

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

+ + + + +

LIQUID PIPELINE ADVISORY COMMITTEE MEETING

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THURSDAY, JULY 23, 2020

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The advisory committee met via teleconference at 10:35 a.m. ET. Jon Wolfgram, chair, presiding.

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS  
 PRESENT

JON WOLFGRAM, Chair, Minnesota Department of  
 Public Safety

GRAHAM W. BACON, Enterprise Products Partners  
 L.P.

DAVID BARNETT, United Association of Plumbers  
 and Pipefitters

JERRY K. BARNHILL, DCP Midstream

HON. DIANE BURMAN, New York State Public  
 Service Commission

C. TODD DENTON, Phillips 66 Pipeline LLC

ANGELA KOLAR, Colonial Pipeline

CHARLES "CHUCK" LESNIAK III, retired public  
 servant, City of Austin, Texas

SHAWN LYON, Marathon Pipe Line LLC

SARAH K. MAGRUDER LYLE, Common Ground Alliance

CARL M. WEIMER, Pipeline Safety Trust

## PHMSA STAFF PRESENT

HOWARD "SKIP" ELLIOTT, PHMSA Administrator

DRUE PEARCE, PHMSA Deputy Administrator

PAUL ROBERTI, PHMSA Chief Counsel

ALAN MAYBERRY, Associate Administrator for the  
Office of Pipeline Safety; Designated  
Federal Officer

MASSOUD TAHAMTANI, Deputy Assistant  
Administrator, Office of the DAA for  
Policy & Programs

BENJAMIN FRED, Deputy Assistant Chief Counsel,  
Pipeline Safety Law Division

WASSEL AL-MASHAGBEH, Director, Economic  
Research and Regulatory Analysis Division

JOHN GALE, Director, Office of Standards and  
Rulemaking

BEN KOCHMAN, Director of Government,  
International, and Public Affairs

CAMERON SATTERTHWAITE, Operations Supervisor,  
Office of Standards and Rulemaking

STEVE NANNEY, Project Manager, Engineering &  
Research

AMAL DERIA, Attorney Advisor, General Law  
Division

ERIN D. HENDRIXSON, Attorney Advisor, Pipeline  
Safety Law Division

RONALD RAUNIKAR, Supervisory Economist,  
Economic Research and Regulatory Analysis  
Division

ROBERT JAGGER, Senior Transportation  
Specialist, Office of Standards and  
Rulemaking

SAYLER PALABRICA, Transportation Specialist,  
Office of Standards and Rulemaking

## ALSO PRESENT

KEITH COYLE, GPA Midstream

CHRIS KUHMAN, American Petroleum Institute

DAVID MURK, American Petroleum Institute

JOHN STOODY, Association of Oil Pipe Lines

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

10:35 a.m.

OPERATOR: Ladies and gentlemen,  
thank you for standing by, and welcome to the  
LPAC meeting. At this time, all participants  
are in a listen-only mode. Later, we will  
conduct a question and answer session.  
Instructions will be given at that time. If you  
should require assistance during the call,  
please press star, then 0. I would now like to  
turn the conference over to Mr. John Gale,  
Director: Standards and Rulemaking of PHMSA.  
Please go ahead.

MR. GALE: Thank you. And good  
morning, everybody. Good morning, members, and  
good morning, public. And welcome to the  
Liquid Pipeline Advisory Committee meeting to  
discuss the Valve Automation and Minimum  
Rupture Detection Standards notice of proposed  
rulemaking. We do miss seeing everyone, but,  
given the situation, we are very happy to hold  
this meeting concerning this very important  
topic.

As you are aware, the Gas Pipeline  
Advisory Committee met on the very same topic

1 just yesterday, and the team worked through the  
2 night and early this morning to revise the  
3 slides we sent out, and we sent a new slide  
4 deck out to the members and posted it on the  
5 meeting page to add the discussions from  
6 yesterday's meeting. I again want to  
7 personally thank the staff who worked on both  
8 the logistics of this meeting and, of course,  
9 the technical matters associated with this  
10 topic. With that, I would like to turn it over  
11 to Alan Mayberry, who will take us through some  
12 administrative matters.

13 MR. MAYBERRY: Thank you, John.  
14 Hello, and thank you for your attendance today  
15 at the meeting of the Liquid Pipeline Advisory  
16 Committee. The topic for the meeting today is  
17 the Valve Installation and Minimum Rupture  
18 Detection Standards. My name is Alan Mayberry,  
19 and I am the Associate Administrator in PHMSA's  
20 Office of Pipeline Safety, and, pursuant to the  
21 Federal Advisory Committee Act, I am the  
22 Designated Federal Official for the LPAC, and  
23 will serve as the presiding official for this  
24 meeting. Our chairperson today for this  
25 meeting is Jonathan Wolfgram, who is the state

1 program manager in Minnesota, representing  
2 government seat on the committee.

3 Today, I'd like to welcome two new  
4 members to the committee: Diane Burman with the  
5 New York Public Service Commission, who is a  
6 commissioner in New York, and then Angie Kolar  
7 from Colonial Pipeline. Angie replaces David  
8 Bryson, who changed roles within the Enbridge  
9 organization to the gas side, so Angie brings  
10 the liquid representation, obviously, from  
11 Colonial Pipeline. And, of course, Diane  
12 replaces a vacancy created where Commissioner  
13 Norm Saari from Michigan had left the  
14 committee.

15 I'd now like to introduce several  
16 VIPs to the meeting today. First off, Deputy  
17 Administrator of PHMSA Drue Pearce--and you'll  
18 be hearing from Drue in a moment with her  
19 opening remarks. We have the director of  
20 government, international, and public affairs,  
21 Ben Kochman. And then, our chief counsel, Paul  
22 Roberti.

23 Before I get started, I'd like to go  
24 through several housekeeping items to help the  
25 meeting run relatively smoothly. This is a

1 virtual meeting, and it is being recorded. And  
2 we'll have some information here in a bit on  
3 how to get access to the transcript of this  
4 meeting. Committee members have full access to  
5 this meeting, and the public participants will  
6 be provided an opportunity to comment and ask  
7 questions at the appropriate time. This is a  
8 moderated call, as you probably have seen, and,  
9 as I mentioned, committee members have full  
10 access to interact with us, here, but others  
11 will be brought in as we need for the public  
12 comment period. And instructions will be  
13 provided for that.

14 I'd like to ask if you are not  
15 presenting or speaking to mute your phone now  
16 to minimize disruptions. And that mainly  
17 applies to the members that are on the call,  
18 since we are all kind of on an open conference  
19 call, here. Please hold any comments until we  
20 open the floor, as this will allow us to most  
21 effectively complete and address all the items  
22 on the agenda. And please limit your comments  
23 to 2 minutes--this pretty much applies to  
24 everyone--2 minutes or less. And, if  
25 necessary, the chairman or I may need for you

1 to cut your comments short, and we'll let you  
2 know if that happens. Any written comments can  
3 be submitted under the advisory committee  
4 docket we have set up for this, which is PHMSA-  
5 2016-0136.

6 And I'd like to ask that both  
7 committee members and public work to preserve  
8 order and decorum throughout this meeting. I  
9 think with our virtual nature of this meeting,  
10 that shouldn't be an issue.

11 This is day 2 of talking about this  
12 rule, and I think the virtual format is  
13 actually...we've found to work quite effectively,  
14 we made quite a bit of progress yesterday, but  
15 we'll get to that in a minute, here. I've  
16 finished up all of our administrative items.  
17 I'd like, at this point, to turn it over to our  
18 chairperson, Jonathan Wolfgram, who will get us  
19 going for the day. So, Jonathan, over to you.

20 CHAIR WOLFGRAM: Good morning. Thank  
21 you, Alan. It sounds like I am getting a  
22 little bit of an echo there in the room. All  
23 right. As Alan stated, my name is Jon  
24 Wolfgram, I am the chief engineer with the  
25 Minnesota Office of Pipeline Safety, and I will



1 serve as the chairperson for our meeting today.  
2 I hereby call this meeting of the Liquid  
3 Pipeline Advisory Committee to order.

4 This meeting is being recorded, and  
5 a transcript will be produced for the record.  
6 The transcript and presentations will be  
7 available on the meetings page on the PHMSA  
8 website. That can be located at  
9 [primis.phmsa.dot.gov](http://primis.phmsa.dot.gov), and I will spell that for  
10 you as well: P-R-I-M-I-S dot P-H-M-S-A dot D-O-  
11 T dot gov. And on the PHMSA eGov docket on  
12 [regulations.gov](http://regulations.gov). As Alan stated, the docket  
13 number for this meeting is PHMSA-2016-0136.

14 Before I get started here again  
15 today, I have a few reminders for the  
16 presenters and for the public. Please remember  
17 to introduce yourselves each time that you  
18 speak so your comments are properly recorded  
19 for the transcript. It is often helpful to  
20 spell out your last name for the folks that are  
21 recording the transcript. Also, for the  
22 members, just a reminder to use the Raise Your  
23 Hand function in Adobe Connect if you have a  
24 comment to make as we go through things.

25 At this time, we'd like to do roll

1 call, and Cameron, will you be willing to  
2 facilitate that for us this morning?

3 MR. SATTERTHWAITE: Yes. Okay, all  
4 you have to do is, when I say your name, you  
5 can just say ``here.'' Jon Wolfgram?

6 CHAIR WOLFGRAM: Here.

7 MR. SATTERTHWAITE: Diane Burman?

8 MS. BURMAN: Here.

9 MR. SATTERTHWAITE: Jeff Lantz?  
10 Graham Bacon?

11 MR. BACON: Here.

12 MR. SATTERTHWAITE: Jerry Barnhill?

13 MR. BARNHILL: Here.

14 MR. SATTERTHWAITE: Angela Kolar?

15 MS. KOLAR: Here.

16 MR. SATTERTHWAITE: Todd Denton?

17 MR. DENTON: Here.

18 MR. SATTERTHWAITE: Shawn Lyon?

19 MR. LYON: Here.

20 MR. SATTERTHWAITE: Lanny Armstrong?  
21 David Barnett?

22 MR. BARNETT: Here.

23 MR. SATTERTHWAITE: Chuck Lesniak?

24 MR. LESNIAK: Here.

25 MR. SATTERTHWAITE: Sarah Magruder

1 Lyle?

2 MS. MAGRUDER LYLE: Here.

3 MR. SATTERTHWAITE: And Carl Weimer?

4 MR. WEIMER: Here.

5 MR. SATTERTHWAITE: All right. We  
6 have a quorum.

7 CHAIR WOLFGRAM: Okay. Thank you  
8 very much. Now I'll be handing off things back  
9 to Alan Mayberry, who will introduce the PHMSA  
10 attendees today.

11 MR. MAYBERRY: Thank you, Jonathan.  
12 Well, as this meeting is virtual, we are in  
13 various locations. Typically, as you know, we  
14 would have this meeting in person, but, in  
15 light of the pandemic, we have a skeleton staff  
16 here at PHMSA headquarters, so let me go around  
17 the table, here, and let you know who we have.  
18 We have John Gale, the director of standards  
19 and rulemaking. Cameron Satterthwaite, who is  
20 a supervisor in the Office of Standards and  
21 Rulemaking. Bobby Jagger, who is one of our  
22 transportation specialists in the same office.  
23 And Sayler Palabrica, who is also within that  
24 same office. And, of course, Drue Pearce, our  
25 deputy administrator. We are in a very large

1 room here in the conference center at the DOT  
2 headquarters building, and--as you might  
3 imagine--we are adequately spaced and taking  
4 the precautions you would expect. Also  
5 participating on the PHMSA team today is Steve  
6 Nanney, who is in Houston, Texas, and tuning in  
7 today. And, for the most part, the briefings  
8 will come from Steve, related to...as we go  
9 through the rule.

10 I guess at this time I will turn it  
11 over to Drue Pearce, who will provide  
12 introductory remarks, and then I'll have a few  
13 words after that. But at this time, Drue, look  
14 forward to hearing your comments.

15 MS. PEARCE: Thank you, Alan. Mr.  
16 Chairman, can I do a sound check? Can you hear  
17 me?

18 CHAIR WOLFGRAM: Yes, we can hear you  
19 loud and clear.

20 MS. PEARCE: Okay, thank you very  
21 much. And thanks, everyone. Thank you, Alan,  
22 for the introduction. Welcome to all of you  
23 who are with us today: both the LPAC members,  
24 those who work for PHMSA, and the public.

25 The Valve Installation and Minimum

1 Rupture Detection Standards Rule represents two  
2 of the three final large mandates from the 2011  
3 Act and associated NTSB recommendations. Your  
4 feedback will inform PHMSA's rulemaking  
5 efforts. That feedback is critical to our  
6 processes and to informing our decision-making.  
7 I very much look forward to being back together  
8 for in-person meetings as quickly as possible.  
9 Yesterday's Gas PAC meeting went very well; I  
10 am hopeful that today's does, too. Thanks to  
11 each of you for making the effort to be with us  
12 today, as well as on the earlier briefing  
13 calls. We recognize that many people are  
14 experiencing major barriers to being their most  
15 efficient and effective.

16 I am an Alaskan--I am seasoned at  
17 long-distance conference calls, long-distance  
18 meetings, satellite delays, and inadequate or  
19 even unattainable internet service. But, just  
20 as I did in Alaska, I do worry that the lack of  
21 eye contact and especially important at-ease  
22 conversations that happen when we are together  
23 have a detrimental effect on your ability to  
24 dialogue fully. We'll do our best, and I hope  
25 you do yours.

1                   That brings me to our staff. Many  
2 of you know that the Federal Government is  
3 moving slowly toward returning to normal  
4 operations. Most of us have been teleworking  
5 on a maximum basis since March 18. I want to  
6 personally both recognize and thank the  
7 Pipeline Safety staff who are here in the room  
8 with me today. We are social distancing, as  
9 Alan said, in a large room. But their presence  
10 is imperative to ensure we can confer as  
11 necessary, keep the A/V displays current, and  
12 to support your work today. They're dedicated,  
13 and they're here. Thank you all, gentlemen.  
14 We also, as Alan said, have a large contingent  
15 of staff online, and I appreciate their  
16 work...all the work that they've done to help  
17 prepare for these meetings.

18                   As many of you know, I've been the  
19 deputy administrator here at PHMSA for almost 3  
20 years. A number of decades ago, I was elected  
21 to a seat in the Alaska legislature, in the  
22 House. I then went to the Senate, 4 years  
23 later, and I didn't leave until I was offered a  
24 newly created position with the Department of  
25 the Interior here in D.C. I am one of the

1 lucky ones, because I love public service.  
2 Every day brings something new, and I truly  
3 enjoy both the challenges, but also people.  
4 I've had the honor of being the presiding  
5 officer in the Alaska State Senate, serving as  
6 the Department of Interior trustee on the Exxon  
7 Valdez Oil Spill Trustee Council, of being the  
8 first confirmed federal coordinator for the  
9 Alaska Natural Gas Transmission Projects, being  
10 a member of DACOWITS, which is a DoD FACA,  
11 being a member of the coordinating committee  
12 for two important National Petroleum Council  
13 studies, and now working daily with the amazing  
14 and committed men and women of PHMSA. It's  
15 been an amazing ride.

16 My work at DOI was the start of my  
17 relationship with PHMSA, as it gave me the  
18 opportunity to serve on this Liquid Pipeline  
19 Advisory Committee. My work with the LPAC  
20 opened my eyes to the larger world of pipelines  
21 and the transportation of HAZMAT beyond the  
22 borders of Alaska. I was impressed by the  
23 organization then, and I am truly honored to be  
24 serving here today. The Liquid Pipeline  
25 Advisory Committee, your recommendation is a

1 key milestone in our rulemaking process. I am  
2 continually impressed by the quality,  
3 diversity, and dedication of you, the advisory  
4 committee members, and I want to thank you  
5 again for your selfless commitment to the  
6 committee and to safety.

7 Our goal--in fact, our mandate--is  
8 to promote the safe, reliable, and  
9 environmentally sound operation of the Nation's  
10 2.8-million-mile pipeline transportation system  
11 and the 1.2 million daily shipments of HAZMAT  
12 materials by land, sea, rail, and air. The  
13 women and men of PHMSA work--sometimes 24/7--to  
14 achieve this goal. One way we do so is by  
15 setting appropriate safety standards. It is  
16 important to note that those we set are minimum  
17 standards, but I would be remiss if I didn't  
18 acknowledge that most of our stakeholders go  
19 beyond the minimum standards as they design and  
20 operate the Nation's pipeline infrastructure,  
21 whether it's local transmission or associated  
22 with LNG. We create policy at PHMSA. The  
23 input that you provide, along with realistic  
24 cost-benefit analyses and environmental  
25 assessments, help inform our rulemaking and



1 allow the best possible informed decision-  
2 making regarding pipeline safety. PHMSA  
3 attempts to issue regs that allow operators to  
4 get the most safety for their buck by  
5 considering risk assessment and prioritization.  
6 We do recognize that most of the costs are  
7 eventually passed to the consumers. We are  
8 grateful for your continued input and  
9 engagement in the process. As I said, it helps  
10 us develop policies that work for all of our  
11 stakeholders, including our sister federal  
12 agencies, the American public, from the gas  
13 fields in Barrow to Puerto Rico's regulated  
14 pipeline, and the industry.

15 It's also important--and I always  
16 bring this message to D.C.--it's also important  
17 that we recognize that one-size-fits-all is not  
18 a responsible way to set standards. Pipeline  
19 safety is a shared responsibility between all  
20 of these stakeholders. Prevention has to be  
21 our first and foremost goal. Only when  
22 prevention somehow fails does responding to  
23 serious incidents become our goal. While more  
24 than 99 percent of energy and HAZMAT that is  
25 transported in the U.S. moves safely, sometimes

1 over great distances, unfortunately, we haven't  
2 collectively reached the zero-incident goal.  
3 Despite the pipeline industry's admirable  
4 public safety records, there's always room for  
5 improvement. And although our long-term safety  
6 record shows a downward trend in the number of  
7 accidents, we've recently seen the numbers  
8 start to climb. Liquids continue to be on a 5-  
9 year decline, but, unfortunately, gas has seen  
10 upticks in 3 of the last 5 years.

11 I'd like to take a moment to  
12 remember an accident, because the anniversary  
13 is close. The 2010 Enbridge crude oil pipeline  
14 failure in Marshall, Michigan, happened on July  
15 25. It's been 10 years--or it will have been  
16 10 years on the 25 --since this tragedy  
17 occurred. I think it's important that we  
18 remember that occasion and reaffirm our  
19 commitment to never allow something like that  
20 to happen again. The spill led to evacuations,  
21 closures of affected bodies of water, and  
22 significant environmental damages.  
23 If you feel like there's still work to be done,  
24 you are correct. The fight to ensure pipeline  
25 safety is an ongoing battle. Additional

1 production coupled with aging infrastructure  
2 will continue to pose challenges that we all  
3 must tackle. We can't reverse the series of  
4 events that led to that Enbridge spill in 2010  
5 and the devastation that it caused. What we  
6 can do is come together to develop innovative  
7 solutions to pipeline problems, therefore  
8 strengthening both the industry and protecting  
9 the people it benefits. I want you to be  
10 inventive, think outside the box. Because  
11 we've seen an uptick, I think we all agree that  
12 we need to ensure that the trend doesn't  
13 continue. We are working to combat the trend  
14 by publishing rules to help operators identify  
15 and abide by consistent safety regulations.

16 The inner workings of government are  
17 often mysterious, sometimes even to those of us  
18 who are inside. But I want you to know that we  
19 have a quarterly performance management review  
20 for PHMSA that's led by the deputy secretary,  
21 along with all the other senior brass. We are  
22 a safety agency, we are a regulatory agency,  
23 and we are judged by the statistics--how many,  
24 how big, how many injuries, were there any  
25 deaths? They don't care to hear that equipment

1 failed or that it was third-party damage or an  
2 act of God or terrorism or--unfortunately the  
3 most prevalent--stupid humans doing really dumb  
4 things. If it happens, PHMSA failed in its  
5 mission and failed the public we protect. We  
6 do have a lot of skin in this game. We are  
7 your partners.

8 Today, you are going to be  
9 discussing a very important rule, and one of  
10 the last mandates, as I said, from the 2011  
11 pipeline safety legislation. I recognize it's  
12 been a long time coming. We are here to review  
13 the draft final Valve Installation and Minimum  
14 Rupture Detection Standards rule. It addresses  
15 both congressional mandates and NTSB  
16 recommendations. It will result in improved  
17 rupture response and mitigation and, therefore,  
18 enhance pipeline safety. It will make  
19 pipelines safer--that, of course, is the goal.

20 Since its inception, this PAC has  
21 had a major influence on our safety standards.  
22 I think it's important, though, that we always  
23 look to the future. One of the most important  
24 questions we should all ask ourselves is: what  
25 more or what else can we do to ensure pipeline

1 safety? Even though our Nation's pipeline  
2 system is incredibly safe, we must strive for  
3 our aspirational--but achievable--goal of zero  
4 incidents. Let's pool all of our efforts to  
5 create an efficient transportation system that  
6 provides jobs, improves the economy, and  
7 transports energy and other HAZMAT safely,  
8 thereby protecting both people and the  
9 environment. One of our staff used an analogy  
10 that I thought was interesting. You, the PAC  
11 members, are the automatic-shutoff valve that  
12 will slam shut against the tide of increasing  
13 pipeline incidents. Consider yourself a safety  
14 valve.

15 Please offer your input today. We  
16 want a dialogue, we want to hear all sides, and  
17 we hope we develop a consensus to provide  
18 guidance to this and every rulemaking. But,  
19 most of all, I want to thank you again for  
20 working with us to create the best safety  
21 standards for all parties. I very much  
22 appreciate your time and effort, and I know how  
23 much time you put into this, having been a  
24 former member. It demonstrates your passion  
25 for pipeline safety, and I thank you. Thank

1 you. Mr. Chairman, I yield back to you.

2 CHAIR WOLFGRAM: Thank you very much,  
3 Deputy Administrator Pearce, for your opening  
4 words here, today. Kind of moving along to our  
5 next agenda item, I believe Alan had a few more  
6 things that he was going to open us up with,  
7 today, as well.

8 MR. MAYBERRY: Yes, thank you, Mr.  
9 Chairman. First of all, I missed a couple of  
10 people in recognizing, as far as PHMSA staff  
11 go. Erin Hendrixson, with our Office of Chief  
12 Counsel, and Ben Fred, with our Office of Chief  
13 Counsel. We rely on our attorneys to keep us  
14 down the straight and narrow in these meetings,  
15 so thanks for their participation today. As  
16 well as our deputy associate administrator for  
17 policy and programs in the Office of Pipeline  
18 Safety, Massoud Tahamtani.

19 I'd just like to thank you, the  
20 members, for your participation. For  
21 everyone's benefit who may not be familiar, we  
22 have 15 members, or slots on the committee for  
23 5 members of the public, 5 members of the  
24 industry, and 5 members of the government. The  
25 job doesn't pay very well, but it's highly

1 rewarding. In fact, it doesn't pay anything,  
2 but it's very rewarding, from my standpoint, to  
3 see the process work, to see these different  
4 groups come together to help advise us on where  
5 we take policymaking. We rely on the advice of  
6 this committee, and it's my hope that you also  
7 find it as rewarding as I do to do the  
8 proverbial sausage-making, as we say, as we  
9 develop a national policy.

10 So today we are looking forward to  
11 your recommendations related to the single  
12 agenda item that we have to cover today,  
13 related to the Valve and Rupture Detection  
14 rule. I'd like to...in fact, a reminder just to  
15 put your phone on mute.

16 Thank you to Drue for the reminder  
17 related to Marshall, Michigan. It was  
18 certainly a memorable event in my career here,  
19 having been around when that event happened and  
20 having been on location. And, while I didn't  
21 mention this yesterday, I did want to highlight  
22 that it's appropriate to mention that, coming  
23 out of that tragedy, the pipeline industry...I  
24 must applaud the efforts of the development of  
25 the safety management system standard. You

1 could really say that our journey--and SMS is  
2 indeed a journey--really started on July 25,  
3 2010. And I know, perhaps, before that, there  
4 were others who had various stages of  
5 implementation of it, but it was at least a  
6 start or a reinvigoration of the process  
7 embodiment of the principles of safety  
8 management systems--it really began out of that  
9 tragedy. And look forward to the great things  
10 to come in the journey that we take together to  
11 embody the principles and improve safety  
12 culture across the industry.

13 With the discussion topic, today,  
14 and the proposed rule that we are looking to  
15 finalize, this represents...the action, when we  
16 ultimately issue a final rule, will address two  
17 of the three remaining mandates of the 2011  
18 Act. It's taken some time through a very  
19 deliberative process to get to where we are  
20 today, but that will be...it will be really good  
21 to clear the decks of just about all the  
22 mandates from 2011. Just...if you are  
23 interested, the lone remaining mandate relates  
24 to regulating gaseous CO2 pipelines, which  
25 we've done some work on as far as assessing



1       whether or not there's a need to regulate that.  
2       But that's another story for another day.

3                 The last thing I'd like to mention  
4       is really more of an announcement.  Yesterday,  
5       we were just extremely excited here at PHMSA to  
6       announce an initiative that's unusual, in that  
7       it's a fairly large single project that we are  
8       undertaking, because the opportunity is there.  
9       Things have really lined up to do what we are  
10      planning to do, is to develop a technology  
11      center--a world-class technology center at a  
12      facility in Pueblo, Colorado, that's currently  
13      under contract with the Federal Rail  
14      Administration.  There's a vast piece of  
15      property out there that has, if you were to  
16      look at it, has the opportunity for other types  
17      of applications, and we see it...our vision is to  
18      see it as a location to develop and implement  
19      research and testing for pipelines and develop  
20      a facility that's unlike any other facility in  
21      the world today.  So yesterday, we announced  
22      our initial investment of \$10 million toward an  
23      engineering services contract to move in that  
24      direction.  We are really excited about that.  
25      We are excited about the prospects of being

1       able to be an enabler of technology at the  
2       Federal Government, but also, especially, one  
3       thing I hear from many of the industry and  
4       stakeholders is to accelerate the innovation,  
5       accelerate the advancement of technology to  
6       come to bear on pipeline safety issues. So we  
7       are excited about that, and we look forward to  
8       what's to come with that.

9                       That's all I had for now, Mr.  
10       Chairman. I look forward to the discussion  
11       today. We have a lot of work cut out for us,  
12       and we had good success yesterday, like we  
13       said. I think the virtual format has worked  
14       well for us. While we really like to see each  
15       other, and that works pretty well, I found that  
16       the format yesterday allowed us to really stay  
17       on time, on task, and we got it done yesterday.  
18       Although, heading into it, I was prepared for  
19       whatever may come, if we needed to defer and  
20       extend the conversation to later, but we  
21       actually were able to get through everything,  
22       and I think it was a very productive day, and  
23       look forward to a similarly productive day  
24       today. So I look forward to going through the  
25       process with you, today, that our able

1 chairman, Mr. Wolfgram, will carry out for us.  
2 So with that, I will turn it back to you,  
3 Jonathan, and go from there. Thanks.

4 CHAIR WOLFGRAM: Thank you very much,  
5 Alan. Just...we'll spend a few minutes, here,  
6 just kind of going over our agenda here for  
7 today, now that we've got some of the startup  
8 things for the meeting squared away. Kind of  
9 the format for today will be the NPRM has been  
10 broken up into a couple of different sections,  
11 here. I was able to hop on to the call for the  
12 GPAC yesterday, and--as Alan stated--certainly  
13 the GPAC did a lot of excellent work yesterday,  
14 working through a lot of material yesterday.  
15 There was good conversation throughout the day  
16 from the various stakeholder groups that were  
17 present. And the way that we'll kind of work  
18 through things here today is I believe Steve  
19 Nanney with PHMSA will be kind of providing a  
20 briefing through each segment that we will  
21 tackle throughout the day. After that briefing  
22 has been conducted, we will open it up to  
23 public comment on the phone. I believe that  
24 there will be a moderator at that point that  
25 will give instructions for folks on the phone

1 of how to engage in that way. From there, we  
2 will open it up to kind of committee  
3 discussion: questions and answers and such.  
4 And then, ultimately, if we get to the point  
5 when we can kind of going through and bringing  
6 those elements to a vote, and we'll do that.  
7 That will kind of be the way that we'll work  
8 through our work for today. We will work some  
9 time in for lunch today. Folks in D.C., I  
10 don't know if you have an idea of when you  
11 would like to aim for our lunch today?

12 MR. MAYBERRY: Mr. Chairman, we'll  
13 play that by ear. It might be around the 2:30  
14 Eastern Time timeframe.

15 CHAIR WOLFGRAM: Okay.

16 MR. MAYBERRY: We'll see how it goes.  
17 We'll just have to gauge the progress and...

18 CHAIR WOLFGRAM: Yes. No, that  
19 sounds excellent. And with that, I believe  
20 that we can get things started, here. We have  
21 a pretty good stack of PowerPoint slides to  
22 work through, so I'd say let's just get started  
23 with our first section of the briefing, here,  
24 for this morning. Unless there's any other  
25 questions or discussion from the committee

1 members before we get started.

2 MR. NANNEY: Well, if there's no more  
3 questions..Mr. Chairman, this is Steve Nanney  
4 with PHMSA. I will go ahead and go through the  
5 presentation.

6 CHAIR WOLFGRAM: Excellent, thank  
7 you, Steve.

8 MR. NANNEY: Going to Slide Number 2-  
9 -if anyone can't see it, please email us or let  
10 us know if you cannot see the slides--Slide  
11 Number 2 is just a brief history of the valve  
12 rule. As far as for both liquid and gas, it  
13 started with the 1994 incident in Edison, New  
14 Jersey, which took 2 and a half hours to stop  
15 gas flow, to isolate the pipeline. PHMSA had  
16 NTSB recommendations following the Edison  
17 Township that went into valve provisions in the  
18 integrity management regulations. Also, there  
19 were 97 reported liquid pipeline accidents from  
20 2006 to 2019 that resulted in about 380,000  
21 barrels of liquid being spilled. And then, in  
22 July of 2010, we had the Marshall, Michigan,  
23 incident that continued for 18 hours prior to  
24 confirming rupture and initiating mitigation  
25 efforts.

1                   Slide Number 3, please. Also in  
2                   2010, we had the San Bruno, California,  
3                   incident. It killed 8 people, injured many,  
4                   caused several to be evacuated, destroyed 38  
5                   homes, and damaged 70 other homes. The system  
6                   isolation was not achieved until 95 minutes  
7                   following rupture. And again, PHMSA had NTSB  
8                   recommendations from that that included PHMSA,  
9                   CPUC, PG&E, AGA, and INGAA, following the San  
10                  Bruno incident.

11                  Slide 4, please. Would everybody  
12                  turn their mics off or mute if they're on their  
13                  phone? I can hear background noise. On Slide  
14                  4, PHMSA issues hazardous liquid advance notice  
15                  of proposed rulemaking in October of 2010,  
16                  seeking public comment on 6 topics with 56  
17                  questions. And it was specific to valves--we  
18                  had 2 topics and 23 questions. And then, in  
19                  2011, there was the Pipeline Safety Act, which  
20                  was issued in January of 2012, which had  
21                  several mandates related to both gas and liquid  
22                  pipeline regulations. The specific sections to  
23                  valves of the Act were Sections 4 and 8.

24                  Slide Number 5, please. Also, PHMSA  
25                  sponsored a leak-detection workshop in March of

1 2012 to get both public, industry...to get  
2 everybody's input. NTSB also issued additional  
3 recommendations to PHMSA, API, PRCI, the  
4 International Association of Fire Chiefs, the  
5 National Emergency Number Association following  
6 the Marshall incident. And this was following  
7 the 2012 investigation. Also, PHMSA sponsored  
8 Government and Industry Pipeline R&D Forum,  
9 which was in 2012, and that was for leak-  
10 detection technology.

11 Slide Number 6. Also, an Advisory  
12 Bulletin was issued in October of 2012 to  
13 remind operators to notify the Public Safety  
14 Access Point or the community 911 for pipeline  
15 emergencies. PHMSA also commissioned a valve  
16 study by Oak Ridge National Laboratory, which  
17 was published in October of 2012. Also, PHMSA  
18 commissioned a leak-detection study that was  
19 conducted by Kiefner Associates, and it was out  
20 in December of 2012.

21 Slide 7, please. Also, we got a  
22 report from the US GAO--this was to the  
23 congressional committees--issued in January of  
24 2013, regarding data and guidance needs for  
25 emergency response. Part of that was some

1 recommendations pertaining to valves and  
2 emergency response. And then PHMSA issued the  
3 notice of proposed rulemaking--the one that  
4 we're talking about today--on February 6, 2020.

5 Slide 8, please. The congressional  
6 mandates that we were talking about earlier--  
7 that was issued in the Pipeline Safety Act of  
8 2011. Section 4 requires by regulation the use  
9 of ASVs or RCVs or equivalent technology where  
10 it's economically, technically, and  
11 operationally feasible, on hazardous liquid and  
12 natural gas transmission pipeline facilities.  
13 Section 8 of the Pipeline Safety Act requires  
14 PHMSA to establish technically, operationally,  
15 and economically feasible standards for the  
16 capability of leak-detection systems to detect  
17 leaks on hazardous liquid pipelines.

18 Slide 9, please. The NTSB  
19 recommendation relating to the valve rule is  
20 Recommendation P-11-9, and that is to require  
21 operators of natural gas transmission and  
22 distribution pipelines and hazardous liquid  
23 pipelines to ensure that their control room  
24 operators immediately and directly notify 911  
25 emergency call centers for the communities and



1 jurisdictions in which those pipelines are  
2 located when a possible rupture of any pipeline  
3 is indicated.

4 Slide 10, please. Another NTSB  
5 recommendation for the valve rule was P-11-10.  
6 And that stated ``require that all operators of  
7 natural gas transmission and distribution  
8 pipelines equip their supervisory control and  
9 data acquisition systems with tools to assist  
10 in recognizing and pinpointing the location of  
11 leaks, including line breaks.'' Such tools  
12 could include a real-time leak-detection system  
13 and appropriately spaced flow and pressure  
14 transmitters along covered transmission lines.

15 Slide 11, please. Also from the  
16 NTSB, PHMSA received Recommendation P-11-11,  
17 and that stated, ``amend 192.935(c) to directly  
18 require that automatic-shutoff valves or  
19 remote-control valves in high consequence areas  
20 and in Class 3 and 4 locations be installed and  
21 spaced at intervals that consider the factors  
22 listed in that regulation.''

23 Slide 12, please. Also, the GAO, in  
24 Report 13-168, stated that we needed to improve  
25 operators' incident-response times, improve the

1 reliability of incident-response data, and use  
2 these data to evaluate whether to implement a  
3 performance-based framework for incident-  
4 response times.

5 slide 13, please. To just go  
6 through and give a summary of the valve rule,  
7 the next several slides...we will do that. And  
8 again, these are the proposed rule changes that  
9 was in the notice of proposed rulemaking for  
10 hazardous liquid pipelines. Number 1 is define  
11 ``rupture`` for use in leak-detection and  
12 mitigation requirements. Also, include public  
13 safety answering point--a 911 emergency call  
14 center--in emergency response and liaison  
15 efforts. Establish rupture-identification and  
16 response times. Strengthen accident  
17 investigation requirements.

18 Next slide, please. Also, define  
19 spacing requirements for mainline block valves.  
20 Require installation of rupture-mitigation  
21 valves for newly constructed or when it's over  
22 a 2-mile replacement of pipelines greater than  
23 6-inch diameter. Specify a rupture-mitigation  
24 valve shutoff capability and methods, and  
25 require rupture-mitigation valve operational

1 monitoring.

2 Next slide. Require rupture-  
3 mitigation valve maintenance and verification.  
4 Establish and validate a 40-minute response  
5 time through drills. Strengthen integrity  
6 management requirements, to include rupture-  
7 mitigation valve provisions in EFRD annual risk  
8 analysis. And these 11 main points is what are  
9 in the notice of proposed rulemaking.

10 Slide 16, please. As far as the  
11 notice of proposed rulemaking comment  
12 summary...again, as I stated earlier, it was  
13 issued February 6, 2020, and the comment period  
14 ended on April 6, 2020. PHMSA received  
15 approximately 25 comments, and, you can see  
16 here, we got comments from the NTSB, from  
17 Pipeline Safety Trust, from NAPSAR, the Clean  
18 Air Council, industry trade associations,  
19 INGAA, API, AGA, APGA, AOPL, and others, and  
20 several operators--Magellan, TC Energy,  
21 Northern Natural Gas--and also from equipment  
22 manufacturers for valve actuation and also some  
23 of the monitoring industries.

24 Slide 17. As far as a summary of  
25 what we had in the notice of proposed

1 rulemaking--as you can see, we have, of course,  
2 the scope, a rupture definition, a rupture-  
3 identification timeframe, a valve-closure  
4 timeframe. We defined rupture-mitigation  
5 valves, the spacing of those valves, the  
6 location, the monitoring status, what  
7 maintenance you need to do, failure  
8 investigations, what needs to be in those, and  
9 communications with 911 call centers.

10 Slide 18, please. Now we'll go  
11 through comments that we received to the  
12 docket. What we try to do here is we go  
13 through and we look at all the various  
14 comments, we try to lump them and give an  
15 overview for the committee to see what has been  
16 posted to the docket.

17 Slide 19, please. On the scope and  
18 applicability of the notice and of the proposed  
19 rule, some of the public comments: NTSB  
20 reminded PHMSA that Recommendation P-11-11  
21 addresses valves for both new construction and  
22 existing pipelines. The next comment we  
23 received was Pipeline Safety Trust and the  
24 Clean Air Council asked that PHMSA consider  
25 application to existing pipelines based upon

1 the NTSB recommendation and the statute. And  
2 PHMSA's response there is that application to  
3 existing valves is prevented by statute, and  
4 you can see the U.S. Code number, there,  
5 prohibiting retroactive design and construction  
6 regulations. Also, PHMSA proposed to apply the  
7 requirements to new and entirely replaced  
8 pipelines over 2 miles based on risk, as  
9 mandated in the U.S. Code.

10 Slide 20, please. Some other public  
11 comments that PHMSA received is the NTSB and  
12 Pipeline Safety Trust commented that leak  
13 detection, P-11-10, is not addressed and  
14 requirements for installing rupture-mitigation  
15 valves exclude most existing systems, including  
16 distribution lines. NTSB and Pipeline Safety  
17 Trust commented that requirements for  
18 installing rupture-mitigation valves include  
19 most existing systems, including the existing  
20 transmission and distribution lines. In P-11-  
21 10, this is what it states, from NTSB: ``require  
22 that all operators of natural gas transmission  
23 and distribution pipelines equip their  
24 supervisory control and data acquisition  
25 systems with tools to assist in recognizing and

1 pinpointing the location of leaks, including  
2 line breaks.' ' Such tools could include real-  
3 time leak-detection systems and appropriately  
4 spaced flow and pressure transmitters along  
5 covered transmission lines. The Clean Air  
6 Council advocated for requiring rupture-  
7 detection devices. The Fiber Optic Sensing  
8 Association encouraged PHMSA to pursue  
9 additional leak-detection studies and to  
10 consider enhancements to leak-detection  
11 requirements, and the American Forest and Paper  
12 Association requested sensor and rupture-  
13 detection improvements.

14 Slide 21. The PHMSA response to  
15 this is: since 2002, liquid pipeline operators  
16 must evaluate and install leak-detection  
17 systems for high consequence areas. Also, in  
18 195.444, in October of 2019, PHMSA required  
19 that all liquid pipelines have an effective  
20 system for detecting leaks, in accordance with  
21 195.134 and 195.452, as appropriate. Also,  
22 liquid pipelines must patrol for leaks every 3  
23 weeks, in accordance with existing Section  
24 195.412. PHMSA will monitor these requirements  
25 and leakage-detection technology improvements

1 to ensure that current requirements adequately  
2 address the risk of leaks on liquid pipelines.

3 Slide 22. Some additional comments  
4 we got: the Clean Air Council asks that PHMSA  
5 expand the definition of high consequence areas  
6 to include environmentally and historical site  
7 factors. And PHMSA's response: change to high  
8 consequence definition is outside the scope of  
9 the notice of proposed rulemaking.

10 Slide 23. Other public comments we  
11 received: industry organizations commented,  
12 again, that the current PRIA..with prior studies  
13 and clarify differences. Consider maintenance  
14 costs for operator cost basis in addition to  
15 initial installation costs. Revise the PRIA to  
16 account for recent energy industry hardships as  
17 a result of COVID-19. Clarify if the PRIA  
18 includes costs for regulated rural gathering  
19 lines. And a private citizen provided support  
20 of the PRIA as demonstrating reasonable costs.

21 Slide 24. Additional comments that  
22 we received is: the Clean Air Council requests  
23 cost-analysis comparison to actual rupture  
24 costs--including regulatory, legal,  
25 environmental, repair, et cetera--as part of

1 the PRIA feasibility assessment. A private  
2 citizen requested that additional factors  
3 pertaining to staffing in lieu of automation be  
4 considered in the PRIA, particularly with  
5 regard to extended full-scale manual operations  
6 in emergency situations. Also, to consider  
7 additional consequences of gas supply as  
8 outages affect power generation and industrial  
9 customers. Now I realize for a liquid line,  
10 this bullet would not be applicable. The PHMSA  
11 response is: PHMSA will consider these comments  
12 in the RIA for the final rule. PHMSA's goal is  
13 to ensure that the RIA addresses all the costs  
14 and benefits associated with each rulemaking,  
15 and appreciates each commenter's input.

16 slide 25. Again, some of the  
17 construction inspections that we've seen  
18 between 2018 and early 2020...what we did at  
19 PHMSA is we went back to our region offices and  
20 we asked them to look at all the inspections  
21 that they had done in 2018, 2019, and early  
22 2020, and give us the miles and give us a  
23 breakdown of total valves installed and what  
24 type valves were being installed, whether they  
25 were remote-controlled valves, automatic-



1       shutoff valves, EFRDs, or manually operated  
2       valves. And you can see, here...I realize we've  
3       got gas transmission up here, and, yesterday,  
4       we showed the gas transmission folks the exact  
5       same slide. But the hazardous liquid ones, you  
6       can see PHMSA inspected about 6,700 miles of  
7       pipeline. The RCVs were installed at 53  
8       percent of the valve locations, ASVs were  
9       installed at 13, EFRDs at 6 percent, and there  
10      was a manually operated valve at 28 percent of  
11      the locations, for a total of 1,034 valves.  
12      And, as you can see here, if you just do the  
13      math it's about a valve every about 6 and a  
14      half miles on liquid pipelines. So as we go  
15      through here, just keep this in mind--of what  
16      is being done today, it's what PHMSA has seen  
17      in the past 2 and a half years on pipeline  
18      construction.

19                Slide 26, please. Also, we went  
20      back and looked at the gathering mileage. As  
21      you can see here, we went back and looked  
22      between 2019 to 2015, and you can see, based  
23      upon a per-year mileage in non-rural gathering,  
24      is about 155 miles. In rural gathering, 43  
25      miles, and the 43 would be the rural gathering

1 that's in the code--in 195.

2 slide 27, please. Also, we looked at a  
3 baseline of an estimate of the annual valve  
4 installation in new and replaced liquid  
5 pipelines equal to or greater than 6 inches  
6 between 2015 and 2019. And you can see here,  
7 the estimates that we've got would be  
8 approximately--you can see estimated total new  
9 and replaced pipeline--about 4,900 miles. And  
10 the total new and replaced of 6-inch and  
11 greater would be about 4,700 miles. Valves  
12 installed would be 673, and, based upon the  
13 previous slide, the valve upgrades for rural  
14 compliance we think would be about 269 of those  
15 673 valves.

16 slide 28, please. Also, we wanted  
17 to give you an idea of what we thought the cost  
18 of valves would be. You can see we broke them  
19 down in diameter ranges, from 6 to 12-inch, 16-  
20 inch to 24, and 30 to 36. And again, a manual  
21 to an RCV or an ASV...you can see the cost that  
22 we had there, not of putting the valve in, but  
23 actually changing it from manual to remote-  
24 controlled or automatic-shutoff valve, and you  
25 can see we estimate 84 to 119,000. We realize

1 the cost, based upon the particular site, may  
2 be less or more. And then, actually automating  
3 the actuator we think would be an additional  
4 about 56,000.

5 Next slide, please--Slide 29. Also,  
6 we went back...we wanted to give you an idea of  
7 what we were actually seeing on shutdown times  
8 on pipelines. What we've got here...again, this  
9 is not just all liquid, this is a mixture, as  
10 we have a new group called the AID--or the  
11 Accident Investigation Division--of PHMSA.  
12 They started in December of 2017, and this is  
13 the actual investigations that they've gone out  
14 on, that's been ruptures. And you can see, in  
15 8 out of 12 of the investigations, it took an  
16 hour or longer to shut-in the location. And  
17 again, we just wanted to have this in to give  
18 you an idea that we're still taking longer than  
19 it should to isolate these segments.

20 Slide 30, please. Some specific  
21 public comments are addressed as follows, as we  
22 go on through. You can see we got comments on  
23 rupture mitigation, the definition of a  
24 rupture, the 10-minute rupture-identification  
25 time, the 40-minute time for valve closure. We

1 also got comments on rupture-mitigation valves;  
2 in other words, the technology, the spacing of  
3 the valves, the location, the monitoring of the  
4 valve status, maintenance requirements, failure  
5 investigations, and 911 communications.

6 Slide 31, please. Again, the first  
7 item we'll go through that--we are now getting  
8 into issues that we'll be voting on a little  
9 later---is...number one is rupture mitigation.  
10 And the issue there was Section 4 of the  
11 Pipeline Safety Act of 2011, it required  
12 regulatory action if deemed economically,  
13 technically, and operationally feasible to  
14 require ASVs or RCVs for hazardous liquid and  
15 natural gas lines. The NTSB Recommendation P-  
16 11-11 and the GAO Recommendation 13-168 call  
17 for improved response times. NTSB  
18 Recommendation P-11-11 also calls for  
19 regulations that directly require automatic or  
20 remote-controlled shutoff valves to protect  
21 Class 3 and 4 areas and HCAs spaced at  
22 intervals that consider risk factors. And the  
23 basis is the excessive rupture time--17 hours--  
24 experienced in 2010 on the Enbridge accident in  
25 Marshall, Michigan.

1           Slide 32, please.     Also, PHMSA  
2     proposed to one, define ``rupture.''     To  
3     establish requirements for identifying ruptures  
4     within 10 minutes of occurrence.     Operating and  
5     monitoring rupture-mitigation valves for newly  
6     constructed and entirely replaced hazardous  
7     liquid and CO2 pipelines.     Close rupture-  
8     mitigation valves as soon as practicable, but  
9     no more than 40 minutes after rupture  
10    identification.     And PHMSA asked for comments  
11    on the appropriateness of this 40-minute  
12    standard.

13           Slide 33.     Some of the public  
14    comments that we got was: do not define  
15    ``rupture'' using quantitative release criteria,  
16    such as a 10-percent pressure drop in 15  
17    minutes, that are impractical and do not  
18    account for differences in system operation and  
19    monitoring capabilities.     Consider allowing  
20    operators to establish specific rupture-  
21    notification criteria suitable for the specific  
22    aspects of each pipeline, rather than  
23    establishing universal criteria.     Clarify and  
24    distinguish between the meanings of the terms  
25    ``rupture identification'' and ``notification of

1 potential rupture.'" And also, align the  
2 definition of the rupture with the accident  
3 report definition.

4 Slide 34. Some other public  
5 comments we got was: define ``rupture'' to mean  
6 ``the bursting, breaking, or splitting of a  
7 pipeline that immediately impairs its  
8 operations and results in an uncontrolled  
9 large-volume release of hazardous liquid or  
10 carbon dioxide.'" Also, another comment we got  
11 was: define ``rupture identification'' to mean  
12 that a pipeline operator has sufficient  
13 information to reasonably determine that a  
14 rupture occurred. Also, we got a comment that  
15 said ``adjust the definition of ``rupture'' to  
16 account for technically infeasible detection  
17 sensitivities.''

18 Slide 35, please. The PHMSA  
19 response to these is this: the intent of the  
20 definition is to provide a standard for  
21 operators to consistently and promptly initiate  
22 rupture-mitigation measures and notify  
23 emergency responders. The proposed rule  
24 already allows operators to adopt a standard  
25 that differs from the 10-percent pressure drop

1 in 15 minutes by documenting--in other words,  
2 in procedures--a higher flow-rate change or a  
3 higher pressure-change threshold for rupture  
4 identification to account for pipeline-specific  
5 parameters. Operators may implement this  
6 change without advance notification to PHMSA.  
7 PHMSA will consider committee recommendations  
8 for editing the definition, as shown on the  
9 next slide. Also, PHMSA will consider the  
10 comments to clarify terminology and improve the  
11 understanding and readability of the final  
12 rule. PHMSA will also adjust incident-  
13 reporting forms to align with the final rule.

14 Slide 36, please. Some of the  
15 wording...again, this is a suggested definition  
16 for the committee's consideration. We would  
17 change from the definition of just ``rupture,``  
18 and say notification of potential rupture means  
19 any of the following events that involve an  
20 unintentional and uncontrolled release of a  
21 large volume of hazardous liquid or CO2 from a  
22 pipeline. Number two would be a release of  
23 hazardous liquid or CO2 observed or reported to  
24 the operator by its field personnel, nearby  
25 pipeline or utility personnel, the public,

1 local responders, or public authorities, and  
2 that it may be representative of an  
3 unintentional and uncontrolled release event  
4 meeting Paragraphs 2 or 3 of this definition is  
5 observed or reported to the operator.

6 Number two of it: the operator  
7 observes an unanticipated or unplanned pressure  
8 loss outside of the pipeline's normal operating  
9 parameters, as defined in the operator's  
10 procedures. If the operator establishes a  
11 threshold that is greater than a 10-percent  
12 pressure loss occurring within a time interval  
13 of 15 minutes or less, the operator must  
14 document the need for a higher pressure-change  
15 threshold due to pipeline flow dynamics--in  
16 other words, pressure, flow rate, volume--  
17 caused by fluctuations in the hazardous liquid  
18 or CO2 demand. Or the operator observes an  
19 unexplained flow-rate change, pressure change,  
20 instrumentation indication, or equipment  
21 function that may be representative of an event  
22 meeting Paragraph 2 of this definition. And  
23 then, a note: notification occurs when a  
24 rupture, as defined in this section, is first  
25 observed by or reported to the pipeline



1 operating personnel or a controller.

2 Next slide, 37, please. Also, on  
3 timeframe...on the 10-minute timeframe, we had  
4 public comments there. And one was: the  
5 decision to shut down a pipeline has serious  
6 implications and should not be rushed to meet a  
7 10-minute threshold. The next comment we had  
8 was feasibility of a 10-minute deadline is  
9 dependent on location. For pipelines in remote  
10 areas, a 10-minute deadline could require  
11 operators to treat some operational events as  
12 ruptures. The third is, remove the 10-minute  
13 rupture-identification requirement while  
14 retaining the overall 40-minute shutoff  
15 timeframe. And PHMSA's response: PHMSA  
16 believes the 10-minute timeframe for  
17 identifying ruptures is achievable using  
18 currently available technology. PHMSA is  
19 receptive to deleting the 10-minute standard  
20 based upon proposed changes to the definition  
21 of notification of potential rupture.

22 Slide 38, please. And this is on  
23 the 40-minute timeframe...public comments. NTSB  
24 and Pipeline Safety Trust expressed concern  
25 that a 40-minute timeframe may be too long for

1 ASV and RCVs, and would not provide sufficient  
2 mitigation capability. Pipeline Safety Trust  
3 further requested that PHMSA provide technical  
4 justification for the maximum shutdown time  
5 limit. Pipeline Safety Trust commented that a  
6 30-minute shutdown timeframe might also be  
7 reasonable, and that some spill-response plans  
8 for hazardous liquid lines claim that failures  
9 isolated within 15 minutes constitute an  
10 operator's worst-case discharge.

11 Slide 39, please. Again, this is  
12 more on the timeframe public comment. Extend  
13 the 40-minute shutoff period to 60 minutes.  
14 Remove the 40-minute closure timeframe for  
15 manual valves. Require documentation of the  
16 response activities occurring within the 40-  
17 minute timeframe. Allow operators to specify  
18 maximum detection and shutoff timeframes  
19 individually for each pipeline within O&M  
20 procedures. And, lastly, provide for other  
21 technology-type notifications for operators to  
22 establish valve-closure timeframes longer than  
23 40 minutes for any liquid pipeline.

24 Slide 40, please. And PHMSA's  
25 response to the comments on the 40-minute

1 standard are this: PHMSA believes that a 40-  
2 minute standard is achievable improvement  
3 compared to recent rupture-isolation  
4 performance during reportable accidents. Also,  
5 PHMSA notes that the 40-minute standard was  
6 driven by time to close manual valves, and  
7 believes that ASVs and RCVs should be closed in  
8 much less than 40 minutes--30 minutes or less.  
9 PHMSA would be supportive of changing the  
10 closure-time standard to 30 minutes--in  
11 conjunction with deleting the 10-minute  
12 rupture-identification standard--to incorporate  
13 the proposed definition of notification of  
14 potential rupture from the associations. PHMSA  
15 would be supportive of allowing manual valves  
16 (in non-HCA locations only) to exceed the 30-  
17 minute closure-time requirement if the operator  
18 submits a notification and demonstrates that  
19 installing an ASV or RCV is economically,  
20 technically, and operationally infeasible.

21 Slide 41, please. Also, some other  
22 timeframe public comments that PHMSA received  
23 was: allow operators, in conjunction with  
24 emergency responders, to decide to leave the  
25 rupture-mitigation valve open if needed for

1 incident mitigation or for safety during  
2 emergency response. And PHMSA's response there  
3 is PHMSA believes that the need to isolate  
4 rupture locations is paramount, and rupture-  
5 mitigation valves should be closed as soon as  
6 practicable. Discussions with emergency  
7 responders during incidents could lead to  
8 unjustified delay in isolating ruptures.

9 Slide 42, please. Additional  
10 timeframe comments that we got from the public:  
11 clarify other mitigation actions to be taken in  
12 the event of a rupture-mitigation valve  
13 activation. PHMSA's response: PHMSA intended  
14 this to require that operators take whatever  
15 action is appropriate to mitigate the event in  
16 addition to closing rupture-mitigation valves.  
17 The specific actions needed would be dependent  
18 on each event, and may include closure of  
19 valves on laterals and communication with  
20 receipt and delivery customers.

21 Slide 43, please. Again, this next  
22 slide--I'm going to leave here and give  
23 everybody a chance to read it. Yesterday, we  
24 had the GPAC meeting for the valve rule and the  
25 slides we have here are the actual takeaway

1 slides that were passed, I think in all cases,  
2 by a 12-to-0 or 11-to-0 vote...or 10-to-0,  
3 depending upon how many members were able to  
4 vote at that specific time. The blue contains  
5 recommendations that are or could be applicable  
6 to liquid lines, and the orange-looking color  
7 are things that we think, from PHMSA's  
8 standpoint, think that is only applicable for a  
9 gas line. And just to go through this...it's on  
10 this matter--how did the GPAC vote? Well, you  
11 can see they voted to approve and to recommend  
12 to PHMSA to change the definition of ``rupture,``  
13 as recommended by PHMSA staff during this  
14 meeting and as presented in the slides, which  
15 we went over earlier--I think it's Slide 36.  
16 Eliminating the prescription 10-minute rupture  
17 identification. Requiring that valves be  
18 closed as soon as practicable within 30 minutes  
19 of operator identification of a rupture.  
20 Operators must document a method of rupture  
21 identification in their procedure manual.

22 The next item, which is in orange or  
23 red, depending upon how it shows up on your  
24 computer and your eyes see it, is--we do not  
25 think this would be applicable for liquid--

1 PHMSA will consider allowing valves to remain  
2 open during emergency situations, as discussed  
3 during the meeting and as presented in the  
4 slides. PHMSA will review the issue of  
5 allowing certain valves to remain open during  
6 emergency situations, based upon committee  
7 discussion and public comments, to ensure that  
8 the integrity of the rule is not compromised  
9 and would minimize environmental damage. And  
10 then, the next bullet in blue is allowing  
11 manual valves in non-HCA locations only to  
12 exceed the 30-minute closure-time requirement  
13 if the operator submits a notification,  
14 demonstrates that installing an ASV or RCV is  
15 economically, technically, or operationally  
16 infeasible, and provides a specific closure  
17 time. And then, lastly, revising applicable  
18 sections to eliminate duplication and improve  
19 readability.

20 Slide 44, please. Based upon what  
21 we've gone through in the last 40-plus slides,  
22 this next slide goes through PHMSA's response  
23 to comments on rupture-mitigation topics. In  
24 light of the comments received from the notice-  
25 -also from what we heard yesterday in the gas

1 rule meeting--PHMSA recommends the committee  
2 consider the following: number one, changing  
3 the definition of ``rupture,`` as recommended by  
4 PHMSA staff during this meeting and as  
5 presented in the slides. Number two,  
6 eliminating the prescriptive 10-minute rupture-  
7 identification requirement. Three, requiring  
8 that valves be closed as soon as practicable  
9 within 30 minutes of operator identification of  
10 a rupture. Operators must document a method of  
11 rupture identification in their procedure  
12 manual. Number four, allowing manual valves  
13 (in non-HCA remote locations only) to exceed  
14 the 30-minute closure timeframe if the operator  
15 submits a notification and demonstrates that  
16 installing an ASV or RCV is economically,  
17 technically, or operationally infeasible, which  
18 is similar to the gas rule. And also, lastly,  
19 revising applicable section to eliminate  
20 duplication and improve readability.

21 Next slide, please. Again, Mr.  
22 Chairman, I turn it back over to you for public  
23 comments on what we've gone over.

24 CHAIR WOLFGRAM: Thank you very much,  
25 Steve, for going through this portion of our

1 presentation here for today. And with that,  
2 Cameron, I believe, similar to yesterday,  
3 you're kind of working to facilitate the public  
4 discussion, as far as conferring with the  
5 operator?

6 MR. SATTERTHWAITTE: That is correct.  
7 So, Moderator Lois, we have reached the point  
8 where we would like to have public comment. If  
9 you could provide instruction to all of the  
10 participants on how they can be recognized so  
11 that they can make their comments on what was  
12 presented?

13 OPERATOR: Thank you. And, ladies  
14 and gentlemen, if you wish to ask a question,  
15 please press 1 then 0 on your telephone keypad.  
16 You may withdraw your comment at any time by  
17 repeating the 1-0 command. If you're using a  
18 speakerphone, please pick up your handset  
19 before pressing the number. And one moment for  
20 our first comment...and there's one with the  
21 operator, it'll be just one moment. And our  
22 first comment is from Keith Coyle. Please go  
23 ahead.

24 MR. COYLE: Hi, good morning. This  
25 is Keith Coyle. I'm submitting a comment on



1       behalf of GPA Midstream Association. We wanted  
2       to submit three comments, which are follow-up  
3       to what we submitted in our written comments.  
4       The first sort of general comment is that we  
5       would like PHMSA and the committee to take a  
6       look at the three criteria that are in the  
7       definition currently. We think that there are  
8       some provisions in there that are probably  
9       duplicative and unnecessary, so we think that  
10      the definition itself can be consolidated. We  
11      recommended a more streamlined approach that  
12      relied on the definition used in the accident-  
13      reporting forms as an alternative.

14                We also wanted to support the  
15      comments that were made yesterday and the  
16      changes that the GPAC agreed to with respect to  
17      distinguishing between the three primary  
18      concepts of notification of a potential  
19      rupture, identification of the rupture, and  
20      then, the responsive actions. We think it's  
21      important that the timeframes run from the  
22      point of identification, not from the point of  
23      notification, so we support that clarification  
24      in the final rule.

25                And then, the last point that we

1 wanted to make was--with regard to the default  
2 thresholds--we remain concerned about whether  
3 those are achievable thresholds, particularly  
4 for hazardous liquid pipelines. We're just  
5 concerned that we're setting up timeframes and  
6 volumetric cutoffs that are going to be too  
7 much of a challenge for liquid operators to  
8 comply with. Even with the allowance to  
9 document an alternative in the procedures,  
10 we're just concerned that the thresholds that  
11 are being proposed here are not appropriate for  
12 the liquids industry. Thanks for the comment.

13 OPERATOR: And are you ready for the  
14 next comment?

15 CHAIR WOLFGRAM: Yes, please.

16 OPERATOR: Thank you. And that comes  
17 from Dave Murk. Please go ahead.

18 MR. MURK: Hi, can you hear me all  
19 right?

20 CHAIR WOLFGRAM: Yes, go ahead, thank  
21 you.

22 MR. MURK: Okay. Yes, this is Dave  
23 Murk with the American Petroleum Institute, and  
24 I wanted to first echo what Keith Coyle said.  
25 API supports the position and the point that

1 Keith laid out...as far as the definition and the  
2 concerns we still have with some of the  
3 thresholds. I appreciate the work that was  
4 done by the GPAC, yesterday, in trying to  
5 further provide the flexibility that's needed  
6 with respect to operators in making certain  
7 decisions, but still have some concern with  
8 that--with the thresholds--as well as the  
9 additional documentation requirements around  
10 that.

11 And I think the other point I wanted  
12 to make is the importance of linking whatever  
13 valve-closure timeframe is made, whether that's  
14 the 30 or 40 minutes, is specifically linked to  
15 when the actual rupture is identified. So I  
16 think it's important to make that distinction  
17 by any type of notification that's made.

18 And the other point I wanted to make  
19 is...and I know we've had the GPAC meeting, and a  
20 lot of the work is done, and there's  
21 comparisons between gas and liquid pipelines,  
22 but the reality is, there's nuances clearly  
23 between the dynamics of gas and liquids running  
24 through a pipeline. And so, I think the other  
25 point I wanted to make is really around the 40-

1 minute timeframe and some of the concerns that  
2 we have with that timeframe and not having some  
3 flexibility...just, again, based on the nuances  
4 of hazardous liquid moving through pipelines.  
5 And, as the NPRM is written, it creates the  
6 potential for cascading effects when focusing  
7 only on the timing of the valve closure and the  
8 collecting actions that are intended to reduce  
9 the volume of the release, such as the drawdown  
10 of the pipeline with downstream pumps and shut-  
11 in production facilities. So there's a  
12 sequencing issue when you're shutting down a  
13 liquid pipeline to prevent any pressure surges.  
14 And, really, the correct hazardous liquid  
15 pipeline response is dependent on many factors,  
16 and it's not completed by simply closing the  
17 valve on either side of a rupture within that  
18 40 minutes. So operators have to manage--in  
19 accordance with the system design, flow  
20 conditions, commodity transport, and things  
21 like that--and the system interconnections  
22 support the safe response in shutting down in  
23 the event of a rupture. So again, I think it's  
24 important operators are--in their procedures--  
25 are managing it in this way, recognizing again

1 the nuances with the dynamics of liquid.

2 And so, again, a one-size-fits-all--  
3 I think that was Drue Pearce mentioned that in  
4 her opening--I think it's important that we not  
5 try to necessarily lump gas and liquids  
6 together as it relates to the timeframes and  
7 the shutdown and what liquid operators are  
8 going through. And that's all I had, thank  
9 you.

10 CHAIR WOLFGRAM: Okay. Thank you for  
11 your comments. And I do see that Todd Denton,  
12 your hand is up in Adobe Connect. Did you have  
13 a question/comment before we get to the next  
14 public comment?

15 MR. DENTON: Well, just for  
16 clarification, I wanted to..this is a little  
17 different than we've normally done it, where  
18 we've done committee discussion first and then  
19 public comment. So I wanted to clarify this  
20 was just public comment first before we get  
21 into member discussion?

22 CHAIR WOLFGRAM: Yes, I believe that  
23 would be kind of similar to what we did  
24 yesterday, unless there's another way we would  
25 like to work through it.

1 MR. DENTON: No, it's...I'm open, I  
2 just want...I'll save my comment. I wanted to  
3 speak to the rupture definition, but I'll wait  
4 until it's time for that with the members.

5 CHAIR WOLFGRAM: Okay, certainly,  
6 thank you.

7 OPERATOR: The next comment is from  
8 the line of John Stody. Please go ahead.

9 MR. STODY: Thank you, everyone, and  
10 thank you, PHMSA, for hosting this meeting  
11 today. And, speaking on behalf of AOPL, we  
12 certainly share the goals and aims of PHMSA and  
13 everyone here on the line for safer pipelines  
14 operated safely. And I wanted to hone in on  
15 the mention of the report by the Government  
16 Accountability Office in 2013 that was briefly  
17 mentioned in the slides. Congress required  
18 that report as part of the reauthorization, and  
19 GAO completed the report. And one of the key  
20 findings from the GAO was the difference  
21 between gas and liquid lines, and the need to  
22 guard against potential rupture or potential  
23 spills or accidents resulting from improper  
24 closure of valves. They noted, of course,  
25 there's the obvious situation of an accidental

1 closure on a liquid line and the potential  
2 pressure hammering and the rupture in the  
3 system. And that can also be applied to  
4 improper closures. If the system is closed  
5 down in a way that is not recommended by the  
6 engineers or properly ordered with the  
7 different valves and the different pressures  
8 and opportunity for drawdown and the like.  
9 And, again, they emphasized how a case-by-case  
10 basis for valve placement and shutdowns was  
11 appropriate. So just wanted to make sure that  
12 the conversation today reflected the results of  
13 the GAO report, and that we are specific to  
14 liquid pipelines and not assuming what works  
15 for gas pipelines should automatically be  
16 applied to liquid lines. Thank you.

17 CHAIR WOLFGRAM: Thank you for your  
18 comment.

19 OPERATOR: And there are no further  
20 comments in queue.

21 CHAIR WOLFGRAM: Okay. Thank you  
22 very much. I guess I'll put out kind of one  
23 more call to the public for any  
24 comments/questions.

25 OPERATOR: And again, you can press

1 1-0.

2 CHAIR WOLFGRAM: Okay. Thank you  
3 very much for all those that provided comment.  
4 I think we heard--just kind of in summary--  
5 heard some things regarding just kind of the  
6 criteria, as far as the rupture notification.  
7 Some things regarding the thresholds of volume,  
8 pressure, things like that. And then, also,  
9 some of the elements focusing on the difference  
10 between the gas and liquid pipelines and the  
11 applicability of the NPRM to both of those.  
12 And with that, I will, I guess, open it up to  
13 committee discussion, questions, comments. I  
14 see that, Todd, your hand is up.

15 MR. DENTON: Sure, I'll start. Todd  
16 Denton, representing Industry Liquids  
17 Committee. So I want to talk specifically to  
18 the rupture definition--I think we can get to  
19 possibly quicker times on response and on  
20 valves and that kind of thing, depending on the  
21 definition. So industry has spent a lot of  
22 time on this since the mandate and the need for  
23 this first came about as a result of some high-  
24 profile incidents, now almost 10 years ago.  
25 And the examples cited in the presentation just



1 shown were, essentially--specifically to  
2 rupture identification--were from 1994 to 2010.  
3 So even though PHMSA may not have responded to  
4 this now 10-year-old issue, industry has. As  
5 an industry, we put together a 37-page  
6 technical whitepaper in 2014 to specifically  
7 address this issue. It was titled ``Liquid  
8 Pipeline Rupture Recognition and Response.'' It  
9 included subject matter experts across the  
10 industry, and it's somewhat disappointing that  
11 that was seemingly ignored with this proposed  
12 rule, because it feels like we're going back in  
13 time a little bit.

14 The concern that we have with the  
15 proposed wording is the prescriptive limits put  
16 to specific parameters that, frankly, barely  
17 measure up to a 1990 standard for leak  
18 detection. Pipeline hydraulics are extremely  
19 complex, and I'll use our pipelines at Phillips  
20 66 as an example. We have over 50 pipeline  
21 systems, over 150 individual leak-detection  
22 segments. We monitor those segments with very  
23 technical real-time transient modeling systems  
24 that look at pressure, flow, product  
25 temperature, ground temperature, ambient

1 temperature, pressure waves produced in a  
2 pipeline by anomaly events such as pump starts  
3 or in the event of a leak or a rupture. And  
4 every system is different. I know there is  
5 wording that we can evaluate a system to  
6 document and put parameters...different  
7 parameters in place, but that's simply  
8 unnecessary and no-value work. Again, to  
9 paraphrase or to quote what's been said before,  
10 to put a one-size-fits-all number on only two  
11 numbers or two parameters simply doesn't make  
12 sense with technology today, and, honestly,  
13 flies in the face of the pipeline safety  
14 management systems that we've put in place.

15 Second, though, is the controllers  
16 and their training. They're trained to  
17 understand and know what a rupture looks like.  
18 There are signatures to it--they aren't defined  
19 by specific percentages. And we've had three  
20 ruptures in the timeframe that this became an  
21 industry issue, some from excavations, another  
22 by land movement. All three cases, our  
23 technology signaled the rupture, our  
24 controllers recognized the look, and all of the  
25 lines were shut down and remote-actuated valves

1 closed, all in less than 10 to 20 minutes.  
2 Looking at these parameters, I looked..we took  
3 an example of a brand-new system that we just  
4 put in service, and in one 12-hour period,  
5 using those parameters, we would have had 46  
6 alarms that we would be chasing. Again, I  
7 understand that we could go in and change the  
8 parameters for that system, but there's no need  
9 to when I have technology and a safety  
10 management system in place to manage that. So  
11 we would propose using PHMSA's very own  
12 language for defining a rupture, as captured on  
13 the 7000-1 report. We have that language in  
14 our comments, if we need to supply it or  
15 document it. I think that was pretty much  
16 shown on Slide 34, as well. Thank you.

17 CHAIR WOLFGRAM: Thank you, Todd.

18 Other committee members: questions, comments?

19 Graham Bacon, I see your hand is up.

20 MR. BACON: Yes. Thank you for the  
21 opportunity to speak this morning. I'd just  
22 like to concur with what Todd just mentioned--  
23 that this is not a one-size-fits-all, and a  
24 prescriptive for 10 percent and 15 minutes just  
25 doesn't fit the reality of the way

1 pipelines...the dynamics of the way pipelines  
2 operate. And, again, technology has advanced  
3 considerably, and most of our applications...we  
4 would be able to determine very specifically  
5 and very quickly when a rupture occurs--far in  
6 advance of the criteria that you have here in  
7 the 10 percent and 15-minute intervals.

8           So, I would just encourage, again,  
9 to go back to definitions that are already  
10 established; allow the operators to define  
11 based on the way their systems are engineered.  
12 And these systems vary considerably depending  
13 on the terrain, the commodity that's being  
14 transported, the customers that the pipelines  
15 are serving. And by having a system that  
16 allows the operator to simulate and train their  
17 operations personnel to identify ruptures,  
18 there's much more value-added time than the  
19 time that would be spent to go back and try to  
20 document for a rule. I think, for most  
21 operators, at this point, they're much  
22 progressed beyond the point where this rule  
23 would have any applicability, other than to  
24 provide just another form that needs to be  
25 filled out without real value. That concludes

1 my comments. Thank you for the opportunity.

2 CHAIR WOLFGRAM: Thank you. Next  
3 hand I see up is Shawn Lyon.

4 MR. LYON: Thank you for the  
5 opportunity to comment also. And, just on top  
6 of Todd and Graham, I'll just give you, also,  
7 additional perspective on an angle that I think  
8 that's important. One of the things that has  
9 evolved since 2010 to today is, really, our  
10 controller training, and that training can vary  
11 anywhere from 6 months to 9 months, include  
12 testing. But one of the things we're very  
13 purposeful about is we expect the trainers to  
14 interpret all the data. And this definition  
15 will relegate them just to one piece of the  
16 data, and there could be unintended  
17 consequences by simplifying or short-circuiting  
18 all the training we give our controllers today,  
19 that has evolved since 2010. And again, they  
20 have to interpret and analyze it because they  
21 know the system best, and our training reflects  
22 that. And I would hate for a rule to short-  
23 circuit that training on top of, I think, the  
24 intent.

25 The other piece, I will just say, on

1 a rupture: as a rule, if you ask most  
2 operators, you pretty much know something's  
3 awry. And what you're trying to do--no one  
4 from the public has called in, typically, yet--  
5 you're trying to help locate it. And the  
6 closing of valves and other stuff--you're  
7 trying to locate it as you go on down the  
8 system, and so you're very purposeful of how to  
9 do that so that you can pinpoint exactly where  
10 it's at. So again, I think the risk of this  
11 very narrow definition will have lots of  
12 unintended consequences on top of what Graham  
13 and Todd mentioned. Thanks for the chance to  
14 comment.

15 CHAIR WOLFGRAM: Thank you very much  
16 for your comment. Next hand I see up is Chuck  
17 Lesniak.

18 MR. LESNIAK: Good morning. Thanks.

19 CHAIR WOLFGRAM: Good morning.

20 MR. LESNIAK: I've got a couple of  
21 questions and comments. Did PHMSA consider the  
22 possibility that these rules--particularly the  
23 rule where you're tying valve replacement to  
24 pipe replacement--may disincentivize the  
25 industry from replacing pipe that needs to be

1 replaced? Maybe they would stretch it a little  
2 bit longer, or maybe much longer than would be  
3 appropriate otherwise? And, given that  
4 possibility, did PHMSA consider including a  
5 time component for installing valves? So the  
6 rule might say that valves have to be put in  
7 when you replace 2 miles of pipe, or within a  
8 certain number of years--say 10 years, or  
9 something like that--so that, eventually, all  
10 systems regardless of age would have valves  
11 installed.

12 CHAIR WOLFGRAM: Thank you for your...

13 MR. LESNIAK: And so, then...I guess  
14 that's it for right now.

15 CHAIR WOLFGRAM: Okay. And I think,  
16 just as we're getting that listening of  
17 questions, perhaps that's something that we can  
18 transition in a few moments to PHMSA, if they  
19 can provide some additional insight, there. I  
20 did want to go back to...I think hearing from  
21 three of our liquid operators on the committee,  
22 and kind of going back to that definition on  
23 slide 36 of our stack, it's seeming that the  
24 area of, I guess, of concern with the operators  
25 is putting 10 percent, 15-minute interval in

1 the mix, so element two of that definition is  
2 the piece that is of the greatest concern. I  
3 guess I would say, similar...

4 MR. DENTON: This is Todd Denton,  
5 liquids. Yes, that's the greatest concern...is  
6 the prescriptive requirement, there.

7 MR. LYON: Agree.

8 MR. LESNIAK: Agreed.

9 CHAIR WOLFGRAM: I guess, for other  
10 committee members, are there other  
11 comments...areas of conversation around that area  
12 that we would want to focus on some more this  
13 morning? And certainly, Chuck, I want to be  
14 able to hop on to your items, as well. But I  
15 guess, on the item specific, I guess part two  
16 of that definition, is any other...David Barnett,  
17 I see that your hand is up.

18 MR. BARNETT: Yes, thank you. Dave  
19 Barnett, representing public. I just want to  
20 say, just to kind of bring some balance to the  
21 conversation, it's great that we have folks on  
22 our committee who are very representative of  
23 companies who do the right thing, and go beyond  
24 and above to stay on top of technology and  
25 prevent releases and the things that this is



1 designed to take care of. But we also have to  
2 keep in mind that a lot of these prescriptive  
3 measures, in my mind, they are for the worst  
4 players in the industry, more than for the best  
5 players in the industry. And without these  
6 prescriptive measures...and I'm open to some of  
7 the comments on the prescription of the 10-  
8 percent pressure loss, 15-minute. I don't know  
9 exactly where the balance is, there, but  
10 without something in here that we're working  
11 towards today, we have to keep in mind...I think  
12 one of the industry representatives actually  
13 commented that, for the most part--for the most  
14 part--our good players, if you will, are not  
15 the folks that we're so concerned about, as we  
16 are those folks who definitely operate  
17 pipelines, liquid pipelines, and need these  
18 very needed prescriptive measures. I just  
19 wanted to comment and say that. Thank you.

20 CHAIR WOLFGRAM: Thank you. I see  
21 that, Carl Weimer, your hand is up, as well.

22 MR. WEIMER: Yes, good morning. It's  
23 Carl, representing the public. Just a couple  
24 of questions: is the rupture definition that is  
25 currently on the screen--is that the definition

1 that the industry folks have a concern with?  
2 And is the red on that the tweaks that the gas  
3 committee made yesterday? That's my first  
4 question.

5 CHAIR WOLFGRAM: John Gale of PHMSA,  
6 would you be able to clarify in that area?

7 MR. NANNEY: That's correct. This is  
8 Steve Nanney. That's correct, Carl...

9 MR. WEIMER: Okay, great.

10 MR. NANNEY: ...that's pretty much the  
11 tweaks.

12 MR. WEIMER: Okay.

13 MR. DENTON: So...this is, sorry, this  
14 is Todd Denton. Can I jump in?

15 CHAIR WOLFGRAM: Certainly, please  
16 do.

17 MR. WEIMER: Yes, I'll hold my second  
18 question.

19 MR. DENTON: Okay. So both to  
20 David's comment--and I appreciate that comment,  
21 about maybe not all operators aren't the same--  
22 and then, Carl, also yours. What we're  
23 proposing is that rupture means the bursting,  
24 breaking, or splitting of a pipeline that  
25 immediately impairs its operation and results

1 in an uncontrolled large-volume release of  
2 hazardous liquid or carbon dioxide. And again,  
3 that's PHMSA's language. And to me, that's  
4 very clear on what defines a rupture. Now, the  
5 operator is...it's on the operator to figure out  
6 a way to identify that, based on that  
7 definition. But, to me, that's very clear on  
8 what that would look like.

9 CHAIR WOLFGRAM: Thank you.

10 MR. BARNHILL: Thank you.

11 CHAIR WOLFGRAM: And, Carl, you had a  
12 second question--didn't want to miss that.

13 MR. WEIMER: Yes. My second question  
14 is just for clarity. This rupture mitigation--  
15 all of these rupture-mitigation discussions--  
16 does this mitigation apply to all valves, or  
17 just newly replaced valves, new pipelines?

18 CHAIR WOLFGRAM: Steve with PHMSA,  
19 would you want to clarify that for us, as well,  
20 please?

21 MR. NANNEY: And can you repeat the  
22 question?

23 CHAIR WOLFGRAM: I believe that...

24 MR. WEIMER: Yes, the question was  
25 just: do the mitigation measures that we're

1 talking about now apply to all pipelines, or  
2 are we just talking about the smaller subset  
3 that is newly replaced or new pipelines?

4 MR. NANNEY: It would be applicable  
5 to the pipelines that fall under the rupture-  
6 mitigation sections that we're requiring these  
7 type valves on.

8 MR. WEIMER: But that's more than  
9 just new pipelines or replaced pipelines,  
10 correct?

11 MR. NANNEY: If...well, the way you're  
12 putting it, Carl, it would be. If you go look  
13 at the sections that we're requiring it--in  
14 other words, if we're requiring it under  
15 195.260--then those valves would be required,  
16 and everything required under 195.418. That's  
17 the two code sections that we're talking about.

18 MR. WEIMER: I'll try to look those  
19 up, thanks.

20 MR. NANNEY: Okay. But it is...it  
21 would be the new pipelines, it would be the  
22 ones where you replace 2 or more continuous  
23 miles of pipe, yes, to answer your question.  
24 But, to get more specific, just look at 195.260  
25 and 195.418 in the rulemaking. And I'm stating

1 that just so if I leave something off, just  
2 answering real quick, that you can go and look  
3 at it.

4 MR. WEIMER: Okay. And I guess my  
5 overarching question is: a lot of this came  
6 about because of the Kalamazoo spill, so I'm  
7 trying to understand whether these mitigation  
8 measures would apply to that pipeline now,  
9 since it's already been replaced, or whether  
10 these mitigation measures are really only for  
11 new pipelines in the replaced sections?

12 MR. NANNEY: It would be for the new  
13 pipeline...it would be for the replaced or new  
14 pipeline. So if it's something existing, if  
15 you don't do anything to it, it wouldn't be  
16 applicable.

17 MR. WEIMER: Okay. So we're not  
18 really addressing the Marshall, Michigan,  
19 type...this wouldn't impact that pipeline. Thank  
20 you.

21 CHAIR WOLFGRAM: Thank you, Steve,  
22 and thank you, Carl. I see that, Todd, your  
23 hand is up.

24 MR. DENTON: Sorry, that was from  
25 before, forgot to put my card down.

1 CHAIR WOLFGRAM: No worries.

2 MR. MAYBERRY: Hey, Chairman, this is  
3 Alan Mayberry, if I may? Just related to  
4 Marshall, there's some other provisions that  
5 were put into regulation that impacted that,  
6 related to, as we heard...focused around the  
7 control room. And some updated rulemakings  
8 that we initiated--they were actually issued  
9 related to team training and just the whole  
10 decision-making process in the control room  
11 that was impactful there. And so, that was  
12 probably a primary way of addressing that...not  
13 to mention the other recommendation related to  
14 safety management systems.

15 CHAIR WOLFGRAM: Thank you, Alan.  
16 And I guess...just thoughts with the committee of  
17 do we want to spend some more time kind of  
18 wrestling with that element two of rupture? Or  
19 do we want to get some additional insights  
20 regarding some of Chuck Lesniak's questions he  
21 had regarding, I guess, working to replace  
22 lines over time, getting these valves in, and  
23 such? I don't know if perhaps camping on that  
24 for a little while will give us some more  
25 insight into this, as well. Graham Bacon, I

1 see that your hand is up.

2 MR. BACON: Yes. I would...I guess I  
3 would have a question for PHMSA. Certainly, in  
4 terms of keeping the...having the rupture defined  
5 as Todd indicated, that's currently in the Form  
6 7000-1, I believe was the number, and, in line  
7 with the operator's procedures, certainly would  
8 support that. But I would like to understand  
9 the continued proposal for the 10-percent  
10 pressure loss occurring within a 15-minute  
11 interval--how did PHMSA arrive at that? If  
12 there's a desire to have that prescriptive of a  
13 language in there, what is the basis for the 10  
14 percent and the 15-minute timeframe, and how  
15 was that established?

16 CHAIR WOLFGRAM: Thank you. Alan, is  
17 somebody with PHMSA able to provide some more  
18 insight into that area?

19 MR. NANNEY: Well, first of all, we  
20 established it based upon if you were flowing  
21 and you were maintaining a steady-state flow,  
22 unless...if you read the entire Number Two, it's  
23 set up that you put in your procedures based  
24 upon your pipeline flow dynamics, your  
25 elevation changes, the cause of fluctuations in

1 your actual flow stream, whether it's liquid--I  
2 mean, it could be liquid like a crude oil, or  
3 it could be an HVL, which would have different  
4 flow dynamics--for you to write procedures  
5 based upon that. And again, to use the 10  
6 percent and 15 minutes, or some other  
7 fluctuation that you see based upon that  
8 particular product. We realized when we wrote  
9 it everything that you're saying--I haven't  
10 heard anything as far as that it'll be  
11 different. We tried to write it to where you  
12 would write your procedures to be flexible  
13 based upon the type product, the type terrain,  
14 those type things. That's why we have it in  
15 there.

16 CHAIR WOLFGRAM: Thank you, Steve.  
17 Other committee questions/comments regarding  
18 element two of notification of potential  
19 rupture? I see that, Dave Barnett, your hand  
20 is up.

21 MR. BARNETT: Yes, Dave Barnett,  
22 public. Just to clarify, so that I'm clear on  
23 this: Steve, what you said was the operator  
24 would write in their prescriptive pressures--  
25 high and low pressures in normal operating--and



1 they would have to vary from those...that range  
2 by at least 10-percent pressure loss in a 15-  
3 minute interval based on what they submit as  
4 their normal operating. They would have to be  
5 outside of that, is that correct?

6 MR. NANNEY: Well, what we're  
7 saying...what I was saying is--and the way we've  
8 got it written here is--if this parameter...what  
9 we wanted them to do was write their procedures  
10 before the incident happened, of course, and  
11 this was the parameter we wanted them to use.  
12 If, in looking at flow modeling, based upon the  
13 type product, based upon terrain changes,  
14 things like that that would change the  
15 pressures, flow dynamics, and the monitoring--  
16 for them to write procedures based upon that.  
17 As long as they document it for that particular  
18 pipeline, they could exceed the 10 percent and  
19 15 minutes. That's why we have the lower part  
20 of it...is for them to take those considerations.  
21 We tried to set this up as to give them  
22 parameters to begin with to write procedures so  
23 that we don't have situations where there are  
24 no procedures and we have a liquid controller  
25 out with no guidelines for that particular

1 system when they do have a rupture, and, just  
2 like Marshall, Michigan, it goes on for 17  
3 hours.

4 CHAIR WOLFGRAM: Thank you. Thank  
5 you, Steve. Did you have any other follow-up  
6 questions there, Dave?

7 MR. BARNETT: No, thank you.

8 CHAIR WOLFGRAM: Okay, thank you.  
9 Graham Bacon, I see that your hand is up.

10 MR. BACON: Yes. Just to follow up--  
11 thank you for the explanation. I would still  
12 say that when we have the requirement for a 10-  
13 percent pressure loss within an interval of 15  
14 minutes, the way it reads to me is we're being  
15 asked to justify why that criteria is not  
16 correct, why that criteria won't function,  
17 rather than have in our procedures how we  
18 manage rupture mitigation. My concern is that  
19 we're left trying to justify, for every  
20 pipeline that we have, why the 10 percent and  
21 15-minute interval is not appropriate, versus  
22 spending our time defining appropriate rupture-  
23 mitigation procedures.

24 And I don't believe that the--and I  
25 didn't hear the question answered--but I don't

1 believe there's any real basis for the 10-  
2 percent pressure loss within a 15-minute  
3 threshold. And so, rather than having our  
4 procedures have a section that justifies why  
5 that requirement is not valid, I think that, if  
6 we define the rupture as has been stated  
7 previously and have our procedures describe how  
8 that rupture would be identified for the  
9 specific pipeline, I think that would meet the  
10 intent of PHMSA, as well as the intent of  
11 public safety--which I think we're all in favor  
12 of that. So that concludes my comments. Thank  
13 you.

14 CHAIR WOLFGRAM: Thank you.

15 MR. NANNEY: Mr. Chairman, this is  
16 Steve Nanney. Could I say something, please?

17 CHAIR WOLFGRAM: Yes. Please go  
18 ahead, Steve.

19 MR. NANNEY: All right. Just what  
20 you said is--our intent when we wrote it is  
21 very similar to what you just stated. Our  
22 intent was, again, to give this the 10 percent  
23 and 15 minutes as guidance. But if you were  
24 running a pipeline and you were consistently  
25 having a pump-discharge pressure of 500 pounds

1 and, all of a sudden, it drops to 400 or 450 or  
2 something, then we would expect you to have in  
3 your procedure to check it out--to go look to  
4 see what has changed to cause that drop. And  
5 that was our intent in here. And I realize  
6 that, if something like that happens, as we've  
7 got wording in here, your equipment function is  
8 going to change. If you look at three, if that  
9 happens, you're going to have a...it's an  
10 unexplained flow-rate change, pressure  
11 change...instrumentation, is again...we were tying  
12 two to three, simply because exactly what you  
13 said was our intent. So from a PHMSA  
14 standpoint on changing up or us considering  
15 dropping the 10 percent or changing the words  
16 there, I think would be acceptable to PHMSA,  
17 because everything you're explaining was what  
18 our intent was.

19 CHAIR WOLFGRAM: Thank you, Steve.

20 MR. MAYBERRY: Mr. Chairman, if I  
21 may? This is Alan Mayberry.

22 CHAIR WOLFGRAM: Go ahead, Alan.

23 MR. MAYBERRY: As Steve explained,  
24 it's...the full flexibility is there, but I can  
25 appreciate the concern related to the

1 prescription, and whenever you prescribe  
2 something, I know it's a slippery slope. What  
3 I would suggest, since we feel it has the  
4 flexibility to put into procedures what is  
5 necessary: let's just take that second line  
6 out, and we still get where we need to be with  
7 that. I'm sorry, the second sentence, sorry,  
8 of Number Two.

9 CHAIR WOLFGRAM: So removing the...kind  
10 of the specific prescriptive tolerances to the  
11 pressures?

12 MR. MAYBERRY: Well, it's...right. It  
13 has a bogey, if you will, of a target. But  
14 then, it has...the second line really is what  
15 Steve was referring to that gives you the  
16 flexibility to establish what's needed anyway.  
17 Which means, well, we'll still review  
18 operators' records and procedures on how they  
19 establish that, and address it accordingly if  
20 we see an issue with it.

21 CHAIR WOLFGRAM: Okay. Thank you for  
22 that clarification. I was trying to put  
23 my...keep my regulator hat on, and trying to work  
24 through, based on some of the comments that  
25 were provided from the operators. If they're

1 having to have various procedures for all these  
2 different times that they fall out of those  
3 areas and having to review those, I could see  
4 there being a lot of different processes,  
5 procedures, and specific elements that the  
6 operators would have to create. All right.

7 Shawn Lyon, I see that your hand is up.

8 MR. LYON: Yes, I'll just comment.

9 And I think Alan came up with a good  
10 suggestion, there. I think the intent wasn't  
11 matching up, and that narrowness was causing us  
12 to have an exception for something that the  
13 rule should cover the majority of the  
14 situations, and it's just not. And Alan's  
15 suggestion solved it, in my opinion.

16 CHAIR WOLFGRAM: Thank you. And then  
17 everyone should be able to see the strike-  
18 through there on our screen. Any other  
19 questions, Shawn? I see that your hand is up  
20 still.

21 MR. LYON: I'm sorry, I got to learn  
22 how to take my card down.

23 CHAIR WOLFGRAM: It is kind of a  
24 little more complicated here.

25 MR. LYON: Yes.

1                   CHAIR WOLFGRAM: Carl, I see that  
2 your hand is up.

3                   MR. WEIMER: Yes. I think I'm fine  
4 with that, but I guess a question for the  
5 regulators in the room, or for PHMSA. I'm just  
6 a little concerned that that doesn't provide  
7 any guidance...but are normal operating  
8 parameters always well-defined in an operator's  
9 procedures? So when you go and look at their  
10 operating procedures, is that well-defined, or  
11 is that so nebulous that we're allowing them to  
12 do whatever they want, now?

13                  CHAIR WOLFGRAM: Sure. This is Jon  
14 Wolfgram. When I was reading through that  
15 original language--if the operator establishes  
16 a threshold that is greater than 10 percent, et  
17 cetera--certainly, after hearing some more  
18 comments, I think from maybe Todd, that shared  
19 a new segment or line that they put in, they  
20 would have that scenario playing multiple  
21 times. So it seems either way the operator is  
22 going to have to go through and look throughout  
23 their system--look at the different profiles  
24 they have, the equipment that they have--and  
25 have to have a process and a procedure. And I

1 guess it would be...what I know about the  
2 regulation today--or the proposed regulation, I  
3 should say--the operator should be able to  
4 demonstrate anywhere along the pipeline how  
5 they're going to comply with that section.  
6 They would have to have that process/procedure  
7 as far as the notification of potential  
8 rupture. I don't know if the PHMSA folks have  
9 anything else in that area, as well.

10 MR. WEIMER: So this is Carl again.  
11 My question was really: I'm assuming that, in a  
12 control room, there's set points and the  
13 controllers are looking for parameters that  
14 would indicate a rupture. I'm just wondering  
15 if those types of things are defined in their  
16 operating parameters--in their operator's  
17 procedures? Or are we leaving this so flexible  
18 that there won't be any way to enforce this?

19 MR. LYON: Can I jump in here? This  
20 is...

21 CHAIR WOLFGRAM: Sure, please.

22 MR. LYON: ...Shawn Lyon.

23 CHAIR WOLFGRAM: Thank you.

24 MR. LYON: Carl, I think, to your  
25 point, there's a couple comments, I think, to



1 your question there. One is: our procedures  
2 really accommodate for what's called abnormal  
3 operating conditions. And those are actually  
4 audited during a control room management audit  
5 by PHMSA--what are those and what are the  
6 procedures tied to those? So I think those  
7 play into ruptures and all kinds of stuff.  
8 But, yes, I think your intent is being met, and  
9 then also being checked by the regulator  
10 through the control room management rule and  
11 audit.

12 MR. WEIMER: Thanks. That's what I  
13 wanted to hear.

14 MR. LYON: Okay.

15 CHAIR WOLFGRAM: Dave Barnett, I see  
16 your hand is up. I guess, before we jump to  
17 Dave, Carl, did you have any other follow-ups?  
18 I'm sorry.

19 MR. WEIMER: No, I'm good.

20 CHAIR WOLFGRAM: Okay. Thank you.  
21 Dave Barnett?

22 MR. BARNETT: Yes. Just to be clear  
23 on it: so now what we're saying...we're not  
24 taking out the full second sentence, we're  
25 taking out what's just struck through, and the

1 second part of that would remain, is that  
2 right?

3 CHAIR WOLFGRAM: That's my  
4 understanding, yes.

5 MR. BARNETT: Okay. And the other  
6 question I have is: these operators'  
7 procedures, are they going to be expected to  
8 have these filed and on file prior to releases?  
9 In other words, is this something that they  
10 would have to have on file with PHMSA--  
11 establishing what these pressure flows and  
12 unanticipated releases, how they would identify  
13 those?

14 CHAIR WOLFGRAM: I can't speak for  
15 PHMSA on their requirements for operators  
16 providing procedures to them. I know for our  
17 state, we would require that, and then it would  
18 be subject to audit, as well. So we would be  
19 looking in their operations and maintenance  
20 manual to see what are this particular  
21 company's normal operating parameters. And  
22 then, how are they identifying, basically, when  
23 a rupture occurs? And if it's specific to Line  
24 A or Line B or Line C--there would be different  
25 profiles, potentially, for each of those lines-

1 -and then we would have to kind of walk through  
2 those different lines and see how...what are  
3 their procedures for identifying ruptures? To  
4 Shawn's point with the control room management  
5 inspections, we would be looking for those  
6 things as well. I don't know if anyone from  
7 PHMSA would be able to provide any insight.

8 MR. NANNEY: Mr. Chairman, this is  
9 Steve Nanney. PHMSA would be reviewing the  
10 operator procedures, just like I heard the  
11 gentleman say that, during control room  
12 management and other audits, that we do. And  
13 so this would be something that would be part  
14 of our inspections.

15 CHAIR WOLFGRAM: Thank you, Steve.  
16 Other questions here?

17 MR. LYON: Just one more comment.  
18 This is Shawn Lyon. On the word ``threshold``  
19 that is still left in there, I wonder if that  
20 creates some confusion of what threshold? So  
21 you might want to...I think we should think  
22 about...because it's going to drive the question,  
23 well, what is the threshold? And I just want  
24 to make sure we're clear on that and not undo  
25 our discussion we just had.

1                   CHAIR       WOLFGRAM:       And       you're  
2       specifically looking at, after the strike-  
3       through, the operator must document the  
4       pressure-change threshold due to pipeline flow  
5       dynamics?

6                   MR. LYON: Right. And what I mean by  
7       that is, again, you're trying to put a  
8       simplistic descriptor in there without  
9       analyzing all the data for all abnormal  
10      conditions...is what is important. And that's  
11      what PHMSA audits on versus a simple, hey, I  
12      got to have 20 minutes on this line, 30 minutes  
13      on this line, it's all the data.

14                  MR. DENTON: This is Todd. I would  
15      agree, maybe it's more of just a hydraulic  
16      change, because it is more than just a pressure  
17      change, there's a lot more parameters coming  
18      in.

19                  MR. LYON: Correct.

20                  CHAIR WOLFGRAM: So basically you're  
21      looking for something along the lines where the  
22      operator would have to document operational  
23      changes that may result in a rupture?

24                  MR. DENTON: Yes.

25                  MR. LYON: That's a good way to put

1 it.

2 CHAIR WOLFGRAM: Yes.

3 MR. DENTON: Yes, I think that works  
4 better.

5 CHAIR WOLFGRAM: Okay.

6 MR. NANNEY: Mr. Chairman...

7 CHAIR WOLFGRAM: Other questions?

8 MR. NANNEY: This is Steve Nanney  
9 with PHMSA. Could I say something?

10 CHAIR WOLFGRAM: Please do.

11 MR. NANNEY: Instead of ``threshold,``  
12 could we put ``condition?``

13 CHAIR WOLFGRAM: ``To go through the  
14 pressure-change condition?``

15 MR. NANNEY: Yes.

16 CHAIR WOLFGRAM: So what do the  
17 liquid operator folks think about that? Does  
18 that capture kind of what we were just  
19 discussing?

20 MR. DENTON: This is Todd again.  
21 I...that's okay, but I think it would be broader  
22 and more appropriate to be looking, again, at  
23 all parameters. Sometimes your pressures  
24 aren't your only indication, so it's flow and  
25 other things, as well. So I like the

1 operational changes, or what your wording was  
2 earlier. I don't know what the other liquids  
3 members think.

4 MR. LYON: I would, Steve, I would  
5 agree with Todd's comment. I think ``condition``  
6 is better, but I think keeping it broad is what  
7 the true intent, and it really forces an  
8 operator to really look at the whole picture,  
9 which is exactly what we all want. From ones  
10 that do right and maybe they're not clued-in to  
11 how to do it, and that's where PHMSA can audit  
12 them.

13 MR. DENTON: Right. I think it's  
14 more on us in that regard.

15 MR. LYON: Yes. Yes, it holds us,  
16 actually, to a higher bar.

17 MR. BACON: Yes, I think there's just  
18 different things that we train, as Shawn  
19 indicated, on multiple indicators. And,  
20 sometimes, it's not a threshold, but it's two  
21 small indicators...could be an indicator that we  
22 use to trigger that. So it's, again, it's very  
23 broad, and I think having that language--it  
24 forces us to think through that and train our  
25 folks to that; it's much more effective.

1 MR. BARNETT: Dave Barnett, public.  
2 I think it goes on to describe some of the  
3 other dynamics that would be considered, rather  
4 than just pressure. I don't have any issue  
5 with maybe removing just the pressure, but  
6 keeping in the dynamics that are described in  
7 the parentheses: pressure, flow rate, and  
8 volume. Those are all to be considered in this  
9 statement, in my opinion.

10 CHAIR WOLFGRAM: Okay. Thank you.  
11 Any other questions/comments, here? I wanted  
12 to make sure that we did get back to Chuck's  
13 questions, as well. I still have that  
14 highlighted on my to-do list.

15 MR. GALE: Hi, Chairman and members.  
16 This is John Gale. We just made a little bit  
17 of a modification to that last sentence that we  
18 think would--because of the changes pointed  
19 out, the 10 to 15 minutes--better connects that  
20 phrase to the overall intention of the  
21 definition. So if you wouldn't mind looking at  
22 it. We think it still gets at what the goal  
23 was, but we think it better connects the  
24 sentences together.

25 CHAIR WOLFGRAM: Shawn and Dave, I

1 see that your hands are up. So Shawn first,  
2 Dave next.

3 MR. LYON: Sorry. I still need  
4 remedial training on taking my hand down.

5 MR. BARNETT: Me, too. I took it  
6 down.

7 CHAIR WOLFGRAM: Okay.

8 MR. DENTON: So this is Todd again.  
9 I...to answer your question, I think I'm  
10 comfortable with that, yes.

11 CHAIR WOLFGRAM: Okay. Thank you,  
12 Todd. All right, folks. I guess, if we can  
13 go...you know, we've kind of worked through this  
14 area. It seems like there's not a lot of other  
15 questions here. I did...I see the voting slide  
16 up next. I did want to go back to Chuck's  
17 questions. And, Chuck, if you'd like to kind  
18 of reiterate your questions, again, for the  
19 group?

20 MR. LESNIAK: Sure. So my question--  
21 I think this is a question for PHMSA staff and  
22 maybe for us to consider--is, you know,  
23 obviously this valve replacement, you  
24 know...replacing a valve is a fairly expensive  
25 proposition. And so, did PHMSA consider the



1 possibility that the rule might disincentivize  
2 pipe replacement? And, as a way to possibly  
3 address that, include a time component for  
4 replacement so that, over the life of a  
5 pipeline, that they either have to  
6 replace...install these valves when they replace  
7 segments of pipe, or within X number of years  
8 on a given pipeline, is my question and my  
9 comment. I'm concerned that this might  
10 incentivize operators to not replace pipe when  
11 they actually ought to be replacing pipe, and  
12 that they would otherwise be replacing pipe, if  
13 not for this valve rule.

14 MR. NANNEY: All right. Chairman,  
15 this is Steve Nanney with PHMSA staff. Can I  
16 answer the question?

17 CHAIR WOLFGRAM: Yes. Please do,  
18 Steve. Thank you.

19 MR. NANNEY: If you...Chuck, if you  
20 don't mind, I would appreciate if you hold this  
21 question. We've got a section where we go over  
22 valving and replacements and things.

23 MR. LESNIAK: Okay.

24 MR. NANNEY: And I personally think  
25 it would be more appropriate during that

1 section, because you will be able to see what  
2 we've got as far as spacing and everything in  
3 the requirements and the proposals there. And  
4 then talk through them there, I would suggest,  
5 would be more appropriate when we get to that  
6 section.

7 MR. LESNIAK: That's fine.

8 MR. NANNEY: Thank you.

9 CHAIR WOLFGRAM: Thank you. And just  
10 for a reminder--I think I may have been guilty  
11 of this, as well--but when you are commenting,  
12 please state your name and your affiliation  
13 so..you know, again, my name is Jon Wolfgram,  
14 here on the behalf of the National Association  
15 of Pipeline Safety Representatives and  
16 Minnesota Office of Pipeline Safety. I'll  
17 shorten that up as we do that more often  
18 throughout today. Shawn Lyon, I see that your  
19 hand is up.

20 MR. LYON: Yeah. Thanks, Mr.  
21 Chairman. Could we go back a slide? I hate to  
22 ask this. As we were editing, I'm not sure it  
23 ended up where I think was the intent of our  
24 discussion on the rupture definition, and I  
25 just want to double-check. And if you could

1 maybe recap what...okay. If we could recap what  
2 we think we're proposing in the final rule,  
3 just so...

4 CHAIR WOLFGRAM: Certainly. Jon  
5 Wolfgram, NAPSR, MNOFS. So I guess, based on  
6 my understanding, we kind of walked through,  
7 you know, the actual rupture definition here,  
8 you know, and then follow up to, you know, some  
9 of the comments regarding thresholds. I guess,  
10 you know, making things specific to, you know,  
11 liquid operations rather than, you know, gas  
12 and liquid combination. And I think out of all  
13 these areas, you know, we haven't had any  
14 discussion, I guess, regarding one where, you  
15 know, basically a release, you know, is  
16 identified, observed, reported by, you know,  
17 field personnel, responders, the public. I  
18 think we spent, you know, certainly a great  
19 deal of time going into Part 2 specific to, you  
20 know, that concept of threshold, you know,  
21 specifically, you know, kind of the 10 percent,  
22 15-minute interval working to dial in, you  
23 know, some changes to, you know, allow the  
24 operator to have procedures, you know, to  
25 highlight, you know, specific operational

1 changes that they need to watch for to identify  
2 a rupture.

3 And then there's Part 5, there, as  
4 well. I don't think we've had...I guess 5 kind  
5 of--or not 5, but Part 3--kind of is further  
6 clarification to 2. I don't know if there's  
7 any other comments or clarification that PHMSA  
8 would like to provide as we kind of work  
9 through the remainder of this section.

10 MR. LYON: This is Shawn Lyon, liquid  
11 operator. Just one small tweak, there.  
12 Instead of could...instead of the very last part  
13 that says ``could lead to rupture,`` I think that  
14 ``could indicate a rupture.``

15 CHAIR WOLFGRAM: Okay. So adding in  
16 that, ``indicate a rupture.``

17 MR. LYON: Yeah.

18 CHAIR WOLFGRAM: Thank you, Shawn.  
19 Thanks to the typer, also--whoever is doing the  
20 typing.

21 MR. LYON: Yeah.

22 CHAIR WOLFGRAM: All right. I  
23 see...Shawn, if you've concluded your...

24 MR. LYON: Yeah. Unfortunately, I'm  
25 not...I can't take it down, but I'm done. Right

1 now, my connection of the slides are...is timing  
2 out. So I had to get connected again, here.

3 CHAIR WOLFGRAM: Thank you. I see  
4 Dave Barnett. Your hand is up.

5 MR. BARNETT: Yeah. One question  
6 that came to mind when we reviewed that, for  
7 PHMSA or Steve. In this...eliminating this 10  
8 percent in 15-minute rule without anything in  
9 there that is prescriptive at all--other than  
10 the plan of the operator to identify--I know  
11 that, Steve, you had mentioned that you would  
12 have the ability, and your inspectors, to audit  
13 and look at their procedures. But does this--  
14 if it's written this way--does it give PHMSA  
15 any opportunity to say this procedure doesn't  
16 fit what PHMSA feels like the criteria should  
17 be in the timeframe? I mean, in other words,  
18 should we have something that says that the  
19 operators will work towards a prescriptive  
20 timeframe? In other words, do you feel like,  
21 with this language we have in here, that PHMSA  
22 is equipped for some of our operators to be  
23 able to enforce that, no, we think what you've  
24 identified is outside of what should be...should  
25 be able to identify a rupture? Thank you.

1                   MR. NANNEY: Mr. Chairman, this is  
2 Steve Nanney with PHMSA. Could I answer the  
3 question?

4                   CHAIR WOLFGRAM: Yes, please do.  
5 Thank you, Steve.

6                   MR. NANNEY: All right. Yes, I think  
7 your suggestion is good that to add a...maybe add  
8 a bullet that...about that concern, as far as us  
9 being able to put wording in here to make sure  
10 that it is enforceable in a specific timeframe.  
11 That being said, we already have in the  
12 rule...would be the 30 minutes and ``as soon as  
13 practical.'' So the operator would have to--in  
14 any large-volume leak or pressure loss--would  
15 have to identify and meet the remainder of the  
16 criteria.

17                   The other thing that you brought up--  
18 -that has been brought up that PHMSA would look  
19 at--is I know we had heard the rupture  
20 definition used already in our accident  
21 reports. And when we actually write the final  
22 rule with the--we would hope with the  
23 committee's okay, too, to get their input--is  
24 we would consider what's in that definition  
25 also, as far as adding into it. Thank you.

1 CHAIR WOLFGRAM: Thank you, Steve.  
2 Any other questions regarding rupture  
3 mitigation?

4 MR. BARNETT: Dave Barnett, again,  
5 public. Alan, do you...given the last  
6 conversation, here, with Steve, do you think  
7 anything needs to be added to this segment of  
8 this or addressed at a later time through PHMSA  
9 under the final rule?

10 MR. MAYBERRY: Yeah. Dave, at this  
11 time, we would address that later.

12 MR. BARNETT: Thank you.

13 CHAIR WOLFGRAM: Any other  
14 questions/comments? I see that, Carl Weimer,  
15 your hand is up.

16 MR. WEIMER: Yeah. Just a couple of  
17 questions about the fourth bullet about manual  
18 valves in non-HCA remote locations. I'm fine  
19 with that language. I'm assuming the way it's  
20 written that it's not just you submit that--you  
21 also have to get a response. So I'm wondering  
22 if we need to add that at the end, so at the  
23 end we would add ``and receive the no-objection  
24 response from PHMSA.'' So it's not just an  
25 operator submitting something--it needs to be

1 looked at and responded to.

2 My second question is the word  
3 ``economically'' in there always troubles me,  
4 because I'm wondering if, as PHMSA looks at  
5 these...these notifications that an operator  
6 submits, I would think what's ``economically'' to  
7 a small operator is very different than what's  
8 an economic problem to a very large operator.  
9 So does that really play in, and can a small  
10 operator say ``well, we just don't have the  
11 money this year, so we're not going to do it,''  
12 and does that pass muster, or is all pipelines  
13 treated fairly for this?

14 CHAIR WOLFGRAM: Thank you, Carl.  
15 This is Jon Wolfgram, government. I would, I  
16 guess, have some further questions in that  
17 area, too, you know, for that. You know,  
18 whether it's a waiver or a no-objection, I  
19 think, as being typed there. As far as an  
20 intrastate pipeline, would that have to go  
21 through the state, or through the state and  
22 PHMSA? That would be one of my questions I  
23 have.

24 MR. NANNEY: This is Steve Nanney  
25 with PHMSA. Could I answer the question,



1 Chairman?

2 CHAIR WOLFGRAM: Yes, please.

3 MR. NANNEY: Right now, the way the  
4 program works, if it is in the federal  
5 regulations and it is an intrastate pipeline,  
6 the intrastate agent or the state would have to  
7 come through PHMSA through the U.S. Code.

8 CHAIR WOLFGRAM: Okay.

9 MR. NANNEY: And we do that now. I  
10 mean, all the states work through PHMSA on that  
11 now.

12 CHAIR WOLFGRAM: And then, Steve,  
13 would that--again, this is Jon Wolfgram,  
14 government--would there be...is this like a  
15 waiver process, or is there an application?  
16 I'm just trying to look, you know, how this  
17 would work. And if we have an operator that's  
18 installing many valves, would there be, you  
19 know, a case-by-case basis, or what would that  
20 look like, exactly?

21 MR. NANNEY: Well--this is Steve  
22 Nanney with PHMSA--it would go through the  
23 state. The way the process is set up now, on  
24 those type of things the operator would get  
25 with the state, and maybe the state and the

1 operator together would get with us normally  
2 before it goes to the state commission. The  
3 state and PHMSA have given each other a thumbs  
4 up on what's in the commission's waiver. Then  
5 it goes back to PHMSA for a 60-day review and  
6 no-objection. So...and the operator, depending  
7 upon the case, whether they have one valve or a  
8 couple of valves, they would have to make the  
9 case for each valve.

10 CHAIR WOLFGRAM: Thank you.

11 MR. NANNEY: And I would expect it to  
12 be in areas where you're in very isolated areas  
13 to where you can't get power, you can't move  
14 the valve. If you move the valve a mile or so  
15 either way, it won't make any difference,  
16 because you're in a very isolated area. But  
17 the example I'd have is moving the valve a few  
18 thousand feet to be by an area where you can  
19 get power...or some distance which, at this  
20 moment, I haven't thought through it. You  
21 know, that would not be a reason for not...I  
22 mean, for getting a no-objection. So we would  
23 have to work through the exact rules of that,  
24 but we would need to see the entire gambit of  
25 the line, which is what we do on valve-type

1       submittals now. You know, if you look under  
2       195.260 on valves around water crossings, there  
3       is an area there where they can come in to the  
4       associate administrator for relief, so this is  
5       not unusual. Thank you.

6               CHAIR WOLFGRAM: Thank you, Steve.  
7       Any other questions or comments in this area?

8               (No response.)

9               CHAIR WOLFGRAM: Seeing none, is The  
10       committee looking to move to make a vote?  
11       Graham Bacon, I see that your hand is up.

12              MR. BACON: Yes. Graham Bacon. Just  
13       one comment on the no-objection...but if there  
14       were a provision, say, a 90-day review period  
15       that, if it was not...some type of time  
16       constraint that if there is a submittal and the  
17       operator has some certainty of getting  
18       approval--let's say it's not approved  
19       within...there's nothing...no response within 90  
20       days--that would be considered approval. But  
21       some type of timeframe so that we could have  
22       some clarity on that, I think, would be of  
23       value for both the operator and for PHMSA.

24              MR. GALE: And, Mr. Chairman, this is  
25       John Gale with PHMSA. What we're looking at is

1 creating the provision and a section very  
2 similar that was created on the gas side when  
3 we developed the gas transmission rule. We  
4 call it 192.18. And, Member Bacon, that's  
5 exactly what...the kind of process that we would  
6 be looking at adopting.

7 CHAIR WOLFGRAM: Thank you for  
8 clarifying that, John.

9 MR. GALE: Yes.

10 CHAIR WOLFGRAM: Graham, did you have  
11 any other questions?

12 MR. BACON: No, that was it. I'll  
13 take my hand down.

14 CHAIR WOLFGRAM: Thank you. Chuck  
15 Lesniak, I see that your hand is up.

16 MR. LESNIAK: Yeah. Thank you.  
17 Before we get to the voting on this, I had a  
18 comment about some of the language, here. On  
19 the third bullet, should that say ``as soon as  
20 practicable, but not greater than within 30  
21 minutes,'' and...so that the performance standard  
22 is ``as soon as practicable.''

23 And then, on the fourth bullet, are  
24 we going to get into a conversation about what  
25 ``economic feasibility'' means, because I know

1 the Trust had a comment about that, I think, in  
2 their comments. And I've got some thoughts  
3 about that, too. And so, before we take a vote  
4 on what...that we're okay with the language on  
5 economic feasibility, I wanted to make sure...or  
6 I wanted to see if we were going to discuss  
7 that more.

8 CHAIR WOLFGRAM: Certainly. I think  
9 with that, you know, since that question has  
10 already been posed, let's talk, I guess, on the  
11 economic side of things first, and then we will  
12 go back into the ``as soon as practicable within  
13 30 minutes.''

14 As far as other comments regarding  
15 economics, or I don't know if, PHMSA, if  
16 there's been any analysis or thoughts to when  
17 you were, you know, receiving a request to do a  
18 no-objection, what kind of filtering would you  
19 folks use to, you know, I guess, see if it was  
20 economically infeasible?

21 MR. GALE: Chairman, this is John  
22 Gale. I believe...we're trying to get our sound  
23 right.

24 CHAIR WOLFGRAM: Yep, I can hear you.

25 MR. GALE: Great. So yeah, I think,

1 you know, when Carl was talking earlier and he  
2 mentioned this issue, as well, you know, where  
3 he basically asked ``are we going to treat  
4 everyone the same?'' And I think that basically  
5 is...would be the case, right? What we're  
6 looking at are situations where a given valve  
7 in a given situation--the cost of that,  
8 installing that valve--would be economically  
9 infeasible. It's not related to the current  
10 financial viability of a specific company at  
11 that time, but to the specifics of that valve  
12 and the cost of adding that specific valve. I  
13 wouldn't recommend adding anything here in  
14 terms of a dollar number. I think you have  
15 to...I think it would be best to rely on the  
16 PHMSA administrator and the associate  
17 administrator to make that call based on those,  
18 you know, those characteristics. But  
19 basically, what we're talking about is that  
20 specific valve and the costs associated with  
21 that valve in that given area.

22 MR. LESNIAK: Can I jump back in and  
23 ask a question on that?

24 CHAIR WOLFGRAM: Please do.

25 MR. LESNIAK: So, John, when you're

1 talking about economic feasibility, what does  
2 that take into account? Because when you're  
3 looking...is that a cost-benefit analysis when  
4 you're looking at economic feasibility, you  
5 know, if you got a...it's going to cost \$200,000  
6 to put in a valve, is there an analysis to say,  
7 well, if we have a rupture here on this segment  
8 of pipe and we don't have this type of valve,  
9 the potential impacts may cost maybe \$50,000 or  
10 maybe \$50 million? Is that the kind of  
11 analysis that happens, or is it just about, you  
12 know...so my question is: what goes into that  
13 economic feasibility analysis?

14 MR. GALE: Sure. No, I think that  
15 definitely would go into that, Chuck. I mean,  
16 you know, are we talking about an 8-inch line  
17 with not a lot of flow, or are we talking about  
18 a much larger line? We would definitely look  
19 at those kinds of combination of factors, you  
20 know, and we would probably look to the  
21 operator to provide us a lot of that  
22 information when they make that submission and  
23 we do our evaluation. But yes, we're going to  
24 look...definitely want to look at what is the  
25 potential implication of a valve being there,

1 and the benefits that having that valve in  
2 place would provide if it wasn't provided and  
3 based on the alternative.

4 MR. LESNIAK: Is that spelled out in  
5 a rule anywhere?

6 MR. GALE: No, it's not.

7 MR. LESNIAK: Because why would  
8 it...what's to prevent an operator from saying  
9 ``you know what? We're not going to take into  
10 account the environmental impacts, because we  
11 just don't think it's a big deal here.''

12 MR. GALE: Well, Chuck, if they don't  
13 submit it in accordance with the information  
14 we're going to want, we can then give them an  
15 objection letter and then they're not allowed  
16 to do that. We have a veto, here.

17 MR. LESNIAK: Okay. I understand the  
18 approach, I just...I think I'll just leave it  
19 with a comment that I think that ought to be  
20 spelled out, because it just...I think it just  
21 sets PHMSA up for an operator objecting to your  
22 approach and saying there's no basis...you don't  
23 have any basis for that, you don't have any  
24 legal leg to stand on. I'll just leave it at  
25 that.



1 MR. GALE: Thank you, Chuck, and we  
2 appreciate that. And we'll try to add some  
3 additional verbiage into the preamble to try to  
4 outline those issues.

5 MR. LESNIAK: All right. Thank you.

6 CHAIR WOLFGRAM: Thank you. Chuck,  
7 did you have any other follow-up questions? I  
8 guess your hand just went down, so..

9 MR. LESNIAK: Yes.

10 CHAIR WOLFGRAM: Okay.

11 MR. LESNIAK: Actually, the other...I  
12 guess the other comment I had was just about on  
13 the ``as soon as practicable, but not more than  
14 30 minutes.''

15 CHAIR WOLFGRAM: Okay.

16 MR. LESNIAK: ...on bullet 3.

17 CHAIR WOLFGRAM: Before we jump into  
18 that, are there any other points of discussion  
19 on the ``economically feasible'' area? Sounds  
20 like PHMSA was going to work to add in some  
21 additional, I guess, verbiage regarding that in  
22 the preamble material for this section of  
23 regulation. Dave Barnett, I see that your hand  
24 is up.

25 MR. BARNETT: Yeah. Dave Barnett,

1 public. I just wanted to be on record to say,  
2 yeah, I very much support PHMSA writing in some  
3 language to address that...the environmental  
4 cleanup costs in this economics. Thank you.

5 CHAIR WOLFGRAM: Thank you. And  
6 then, Carl Weimer, I see that your hand is up  
7 as well.

8 MR. WEIMER: Yeah. Just one more  
9 question on that area. I want to make sure I  
10 understand how this is going to work. So I'm  
11 assuming if someone is putting in a valve in a  
12 non-HCA area and does that one way or another,  
13 that if that...will PHMSA consider whether that  
14 non-HCA area may be about to become an HCA  
15 area? Because I'm assuming that, once you put  
16 in a manual valve in a non-HCA area, if it  
17 becomes an HCA area the next month, they  
18 wouldn't have to go back in and put in an  
19 automated valve because it would be an existing  
20 valve at that point, and be grandfathered.

21 MR. GALE: Yeah, Carl, that's a great  
22 point. Yeah, we will definitely look at that  
23 issue. And actually, we'll look at the issue  
24 in general of any valve in this situation,  
25 because of that quote/unquote grandfather

1 issue--you know, if it becomes an HCA and what  
2 the valving requirement should be in that  
3 scenario.

4 MR. WEIMER: Great. Thank you.

5 CHAIR WOLFGRAM: And this is Jon  
6 Wolfgram, government. You know, when we're  
7 talking to, you know, not specifically the  
8 valves here, but when we've worked, you know,  
9 with PHMSA on other sorts of waivers here in  
10 our state, you know, there is a very broad, you  
11 know, discussion that eventually gets very  
12 focused, you know. And we start looking at,  
13 you know, issuing any waiver or anything like  
14 that where, you know, we're looking at, you  
15 know, many parameters of why something is being  
16 requested, how it's being requested, what's  
17 going to be done, all those different pieces.  
18 So there's certainly a lot of questions that  
19 are asked when we're looking into, you know,  
20 something like a waiver or in this area of, you  
21 know, issuing, you know, a no-objection, you  
22 know, from a state perspective.

23 If there's no other questions  
24 regarding the economically feasible area of the  
25 valves, we can jump into...I see that our typer

1 was working to add in some additional language  
2 for the third bullet, I think, to Chuck's point  
3 requiring that valves be closed as soon as  
4 practicable, but not more than 30 minutes of  
5 operator identification of a rupture.  
6 Additional discussion, questions in that area?

7 (No response.)

8 CHAIR WOLFGRAM: That must have been  
9 the couple of words that were needed, I guess.  
10 Any other areas of discussion?

11 (No response.)

12 CHAIR WOLFGRAM: Is the committee  
13 ready to vote in this area?

14 MR. BARNETT: Dave Barnett, public,  
15 yes.

16 CHAIR WOLFGRAM: Okay. And Dave, can  
17 you just clarify? You kind of broke up when  
18 you were talking.

19 MR. BARNETT: Yes. Dave Barnett,  
20 public. I think I'm ready for a vote.

21 CHAIR WOLFGRAM: Okay. And then do  
22 we have a second?

23 MR. LYON: This is Shawn Lyon.  
24 Second.

25 CHAIR WOLFGRAM: Okay.

1           MR. GALE: Chairman, what we need to  
2 occur is for Mr. Barnett to actually read the  
3 voting slide. And then after he's read the  
4 voting slide, if a member could second it after  
5 that...is what we need, sir.

6           CHAIR WOLFGRAM: Excellent. Dave,  
7 would you be able to go through and read the  
8 slide, and then if we can get a second after  
9 it's been read?

10          MR. BARNETT: Yes. Dave Barnett,  
11 public. I move for a vote on the committee  
12 voting slide. The proposed rule as published  
13 in the Federal Register and Regulatory  
14 Evaluation, with regard to rupture mitigation,  
15 are technically feasible, reasonable, cost-  
16 effective, and practicable, if the following  
17 changes are made: changing the definition of  
18 ``rupture,`` as recommended by PHMSA staff during  
19 this meeting and as presented in the slide.  
20 Eliminating the prescriptive 10-minute rupture  
21 identification. Requiring that valves be  
22 closed as soon as practicable, but not more  
23 than 30 minutes of operator identification of a  
24 rupture. Operators must document a method for  
25 rupture identification in their procedure

1 manual. Allowing manual valves (in non-HCA  
2 remote locations only) to exceed the 30-minute  
3 closure-time requirement if the operator  
4 submits a notification and demonstrates that  
5 installing an ASV or RCV is economically,  
6 technically, or operationally infeasible, and  
7 receives a no-objection from PHMSA. Revising  
8 applicable sections to eliminate duplication  
9 and improve readability.

10 CHAIR WOLFGRAM: And do we have a  
11 second?

12 MR. DENTON: Todd Denton, liquids. I  
13 second.

14 CHAIR WOLFGRAM: Thank you. And  
15 John, will someone from PHMSA be taking the  
16 votes, then?

17 MR. SATTERTHWAITE: Yes. This is  
18 Cameron Satterthwaite, PHMSA, and I'll go ahead  
19 and call...do a roll call, and...of each member.  
20 And when I get to your name, say yes, you  
21 agree, or no, you do not agree with the  
22 language. And we'll start off with Jon  
23 Wolfgram?

24 CHAIR WOLFGRAM: Yes, I agree.

25 MR. SATTERTHWAITE: Diane Burman?

1 MS. BURMAN: Yes, I agree.

2 MR. SATTERTHWAITE: Graham Bacon?

3 MR. BACON: Yes, I agree.

4 MR. SATTERTHWAITE: Jerry Barnhill?

5 MR. BARNHILL: Yes, I agree.

6 MR. SATTERTHWAITE: Angela Kolar?

7 MS. KOLAR: I agree.

8 MR. SATTERTHWAITE: Todd Denton?

9 MR. DENTON: Yes, I agree.

10 MR. SATTERTHWAITE: Shawn Lyon?

11 MR. LYON: Yes, I agree.

12 MR. SATTERTHWAITE: David Barnett?

13 MR. BARNETT: Yes, I agree.

14 MR. SATTERTHWAITE: Chuck Lesniak?

15 MR. LESNIAK: Yes, I agree.

16 MR. SATTERTHWAITE: Sarah Magruder

17 Lyle?

18 MS. MAGRUDER LYLE: Yes, I agree.

19 MR. SATTERTHWAITE: And Carl Weimer?

20 MR. WEIMER: Yes.

21 MR. SATTERTHWAITE: All right. Thank  
22 you very much. It's unanimous.

23 CHAIR WOLFGRAM: Great. Thank you,  
24 everyone, for very good conversation and  
25 working through all those different pieces that

1 were discussed. So thank you, and thank you to  
2 PHMSA for coordinating the vote and the  
3 responses, there, as well. I don't know if  
4 folks need to do a brief bio break or anything  
5 like that...if we want to take 5 and then maybe  
6 come back to jumping into our next section?

7 MR. GALE: Chairman, this is John  
8 Gale. If I may?

9 CHAIR WOLFGRAM: Yes.

10 MR. GALE: We have a lot of material  
11 to get through, and we have a very, you know,  
12 set timeframe. The recommendation is to keep  
13 moving. We'll end up probably maybe taking a  
14 break around...between 2:00 and 2:30, depending  
15 on the progress on this next section. But, you  
16 know, if people have to take breaks, maybe they  
17 can just step away for a minute and come  
18 back...but the recommendation is to keep going  
19 and break for lunch around...between 2:00 and  
20 2:30.

21 CHAIR WOLFGRAM: That sounds great.  
22 So please do...if you do need to take a break,  
23 please go in and do that. Otherwise, I believe  
24 we'll turn it back over to Steve to jump into  
25 the next section of our briefing for today.



1 MR. LYON: Mr. Chairman, real quick--  
2 this is Shawn Lyon, liquid--I had to leave the  
3 room and come back in, so I don't think I'm  
4 listed with the other members anymore on the  
5 Adobe. I know they did something behind the  
6 scenes. I just wanted to point that out.

7 CHAIR WOLFGRAM: Okay. I don't know  
8 if someone with PHMSA is able to help with  
9 fixing that issue.

10 MR. SATTERTHWAITE: This is Cameron  
11 Satterthwaite, PHMSA. We'll take care of that.

12 CHAIR WOLFGRAM: Great. Thank you so  
13 much.

14 MR. LYON: Thank you.

15 MR. NANNEY: So with that, Chairman,  
16 this is Steve Nanney with DOT. Would you like  
17 for me to proceed ahead?

18 CHAIR WOLFGRAM: Yes, please. Thank  
19 you, Steve.

20 MR. NANNEY: Okay. Slide 48, which  
21 is up--we'll go from what we just talked about  
22 to going further on the rupture-mitigation  
23 valves. PHMSA proposed to require ASVs, RCVs,  
24 or equivalent technology on newly constructed  
25 or entirely replaced pipelines greater than 6

1 inches in diameter, specifically...specific  
2 requirements for valve-shutoff capability and  
3 methods, monitoring and operation capabilities,  
4 and monitoring shutoff valve status. Provide a  
5 means for notifying PHMSA of the use of manual  
6 valves or other technology. Modify IM  
7 requirements to specify that EFRDs are  
8 installed to protect HCAs, must meet the  
9 design, operation, testing, maintenance, and  
10 rupture-mitigation requirements of 195.258,  
11 195.260, 195.402, 195.418, 195.420. They'll  
12 also implement new construction and replacement  
13 requirements 12 months following the effective  
14 date.

15 Slide 49, please. Also, comments  
16 that we got--these are general from the public:  
17 reorganize the valve requirements. Consider a  
18 section for new construction and a section for  
19 pipe replacement. Minimize cross-references  
20 and duplication between sections, and clarify  
21 apparently conflicting requirements created by  
22 cross-references. Create scope statements in  
23 rule sections to simplify and clarify  
24 applicability. Provide additional definition  
25 or further clarification for the terms ``shutoff

1 segment'' and ``rupture-mitigation valve,'' and  
2 use them consistently throughout. PHMSA  
3 response: PHMSA will consider these comments to  
4 improve understanding and readability of the  
5 final rule.

6 slide 50, please. These more general comments:  
7 on PHMSA notifications, streamline notification  
8 for consistency with other Part 195  
9 notification requirements. Also, streamline  
10 notification process and information required  
11 by PHMSA for other technology requests.  
12 Pipeline Safety Trust requests that PHMSA  
13 clarify criteria or standards needed to justify  
14 other technology determinations and equivalent  
15 level of safety for notifications. Also,  
16 clarify 90-day notification period with no-  
17 objection assumption at 91 days. PHMSA  
18 response: notification requirements will be  
19 streamlined in a similar manner as codified for  
20 gas in 192.18, which is the 90-day no-objection  
21 notification period, and comments will be  
22 considered to improve readability in the final  
23 rule.

24 The next slide, please. Additional  
25 general public comments that we got was:

1 provide additional definition or further  
2 clarification for the terms ``shutoff segment``  
3 and ``rupture-mitigation valve`` and use them  
4 consistently throughout. One operator  
5 recommended consolidating terms associated with  
6 rupture-mitigation valves and valve shutoff  
7 methods. PHMSA response: PHMSA will consider  
8 these comments to improve understanding and  
9 readability of the final rule.

10 Slide 52, please. General comments:  
11 commenters requested that PHMSA exempt low-  
12 stress pipelines with a maximum operating  
13 pressure below 30 percent SMYS, based on this  
14 threshold being generally accepted and an  
15 indicator of when a pipeline would generally  
16 experience a rupture rather than a leak. PHMSA  
17 response: pipelines operating below 30 percent  
18 SMYS have ruptured in the past, and is not a  
19 guarantee that the pipe cannot rupture. The  
20 rupture-mitigation valve will also serve as an  
21 important safety function in mitigating leaks  
22 by limiting the leak volume when closed.

23 Slide 53, please. Additional  
24 general comments: commenters requested that  
25 PHMSA exempt pipeline segments that could not

1 affect HCAs to create the greatest benefit  
2 using an HCA-focused approach consistent with  
3 the overall risk-based philosophy of Part 195.  
4 PHMSA response: there are many locations that  
5 could experience significant consequences from  
6 a spill--such as a non-navigable waterway  
7 crossing--even though they are not technically  
8 HCAs. PHMSA notes that 195.258 and 195.260  
9 would apply to all new and entirely replaced  
10 pipelines, but that 195.418(a) and (b) would  
11 apply only to new and entirely replaced  
12 pipelines that could affect HCAs.

13 Slide 54, please. Additional public  
14 comments: commenters requested that PHMSA  
15 consider whether it is appropriate to include  
16 regulated gathering lines. Industry trade  
17 organizations commented that Section 4 of the  
18 Act is limited to transmission pipelines only,  
19 and gathering lines should be exempted.  
20 PHMSA's response: rupture-mitigation valve  
21 requirements in 195.258, 195.260, 195.418, and  
22 195.420 are intended to apply to all regulated  
23 gathering lines--including regulated rural  
24 gathering lines--due to proximity to USAs.  
25 PHMSA would consider an exemption for regulated

1 rule gathering lines that do not actually cross  
2 the body of water; in other words, they do not  
3 actually cross the stream, river, or lake, or  
4 water source that established the USA.

5 slide 55. Additional public  
6 comments on the replaced segment: PHMSA should  
7 clarify that operators are not required to  
8 install new valves when replacing less than 2  
9 miles of pipe. Also, to clarify the term  
10 ``entirely replaced.'' Does a 2-mile replacement  
11 segment mean valves are required for the entire  
12 pipeline, or just the 2-mile replaced segment?  
13 Clarify that maintenance replacement less than  
14 2 miles...hold on. The...something happened to our  
15 screen. I'm sorry, the slides went off. Going  
16 back, clarify the term ``entirely replaced.''   
17 Does a 2-mile...does a 2-mile replacement segment  
18 mean valves are required for the entire  
19 pipeline, or just the 2-mile replaced segment?  
20 Clarify that maintenance replacement less than  
21 2 miles do not require new or upgraded rupture-  
22 mitigation valves. And then multiple public  
23 commenters requested to reduce the length to  
24 include pipe replacements less than 1-mile  
25 sections.

1           Next slide, please.    Next slide,  
2 please.  Slide 56.  Slide 56.  Slide 56.

3           MR. SATTERTHWAITE:  Steve, this is  
4 Cameron.  We're seeing the slides showing on  
5 our side.  We're seeing slide 56, here.

6           MR. NANNEY:  Okay.  It's not on mine.

7           MR. DENTON:  I don't have it, either.

8           CHAIR WOLFGRAM:  Okay.

9           MR. WEIMER:  It's showing on mine.

10          MR. LESNIAK:  This is Chuck.  I'm  
11 getting a message that says--Chuck Lesniak for  
12 the public--I'm getting a message that says  
13 ``network lost.  We are trying to reconnect.  
14 Please wait.''

15          MR. WEIMER:  That happened to me a  
16 little while ago, and I had to leave the room  
17 and come back in.

18          MR. BARNHILL:  Yeah--this is Jerry  
19 Barnhill with the DCP--I've been having that  
20 problem off and on all morning, and if you get  
21 off and come back in, it typically works.

22          MR. NANNEY:  I'm doing that now.

23          (Pause.)

24          MR. NANNEY:  If this doesn't work,  
25 I'll switch to my other slides.

1 CHAIR WOLFGRAM: Okay.

2 (Pause.)

3 MR. NANNEY: It's loading. So I need  
4 probably about 15 seconds.

5 (Pause.)

6 MR. NANNEY: Okay. It loaded up.  
7 Slide 56. I apologize for the delay.  
8 Additional public comments on replaced  
9 segments: Pipeline Safety Trust requested that  
10 PHMSA reduce applicable pipe-replacement length  
11 from 2 miles to 600 feet of pipe being replaced  
12 within 1,000 continuous feet. PHMSA's response  
13 to these public comments I've just gone through  
14 is: PHMSA's intent was not to require the  
15 addition of valves for small maintenance  
16 replacements, such as road crossings. In other  
17 words, these areas where you can get some  
18 length in and all. PHMSA will consider the  
19 comments to improve understanding and  
20 readability of the final rule with respect to  
21 replacement length of 2 miles or more. PHMSA  
22 also notes that planning multiple replacement  
23 segments in less than 2-mile increments in  
24 order to circumvent this requirement does not  
25 meet the intent of the proposed rule. PHMSA



1 would be receptive to adopting regulatory  
2 language to clarify that the rule would apply  
3 to multiple replacements that, in the  
4 aggregate, exceed 2 miles within 5 contiguous  
5 miles.

6 slide 57, please. Additional public  
7 comments were: industry organizations requested  
8 that segments less than 2,000 continuous feet  
9 be exempted from 195.258(a) and (b) and  
10 195.260. In other words, allow operators to  
11 automate existing valves instead of installing  
12 new valves if spacing requirements are met.  
13 And PHMSA's response is...is: PHMSA would  
14 consider including a notification requirement  
15 for requesting exceptions--no-objection from  
16 PHMSA--on a case-by-case basis for small  
17 pipeline replacements less than 1,000 feet  
18 within 1 contiguous mile. Also, PHMSA believes  
19 that operators should be allowed to automate  
20 existing valves with RCVs, ASVs, and pressure  
21 sensors if spacing requirements are met,  
22 consistent with the operational capability  
23 specified in 195.418.

24 slide 58, please. As far as valve  
25 technology, some of the public comments we got

1 were: modify 195.418(b) to allow the use of  
2 additional technologies and practices. The  
3 inclusion of requirements proposed for laterals  
4 is unnecessary. And also, expand the list of  
5 approved technology to include: manual valves--  
6 in other words, if they're normally closed and  
7 locked at any crossovers, if there are any;  
8 check valves on the downstream end of a shutoff  
9 segment; check valves at laterals; locally  
10 actuated shutoff valves; pump shutoffs with  
11 limited draindown. PHMSA response: a valve on  
12 crossover piping that is locked and tagged  
13 closed in accordance with operating procedures  
14 would qualify as a rupture-mitigation valve.  
15 PHMSA will revise the final rule accordingly.  
16 For other types of valves--such as check valves  
17 on laterals--PHMSA has already included a  
18 mechanism for other technology notifications,  
19 and will consider each of these on a case-by-  
20 case basis.

21 slide 59, please. Slide 59, please.  
22 Valve technology public comments: the NTSB  
23 requested additional restrictions on the use of  
24 manual valves, including PHMSA notification  
25 with technical, safety, and feasibility

1 evaluation. Pipeline Safety Trust requests to  
2 clarify what criteria would be needed to  
3 justify use of manual valves based on  
4 economically, technically or operationally  
5 infeasible, with emphasis on economically  
6 infeasible. PHMSA response: PHMSA will  
7 consider factors such as closure time,  
8 reliability, adequate access to communications  
9 and power, terrain, population density, et  
10 cetera, when reviewing notifications from  
11 operators using a manual valve.

12 slide 60, please. As far as  
13 integrity management, the public comments we  
14 got there is: simplify 195.452(i) by requiring  
15 that EFRDs must meet the applicable section of  
16 Part 195 for rupture-mitigation valves, instead  
17 of repeating the requirements. PHMSA response:  
18 PHMSA will take these comments into  
19 consideration to improve understanding and  
20 readability of the final rule.

21 slide 61, please. As far as the  
22 implementation period, the public comments we  
23 got there was: change the implementation period  
24 for new construction to 24 months. Right now,  
25 we have 12 months plus the lead time, which is

1 normally 9 months after the rule comes out  
2 before the 12 months is applicable, which right  
3 now we would have 21 months. Change the  
4 timeframe to activate rupture-mitigation valve  
5 after completion of construction from 7 days to  
6 14 days; some commenters asked that this  
7 requirement be completely deleted. And PHMSA's  
8 response: PHMSA notes that the effective date  
9 of the rule would be 6 months after being  
10 published, and believes that a 12-month  
11 implementation period after the effective date  
12 is adequate. PHMSA believes that prompt  
13 activation of rupture-mitigation valves is  
14 essential to pipeline safety, but that 14 days  
15 for activating rupture-mitigation valves would  
16 be sufficient.

17 Slide 62. Again, we put up the GPAC  
18 vote rule language from yesterday so that the  
19 committee could see it, and I'll go through it.  
20 Again, the blue text contains recommendations  
21 that are or could be applicable to liquid  
22 lines, for your information. The first one was  
23 incorporating reporting requirements of 192.18  
24 into the final rule--and that's the no-  
25 objection language that John Gale talked about

1 about 30 minutes ago. Also, revising the final  
2 rule to designate a valve on crossover piping  
3 that is locked and tagged closed, in accordance  
4 with operating procedures, as a rupture-  
5 mitigation valve. Number 3, revising the final  
6 rule to address applicability to multiple  
7 replacements that, in the aggregate, exceed 2  
8 miles within 5 contiguous miles within a 24-  
9 month period. Number 4, adding specificity on  
10 standards for PHMSA review of other technology  
11 and manual valve notifications. PHMSA will  
12 consider check valves as a mitigation  
13 technology. The next one, changing the  
14 timeframe to activate rupture-mitigation valves  
15 after completion of construction from 7 days to  
16 14 days. Also, PHMSA would consider exceptions  
17 for pipelines with SMYS of 30 percent or less.  
18 And also, considering cost-benefit issues while  
19 maintaining the integrity of the rule. The  
20 next bullet: PHMSA will consider the  
21 appropriateness of applying this rulemaking or  
22 a separate rulemaking to gathering lines due to  
23 the lack of public notice. And then, lastly,  
24 PHMSA changed the implementation on the rule to  
25 24 months after the publication date.

1                   Next slide, please.       Slide 63.  
2                   Again, this concludes PHMSA's response to  
3                   comments that we received. And, in light of  
4                   these comments received from the notice, PHMSA  
5                   recommends that the committee consider the  
6                   following...and again, the items in blue are  
7                   items that were discussed yesterday for GPAC  
8                   that PHMSA would like for the committee to  
9                   consider. Number 1, incorporating reporting  
10                  requirements similar to notification  
11                  requirements in 192.18--which is for gas  
12                  pipelines--into the final rule. Revising the  
13                  final rule to designate a valve on crossover  
14                  piping that is locked and tagged closed, in  
15                  accordance with operating procedures, as a  
16                  rupture-mitigation valve. Number 3, revising  
17                  the final rule to address the applicability to  
18                  multiple replacements that, in the aggregate,  
19                  exceed 2 miles within 5 contiguous miles within  
20                  a 24-month period. Again--somebody's marking  
21                  the slides off--adding specificity on standards  
22                  for PHMSA review of other technology and manual  
23                  valve notifications. Changing the timeframe to  
24                  activate rupture-mitigation valve after  
25                  completion of construction from 7 days to 14

1 days. And PHMSA would consider exceptions for  
2 pipelines with SMYS of 30 percent or less,  
3 considering cost-benefit issues and while  
4 maintaining the integrity of the rule. PHMSA  
5 would consider an exception for regulated rural  
6 gathering lines that do not actually cross the  
7 body of water, stream, river, or lake, or water  
8 source that established the USA. PHMSA would  
9 consider changing the implementation of the  
10 rule to 24 months after the publication date,  
11 and PHMSA would consider the appropriateness of  
12 applying this rulemaking, or a separate  
13 rulemaking, to gathering lines, due to the lack  
14 of public notice.

15 Next slide, please. Next slide,  
16 please. Mr. Chairman, I now turn it back over  
17 to you for public comments.

18 CHAIR WOLFGRAM: Great. Thank you,  
19 Steve, for going through that section of the  
20 presentation for us. And with that, similar to  
21 the last round, we will turn it over to Cameron  
22 and coordinate public comment. Again, please  
23 tell us who you are and who you are with.  
24 Spelling your last name is also helpful, as  
25 well. Thank you.

1 MR. SATTERTHWAITTE: All right. This  
2 is Cameron. Lois, our moderator, I ask that  
3 you provide instructions to our participants  
4 for all those that are desiring to make a  
5 comment--the instructions that they need to  
6 make...to identify themselves so they can make  
7 that comment. Thank you.

8 OPERATOR: Thank you. And, once  
9 again, if you do have a comment, please press 1  
10 and then 0. Again, 1-0 for your comment. And  
11 our first comment will come from the line of  
12 Keith Coyle. Please go ahead.

13 MR. COYLE: Hi, good afternoon. This  
14 is Keith Coyle for GPA Midstream. K-E-I-T-H,  
15 C-O-Y-L-E. Our comment focuses specifically on  
16 gathering lines. We do not support applying  
17 this rule to gathering lines, and we've got  
18 several reasons for that lack of support. The  
19 first is the congressional mandate in Section 4  
20 of the 2011 Act--the language was specific to  
21 transmission facilities, and gathering lines  
22 were not included within the scope of that  
23 mandate. We also note that the other mandate,  
24 Section 8 of the 2011 Act, that mandate  
25 specifically...not for rupture mitigation, which



1 is what the primary focus is on.

2 We also wanted to note that PHMSA  
3 did not mention anything about applicability to  
4 gathering lines in the NPRM for this rulemaking  
5 proceeding, and there was no consideration of  
6 cost benefits or feasibility of requiring  
7 rupture-mitigation valves for gathering lines  
8 in the preliminary regulatory impact analysis.

9 We also note that none of the NTSB  
10 recommendations that are cited in the  
11 rulemaking proceeding apply to liquid gathering  
12 lines, and that the 2012 valve study that PHMSA  
13 commissioned from Oak Ridge did not address any  
14 issues related to the installation of rupture-  
15 mitigation valves for gathering lines.

16 And then, with respect to the slide  
17 decks that we've seen today, we wanted to point  
18 out that, you know, PHMSA talked about 12  
19 incidents in the slide decks. They also  
20 reference some statistics for the incidents  
21 that involve ruptures. None of those involved  
22 gathering lines. Those were not gathering-line  
23 events. And then, the final comment on PHMSA's  
24 new proposal to provide an exemption for  
25 regulated gathering lines if they don't cross

1 certain waterways--we're learning of that  
2 position for the first time today. We did not  
3 have any prior notice...we haven't had any time  
4 to consider that with our stakeholders, and  
5 there's still no information in the record,  
6 here, about potential impacts of even allowing  
7 that exemption. We don't have any data on the  
8 amount of gathering line mileage that would be  
9 affected, and still no data on cost benefits or  
10 feasibility. And we think, in light of all  
11 those concerns, that it's inappropriate for the  
12 LPAC to make a recommendation today on whether  
13 to apply this rule to regulated gathering  
14 lines. We think that the proper course of  
15 action is to not make that recommendation  
16 today, and to allow that process to play out in  
17 a separate rulemaking proceeding or another  
18 forum. Thanks.

19 CHAIR WOLFGRAM: Okay. Thank you  
20 very much for your comments.

21 OPERATOR: Thank you. Our next  
22 question is from Chris Kuhman. Please go  
23 ahead.

24 MR. KUHMAN: Yes. This is Chris Kuhman, K-U-H-  
25 M-A-N, from the American Petroleum Institute.

1 Thank you, committee members, and thank you,  
2 PHMSA, for the opportunity to speak today. I  
3 would just like to reiterate the fact--as Keith  
4 just mentioned--that gathering lines are  
5 outside the scope of the Section 4 mandate.  
6 Further, nothing in the NPRM suggested that  
7 gathering lines would be considered in this  
8 rulemaking. Slide 24...in the slides that we're  
9 looking at today, Slide 24 says PHMSA's goal is  
10 to ensure that the RIA addresses all the costs  
11 and benefits associated with each rulemaking.  
12 I would, however, like to point out that  
13 gathering lines were likewise not mentioned or  
14 considered in the PRIA. Thus, due to a lack of  
15 notice and a seeming lack of supporting data,  
16 we suggest removing gathering lines from the  
17 proposal and the committee voting slides  
18 entirely. Thank you.

19 CHAIR WOLFGRAM: Thank you for your  
20 comment. Any other public comments?

21 OPERATOR: And there's no one in  
22 queue at this time.

23 CHAIR WOLFGRAM: Thank you. I'll put  
24 out one final call, here, for public comments.

25 OPERATOR: And again, if you do have

1 a comment, please press 1 then 0.

2 (Pause.)

3 OPERATOR: And there's no one in  
4 queue.

5 CHAIR WOLFGRAM: With no public  
6 comments, I believe--oops, I'm sorry, I was on  
7 mute--I believe there was a PHMSA comment that  
8 we could take first, as there's no public  
9 comments at this time.

10 (Pause.)

11 CHAIR WOLFGRAM: Are there any PHMSA  
12 comments? I believe that there was one.

13 MR. BARNHILL: Yeah. Hello. I don't  
14 know if this is...whether you're reaching out for  
15 the LPAC comment at this time, or not, or is it  
16 still PHMSA?

17 CHAIR WOLFGRAM: With a public  
18 comment?

19 MR. BARNHILL: No. Committee  
20 comment.

21 CHAIR WOLFGRAM: Okay. Please go  
22 ahead...I'm sorry, it seems like my audio is  
23 breaking up.

24 MR. BARNHILL: Yeah. Well, good  
25 afternoon, everyone. My name is Jerry

1 Barnhill. I'm with DCP Midstream, a partner  
2 with the LPAC committee, here, and I would just  
3 share something similar to the comments that  
4 you've heard just a few minutes ago.  
5 Consistent with that, you know, we believe  
6 that, in taking a look at the proposal, here,  
7 that it's clear to us that Section 4 of the  
8 2011 Act was not meant for gathering  
9 transmission pipelines. There was no mention  
10 at all in the congressional mandate, there was  
11 no reference at all with the NTSB  
12 recommendations, or there was no discussion, at  
13 any point, in the NPRM or PRIA. So  
14 subsequently, consistent to the comments that  
15 were made earlier, we would propose that you  
16 would ultimately take this off and that the  
17 LPAC would not ultimately consider it at this  
18 point. Most certainly appreciate the proposal  
19 that PHMSA put on the table, but..to the  
20 comments that were made earlier, you know, this  
21 is the first time that we're having an  
22 opportunity to take a look at that. And not  
23 having the ability to follow the process, and  
24 giving members and others an opportunity to  
25 review and comment, we feel, would be

1 difficult, at this point in time, to wrap our  
2 arms around the proposal that's sitting on the  
3 table.

4 CHAIR WOLFGRAM: Thank you. I see  
5 that there's another comment/question from  
6 Graham Bacon.

7 MR. BACON: Yes. Graham Bacon,  
8 industry. One clarifying point I would like to  
9 make when we're reviewing these  
10 recommendations--they're at a very high level,  
11 but when I read some of the specific language  
12 of 195.260(c), it could be construed that  
13 a...replacing a 2-mile segment of a pipeline  
14 makes the entire pipeline subject to this  
15 regulation. And I want to get PHMSA's  
16 clarification of that, that that is, in fact...my  
17 understanding from one of the commentaries that  
18 I've heard to date is that that is not a  
19 correct interpretation, but the way that it is  
20 written, could be interpreted that way, and  
21 would like to get PHMSA's comments on that, and  
22 assurance that the final regulations would not  
23 be written in that format.

24 CHAIR WOLFGRAM: Okay. Thank you.  
25 So I'm hearing kind of two different--again,

1 this is Jon Wolfgram, government--hearing two  
2 specific areas of focus. We heard from our  
3 public commenters that...I think these primarily  
4 focused on the NPRM and the applicability of  
5 gathering, you know, within that and the  
6 regulatory impact analysis document, as well.  
7 And then hearing, I guess, the next question  
8 kind of looking at, you know, kind of the  
9 spacing tolerances for replacement and adding  
10 in the valves. I guess, first off...

11 MR. GALE: John Gale. If I could?

12 CHAIR WOLFGRAM: Yes, please do.

13 MR. GALE: Yes. Regarding that last  
14 issue raised by Member Bacon. Member Bacon,  
15 that issue is in the next section, if we  
16 could...if we could address it there and discuss  
17 it. I think we have a slide that specifically  
18 addresses your concern, if that's okay.

19 MR. BACON: Okay. Thank you.

20 MR. GALE: Yes, sir.

21 MR. BACON: I just thought it was  
22 included at the top...that segment was included  
23 at the top, there, and I wanted to make sure  
24 that that comment got in. Thank you.

25 MR. GALE: That's a very good

1 comment, sir, and it is an important issue, and  
2 I think we have some slides and some  
3 information that will address your concern.

4 MR. BACON: Thank you.

5 MR. GALE: Yeah. Back to you,  
6 Chairman.

7 CHAIR WOLFGRAM: Great. Thank you,  
8 John. Back to, I guess, the applicability of  
9 this rule to gathering. We will spend some  
10 time kind of discussing that. If there's any  
11 other comments, questions, thoughts from the  
12 committee members regarding the applicability  
13 of gathering? Dave Barnett, I see that your  
14 hand is up.

15 MR. BARNETT: Yes. Dave Barnett,  
16 public. So when I read the slide and it says  
17 ``PHMSA would consider exceptions,`` at what  
18 point would those exceptions be introduced? In  
19 other words, it's saying that you would  
20 consider them, so is it the committee's  
21 responsibility, then, to recommend any  
22 exceptions, or is PHMSA going to take those on  
23 account by comments and...comments here today?  
24 Thanks.

25 CHAIR WOLFGRAM: Thank you. John, if



1 you're able to provide any answer or guidance  
2 in what PHMSA's thoughts are there?

3 MR. GALE: The intent of that wording  
4 was that we would consider that as we develop  
5 the final rule, and this provided us the  
6 latitude to consider the stress level, and  
7 there are other factors that we had thrown out  
8 yesterday, but it could be considered in, you  
9 know, for exceptions. But, you know, this  
10 seemed to give us the latitude we needed to...we  
11 have to be very careful just not to create any  
12 loopholes in this, but this just gave us  
13 direction to consider exceptions and, you know,  
14 consider, in this case, requisites.

15 MR. BARNETT: Okay. Very good.

16 CHAIR WOLFGRAM: Other  
17 questions/comments regarding the applicability  
18 of this rule to gathering? Other questions  
19 regarding this area?

20 MR. GALE: Mr. Chairman, John Gale.  
21 If I may?

22 CHAIR WOLFGRAM: Yes, please do.

23 MR. GALE: Mr. Chairman, PHMSA would  
24 be willing to drop the third-to-the-last  
25 bullet, there, which would...which states ``PHMSA

1 would consider an exemption for regulated rural  
2 gathering lines," et cetera, and just leave the  
3 very last bullet that addresses gathering,  
4 which states that PHMSA would consider the  
5 appropriateness of applying this rulemaking or  
6 a separate rulemaking...in other words, should we  
7 apply it to a rulemaking in the future...to  
8 gathering lines, due to the lack of public  
9 notice.

10 CHAIR WOLFGRAM: Thank you, John.  
11 Thoughts/questions from members? Chuck  
12 Lesniak, I see that your hand is up.

13 MR. LESNIAK: Yep. Yeah, Chuck  
14 Lesniak, public. Just to comment...I don't  
15 really want to discuss it, but my  
16 recommendation...or...I would support leaving the  
17 language as is regarding gathering lines.

18 CHAIR WOLFGRAM: So keeping the...both  
19 the last bullet and then the previous section  
20 regarding...sorry, I lost where it was at in my  
21 slide deck here, now, too...the exceptions for  
22 regulated rule gathering, was that the section?

23 MR. LESNIAK: No, just the existing  
24 language that's in the rule as proposed, and  
25 not...so I would take out that third-to-the-last

1 bullet and take out the last bullet.

2 CHAIR WOLFGRAM: Okay. So to  
3 clarify, you have no applicability of the rule  
4 to gathering whatsoever.

5 MR. LESNIAK: No, no. Actually, the  
6 opposite. Leave the rule as proposed, but...so  
7 that it would apply to gathering lines.

8 CHAIR WOLFGRAM: Thank you. I  
9 misunderstood.

10 MR. LESNIAK: Yep.

11 CHAIR WOLFGRAM: Other  
12 questions/comments from..

13 MR. BARNHILL: So this is Jerry  
14 Barnhill. I'm not sure whether my hand is  
15 going up--it doesn't look like it--but, you  
16 know...so we got some heartburn over that. And I  
17 think as...initially, as John proposed, if you  
18 remove that altogether, that would be something  
19 that we could probably support. But, as we sit  
20 here today, with no economic-benefit analysis,  
21 really no discussion in terms of operational or  
22 technical feasibility...I mean, in our minds we  
23 have a very formal process, and we've adhered  
24 to it and allowing others the opportunity,  
25 through the notice of proposed rule and other

1 comments, to provide their input. With none of  
2 that having the opportunity to take place, to  
3 move forward with this, it feels like we're  
4 circumventing what...kind of one of the  
5 foundational principles that we, as a group,  
6 have always kind of aspired to.

7 CHAIR WOLFGRAM: Thank you, Jerry.  
8 Diane Burman, I see that your hand is up.

9 MS. BURMAN: Hi. Thank you. Can you  
10 hear me?

11 CHAIR WOLFGRAM: Yes.

12 MS. BURMAN: Yes. I like keeping in  
13 the last bullet, because it does give the  
14 discretion to PHMSA to consider it as  
15 appropriate. So from my perspective, it seems  
16 to meet the test for being fair, as well as  
17 trying to address the issue. And it's taking  
18 away...I can't see what the third bullet  
19 specifically said, that was taken away--the  
20 third-to-last bullet.

21 CHAIR WOLFGRAM: I believe it's back  
22 up there, again. So the exemption for  
23 regulated...

24 MS. BURMAN: Okay. Oh, now I see it.  
25 Yes. Okay. I wonder if that can be

1 incorporated...if we are not taking it out, if it  
2 can be incorporated into the last bullet in  
3 some fashion that gives PHMSA also the similar  
4 discretion to consider the appropriateness. So  
5 maybe combining it might work with...I have no  
6 further comments, I was just letting you know  
7 where I was at.

8 CHAIR WOLFGRAM: Sure. Thank you.  
9 Other questions/comments regarding gathering  
10 applicability?

11 MR. GALE: John Gale.

12 CHAIR WOLFGRAM: Go ahead, John.

13 MR. GALE: Yeah. To provide the  
14 members a little context, here is, you know,  
15 the rulemakings we're dealing with. You know,  
16 we're dealing with gas transmission  
17 infrastructure of approximately 300,000 miles  
18 of pipe, and a hazardous liquid infrastructure  
19 a little bit over 200,000 miles of pipe. HO  
20 gathering--combined rural and non-rural--has an  
21 infrastructure today of less than 5,000  
22 miles...actually..yeah, a little less than 5,000  
23 miles. And our estimates--and we have looked  
24 at the estimates, to be clear--are that the  
25 amount of mileage that would be impacted by

1 this rule--in other words, new miles--is less  
2 than 200. So in the whole scheme of things,  
3 this isn't a large issue when we're dealing  
4 with infrastructure of liquid gas of over the  
5 500,000 miles of pipe out there right now. I  
6 just wanted to provide some context to the  
7 conversation. That's all.

8 CHAIR WOLFGRAM: Thank you, John, for  
9 providing that context. That is helpful to  
10 hear what kind of mileage we're talking about.

11 MR. BARNHILL: And again, like I  
12 said, John...I apologize...my hand, I don't think,  
13 is coming up, but this is Jerry Barnhill again.  
14 I appreciate the comments from John and, you  
15 know, I think the thing that's also important  
16 to remember is that, you know, when we talk  
17 about gathering, these segments can be very  
18 short in distance. And so, you know, it may  
19 not be out of the question to have a 4- or 5-  
20 mile segment, so I just put that out there as  
21 another issue in terms of the complexity  
22 without, really, an opportunity to have others  
23 kind of comment and really kind of think though  
24 what are the ramifications.

25 CHAIR WOLFGRAM: Thank you. Other

1 questions/comments on this slide that we have  
2 before us? I see, Dave Barnett, your hand is  
3 up.

4 MR. BARNETT: Yes, thank you. Dave  
5 Barnett, public. When I look at this rule, I  
6 see these bullets as things PHMSA would  
7 consider, and I think the water-body crossing  
8 is very important to have in there if we think  
9 minor water-body crossings, you know, probably  
10 shouldn't apply. But if you had a major water-  
11 body crossing, which could very well include  
12 rivers, I think that PHMSA should have the  
13 ability to at least consider it. And that's  
14 all these bullets are saying.

15 I think the final bullet states that  
16 PHMSA has the ability, if we accept the bullets  
17 that are given, to look at all of these points  
18 and either add to or eliminate as they go  
19 forward. So I don't think it's any harm, as a  
20 bullet, to put in that water-body crossings  
21 should be considered. And, if I'm  
22 understanding it right, as well, it would still  
23 just apply to new pipelines, new gathering  
24 lines, or replacement sections within the  
25 parameters that are mentioned for these valves,

1 if that could be reiterated. Thank you.

2 CHAIR WOLFGRAM: Thank you.

3 MR. GALE: And, Chairman...John Gale.

4 If I may, again, sir?

5 CHAIR WOLFGRAM: Yes, please.

6 MR. GALE: Yeah. And, just for the  
7 record, where we're stating it, right, is that  
8 when we do this evaluation to figure out if  
9 it's appropriate or not, you know, it's  
10 also...it's also saying that if we think it's not  
11 appropriate to handle now, that we're actually  
12 being told by the committee to actually do a  
13 separate rulemaking to address valving  
14 requirements and clearly articulate that the  
15 proposal relates to gathering and the cost  
16 benefit addresses gathering in that other  
17 ruling. So it's not saying to totally, like,  
18 obviate from or move away from gathering, it's  
19 just saying to handle it in a different  
20 rulemaking. Again, and as you see in the  
21 mileage up here, it's not great mileage or a  
22 large amount of mileage in the grand scheme of  
23 things.

24 CHAIR WOLFGRAM: Thank you, John.

25 Yeah, I think that is clear--a helpful



1 clarification. Like the last bullet--again,  
2 this is Jon Wolfgram, government--that PHMSA  
3 would consider the appropriateness of applying  
4 this rulemaking or a separate rulemaking to  
5 gathering lines.

6 MR. BARNHILL: So--again, this is  
7 Jerry Barnhill. Just to be clear, so what are  
8 we proposing, here? Are we proposing we keep  
9 the last bullet point in, and then pull out...I'm  
10 not sure if I'm looking at the right slide that  
11 you have up here, but Bullet Point 7?

12 MR. GALE: Member Barnhill, John Gale  
13 here. How are you, sir?

14 MR. BARNHILL: Good.

15 MR. GALE: Good. Yeah. So what  
16 we're recommending is we would drop that one  
17 bullet that was related to water crossings, and  
18 we would retain simply the very last bullet,  
19 which says ``PHMSA would consider the  
20 appropriateness of applying this rulemaking, or  
21 a separate rulemaking, to gathering lines, due  
22 to the lack of public notice.'' That's what  
23 we're recommending to how to address the  
24 gathering issue.

25 CHAIR WOLFGRAM: Thank you, John.

1 Okay. I think we've focused a great deal on  
2 the gathering elements of this particular area  
3 of the NPRM. You know, seeing the...you know,  
4 that final bullet, that basically is, you  
5 know...additional work, you know, I'm  
6 understanding to be done to, you know, look  
7 into this a little bit more. Again, as John  
8 stated, you know, it's very small mileage, but  
9 certainly there, you know, and I think that  
10 some of the committee members have expressed,  
11 you know, they're still crossing water bodies  
12 and things like that, even though it's a small  
13 amount of mileage. Graham Bacon, I see that  
14 your hand is up.

15 MR. BACON: Yeah. Just a comment on  
16 the last bullet. It's a little bit confusing  
17 to me in regard to PHMSA would consider the  
18 appropriateness of applying this rulemaking, or  
19 a separate rulemaking, to gathering lines. Why  
20 not just make it a separate rulemaking, due to  
21 lack of public notice? Otherwise, does that  
22 mean if you apply it to this rulemaking that  
23 we're going back and revisiting everything in  
24 this rulemaking? I'm a little confused. I  
25 would just make it a separate rulemaking,

1 myself.

2 CHAIR WOLFGRAM: Was there another  
3 comment, there?

4 MR. GALE: I think...Member Bacon, I  
5 think we would be comfortable with that.

6 CHAIR WOLFGRAM: Any other questions  
7 there, Graham Bacon?

8 MR. BACON: No. Thank you for the  
9 consideration.

10 MR. GALE: Yes, sir.

11 CHAIR WOLFGRAM: Thank you. I see  
12 that, Carl Weimer, your hand is up.

13 MR. WEIMER: Yeah. This is Carl  
14 Weimer with the Pipeline Safety Trust. I just  
15 want to support, I think, Member Lesniak and, I  
16 think, David Barnett also wanted to leave the  
17 gathering lines in the language, and leave it  
18 up to PHMSA to consider the appropriateness of  
19 applying it to this rulemaking, and I would  
20 support that. I don't...I would rather leave  
21 that last bullet as is than just force them to  
22 go to an additional rulemaking. I think the  
23 lack of public notice is a huge barrier, so I  
24 am not surprised...I wouldn't be surprised if we  
25 end up with an additional rulemaking, but I

1 would like to leave that flexibility up to  
2 PHMSA.

3 CHAIR WOLFGRAM: Thank you. I see,  
4 let's see, three hands up. Chuck Lesniak?

5 MR. LESNIAK: Chuck Lesniak for the  
6 public. Just real quickly, I can live with  
7 leaving that last bullet in.

8 CHAIR WOLFGRAM: Okay. Thank you.  
9 Graham Bacon, I see that your hand is up.

10 MR. BACON: It was up just...it was up  
11 just from the previous, but I will...now that  
12 I've got the floor, I would say, again, that  
13 I'm concerned about leaving the appropriateness  
14 of the rulemaking...on this rulemaking, on this  
15 vote with the lack of public notice. Thank  
16 you.

17 CHAIR WOLFGRAM: Thank you. Dave  
18 Barnett, I see that your hand is up.

19 MR. BARNETT: Yes. Dave Barnett,  
20 public. You know, I think it does leave it to  
21 PHMSA to apply this. I think if we adopt this  
22 as written, that they have the full discretion  
23 of taking into account the public notice and  
24 whether it needs to be included in this rule.  
25 So I would support that.

1           As far as the water-body crossings,  
2           what concerns me--and I understand it's 5,000  
3           miles of gathering, but we've had a lot of  
4           gathering going in the past 8 to 10 years added  
5           to that--so what concerns me is under-  
6           gathering. One, we have this consideration of  
7           less than 30 percent of SMYS. SMYS is  
8           determined on brand-new pipe, and there's no  
9           process in place to determine on an aged  
10          pipeline, a wall thickness, and known wall  
11          thickness, what 30 percent of SMYS of that aged  
12          pipeline is. We're considering that pipeline  
13          as new pipe, and we have a lot of gathering out  
14          there that's aged. Second is, under the rules  
15          currently, it's my understanding that gathering  
16          lines do not have to be marked as transmission  
17          lines. And so I think a lot of the danger  
18          involved with gathering lines, whether it be by  
19          water-body crossings or not, is the ability  
20          to...for other folks in the area to identify when  
21          they're digging. And so those two things  
22          coupled together gives me concern. Even if it  
23          is 5,000 miles, it gives me concern on the  
24          gathering system. And you know, I think that  
25          it's time that we at least look at...and I would

1 give that authority over to PHMSA to consider  
2 all the comments and all the information that  
3 they've gathered on deciding whether gathering  
4 should be a part of this or not. Thank you.

5 CHAIR WOLFGRAM: Thank you. Todd  
6 Denton, I see that your hand is up.

7 MR. DENTON: Yes, sir. Thank you.  
8 Todd Denton, liquids. Just thinking about cost  
9 benefit and risk management, has PHMSA  
10 evaluated the, you know, what the rupture data  
11 looks like on gathering lines, and what the  
12 benefit would be to this rule?

13 MR. GALE: I mean, we don't know  
14 how...am I up? Member Denton, thank you for that  
15 comment. In terms of incidents that occur in a  
16 gathering in the liquid realm, right--which is  
17 quite different, just to be clear, than  
18 gathering in the gas realm, in that there's a  
19 cap--there's a definition of gathering in the  
20 liquid regulations in Part 195 that states that  
21 gathering lines are no greater than 8 inches.  
22 So...and, in fact, in the rural realm we're only  
23 regulating that gathering that's between 6 and  
24 8 inches in diameter. So it is a fairly small  
25 subset, but we don't...I don't think we're aware

1 of anything that would let us believe that an  
2 incident on a gathering line would be any  
3 different than an incident on a regular liquid  
4 line if it is of the same diameter and  
5 pressures.

6 CHAIR WOLFGRAM: Todd, I didn't know  
7 if you had any follow-up questions?

8 (Simultaneous speaking.)

9 MR. GALE: But, again, I think we  
10 would support...I think we would prefer to have  
11 the language that we see in the last bullet. I  
12 think it gives PHMSA the flexibility and the  
13 direction. I mean, what we could do is add to  
14 this to say, you know, ``and take due  
15 consideration of the discourse that occurred  
16 during the meeting between the public and the  
17 members,'' right? And the feedback we got to  
18 make sure, you know, it's our responsibility to  
19 make sure we've heard and listened to  
20 everything we've heard, but...you know, and give  
21 us that discretion to review the  
22 appropriateness of applying this rulemaking to  
23 gathering, given the lack of public notice.

24 CHAIR WOLFGRAM: Okay.

25 MR. DENTON: Todd Denton, liquids.

1 I...yes, I think that's fair. I would just go on  
2 record to say that I...it needs to be evaluated  
3 from that standpoint, you know, from...again,  
4 going back to risk management and the benefit  
5 of that rule, and would trust that you guys  
6 would take that into consideration.

7 MR. GALE: Thank you, Member Denton.

8 CHAIR WOLFGRAM: Dave Barnett, I see  
9 that your hand is up.

10 MR. BARNETT: Sorry. I need to take  
11 it down. Apologies.

12 CHAIR WOLFGRAM: Any other questions  
13 or comments? Chuck Lesniak, I see your hand is  
14 up.

15 MR. LESNIAK: Yeah. Are we done with  
16 the gathering discussion? Because I've got  
17 another comment on another bullet on this  
18 slide. This is Chuck Lesniak for the public.

19 CHAIR WOLFGRAM: Okay. Any other  
20 questions regarding gathering? Hearing none,  
21 we'll move to Chuck and your question.

22 MR. LESNIAK: So on the third bullet  
23 about...actually, no, it's not the third bullet.  
24 It's the next-to-last bullet, sorry. First, a  
25 question, I guess, for John. What is the



1 normal time period, once a rule is adopted, for  
2 implementation? Does it go...typically go into  
3 effect immediately? Is it a, you know...what is  
4 the typical timeframe?

5 MR. GALE: Thank you, Member Lesniak.  
6 John Gale, here. You know, it all depends,  
7 Chuck, on different factors. We look at how  
8 soon...the size of the impact or the size of the  
9 amendment that we're looking at. So rules can  
10 have, like, an effective date of, say, 30 days  
11 or 6 months. Or, I think, as you saw it in  
12 terms of the gas transmission rule and the  
13 hazardous liquid rule that were published back  
14 in October of 2019, they had 9-month effective  
15 dates, right? But then, different provisions,  
16 depending on the size of the impact, had their  
17 own effective dates built into them. And so  
18 you would see, though there was a 9-month  
19 effective date, the requirement to assess MCA,  
20 the requirement for any MPB confirmation, had  
21 more time spread out, right, for those given  
22 requirements. We had actually proposed that  
23 this was going to originally be 12 months, but  
24 it's 12 months after the effective date of the  
25 rule. So there was some concern with comments

1 that we received saying ``hey, we want 24  
2 months, we need 24 months.'' Our response was  
3 ``well, we're really...we're giving you probably  
4 21 months, already, right, because if we  
5 created a 9-month effective date and then added  
6 12 months on top of that, we're dealing with 21  
7 months.'' So we thought it was prudent to make  
8 sure everyone was clear, and the direction is  
9 very straightforward, that what we're talking  
10 about here is 24 months after the publication  
11 of the rule. Hopefully that helps.

12 MR. LESNIAK: Okay. That makes sense  
13 to me. Personally, 24 months seems like a long  
14 time for something that I think the industry  
15 has known is coming down the pike for a long  
16 time. And we already have a very, very, very  
17 slow process. I mean, we're looking at  
18 implementing recommendations from NTSB and...that  
19 are a decade old and were from incidents that  
20 are a decade ago, and I'm reluctant to put a  
21 24-month implementation date on this, you know?  
22 I was thinking more in the terms of 6 to 12  
23 months from publication, and that's just my  
24 thought about this, because 2 years out seems  
25 really long.

1 MR. GALE: And--just to be clear, for  
2 the members to understand--it would be our  
3 basic understanding and our belief that we..what  
4 we actually proposed was 21 months...between 18  
5 and 21 months for the effective date of the  
6 rule, based on the publication date. So that's  
7 actually what we proposed. And I'm sure the  
8 industry members and even probably Mr. Nanney  
9 can talk a little bit more on this than I; but,  
10 as we understand it, it is not necessarily that  
11 they didn't know it was coming, but that if  
12 they all of a sudden have valves that have to  
13 comply, it's a matter of coordinating with  
14 their different schedules and their different  
15 budgets.

16 (Simultaneous speaking.)

17 MR. LESNIAK: Twenty-four months  
18 still seems like a long time to me.

19 MR. GALE: Understood.

20 MR. LYON: Can I make a comment on  
21 that? This is Shawn Lyon with liquids.

22 CHAIR WOLFGRAM: Please do.

23 MR. LYON: Chuck, I think one  
24 thing...and surprisingly, but depending on the  
25 size of valve you're looking for, it could be

1 8, 12 months' lead time to get them. So you're  
2 talking almost up to a year just to...once you  
3 order it and then the install, based on the  
4 time of year. So I know it sounds like a long  
5 time, but the procurement time, especially for  
6 valves, can be excessively long.

7 CHAIR WOLFGRAM: Other questions?

8 MR. LESNIAK: Let me...can I respond to  
9 that? This is Chuck Lesniak again.

10 CHAIR WOLFGRAM: Yes.

11 MR. LESNIAK: Yeah, and I do  
12 understand that. And, John, do you have  
13 a...from, say, right now, if things proceed, do  
14 you have an anticipated publication date for  
15 this rule?

16 MR. GALE: Chuck, you're putting me  
17 under the gun. Ms. Pearce is looking at me  
18 with hard eyes right now.

19 (Laughter.)

20 MR. GALE: But, you know, we  
21 believe...you know, I'm not going to be able to  
22 give you a specific date, Chuck, right? But  
23 this is a, you know, important project for us,  
24 it's an important safety issue. I think  
25 anybody that spent any time reviewing and

1 seeing the congressional hearings over the last  
2 several years--this is always a major topic of  
3 conversation in those hearings. So we're going  
4 to put the resources to moving forward as fast  
5 as possible on this, and that's what we think  
6 is important. You know, if this rule had been  
7 out for 5 years, that would have been 5 more  
8 years of additional valves. So we understand  
9 the importance of getting this out as quickly  
10 as possible. It's just, you know, in the  
11 rulemaking process, the rulemaking world, we  
12 only control so much in PHMSA. All rules have  
13 to go through OST and then OMB, and, you know,  
14 I got a lot of clout, Chuck, but, you know, it  
15 doesn't go that far.

16 MR. LESNIAK: And I guess my point is  
17 that this rule is not going to get published  
18 tomorrow, it's probably not going to get  
19 published 6 months from now, but I think it  
20 will get published. And that...so why would we  
21 put a 24-month time period in from the  
22 publication date? The industry, in my...from my  
23 standpoint, the industry is on notice that this  
24 is coming. Start preparing for it--and there's  
25 no reason that the industry couldn't start

1 implementing this now and...so that, in doing  
2 their planning for maintenance downstream from  
3 today, if it's assumed this is going to be in  
4 place at some point, let's just go ahead and  
5 start complying with it today. And so,  
6 I...again, I'm reluctant for a 24-month date.  
7 I...shoot, I think 6 months is not unreasonable,  
8 given that it's unlikely for this thing to be  
9 in place in the next 6 to 12 months.

10 MR. LYON: Can I just ask a  
11 clarification? This is only for new  
12 construction, correct?

13 MR. GALE: That is correct, Member  
14 Lyon.

15 MR. LYON: Okay. Okay.

16 MR. GALE: Yeah. And, Chuck, also,  
17 you know, I would point out, you know, if you  
18 look at the...remember the slide we had up  
19 earlier in terms of percentages. I mean, a  
20 large number of the valves that are being added  
21 today, and this is across the board, I'm pretty  
22 sure--Steve Nanney, you can correct me if I'm  
23 wrong--but this was not limited to 6-inch  
24 lines, if I remember right, when we looked at  
25 this data. But, in the gas world, you know,

1 we're seeing a very high percentage. You can  
2 see these numbers are...it's over 90 percent of  
3 the lines that have valves being added, or  
4 valves that are being added for these lines,  
5 are automated valves. On the liquid side,  
6 adding the EFRDs, you're dealing with over 70  
7 percent of the valves are already being added  
8 as automated valves.

9 MR. LESNIAK: And I think that would  
10 argue for having a much shorter implementation  
11 date. If the industry is already doing this,  
12 then why extend it out? Make everybody do it  
13 as soon as the rule goes into effect, or when  
14 it gets published, or very shortly thereafter,  
15 because, again, the companies that are doing it  
16 right are already doing this. So really, what  
17 we're doing is regulating for the potentially  
18 bad actors, the low-budget projects and  
19 that...and so I would argue for doing this sooner  
20 rather than later. I would...personally, I'd  
21 like to see that 24-month speed from  
22 publication date be 6 months from publication  
23 date.

24 CHAIR WOLFGRAM: I see that, Angie  
25 Kolar, your hand is up.

1 MS. KOLAR: Angie Kolar with  
2 industry. I just wanted to elaborate on  
3 something that Shawn had mentioned--that the  
4 long-lead valve purchases is a condition or  
5 concern for us, because, again, those can take  
6 up to 12 months to get in. So I think we could  
7 probably be supportive of a shorter time  
8 period, maybe, if there was a provision in  
9 there that allows us to not apply this to a  
10 valve that was maybe already commissioned or on  
11 order at the time that the rule went into  
12 effect. So essentially, saying a project was  
13 already underway and so, therefore,  
14 wouldn't...this new rule would not apply.

15 CHAIR WOLFGRAM: Thank you. Dave  
16 Barnett, I see that your hand is up.

17 MR. BARNETT: Yes. Thank you. Dave  
18 Barnett, public. Did I understand right that  
19 the original rule was proposed that the  
20 implementation would be 18 to 21 months, that  
21 this is just...and the question I have is would  
22 it be problematic for PHMSA to do anything  
23 shorter than that 18 months, since that was  
24 proposed in the rule? And it says here that  
25 you're considering moving it to as much as 24



1 months, which could be 3 months or 6 months  
2 longer than the proposed rule. So I'm  
3 interested in knowing does PHMSA...or would it be  
4 problematic if they did shorten it beyond what  
5 was published?

6 MR. GALE: It would be a little bit  
7 problematic. It could be a challenge--but, you  
8 know, we could shorten it some. We could go  
9 back to 21 months. We could, you know,  
10 probably go between 12 and 18 months, if that's  
11 what the committee wanted to recommend.

12 CHAIR WOLFGRAM: Other  
13 questions/thoughts regarding implementation?  
14 Carl Weimer, I see your hand is up.

15 MR. WEIMER: Yeah. I'm agreeing with  
16 Chuck on this--that the 24 months just seems  
17 long to me, especially since it really only  
18 pertains to new and replaced pipelines. It  
19 seems like it's not a heavy lift for the  
20 industry to do that quicker. And I also am  
21 concerned that, if we extend the period too  
22 long, people will rush to get those pipelines  
23 in the ground so they'll be grandfathered and  
24 they won't have to do this at all. So I think  
25 the shorter the period, the better.

1 CHAIR WOLFGRAM: Thank you. Other  
2 questions? I see, Chuck, your hand is up.

3 MR. LESNIAK: Sorry, I was on mute.  
4 Chuck Lesniak for the public. Yeah. Based on  
5 John Gale's comments, in terms of just what's  
6 feasible for them, I'd like to suggest that the  
7 last bullet get changed to 12 months after  
8 publication date.

9 CHAIR WOLFGRAM: Thank you. Other  
10 questions/comments regarding 12 months? It  
11 sounds like we're kind of...

12 (Simultaneous speaking.)

13 MR. GALE: Chairman, I would...staff  
14 would...we are trying to throw up some language  
15 that could then hopefully move this forward.

16 MR. MAYBERRY: Yeah. This is Alan  
17 Mayberry. We're looking at some language that  
18 would tell us to reduce that timeframe. We're  
19 just looking to settle on how to articulate  
20 that, here.

21 MR. LYON: This is Shawn Lyon with  
22 industry. Can I just make a comment and maybe  
23 a suggestion? I think, from our perspective--  
24 and understand what Chuck and Carl are talking  
25 about--I think a 12- to 18-month window could

1 be appropriate, and maybe there's a disclaimer  
2 on unless it is a procurement issue related to,  
3 you know, an excessively long...or something like  
4 that, but still within the 12 to 18 months. I  
5 would just throw something out there like  
6 that...that on new construction, I think, to Carl  
7 and Chuck's point, we could live with that.

8 MS. KOLAR: This is Angie Kolar  
9 again. I agree with Shawn on the timeline, and  
10 then also that provision so that, again, if  
11 there is some sort of a procurement concern, or  
12 a long-lead-type concern, that we're able to  
13 get past that.

14 CHAIR WOLFGRAM: Thank you.

15 MR. BARNHILL: Yeah. This is Jerry  
16 Barnhill, again, with DCP Midstream. I support  
17 that, as well. You would think, on the  
18 procurement side, 12 months is a long period,  
19 but, depending on the types of valves, we've  
20 run into issues with 12 months. So I think  
21 that I...you know, to get up to 18, then I think  
22 you're giving people an opportunity to  
23 comfortably hit that target.

24 CHAIR WOLFGRAM: Thank you.

25 MR. LYON: Yeah. Believe me--this is

1 Shawn Lyon again--we wish the lead time was  
2 shorter. So it's not...this is really a supplier  
3 issue versus, I think, an operator issue.

4 CHAIR WOLFGRAM: We'll go with John  
5 and then Chuck.

6 MR. LESNIAK: Okay.

7 MR. GALE: Yeah. I just want to  
8 point out to the members that we did put up  
9 some revised language, here, that hopefully  
10 will get us moving.

11 CHAIR WOLFGRAM: Thank you. Then  
12 we'll go to Chuck Lesniak.

13 MR. LESNIAK: Yes. Thank you. Chuck  
14 Lesniak, public. Yeah, I think I can live with  
15 that. I'd like to see it 12 rather than 18,  
16 and...but the language...I just want to say, hoping  
17 for...this to PHMSA that it would be a...that we're  
18 not creating a loophole that you could drive an  
19 18-wheeler through. That if they've got a...they  
20 need to clearly demonstrate that they can't get  
21 the valve, or they've placed the order  
22 sometime, you know, previous or something  
23 that...or we'll have everybody asking for these  
24 waivers because of lead-time issues or  
25 whatever.

1 MR. GALE: Understood. Thank you.

2 CHAIR WOLFGRAM: Other  
3 questions/comments? Is the committee, then, in  
4 favor of moving towards a vote? Carl Weimer, I  
5 see that your hand is up.

6 MR. WEIMER: Yeah. I'm a little  
7 confused what we're voting on, because the  
8 slide that's up shows the changes we're talking  
9 about, but it doesn't really show the stuff  
10 we're voting on. So are we also including,  
11 like, modifying the IM requirements for EFRDs?  
12 Is that part of this vote?

13 CHAIR WOLFGRAM: This is Jon  
14 Wolfgram, government. This is...I guess this is  
15 my understanding: that the slide before us is  
16 the voting slide with the bullets noted.

17 MR. WEIMER: Okay. But when we first  
18 started, there was a slide up that talked about  
19 rupture-mitigation valves, and it included some  
20 information about this is only going to be  
21 required for new and entirely-replaced  
22 pipelines, and it talked about changing the IM  
23 requirements for EFRDs. So I'm assuming that's  
24 part of this vote, also?

25 CHAIR WOLFGRAM: I'm just going

1 through my slide deck here, as well, just to  
2 clarify. Was there a previous PHMSA slide?

3 MR. GALE: Chairman, John Gale.  
4 There is a slide on it, but we didn't think it  
5 needed to move up to a discussion on the vote.  
6 We think our response stands for itself.

7 CHAIR WOLFGRAM: Any other committee  
8 discussion on that? Carl, I see that your hand  
9 is up.

10 MR. WEIMER: Yeah. I hadn't put it  
11 down, yet, but I would like to discuss that. I  
12 don't...I guess I don't understand why some  
13 things are being asked of the committee and  
14 some things aren't. My point about that was--  
15 since it was part of the rupture-mitigation  
16 valve proposal--was, you know, we certainly  
17 are...would love this to apply to other than just  
18 new and replaced pipelines. We understand  
19 the...PHMSA's concerns about the statute in  
20 60104(b) that says that precludes that. But  
21 then I was trying to understand, well, if  
22 60104(b) precludes these types of valves on  
23 existing pipelines, how can you modify the  
24 design requirements for EFRDs and make those  
25 retroactive, when you can't require new valves

1 on existing pipelines because of design  
2 requirements?

3 MR. GALE: Yeah. Chairman, John Gale  
4 here.

5 CHAIR WOLFGRAM: Yes, John.

6 MR. GALE: I mean, to discuss a broad  
7 issue, you know, it's our understanding that  
8 it's the recommendation from our chief  
9 counsel's office that we are not authorized,  
10 through our statute in 60104(b), to impose a  
11 construction-related standard to new...to  
12 existing pipeline infrastructure. We just  
13 can't--we're not allowed to do that. We can  
14 change operational requirements that exist for  
15 existing pipelines, but we cannot impose. So  
16 therefore, we would not be authorized to impose  
17 a valve...automated valve requirement to existing  
18 pipelines. It's just...and also, it's not within  
19 scope of the rule. So you know, should we do  
20 it? You know, probably most of us around  
21 this...in this room and the rest of PHMSA would  
22 want to do it, but it's our understanding that  
23 we are not authorized by either our statute or,  
24 at this point, the scope of this rule to move  
25 this rule to cover existing infrastructure.

1 CHAIR WOLFGRAM: Thank you, John.

2 MR. GALE: Yep.

3 CHAIR WOLFGRAM: Further discussion,  
4 there? Carl, I see your hand is up.

5 MR. WEIMER: Yeah, I forgot to put it  
6 down again, but...yeah, my discussion was--and I  
7 understand why you...why counsel has told you you  
8 can't do that for existing pipelines. My  
9 question was how can you do it for...because the  
10 same statute talks about design, you can't  
11 change design requirements for existing  
12 infrastructure, too, but I would think, by  
13 modifying the IM requirements for EFRDs, you  
14 are doing that. So did you look at all about  
15 whether the statute precludes you from doing  
16 that?

17 MR. GALE: Steve Nanney, I don't know  
18 if you can help me, here, but I'm not sure of  
19 the question at this point.

20 MR. NANNEY: Well, I'm not sure of--  
21 this is Steve Nanney with PHMSA--I'm not sure  
22 what Carl's question is, either. Carl, are you  
23 talking about 195.452, as far as (i)(4) on  
24 emergency flow-restricting devices?

25 MR. WEIMER: Yes. I was just trying



1 to wrap my head around whether you can change  
2 EFRDs under that part of the statute like you  
3 propose in the rule, because wouldn't that  
4 require design changes on an existing pipeline,  
5 which would run into the same statutory problem  
6 you have for requiring valves on existing  
7 pipelines?

8 MR. NANNEY: When we get further on  
9 and we're talking about valves, can we answer  
10 that? Can you give me a little time to look at  
11 what you're talking about, there?

12 MR. WEIMER: Yeah, absolutely. I  
13 just thought that was part of this rupture-  
14 mitigation valve vote that we were about to  
15 take, but it looks like we're really only  
16 voting on what's on the screen.

17 MR. NANNEY: That's correct. We  
18 weren't voting...the IM comes later in the  
19 meeting.

20 MR. WEIMER: Okay.

21 CHAIR WOLFGRAM: Thanks, everyone,  
22 for clarifying on that and going through the  
23 discussion. Do you have any additional  
24 comments/questions regarding the slide that is  
25 before us right now? Is the committee ready to

1 vote...entertain a vote for this specific  
2 section?

3 MR. BARNETT: Dave Barnett. I move  
4 to take a vote on this section.

5 CHAIR WOLFGRAM: Okay. And if you  
6 would read the slide?

7 MR. BARNETT: Yes. I, Dave Barnett,  
8 public representative, would like to make a  
9 motion to take a vote on the rupture-mitigation  
10 valves with the appropriate references in the  
11 slide to the different statutes...committee  
12 voting slides that the proposed rule, as  
13 published in the Federal Register, and the  
14 Draft Regulatory Evaluation, with regard to  
15 filing reports for rupture-mitigation valves,  
16 are technically feasible, reasonable, cost-  
17 effective, and practicable, and the following  
18 changes are made: incorporating reporting  
19 requirements similar to notification  
20 requirements 192.18 for gas pipelines into the  
21 final rule. Revising the final rule to  
22 designate a valve on crossover piping that is  
23 locked and tagged closed, in accordance with  
24 operating procedures, as a rupture-mitigation  
25 valve. Revising the final rule to address

1 applicability to multiple replacements that, in  
2 the aggregate, exceed 2 miles within 5  
3 continuous miles within a 24-month period.  
4 Adding specificity on standards for PHMSA  
5 review of other technology and manual valve  
6 notifications. Changing the timeframe to  
7 activate rupture-mitigation valve after  
8 completion of construction from 7 days to 14  
9 days. PHMSA would consider inspection for  
10 pipelines with SMYS of 30 percent or less,  
11 considering cost-benefit issues and while  
12 maintaining the integrity of the rule. PHMSA  
13 would consider reducing the implementation of  
14 the rule to be between 12 and 18 months, based  
15 on committee discussion. PHMSA would consider  
16 the appropriateness of applying this rulemaking  
17 or a separate rulemaking to gathering lines,  
18 due to the lack of public notice. PHMSA will  
19 give due consideration to the dialogue between  
20 members, the public, and PHMSA staff during the  
21 meeting.

22 CHAIR WOLFGRAM: And do we have a  
23 second?

24 MR. LYON: This is Shawn Lyon. I  
25 second.

1 CHAIR WOLFGRAM: Okay. Thank you.  
2 And, Cameron, would you be willing to  
3 facilitate our vote?

4 MR. SATTERTHWAITE: Yes, I will do  
5 that. What I will do is I'm going to go  
6 through the list of the members, and when I get  
7 to your name, all you have to do is just say  
8 yes if you agree with the language, and no if  
9 you do not. Okay. Jon Wolfgram?

10 CHAIR WOLFGRAM: Yes, I agree.

11 MR. SATTERTHWAITE: Diane Burman?

12 MS. BURMAN: Yes, I agree.

13 MR. SATTERTHWAITE: Graham Bacon?

14 MR. BACON: Yes.

15 MR. SATTERTHWAITE: Jerry Barnhill?

16 MR. BARNHILL: Yes.

17 MR. SATTERTHWAITE: Angela Kolar?

18 MS. KOLAR: Yes.

19 MR. SATTERTHWAITE: Todd Denton?

20 MR. DENTON: Yes.

21 MR. SATTERTHWAITE: Shawn Lyon?

22 MR. LYON: Yes.

23 MR. SATTERTHWAITE: David Barnett?

24 MR. BARNETT: Yes.

25 MR. SATTERTHWAITE: Chuck Lesniak?

1 MR. LESNIAK: Yes.

2 MR. SATTERTHWAITE: Sarah Magruder  
3 Lyle?

4 MS. MAGRUDER LYLE: Yes.

5 MR. SATTERTHWAITE: Carl Weimer?

6 MR. WEIMER: Yes.

7 MR. SATTERTHWAITE: All right. Thank  
8 you very much. It's unanimous.

9 CHAIR WOLFGRAM: Okay. Thank you.  
10 All right. Thanks, everyone, again, for  
11 working through that section of regulation and  
12 the good questions and comments and...thank you  
13 for that. All right. Looking at our agenda,  
14 here, we've gotten through a number of these.  
15 We certainly have a good amount of things to go  
16 through. I know we had talked earlier about  
17 doing lunch at 2:30 Eastern Time. If the D.C.  
18 folks are still wanting to do that, or if we  
19 want to keep trucking along..

20 MR. MAYBERRY: I need to say  
21 something.

22 MR. GALE: Yes, Chairman, that is our  
23 recommendation, but Mr. Mayberry has something  
24 to say real fast.

25 CHAIR WOLFGRAM: Excellent.

1                   MR. MAYBERRY: Yeah. Thanks, Mr.  
2 Chairman. And, you know, that last  
3 interaction, I think, is the beauty of this  
4 process. I really appreciate how we come  
5 together with different backgrounds and, you  
6 know, Carl and Chuck, really appreciate you in  
7 keeping us in check on things. That's the  
8 beauty of the process--of how we bring our  
9 different backgrounds to bear on this.

10                   I just wanted to bring something up  
11 that I meant to mention when we were talking  
12 earlier, Carl, when you made a comment about,  
13 you know, would this rule affect...or, you know,  
14 Marshall and the aftermath of that event. I do  
15 believe...I mean, I was around when that event  
16 happened, and I can tell you, in my 39 years in  
17 the business of...you know, things like that  
18 really impact me in a great way. And I was  
19 committed after that to really prevent that  
20 type of accident in the future. I'm sure all  
21 of us on this call today, you know, we just do  
22 what we can to avoid that. We need to. But I  
23 do believe that this rule will impact that. I  
24 do believe we've also...it was mentioned earlier,  
25 but I didn't want to gloss over it too much,

1 but there are other factors that were done, as  
2 well, that I think represent good work that  
3 will prevent that type of event, because we do  
4 definitely--we, as the safety agency--we work  
5 to prevent that every day. And I can assure  
6 you, you know, and the rest of the public, that  
7 that is our focus.

8           You know, also, I think it's  
9 appropriate that, you know, today and tomorrow  
10 you're having the conference, you know.  
11 Normally it's in New Orleans in November--I  
12 think you had it one time in October--but today  
13 you're having...and tomorrow you're having an  
14 event with the timing to coincide, I guess,  
15 today with the time that the event happened,  
16 and then tomorrow the timing starts the point  
17 the event was discovered, just to kind of add  
18 an exclamation point to, you know, the issues  
19 that were involved related to that tragedy that  
20 occurred. But I wanted to commend you to your  
21 work in recognizing that event in this way, and  
22 I look forward to my involvement on the panel  
23 later today. For those of you who don't know,  
24 if you go to the pstrust.org website, if you're  
25 interested, you can sign up for that event,

1 but...so that's also an unapologetic plug for  
2 that event that, you know, we typically  
3 participate in that...your events every year, and  
4 look forward to it. So I just want to mention  
5 that. That, you know, first off, I do believe  
6 the good work that you're doing here today--  
7 that we're doing--that it will impact pipeline  
8 safety. And we'll prevent that type of event  
9 or reduce the consequence of such events in the  
10 changes that are being made in this specific  
11 policy, here. So...and again, thanks, you know,  
12 to the committee for your impact on such a  
13 major policymaking. So with that, I'll turn it  
14 back to you, Mr. Chair, to adjourn us for  
15 lunch.

16 CHAIR WOLFGRAM: Great. Thank you  
17 very much, Alan. And with that, we will  
18 adjourn for a lunch, here. We will start back  
19 up again promptly at 3:15 Eastern Time. That  
20 will be 2:15 Central Time where I am at, as  
21 well, but we will break. So have a good lunch,  
22 then we'll come back promptly. And we still  
23 have a pretty good stack of things to dig  
24 through, so everybody can get refreshed over  
25 break, then we'll come back and continue



1 working here today. Thanks, everyone.

2 (Whereupon, the above-entitled  
3 matter went off the record at 2:33 p.m. ET and  
4 resumed at 3:15 p.m. ET)

5 MR. SATTERTHWAITE: Okay, this is  
6 Cameron Satterthwaite, PHMSA. It is 3:15, and  
7 we want to go ahead and get ready to get this  
8 started back up. I just want to make sure that  
9 we have our members on the line. If all the  
10 members on Adobe Connect could at least raise  
11 your hand in Adobe Connect so that we know that  
12 you're there? We're going to check that for a  
13 second and see how we're looking.

14 (Pause.)

15 MR. SATTERTHWAITE: Okay. All right.  
16 Thank you, once again. For all members that  
17 are in Adobe Connect, if you could just raise  
18 your hand? If your hand is already up, we can  
19 see you. Just raise your hand.

20 (Pause.)

21 MR. SATTERTHWAITE: Okay. All right.  
22 I think we have enough to get started. And  
23 with that said, Mr. Chair, I'd say you can turn  
24 it over to Steve Nanney as you see fit.

25 CHAIR WOLFGRAM: Great. Thank you,

1 Cameron. And just a reminder to folks, if  
2 you're getting back on the phone and such,  
3 please mute your phones as we continue our  
4 discussion. We will begin again, here, this  
5 afternoon. And with that, I will turn it over  
6 to Steve Nanney with PHMSA to give us the next  
7 section of the presentation.

8 MR. NANNEY: Thank you, Mr. Chairman.  
9 This is Steve Nanney with PHMSA. Starting with  
10 slide 67, we'll talk about valve spacing and  
11 location. In the proposed rule, PHMSA proposed  
12 to require ASVs, RCVs, or equivalent technology  
13 on newly constructed or entirely replaced  
14 pipelines that are equal to or greater than 6  
15 inches in diameter at specified intervals,  
16 which would be on the next table. Also, to  
17 modify integrity management requirements to  
18 specify that EFRDs installed to protect HCAs  
19 must meet the design operation testing,  
20 maintenance, and rupture-mitigation  
21 requirements of Sections 195.258, 195.260,  
22 195.402, 195.418, and 195.420.

23 slide 68. As far as the spacing of  
24 the valves, as you see here, the rupture-  
25 mitigation valve spacing, then, we've got

1 mainline block valve spacing. And if you go  
2 over for a higher consequence area, if it's a  
3 rupture-mitigation valve, it's 15 miles. If  
4 it's a mainline block valve that's being put in  
5 new, it's 15 miles if it's in an HCA. For HVL  
6 lines, again, we require 7.5 miles there for  
7 rupture mitigation, and for mainline block  
8 valve spacing in 195.260, 7.5 miles. Non-HCAs:  
9 as far as rupture-mitigation valve spacing--not  
10 applicable, but mainline block valve spacing at  
11 20 miles. At water crossings greater than 100  
12 feet from high bank to high bank, again,  
13 rupture-mitigation valves spacing: not  
14 applicable; but mainline block valve spacing: 1  
15 mile, and located outside of the flood plain or  
16 actuators/controls unaffected by flood plain.  
17 And we'll go into this a little more as we go  
18 through the slides.

19 Slide 69, please. Valve spacing,  
20 public comments. The NTSB requested that PHMSA  
21 justify the technical basis for valve-spacing  
22 intervals. Pipeline Safety Trust expressed  
23 concern for 15- and 20-mile spacing is too far,  
24 especially for large-diameter pipelines.  
25 Pipeline Safety Trust requested

1 clarification that new valve-spacing  
2 requirements would be equal to or more  
3 stringent than currently required valves.

4 PHMSA response: PHMSA believes that the notice  
5 of proposed rulemaking spacing is appropriate.  
6 Valve spacing proposed in the notice was based  
7 on ASME B31.4.

8 slide 70, please. Valve spacing,  
9 additional public comments. Consolidate valve-  
10 spacing requirements into a single part.  
11 Industry organizations did not support the use  
12 of prescriptive valve-spacing standards, like  
13 for HCAs of 15 miles or non-HCAs of 20 miles.  
14 Multiple industry organizations asked to align  
15 spacing of HVL segments with Canadian  
16 standards, which allow 25-percent tolerance for  
17 all valve spacing, and allows approximately 10-  
18 mile spacing for HVL lines. Another comment we  
19 got was ``retain the 7.5-mile spacing for HVL  
20 segments only in HCAs.``

21 And PHMSA's response: PHMSA will  
22 consider recommendations to improve readability  
23 of the final rule. PHMSA believes a minimum  
24 standard for mainline valve spacing is  
25 appropriate, and that the 15 miles for HCAs and

1 the 20 miles for non-HCA standards are  
2 reasonable. For everyone here on the  
3 committee: if this was a gas pipeline, a Class  
4 1 location would have a 20-mile spacing, which  
5 would be in a very rural, remote area. A Class  
6 2 area, which would have more homes, would be a  
7 15-mile area, and a Class 3, which would be  
8 very populated, would be 8 miles. Also, PHMSA  
9 would consider adding the 25-percent tolerance  
10 to the spacing for HVL lines and other liquid  
11 lines in HCAs. PHMSA believes a 20-mile  
12 maximum spacing for non-HCA lines is  
13 appropriate.

14 Slide 71, please. Valve spacing,  
15 public comments. With respect to the rupture-  
16 mitigation valves on laterals, clarify if the  
17 5-percent volume contribution for determining  
18 placement of valves on laterals is based on  
19 flow rate or total volume. PHMSA response:  
20 PHMSA confirms total volume was intended, not  
21 volumetric flow rate.

22 Slide 72, please. Other comments we  
23 got was: clarify that locations outside of HCAs  
24 do not require rupture-mitigation valves unless  
25 the replacement project involves a valve; in

1 other words, an opportunistic approach. PHMSA  
2 response: the rupture-mitigation valve spacing  
3 in non-HCA locations were intended to only  
4 apply to new construction. I'm sorry, my  
5 screen went off. Let me start over on this.

6 The rupture-mitigation valving requirements in  
7 non-HCA locations were intended to only apply  
8 to new construction and those replacement  
9 projects 2 miles or greater in length involving  
10 a valve. This is unlike the requirements  
11 affecting HCAs, which require upstream and  
12 downstream automated valves for new  
13 construction and 2-plus-mile replacements,  
14 regardless of whether the project involves a  
15 valve installation. Therefore, we will clarify  
16 in the final rule that non-HCA locations do not  
17 require rupture-mitigation valves unless the  
18 replacement project involves a valve.

19 Next slide, please, 73. Additional  
20 public comments. Specify a process for  
21 operators to ask PHMSA to approve alternate  
22 valve-spacing distances for those situations  
23 where installation of additional valves is  
24 demonstrated to provide no additional value to  
25 public safety, or where installation is

1       infeasible.       PHMSA    response:   PHMSA    will  
2       consider adding a notification requirement to  
3       allow operators to obtain valve-spacing relief  
4       on a case-by-case basis.

5                Slide 74, please.   Additional valve  
6       comments: explicitly state in 195.418(b) that  
7       the shutoff segment must contain the new or  
8       replaced HCA segment.   Clarify that no  
9       downstream rupture-mitigation valve is required  
10      at the termination of a pipeline.   PHMSA  
11      response: PHMSA intends that the shutoff  
12      segment contains the entire new or replaced HCA  
13      segment, and will clarify in the final rule.  
14      Rupture-mitigation valves would not be required  
15      at the downstream termination if it is within  
16      the required spacing distance of the upstream  
17      rupture-mitigation valve, and PHMSA will  
18      clarify in the final rule.

19               Page 75--Slide 75. As far as valve  
20      location,       multiple       commenters--including  
21      Pipeline Safety Trust and industry--requested  
22      clarification of flood plain extent for water  
23      crossings. Using the 100-year flood plain was  
24      suggested.   Pipeline Safety Trust requested  
25      clarification of the term ``flood conditions.``

1 And PHMSA response: PHMSA will consider  
2 specifying the 100-year flood plain.

3 Slide 76. Another comment was:  
4 remove the 1-mile limitation on water crossings  
5 or clarify alternatives if the 1-mile location  
6 is still within a flood plain. PHMSA's intent  
7 was to provide operators flexibility to address  
8 multiple water crossings in close proximity  
9 with access problems to valves between water  
10 crossings. This was based in part on proposals  
11 that PHMSA has issued or approvals that PHMSA  
12 has issued to operators under authority of  
13 195.260. PHMSA will clarify this intent in the  
14 final rule.

15 Slide 77. Additional comments:  
16 clarify that operational block valves are  
17 permitted within a shutoff segment. Clarify  
18 that the rupture-mitigation valve need not be  
19 the nearest valve to the shutoff segment.  
20 PHMSA's response: PHMSA intended that  
21 operational block valves be permitted within a  
22 shutoff segment, and rupture-mitigation valves  
23 need not be the nearest valve to the shutoff  
24 segment. PHMSA will consider these comments to  
25 improve readability of the final rule.



1           Slide 78, please.     Also, another  
2 comment was: remove the requirement to locate  
3 valves within 7.5 miles of the endpoint of an  
4 HCA segment. PHMSA's response: PHMSA did not  
5 intend that this would have the effect of  
6 reducing valve spacing; PHMSA was simply  
7 reminding operators of the requirement for P&M  
8 measures in 195.452. PHMSA agrees that the  
9 requirement to locate valves within 7.5 miles  
10 of an endpoint of an HCA segment is  
11 unnecessary, and will delete it from the final  
12 rule.

13           Slide 79. This is on valve-status  
14 monitoring. PHMSA proposed to require  
15 monitoring or control of rupture-mitigation  
16 valves by remote or on-site personnel involving  
17 valve status, upstream and downstream pressure,  
18 and flow rates during normal, abnormal, and  
19 emergency operations; and also to monitor valve  
20 status during a rupture event.

21           Slide 80, please. Public comments  
22 on valve-status monitoring: clarify that remote  
23 monitoring of ASV status is not required.  
24 Where valve status is not available, allow  
25 either pressure or flow monitoring in lieu of

1 valve status. Clarify if the remote flow-  
2 pressure monitoring is required for manual  
3 rupture-mitigation valves following closure.

4 Remove the requirement for continuous  
5 monitoring at the site of a manual rupture-  
6 mitigation valve for best use of operator  
7 personnel. PHMSA's response: PHMSA believes  
8 that the ability to monitor ASV and RCV valve  
9 position, upstream pressure, and downstream  
10 pressure is important for effective  
11 identification of ruptures and incident  
12 mitigation. In the case of manual valves, the  
13 ability to monitor upstream and downstream  
14 pressures and flow rates is equally important.  
15 Similar to manual valves, ASV status need not  
16 be monitored if the operator can monitor  
17 pressures or flows to be able to identify and  
18 locate a rupture. PHMSA will clarify this in  
19 the final rule.

20 Slide 81, please. Again, as we have  
21 done earlier, this is the GPAC vote from  
22 yesterday on rule topics that are similar. And  
23 again, the blue text contains recommendations  
24 that are or could be applicable to liquid  
25 lines. And, just to go through the three

1 points: revising the rule to clarify that  
2 replacement projects in locations outside of  
3 HCAs do not require rupture-mitigation valves  
4 unless the replacement project involves a  
5 valve. And then, the other two--which we do  
6 not think are applicable--are: specifying in  
7 192.634(b) does not apply to Class 1 and 2  
8 pipelines outside HCAs, and that valve-spacing  
9 requirements in 192.634 apply to replacement  
10 projects covered by 192.179. And then, last,  
11 specifying in 192.634(b) that the shutoff  
12 segment must contain the new or replaced Class  
13 3, 4, or HCA segment. Again, we do not think  
14 those apply.

15           Going to the next slide, please,  
16 some additional items from the rule vote that  
17 we think--from GPAC--that you might want to  
18 consider are: specifying that rupture-  
19 mitigation valves would not be required at the  
20 downstream termination of the pipeline.  
21 Specifying that operational block valves be  
22 permitted within a shutoff segment, and  
23 rupture-mitigation valves need not be the  
24 nearest valve to the shutoff segment. And  
25 specifying that ASV status need not be

1 monitored if the operator can monitor pressures  
2 or flows to be able to identify and locate a  
3 rupture.

4 Slide 83, please. Again, this  
5 concludes PHMSA's response to public comments  
6 that we received. And, in light of the  
7 comments received from the notice, PHMSA  
8 recommends the committee consider the  
9 following: adding the 25-percent tolerance to  
10 the spacing of HVL lines and other HL lines in  
11 HCAs. Revising the rule to clarify that  
12 replacement projects in non-HCA locations do  
13 not require rupture-mitigation valves unless  
14 the replacement project involves a valve--the  
15 opportunistic approach. Add a notification  
16 requirement to allow liquid operators to obtain  
17 valve-spacing relief on a case-by-case basis.  
18 And specifying in 195.418(b) that the shutoff  
19 segment must contain the new or replaced  
20 segment that could affect an HCA.

21 Next slide, please. Additional  
22 items to consider would be: specifying that  
23 rupture-mitigation valves would not be required  
24 at the downstream termination of the pipeline.  
25 Specifying 100-year flood plain at water

1 crossings for liquid lines. Specifying that  
2 operational block valves would be permitted  
3 within a shutoff segment, and rupture-  
4 mitigation valves need not be the nearest valve  
5 to the shutoff segment. And specifying that  
6 ASV status need not be monitored if the  
7 operator can monitor pressures or flows to be  
8 able to identify and locate a rupture.

9 Next slide, please. Mr. Chairman, I  
10 turn it back over to you for public comments.

11 CHAIR WOLFGRAM: Great. Thank you,  
12 Steve, for going through that section of the  
13 presentation for us today. With that, I will  
14 turn it over to Cameron, and we will go to a  
15 public comment. Again, please state your name  
16 and which organization you are with, and then,  
17 also, just spell your name, as well.

18 MR. SATTERTHWAITTE: All right. Thank  
19 you. This is Cameron Satterthwaite, PHMSA. I  
20 ask the monitor to allow for public comment.  
21 You can please provide instructions to the  
22 participants of how they can identify  
23 themselves, so they can make a comment on the  
24 information that was just provided.

25 OPERATOR: Thank you. Once again, if

1 you do have a comment, please press a 1, then 0  
2 at this time. If you have a comment, please  
3 press 1, 0.

4 (Pause.)

5 OPERATOR: And, at this time, no one  
6 is queuing up.

7 CHAIR WOLFGRAM: Okay. So we can  
8 wait one more moment, here, to see if there is  
9 a public comment for this area. Otherwise, we  
10 can transition next to committee discussion.

11 (Pause.)

12 CHAIR WOLFGRAM: Hearing no public  
13 comment, we will go into committee discussion.  
14 And I see that, Graham Bacon, your hand is up.  
15 I don't know, Graham, if you are on mute.

16 OPERATOR: I believe he called in on  
17 the other line. So he's going to have to press  
18 star-0.

19 CHAIR WOLFGRAM: Okay. Graham,  
20 they're telling me that you'll have to press  
21 star-0 to get back into, I guess, the LPAC  
22 group, here, for discussion. Are there any  
23 other committee members that have a question  
24 while we're waiting for Graham to get back in?  
25 Okay. I see that Carl Weimer has his hand up.

1 We'll start with Carl.

2 MR. WEIMER: Yes, so I was wondering  
3 if you can provide some discussion about the  
4 25-percent tolerance. I was trying to  
5 understand why that's needed. It would appear  
6 that, if you give a 25-percent tolerance on a  
7 15-mile valve spacing in HCA areas, you're  
8 almost up to the 20-mile spacing of non-HCA  
9 areas. So that's a little concerning, so I was  
10 wondering why that's needed.

11 CHAIR WOLFGRAM: This is Jon  
12 Wolfgram. Is someone from PHMSA able to  
13 provide some insight to the 25-percent  
14 tolerance spacing for HVL?

15 MR. NANNEY: Jon, this is Steve  
16 Nanney with PHMSA.

17 CHAIR WOLFGRAM: Yes.

18 MR. NANNEY: What we did there  
19 is...again, the HVL lines...we kept the 7.5-mile  
20 spacing that we had taken from ASME B31.4, and  
21 we also went and we looked at the Canadian  
22 standard, and the Canadian standard for HVL  
23 lines had 10 miles in it. So what we decided  
24 is--and why we're proposing this is--we thought  
25 the 25-percent tolerance would give the

1 operator the flexibility. In liquid lines,  
2 probably in most cases they're going to need a  
3 power connection--a power source--for the  
4 valves...for the communications. And we felt  
5 like that would give them some leeway. It's  
6 like, if they were at 7.5 miles, and there was  
7 a road another half a mile or a mile away that  
8 had power lines and everything, rather than  
9 creating more right of ways for power lines,  
10 they could just move the valve closer. And so,  
11 that's the reason we adopted it for both HVL  
12 and for the liquid lines. We thought we would  
13 put wording in that would allow that  
14 flexibility for being able to put the valves  
15 close to the access sources of the need, and  
16 it's similar to what we saw on the HVL lines in  
17 the Canadian standard.

18 CHAIR WOLFGRAM: Thank you, Steve.  
19 Carl, did you have any follow-up questions in  
20 that area?

21 MR. WEIMER: No. My concern was  
22 mainly the other hazardous liquid lines. Just  
23 going from 15-mile valve spacing, if you add 25  
24 percent, you're up to almost 19 miles for crude  
25 oil and other lines, and that seems like it's



1 almost the same as what you have for non-HCA  
2 areas. So I'm scratching my head about that.  
3 Thanks.

4 CHAIR WOLFGRAM: Okay. Thank you.  
5 We'll go to Graham Bacon.

6 MR. BACON: Can you hear me now?

7 CHAIR WOLFGRAM: Yes. Go ahead.

8 MR. BACON: Okay. Earlier in Mr.  
9 Nanney's presentation, he discussed flood plain  
10 issues and valve spacing around water bodies  
11 and floods. Is that up for a vote, or is that  
12 coming up later? Or what is the status of the  
13 flood plain consideration?

14 CHAIR WOLFGRAM: I don't know. Steve  
15 or John, is someone able to speak on...

16 MR. NANNEY: Jon, this is Steve  
17 Nanney with DOT. Go to the second slide.  
18 There we go.

19 MR. BACON: Okay. Yes, I would  
20 support specifying the 100-year flood plain as  
21 the high-level water crossings. I think, just  
22 from a practical standpoint, being able to  
23 access valves in a flood event...we want to make  
24 sure that we have that ability. We don't want  
25 to be in a situation where there's a flood

1 event and we can't access the valves for  
2 maintenance or other considerations, so I  
3 wanted to make sure that was included. Since  
4 you've moved to that slide, I see that it is.  
5 Otherwise, I would indicate general support for  
6 the valve spacing that PHMSA is proposing.  
7 Thank you.

8 CHAIR WOLFGRAM: Thank you. Next, I  
9 see that, Chuck Lesniak, your hand is up.

10 MR. LESNIAK: Hi. Chuck Lesniak,  
11 public. Yes, I think there was a reference to  
12 the ASME standard that supported the valve  
13 spacing. Could I get a better explanation of  
14 what that standard is and how it supports the  
15 valves...the proposed spacing?

16 CHAIR WOLFGRAM: Steve, is that  
17 something you want to tackle?

18 MR. NANNEY: Yes. This is Steve  
19 Nanney with PHMSA. ASME B31.4 has been in  
20 existence since the '50s, I believe. I know it  
21 was in existence before the Code--Part 195.  
22 And, for HVL lines, it recommends a 7.5-mile  
23 spacing. Like I said, that is an industry code  
24 standard--it's not a federal standard--that has  
25 best practices in it. And that is a standard

1 that's available. So in this one, like I said,  
2 we looked at it when we wrote the rule. We had  
3 the comments, we looked at the Canadian  
4 standards. Again, this is valve spacing  
5 standards that have never been in Part 195 that  
6 we thought were applicable here, especially due  
7 to the nature of an HVL leak or rupture--the  
8 impact it can have in leaking. So we thought  
9 the 7.5 miles was good to keep. That's what we  
10 did. But we also realized that you needed the  
11 ability to be able to quickly and remotely  
12 operate the valve, so we tried to add in some  
13 flexibility to make sure that an operator could  
14 do that.

15 MR. LESNIAK: Okay. Do you  
16 know--it's such an old standard--do you know  
17 what the basis is for that 7.5 miles?

18 MR. NANNEY: No, I don't.

19 MR. LESNIAK: Okay.

20 MR. NANNEY: I mean, normally, on a  
21 lot of it, I can go back and recite exactly,  
22 but I cannot on that. If I did, I would.

23 MR. LESNIAK: Okay, okay. And I  
24 would agree with Carl and the Trust on this: it  
25 feels like the 15- and 20-mile spacing is too

1 big for liquids. And I think that the  
2 comparison to gas lines is really an apples-  
3 and-oranges kind of comparison. Now, maybe for  
4 HVLs it's a more relevant comparison; but for  
5 hazardous liquids, you know, they flow  
6 horizontally. And a natural gas line--when you  
7 get a release there, the impact of the release  
8 stays right there, for the most part, at the  
9 point of rupture. And the bigger you have  
10 these segments between valves, the larger your  
11 drain down is. And when you've got a line that  
12 has liquids in it and that can flow  
13 horizontally, you can get impacts a long ways  
14 away. There was a study done on a line here in  
15 central Texas that indicated that, in an hour  
16 that a release from that line, we could have  
17 liquids 4 miles from the site of the rupture.  
18 And so, reducing that drain down volume is, to  
19 me, a lot more important on a liquids line than  
20 it is on a gas line or even an HVL line. And  
21 so, I feel like that this--the drain-down time-  
22 -needs to be...the spacing needs to either be  
23 more tailored to the pipeline itself, or  
24 generally smaller. I'm uncomfortable with that  
25 15- and 20-mile distance.

1                   CHAIR                   WOLFGRAM:                   Other  
2                   questions/comments regarding valve spacing?  
3                   Dave Barnett, I see that your hand is up.

4                   MR. BARNETT: Yes, Dave Barnett,  
5                   public. I'm a little confused, here. So when  
6                   I read this--the 25-percent tolerance--it shows  
7                   to me...reads that it only covers HCA areas, and  
8                   those areas are limited to 7.5-mile spacing.  
9                   Is that correct? Or does it apply to the  
10                  normal, regular, outside-of-HCA area?

11                  MR. NANNEY: Chairman, this is Steve  
12                  Nanney with DOT. Would you like for me to  
13                  answer it?

14                  CHAIR WOLFGRAM: Yes, please.

15                  MR. NANNEY: The HVL lines are the  
16                  7.5 miles. The HL lines and HCAs would be 15  
17                  miles.

18                  CHAIR WOLFGRAM: Do you have further  
19                  follow-up questions there, Dave?

20                  MR. BARNETT: No, that answered it.  
21                  Thank you.

22                  CHAIR WOLFGRAM: Thank you. Angie  
23                  Kolar, I see that your hand is up.

24                  MS. KOLAR: Yes, thank you. Angie  
25                  Kolar with industry. I also just wanted to

1 mention a potential concern around the  
2 alternative valve spacing in the situation  
3 where it doesn't particularly add value to  
4 install a valve. So for example, if you have a  
5 hydraulic concern due to the topography of the  
6 land or other rationale where it just doesn't  
7 add any pipeline safety value to install the  
8 valve, if we could seek an approval from the  
9 associate administrator for alternative spacing  
10 measures to combat that concern?

11 CHAIR WOLFGRAM: Thank you. Other  
12 questions/comments? Angie Kolar, I see that  
13 your hand is up again.

14 MR. GALE: Mr. Chairman, this is  
15 John. Can you hear me?

16 CHAIR WOLFGRAM: Yes, I can faintly  
17 hear you.

18 MR. GALE: This is John Gale. I just  
19 want to get clarification from Angie on that.  
20 Where was she talking about? Is this on the  
21 third bullet? Are you suggesting that?

22 MS. KOLAR: I'm sorry, I couldn't  
23 hear the question.

24 MR. GALE: You were suggesting the  
25 change on the third bullet to seek approval?

1 MS. KOLAR: That's right. It  
2 essentially gives the opportunity to reach out  
3 for approval for an exemption, again, if it  
4 doesn't add value to pipeline safety.

5 MR. GALE: Yes. But what's up there--  
6 --does that address what you're talking about?

7 MS. KOLAR: Yes, I believe so. Thank  
8 you.

9 CHAIR WOLFGRAM: Thank you. And I  
10 see that, Shawn Lyon, your hand is up.

11 MR. LYON: Yes. This is Shawn Lyon  
12 with industry. I think, along the lines of  
13 what Angie was referring to, to me, it goes  
14 back to--and just to address a little bit, I  
15 think, what Chuck and Carl were addressing--to  
16 me, it goes back to risk management. HVL lines  
17 and gas--a lot of that was driven on the 7.5  
18 miles due to vapor clouds and other things.  
19 And understand liquid is also a hazard, but I  
20 think assessing that risk really is part of the  
21 mileage assessment of it. And if it's flat,  
22 it's not going to go anywhere. And Chuck's  
23 example that, hey, it could go 4.5 miles--to  
24 me, that could be part of the risk-management  
25 approach to this, that maybe there's a way to

1 incorporate that into this voting or this  
2 proposal.

3 CHAIR WOLFGRAM: Thank you. Other  
4 questions/comments there?

5 MR. NANNEY: Chairman, this is Steve  
6 Nanney with PHMSA. Could I add a comment?

7 CHAIR WOLFGRAM: Yes, please.

8 MR. NANNEY: In 195.260(c), the last  
9 section does refer, as far as placing valves,  
10 to look in Appendix C of Part 195. That does  
11 have a process as far as coming up with  
12 distances and terrain and things that were  
13 mentioned. Thank you.

14 CHAIR WOLFGRAM: Thank you, Steve.  
15 And I think, perhaps just for a little bit more  
16 clarification--this is Jon Wolfgram,  
17 government--particular to that, I was kind of  
18 just looking in my code book at that specific  
19 area, so 195.260(c). So it's talking about on  
20 mainline ``at locations along the pipeline  
21 system that will minimize damage or pollution.``  
22 And when we're talking about the spacing  
23 requirements that are in the proposed rule,  
24 these would basically establish the maximum  
25 spacings that you could have. You would still



1 have to incorporate the provisions of 195.260  
2 as well, correct?

3 MR. NANNEY: This is Steve Nanney  
4 with PHMSA. That's correct, and if you look at  
5 the earlier slide that we showed, as far as new  
6 pipeline construction that's been going on for  
7 the past 2 and a half years, PHMSA was seeing  
8 an average of a valve at about every 6.5 miles.  
9 So we feel like most of this is being done by a  
10 large portion of the industry.

11 CHAIR WOLFGRAM: Thank you, Steve.  
12 Shawn Lyon, I see that your hand is up.

13 MR. LYON: Sorry, I just left it up  
14 from the previous comment. Thanks.

15 CHAIR WOLFGRAM: Other  
16 questions/comments regarding valve spacing,  
17 location, status monitoring? Carl Weimer, I  
18 see that your hand is up. Go ahead.

19 MR. WEIMER: Yes, I am still puzzling  
20 over the 25-percent tolerance, and wondered if  
21 that couldn't just be added into the  
22 notification requirement that would allow an  
23 operator to get spacing relief, instead of just  
24 giving it to them right off the top, because  
25 I'm still concerned with that. And if you have

1 a 24- or 30-inch pipeline and you give them 25  
2 percent, you're adding a couple hundred  
3 thousand gallons of liquid that could come out  
4 of that pipeline between the valves. So I'm  
5 wondering how you balance 200,000 gallons  
6 coming out of the pipeline versus saving them  
7 money on how far they have to extend an  
8 electrical line.

9 CHAIR WOLFGRAM: Additional  
10 comments/questions regarding the tolerance...the  
11 25-percent tolerance and its applicability to  
12 kind of the case-by-case relief type of  
13 process? I have a lot of hands up now. Okay.  
14 Go ahead.

15 MR. DENTON: Todd Denton, liquids.  
16 I'll let me colleagues chime in, but--from my  
17 standpoint--I am more interested in the 25-  
18 percent tolerance on the HVL lines, just  
19 because of the 7.5-mile spacing. I could get a  
20 little more comfortable with removing that  
21 tolerance on our 15-mile spacing.

22 MR. GALE: Chairman, if I could?  
23 This is John Gale.

24 CHAIR WOLFGRAM: Yes, please.

25 MR. GALE: Yes, we were actually

1 going to propose a similar thing that was just  
2 mentioned throughout the 25 percent relative to  
3 the HCA line: allow those lines in those cases--  
4 --as Member Weimer mentioned--allow those lines  
5 to be handled in situations where additional  
6 distance may be needed through a...

7 CHAIR WOLFGRAM: I can't hear whoever  
8 is talking.

9 MR. GALE: I'm sorry. This is John  
10 Gale again. We were going to propose something  
11 very similar: that we would drop the 25-percent  
12 variance off the HCA lines, retain it for the  
13 HVLs, and allow the HCA lines in those  
14 scenarios where additional mileage may be  
15 needed to be handled through the notification  
16 process that we discussed earlier.

17 CHAIR WOLFGRAM: Thank you, John. I  
18 seem to be getting a lot of echoing when I was  
19 speaking, now, and I think when John Gale has  
20 spoken recently and when Alan Mayberry was  
21 speaking it was very faint. So I'm not sure if  
22 there were any changes in the tech, but it  
23 seems like something has changed.

24 MR. DENTON: Sorry, this is Todd  
25 Denton again, liquids. Could someone summarize

1 what was said?

2 CHAIR WOLFGRAM: I believe what I  
3 heard--and if someone from PHMSA wants to  
4 clarify...

5 MR. NANNEY: All right, Chairman,  
6 this is Steve Nanney with PHMSA. Can I  
7 summarize it?

8 CHAIR WOLFGRAM: Yes, please. Thank  
9 you, Steve.

10 MR. NANNEY: What John was saying is  
11 we're in agreement with what we were hearing,  
12 as: keep the 25-percent tolerance for the HVL  
13 lines, and for the other HL lines and HCAs,  
14 that if they needed to come off of that, they  
15 would need to make a notification to PHMSA--  
16 very similar to what I thought I heard Carl  
17 asking about.

18 MR. DENTON: Okay.

19 MR. NANNEY: Thank you.

20 MR. DENTON: Todd Denton, again,  
21 liquids. Carl, does that satisfy what you're  
22 looking for?

23 MR. WEIMER: Yes, that's perfect.

24 CHAIR WOLFGRAM: Thank you all. I  
25 see that, Graham Bacon, your hand is up.

1                   MR. BACON: Sorry, I meant to take it  
2 down. I should have taken it down after that  
3 last discussion, but I would indicate that I  
4 also support keeping the tolerance 25 percent  
5 for HVL lines and dropping it for the non-HVL,  
6 HCA, and non-HCA. Thank you.

7                   CHAIR WOLFGRAM: Thank you. And  
8 Chuck Lesniak?

9                   MR. LESNIAK: Yes, just real quickly;  
10 so I want to recap what I thought I heard, and  
11 I think it was John...or maybe it was Steve. It  
12 is that there are other existing requirements  
13 in the rules that would require an operator to  
14 take into account local topography and other  
15 conditions to reduce spill volumes that would  
16 likely require shorter spacings for valves. Is  
17 that right?

18                   MR. NANNEY: This is Steve Nanney  
19 with PHMSA. In 195.260(c), as we proposed, in  
20 the bottom portion of that, we do say that  
21 ``valves protecting (audio interference) areas  
22 must be located as determined by the operator's  
23 process for identifying preventative and  
24 mitigative measures established in 195.452(i),  
25 and by using a process such as is set forth in

1 Section 1(b) of Appendix C of Part 195.'' So  
2 that's ``but with a maximum distance from the  
3 high consequence area endpoints that do not  
4 exceed 7.5 miles.'' So if you go and look in  
5 Appendix C, it's got items that you have to  
6 take into account and look at. One is like...I  
7 think I heard someone say would be...like terrain  
8 would be one. And it's got a number of items  
9 that operators, I believe...today, under  
10 integrity management, have to look at and take  
11 into consideration in putting valves in EFRDs.  
12 So this is not different than what's in  
13 integrity management. We just moved it up to  
14 195.260.

15 CHAIR WOLFGRAM: Okay. And so, what  
16 this rule would do, it would set a maximum  
17 distance regardless of the factors, but there  
18 are a number of other factors that could very  
19 easily require a shorter spacing?

20 MR. NANNEY: This is Steve Nanney.  
21 Yes, that is correct. But, also, what we were  
22 saying is that they could come to PHMSA if they  
23 needed relief from that, and petition us for  
24 additional length.

25 CHAIR WOLFGRAM: Okay. Thank you.

1 MR. NANNEY: Thank you.

2 MR. BACON: Thank you.

3 CHAIR WOLFGRAM: Okay. Let's see,  
4 here. Todd Denton, I see that your hand is up.

5 MR. DENTON: Yes, Todd Denton,  
6 liquids. I just want to comment on exactly  
7 what Steve was just clarifying: that in some  
8 cases it may not make sense to have valves  
9 within 15 miles, given elevations or perhaps  
10 the use of check valves...other devices. But  
11 agree with having to come to PHMSA for that  
12 approval, but would like to have that  
13 optionality there.

14 CHAIR WOLFGRAM: Thank you. I see,  
15 Graham Bacon, your hand is up.

16 MR. BACON: I just left it up. Sorry  
17 about that.

18 CHAIR WOLFGRAM: And, Chuck Lesniak,  
19 I see that your hand is up.

20 MR. LESNIAK: Sorry, I am taking it  
21 down.

22 CHAIR WOLFGRAM: Shawn Lyon, your  
23 hand is up. We'll go to your question.

24 MR. LYON: I'd just comment I'm in  
25 support with what I think Todd and others have

1 said. I think not having to put something out  
2 there where there's no value, or it's not going  
3 to come out of the pipe, it is something we  
4 would rather put our resources somewhere else.  
5 So having the option to request that is  
6 important.

7 CHAIR WOLFGRAM: Thank you. This is  
8 Jon Wolfgram, government. I appreciate seeing  
9 some maximums put in the code, certainly,  
10 regarding the valve spacing and, certainly, how  
11 it supplements what we currently have in the  
12 regulations, as well. So I thought I would add  
13 that into kind of the comment stack, as well.  
14 Just appreciate seeing some maximums that are  
15 put in there. And, as Steve alluded to, it  
16 sounds like industry is already in the mode of  
17 putting them more often than what we're seeing,  
18 as far as the max. Other questions/comments  
19 regarding either the spacing, the location, the  
20 status monitoring of the valves themselves?  
21 Dave Barnett, I see that your hand is up.

22 MR. BARNETT: Yes. Dave Barnett,  
23 public. So the next slide also incorporates  
24 into what our voting slides will be, is that  
25 correct?



1 CHAIR WOLFGRAM: I believe that's  
2 true.

3 MR. NANNEY: This is Steve Nanney  
4 with PHMSA. Yes, there's two slides. I think  
5 it's 87--Slide 87 and slide 88.

6 MR. BARNETT: Okay. I see 88. If we  
7 could look over that for a sec?

8 CHAIR WOLFGRAM: Thank you. And  
9 then, Carl Weimer, your hand is raised.

10 MR. WEIMER: Yes, I just wanted to  
11 get a clarification--and I meant to raise this  
12 on a couple of other voting slides, too.  
13 There's a few voting slides that talk about  
14 non-HCA areas. I'm assuming that's just  
15 shorthand for non-could-affect-HCA-areas, is  
16 that correct?

17 MR. GALE: This is John Gale. That  
18 is correct.

19 MR. NANNEY: I don't know if you  
20 could hear John, but he's agreeing with you,  
21 Carl. And this is Steve Nanney with PHMSA, and  
22 I'm agreeing, too.

23 MR. WEIMER: All right. Thanks.

24 CHAIR WOLFGRAM: Thank you. Yes, John  
25 Gale, I could barely hear your speaking. Other

1 questions/comments? Dave Barnett, your hand is  
2 up.

3 MR. BARNETT: Yes. Thank you. Dave  
4 Barnett, public. In the middle--Slide 88--in  
5 the middle where it says ``specifying the  
6 operational block valve would be permitted  
7 within a shutoff segment and rupture-mitigation  
8 valve and need not be the nearest valve to the  
9 shutoff segment.'' If I'm understanding that,  
10 what that's simply saying is the requirement  
11 for the rupture-mitigation valve...there could be  
12 another valve inside of that one--is that  
13 right--and it's perfectly fine? Is that all  
14 that's saying?

15 MR. NANNEY: Chairman, this is Steve  
16 Nanney with PHMSA. Would you like for me to  
17 answer?

18 CHAIR WOLFGRAM: Please do.

19 MR. NANNEY: Yes, that's correct. If  
20 you had two valves close together, then either  
21 of them could be your rupture-mitigation valve.  
22 We were not trying to word it to where both of  
23 them would have to be that.

24 CHAIR WOLFGRAM: Thank you, Steve.

25 MR. BARNETT: Thank you.

1                   CHAIR                   WOLFGRAM:                   Other  
2                   questions/comments?

3                   (No response.)

4                   CHAIR                   WOLFGRAM:                   This           is           Jon  
5                   Wolfgram, government. I'm just wondering if  
6                   PHMSA could give a little bit more clarity to  
7                   the third bullet, specifying that operational  
8                   block valves would be permitted within a  
9                   shutoff segment. Can you kind of walk us  
10                  through that bullet in a little bit greater  
11                  detail? What were the thoughts there?

12                  MR. NANNEY: All right. Yes. This  
13                  is Steve Nanney with PHMSA. Yes, I thought I  
14                  had just answered that question. It's like, if  
15                  you've got two block valves within the segment,  
16                  and let's say one is closer to where the  
17                  shutoff segment would be...from endpoint to  
18                  endpoint would be smaller, but one would be a  
19                  little bit further out. As long as they're  
20                  within the mitigation requirements, then either  
21                  could be your rupture-mitigation valve. We  
22                  were wording it that way so that operators  
23                  would have the flexibility of making rupture-  
24                  mitigation valves the ones that--again, as we  
25                  had stated earlier--that they could get power

1 to...access to easier. We were trying to give  
2 them the flexibility of doing the one that  
3 would be the easiest to get that to; and also,  
4 by it being the easiest, it's the most  
5 effective one to use because of maintenance and  
6 all the other things that it takes to keep one  
7 of these operational.

8 CHAIR WOLFGRAM: Thank you, Steve. I  
9 had to draw a picture. That helps me a little  
10 bit. All right. Other questions/comments,  
11 either regarding this slide or the previous  
12 slide?

13 (No response.)

14 CHAIR WOLFGRAM: I think we've gone  
15 through the valve-spacing elements. We've  
16 talked about location. I don't believe we've  
17 had any comments or discussion regarding the  
18 status-monitoring pieces, or I guess it's kind  
19 of that final bullet, there. Would there be  
20 any other questions or comments in any of these  
21 areas?

22 (No response.)

23 CHAIR WOLFGRAM: Okay. Is the  
24 committee interested in moving towards  
25 discussion of a vote?

1 MR. LYON: I move we move forward  
2 with the vote. This is Shawn Lyon.

3 CHAIR WOLFGRAM: Shawn, would you be  
4 willing to read the slide? I guess there would  
5 be two slides for us to review.

6 MR. LYON: I was afraid you were  
7 going to say that. All right. Yes. ``Valve  
8 spacing, location, status monitoring.'' You see  
9 the codes up there. ``Committee voting slides.  
10 The proposed rule as published in the Federal  
11 Register and the Draft Regulatory Evaluation,  
12 with regard to filing reports for valve  
13 spacing, location, and status monitoring, are  
14 technically feasible, reasonable, cost-  
15 effective, and practical, if the following  
16 changes are made: adding 25-percent tolerance  
17 to the spacing for HVL lines. Revising the  
18 rules to clarify that replacement projects in  
19 non-HCA locations do not require rupture-  
20 mitigation valves unless the replacement  
21 project involves a valve; i.e. an opportunistic  
22 approach. Add a notification requirement to  
23 allow hazardous liquids operators to obtain  
24 valve-spacing relief on a case-by-case basis.  
25 Specifying in 195.418(b) that the shutoff

1 segment must contain the new or replaced  
2 segment that could affect an HCA. Specifying  
3 that rupture-mitigation valves would not be  
4 required at the downstream termination of the  
5 pipeline. Specifying a 100-year flood plain at  
6 hazardous liquid water crossings. Specifying  
7 that operational block valves will be permitted  
8 within a shutoff segment and rupture-mitigation  
9 valves need not be the nearest valve to the  
10 shutoff segment. Specifying that automatic-  
11 shutoff valve status need not be monitored if  
12 the operator can monitor pressure or flows to  
13 be able to identify and locate a rupture,  
14 similar to manual valves.''

15 CHAIR WOLFGRAM: Thank you. Do we  
16 have a second?

17 MR. BARNHILL: This is Jerry  
18 Barnhill. I second.

19 CHAIR WOLFGRAM: Thank you. And with  
20 that, Cameron, would you be able to facilitate  
21 a vote for us?

22 MR. SATTERTHWAITTE: Now, as I get  
23 started, I just want to see if you can hear me.  
24 Can you hear me now? Do I sound low?

25 CHAIR WOLFGRAM: I have you cranked

1 up on my phone and I can hear you.

2 MR. SATTERTHWAITE: Okay. I just  
3 want to make sure I can be heard. I'm just  
4 trying to make sure that our volume levels are  
5 okay here in D.C. All right. So I am going  
6 to...

7 (Simultaneous speaking.)

8 MR. SATTERTHWAITE: Say that again?

9 (No response.)

10 MR. SATTERTHWAITE: All right. This  
11 is, once again, Cameron Satterthwaite. We're  
12 going to go through the list. If you agree,  
13 just say yes. If you do not, just say no. Jon  
14 Wolfgram?

15 CHAIR WOLFGRAM: Yes, I agree.

16 MR. SATTERTHWAITE: Diane Burman?

17 MS. BURMAN: Yes, I agree.

18 MR. SATTERTHWAITE: Graham Bacon?

19 MR. BACON: Agree.

20 MR. SATTERTHWAITE: Jerry Barnhill?

21 MR. BARNHILL: I agree.

22 MR. SATTERTHWAITE: Angie Kolar?

23 MS. KOLAR: Agree.

24 MR. SATTERTHWAITE: Todd Denton?

25 MR. DENTON: Yes.

1 MR. SATTERTHWAITE: Shawn Lyon?

2 MR. LYON: Yes.

3 MR. SATTERTHWAITE: David Barnett?

4 MR. BARNETT: Yes.

5 MR. SATTERTHWAITE: Chuck Lesniak?

6 MR. LESNIAK: Yes.

7 MR. SATTERTHWAITE: Sarah Magruder

8 Lyle?

9 (No response.)

10 MR. SATTERTHWAITE: Carl Weimer?

11 MR. WEIMER: Yes.

12 MR. SATTERTHWAITE: I will do one  
13 last check for Sarah Magruder Lyle.

14 (No response.)

15 MR. SATTERTHWAITE: All right.  
16 That's it--it's unanimous. Thank you.

17 CHAIR WOLFGRAM: Great. Thank you.

18 And thank you, again, folks, for all the work,  
19 you know, working through and having a good  
20 discussion in that area, as well, today. Oops,  
21 my computer just blacked out. There we go.  
22 All right. And with that, I believe we are  
23 ready to jump into our next section, and I will  
24 turn that over to Steve Nanney with PHMSA.

25 MR. NANNEY: And this is Steve Nanney



1 with PHMSA. Just to let you know--and I think  
2 we all know they're having sound problems in  
3 D.C.--John Gale let me know that they've got  
4 the IT people working on it. So hopefully  
5 they'll get it back restored shortly.

6 Slide 89. Maintenance requirements:  
7 the issue was rupture-mitigation valve  
8 performance must be highly reliable to ensure  
9 the safety goal of prompt rupture isolation.  
10 The basis: address issues identified in public  
11 workshop (March of 2012) and the R&D Forum in  
12 2012 that impact rupture-mitigation valve  
13 performance.

14 Slide 90. PHMSA proposed to require  
15 point-to-point verification for RCV and ASV  
16 remote-mitigation valves. Require drills to  
17 establish and test 40-minute maximum response  
18 time with lessons learned and remedial actions.  
19 Repair and remediate inoperable valves within 6  
20 months of a failed drill. Temporary  
21 alternative compliant valves designated within  
22 7 days of a failed drill.

23 Slide 91. Some of the public  
24 comments we got on maintenance: remove the  
25 duplicate requirement in Section 195.420(d) to

1 conduct point-to-point testing if it is already  
2 required in the control room management  
3 requirements of 195.446. PHMSA's response:  
4 PHMSA concurs that the point-to-point testing  
5 is addressed in the CRM regulations, and will  
6 consider deleting this requirement in  
7 195.420(d) in the final rule.

8 Slide 92. Additional public  
9 comments. Operators request the following  
10 changes/clarifications regarding drills: number  
11 one, clarify that ASV and RCV are excluded from  
12 annual drills. Be more specific regarding  
13 random-selection requirements. And annual  
14 drills not required for every manual valve.  
15 And PHMSA's response: PHMSA intended that  
16 annual drills applied to manually operated  
17 valves, either by manual operation of a local  
18 actuator or mechanically closed by handwheel,  
19 and will clarify this in the final rule.  
20 Random-selection methodology would be  
21 determined in operator procedures and subject  
22 to inspection. And, last, PHMSA confirms that  
23 annual drills would be required for one  
24 randomly selected manual valve in each of the  
25 operator's field work units. In other words,

1 not every valve would have to be closed.

2 Slide 93. Maintenance: again, more  
3 public comments. Operators request the  
4 following changes/clarifications regarding  
5 drills: clarify that valves do not need to be  
6 fully closed during drills. Tabletop drills  
7 may be used to satisfy response-time drills.  
8 And PHMSA's response: regarding partial closure  
9 during drills, PHMSA would consider 25-percent  
10 valve closure as successful completion of the  
11 response-time validation drill. PHMSA does not  
12 believe tabletop drills are adequate to verify  
13 response times for manually operated valves.

14 Slide 94. Additional public  
15 comments on maintenance. Operators request the  
16 following changes/clarifications regarding  
17 maintenance repair timeframes: when a drill  
18 indicates that a ruptured mitigation valve does  
19 not meet the performance requirements,  
20 operators requested extension of timeframe to  
21 revise the response effort to achieve  
22 compliance from 6 to 12 months. Multiple  
23 operators requested extension of timeframe to  
24 repair or replace inoperable valves from 6 to  
25 12 months, and multiple operators requested

1 extension of the 7-day timeframe to identify  
2 appropriate alternative-compliant valves. And,  
3 when the response time cannot be validated or  
4 valves are inoperable, suggesting either 10,  
5 14, or 30 days instead of the 7-day timeframe,  
6 and allow notification process to inform PHMSA  
7 when timeframes are not practical.

8 Slide 95, please. Also, clarify  
9 that alternative-compliant valves--in other  
10 words, valves that comply with shutoff time  
11 requirement--would not be required to comply  
12 with the spacing requirement. And the PHMSA  
13 response: PHMSA believes a 7-day timeframe to  
14 identify alternative-shutoff measures and a 6-  
15 month timeframe for valve repair are  
16 appropriate. PHMSA will consider allowing  
17 notification by operators that justify a need  
18 to extend the timeframes. And, last, PHMSA did  
19 not intend that alternative-compliant valves  
20 comply with spacing requirements; however, they  
21 would be required to contain the entire shutoff  
22 segment and comply with established closure  
23 timeframes. PHMSA will clarify in the final  
24 rule.

25 Slide 96. Additional public

1        comments: Pipeline Safety Trust expressed  
2        support for the proposed maintenance  
3        requirements. The Clean Air Council requests  
4        that drills be enhanced, to include regular  
5        periodic personnel training and management  
6        provisions. Also, the Clean Air Council  
7        requests that maintenance requirements be  
8        enhanced to cover valve-related specialized  
9        equipment...electrical communications. PHMSA's  
10       response: with respect to personnel training  
11       and specialized equipment, PHMSA notes that  
12       these topics are covered under other facets of  
13       the pipeline safety regulations.

14                    Slide 97, please. Failure  
15       investigations. The issue there is improve  
16       operator use and evaluation of incident-  
17       response data and lessons learned, including  
18       additional preventative and mitigative measures  
19       to improve incident-response and rupture-  
20       isolation times. And the basis is the GAO  
21       Report 13-168. And here's what PHMSA proposes  
22       to do: formalize post-accident procedures for  
23       investigation of rupture incidents, analysis of  
24       rupture- and valve-shutoff events, and  
25       effectiveness of rupture-mitigation

1 performance. And also, to identify and  
2 implement lessons learned, including rupture-  
3 mitigation operating procedures and additional  
4 P&M measures, such as automatic or remote-  
5 control valves.

6 Slide 98. Again, public comments  
7 that we got on failure investigation was: use  
8 defined terms. Remove ``failure`` in favor of  
9 ``accident.`` Also, remove the requirement to  
10 investigate accidents and failures, because it  
11 duplicates accident reporting in Part 195,  
12 Subpart B. And PHMSA's response is: PHMSA will  
13 consider the comments to clarify terminology  
14 and improve readability of the final rule, but  
15 notes that investigation of failures, not only  
16 reportable accidents, is prudent and important  
17 to proactively identify conditions that need to  
18 be corrected to avert future accidents. PHMSA  
19 does not consider this to be a duplicative  
20 requirement, as this is intended to build on  
21 existing requirements and to be a deeper  
22 technical evaluation of valve functionality and  
23 performance during incident mitigation. PHMSA  
24 intended that failures involving rupture-  
25 mitigation valves to be investigated.

1                   Slide 99. Failure investigations--  
2           some additional comments. Specify that  
3           implementation of lessons learned and  
4           additional P&M measures after accidents are  
5           required only where reasonable and practical.  
6           PHMSA agrees that the intent is to implement  
7           where reasonable and practical--PHMSA would not  
8           expect operators to implement P&M measures that  
9           were unreasonable and impractical. PHMSA will  
10          clarify this in the rule.

11                   Slide 100. Additional comments: the  
12          Pipeline Safety Trust requests clarification if  
13          lessons-learned requirements for a rupture  
14          incident and valve closures should be treated  
15          equally. PHMSA intends that both events  
16          require investigation and evaluation.

17                   Slide 101. Additional failure  
18          investigation comments: only require senior  
19          executive official certification of the final  
20          report. Remove requirements for senior  
21          executive official certification of report.  
22          Remove risk-analysis certification by senior  
23          executive officer based on lack of hands-on  
24          involvement with risk assessment. PHMSA  
25          response: PHMSA believes that senior executive

1 official certification is essential in ensuring  
2 quality and highlighting the performance of the  
3 investigation results.

4 Slide 102. Additional comments:  
5 move training requirements to the applicable  
6 part for emergency-response training. PHMSA's  
7 response: PHMSA believes it is important to  
8 specify that lessons learned from incident  
9 investigations and drills be factored into  
10 training programs.

11 Slide 103. Again, as we've done  
12 before, we did talk about these subjects at  
13 GPAC yesterday. And again, we've highlighted  
14 in blue text what we think are applicable to  
15 liquid lines. And the first one is: deleting  
16 the requirement for point-to-point testing from  
17 192.745--duplicates requirement in the control  
18 room management at 192.631. We realize that...

19 (Audio interference.)

20 MR. NANNEY: Hello?

21 CHAIR WOLFGRAM: I can still hear  
22 you.

23 MR. NANNEY: Okay. Something  
24 happened on my phone. We realize that we've  
25 got 192 in here because it's the GPAC, but



1 there is an equivalent 195 code section.  
2 Clarifying that implementation of lessons  
3 learned and additional P&M measures after  
4 incidents are required only where reasonable  
5 and practical. And clarifying that annual  
6 drills apply to manually operated valves only--  
7 either by manual operation of a local actuator  
8 or by hand--and not to ASVs or RCVs. And then,  
9 specifying that 25-percent valve closure is  
10 sufficient to demonstrate successful completion  
11 of the response-time validation drill.

12 Next slide, please. Additional  
13 items were allowing notification by operators  
14 that justify a need to extend the timeframes  
15 for repair and establishing alternative  
16 rupture-mitigation valves. PHMSA will consider  
17 adjusting the timeframe for repairs to 12  
18 months, but as soon as practical. And  
19 specifying that alternative-compliant valves  
20 would not be required to comply with spacing  
21 requirements. And then, the last one we did  
22 not highlight because we did not think it was  
23 applicable.

24 Slide 105, please. Again, as far as  
25 maintenance and failure investigation, this

1 concludes PHMSA's response to comments. And,  
2 in light of the comments received from the  
3 notice, PHMSA recommends the committee consider  
4 the following: number 1, deleting the  
5 requirement for point-to-point testing from  
6 195.420(d). Again, this duplicates  
7 requirements that are in the control room  
8 management at 195.446. Clarifying that  
9 implementation of lessons learned and  
10 additional P&M measures after an incident are  
11 required only where reasonable and practicable.  
12 And, lastly, clarifying that annual drills  
13 apply to manually operated valves only--either  
14 by manual operation of a local actuator or by  
15 hand--and not to ASVs or RCVs.

16 slide 106, please. And also, we  
17 added that specifying that 25-percent closure  
18 is sufficient to demonstrate successful  
19 completion of the response time validation  
20 drill. Also, allowing notification by  
21 operators that justify a need to extend the  
22 timeframes for repair, and establishing  
23 alternative rupture-mitigation valves. And  
24 PHMSA added from the GPAC that PHMSA will  
25 consider adjusting the timeframe for repairs to

1 12 months, but as soon as practical. And then,  
2 lastly, specifying that alternative-compliant  
3 valves would not be required to comply with the  
4 spacing requirements.

5 slide 107, please. Mr. Chairman, I  
6 turn it back over to you for public comment.

7 CHAIR WOLFGRAM: Steve, thank you  
8 once again for going through that section of  
9 the presentation for us today. With that, we  
10 will open it up for public comment. And,  
11 Cameron with PHMSA, if you would like to  
12 facilitate that for us?

13 MR. SATTERTHWAITE: Okay. This is  
14 Cameron. Can you hear me? I just want to  
15 double-check my sound.

16 CHAIR WOLFGRAM: Yes, I can hear you  
17 very well.

18 MR. SATTERTHWAITE: Okay. This is  
19 Cameron from PHMSA. I direct my point to the  
20 moderator. Moderator, if you could please  
21 provide instruction to the participants so that  
22 they can identify themselves so they can make a  
23 comment on the materials that have been  
24 presented. Thank you.

25 OPERATOR: Sure. And if you have a

1 comment, please press 1 then 0, now. Again, 1  
2 then 0 for any comments. There is no one in  
3 queue at this time.

4 CHAIR WOLFGRAM: Okay. Thank you.  
5 Again, we can wait a moment, here, to see if  
6 there are any public comments. We would  
7 certainly appreciate those, as well.

8 OPERATOR: And, as a reminder, 1 then  
9 0 for any comments.

10 CHAIR WOLFGRAM: Okay. With that,  
11 seeing no public comments at this time, we will  
12 open it up to committee discussion regarding  
13 failure investigation maintenance. I see that,  
14 Chuck Lesniak, your hand is up. Go ahead,  
15 please.

16 MR. LESNIAK: Thank you. Chuck  
17 Lesniak, public. Can somebody talk to me about  
18 the ``reasonable and practicable`` for  
19 implementing the lessons learned? It seems  
20 like an easy out for the industry to not  
21 implement their lessons learned. And also, I  
22 had a question about that in terms of doing  
23 that post-incident review and evaluation. Is  
24 there a timing component on that? Are they  
25 supposed to do it within 6 months, 5 years? Is

1           there a time component to it?

2                       CHAIR WOLFGRAM:   This   is   Jon  
3   Wolfgram.    Is   someone   from   PHMSA   able   to  
4   provide   some   additional   clarification   for   us   in  
5   those   areas?

6                       MR. NANNEY:   Jon,   this   is   Steve  
7   Nanney   with   PHMSA.   I'm   sorry,   I'm   needing   just  
8   a   minute   to   do   that.   I've   been   having   phone  
9   problems,   too.

10                      CHAIR WOLFGRAM:   No   problem.

11                      MR. NANNEY:   But   my   quick   answer   is  
12   yes,   but   I   was   trying   to   find   it   to   actually  
13   read   the...Jon,   this   is   Steve   Nanney   with   PHMSA.

14                      CHAIR WOLFGRAM:   Yes.

15                      MR. NANNEY:   I'm   reading   here   that,  
16   for   a   rupture   post-incident   summary,   we've  
17   got...the   operator   must   complete   a   summary   of   the  
18   post-accident   review   required   by--it's   got   the  
19   paragraph   of   this   section--within   90   days   of  
20   the   failure   or   incident.   And   then,   when   you   go  
21   on   and   read   it,   if   the   incident   is   ongoing,  
22   then   they   have   to   give   PHMSA   an   update   on   where  
23   they   are   if   it's   not   completed   in   90   days.

24                      CHAIR WOLFGRAM:   Okay.

25                      MR. LESNIAK:   Okay.    And   this   is

1 Chuck Lesniak again. I'm not really  
2 comfortable with the ``reasonable and  
3 practicable.'' I'm concerned that that creates  
4 a loophole that will be abused.

5 MR. LYON: Hey, Chuck. this is Shawn  
6 Lyon. Can you just give a little more color on  
7 that? What specific area are you referring  
8 that to?

9 MR. LESNIAK: If you're doing,  
10 basically, a post-incident review and, say, a  
11 SWOT analysis--or I guess not really a SWOT  
12 analysis--but an analysis of what happened, and  
13 your review group says, okay, this is what  
14 happened, these are the things that went wrong,  
15 this is what we could have done better and  
16 should have done to, say, reduce the volume  
17 released or had a quicker response, those sorts  
18 of things. And the way I'm reading the  
19 proposal is the operator should implement those  
20 lessons into their procedures going forward so  
21 they don't have those kind of problems again in  
22 the future. It seems like that's the whole  
23 intent of the rule. But if you get this  
24 ``reasonable and practicable'' language in there,  
25 unless that's really clearly defined, or it has

1 to be approved by PHMSA, or something like  
2 that, depending on what the kind of philosophy  
3 and integrity of the particular operator is,  
4 they may decide ``hey, this is just too  
5 expensive,`` or ``you know what, stuff happens  
6 and we're just going to let that go; we like  
7 the way we've always done it and we're going to  
8 keep doing it that way.`` And they're going to  
9 come up with some reason why it's not  
10 reasonable or practical. That's my concern.

11 MR. LYON: Okay. That helps me  
12 understand more.

13 CHAIR WOLFGRAM: Other  
14 questions/thoughts?

15 MR. NANNEY: Chairman, this is Steve  
16 Nanney with PHMSA. Could I just add a little  
17 bit that might help? If there is a rupture and  
18 there's an event, normally there is going to be  
19 a compliance action that PHMSA takes. And that  
20 compliance action would look into what needs to  
21 be done under this section. So I think the  
22 concerns that Chuck has, is, I think, if we had  
23 a rupture that required items such as that,  
24 there's not any doubt that this lessons learned  
25 would be part of it. So if that's what you're

1 concerned about--that the operator would be  
2 able to say it's not reasonable or practical--I  
3 think in those events, first of all, that  
4 PHMSA, through a CAO or notice, an NOPV, would  
5 make sure that did not happen. But I also  
6 think that the operator would want to know,  
7 also. So my personal thought is that the items  
8 that you may be concerned...PHMSA has other  
9 regulatory arms out that they can reach out to  
10 make sure that it is done.

11 MR. LESNIAK: Okay.

12 MR. NANNEY: And I hope that helps  
13 answer...

14 MR. LESNIAK: It does. And part of  
15 my concern is, I guess, that, as these rules  
16 will promulgate out to the states and  
17 potentially apply to intrastate pipelines, we  
18 may have state agencies that maybe are not as  
19 good at this about that sort of thing as PHMSA  
20 is, to be honest. And so, I'm kind of thinking  
21 down the road a ways. And so, my preference is  
22 to leave the language as it is. But, anyway,  
23 that's just my thought.

24 CHAIR WOLFGRAM: This is Jon  
25 Wolfgram, government. I can speak...you know,



1 being an intrastate regulatory body on both the  
2 liquid side and the gas side, that's something  
3 that I think--regardless of the language--if  
4 this is a regulatory requirement and we were  
5 working either on the gas side or the liquid  
6 side, we would be certainly doing our own  
7 investigation and identifying if there were any  
8 potential procedural issues or things like  
9 that. And we certainly would want to look at,  
10 in this area, here, what the operator did, what  
11 did they find, as well. And I think that we  
12 would certainly have some calibrating back and  
13 forth, or discussions, or there would certainly  
14 be a lot of discussions after the fact to say  
15 ``well, this is what we found as a state.'' You  
16 know, we see that there may be perhaps a  
17 procedural issue or something like that. It  
18 would be our hopes that the operator would find  
19 that as well, and take steps. And if there  
20 were not steps taken, there would certainly be  
21 other avenues to work through those things.

22 MR. DENTON: This is Todd Denton,  
23 liquids. So I'm struggling to find a reason to  
24 disagree with what Chuck is saying. I'm not  
25 sure that I can. I've been through many, many

1 investigations, and never considered the  
2 reasonable and practicable piece, or applying  
3 that to lessons learned and to...responses to  
4 that. And then, to Steve's point--a lot of  
5 times...in large instance, that's where PHMSA  
6 will issue a compliance action order that we  
7 have to comply with regardless, right? So I'm  
8 going to defer a little bit to my colleagues,  
9 but I think I'm okay with what Chuck is  
10 suggesting.

11 CHAIR WOLFGRAM: Okay. Thank you. I  
12 see, Angie Kolar, your hand is up.

13 MS. KOLAR: I just wanted to add to  
14 what Todd said. I agree with that position. I  
15 think any time that we hear of another operator  
16 that has lessons learned and that information  
17 is shared via PHMSA, operators are very good at  
18 taking them into consideration. And I don't  
19 see a reason that we shouldn't remove that. So  
20 again, just to tack onto what Todd mentioned.

21 CHAIR WOLFGRAM: Thank you. And I  
22 see, Shawn Lyon, your hand is up, as well.

23 MR. LYON: Yes, Shawn Lyon with  
24 industry. I agree with Todd and Angie. I  
25 think, really, part of our strategic goals as

1 an industry is to learn from each other, and  
2 this seems to potentially, as Chuck implied,  
3 fly in the face of that. So I think it's  
4 appropriate to have that, or to take out, if  
5 that's deemed what is best.

6 CHAIR WOLFGRAM: Thank you. Other  
7 questions/comments?

8 MR. BARNHILL: This is Jerry  
9 Barnhill. Once again, my hand is not working,  
10 so I apologize for that. But I support the  
11 comments that you just heard from Shawn, Angie,  
12 and Todd with industry. We certainly think  
13 that it's all about continuous improvement, and  
14 we need to do everything we can to operate in  
15 the safest manner possible.

16 CHAIR WOLFGRAM: Thank you. Chuck  
17 Lesniak, I see that your hand is up.

18 MR. LESNIAK: Yes, thanks. And I  
19 appreciate the support from the industry folks  
20 on this. And I just wanted to ask a question.  
21 Something occurred to me about these post-  
22 incident reviews--are those something that  
23 PHMSA anticipates that will be shared with  
24 PHMSA is the first question. And the second  
25 question is: are those kind of reports...would

1 that be something that would be publicly  
2 available?

3 CHAIR WOLFGRAM: Does someone with  
4 PHMSA want to take that one?

5 MR. NANNEY: This is Steve Nanney  
6 with PHMSA. The part of ``will they be shared  
7 with PHMSA,`` the answer would be yes. Would  
8 they be shared with the public? I think that  
9 depends. It has to go through a FOIA process  
10 before it would be shared, so I'm not sure that  
11 it would be.

12 CHAIR WOLFGRAM: This is Jon  
13 Wolfgram, government. At least from our  
14 state's perspective on an intrastate asset,  
15 that would be something that, you know,  
16 bringing that in as part of our investigation,  
17 as I spoke about earlier--reviewing that...that  
18 kind of after-action review or investigation,  
19 that would be made available through a data  
20 request. Chuck, I see that you have your hand  
21 up again. Do you have a follow-up question?

22 MR. LESNIAK: Just a quick comment.  
23 I understand, particularly from the industry's  
24 standpoint, the legal issues with those. But,  
25 in sort of the interest of increasing the

1 transparency of the industry and the agency,  
2 those are the kind of things that develop trust  
3 with the public. And so, anything that we can  
4 do to make those kind of reports publicly  
5 available...because that's the kind of thing--  
6 those after-action reviews--if those are made  
7 public, the public can look at that and say  
8 ``hey, the industry and the agency...the  
9 regulatory agencies are trying to do the right  
10 thing, here; they're really taking hard looks  
11 at this.'' And so, I would encourage both the  
12 industry and the agency to make those publicly  
13 available as much as possible.

14 CHAIR WOLFGRAM: Thank you. Any  
15 follow-up to that, or other questions or  
16 comments? Anything regarding the incident  
17 investigations? Dave Barnett, I see that your  
18 hand is up.

19 MR. BARNETT: Yes. Thank you. Dave  
20 Barnett with the public. Just some  
21 clarification on the first bullet. The lead-in  
22 requirement for point-to-point testing--can you  
23 kind of summarize that requirement for me, and  
24 what testing we're talking about, here?

25 CHAIR WOLFGRAM: Steve, is that

1 something you want to handle?

2 MR. NANNEY: Yes. This is Steve  
3 Nanney with PHMSA. Basically, when you read  
4 that slide and it says ``delete it,`` we're  
5 really not deleting it. We're just taking the  
6 words out, because the words are already in  
7 195.466, and 195.466 requires you annually to  
8 make sure that you've got communication and you  
9 can control your valve from your SCADA system.  
10 Without reading you 195.466, that's a  
11 generalization of what it says.

12 MR. BARNETT: Very good. That helps.  
13 I thought that's what it was, but I wanted to  
14 make sure I was understanding correctly. Thank  
15 you.

16 CHAIR WOLFGRAM: Thank you. This is  
17 Jon Wolfgram, government. I had some, I guess,  
18 questions...looking for some additional insight  
19 regarding the second bullet we see there,  
20 clarifying that annual drills apply only to the  
21 manually operated valve, and not the ASVs or  
22 RCVs. I don't know if PHMSA can provide any  
23 more detail as to that change. If I'm correct,  
24 that was kind of changed from the original  
25 language.

1           MR. NANNEY: Chairman, this is Steve  
2 Nanney with PHMSA. The annual drills--if you  
3 go and you look in the proposed rulemaking--the  
4 annual means that your actual people in your  
5 field, if you have a field unit that's actually  
6 going out to a valve to close it within a  
7 timeframe, that you actually...each field unit...if  
8 you go back in our slides, we explain that each  
9 field unit would have to do a drill yearly.  
10 They would not have to go to every valve, but  
11 they'd have to at least do one yearly to check  
12 the time that they have, and also to check that  
13 they know what to do, and if they can, again,  
14 do it within that time.

15           As far as RCV valves and ASV valves,  
16 they would either be covered in 195.466, or the  
17 additional existing valve requirements of doing  
18 maintenance on your valves. So all valves  
19 would have yearly maintenance based upon what  
20 the code requirements are now, it's just that  
21 some of these, where you have manual or you  
22 have the SCADA involved, we've got wording in  
23 that you have to do that, also. I hope that  
24 answers your question.

25           CHAIR WOLFGRAM: I do understand the

1 concept of maintenance on the valves and,  
2 certainly, I guess, kind of the regional ``go  
3 out and spin one of the valves.`` I was kind of  
4 wondering, I guess, getting into a little bit  
5 more conversation regarding...to me, it seems  
6 like there would be some value of some sort of  
7 drill, some sort of validation, of an  
8 operator's process to look at...okay, especially  
9 if we're bringing in these RCVs, ACVs, or ASVs  
10 into the regs, aiming for a specific timeframe,  
11 it seems that some sort of drill or exercise or  
12 walkthrough procedures might be valuable.

13 MR. NANNEY: Well, we would expect  
14 that to be part of 194.466 for control room  
15 management. And we'd also expect it to be part  
16 of the OQ requirements for operator personnel.  
17 In other words, if you're the person that's  
18 actually doing the manual drills, you would be  
19 qualified. If you're the person going out to  
20 the ASVs to set the pressures and to do the  
21 maintenance, that would be part of your OQ  
22 training. And again, control room management  
23 has its OQ training, so we thought that that  
24 was already covered in the present code.

25 CHAIR WOLFGRAM: As far as you have



1 the...you have the operator--again, this is Jon  
2 Wolfgram, government--you have the OQ  
3 provisions that would cover, basically, all the  
4 technicians doing whatever covered tasks they  
5 would have, and then you would have the CRM  
6 regulations that would cover the point-to-  
7 point. It would cover the alarm management,  
8 all those different pieces?

9 MR. NANNEY: That's correct.

10 CHAIR WOLFGRAM: I guess...what's  
11 PHMSA's thoughts on how...do all those come  
12 collectively together to validate that an  
13 operator can carry out that 30-minute response?

14 MR. NANNEY: Yes.

15 CHAIR WOLFGRAM: Thank you.

16 MR. NANNEY: And, just to answer  
17 further, in 195.402, in the procedure manual,  
18 it also requires them to have the operations,  
19 maintenance, and emergency provisions in their  
20 procedures. And that's the other place that's  
21 already in the code that requires this.

22 CHAIR WOLFGRAM: Correct. Thank you.  
23 Dave Barnett, did you have a question?

24 MR. BARNETT: No, I took it down. It  
25 was answered. Thank you.

1 CHAIR WOLFGRAM: Okay. Other  
2 questions/comments?

3 MR. MAYBERRY: Mr. Chair, this is  
4 Alan Mayberry. If I can?

5 CHAIR WOLFGRAM: Yes.

6 MR. MAYBERRY: I think we're ready  
7 for a vote, one. But two, just to follow up  
8 with Chuck: related to the transparency issue,  
9 we do pride ourselves on being very  
10 transparent. And I know, Carl, you do a good  
11 job of looking at that and rating the different  
12 states, including PHMSA. So I think the report  
13 we're talking about really is something we're  
14 expecting the operator to do--much like other  
15 aspects of things that they have to do--from  
16 O&M manuals and the like. So this would tend  
17 to be retained with the operator. But we do  
18 have, separately--as you probably know--  
19 accident investigations that we do that are  
20 publicly posted, as well as our database events  
21 that are well-documented. But any issue  
22 related to these that we would find, we would  
23 address, if needed, through an enforcement  
24 action or some other follow-up kind of action  
25 with the operator directly. And, in the event

1 we were to retain a document, it would be  
2 subject to FOIA. That would be really the only  
3 way. But we typically do not retain such types  
4 of documents, but we do inspect them when we're  
5 out there. So I just wanted to add clarity,  
6 there. And I think that's all I had. Back to  
7 you, Jon. Thanks.

8 CHAIR WOLFGRAM: Thank you, Alan.  
9 Any other comments/points of discussion? Dave  
10 Barnett, I see that your hand is up.

11 MR. BARNETT: Yes, thank you. Dave  
12 Barnett with the public. Yes, if we  
13 could...could we continue to the next slide and  
14 review that for a sec? Thank you.

15 CHAIR WOLFGRAM: Shawn Lyon, I see  
16 that your hand is up.

17 MR. LYON: Yes. On the second  
18 bullet, there, I'd like to propose again...and  
19 this goes back to the issue we talked earlier  
20 this morning, about procurement time for large  
21 valves and other things. And that's really the  
22 issue, and I think the compromise we came to  
23 was to have 12 to 18 months, based on the  
24 procurement, so whatever language used there to  
25 use here. Again, I worry about large pipes and

1 the timeframe to get that. And it's purely a  
2 procurement issue--it's not a dragging of the  
3 feet--but I think what we came to earlier today  
4 was seen fit for purpose.

5 CHAIR WOLFGRAM: Thank you. Again,  
6 this is Jon Wolfgram, government. So a  
7 provision in the second bullet that would allow  
8 for the operator to work with procurement of,  
9 you know, lead times of getting valves, things  
10 like that. Other questions, comments, or  
11 discussion in that area?

12 MR. NANNEY: Chairman, this is Steve  
13 Nanney with PHMSA. Could I make one  
14 clarification?

15 CHAIR WOLFGRAM: Certainly.

16 MR. NANNEY: The second bullet is for  
17 repair. It would normally be where you've got  
18 an actuator--whether it's manual, whether it's  
19 an ACV or an RCV--and you have an issue with  
20 it, it would normally be. And whether that is  
21 with a pressure sensor or a valve or things  
22 like that, this is really set up for...when you  
23 go out and you do your timing, to make sure it  
24 will move 25 percent, and you do your point-to-  
25 point checks, that, actually, all the equipment

1 works. Really, the intent wasn't for putting  
2 in a new valve, so I just wanted to make sure  
3 that you all understood that.

4 MR. LYON: Hey, Steve, this is Shawn  
5 Lyon. I guess, yes, we kind of read it as that  
6 ``hey, if you need to repair, you could  
7 potentially be replacing a valve,`` and that's  
8 what drove the comment. So if there's a way to  
9 clarify what you said, I think that would be  
10 good.

11 MR. NANNEY: Okay. This is Steve  
12 Nanney with PHMSA. If it was a valve and you  
13 needed more time, then you could make a notice  
14 to PHMSA.

15 CHAIR WOLFGRAM: Thank you for  
16 clarifying, Steve.

17 MR. NANNEY: You're welcome.

18 CHAIR WOLFGRAM: Any other questions  
19 or comments? Okay. Is there interest in the  
20 committee of moving towards a vote in this  
21 area?

22 MR. WEIMER: Carl Weimer...

23 CHAIR WOLFGRAM: Your hand is up.

24 MR. WEIMER: Yes, I will be the  
25 sacrificial lamb on this one.

1 MR. BACON: Excuse me?

2 MR. WEIMER: I move that the proposed  
3 rule as published in the Federal Register and  
4 the Draft Regulatory Evaluation, with regard to  
5 filing reports for maintenance and failure  
6 investigations, are technically feasible,  
7 reasonable, cost-effective, and practicable, if  
8 the following changes are made: deleting the  
9 requirement for point-to-point testing from  
10 195.420(d)--duplicates requirement in the  
11 control room management at 195.466. Clarifying  
12 that annual drills apply to manually operated  
13 valves only--either by manual operation of a  
14 local actuator or by hand--not to ASVs and  
15 RCVs. Specifying that 25-percent valve closure  
16 is sufficient to demonstrate successful  
17 completion of the response-time validation  
18 drill. Allowing notification by operators that  
19 justify a need to extend the timeframes for  
20 repair, and establishing the alternative  
21 rupture-mitigation valves. PHMSA will consider  
22 adjusting the timeframe for repairs to 12  
23 months, but as soon as practicable. And  
24 specifying that alternative-compliant valves  
25 would not be required to comply with spacing

1 requirements.

2 CHAIR WOLFGRAM: Thank you. Do we  
3 have a second?

4 MR. BARNETT: Dave Barnett, public.  
5 I second.

6 CHAIR WOLFGRAM: Okay. I do see that  
7 we have a hand up. Graham Bacon, do you have a  
8 question/comment?

9 MR. BACON: Yes. I asked a question  
10 earlier in the day, and I was told it would be  
11 brought up in the next section, and I waited  
12 for it then. In the next section, it didn't  
13 show up, and we're now getting closer to the  
14 end, and I'm still concerned about the language  
15 in regard to 260(c) in terms of the 2-mile  
16 replacement potentially making an entire  
17 pipeline subject to the regulation. My comment  
18 is: will that be addressed in any of today's  
19 voting items? Or where will be the opportunity  
20 to address that item?

21 MR. GALE: One second, Member Bacon.  
22 We're going to pull something up for you.  
23 Okay. So, Member Bacon, this was...was this  
24 Segment 3, Bobby, or Segment 2? Three. If you  
25 notice, we voted to state...to revise the rule to

1 clarify the replacement projects in non-HCA  
2 locations do not require rupture-mitigation  
3 valves unless the replacement project involves  
4 a valve; i.e. the opportunistic approach. That  
5 was voted on in Segment 3.

6 MR. BACON: Okay. I didn't take that  
7 to be the same issue as what's been brought up,  
8 because that's not the way the wording is. And  
9 my intent is just to make sure in that  
10 segment--and I know we've already voted on  
11 this--that the wording doesn't indicate, as it  
12 is in 260(c), that could be interpreted to mean  
13 that any 2-mile replacement will make the  
14 entire line subject to this regulation. If  
15 that's what PHMSA's intent was in this second  
16 bullet, then I concur. But I certainly want to  
17 make sure that that's on the record.

18 MR. GALE: Yes. I mean, and we had  
19 the same issue--again, this is John  
20 Gale--Member Bacon, we had the same issue on  
21 the gas side. I think we had a slide that  
22 brought up the question, as well, and we'll  
23 bring that up, as well. It is that, for the  
24 non-HCA areas, the valving requirement only  
25 applied when the 2-mile replacement involved



1 the valve, and we called it the opportunistic  
2 approach. And so, here's the slide where we  
3 talk about it in a little bit more detail. The  
4 public comment was: ``clarify that locations  
5 outside of HCAs do not require a rupture-  
6 mitigation valve unless the replacement project  
7 involved a valve;'' i.e. an opportunistic  
8 approach. Our response was: the rupture-  
9 mitigation valving requirements in non-HCA  
10 locations were intended to only apply to new  
11 construction and those replacement projects 2  
12 miles or greater in length involving a valve.  
13 Does that answer your question?

14 MR. BACON: I believe it does. And I  
15 believe I understand your intent. I just want  
16 to make sure that the wording is correct in the  
17 final rule.

18 MR. GALE: Yes, and that's why we  
19 said--and you can see at the bottom, and it was  
20 part of the vote--we said: ``therefore, PHMSA  
21 will clarify in the final rule that non-HCA  
22 locations do not require rupture-mitigation  
23 valves unless the replacement project involves  
24 a valve.''

25 MR. BACON: Okay. Thank you.

1 MR. GALE: Yes, sir.

2 CHAIR WOLFGRAM: Any other discussion  
3 in that area before we move on? Okay. Hearing  
4 none, going back to the vote for maintenance  
5 and failure investigation, I believe we did  
6 have a second. Was I correct in that? Am I  
7 correct in that?

8 MR. BARNETT: Yes. Dave Barnett.

9 CHAIR WOLFGRAM: Okay. Thank you,  
10 Dave. And with that, Cameron, will you be  
11 willing to facilitate our vote once again?

12 MR. SATTERTHWAITE: Yes. All right.  
13 This is Cameron Satterthwaite, PHMSA. And  
14 we'll just do the roll call. If you agree with  
15 the language, say yes. If not, say no. Jon  
16 Wolfgram?

17 CHAIR WOLFGRAM: Yes, I agree.

18 MR. SATTERTHWAITE: Diane Burman?

19 MS. BURMAN: Yes, I agree.

20 MR. SATTERTHWAITE: Graham Bacon?

21 MR. BACON: Yes, agree.

22 MR. SATTERTHWAITE: Jerry Barnhill?

23 MR. BARNHILL: Yes.

24 MR. SATTERTHWAITE: Angela Kolar?

25 MS. KOLAR: Yes.

1 MR. SATTERTHWAITE: Todd Denton?

2 MR. DENTON: Yes.

3 MR. SATTERTHWAITE: Shawn Lyon?

4 MR. LYON: Yes.

5 MR. SATTERTHWAITE: David Barnett?

6 MR. BARNETT: Yes.

7 MR. SATTERTHWAITE: Chuck Lesniak?

8 MR. LESNIAK: Yes.

9 MR. SATTERTHWAITE: Sarah Magruder  
10 Lyle? And Carl Weimer?

11 MR. WEIMER: Yes.

12 MR. SATTERTHWAITE: All right, thank  
13 you. It's unanimous.

14 CHAIR WOLFGRAM: Great. Thanks  
15 again, everyone. And with that, we'll keep us  
16 moving, here, for our day. We'll turn it over  
17 to Steve Nanney once again with PHMSA to go  
18 through the next section.

19 MR. NANNEY: And just to let  
20 everybody know, I think we've got 12 more  
21 slides to go through, so I think 123 is the  
22 end. So the next topic is communication with  
23 911. And again, the NTSB recommendation P-11-9  
24 calls for PHMSA to require that natural gas  
25 transmission and distribution control room

1 operators immediately and directly notify 911  
2 emergency call centers when a rupture is  
3 indicated. There have been multiple incidents  
4 with untimely first emergency response because  
5 operators did not promptly notify the  
6 applicable 911 emergency call centers.

7 Slide 112, please. And here's what  
8 PHMSA proposed to do: it's to require hazardous  
9 liquid and CO2 pipeline operators to contact  
10 the appropriate public safety answering  
11 point--in other words, the 911 emergency call  
12 center--after the operator determines a rupture  
13 has occurred. Establish and maintain liaison  
14 with public safety, the 911 answering point, as  
15 well as fire, police, and other public  
16 officials. And, last, identify immediate  
17 response areas, to include HCAs and rupture-  
18 mitigation valves.

19 Slide 113, please. Public comments  
20 that we got: NTSB and Pipeline Safety Trust  
21 reminded PHMSA that recommendation P-11-9 calls  
22 for all gas transmission and distribution  
23 pipelines to be required to contact 911 to  
24 report a pipeline rupture. Specifically, the  
25 notice of proposed rulemaking clarifications

1 could possibly exclude some ruptures, such as  
2 systems or portions of systems which do not  
3 contain rupture-mitigation valves, from the  
4 notification requirement. Industry  
5 associations support PHMSA requiring  
6 distribution pipeline operators to liaise with  
7 or notify public safety answering points. The  
8 PHMSA response: PHMSA did not intend to include  
9 all exceptions, including for lines where  
10 rupture-mitigation valve closure is not  
11 implemented, and PHMSA will clarify in the  
12 final rule that this provision applies to all  
13 potential ruptures.

14 Next slide, please. Additional  
15 public comments: remove redundancy in  
16 emergency-response requirements. Limit Section  
17 195.402(c)(12) to emergency-preparedness  
18 activities and Section 195.402(e)(7) to  
19 emergency-response activities. And PHMSA's  
20 response here is: PHMSA will consider these  
21 comments to improve readability of the final  
22 rule.

23 Slide 115, please. Additional  
24 public comments: include provisions for  
25 pipelines not located within 911 areas, or that

1 have no public safety answering points. And  
2 PHMSA's response: PHMSA will consider any  
3 committee recommendation and address this  
4 circumstance in the final rule.

5 Slide 116. Additional public comments that we  
6 received: allow operators to liaison with  
7 appropriate local emergency coordinating  
8 entities as a means to communicate with first  
9 responders. Revise liaison audience to more  
10 specific accountable criteria; in other words,  
11 agencies with primary jurisdiction for pipeline  
12 incidents. Allow emergency planning and  
13 response coordination with a lead agency, if  
14 recognized by state and local law. And PHMSA's  
15 response: PHMSA did not propose amending  
16 longstanding requirements, but interfacing with  
17 local fire, police, and other officials.

18 PHMSA's proposed rule was to simply add the  
19 explicit requirement to call 911, when  
20 applicable, after notification of a potential  
21 rupture. Operators may establish liaison with  
22 the appropriate local emergency-response  
23 coordinating agencies, such as if it is a 911  
24 emergency call center or if it's a county  
25 emergency manager, in lieu of communicating

1 individually with each fire, police, or other  
2 public entity. PHMSA will clarify this in the  
3 final rule.

4 Slide 117, please. In the GPAC vote  
5 yesterday...and again, this was the wording in  
6 blue, and we think it's applicable for the  
7 liquid lines--that's why we've got it in blue.  
8 And here's what we got from the GPAC: stating  
9 that communication with 911 applies to all  
10 ruptures, without exception. Limiting Section  
11 192.615(a)(2) to emergency-preparedness  
12 activities, and Section 192.615(a)(8) to  
13 emergency-response activities. Number 3,  
14 including provisions for pipelines not located  
15 within 911 areas, or that have no public safety  
16 answering point. And then, lastly, stating  
17 that operators may establish liaison with the  
18 appropriate local emergency-response  
19 coordinating agencies, such as a 911 emergency  
20 call center or a county emergency manager, in  
21 lieu of communicating individually with each  
22 fire, police, or public entity.

23 Slide 118, please. With that in  
24 mind, this concluded PHMSA's response to  
25 comments on the topics of communications with

1 911. And, in light of these comments received  
2 from the notice, PHMSA recommends the committee  
3 consider the following: number 1, stating that  
4 communication with 911 applies to all ruptures,  
5 without exception. Limiting Section  
6 195.402(c)(12) to emergency-preparedness  
7 activities, and Section 195.402(e)(7) to  
8 emergency-response activities. Including  
9 provisions for pipelines not located within a  
10 911 area, or that have no public safety  
11 answering points. And then, lastly, stating  
12 that operators may establish liaison with the  
13 appropriate local emergency-response  
14 coordinating agencies, such as the 911  
15 emergency call centers or county emergency  
16 managers, in lieu of communicating individually  
17 with each fire, police, or other public entity.

18 Slide 119, please. Mr. Chairman,  
19 this is the conclusion of the 911  
20 communications. Now for public comment.

21 CHAIR WOLFGRAM: Okay. Steve, thank  
22 you very much for going through that, and for  
23 going through all of our slides today--and  
24 yesterday, as well. So thank you very much for  
25 that. And with that, we are to our point to go



1 to public comment for the communications with  
2 911 section of the regulations that we're  
3 reviewing. And I will turn that over to  
4 Cameron.

5 MR. SATTERTHWAITE: Okay. All right.  
6 This is Cameron, PHMSA. Moderator, please  
7 provide instruction to all participants that  
8 wish to comment on this material.

9 THE OPERATOR: Sure. Ladies and  
10 gentlemen, if you have a comment, press 1 then  
11 0. Again, 1 then 0 for any comments. There is  
12 no one in queue, but, as a reminder, 1 then 0  
13 for any comments.

14 CHAIR WOLFGRAM: Okay. So our last  
15 call, here, for public comments for this  
16 section today. Okay. With hearing none, we  
17 will then go to committee discussion regarding  
18 communications with 911. Any questions or  
19 comments from the committee in this area?  
20 Angie Kolar, I see that your hand is raised.

21 MS. KOLAR: Yes, thank you. Angie  
22 Kolar with industry. My concern with this one  
23 is just, practically speaking, if we don't have  
24 an employee that's exactly located in the 911  
25 call vicinity for that area, that call might

1 not go to the proper 911 center. So is there a  
2 way that we can include language that would  
3 allow that to be a separate call, either to  
4 some of our agencies from a liaison  
5 perspective, as opposed to 911 for that  
6 territory?

7 CHAIR WOLFGRAM: And, just to  
8 clarify, Angie, if I'm understanding, you might  
9 have a technician that they would be the person  
10 making the call...their call isn't going to go  
11 to, necessarily, the ESAP that is in that  
12 vicinity of the accident?

13 MS. KOLAR: That's correct. If  
14 they're geographically located maybe 30 minutes  
15 away, and they call when they're dispatched,  
16 their call center that they're dispatched to  
17 from their home location might be a different  
18 call center than where the leak occurred.

19 CHAIR WOLFGRAM: Thank you for  
20 clarifying that. Again, this is Jon Wolfgram,  
21 government. So in that particular case,  
22 looking for something like having that  
23 technician call the county emergency manager,  
24 or something like that, or the local fire,  
25 police, EMS, or something like that?

1 MS. KOLAR: That's correct. Again,  
2 we could have those numbers on site to make  
3 those communications as part of the initial  
4 notification processes, as opposed to 911 in  
5 those situations.

6 CHAIR WOLFGRAM: Thank you. Chuck  
7 Lesniak, I see that your hand is up.

8 MR. LESNIAK: Yes. This is Chuck  
9 Lesniak for the public. I agree with what  
10 Angela was saying, but I do think that the  
11 operators should be required to be able to  
12 reach the emergency communications center for  
13 each segment, wherever each segment of their  
14 pipeline is. I worked for a long time as an  
15 emergency responder for government, and I would  
16 get phone calls directly to me saying, ``hey,  
17 we've had this spill at this location.'' And I  
18 would tell them, ``then call 911. Why are you  
19 calling me?'' So the county emergency-response  
20 coordinator might not be--in fact, probably is  
21 not--the right place, the best location, to  
22 call. So I would recommend that PHMSA come up  
23 with language for that to make that clear,  
24 because you want to contact...to get into the  
25 local emergency communication system as quickly

1 as possible.

2 And then, the other thing is, for  
3 pipelines that are not located within a 911  
4 area--I guess this is the next-to-last bullet,  
5 here--what kind of provisions is PHMSA thinking  
6 about? Is it contact, what we were just  
7 talking about? You know, the local emergency-  
8 response center, whatever that is? Or is that  
9 contact the National Response Center? Can  
10 somebody with PHMSA elaborate a little bit more  
11 what they're talking about when they say  
12 ``provisions?''

13 MR. NANNEY: This is Steve Nanney  
14 with PHMSA. You're talking about the last  
15 bullet on Slide 121?

16 MR. LESNIAK: The next-to-last  
17 bullet, where it says ``including provisions for  
18 pipelines not located within 911 areas.''

19 MR. NANNEY: What we're talking about  
20 is, if there isn't a 911 area, call-in area,  
21 for that location that the pipeline is in. In  
22 other words, if you're in a state or in a very  
23 isolated area where there is not a 911 call  
24 area, then they would have to establish it  
25 either with a county or a local emergency

1 manager, depending upon what that was for the  
2 area.

3 MR. LESNIAK: Okay.

4 MR. NANNEY: And it would be an  
5 emergency manager that would include fire,  
6 police, and other public safety officials.

7 MR. LESNIAK: Okay. Yes. I don't  
8 think we need to change the language, I just  
9 wanted to make sure that's what we were talking  
10 about. And when you do that--make that  
11 modification in the language in the rule--I  
12 think it would be important to make clear that  
13 the intent of the rule is for the operator to  
14 get linked up with whatever the best emergency  
15 communication coordinator for that location is.  
16 And it's going to vary, but that you're trying  
17 to make things happen as quickly as possible.  
18 So getting that first call to the right phone  
19 number is important.

20 CHAIR WOLFGRAM: Thank you. I see  
21 that, Shawn Lyon, your hand is up, as well.

22 MR. LYON: Yes. On the last bullet,  
23 there, the last sentence, it says, ``in lieu of  
24 communicating individually with each fire,  
25 police, or public entity.'' I would suggest we

1 have language in addition...because we drill and  
2 work closely with the volunteer fire  
3 departments, build relationships. And, I mean,  
4 they're telling us, ``hey, call us direct on  
5 top.'' And I understand the point of the 911--  
6 you could miss someone, and they help do that.  
7 But I just think those relationships, due to  
8 our emergency-response drills we do with first  
9 responders, are important, so I wouldn't  
10 exclude them. So maybe something in addition.

11 CHAIR WOLFGRAM: Thank you. Other  
12 questions/comments? Any other discussion  
13 regarding kind of clarification in some of  
14 these specific areas? Shawn, I see that your  
15 hand is up. I'm not sure if you had a follow-  
16 up?

17 MR. LYON: I did not.

18 MR. GALE: Chairman, this is John  
19 Gale.

20 CHAIR WOLFGRAM: Yes. Go ahead.

21 MR. GALE: Other than Member Lyon's  
22 requested change on the last bullet of changing  
23 ``in lieu of'' to ``in addition to,'' is there any  
24 other language changes that are being  
25 recommended at this time, or is that it?

1                   CHAIR WOLFGRAM: This is Jon  
2                   Wolfgram. The only other point that I guess I  
3                   wanted to make sure that we covered was to  
4                   Angela Kolar's scenario. Are we covering that?

5                   MR. GALE: Yes. Or is there  
6                   additional language that the members would like  
7                   us to add?

8                   CHAIR WOLFGRAM: And I'll open that  
9                   up to the committee members.

10                  MR. GALE: Because there seemed to be  
11                  some agreement to address Ms. Kolar's issue.  
12                  That's for sure.

13                  CHAIR WOLFGRAM: Yes.

14                  MS. KOLAR: I think you could maybe  
15                  add some additional language to the third  
16                  bullet that just provides that additional  
17                  scenario. So it already talks about, in the  
18                  third bullet, ``not located within 911 areas.``  
19                  Maybe just say a provision around inability to  
20                  access the appropriate 911 call center,  
21                  something along those lines. And just, on  
22                  another note, we are also required to contact  
23                  the NRC, as well. So we're covered from that  
24                  aspect, too.

25                  MR. LYON: One other small comment on

1 the very last bullet, there, at the...in addition  
2 to ``communicating individually with each fire,  
3 police, or other public entity,`` you could put  
4 the words ``as appropriate.`` Because, again, if  
5 you've got that relationship, it's just a way  
6 to allow you to leverage those relationships if  
7 you've got them.

8 CHAIR WOLFGRAM: Thank you for that  
9 comment.

10 MR. GALE: Maybe an appropriate  
11 recommendation by Member Kolar and the  
12 additional language there on the fourth bullet,  
13 as recommended by Member Lyon.

14 CHAIR WOLFGRAM: Okay. Seeing the  
15 revisions that have been made on the screen,  
16 are there any additional comments or discussion  
17 regarding this area, this slide? Is the  
18 committee ready to move towards a vote on this  
19 communications with 911 section?

20 MR. BACON: Yes.

21 CHAIR WOLFGRAM: Okay. I guess I  
22 didn't catch who was the yes.

23 MR. BACON: This is Graham Bacon.  
24 I'll read the voting slide, if you'd like.

25 CHAIR WOLFGRAM: Yes, please. Thank



1 you so much.

2 MR. BACON: The proposed rule as  
3 published in the Federal Register and the Draft  
4 Regulatory Evaluation, with regard to filing  
5 reports for communication with 911, are  
6 technically feasible, reasonable, cost-  
7 effective, and practicable, if the following  
8 changes are made: stating that communication  
9 with 911 applies to all ruptures, without  
10 exception. The second bullet: limiting  
11 195.402(c)(12) to emergency-preparedness  
12 activities and 195.402(e)(7) to emergency-  
13 response activities. The third bullet:  
14 including provisions for pipelines not located  
15 within 911 areas or that have no public safety  
16 answering points or have an inability to  
17 contact the local 911 center. Bullet four:  
18 stating that operators may establish liaison  
19 with the appropriate local emergency-response  
20 coordinating agencies, such as 911 emergency  
21 call centers or county emergency managers, in  
22 addition to communicating individually with  
23 each fire, police, and other public entity, as  
24 appropriate.

25 CHAIR WOLFGRAM: Thank you. And do

1 we have a second?

2 MR. BARNETT: Dave Barnett, public.

3 I will second.

4 CHAIR WOLFGRAM: Thank you, Dave.

5 And, Cameron, are you willing to go through and

6 do our last vote, here, for the day...or, I guess

7 our regulatory section, here?

8 MR. SATTERTHWAITE: Yes, I'll do the

9 roll call. And if you agree with the language,

10 say yes. If not, no. Jon Wolfgram?

11 CHAIR WOLFGRAM: Yes, I agree.

12 MR. SATTERTHWAITE: Diane Burman?

13 MS. BURMAN: Yes, I agree.

14 MR. SATTERTHWAITE: Graham Bacon?

15 MR. BACON: Agree.

16 MR. SATTERTHWAITE: Jerry Barnhill?

17 MR. BARNHILL: Yes, I agree.

18 MR. SATTERTHWAITE: Angela Kolar?

19 MS. KOLAR: Yes, I agree.

20 MR. SATTERTHWAITE: Todd Denton?

21 MR. DENTON: Yes, I agree.

22 MR. SATTERTHWAITE: Shawn Lyon?

23 MR. LYON: Yes, I agree.

24 MR. SATTERTHWAITE: David Barnett?

25 MR. BARNETT: Yes.

1 MR. SATTERTHWAITE: Chuck Lesniak?

2 MR. LESNIAK: Yes.

3 MR. SATTERTHWAITE: Sarah Magruder  
4 Lyle? Carl Weimer?

5 MR. WEIMER: Yes.

6 MR. SATTERTHWAITE: All right. It's  
7 unanimous.

8 CHAIR WOLFGRAM: Great. Thank you  
9 very much. Okay. And I guess we are to our  
10 last slide, here, I believe, for the day. And  
11 I believe that this specific piece, here, this  
12 was discussed during the last LPAC meeting.  
13 Basically, I think the way that this would work  
14 is we are doing a vote, here, that this  
15 transcript of this meeting, duly recorded and  
16 accurately transcribed, together with the  
17 presentation slides documenting the committee's  
18 votes during this meeting, represent the report  
19 of this proceeding. I don't know, Alan or  
20 John, if there's any other details that need to  
21 be discussed.

22 MR. MAYBERRY: Yes. Thank you,  
23 Chairman. Just a couple of notes for the  
24 committee. First, thank you, again, for all  
25 your hard work. This has been 2 days. Every

1 vote that we've had in these 2 days have all  
2 been unanimous, and that's a credit to how  
3 these committees work together to find common  
4 ground on very important safety issues. And  
5 though, occasionally, you cause the PHMSA staff  
6 a little stress, we've gotten through many of  
7 these issues and we greatly appreciate all your  
8 efforts and time. But the slide that's before  
9 us, here--the very last thing we're asking you  
10 guys to consider--is that the committee's  
11 voting slides contain the language that the  
12 committee agrees is necessary to include or  
13 change on a proposed safety standard in brief  
14 format. The transcript is a full, verbatim  
15 record of the meeting, and, together, we  
16 believe these documents form a comprehensive  
17 report-out of what was discussed at each  
18 meeting. Going forward, at the end of the  
19 committee's deliberations on each proposed  
20 safety standard, we recommend that the  
21 committee make a motion to submit a voting  
22 slide, along with the transcript, to the  
23 secretary, as a report required by the  
24 statutory provisions that apply to this  
25 committee. If agreed, I recommend that a

1 committee member make the following motion, and  
2 that the full committee vote on this said  
3 motion. And back to you, Mr. Chairman.

4 CHAIR WOLFGRAM: Okay. With that, do  
5 we have a recommendation for vote from a  
6 committee member?

7 MR. BARNHILL: Yes. This is Jerry  
8 Barnhill, the industry group. I make a motion.

9 CHAIR WOLFGRAM: Okay. And with  
10 that, I don't know if we need to read this  
11 slide aloud, as well. I think I had covered  
12 it...John had covered it. Do we have a second?

13 MR. DENTON: This is Todd Denton. I  
14 second.

15 CHAIR WOLFGRAM: Okay. And then,  
16 Cameron, if you would like to do our vote once  
17 again, please?

18 MR. SATTERTHWAITE: We will go ahead  
19 and take a vote. This is Cameron  
20 Satterthwaite, PHMSA, and we will vote...run  
21 through the names. If you agree with the  
22 language, say yes. If not, no. Jon Wolfgram?

23 CHAIR WOLFGRAM: Yes, I agree.

24 MR. SATTERTHWAITE: Diane Burman?

25 MS. BURMAN: Yes, I agree.

1 MR. SATTERTHWAITE: Graham Bacon?

2 MR. BACON: Agree.

3 MR. SATTERTHWAITE: Jerry Barnhill?

4 MR. BARNHILL: Yes, I agree.

5 MR. SATTERTHWAITE: Angela Kolar?

6 MS. KOLAR: Yes, I agree.

7 MR. SATTERTHWAITE: Todd Denton?

8 MR. DENTON: Yes, agree.

9 MR. SATTERTHWAITE: Shawn Lyon?

10 MR. LYON: Yes, agree.

11 MR. SATTERTHWAITE: David Barnett?

12 MR. BARNETT: Yes, agree.

13 MR. SATTERTHWAITE: Chuck Lesniak?

14 MR. LESNIAK: Yes.

15 MR. SATTERTHWAITE: Sarah Magruder

16 Lyle? Carl Weimer?

17 MR. WEIMER: Yes.

18 MR. SATTERTHWAITE: It's unanimous.

19 Thank you.

20 CHAIR WOLFGRAM: Okay. Thank you.

21 I'd like to also thank everyone--again, this is

22 Jon Wolfgram--for all the input, the

23 conversation throughout the day, working

24 through all these different sections, and the

25 collaboration--and including, also, the public

1        comments that were received, as well. Being my  
2        first kind of...I guess this would be my second  
3        interaction with the LPAC. And I think, as  
4        Alan and John have kind of discussed here,  
5        today, I definitely appreciate all the  
6        viewpoints, and I think that certainly makes  
7        all these regulations much better--having all  
8        the viewpoints that are there. So thank you  
9        all for that. And with that, I think the last  
10       agenda item we have is turning it over to Alan  
11       Mayberry for kind of our wrap-up for today.  
12       So, Alan, I'll turn to you.

13                    MR. MAYBERRY: Thank you, Jon. And  
14        just a quick couple of points, here. I wanted  
15        to, again, as I said before, thank you for your  
16        participation, to the committee members, and  
17        providing a series of votes on the topics---  
18        unanimous--that send us off on a good direction  
19        to develop a final rule.

20                    To give you an idea of where we go  
21        from here, we will obviously take this input as  
22        we prepare the final rule, and, ultimately, at  
23        some point later...as you were trying to pin John  
24        down on, earlier. As far as when that will be,  
25        we really can't say. There are numerous hoops

1 we have to jump through to get it through,  
2 first off, PHMSA, then to the Office of the  
3 Secretary, then Office of Management and  
4 Budget, so stay tuned. But the status of these  
5 rulemakings like this is posted publicly, both  
6 at the OST level and at OMB.

7 But, just back to the meeting and  
8 your participation--like I was saying earlier,  
9 I find this process fascinating. In fact, when  
10 people ask me about why I enjoy my job, I think  
11 this very thing we're doing here. And just  
12 being before us, all of us come together with  
13 different backgrounds to solve some issues very  
14 collaboratively. You know, it's a good  
15 environment--it's a perfect environment for  
16 doing what we're doing, and safety will be  
17 improved. And, on behalf of the secretary who  
18 appointed you members, thank you. And also to  
19 the public and your participation today, I  
20 thank you, as well. And then, lastly, after 2  
21 long days with the PHMSA staff, here, I would  
22 like to thank Saylor, Bobby, Cameron, John, and  
23 Steve--especially Steve, there off in the  
24 hinterlands, in Houston. Thank you for what  
25 you underwent to present, and you took a lot of



1 good questions and I think we ended up in a  
2 good place. I think everyone seems to be  
3 satisfied in the process that we've gone  
4 through that you've been a big part of. And,  
5 lastly, I'll say, Drue, appreciate your  
6 presence--Drue Pearce, our deputy administrator  
7 who's been here both days for every minute. So  
8 I appreciate your involvement in the process,  
9 and your interest and leadership with PHMSA.

10 With that, I will turn it back over  
11 to you, Chairman, and thank you, also, for your  
12 service. This is your second meeting, and here  
13 you are, chairing the meeting. So you did an  
14 excellent job, and my appreciation to you for  
15 that. Anyway, back to you to adjourn. Thank  
16 you.

17 CHAIR WOLFGRAM: Thank you. And with  
18 that, do we have a motion to adjourn our  
19 meeting for today?

20 MR. BARNETT: Dave Barnett, public.  
21 I move to adjourn.

22 CHAIR WOLFGRAM: Do we have a second?

23 MR. WEIMER: This is Carl. I'll  
24 second.

25 CHAIR WOLFGRAM: Okay. I don't know

1 if we need to do a vote or do a voice vote. All  
2 in favor, aye.

3 (Chorus of ayes.)

4 CHAIR WOLFGRAM: Okay. Those  
5 opposed?

6 (No response.)

7 CHAIR WOLFGRAM: Okay. And I think  
8 that we can adjourn our LPAC meeting, here, for  
9 today. Thanks again to everyone.

10 (Whereupon, the above-entitled  
11 matter was concluded at 5:31 p.m. ET)

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This is to certify that the foregoing transcript

In the matter of: LIQUID PIPELINE ADVISORY COMMITTEE  
MEETING

Before: LIQUID PIPELINE ADVISORY COMMITTEE

Date: 07-23-20

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