acting timely on GAO mandates, set minimum pipeline safety standards, prioritize risks, and here's a key bullet, building on regs, not one and done, because what's been important to all of us has been that we understand that this process has to continue on and we have to continue to

build on, and then the final point I just drafted, and I'll give you these handwritten notes and then we can go from there, but assess the data specifically to reduce pipeline safety, so it's around analytics now that we're getting this new body of data in on gathering lines.

CHAIR DANNER: All right, well, thank you for that. I appreciate the work you did on that. I think that, you know, my only friendly amendment would be that while we're saying the GPAC is going to continue, I think it would be that GPAC's expectation is that these rules are, I don't know what the word is, transitional or, you know, that this is -- what's that, iterative, there you go, thank you, and that our expectation is that these rules will be revised periodically and regularly.

MEMBER PALKOVICH: Yeah, I'll make that note.

CHAIR DANNER: Thank you very much.

MR. MAYBERRY: I guess from our standpoint, a note to staff, a note to PHMSA,

we'll go back to this segment of this transcript to look at what to include.

CHAIR DANNER: Okay, so we are just waiting for some language to get drafted.

MR. GALE: What we've done is put together a vote slide that we thought captures the tone and the dialogue that's been occurring. Again, it's more of a set of tenets that we thought the committee would want us to look at the rule and to develop the final rule from.

CHAIR DANNER: Yeah, I think you can take out the words in the future from the first bullet point. Is this the entirety of the proposal?

MR. GALE: That's the entirety.

CHAIR DANNER: I note that I do not see leak survey in there.

MR. GALE: Sorry, so bullet two was not supposed to be all encompassing. It's just an example. We thought the way the discussion on leak surveys, you know, was forming, that would give us the flexibility to finalize our

recommendation on leak survey based on the dialogue of the committee.

CHAIR DANNER: Just speaking for myself, I would like to have some acknowledgment of that. Perhaps it would be considering, for example.

MR. GALE: Consideration for leak surveys?

CHAIR DANNER: Well, just, you know, where it says set a minimum set of requirements, considering, for example, down trench and line markers, public awareness, leak surveys, and emergency plans. I mean, I would rather that we get every one of the bullets that we talked about into that list. Mark?

MEMBER BROWNSTEIN: Yeah, I'll just second that. That seems to be a fairly important reflection of the conversation we've been having.

CHAIR DANNER: Chad?

MEMBER ZAMARIN: Thanks, Chad Zamarin with Williams. I would just ask that in the third bullet, we do reference maybe at the end of

the sentence in parentheses, e.g. or greater than 12 and three-quarters because I think we spent a lot of time talking about that.

We've referenced the eight-inch for the minimum set of requirements, but I think, you know, when we talk about larger diameter pipelines, the concept of greater than 12 and three-quarters was something that I think it seemed like we had consensus around.

CHAIR DANNER: So how would you wordsmith that?

MEMBER ZAMARIN: I would just, I think, just put right there at the end like -- was it Robert doing the work -- greater than 12.75 inches. Happy face, all right. That's how I end every sentence.

CHAIR DANNER: Actually, I like the happy face. Okay, Sara?

MEMBER GOSMAN: So we did discuss new construction, installation, and design, and I'm wondering where we would put that in? I mean, I think if we're going to list damage prevention,

line markers, public awareness, and now leak surveys and repairs and emergency plans, we should also list the other topic that we discussed, which was new construction.

CHAIR DANNER: Would you, would it be your proposal just to include that inside the parenthesis there?

MEMBER GOSMAN: Yes.

CHAIR DANNER: Okay, Andy?

MEMBER DRAKE: This is Andy Drake with Enbridge. I'm trying to build a plane while I'm flying here. Your comment, Sara, I think had perhaps bigger -- yeah, you're putting the design requirements inside the floor, right, for new pipe?

MEMBER GOSMAN: Right.

MEMBER DRAKE: Okay, I think one issue that we would like to include in consideration in that is a special consideration that will be developed by PHMSA to address repair of that section of -- that specific part of new includes designing pieces for repairs.

If we start applying system issues to repair pipes that are very small, that's not practicable. So just that's another placeholder in there because I think it is a floor issue. We've just got to manage some of the unintended consequences of deploying it on a system-wide basis.

MEMBER GOSMAN: Andy, would -- I apologize, Chair. Would you support adding another bullet point that says, you know, so we have the concept of setting minimum requirements and then we say, and here are some of the issues specifically that we want you to think about and some of the minimum requirements. See this particular, --

MEMBER DRAKE: Yes.

MEMBER GOSMAN: Okay.

MEMBER DRAKE: It could just be a parking lot as far as I'm concerned, issues that have to be considered.

CHAIR DANNER: All right, Chad?

MEMBER ZAMARIN: Yeah, I agree. I

think alternatively, you could just remove replace lines, but still, I would think PHMSA's going to have to decipher what it is we mean and I think just so we're clear.

I mean, I think we're not talking about if we're going out and doing maintenance, replacements of discrete sections within long pipeline systems, that you haven't then, you know, for lack of a better term, infected the whole pipeline with requirements that you can't live up to because the entire pipe is not new, and that's a replacement, a maintenance replacement, not the construction of a new line, which again I think was the intent of the code was, or the regulation was for new large-diameter, high pressure gathering systems.

CHAIR DANNER: Okay, Sara?

MEMBER LONGAN: Sara Longan, State of Alaska. I want to echo the comments from my colleagues that what we're doing here is important, and I think that conceptually, we're on the same page, but when I hear sausage making

and what I interpret as on the fly while developing a rule, it makes me nervous.

So the cautionary tale, I think, needs to be captured, and sort of the charge will be to think this through, and I think that PHMSA is really going to have to help on this part.

I want to also second and echo the concerns raised about and repairs, and it's because I'm a regulator and I don't know how industry will interpret it and how enforcement looks like for all of the issues raised.

Most commonly what section of the repair impacting what portion of the entire line I think comes into question, and that's a very important distinction.

Finally, on the third bullet, the part about the on the fly that makes me a little bit nervous is that we've really been talking about most of this, and I agree with you, Sara. We've been looking at this rule for a very long time, but the concept of PIR and how to use it and where, I don't disagree with anything that I've

heard, but I think we need to be careful.

I ask PHMSA, and I don't mean to wordsmith, to consider changing, use the PIR concept, to, consider applying additional requirements, because that, I think, displays the flexibility that I believe we all agree is important, and then I would propose removing the second word, appropriate, before safety and environmental. Thank you.

CHAIR DANNER: So we have no reference to PIR in the proposal. Consider applying --

PARTICIPANT: PIR concepts. Consider applying PIR concepts.

CHAIR DANNER: Sara, is that okay?

MEMBER LONGAN: Yes.

CHAIR DANNER: Okay, Sara?

MEMBER GOSMAN: I think that's a great amendment. I really, again, I want to just say that I appreciate the discussion that we're having right now.

And I understand the difficulties in trying to come to an agreement like this in a

limited period of time, but I also think it's important to remember that, you know, again, this rule has been out there for a long time.

The original proposal was for this starting at eight-inch nominal diameter, so these issues around practicality and appropriateness, right, these are issues that have been percolating, I think, for a while.

I think now that we're here and we're discussing them, we've come to some good conceptual understanding, and now we do need to turn it over to PHMSA and let, you know, again, with the appropriate set of information from industry and from other groups around the table about how to make this work.

But I just, I feel like, you know, we're there conceptually, and that's where I think we should be on an issue like this because we're not the agency experts here. What we're doing is giving advice.

CHAIR DANNER: All right, thank you. That's a very good point. All right, we have

language in front of us. Are there any further suggestions for amending that language? If not, are we ready to -- Andy?

MEMBER DRAKE: I do want to spend a minute on leak detection. I think that's important. Of all of the issues that are up there right now, quite frankly, that's probably the most volatile and the biggest concern for everybody. I don't mean to just pick the industry.

I think this is an important issue to try to summarize a very animated discussion that was happening over there a little bit ago at the last break about leak detection was a very big concern about a hole that could be very expensive and without even a practicable answer, and that was a bit of the anxiety that was happening in that room.

And when we talk about doing it, I think it's important to keep it in the context of where is it right now? It is a huge unknown.

And Mark, the conversation at the

break that only you and I had, I think, might be helpful to help cast an expectation here to give PHMSA some guidance, and that is define the practicable cost-effective solution within X amount of time, and how to even do this is what we're really talking about here.

It's just not do what you do now everywhere. That won't work. It will not work and I want this on the record. It will not work. It will be the poison pill. If we don't get this right, we'll crunch the rule when it gets to cost benefit, and we don't want to do that. That's not in anybody's --

We want to make progress, so I want to get that accented syllable right because as we give guidance, what is the expectation? It has to be very thoughtful and deliberate about how to deal with that because it is very volatile.

MEMBER BROWNSTEIN: I think the -- so I appreciate that, and again, I would -- so in the spirit of, you know, sort of fleshing out the record here, all right.

I think, so first of all, I would encourage the industry. I would encourage PHMSA not to think of this as binary in the sense that it's either this or nothing, and what I mean by that is we've spent a fair amount of time this morning talking about the time frame over which requirements become effective.

We have talked about, you know, applying principles of cost effectiveness. We've talked about principles of practicality, and we've also talked about the fact that the technologies available to industry are rapidly evolving.

And so while sitting here today, one might be tempted to think that the way to do this or the only way to do this is by, you know, walking the line with an infrared camera.

In fact, right, we know that there are technologies actually in the marketplace today that would allow for collection of data much more rapidly and much more cost effectively through the use of, you know, various types of aircraft

and increasingly even satellites.

So all of that, I think, needs to be looked at as we think about this, and I would also suggest that we think about this in the context of, you know, what we all just call sort of common sense, right?

If I go back home tonight and I, say, you know, talking to my wife, so what have you been doing for the last day and a half? you know, and I said, well, you know, we spent three hours, you know, discussing whether or not, you know, industry should inspect their lines once a year for leaks, you know, I think her reaction would be like, really? That's even an issue?

And so there is -- you know, so representing sort of the public interest here and sort of the citizen perspective on this, right, I do think that there is kind of a threshold issue here, right, which is, what do you mean they don't go out and inspect their lines at least once a year, right? And so there is kind of a straight face test that I do think has to also

inform how we think about this, right?

So by all means, cost effective. By all means, let's think about the time frame over which this phases in. By all means, let's think about what work groups we can put together to help inform what good practice looks like to help you guys develop an approach that makes sense.

Let's have all of that stuff, but let's also keep in mind that, you know, from just a general public perspective, like the idea that you wouldn't, you know, inspect the lines at least once a year, really? So.

CHAIR DANNER: All right, Andy and then Chad?

MEMBER DRAKE: I appreciated that conversation. I think it's, again, it is not binary, and I just, I know you know this, but I think for just perspective, the group is making a significant commitment as we stand here today already, and that's a good thing. They're moving forward, you know, on the first try, so to speak, and that includes leak detection.

So it isn't when we talk to our spouses when we go home, and she does ask me the same, what the hell have you been doing for so long? and, you look so tired. Really, that's what took all of the energy?

But we are making progress on that, and this is not the end of it. It is the beginning of it, and I think what we're really talking about here is a certainty of greater than 12 inches that we do these things and they represent a certain risk that we're going to marshal.

What we're trying to do is set an expectation of the next traunch, and what we're saying here is that we have to be thoughtful about how to do that because it won't be the tools that we deploy traditionally.

And you're right, new technologies are coming, but they're not here, so we've got to figure out how to do that practicably on this next traunch because it is a -- it just keeps getting bigger and bigger, and we're not just

going to solve it this time. We're going to keep figuring out how to solve it constantly.

And I think things like, and this would be for the record, things like thresholds, things like frequencies, things like technologies and tools, mapping, sensitivity, those are all issues that have to be a part of this thinking of this work group or whomever that goes back into this decision process or guidance to PHMSA. Does that reflect that conversation?

MEMBER BROWNSTEIN: It does, Andy, and I neglected to add one other thing which is, and again, this is informed as much by my 10 years in the electric and gas utility business as it is my current portfolio as, you know, as an advocate in the environmental community, and that is I know as a practical matter that in order to get innovation, you need to be clear on what the expectation is, right?

And so that is the reason why I'm reluctant to simply sign off on the idea that we simply make a recommendation to PHMSA that they

study this issue because, you know, in fact, if you want to mobilize the resources of not only the industry, but the vendor community that serves the industry, there has to be a clear signal that this is something that will happen because that is the only way that people can justify expending time and resources and capital.

And I'm not just talking about the folks here sitting around this table representing industry, but I'm also talking about the technology community and the vendor community. They have to know that something is going to happen so that they can then devote the resources to figuring out and developing the products and services to enable it to happen, and that comes from PHMSA being very clear, right?

And so I know that there will be temptation to take this recommendation and go back and simply go, well, you know, there wasn't real consensus here, so let's just do a study and we'll put that in the preamble, and everyone -- that won't get to where we need to go.

So I'd much rather have a requirement and then have a long lead time for implementing it than to have a study of indeterminate, you know, outcome and length.

CHAIR DANNER: So let me, Alan will be next, but let me ask Mark this. With what you have just stated, which is in the record, is the language up here acceptable to you?

MEMBER BROWNSTEIN: Yes.

CHAIR DANNER: Okay, Alan?

MR. MAYBERRY: I was just going to mention that I've heard the word practical, practicable, technically feasible, cost-effective use.

Perhaps we should have a qualifier in there because we're saying the preamble, the voting language says it's cost effective and all of that, but set a minimum set of requirements and maybe call it practicable, technically feasible requirements or something like that.

I mean, does it matter? There's a shopping list below that, but would that help?

Set a minimum set of --

MEMBER BROWNSTEIN: You may be gilding the lily here, Alan. Just --

MR. MAYBERRY: Okay.

MEMBER BROWNSTEIN: All right.

CHAIR DANNER: All right, Chad?

MEMBER ZAMARIN: Chad Zamarin with Williams. I do want to though ask Mark and the committee that we be cautious because it has been my experience that requiring things will drive action, but we need to make sure that it's driving action towards results that are what we want to achieve.

And the reason why, for example, a study may make sense is because I don't know that going after pipelines that are smaller diameter, one, you know, yes, we do have emerging technologies, but most of those technologies are being deployed on relatively large leak sources.

And, you know, when we start talking about do I want to force a lot of activity across just a bigger, you know, population of pipe, that

sounds like a great idea, but I'm not sure that I'm getting value. There's a diminishing return as I get to smaller and smaller pipe. I mean, larger pipe do inherently have the potential to emit more emissions.

So I just -- I worry about us making requirements without being fully informed, and what we do know is as you get to smaller diameter pipe, the population grows, so the cost will grow.

We know that as you get to smaller diameter pipe, the volumes decrease, so the detection is harder, so the technology needs more capability.

So I just, the reason why you hear us advocating for more work on the front is just to make sure that we're not just getting more leak surveys, we're reducing emissions, and the effort that we're putting in place is really driving the result that we're looking for, so that's the only reason why I think it's important that we do understand what we're proposing before we do it.

CHAIR DANNER: So from my point of view, this is, you know, it's one thing to say requirements. It's another thing to say we're setting expectations and putting the industry on notice that this is the direction that things are going. All right, Mark?

MEMBER BROWNSTEIN: Yeah, and Chad and I totally acknowledge that, which is why you're not hearing me making an impassioned argument for doing this on four and six-inch lines, which the data suggests is going to be the lion's share of new gathering infrastructure built, at least if we take the ICF report as a good indication, right.

So already, right, and maybe it needs stating explicitly, right, by saying that this applies to eight-inch and above, we're already making a judgment that says we're focusing on, you know, a subset of the total US gathering system, and really a fraction of the total US gathering system when we say eight-inch and above.

It's less than -- I forget what the exact numbers were, but it's, you know, we're talking about 10 to 20 percent of the total miles of lines in the United States to which any of this would apply in deference to your point.

CHAIR DANNER: All right, so --

MEMBER BROWNSTEIN: Fifty, yeah, out of what, 440,000, with another 300,000 to be built? Yeah, it's a subset.

CHAIR DANNER: All right, so just a reminder, we are nearing 11:00, so Chad?

MEMBER ZAMARIN: Yeah, I just wanted to say one other thing. I hear you, but I also just want to remind us that when we ask, you know, our spouses ask what we accomplished, I mean, we are extending, you know, reporting and data collection to over 400,000 miles of pipe that have never been subject to regulation before.

We have identified requirements for pipelines that have never had regulations before. We are talking about extending, you know, these

requirements to pipe that are greater than eight-inch, and again, this rule was about identifying pipe that is being --

If you read the rule, it was about primarily we believe the pipe that's being built today is larger pressure, larger diameter than maybe, you know, the gathering systems that existed of old, and we're concerned that they look more like transmission lines and therefore need to be regulated like transmission lines.

We've veered off the fairway quite a bit from what at least the original intent of the rule was, in fact the mandate that came through legislation that we were here to address pipeline safety requirements for pipelines that might look like a duck, quack like a duck, walk like a duck, may behave like transmission lines. We weren't asked to take on these other issues.

I think it's good that as a group, we've weighed in and provided guidance, but I think we've accomplished a lot in extending safety requirements to a population of pipe that

haven't been before, and I think you've heard us say this is the beginning.

I get very nervous, and I think I voiced this, making decisions about things without understanding the impact of those decisions, and I think that the data collection and reporting that we're going to now have for this population of pipe is going to allow us to understand how much pressure is in these pipelines, when were they built, what were the, you know, the locations and the potential impacts, so I do think we want to take time to understand that before we make decisions that are beyond the scope.

MEMBER BROWNSTEIN: I think we're in a great place right now, okay. I hear what you're saying. I think we're in a great place right now exactly where we are right now, and that frankly, we may have reached the point of diminishing returns in terms of conversation, and in fact, could be starting to take a few steps backwards, I think, if we just keep this colloquy

going, so why don't we leave it there?

CHAIR DANNER: Excellent idea. Okay, Sara, you have the last word and then we're going to --

MEMBER LONGAN: Very quickly, I just wanted to support the Chairman's suggestion of using the word expectations instead of requirements, and it actually builds upon what Chad and Mark are both discussing.

Requirements makes it sound like PHMSA needs to go and do something when, in fact, they do not have the data presently to operate from.

CHAIR DANNER: I think that's a fairly significant change, so I think we're going to have to discuss that. Sara?

MEMBER GOSMAN: So I think we're giving -- Sara, as I understand, what we're doing with that language is we're giving them, sending it back to them to decide what the requirements are going to be.

That is they are going to have to ultimately decide, right, that something is

required or not required. It's not going to be that -- at the end of the day, it's just an expectation.

So that is how I read it just for the record, and if anyone disagrees with that, they should let us know, but that's how I understand it.

I just, I want to ask one more clarifying question, which is newly regulated gas gathering, right, I'm assuming when you say newly regulated gas gathering, that means new and existing because that's the scope of the lines we've been talking about?

Okay, so you're just meaning that set of lines that we are considering whether to regulate in the future? Okay, thank you for that clarification.

CHAIR DANNER: Okay, Sara Longan?

MEMBER LONGAN: I agree, Sara, and it is my full expectation that the second bullet evolves into a set of requirements that we continue to advise PHMSA on what it should look

like, but I do think the Chairman raises an important point.

On its face and as read, PHMSA can't do that second bullet yet, and I believe it's really important. I think we're talking about the need for data collection. We've talked about the industry representatives who aren't present today who will probably be a part of providing information and maybe conducting studies to understand what this looks like.

I didn't want it to be lost because I think what the Chairman suggested is a good thing. A go-between might be, and I hate to do this again, is PHMSA consider setting a minimum set of, and I still support the word expectations. I'm fine if requirements stays within.

CHAIR DANNER: So since I was the first person to say expectations, I was really, you know, looking at whatever the requirements are, they have to set expectations. If we want to put the word expectations in there, well, I

don't see an easy place to do so, but I wouldn't want to replace the word requirements. Sara?

MEMBER LONGAN: I can move on. I do think it's an important distinction and it's something PHMSA has to live with, so --

CHAIR DANNER: Okay.

MEMBER LONGAN: I'm fine either way.

CHAIR DANNER: Okay, Ron?

MEMBER BRADLEY: I was just going to remind us that everything we say is on the record, and I suspect as PHMSA would go back to dig through and cull through this and bring more people aboard, there's going to be a thorough record that captures all of our intent.

CHAIR DANNER: Thank you for that point. Alan?

MR. MAYBERRY: And I appreciate the comment. We've been dealing with this stuff for a good bit, and typically when we hear the word requirements, it does mean to develop a set of regulations, so, I mean, I'm comfortable with it.

You know, either way, the outcome is

going to be a set of regulations that considers those attributes there, so I probably prefer requirements.

CHAIR DANNER: I have faith in PHMSA to develop a minimum set of requirements that create expectations, so I think we're going to be okay there.

All right, so we have language in front of us. I see no cards up. I would ask for a motion if we are at that point. Just before we do that, let me just say we also had some preamble language, and I don't know. Do we need to vote on that or do we need to just ask PHMSA? If PHMSA acknowledges that that's our intent, is -- all right, very good.

All right, is there -- Andy, are you willing to make a motion? All right, please do.

MEMBER DRAKE: This is Andy Drake with Enbridge. In the context of building a plane while we're flying it, I will introduce this proposal, and that is I can make a motion that the committee consider voting on the language

that's in front of us here, and I'll read that.

This is scope of new regulated gas gathering, paragraphs 192.8(b) and (c). With regard to the scope of newly regulated gas gathering in 192.8(b) and (c), the proposed rules as published in the Federal Register and draft regulatory evaluation are technically feasible, reasonable, cost effective, and practicable if PHMSA considers the following. Establish an initial framework to build upon based on future information and experience.

Two, set a minimum set of requirements, for example, damage prevention, line marking, public awareness, leak surveys and repairs, design installation considerations, and initial inspection and testing for new lines, and emergency plans for pipelines, paragraph, or for 8.625-inch diameter and greater.

Given particularly the due consideration to the discussion the GPAC committee has had regarding leak surveys, consider applying a PIR concept and additional

requirements to provide safety and environmental protection for larger diameter pipelines, for example, greater than 12.75 inch and ensure that composite pipe is adequately addressed to minimize the impact on its continued use.

CHAIR DANNER: Is there a second?

MEMBER GOSMAN: I'll second.

CHAIR DANNER: All right, thank you very much. All right, Cameron, can we have a roll call?

MR. SATTERTHWAITE: Okay, if you agree, yes, if not, no, and we'll go right through. Ron Bradley?

MEMBER BRADLEY: Yes.

MR. SATTERTHWAITE: Andy Drake?

CHAIR DRAKE: Yes.

MR. SATTERTHWAITE: Rick Worsinger?

MEMBER WORSINGER: Yes.

MR. SATTERTHWAITE: Chad Zamarin?

MEMBER ZAMARIN: Yes.

MR. SATTERTHWAITE: Mary Palkovich?

MEMBER PALKOVICH: Yes.

MR. SATTERTHWAITE: Jon Airey?

MEMBER AIREY: I would support PHMSA's original proposal, but not this modification. I would suggest that PHMSA stay close to what was vetted from its December proposal, and I vote no.

MR. SATTERTHWAITE: Sara Gosman?

MEMBER GOSMAN: Yes.

MR. SATTERTHWAITE: Mark Brownstein?

MEMBER BROWNSTEIN: Yes.

MR. SATTERTHWAITE: Robert Hill?

MEMBER HILL: Yes.

MR. SATTERTHWAITE: David Danner?

CHAIR DANNER: Yes.

MR. SATTERTHWAITE: Sara Longan?

MEMBER LONGAN: Yes.

MR. SATTERTHWAITE: Diane Burman?

MEMBER BURMAN: Yes.

MR. SATTERTHWAITE: All right, that's 11 to one. The motion carries.

CHAIR DANNER: All right, thank you, Cameron, and thank you, members of the committee.

So the last thing we have, we have the

issue of the mapping in front of us, and I guess my own thought is with time running out for us here and some issues that are still not decided, I would propose that we table that issue, but bring it back at a future GPAC meeting. Okay, Diane Burman?

MEMBER BURMAN: I agree with tabling that. The only other thing I'd like to ask if the next meeting date. I know, I think we had set it as November 14. Is that correct?

CHAIR DANNER: Yes.

MEMBER BURMAN: Yes, that's the only date that didn't work for me because it's my state public session, so I would just like to ask if we can reconsider that?

I know it's just my issue, but I would just like to raise it because I would like to try to be there and I won't be able to be there not only in person, but not on the phone either if it is November 14.

CHAIR DANNER: Okay, Diane, we'll take a look.

MEMBER BURMAN: Okay, thank you.

CHAIR DANNER: Oh, Sara?

MEMBER GOSMAN: So I'm fine with tabling the NPMS, but I guess I would ask, since there are people around the room who are interested in the issue, and because PHMSA has put forth a legal interpretation that they are limited, well, barred from being able to require gas gathering operators to submit information to NPMS, I would be interested in further discussion in that particular interpretation and sort of generally the issue, but I acknowledge that it's not the right time to have it now.

I also want to be really clear that I don't want this to hold up the rule. That is it's very important for me that this issue -- I mean, this is a longer term issue. I don't see this as being necessary for PHMSA to move forward on the rule that we have just now spent a lot of time talking about.

CHAIR DANNER: All right, and I agree with those points, and I would like to hear

PHMSA's view on that language. Alan?

MR. MAYBERRY: Thank you. Just we weren't ready to really discuss it. I know it looks like, in doing some high level research, it looks like we may have taken a foray into considering mapping of gathering, which might, you know, it seems to imply that perhaps we do have the authority, but, yeah, if we could table it to the future, we will commit to looking at it and coming back to you.

CHAIR DANNER: All right, thank you for that. Andy?

MEMBER DRAKE: This is Andy Drake with Enbridge. Just as a point of perspective, pragmatic if nothing else, I think one of the things that we were thinking about yesterday that I think has evolved is the use of the NPRM as the basis for providing the data on gathering. Distribution is in a similar state. There is data gathered on distribution that's not in NPRM on purpose.

I think for gathering, for the

purposes of this discussion, the NPRM standards are not appropriate because the amount of data that's required, the attributes, the elements of precision, it's not appropriate to try to jump this industry into that space. So the NPRM is sort of a separate venue, vessel almost for this.

We wouldn't need the NPRM mandate from Congress to collect locational information on gathering in the context that we're talking about here. We would just collect it just like we do in other sectors. So it may be a parallel issue, but we don't need to solve that to do what we're talking about here. Is that fair?

MEMBER GOSMAN: Thank you for that. And so when you talk -- you're talking about NPMS, the mapping system? Yes, okay, yes, I take the point.

CHAIR DANNER: Yeah, I still would like to hear what PHMSA's lawyer views, so, yeah. All right, I think that takes us to the end, not quite. John wants to say something?

MR. GALE: Just real quick, Chairman

Danner, I just want to point out a milestone for this committee real quick. If you all don't realize, but with that last vote, the work of this committee with the rule-making that was published on April 8, 2016 entitled Safety of Gas Transmission and Gas Gathering Pipelines is now complete.

And we'd like to thank the committee for all of their efforts and all of their work in getting this done, and Chairman Danner, thank you for your leadership in getting us through all of these issues. We greatly appreciate it, sir. Thank you.

CHAIR DANNER: All right, so --

(Applause.)

CHAIR DANNER: So we could go around the room and everybody thank everybody else for their good work, or we could do that offline, but it has been quite a journey, and I think we're getting very good at building airplanes. So with that, Alan?

MR. MAYBERRY: If I could just thank

the PHMSA staff over here that puts this on the table?

(Applause.)

MR. MAYBERRY: I think we've got a good combo, a good team here. Thanks.

CHAIR DANNER: Yeah, and actually, and everybody who commented, I think you've raised a lot of good points. I appreciate everybody's participation and I look forward to seeing the committee members in November or whenever it is we meet next.

So I think, with that, we can adjourn and go off the record. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:13 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee

Before: USDOT/PHMSA

Date: 06-26-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R. Gross

Court Reporter