

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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LIQUID AND GAS PIPELINE ADVISORY COMMITTEE
JOINT MEETING

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WEDNESDAY, OCTOBER 20, 2021

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The Advisory Committee met via
Videoconference, at 10:30 a.m. EDT, Diane Burman,
Chair, presiding.

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

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

W. JONATHAN AIREY, Vorys, Sater, Seymour, and
Pease, LLP

RONALD A. BRADLEY, PECO

PETER A. CHACE, Public Utilities Commission of
Ohio

J. ANDREW DRAKE, PE, Enbridge Gas and
Transmission and Midstream

ROBERT W. HILL, Brookings County Zoning and
Drainage

SARA W. LONGAN, Alaska Department of Natural
Resources

SARA ROLLET GOSMAN, Pipeline Safety Trust;
University of Arkansas School of Law

TERRY L. TURPIN, Federal Energy Regulatory
Commission

RICHARD H. WORSINGER, Wilson Energy

CHAD J. ZAMARIN, The Williams Companies, Inc.

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS
PRESENT

HON. DIANE BURMAN, New York State Public Service
Commission

GRAHAM BACON, Enterprise Products Partners, L.P.

DAVID BARNETT, United Association of Plumbers
and Pipefitters

JERRY BARNHILL, DCP Midstream

BILL CARAM, Pipeline Safety Trust

TODD DENTON, Phillips 66 Pipeline LLC

ANGELA KOLAR, Colonial Pipeline Company

CHUCK LESNIAK, Watershed Protection Department

SHAWN LYON, Marathon Pipe Line, LLC

SARA MAGRUDER LYLE, Common Ground Alliance

JON WOLFGRAM, Minnesota Department of Public
Safety

PHMSA STAFF PRESENT

ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal
Official

AMY ALLEN, Technical Writer

TRISTAN BROWN, Acting Administrator

BYRON COY, Senior Technical Adviser for Program
Development Division

TIMOTHY GAITHER, Director for Preparedness,
Emergency Support and Security

JOHN GALE, Director, Office of Standards and
Rulemaking

CHRIS HOIDAL, Senior Technical Advisor, Program
Development Division

BLAINE KEENER, Director, Operations Systems
Division

DAVID LEHMAN, Director, Program Development
Division

CAMERON SATTERTHWAITTE, Office of Standards and
Rulemaking

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

MASSOUD TAHAMTANI, Deputy Assistant
Administrator

SENTHO WHITE, Director of Engineering and
Research

ALSO PRESENT**JOHN BLANC, API****SCOTT GORTON, Executive Director, Surface
Policy, Plans and Engagement, TSA****CINDY GRAHAM, Enbridge Inc.****JOHN HILL, Black Hills Energy****ELGIE HOLSTEIN, Environmental Defense Fund****DAVID MURK, American Petroleum Institute****CHRISTINA SAMES, American Gas Association****BRANDI WOLFE, WSB & Associate**

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

2 10:35 a.m.

3 MR. MAYBERRY: We're going to go ahead
4 and get started. Good morning and thank you for
5 attending this joint meeting of the Gas and
6 Liquid Pipeline Advisory Committees.

7 I am Alan Mayberry, the Associate
8 Administrator in the Office of Pipeline Safety at
9 PHMSA. And pursuant to the Federal Advisory
10 Committee Act I am the Designated Federal
11 Official for the Gas Pipeline Advisory Committee
12 and the Liquid Pipeline Advisory Committee and
13 will serve as the presiding official for this
14 meeting.

15 Our chairperson today for this meeting
16 will be the Honorable Diane Burman, who is a
17 commissioner for the New York State Public
18 Service Commission.

19 Before I introduce some of our special
20 guests and discuss meeting protocols, I'd like to
21 give you a brief safety moment.

22 As you may know, you know, we close

1 out in the waning days of October. The month of
2 October is Fire Safety Month. In fact, it was
3 proclaimed such by the President recently. And,
4 as such, we're reminded of the need to be
5 prepared and prevent the loss of life. It's a
6 good reminder that also as we look to the time
7 change in early November for most of us, that
8 it's a good time to change the batteries in our
9 smoke alarms.

10 And, in fact, also something I learned
11 recently is actually if your smoke alarm is
12 approaching ten years of age, it's time to
13 replace. They typically only last ten years.
14 So, a good reminder to replace those if you have
15 smoke alarms that are over ten years of age or
16 older. Anyway, our safety tip really relates to
17 fire safety. So, just remember to change your
18 batteries.

19 I'd like to take an opportunity to
20 extend a special welcome to new Liquid Pipeline
21 Advisory Committee members.

22 We have Mr. Bill Caram, who is the

1 executive director of the Pipeline Safety Trust,
2 and Ms. Diane Burman, who is commissioner with
3 the New York State Public Service Commission.

4 In addition, I'd like to take this
5 opportunity to extend a special thank you to
6 former advisory committee members. Ms. Mary
7 Palkovich, who is on the GPAC, Mary retired as
8 vice president of Gas Supply and Engineering with
9 Consumers Energy.

10 And then also Mr. Carl Weimer. Many
11 of you have known Carl over the years, who was
12 actually a member of our Liquid Pipeline Advisory
13 Committee since -- going way back to 2004.

14 Carl, thank you for your service as
15 well and I think you probably were one of the
16 longest-serving members of our advisory
17 committees and thank you for your significant
18 contributions to pipeline safety.

19 As far as guests go, I'll be
20 introducing my boss here in a moment, but I'd
21 like to welcome Tristan Brown, our acting
22 administrator, and he'll be introduced here in a

1 bit for his opening -- for the opening remarks.

2 Now, I'll go over a few housekeeping
3 items to ensure the meeting runs smoothly.
4 First, you know, this is a virtual meeting. All
5 participants will have full access or controls
6 for providing comments.

7 While committee members have full
8 participation access, public participants will be
9 provided the opportunity to comment and ask
10 questions at allotted times.

11 If you are not presenting or speaking,
12 please mute your microphone to minimize
13 disruptions.

14 If necessary, take a moment now to
15 check if you are muted. Remember to practice
16 good mute hygiene.

17 We ask that you hold any comments
18 until we open the floor for discussion. For
19 members of the public, when you are acknowledged,
20 please limit your comments to two minutes or
21 less. And when you are recognized to speak,
22 please provide your name and affiliation.

1 If necessary, the chairperson may ask
2 you to cut your comments short, keep the agenda
3 moving.

4 You can also submit written comments
5 under our advisory committee docket, and you'll
6 hear this again as far as the docket number is
7 PHMSA-2021-0069. That's the docket number.

8 Also, a transcript of the meeting will
9 be available to the public in the public docket
10 and the PHMSA meeting page two or three weeks
11 after the meeting.

12 In an effort to maintain order and
13 decorum and the schedule throughout the meeting,
14 we ask that both committee members and the public
15 adhere to these basic rules.

16 Please do not delay or disrupt the
17 meeting, whether by conversing separately during
18 proceedings or by causing other distractions. Do
19 not interrupt speakers or presenters.

20 Please follow the instructions of the
21 chairperson and myself, as the presiding officer,
22 and please note that anyone who disrupts the

1 meeting will be disconnected.

2 That concludes our housekeeping items.
3 I'll now hand over the meeting to our
4 chairperson, Commissioner Burman.

5 CHAIR BURMAN: Thank you so much. Can
6 you hear me?

7 MR. MAYBERRY: Yes.

8 CHAIR BURMAN: Great. Hello everyone.
9 My name is Diane Burman. I'm a commissioner at
10 the New York State Public Service Commission and
11 I'm also a member of both the Gas and Liquid
12 Pipeline Advisory Committees. I'll be serving
13 today as the chairperson for this meeting.

14 I do want to thank PHMSA for hosting
15 virtually this important two-day meeting to
16 discuss critical issues related to pipeline
17 safety under these two committees.

18 In general, I believe when it comes to
19 pipelines and natural gas, a regulator's job,
20 whether it's at the state or the federal level,
21 is to ensure that the systems it regulates
22 remains safe and that we collectively all help to

1 continuously improve in that regard.

2 I believe that material safety
3 improvements, responsible and flexible regulatory
4 oversight, and industry and other stakeholder
5 engagement can, and should, appropriately proceed
6 together.

7 I hereby call this meeting of the
8 Joint Gas and Liquid Pipeline Advisory Committees
9 to order.

10 This meeting is being recorded and a
11 transcript will be produced for the record. The
12 transcript and the presentations will be
13 available on the meetings page of the PHMSA
14 website, primis.phmsa.dot.gov, and on the eGov
15 docket on regulations.gov. The docket number for
16 this meeting is PHMSA-2021-0069.

17 Before we get started, I have a few
18 reminders for members, presenters and the public.
19 Please remember to introduce yourselves each time
20 you speak stating your name, your organization,
21 as well as if you sit on the GPAC or the LPAC, so
22 that your comments are properly recorded in the

1 transcript for this meeting.

2 Additionally, members should hit
3 "Raise Hand" on the Microsoft Teams to alert us
4 if they wish to make a comment.

5 I'd like to take this opportunity to
6 conduct a roll call. Amy, would you be willing
7 to do that?

8 MS. ALLEN: I'd be happy to. I will
9 now take the roll call for GPAC. If you are
10 present, please say "here" when I call your name.

11 Diane Burman?

12 CHAIR BURMAN: Here.

13 MS. ALLEN: Peter A. Chace.

14 MR. CHACE: I'm here.

15 MS. ALLEN: David Danner?

16 MR. DANNER: I'm here.

17 MS. ALLEN: Sara Longan?

18 MS. LONGAN: Good morning. Here.

19 MS. ALLEN: Terry Turpin?

20 MR. TURPIN: Here.

21 MS. ALLEN: Alright. Ronald Bradley?

22 MR. BRADLEY: Good morning. I'm here.

1 MS. ALLEN: Andrew Drake?

2 MR. DRAKE: Here.

3 MS. ALLEN: Richard Worsinger?

4 MR. WORSINGER: Good morning, and I'm
5 here.

6 MS. ALLEN: Chad Zamarin?

7 MR. ZAMARIN: Here.

8 MS. ALLEN: Jonathan Airey?

9 (No response.)

10 MS. ALLEN: Alright. Michael Balboni?

11 (No response.)

12 MS. ALLEN: Mark Brownstein?

13 (No response.)

14 MS. ALLEN: Sara Rollet Gosman?

15 (No response.)

16 MS. ALLEN: And Robert Hill?

17 MR. HILL: Here.

18 MS. ALLEN: Alright. And I will now
19 take roll call for LPAC. Jeffrey Lantz?

20 (No response.)

21 MS. ALLEN: Jon Wolfgram?

22 MR. WOLFGRAM: Here.

1 MS. ALLEN: Again, Diane Burman?

2 CHAIR BURMAN: Here.

3 MS. ALLEN: Graham Bacon?

4 MR. BACON: Here.

5 MS. ALLEN: Jerry Barnhill?

6 MR. BARNHILL: Here.

7 MS. ALLEN: Angela Kolar?

8 MS. KOLAR: Here.

9 MS. ALLEN: Todd Denton?

10 MR. DENTON: Here.

11 MS. ALLEN: Shawn Lyon?

12 MR. LYON: Here.

13 MS. ALLEN: Lanny Armstrong?

14 (No response.)

15 MS. ALLEN: David Barnett?

16 MR. BARNETT: Here.

17 MS. ALLEN: Chuck Lesniak?

18 MR. LESNIAK: Here.

19 MS. ALLEN: Sara Magruder Lyle?

20 MS. MAGRUDER LYLE: Good morning.

21 Here.

22 MS. ALLEN: Bill Caram?

1 MR. CARAM: Here.

2 MS. ALLEN: All right. That looks
3 like we have 10 people for both GPAC and LPAC.
4 We now have a quorum. Thank you.

5 CHAIR BURMAN: Great. And I see --
6 thank you so much Amy. John Gale, you have your
7 hand raised. Do you have a comment?

8 MR. GALE: Yes, Ms. Burman. Just to
9 let you know, Ms. Gosman let us know that she
10 would be about an hour late to the beginning of
11 today's meeting.

12 So, she'll be joining us around 11:15
13 to 11:30 today.

14 CHAIR BURMAN: Okay. Great. Thank
15 you. For those members who are on that may have
16 stepped away from time to time, if you could
17 please let us know when you do step away and then
18 when you come back so we can properly account for
19 you. Thank you.

20 Next, I'd like to review the agenda.
21 On your screen you should see the agenda. Do you
22 want me to go down through it, John, or do you

1 want to go through it?

2 MR. GALE: That would be great. If
3 you'd like, I can do it.

4 CHAIR BURMAN: Okay.

5 MR. GALE: So, you know, after you
6 guys are done with your introductory remarks, our
7 acting administrator, Tristan Brown, will give us
8 some remarks followed by some comments from Alan.

9 Alan will also touch on the recent oil
10 spill that happened out in California in Orange
11 County and give us an update on that.

12 I will then follow up with a
13 regulatory update -- giving a review and an
14 update to the members and the public of the
15 current status of our regulatory agenda.

16 Ms. Senth White will then give us an
17 update on the status of our research and
18 development initiatives and what's going on in
19 that area.

20 Timothy Gaither, our director for
21 Preparedness and Emergency Support and Security,
22 along with Scott Gorton from TSA, will give us an

1 overview of pipeline cybersecurity issues.

2 Also, just a quick note. We haven't
3 put into the agenda, members, any specific break
4 times, but we -- or lunch times.

5 We figure we'll probably have a lunch
6 break in the 1:30 to 2 o'clock timeframe
7 depending on how the flow of the meeting is
8 going, but individual breaks right now are not
9 planned unless requested.

10 So, after the discussion on
11 cybersecurity, Agenda Item 6 here will be an
12 overview of the recent 2020 PIPES Act. David
13 Lehman, our director of Program Development
14 Division, will give us an overview of those
15 issues.

16 And that will be followed by Agenda
17 Item 7, and our deputy associate administrator,
18 Massoud Tahamtani, will give us an overview,
19 along with John Hill and Cindy Graham, of status
20 of SMS.

21 And later on in the day Dave Lehman
22 will come back and address industry performance

1 and incident history and give us an overview of
2 that topic and then we'll close out the day.

3 It will be a long day. We're pretty
4 sure we're going to really get close to that six
5 o'clock timeframe and we're going to get an
6 overview of some really important initiatives,
7 especially those that were, you know, the result
8 of work from these committees resulting from the
9 gas transmission final rule and the hazardous
10 liquid final rule that were published in October
11 of 2019, and also will give an update on the
12 implementation of Section 114, the self-executing
13 requirement from the PIPES 2020 Act, that Byron
14 Coy is leading for us there as well.

15 And that will give us a very full day
16 and that will lead us into the next day to
17 discuss our standards update rule. So, back to
18 you, Ms. Burman.

19 CHAIR BURMAN: Thank you so much,
20 John. I appreciate that.

21 Now, we're next going to turn it over
22 on the agenda to Alan Mayberry again, Associate

1 Administrator for Pipeline Safety. And thank
2 you, Alan, for all that you do.

3 MR. MAYBERRY: Thank you, Madam Chair.
4 And, first off, what I'd like to do is just
5 recognize the fact that, you know, a lot of work
6 goes into conducting these meetings and I wanted
7 to recognize the staff at PHMSA that went into
8 this effort.

9 First, Mr. Massoud Tahamtani, who is
10 our deputy associate administrator for Policy and
11 Programs.

12 Mr. John Gale, whom you know well,
13 he's our Director of Standards and Rulemaking,
14 and then Cameron Satterthwaite in Standards and
15 Rulemaking are also instrumental in conducting
16 this meeting, as well as Amal -- Ms. Amal Deria.
17 She's in our office of Chief Counsel. Ms. Janice
18 Morgan, Ms. Amy Allen, Ms. Jenny Donohue. And
19 last, but certainly not least, Mr. Tewabe Asebe
20 also affectionately known as "TA."

21 We're very much appreciative of this
22 awesome team we have here at PHMSA that brought

1 this meeting here to you today.

2 Now, I will -- one other item. Just
3 a note on the agenda, John and Madam Chair. We
4 may need to shift things around.

5 We'll see how the timing goes, but I
6 want to make sure we had a good conversation
7 around, in particular, Section 114.

8 So, we may need to shift things
9 around, but we'll keep an eye on the time as we,
10 you know, the day progresses.

11 So, with that, I think I'll turn it
12 back to you, Commissioner Burman.

13 CHAIR BURMAN: Thank you so much. I
14 think now you're going to introduce the PHMSA
15 administrator?

16 MR. MAYBERRY: Yes. Let me introduce
17 my boss, PHMSA's Acting Administrator.

18 ADMINISTRATOR BROWN: That was
19 perfect, Alan.

20 (Laughter.)

21 MR. MAYBERRY: Let me give you a
22 rightful introduction that's well-deserved. You

1 are Acting Administrator, you know.

2 Tristan most recently served as the
3 legislative counsel for U.S. Senator Gary Peters.
4 Before that, practiced law at Stinson, LLP, and
5 Van Ness Feldman in their Washington, D.C.
6 offices.

7 He also previously served as Deputy
8 Associate Administrator at the EPA focused on
9 congressional affairs.

10 Tristan earned his juris doctorate
11 degree from the University of California,
12 Berkeley School of Law, and a master's of
13 philosophy degree from the University of
14 Cambridge where he was a Gates Cambridge Scholar.
15 He also has a bachelor's degree from the Lee
16 Honors College at Western Michigan University.
17 Tristan hails from the State of Michigan.

18 And I'd like to welcome you and turn
19 it over to Acting Administrator Brown. So,
20 thanks for being here, Tristan.

21 ADMINISTRATOR BROWN: Thanks, Alan.
22 That last part was the most important part being

1 from the State of Michigan.

2 I'd love to spend the first few
3 minutes individually thanking everybody on here.
4 We already did the roll call both for, you know,
5 all the folks who put the time in to make this
6 happen today on Team PHMSA.

7 So, I'm going to skip individually
8 thanking everybody, but do want to express it's a
9 lot of work to put together these meetings and
10 each one of you, I know, worked really hard and
11 always does. And so, thank you.

12 And thanks and welcome to new members
13 of the Pipeline Advisory Committees and to the
14 existing members who I haven't met.

15 I think I've met most of you all
16 virtually, a couple in person, but, you know,
17 really just thank you for what you do, the work
18 here.

19 As most folks on the call or meeting
20 here know, the Pipeline Advisory Committees help
21 ensure we get constructive, in-depth look at our
22 rules and policies and help inform potential

1 challenges and opportunities to them. And
2 really, help make sure we have effective rules to
3 govern pipeline safety.

4 And so, I just want to thank, too,
5 there's over a hundred and some odd -- 150 people
6 on here. Most of whom are not on the Advisory
7 Committees.

8 These are members of the public and I
9 saw a lot of friendly faces on here who advocate
10 for pipeline safety, who work in this space and
11 who have a common goal of pipeline safety. So,
12 thanks for joining us today, and over the next
13 few days, for this really important work.

14 I'm going to skip over the intro. I'm
15 from Michigan. John already covered that.
16 That's most important.

17 I did, you know, serving on the staff
18 of the now chair of the Senate Commerce, Science
19 and Transportation Committee on -- Subcommittee
20 on Surface Transportation and previously in the
21 Senate Environment and Public Works in this
22 energy environmental space and practicing in

1 regulatory law, I love talking regulations,
2 reading them.

3 I know that's probably a small subset
4 of the country that actually is interested in
5 those sorts of things, and most of them are on
6 this call at least from the pipeline world.

7 So, I'm grateful for your
8 participation and insight both from the members
9 here, but also the public.

10 Your insights really do help us
11 perfect our work and -- or at least our common
12 mission to try to perfect it. So, thank you.

13 On the pipeline side of the agency,
14 you know, most of you know we've been responding
15 to the incident in Southern California that
16 fouled beaches and harmed wildlife throughout the
17 region.

18 We deployed one of the largest teams
19 we have ever sent to an incident and our team
20 continues to work closely with the U.S. Coast
21 Guard, NTSB, BSEE and state agency in the
22 recovery efforts there.

1 While the incident remains under
2 investigation, it was a vivid and tragic reminder
3 of the need to do all we can to ensure that
4 pipelines operate safely and without releases
5 into the environment.

6 That's what we've focused on today,
7 that's what we're focused on every day and thank
8 you for your input in that space.

9 With new leadership under Secretary
10 Buttigieg and the Biden-Harris Administration,
11 we've been focused on building back better
12 through infrastructure investments, maintaining
13 and strengthening our safety mission and adopting
14 a whole-of-government approach to climate change
15 mitigation, environmental justice and equity.

16 And as you, you know, last year with
17 broad bipartisan support, Congress enacted a
18 major new pipeline safety bill, the 2020 PIPES
19 Act, which provides an opportunity to make
20 progress on all of these fronts.

21 So, while PHMSA's mission of safety
22 and environmental protection had largely not

1 changed in nearly a half century, this new law
2 explicitly expands our mission related to
3 protecting the environment, and this being one of
4 dozens of new provisions and mandates in that
5 law.

6 With respect to greenhouse gas
7 emissions, specifically methane, Congress was
8 very clear that we must not just reduce these
9 emissions, but we must do all we can to minimize
10 these emissions.

11 So, under Section 112 of the PIPES
12 Act, Congress requires PHMSA to prioritize
13 completion of rulemakings on gas transmission and
14 gathering pipelines.

15 This is certainly at the top of our
16 rulemaking agenda along with the Valve
17 Installation and Minimum Rupture Detection
18 Standards final rule.

19 We anticipate movement of these rules
20 in the coming weeks and months, and thank you to
21 many of you both on the committees and from the
22 public for your input.

1 Those are five to ten years in the
2 making and some of you, I know, have contributed
3 to helping us craft those rules over the years.

4 Section 113 of the PIPES Act requires
5 that PHMSA issue final regulations requiring
6 certain classes of operators to conduct leak
7 detection and repair with regards to methane in
8 order to meet the need for gas pipeline safety
9 and protect the environment. I alluded to that
10 earlier.

11 Another PIPES Act mandate, in Section
12 114, is to the minimization of natural gas
13 through pipeline facilities.

14 This is a tremendously important self-
15 executing provision of the law that operators are
16 required to comply with this year.

17 You probably PHMSA issued an advisory
18 bulletin back in June to all pipeline facility
19 operators underscoring these requirements to
20 minimize methane emissions on their systems.

21 And the advisory bulletin also directs
22 pipeline operators to update their inspection and

1 maintenance plans to address the elimination of
2 hazardous leaks, which operators are directed to
3 -- and that's fugitive and vented emissions and
4 they are to address replacement or remediation of
5 facilities that have historically been known to
6 experience leaks.

7 Starting next year, PHMSA and our
8 state partners will be enforcing that
9 requirement.

10 The Leonel Rondon Pipeline Safety Act,
11 also included in the PIPES Act of 2020, requires
12 a focus on gas distribution regulations and will
13 place a substantial onus on state programs to
14 ensure compliance.

15 The rules transpiring from these
16 mandates are expected to apply to operators of
17 more than two million miles of gas distribution
18 pipelines throughout the country.

19 According to the statute, the rule is
20 to focus on managing overpressurization risks on
21 low-pressure systems, aging infrastructure, and
22 operator practices.

1 These are just a few first steps. Not
2 only do we have to work to reduce greenhouse gas
3 emissions and to make sure that nearly three
4 million miles of pipelines are safe to transport
5 current energy commodities, but we need to look
6 to developing and building an infrastructure to
7 transport fuels of the future.

8 Moving forward, we're considering
9 these mandates in conjunction with our rulemaking
10 and agency decisions and how they will affect
11 future generations and specifically communities
12 that have traditionally been overlooked and
13 underrepresented.

14 The Administration's whole-of-agency
15 approach to environmental justice intends to
16 ensure that those who are most vulnerable are
17 considered in the work that we all do in addition
18 to being dedicated to maintaining a strong focus
19 on using transportation as an engine for equity.

20 With all these rulemaking activities,
21 we look forward to the Committee's constructive
22 deliberations to ensure our rules are most

1 effective in enhancing pipeline safety and
2 protecting the environment.

3 And while PHMSA continues to advance
4 pipeline safety through our training, regulation,
5 inspection, enforcement, many of the root causes
6 of incidents are best addressed through R&D and
7 technological innovation.

8 So, we've got at the end of November,
9 an upcoming research and development public
10 meeting, which all of you are invited to and hope
11 everyone participates in. It will be focusing on
12 hydrogen and other R&D areas.

13 As we look to help position the energy
14 sector, and our nation, to adopt the
15 infrastructure of the future, we hope to engage
16 with stakeholders on new technologies and
17 efficiencies.

18 This includes upgrades to allow for
19 the transport of hydrogen and other renewables to
20 support our growing economy and to create good-
21 paying American jobs.

22 I'd be remiss if I didn't mention and

1 didn't highlight again the need for increased
2 vigilance of cybersecurity threats.

3 In light of the Colonial Pipeline
4 system hack earlier this year, the Biden-Harris
5 Administration, including all levels of the
6 executive branch, is working to ensure that the
7 appropriate cybersecurity measures are in place
8 and that the industry is taking this threat very
9 seriously.

10 PHMSA's role includes coordination
11 with TSA, and other federal agencies, to ensure
12 there is a collaborative and efficient approach
13 to monitoring, inspecting and promulgating
14 regulations related to cybersecurity.

15 During these meetings, you'll discuss
16 the NPRM, Notice of Proposed Rulemaking, for the
17 Periodic Updates of Regulatory References to
18 Technical Standards and Miscellaneous Amendments
19 -- really need an acronym for that one. That was
20 published earlier this year.

21 I encourage you to take advantage of
22 our time together to offer your valuable input

1 and help address rule changes that will
2 meaningfully enhance safety and protect our
3 environment.

4 In addition to voting on rule changes,
5 you'll also hear lots of updates on what we're
6 working on. Some of which I've touched on today.

7 I love that the agenda is perfect. No
8 breaks, wall-to-wall work and coverage to advance
9 pipeline safety. That's what we are focused on
10 and just so grateful for everybody's efforts
11 today.

12 We've got a lot of interesting topics
13 today, but I just want to reiterate the special
14 thanks to the PHMSA team members who make it all
15 happen every day and welcome and thank you all.
16 Keep up the great work and I'll let you get to it
17 now.

18 CHAIR BURMAN: Great. Thank you so
19 much, Administrator Brown. I appreciate that. I
20 very much like that you're focused on how we can
21 collectively work together on advancing pipeline
22 safety and the protection of the environment and

1 getting under the hood.

2 This is the first time that GPAC and
3 LPAC are meeting now under the current
4 administration, and GPAC and LPAC have really
5 been very good technical advisory committees to
6 serve as peer review for all of the Department of
7 Transportation PHMSA-proposed safety regulations
8 and work together in helping to advance the cause
9 on collectively improving on pipeline safety.

10 With that, I'm going to turn it back
11 to Alan, if you have some other remarks or
12 thoughts?

13 MR. MAYBERRY: Certainly. Thank you,
14 Commissioner Burman. And also thanks, Tristan.
15 I appreciate your remarks and thanks for, you
16 know, being here with us today.

17 We have several speakers. As Tristan
18 covered some of the topics, you'll hear a lot
19 more detail coming forward here today, and then
20 also I wanted to second your remarks about the
21 good work of the advisory committees.

22 We rely on you and we value your

1 advice. And so, very much appreciate your -- the
2 service you provide and also the flexibility you
3 have working with our team.

4 And, of course, as Tristan had
5 mentioned, your commitment to pipeline safety.
6 So, a very big thank you to all of you.

7 As Tristan covered, and as you see by
8 our agenda, there is a lot going on. There's a
9 lot going on that you will not hear about just
10 due to the nature of our comprehensive program
11 that we, you know, it's just a lot of moving
12 parts.

13 I did want to highlight a couple of
14 items of note that aren't on our agenda but that
15 I think you'll find of interest.

16 First off, yesterday we sent a note
17 out to many of the stakeholders regarding a
18 recent OMB approval of our revised gas
19 transmission annual report. That was good news.

20 It was approved on October 12th and
21 that approval and, you know, subsequent changes
22 to that annual report is crucial to collecting

1 the right data relevant to the 2019 Gas
2 Transmission Rule, that final rule we issued back
3 in 2019.

4 And then there will be instructions on
5 the website in the coming week or so, and so
6 you'll be seeing that updated, but it will cover
7 for calendar year '21 and it will be, you know,
8 the due dates are as you've seen before in early-
9 2022.

10 And then -- but all other aspects of
11 the former instructions are currently, you know,
12 as they have been on the website. So, that's one
13 item I wanted to make -- call your attention to.

14 The others, you know, in the realm of
15 -- again, in the realm of information
16 collections, as you may or may not know, that's a
17 huge process for us as we comply with the
18 Paperwork Reduction Act and collect information
19 from the regulated community, but we're also
20 working on some other changes that you'll see in
21 the coming year in 2022, I expect, but related to
22 improving the granularity of excavation damage,

1 root cause data and incident reports.

2 We're going to make changes to the
3 incident reports that will more closely match the
4 latest edition of the Common Ground Alliance's
5 Damage Information Reporting Tool, or DIRT.

6 I think that will help add consistency
7 and, you know, provide -- be much more easier to
8 compare data related to causal and gets us all
9 comparing apples and apples rather than the
10 current difference where we have apples and
11 oranges between, say, the DIRT data and our
12 incident data.

13 We also plan changes -- similar
14 changes on the gas distribution annual report as
15 well as -- well, the other annual reports as well
16 gathering gas transmission and hazardous liquids.
17 It's related to that. Just a couple of updates
18 on that I just wanted to point out.

19 And if you have questions on that as
20 we get going on the agenda, perhaps, you know,
21 when we're talking about data, if you have any
22 questions, feel free to pipe up then.

1 Let me shift gears here a bit before
2 I wrap up and just give you an update on the
3 offshore spill that we responded to recently in
4 Southern California.

5 Tristan gave a good summary of the
6 incident, but basically, as you know, I'll just
7 say quickly it occurred on October 2nd in the wee
8 hours of 2:30 a.m.

9 We responded, like Tristan said. The
10 largest group we've had deployed to an incident
11 in recent years, probably in at least ten years.

12 The initial estimates of the release
13 were about 3,000 barrels of crude oil coming from
14 a platform off the coast of California.

15 More recent estimates, it's been
16 reduced down to about 588 barrels, which is just
17 under 25,000 gallons.

18 Shortly after the incident, on Monday,
19 October 4th, we issued a corrective action order
20 to put controls under the operator and related to
21 the pipeline and prevented it from being put back
22 into service until PHMSA is satisfied in the

1 safety of that line and the risk of recurrences
2 is eliminated.

3 And so, that will continue to be shut
4 down, you know, as we work through our
5 investigation and we await federal investigations
6 and state investigations that go on.

7 As you may know, for an offshore spill
8 the U.S. Coast Guard is the federal on-scene
9 coordinator and we continue to work closely with
10 them, as well as the National Transportation
11 Safety Board, which initiated a marine
12 investigation.

13 And our partners with Bureau of Safety
14 and Environmental Enforcement, or BSEE, under the
15 Department of Interior, that basically owns the
16 right-of-way in the outer Continental Shelf,
17 we're working closely with them as well.

18 As of right now, our investigation
19 continues. I think currently there are, you
20 know, various investigations focused really right
21 now with the FBI and the NTSB looking at
22 pipelines, but before too long it looks like the

1 site will be turned over to the operator.

2 We'll do an investigation for cause.

3 In parallel with that, we will also do an
4 investigation for compliance.

5 That's typically how it works. When
6 an incident happens, we have two loops that are
7 running.

8 One is the investigation loop itself
9 for causal factors, and then the other is the
10 investigation -- or, yeah, investigation for
11 compliance with pipeline safety regulations. So,
12 that will continue.

13 I wanted to make note that we are
14 planning to issue an advisory bulletin to the
15 industry -- to all the industry.

16 Not just the liquid industry, but to
17 all to be aware and to be mindful of the risk of
18 anchor drags and other external forces on
19 pipelines located offshore and other waters.

20 This could also affect, say, an anchor
21 zone on the Mississippi River, perhaps, or other
22 locations where there's a risk of anchor drag.

1 So, we'll be issuing a reminder of
2 operators to be aware of that risk and to take
3 action needed to mitigate the risk and prevent a
4 failure, which is really what we're all after.

5 These types of accidents are very
6 unfortunate, they are unacceptable, but we need
7 to do all we can to learn from it and prevent the
8 next accident from happening.

9 That concludes my remarks. I'll turn
10 it back over to the chair and, again, thank you
11 for being here and I look forward to the
12 discussion today.

13 And, by the way, as you saw from the
14 agenda, today is mainly a policy-level
15 discussion, updates for you that I think you'll
16 find helpful.

17 And then tomorrow we'll have -- the
18 agenda basically covers rulemaking that we'll be
19 voting on. So, with that, I'll turn it back to
20 you, Diane.

21 CHAIR BURMAN: Thank you so much,
22 Alan. I appreciated that.

1 Before we go to the next -- Agenda
2 Item 3, I did want to open it up if anyone on the
3 Committee wanted to make some brief remarks or
4 comments or ask questions as it relates to what
5 we've so far heard.

6 I'm going to look to see if anyone has
7 their hand raised. I don't see that. And I will
8 open it up briefly if there's anyone who's in
9 attendance who's not on the Committee now, now
10 that no one on the Committee has anything. I
11 don't see anyone's hands raised.

12 So, with that, I'm going to turn it
13 over to John to do a regulatory update. Thank
14 you.

15 MR. GALE: Thank you, Ms. Burman. I
16 saw a hand raised for a second, but it must have
17 went away.

18 Dave, do you have a question?

19 CHAIR BURMAN: Actually, it's back.
20 We are --

21 MR. GALE: Elgie has a question.

22 CHAIR BURMAN: Elgie, yes.

1 MR. HOLSTEIN: Yes, very quickly.
2 Elgie Holstein, Environmental Defense Fund. Not
3 so much a question as just to thank the acting
4 administrator for his remarks and for pointing
5 out what we hope will be the initiation of a new
6 era for PHMSA and for the advisory committees,
7 which is the fact that the PIPES Act elevates the
8 role of the Agency in the environmental mission.

9 And while we felt that -- in the
10 environmental community that that mission existed
11 before, the PIPES Act clearly states Congress'
12 intent that the Agency should be involved.

13 And I know the staff is aware of that,
14 but we wanted to emphasize that for the benefit
15 of the members of the advisory committee.

16 It's a very welcome and, I think, at
17 the same time, a very challenging thing. We look
18 forward to working with all of you on making that
19 a success. Thank you.

20 CHAIR BURMAN: Thank you, Elgie. And
21 if you can just take down your hand now -- great.
22 Appreciate it. Thanks for your comments.

1 Now, I'll turn it back -- and seeing
2 no one else, John, thank you.

3 MR. GALE: Thank you, Ms. Burman.
4 Yeah, hi, everyone. My name is John Gale and I'm
5 the Director of Standards and Rulemaking in the
6 Office of Pipeline Safety. And what I'm going to
7 do today is give you an update on our regulatory
8 agenda.

9 In my opinion, it's a very exciting
10 time in the regulation world in the Office of
11 Pipeline Safety.

12 Not only do we have four different
13 final rules getting to the end of their life
14 cycles here where they're going to be published
15 as final rules, I'll be fairly optimistic, in the
16 next couple of months, on valves -- remote
17 control valves and automated valves, to gas
18 gathering, to the definition of a USA for
19 hazardous liquid pipeline, and also improvements
20 in the gas transmission side of the house.

21 We're also working on some very
22 exciting rulemakings dealing with methane

1 reduction in our leak detection rule, and
2 important safety issues related to gas
3 distribution that were identified following the
4 Merrimack Valley incident.

5 So, you know, those are initiatives
6 that are right in the forefront, right in front
7 of us right now that I see happening here in the
8 next several months.

9 One of the things that are --
10 Administrator Brown has told me I need to work on
11 my optimism a little bit, and I'm able to do that
12 mainly because I am seeing actions and things
13 moving quite quicker than we have in the last
14 several years.

15 So, I'm quite optimistic that we're
16 going to have some action here on this regulatory
17 agenda both in the final rules and for proposals
18 that myself and my team will be ready and willing
19 to bring forward to these advisory committees.
20 So, exciting times in the rulemaking world in
21 pipeline safety.

22 So, with that being said, what I'm

1 going to do is I'm going to be the first
2 presenter that's going to use PowerPoints. So,
3 sorry about that.

4 I'm going to go ahead and share my
5 screen and I'm actually going to -- I'll go ahead
6 and take the video off as well. Just bear with
7 me here.

8 (Pause.)

9 CHAIR BURMAN: We can see the screen
10 now, John.

11 MR. GALE: Great. Thank you.
12 Alright. So, we'll just go ahead and jump right
13 into it.

14 One of the things I want to discuss
15 with you guys first is some of the changes that
16 have occurred to our regulatory agenda because of
17 the PIPES Act of 2020.

18 One of the things that occurred, you
19 know, it's one of the things that occurs every
20 time we have a new -- a re-authorization bill
21 passed, is we have to take a look at it and see
22 how does it impact our regulatory agenda.

1 And so, based on that review, we've
2 identified the need to create three new
3 rulemakings.

4 One I mentioned already, which is our
5 leak detection rulemaking. We'll get into it a
6 little bit more later.

7 We also initiated a rulemaking of gas
8 distribution issues dealing with basically the
9 second part of our act in the Leonel Rondon part
10 of our re-authorization bill, and also one on
11 idle pipelines.

12 There's a couple other miscellaneous-
13 type changes that were part of the bill that were
14 self-executing in nature and we'll identify the
15 appropriate rulemaking vehicle for those moving
16 forward, things like safety-related condition
17 reporting and the like.

18 They didn't deserve or kind of raised
19 the level of the need for a separate look, but
20 basically we've initiated three new rules and we
21 have identified a couple other changes we have to
22 manage over the next several months.

1 So, right now, with those three rules,
2 we have about 13 rulemakings that we're currently
3 managing.

4 Also what's important to note, too, is
5 that there was a change in what's called the
6 PIPES Act chart -- or at least what we like to
7 call the PIPES Act chart.

8 And this is a chart -- a list that we
9 put on our website that actually came about from
10 the 2016 bill where we basically show a schedule
11 for the rulemakings that are congressionally
12 mandated in nature, right?

13 So, we basically show a generic
14 schedule of when we thought it would be
15 published.

16 On the 2020 bill, that was changed
17 from a requirement to update that chart every 90
18 days to actually update that chart every 30 days
19 and not just show a general schedule about how
20 the rule was at PHMSA, but actually the steps
21 that it's going through not only with PHMSA, but
22 with the Office of the Secretary and with the

1 Office of Management and Budget, because
2 basically a rule has three major steps in its
3 life cycle when it goes through notice and final
4 rule and the like.

5 It's going to go from PHMSA, to the
6 Office of the Secretary, to the Office of
7 Management and Budget.

8 And basically after the Office of
9 Management and Budget, it's going to go to the
10 register.

11 So, on the next slide here, I know
12 it's maybe a little hard to see, it's very fine
13 print, but the website -- we'll make sure that
14 everyone has access to the website. It's in the
15 presentation. You can see it.

16 It's not on the forefront of our
17 website, but it is there with a little digging,
18 but it can show you where these rules are at.

19 Right now, like I mentioned earlier,
20 we have three final rules that are in OST and one
21 final rule that is currently in OMB.

22 It also shows you our schedule, so you

1 can see where we're putting a lot of emphasis and
2 where things are moving.

3 And, again, we have to update this
4 every 30 days. So, it's really something that
5 you can use to kind of keep active of where
6 things are in the rulemaking in its life cycle
7 and it's, in my opinion, very valuable
8 information.

9 Of course, one of the most important
10 steps in the rulemaking is when we have to bring
11 our rulemakings to our advisory committee.

12 And right now, we have issued three
13 notices, or Notices of Proposed Rulemaking, that
14 still require action by the Advisory Committee.

15 One of them is the rule we're going to
16 discuss tomorrow, which is our Standards Update
17 Rule, but we also have two other rules.

18 Our class location NPRM was published.
19 And if we're going to move forward with the final
20 rule, the next step would have to be an NPRM.

21 And the same with what we refer to as
22 our Hazardous Liquid Regulatory Reform Rule,

1 which has had a new name change. We'll discuss
2 that later, but those two rulemaking actions
3 require actions be brought forward to the
4 advisory committee.

5 And basically what we're looking at
6 right now in terms of our scheduling, you can
7 kind of glean it a little bit again from that
8 PIPES Act chart that we saw before.

9 Our office right now, based on the
10 direction of Mr. Brown and from Alan, you know,
11 we're putting a lot of emphasis on the safety
12 rules that are in front of us.

13 We put a lot of emphasis on the valve
14 rules, lot of emphasis on gas gathering, RIN 2
15 and the USA rule and, in addition, the new rules
16 that are coming forward on methane reduction and
17 gas distribution.

18 And as soon as we can have the actions
19 or the progress on those six rules, we're then
20 going to be able to pivot back to things like
21 class location, reg reform and some of the other
22 initiatives we have in front of us, but right now

1 we're using our resources on those other six
2 safety rulemaking actions that we're trying to
3 move.

4 So, hopefully -- I'm pretty optimistic
5 that even by, you know, early to mid-next year we
6 can have some advisory committee work being done
7 on our class location and our hazardous liquid
8 reg reform notices.

9 Now, we get into the specifics of the
10 agenda. The first two rules I'm going to talk
11 about are what we refer to as RIN 2, or the
12 second half of the gas transmission rule, and our
13 gas gathering rule.

14 As you all recall very clearly, at
15 least from the GPAC, the gas transmission rule
16 that was published back in April of 2016 was
17 split into three separate actions. We called
18 them RIN 1, RIN 2, RIN 3.

19 There was one time I know somebody
20 liked to call them Thing 1, Thing 2 and Thing 3,
21 but RIN 1 was the rule that we posed back on
22 October 1st, 2019, that responded to the --

1 basically the congressional mandates that that
2 rulemaking was addressing.

3 And then RIN 2 was the additional gas
4 transmission improvements that we were looking to
5 implement that were not necessarily
6 congressionally mandated. And then of course RIN
7 3 was gas gathering.

8 So, what I'm going to do is give you
9 an update now on really the status of where RIN 2
10 and RIN 3 are at. So, RIN 2 is that aspect of
11 the gas transmission rule that deals with
12 impaired criteria for both HCAs and non-HCAs.

13 There was a requirement in RIN 1, the
14 first gas transmission rule, to require
15 assessments outside of HCAs, right, we called it
16 the moderate consequence areas, but the repair
17 criteria component of that is a very important
18 part of that whole process. So, it's really
19 important that we can finalize that.

20 We have -- there's a proposal in there
21 dealing with extreme weather inspections, which
22 was a similar issue or proposal that was in the

1 hazardous liquid final rule, you know,
2 requirements in there on corrosion control,
3 management of change, ion clarifications and a
4 variety of other proposals.

5 And this is a rule, again, it's
6 currently in OST and I'm quite optimistic that,
7 you know, and you'll see in the PIPES Act chart
8 that we're shooting for -- is that that final
9 rule will be published sometime in early 2022,
10 but right now that rule is currently in the
11 Office of the Secretary.

12 The last part of the gas transmission
13 original proposal was RIN 3, or the gas gathering
14 proposal.

15 And this was a proposal that
16 originally dealt with requirements related to
17 incident reporting, annual reporting for all gas
18 gathering lines, definitional issues regarding
19 the end of production and the beginning of gas
20 gathering -- or the end of gas gathering, sorry.

21 And then also regulations --
22 appropriate regulations for those high-hazard --

1 or high-diameter, high-risk lines, high-pressure
2 lines, and we thought that we needed a specific
3 set of regulations to address their safety
4 concern.

5 So, this is a rule that's gone to the
6 Advisory Committee, that we've drafted the final
7 rule, and this is the final rule that's already
8 at OMB and this is why I'm -- Mr. Brown has me a
9 little bit more optimistic.

10 This rulemaking went through the
11 Office of the Secretary in a little less than
12 three months and has only been in OMB a couple
13 months. So, and we're fairly optimistic right
14 now that that rule will be finalized here near
15 the end of the year, if not sooner.

16 So, you're seeing proof that these
17 rulemaking actions are moving at a pretty fast
18 pace, relatively speaking, over the last several
19 years.

20 So, with the rulemaking, again, we had
21 a lot of discussion at our advisory committee.
22 There was recommendations from the advisory

1 committee on how we should address things like
2 the definitional issues, where the cutoff points
3 should be on regulating gas gathering lines and
4 what should those regulations be. So, you know,
5 we're hopeful that we'll be publishing that rule
6 here shortly.

7 Another rulemaking that's a very
8 important rulemaking that we've been working on
9 for several years, has its impetus back, you
10 know, from the horrific incident in San Bruno,
11 California, and the 2011 PIPES Act, is our
12 rupture detection and valve rulemaking where
13 we're looking at requiring installation of
14 automatic shutoff valves or remote control valves
15 on newly constructed or replaced natural gas
16 transmission in hazardous liquid pipelines six
17 inches in diameter or greater.

18 Again, this is a rulemaking that has
19 gone through our advisory committee. We had a
20 lot of discussion on the definition of "rupture,"
21 the timing of the remote control valves and how
22 quickly they can close -- how quickly they should

1 close to protect the public in the event of a
2 rupture occurring in those areas.

3 So, again, this is a rulemaking that
4 has already moved to the Office of the Secretary
5 and the next steps forward will be the Office of
6 Management and Budget. And then hopefully, you
7 know, we'll be seeing this final rule being
8 published here sometime in early 2022.

9 Another rulemaking activity that we
10 have ongoing, it was an NPRM that was published
11 in the end of 2020, deals with class location
12 requirements.

13 And this is an issue we've been
14 looking at for a number of years. As many of you
15 are well aware, we've been issuing special
16 permits for going on 20 years almost now dealing
17 with situations where the class location for a
18 gas transmission pipeline changes and what has to
19 happen to the MOAP of that line, you know.

20 Basically the regulations allow an
21 operator to replace the pipe, reduce the
22 pressure, but, in many cases, what an operator

1 will do sometimes will come in for a special
2 permit.

3 And for these 20-some years, we've
4 come up with a set of conditions that we believe,
5 you know, provide an equivalent level of safety
6 for the operations of these pipelines with these
7 classification changes in lieu of pipe
8 replacement, in lieu of pressure reduction.

9 So, the idea of this rule would be to
10 adopt those types of requirements into the
11 regulations in a general sense versus a
12 requirement to come in for a special permit every
13 time that an operator is looking to do this.

14 So, again, this is a rule that we
15 published the NPRM, we published our proposal,
16 the comment period is closed and our next action
17 is to have an advisory committee meeting.

18 And actually it actually states in our
19 2020 act, that we are to have that advisory
20 committee on this proposal, and, again, we have
21 every intention of doing so, but right now we're
22 just focusing on those safety rules that are in

1 front of us that I mentioned earlier.

2 Another rulemaking that we've been
3 working on for a number of years now is updating
4 our LNG regulations in Part 193.

5 As many of you are aware, right, with
6 the change in gas infrastructure in our nation,
7 we've gone from importing natural gas, or LNG, to
8 exporting LNG and our regulations need to catch
9 up.

10 So, we know we need to update Part 193
11 to take a look at the newest edition of NFPA 59A
12 to address the issue of export facilities.

13 And also, we have some specific
14 requirements from the PIPES Act of 2016 and 2020
15 to address dealing with, for example, process
16 safety management-type thoughts for O&M
17 activities and for dealing with small-scale
18 facilities as directed in the 2016 act.

19 So, again, we're putting our resources
20 into this, this is a fairly large undertaking,
21 but we're -- right now, you know, we're
22 emphasizing those six other rules we discussed

1 earlier, but we're fairly optimistic that we can
2 hopefully get an NPRM out on this activity
3 sometime in 2022.

4 Now, the point of tomorrow's meeting,
5 right, is our standards update. We've been
6 working hard, you know, getting some of these
7 safety rules out that have taken, you know, in my
8 opinion, too long, but, you know, they are
9 starting to come to the end. But because of
10 that, our standards have not been kept up to date
11 as we would like.

12 And we've seen comments -- or we've
13 heard comments from members in the industry and
14 others saying, you know, we've got to -- we need
15 to do a better job, and we are trying to do a
16 better job.

17 We've actually initiated two separate
18 rulemakings related to standards update. The one
19 we're going to talk about tomorrow which deals
20 with 20 or so of those standards, and a Standards
21 Update II, which deals with another 20-plus
22 standards.

1 And also, and more importantly, we
2 believe we have a system in place that will allow
3 us to get the reviews done, right, because we
4 can't just rubberstamp these, and we don't
5 rubberstamp these, you know.

6 We have the experts that can review
7 the standards, give us a recommendation, follow
8 the processes that are in front of us from the
9 Federal Register, from the ATA, and also Section
10 24 regarding availability, and to get those
11 rulemakings moving forward.

12 Now, a change that has occurred under
13 this administration that we had to follow under
14 the last administration was regarding the review.

15 As I mentioned before, the rulemaking
16 cycle normally is, you know, PHMSA, to the Office
17 of the Secretary, to the Office of Management and
18 Budget. Well, that's for what's called a
19 "significant rulemaking action."

20 Most of our rules, right, are usually
21 significant rulemaking actions, but standards are
22 what's called "non-significant rules." Well,

1 under the last administration, a non-significant
2 rule had to go to -- just from PHMSA, had to go
3 to the Secretary's office, then we could go to
4 the Federal Register, basically.

5 Under this administration, it's
6 looking like we're not going to have to do that
7 at all. As soon as it clears PHMSA, we can then
8 move forward to the Federal Register pretty
9 quickly. So, that changes the course.

10 We will then be able to move a lot
11 quicker on issuing the NPRMs, issuing the final
12 rules and getting our standards up to date like
13 we said we want to.

14 And also, just to be very clear
15 regarding what we call the Section 24 provision,
16 which is the issue regarding availability of
17 standards, we have a provision in our statute
18 now, it's been around for several years, where
19 we're not to adopt any standards unless we can
20 make them available. And just to be clear, we
21 will not do that.

22 Any standard that we propose, any

1 standard that we will adopt, we will make it
2 available to the public for free.

3 Sometimes -- in most cases, that's
4 going to be on the website from one of the SDOs,
5 but, in some cases, for those SDOs that don't
6 provide them, we will provide hard copies and
7 we're going to work on improving our process for
8 getting those out to the public, make sure
9 they're aware of how the process works, but most
10 importantly we're going to make sure that
11 everyone has access to those documents free of
12 charge so they can participate in that
13 administrative process.

14 The next rulemaking I'd like to
15 discuss is what we call the Liquid Pipeline
16 Regulatory Reform Rule. It's a rulemaking we
17 initiated a couple years back. NPRM published in
18 April of 2020.

19 We've decided to change the name of
20 it. We've changed the name kind of similar to
21 what we did with the old OQ rulemaking and the
22 name would change to the Oil Spill Response

1 Plans, Accident Notifications, Inspections and
2 Investigations and other Miscellaneous Pipeline
3 Safety Changes.

4 And basically this is a rulemaking
5 that deals with things like submitting
6 confidential information to PHMSA, some changes
7 to the Part 194 response plan requirements,
8 accident reporting change.

9 This is the change that was very
10 similar to what occurred in the gas reg reform
11 rule regarding the monetary threshold for
12 accident reporting or incident reporting on the
13 gas side.

14 So -- and then last, but not least,
15 was the remote monitoring of rectifiers, which is
16 also a similar provision from the gas reg reform
17 rule.

18 Again, the next action on this is to
19 have a PAC meeting and we're optimistic we'll
20 probably be having that PAC meeting sometime mid
21 of next year.

22 A rulemaking also that's been around

1 for a couple years, it had its impetus back in
2 the 2016 bill, but because of a change in the
3 2020 bill, we're looking at moving it from an
4 NPRM, or a Notice of Proposed Rulemaking, all the
5 way up to an interim final rule.

6 And basically this is a rulemaking
7 that would have us change the definition of the
8 USA in Part 195, which has the impact requiring
9 which lines are covered under integrity
10 management -- what liquid lines would be covered
11 under integrity management.

12 So, we would expand the definitions to
13 include coastal beaches, marine coastal waterways
14 and the Great Lakes.

15 But I just want to point out, as many
16 of you are well aware, we recently updated the
17 NPMS by reclassifying the Great Lakes as a USA
18 already.

19 So, though this would codify that
20 provision into Part 195, we would also be
21 bringing in all the coastal beaches and the
22 marine coastal waterways.

1 And again, this would be an IFR. This
2 is a rule that is currently in the Secretary's
3 office and we're fairly optimistic this will be
4 moving to OMB and then, you know, hopefully to
5 the Federal Register shortly thereafter.

6 And so, though it's an interim final
7 rule, there will be a comment period and we'll
8 have to respond to those comments, but it is a
9 way of moving much quicker on this action given
10 the fact of the very specific language that was
11 in the PIPES 2020 bill.

12 Another rulemaking I want to discuss
13 is our Hazardous Liquid Repair Criteria. As I
14 mentioned earlier, you know, with RIN 2 the
15 importance of updating the repair criteria for
16 both high-consequence areas and also for those
17 areas that are newly covered.

18 One of the provisions that was both in
19 the liquid final rule in October and the gas
20 final rule was to expand the areas that require
21 assessment.

22 And under the liquid side of the

1 house, that expansion was pretty great. We went
2 from about probably our estimate from 45 percent
3 or 46 percent coverage to almost 90 percent
4 coverage of lines that are required to be
5 assessed.

6 But what we haven't adopted yet, we
7 haven't updated the repair criteria, we haven't
8 adopted a more specific repair criteria for those
9 liquid lines that are now covered.

10 So, this is a rule -- part of the
11 provisions of the original final rule, but, for a
12 variety of reasons, it was pulled out of the
13 regional liquid final rule that was published in
14 October of 2019. So, we would reinitiate this
15 action.

16 We're hoping to propose this year
17 sometime, my hope, within the next, you know, 12
18 to 18 months.

19 This is a very important safety
20 initiative that we have to keep moving on and
21 Alan Mayberry has been very clear in his
22 direction that we have to move on this. And so,

1 hopefully we'll be moving on that sometime in
2 2022, maybe early-2023.

3 Now, a couple of the rulemakings that
4 we have going on because of the PIPES 2020 bill.
5 The first is our leak detection rule, right?

6 And what I like to look at this rule
7 is balancing rulemaking action and we're looking
8 at different things.

9 It really brings up our whole thoughts
10 on -- and I call it a methane reduction strategy
11 because as the team that we've put together, and
12 it's a great team, in my opinion, that we put
13 together to address this issue, we're not looking
14 at things just simply within PHMSA jurisdictions.

15 We've had great relationships, great
16 conversations with our counterparts at EPA.
17 We've had great conversations with lots of other
18 different people trying to come up with ideas and
19 areas that we think are pertinent to look at when
20 it comes to reducing the methane footprint from
21 pipeline infrastructures.

22 And so, we look at it as a strategy

1 more than so than a rulemaking, but some of the
2 changes we're looking at, you know, we're looking
3 at things like the frequency of leak detection
4 surveys, we're looking at the repair criteria
5 associated with those surveys, and of course
6 we're looking at the equipment that is used to
7 perform those surveys so that we can really start
8 affecting better raw methane footprint.

9 And also when you get into looking at
10 leak detection strategies, you get into what's
11 called fugitive emissions and vented emissions.

12 And fugitive emissions, a lot of times
13 people look at, are those with emissions that are
14 unintentional in nature versus vented emissions
15 could be those that are intentional in nature
16 such as things from blowdowns and the like.

17 So, you know, we're looking at some of
18 the issues related to that. Luckily for us, you
19 know, we began this initiative.

20 There's a lot of good data from EPA
21 that we could look at, get an idea of where the
22 risks are, get an idea of where the concerns are

1 because that's where we really need to focus and
2 that's been very beneficial.

3 But in addition to that rulemaking
4 action, there's a provision in 114 to take a look
5 at, you know, additional areas of methane
6 reduction especially in the construction of
7 pipeline infrastructure and if improvements can
8 be made there.

9 And so, in addition to the rulemaking
10 we've initiated in response to Section 113, we're
11 going to be kicking off a study to take a look at
12 how those changes to that infrastructure can have
13 an impact on those methane emissions as well and,
14 if appropriate, may be having to initiate a
15 rulemaking action on that area as well.

16 And, of course, we had our Leak
17 Detection Advisory Bulletin that was published
18 back in June, we had a public meeting, I believe
19 that was back in May, and we're very optimistic.

20 And believe me when I say, you know,
21 it's a very high-profile project that has direct
22 attention of our administrator and I'm very

1 optimistic that we're going to be publishing
2 something here by mid of 2022, and hopefully
3 having that advisory committee action before the
4 end of 2022, to move forward on this very
5 important safety initiative.

6 Another rulemaking that we have
7 ongoing because of the PIPES 2020 bill is our gas
8 distribution rule.

9 One way to look at things, you know,
10 over the last ten years or so, is we've had major
11 initiatives rulemaking-wise on gas transmission,
12 major initiatives-wise on hazardous liquid
13 pipelines, we have our LNG rulemaking, you know,
14 and this is taking a look at what provisions of
15 our gas distribution infrastructure, what areas
16 do we need to take a look at and improve on to
17 improve safety given the fact that we had the
18 incident in Merrimack Valley and the provisions
19 that are in that 2020 bill.

20 So, we're looking at things like
21 provisions related to -- from Section 202 of the
22 bill related to DIMP plans, Section 203 of the

1 bill related to emergency response plans,
2 amendments related to operations and maintenance
3 because of Section 204 of the bill.

4 And then in Section 206, there's a
5 variety of changes from records and -- certain
6 records to be retained, presence of qualified
7 employees in certain circumstances, and the
8 safety of district regulator stations.

9 So, again, this is a very important
10 initiative that we have ongoing. Dave Lehman,
11 from our office, when he talks about the 2020
12 bill, he'll be talking a little bit more about
13 this -- these provisions and a little bit more on
14 the leak detection rule.

15 And a little bit later, Byron Coy will
16 be giving us a presentation on the self-executing
17 provisions of Section 114 related again to those
18 methane reductions. So, a little bit more to
19 come on these two areas as we go on through the
20 day.

21 And last, but not least, the last rule
22 I was going to discuss is our -- what we call our

1 Operational Status Rulemaking, or Idled
2 Pipelines.

3 And you guys are aware, there's
4 basically two status. You're either abandoned or
5 you're operational.

6 The idea here is should there be kind
7 of a third, middle category of pipeline that
8 should be identified and then have it, you know,
9 take a look at what kind of requirement should be
10 in place while these pipelines, you know, are in
11 this idle status, but also, more importantly, not
12 only what you could take a look at as what should
13 apply, then we, most importantly, too, what
14 requirements should apply if these pipelines move
15 from a idle status back to active status.

16 So, this is an activity that's a
17 mandate from the 2020 bill, it's in our
18 regulatory agenda, and as soon as we can get
19 movement on some of these safety bills, safety
20 rule-making actions, you know, we'll be putting
21 resources that comply with this mandate from the
22 2020 bill.

1 So, with that being said, Ms. Burman,
2 that concludes my presentation. I'd be willing
3 to take any questions, if there are any.

4 CHAIR BURMAN: Thank you so much.
5 There was a lot in that.

6 MR. GALE: Yes.

7 CHAIR BURMAN: I appreciated your due
8 diligence in going through that. I do see that
9 we have one person so far. Let's see. Ron and
10 then Andy.

11 Ronald?

12 MR. BRADLEY: Yes, ma'am. Very good.
13 Thank you. Thank you, Madam Chairman. Ron
14 Bradley from PECO and also the Gas PAC.

15 So, John, man, that was a lot.

16 MR. GALE: I'm a busy man, Ron. I'm
17 a busy man.

18 MR. BRADLEY: Yeah, you are, man.
19 James Brown might not be able to outdo you, but I
20 am also optimistic, you know.

21 Having served on this PAC, I've got
22 such respect for those -- the members of the Gas

1 PAC. And I have not obviously worked too much
2 with the Liquid PAC, but it's just great seeing
3 the efforts to advance safety in environmental
4 protections.

5 And it's great to see that they're
6 moving forward, John, and I think that's
7 exceptional.

8 MR. GALE: Thank you.

9 MR. BRADLEY: The GPAC and the LPAC
10 spent significant time discussing those final
11 rules thinking about the Valve Rule and, you
12 know, we spent time on gathering. I really like
13 hearing that it's moving down the corridor.

14 My terms, not your terms, but I sort
15 of view it as a corridor, you know, a
16 progression.

17 Will GPAC and LPAC see any -- do you
18 think we'll see any deviations from our final
19 votes when we see the final rules?

20 MR. GALE: Well, you know, as you're
21 aware, you know, Ron, you know, that's a great
22 question, you know.

1 The Advisory Committee is an advisory
2 committee to the Administrator and the Secretary,
3 and that final say in that rulemaking -- and this
4 is true any time, right -- is with the
5 Administrator and the Secretary themselves.

6 But that being said, the
7 recommendations from that advisory committee --
8 our Advisory Committee, every time they have a
9 very significant sway in how we move forward with
10 that activity, you know.

11 I was one that had to grow -- the
12 whole process had to grow on me a little bit. I
13 came from the HAZMAT world where we didn't have
14 it, but I really came to really appreciate what
15 the Advisory Committee process brings to the
16 table.

17 That being said, you know, any
18 rulemaking action that we have, you know, I can't
19 get into specifics of a final rule, but I can
20 tell you that it's -- I would say it's -- they
21 are consistent with what's in the Advisory
22 Committee recommendations and with what is in our

1 direction from our current Administration.

2 MR. BRADLEY: Thank you, John.

3 MR. GALE: Yeah.

4 CHAIR BURMAN: Thank you for sharing
5 that. Thanks for the question, Ronald. Andy
6 Drake?

7 MR. DRAKE: Thank you, Chairman
8 Burman. This is Andy Drake with Enbridge, on the
9 GPAC group.

10 I really appreciate the review that
11 you gave, John. It's a big agenda. We can
12 really see the volume of rulemakings that you're
13 dealing with and certainly the timeframes that it
14 takes to evolve them.

15 I think you've got a lot of important
16 issues there. We've deliberated over many of
17 them.

18 I look forward to seeing those come to
19 fruition where we get to see them as final
20 rulemakings.

21 I think there's a lot of opportunity
22 there to really raise the safety standard of care

1 and I think there's some really good
2 opportunities to lower the greenhouse gas
3 emissions. I think this is an important issue
4 for all of us and it's important for society.

5 I think the one thing that really
6 caught my attention in your regulatory priorities
7 was the class location rulemaking.

8 I think that going after greenhouse
9 gas reduction strategy without addressing class
10 does not make sense to me as it's probably a
11 means of one of the largest sources of gas
12 emissions in our sector.

13 And I really think that, you know,
14 we're looking at a rulemaking where I think PHMSA
15 provided a response back to Congress -- a report
16 to Congress over five years ago. I think it was
17 back in 2016 is when PHMSA reported to Congress
18 on this.

19 We have a mandate from Congress inside
20 the PIPES Act to try to make a decision on this
21 by the end of the year.

22 We had our comments session closed

1 about a year ago. I think we got good consensus
2 in the review.

3 This is a good opportunity to advance
4 the standard of care on safety and it's a
5 significant opportunity to lower greenhouse
6 emissions, and I don't understand how this has
7 gotten kind of shuffled down the priority list.

8 I think this is really something we've
9 gotten good consensus and agreement on and it's
10 just a good opportunity for us. It just seems
11 curious why that has gotten shuffled behind.

12 And I'm not advocating to slow down on
13 113 and 114. I think those are important
14 discussions. We're going to get a robust
15 discussion this afternoon. I really just didn't
16 understand how that got placed so far down the
17 agenda.

18 I think it's just a great opportunity
19 for us and I just wanted to kind of get your
20 thoughts on that.

21 MR. GALE: Well, I mean, I think, to
22 me, it's my resource allocation management, you

1 know.

2 You know, it's one thing to deal with
3 any kind of re-authorization bill and that
4 usually requires a lot of work on my office. A
5 lot of things are in these bills related to
6 rulemakings.

7 Couple that with an administration
8 change, you know, going through the actions that
9 had to occur at the end of 2020 and then
10 basically, you know, then meeting with/briefing
11 the new leadership that came on board in 2021.
12 It takes a wee bit of time.

13 And so, putting our resources at the
14 areas that are most important to the
15 Administration takes some time, takes some
16 effort.

17 Luckily, I -- we have some really good
18 people and, in my opinion, it's pretty much a
19 miracle that we're able to move as quickly as we
20 can, but I know, you know, when we did discuss
21 class location rule, we discuss it in the context
22 of both public safety and also the greenhouse gas

1 emissions potential of the rule.

2 I can tell you that for a fact, Andy,
3 that that is part of the discussion when we have
4 it.

5 And, you know, I can commit to you
6 that, you know, we will move on this as our
7 resources permit as we balance all those
8 different priorities that are in front of us, but
9 it is on our list and hopefully we can move on it
10 sooner than later.

11 But I'm very optimistic by, you know,
12 early to mid-next year that we'll be meeting with
13 you guys and bringing that proposal in front of
14 the Committee.

15 CHAIR BURMAN: Okay. Thank you.
16 Andy, do you have any further follow-up before we
17 go to the next commenter?

18 MR. DRAKE: Just a quick comment,
19 Chairman Burman. I think I'm going to use an old
20 adage, I think, juice and squeeze.

21 This is an opportunity -- this is
22 largely, if all, largely done and we've got a

1 chance to really create a lot of value with a
2 little bit of energy.

3 So, as you look at the prioritization
4 of your resources, and I know you -- I appreciate
5 what you're saying, John.

6 MR. GALE: Yeah.

7 MR. DRAKE: You've got a lot of things
8 on your plate, you've got a limited number of
9 resources, but I think this is an opportunity to
10 create a significant and valued improvement with
11 very little effort given how much energy has gone
12 into this over five or six years.

13 It's largely done and I just wanted to
14 put that thought out there.

15 MR. GALE: Very good.

16 MR. DRAKE: Thank you.

17 MR. GALE: And I'll let you know, too,
18 one of the thoughts we have, too, is we
19 understand that, you know, if we can move forward
20 with this activity, this can potentially free up
21 resources for us from our special permit side of
22 the house.

1 So, you know, we understand that and
2 we've had conversation with our Administrator
3 Brown and conversations with Alan, and we are
4 committed to moving as fast as we can on this.

5 CHAIR BURMAN: Okay. Thank you, John.
6 Andy, if you can put down your hand, next we have
7 Peter Chace and then we have Chad after that.

8 Peter?

9 MR. CHACE: Hi, John.

10 MR. GALE: Hi, Pete.

11 MR. CHACE: Quick question. Earlier
12 in your presentation you had a link to a URL
13 where you summarized, you know, some of this
14 information.

15 Would you mind giving that out again
16 or going back to your early slides?

17 MR. GALE: Sure. Was that the PIPES
18 Act chart URL, Pete?

19 MR. CHACE: Yes.

20 MR. GALE: Would it work if I just put
21 it in -- I hate to say this word, I'm too old to
22 say this, but put it in chat?

1 MR. CHACE: Yes. That sounds great.
2 Thank you.

3 MR. GALE: Okay. I'll do that.

4 Chad, do you have a question, sir?

5 MR. ZAMARIN: Yeah. Chad Zamarin, Gas
6 Pipeline Advisory Committee and with the Williams
7 Company. Thank you.

8 And not to rehash anything that Andy
9 said, but I did want to just reinforce maybe a
10 thought, John, that, you know, over the last 18
11 to 24 months midstream pipeline companies have
12 been rolling out our path to net zero.

13 You know, the community has actually
14 committed to a climate aspiration of achieving
15 net zero and I can tell you that from Williams'
16 perspective we've also set a 2030 goal.

17 And the primary -- which is getting to
18 56 percent reduction of greenhouse gas emissions
19 by 2030 on that trajectory towards zero by 2050.

20 I will tell you that most of the
21 reductions in greenhouse gas emissions that we're
22 going to accomplish over the next ten years are

1 directly related to changes to how we operate and
2 maintain our existing infrastructure.

3 And so, it is probably a good time for
4 both PHMSA and industry to make sure that we're
5 synchronizing our strategies because, you know,
6 there are many things that we think we can do to
7 achieve significant greenhouse gas emissions.

8 Andy mentioned class location changes,
9 you know. EMAT tools are another important
10 advancement, but there are a list of things we've
11 started identifying that says, look, if we can do
12 these things, we can impact, here and now,
13 significant emissions reductions.

14 I just wonder if -- this is kind of a
15 new lens that we're all putting to our goals
16 where we were pretty focused just on that safety
17 element, but now we've really added a big
18 emphasis on emissions reduction.

19 So, not a specific question, but more
20 so maybe there's -- is there an opportunity for
21 us to collaborate a bit or at least allow PHMSA
22 to see some of the key areas where we think we

1 can drive emissions reductions and we can both
2 align on, you know, kind of win-win opportunities
3 that -- and demonstrate that from a regulatory
4 change perspective the impact could be, you know,
5 this big for these particular areas.

6 And that may help inform, you know,
7 the things that we try to do.

8 MR. GALE: Sure. Thank you, Chad. I
9 mean, I know -- and I can talk to Alan and
10 Tristan about this, you know, ways we can find
11 those areas for that collaboration, but I know
12 when the team started looking at this -- and,
13 again, I can't emphasize enough the data that we
14 got from EPA and the amount of work that had
15 already occurred in this area because it
16 identified for us very quickly the differences in
17 the methane emissions, so to speak, you know,
18 from gas transmission, for example, to gas
19 distribution, to gas production, to gas
20 gathering, right, and understanding what those
21 differences are and how to impact that methane
22 footprint, you know.

1 If you look in the gas transmission
2 world, leaks necessarily -- there's some there,
3 you know. Outside the compression stations
4 you're not seeing it, you know, that much, but
5 you may see it in the area of things like venting
6 or, you know, pipe change-out, for example,
7 right?

8 And what can we do to really impact
9 that methane footprint gas transmission? Where
10 is the emissions coming from?

11 Are they coming from compression
12 stations? Are they coming from maintenance and
13 repairs? Are they coming from pipe change-outs?

14 And then focus -- what we've been
15 trying to do is focus our regulations and focus
16 our proposals in those areas, and we did the same
17 in gas distribution.

18 In other words, we're not just kind of
19 a blanket one-size-fits-all. Where are the leaks
20 coming from? Where are the emissions coming
21 from? And we're trying to focus our proposals in
22 those areas.

1 CHAIR BURMAN: Thank you. And before
2 -- I think, Alan, you had your hand raised. Alan
3 Mayberry from PHMSA.

4 MR. MAYBERRY: Yeah. Thanks, Madam
5 Chair. What a good discussion. I look forward
6 to our discussion on Section 114 as well.

7 Section 114 of the PIPES Act is
8 actually a very comprehensive mandate that deals
9 with operational releases and a lot of moving
10 parts on it from, you know, operators updating on
11 in plants, to ultimately a report and possible
12 rulemaking at a later time related to this area.
13 So, look forward to that. So, stay tuned on
14 that.

15 CHAIR BURMAN: Great. Chad, did you
16 have any follow-up on what you heard?

17 MR. ZAMARIN: Nope. Thank you.

18 CHAIR BURMAN: Okay. Great. I don't
19 see any other hands from the presenter. Alan, if
20 you can put down your hand, that would be great.

21 Any other committee members on GPAC or
22 LPAC before we go. Ron Bradley?

1 MR. BRADLEY: Thanks, Madam Chair.
2 John, you know, this is interesting --

3 CHAIR BURMAN: And, Ron, if you could
4 just again say who you are.

5 MR. BRADLEY: Okay. Thank you. Ron
6 Bradley from PECO. Also, the Gas PAC. Thank you
7 for that reminder.

8 (Audio interference.)

9 MR. BRADLEY: Ron Bradley from PECO,
10 Gas PAC. So, I just love this conversation. I
11 think Chad's had some really great comments and I
12 agree with them. Especially the comment about
13 the lens that we're all looking through.

14 It will align with where we need to go
15 with this nation to reduce emissions. I think
16 that's exceptional.

17 If we don't talk about it at one fell
18 swoop (audio interference) do you see -- John, do
19 you see an impact in -- I do. I see an impact in
20 damage prevention and reduction in damages
21 because then you have --

22 (Simultaneous speaking.)

1 MR. BRADLEY: And I Like your term
2 "strategy" about reducing methane emissions. I
3 think part of our program will always be to drive
4 underground damages down.

5 We want the public not only to
6 excavate safely, but, you know, that's also
7 shifting the lens up. Every time you hit and
8 disrupt a piece of pipe, it creates emissions.
9 So, do you see targets --

10 MR. GALE: For sure. I mean, when we
11 -- yeah, I'm sorry, Ron. Yeah, exactly. I mean,
12 when I refer to the strategy, yeah, damage
13 prevention is part of it.

14 Pipe replacement, you know, a large
15 segment, as you're probably well aware, of
16 methane or natural gas releases are from old
17 infrastructure like cast iron pipe.

18 We've met with, you know, a lot of
19 different folks to try to get better educated in
20 this.

21 And one thing that was -- came out
22 crystal clear from the gas distribution world was

1 replacement of cast iron pipe has a dramatic
2 impact on the amount of methane that's reduced.

3 So, cast iron pipe replacement, damage
4 prevention, methane detectors in homes, you know.
5 So, a variety of things.

6 Even rate setting, how rate setting
7 impacts how operators look at loss and
8 unaccounted-for gas.

9 So, our team -- and when we met with
10 our leadership, we described to them what we want
11 to do in terms of the pipeline safety
12 regulations.

13 We also have identified areas that we
14 think, as an administration, they should look at
15 that are outside the regulatory code and damage
16 prevention is part of that.

17 Ms. Burman, I believe Andy may have
18 another question. I'm not sure.

19 CHAIR BURMAN: Okay. I don't see any
20 hands raised. Andy, did you have another
21 question? I don't see his hand raised.

22 MR. GALE: Okay.

1 MR. DRAKE: No question.

2 CHAIR BURMAN: And now I see Jon
3 Airey.

4 MR. AIREY: I just wanted to let you
5 know I joined. That was all.

6 CHAIR BURMAN: Excellent. Wonderful,
7 Jon. Thank you.

8 MR. AIREY: Yep.

9 CHAIR BURMAN: Okay. Great. If you
10 could put your hand down, Jon, that would be
11 great. So, I don't see any other questions from
12 GPAC or LPAC members.

13 Are there any attendees who want to
14 make some brief comments? I don't see any hands
15 raised on that.

16 I think these comments largely -- or
17 questions largely fell into what I consider
18 ensuring that there's a continuing and enhancing
19 engagement in the collaborative nature, what are
20 the priorities and some support for maybe looking
21 at changing some of the priorities or the order
22 of the priorities, making sure you have the

1 resources, and also the fundamental question of
2 the role of GPAC and LPAC in these substantive
3 issues and the advisory review process to make
4 sure that, at the end, whatever is done by PHMSA
5 and the Administrator understanding that they
6 have ultimately decision-making authority, what
7 will that look like and will it be complementary
8 to the work that everyone is doing on these
9 critical issues and ensuring that we're working
10 together in that fashion.

11 With that -- and then it sounds like,
12 John, there's going to be some discussion
13 internally at PHMSA in terms of listening to some
14 of these comments and perhaps figuring out
15 resource allocation as well in some of these
16 critical areas. And we'll get under the hood in
17 other agenda items more specifically on that.

18 Do you have any other comments, John,
19 before we go to the next --

20 MR. GALE: I think we're ready to move
21 on to Ms. White.

22 CHAIR BURMAN: Okay. Great. Now,

1 we're on Agenda Item 4. This is research and
2 development. Ms. White.

3 MS. WHITE: Hi. Good afternoon.

4 CHAIR BURMAN: And if you could just
5 speak up, that would be great.

6 MS. WHITE: Sure. Let me go ahead and
7 try to present my screen. Okay. Can everyone
8 see my slides?

9 CHAIR BURMAN: Yep. Now, I can.

10 MS. WHITE: Okay. Great. And good
11 afternoon, everybody. My name is Senth White.
12 I'm the director of Engineering and Research
13 within PHMSA's Office of Pipeline Safety, and I'd
14 like to thank you all for this opportunity to
15 provide the committees with this update on our
16 pipeline safety R&D activities for 2021.

17 The DOT has defined and prioritized
18 these five pillars shown here to support the
19 DOT's strategic goals.

20 The first is to make our
21 transportation system safer, to grow the economy,
22 to address inequities and meet the needs of

1 underserved communities, to mitigate, adapt to
2 and reverse the effects of climate change, and to
3 prepare for the future transportation system.

4 And PHMSA's pipeline safety R&D
5 activities support DOT's strategic goals through
6 participation in various departmental
7 initiatives, which include DOT's Center for
8 Climate Change and also funding research in areas
9 that directly contribute to the Administration's
10 goals in climate and sustainability.

11 PHMSA's Pipeline Safety Research
12 Program sponsors R&D projects focused on
13 providing near-term solutions for the country's
14 pipeline transportation systems that will include
15 safety, reduce environmental impact and enhance
16 reliability.

17 PHMSA's pipeline safety R&D goals
18 include providing research needed to manage
19 public safety risks associated with the
20 transportation of hazardous materials, providing
21 data to inform pipeline decision-makers in
22 regulatory and outreach initiatives, leveraging

1 resources to solve multi-modal safety concerns
2 and driving safety innovation and tech transfer.

3 Our comprehensive research strategy is
4 achieved through multiple inputs. the primary
5 development method is through our R&D forums,
6 which provide significant stakeholder-based input
7 into our future strategy.

8 We also evaluate the submitted gap
9 ideas where stakeholders can submit a research
10 gap through our webpage portal.

11 There's also interaction with
12 collaborative partners, such as our sister
13 federal agencies, public advocacy groups and
14 pipeline industry and research organizations that
15 also provide input.

16 And important initiatives either at
17 PHMSA, the Department or the Administration also
18 drive our research proposals and projects.

19 All of these ideas are developed into
20 a research agenda that is reviewed by the
21 Pipeline Safety R&D Program and our pipeline
22 leadership for approval and before soliciting and

1 awarding on any research projects.

2 So, as you can see in this slide, our
3 R&D program is very comprehensive in its research
4 strategy through four subprograms, CAAP, SBIR,
5 CORE and interagency research.

6 And we utilize public-private
7 partnerships with stakeholders, academic
8 institutions, small businesses and federal
9 agencies such as NIST, FRA and a few of the DOE
10 labs to implement research projects.

11 The program is executed through
12 competitive awards, cost-sharing agreements and
13 also interagency agreements.

14 And the four subprograms address
15 different research requirements and are designed
16 to develop and advance R&D concepts from their
17 initial stages to industry or government
18 adoption.

19 PHMSA's Safety Pipeline Safety R&D
20 Program is focused on the following project
21 topics as shown here with the intended research
22 outcomes described.

1 As an example, in 2022 we expect to
2 fund research projects providing knowledge and
3 support of managing risk and removing barriers
4 for transportation of hydrogen and other
5 renewables by pipelines, as mentioned by our
6 Administrator Brown.

7 We anticipate that these project
8 outcomes will advance the safety of pipeline
9 infrastructure and support climate change
10 solutions.

11 So, since 2002 when the program was
12 established, PHMSA has made almost \$167 million
13 in research awards to 380 projects.

14 And since 2013 when CAAP was launched,
15 awards have been made to 25 universities and
16 involve over 344 students in pipeline research.

17 The program continues to show
18 successful performance in advancing innovative
19 pipeline safety technologies through tech
20 demonstrations, patents and commercialized
21 technologies.

22 And since 2002, there have been 33

1 commercialized technologies and 16 patents
2 granted as a result of PHMSA-sponsored projects,
3 and PHMSA's tech transfer rate is 33 percent
4 based on CORE and SBIR Phase 2 projects.

5 In addition to tracking performance
6 metrics on our tech projects, we also track
7 performance -- program performance such as the
8 number of R&D website hits, which are over 41
9 million to date, and research project downloads
10 of over 2 million since 2008.

11 Also tracked are performance metrics
12 on knowledge outputs from PHMSA R&D projects and
13 stakeholder engagements, and over 260 R&D final
14 reports and 237 conference presentations or
15 journal papers have resulted from PHMSA-funded
16 projects since 2002.

17 And now, to our 2021 R&D awards. So,
18 in 2021, PHMSA awarded \$12.6 million on 19 R&D
19 projects across our CORE program, CAAP, SBIR and
20 IAA program, and I'll go into more detail on the
21 next few slides.

22 There were three new projects awarded

1 in the area of pipeline threat prevention. The
2 first project awarded to GTI will develop a
3 method to estimate the accumulated strain of a
4 steel pipeline experiencing ground movement and
5 assess the strain demand and capacity of the
6 system.

7 The second project, also awarded to
8 GTI, will provide recommendations and guidance to
9 the natural gas industry on regulator designs
10 where there is a sufficiently small installation
11 footprint and where limited outside space exists.

12 This project addresses the NTSB's
13 recommendations to improve natural gas regulator
14 design installations as a result of the
15 unfortunate 2016 building explosion and fire that
16 occurred in Silver Spring, Maryland.

17 And the third project was awarded to
18 North Dakota State and will assess the likelihood
19 and severity of corrosion/erosion damage threats
20 and recommend effective, preventative and
21 mitigative measures.

22 These measures will provide a tool for

1 operators to better predict and prevent future
2 failures resulting from these internal pipeline
3 threats.

4 PHMSA continues to build its LNG
5 research portfolio in order to address various
6 regulatory and industry challenges related to LNG
7 hazards and advance alternative designs for LNG
8 storage and piping systems.

9 In this first project, Blue
10 engineering will evaluate the operation of LNG
11 tanks without bottom-fill capabilities and
12 determine the process means that will allow this
13 operation to be performed safely.

14 The output will provide new knowledge
15 on the integrity challenges and guidelines for
16 the safe operation of these tanks.

17 The second project was awarded to
18 Simpson Gumpertz & Heger and will evaluate
19 external steel shell tanks that is subjected to
20 external and internal accidental loads and
21 resistance from blast loads, fire, radiation and
22 flame impingement.

1 It will also evaluate projectiles not
2 yet studied in detail to full containment LNG
3 tank applications.

4 Material impacts from instantaneous
5 exposure to large temperature differentials
6 remains a challenge.

7 This first project awarded to Purdue
8 will determine the maximum permissible
9 temperature drops for steel when exposed to
10 cryogenic liquid through finite element analysis.

11 It will also accomplish this by
12 leveraging available artificial intelligence
13 tools to analyze LNG tank and pipe-in-pipe
14 systems.

15 The second project was awarded to PEMY
16 Consulting and will outline current best
17 practices for inspection and testing to ensure
18 the integrity of above-ground cryogenic storage
19 tanks.

20 It will also develop recommendations
21 on inspection strategies for these tanks, which
22 may also identify requirements for new technology

1 solutions.

2 PHMSA's underground natural gas
3 storage research portfolio continues to develop
4 solutions that support integrity management
5 programs associated with the more than 17,000 gas
6 storage facilities in the U.S.

7 This project was awarded to PRCI to
8 review and test the technology used to inspect
9 through-tubing and casings of underground gas
10 storage wells, and will also develop a
11 reliability-based assessment framework to better
12 inform decision-making about casing corrosion
13 management.

14 PHMSA awarded these two materials
15 projects to GTI and Edison Welding Institute to
16 evaluate the safety, materials and design
17 requirements for alternative steel and composite-
18 type materials used in gas transmission and
19 gathering pipelines regulated under 192.

20 PHMSA's CAAP program will continue to
21 partner with universities and, in 2021, awarded
22 projects addressing the integrity impacts of

1 hydrogen service and expanded its research
2 portfolio in artificial intelligence and machine
3 learning.

4 Our 2021 funding opportunity allowed
5 for projects with greater scope and complexity by
6 increasing our funding.

7 Previously, our CAAP projects were
8 capped at 250,000, but, in 2021, projects applied
9 for up to \$1 million in funding amounts and we
10 funded three projects totaling approximately \$1.9
11 million, as listed here.

12 The first project funded through CAAP
13 was awarded to Arizona State University. ASU
14 will be working to develop an artificial
15 intelligence-enabled framework to aid existing
16 pipeline operators with their pipeline integrity
17 management programs as they shift towards the use
18 of emerging fuels such as hydrogen.

19 The second project was awarded to
20 Rutgers University. Rutgers will be developing
21 an AI-enabled model which will aid operators in
22 their inspection and repair action decision-

1 making process.

2 And the third project was awarded to
3 Colorado School of Mines. CSM will investigate
4 the feasibility of using distributed acoustic
5 sensing cables to detect and locate pipeline
6 integrity issues using different deployment
7 methods.

8 And specifically, CSM will be
9 investigating the use of internally deployed
10 cables to minimize the cost of pipeline
11 excavation for cable replacement.

12 In 2021, PHMSA's SBIR program funded
13 four Phase II projects in the areas of anomaly
14 detection and threat prevention.

15 In the first project with QuakeWrap,
16 they are developing a system capable of in situ
17 repair of various defects with a composite
18 material.

19 The second project --

20 CHAIR BURMAN: Hold on a for a minute.
21 Is the court reporter on? I'm wondering if he
22 might have just had a technical issue.

1 Can we just hold for a minute, Ms.
2 White?

3 MS. WHITE: Yes.

4 CHAIR BURMAN: Thank you.

5 (Pause.)

6 CHAIR BURMAN: Is it okay now for us
7 to continue?

8 THE COURT REPORTER: Yes, ma'am. I'm
9 very sorry about that.

10 CHAIR BURMAN: That's okay. Thank you
11 so much. Thank you. We're ready to continue.

12 MS. WHITE: Alright. Thank you, Madam
13 Chair. So, we're on our second project for SBIR.
14 The second project is with Creare and it's going
15 to be demonstrating novel sensors capable of
16 identifying bending stresses, something currently
17 not achievable with existing ILI technology.

18 And the third project with JENTEK is
19 also testing novel sensors for measuring bending
20 stresses and improve crack detection.

21 And the fourth, and final, project for
22 SBIR is with Paulsson, which will be monitoring

1 geohazards to improve through durable, long-
2 lasting, tightly coupled fiber optic cables that
3 accurately measure strain, temperature, and
4 acoustics on pipelines.

5 And, in 2021, PHMSA funded two
6 interagency agreements with the Department of
7 Energy and National Labs. The two projects will
8 utilize specialized government knowledge and
9 technology to address specific gaps in pipeline
10 safety.

11 And PHMSA funded these two projects
12 listed here accounting for about \$1 million in
13 federal funds.

14 The first project was funded through
15 the National Energy Technology Laboratory, NETL,
16 and focused on the detection of unlocatable
17 buried plastic pipelines.

18 NETL is going to be investigating the
19 utilization of emerging government technologies
20 to detect buried pipes.

21 And the second project was funded
22 through Sandia National Labs to determine the

1 impact of geomagnetic disturbance events on
2 pipelines. The project is being co-funded with
3 DOE to determine the impacts of electromagnetic
4 pulse attacks.

5 These next two slides highlight
6 success stories in tech and knowledge transfer.
7 And, in 2013, PHMSA awarded Northeast Gas
8 Association with a research project to develop a
9 sensor for use on inspections of unpiggable gas
10 pipelines.

11 And upon completion of this project,
12 Northeast Gas registered tech transfer in
13 February of 2021 to Pipetel's Explorer line of
14 robotic inspection tools.

15 And this next project was a notable
16 knowledge transfer milestone. And this work,
17 also with Northeast Gas, validated the use of
18 technologies that measure methane leak plates
19 from distribution systems within actual
20 communities.

21 And this project identified common
22 shortfalls of quantifying methane emissions in

1 the field and standardized the test protocol by
2 developing a validation process framework.

3 This knowledge breakthrough could
4 result in pipeline decision-makers developing a
5 national standard that, when published, could
6 lead to providing PHMSA with a technical basis
7 for potential future regulatory actions.

8 And these next two slides identify the
9 anticipated 2022 Pipeline Safety Research program
10 priority areas.

11 And on one priority area, as discussed
12 previously, is in the area of pipeline leak
13 detection.

14 And PHMSA plans to solicit research
15 projects that address those safety gaps that were
16 identified during the May 2021 Leak Detection
17 Public Meeting, as well as fund research in areas
18 that will advance technologies on methane
19 identification and detection.

20 And, you know, as mentioned, this
21 initiative is also a larger part to address the
22 congressional mandates in Sections 113 and 114 of

1 the PIPES Act of 2020.

2 And research under this program are
3 will strongly support the Administration's
4 climate initiatives and our efforts to abate
5 methane releases from pipeline infrastructure.

6 Another priority area highlighted is
7 in pipeline threat prevention. Research
8 investments will develop new or improved tools
9 and technology to aid in the prevention and
10 reduction of damage to pipelines thereby
11 enhancing safety and preventing or eliminating
12 methane releases into the environment.

13 The specific research conducted in
14 each of these areas will be determined by
15 stakeholder input in collaboration at PHMSA's R&D
16 forum this November.

17 And these next two slides will provide
18 a status update on PHMSA's R&D initiatives at
19 FRA's transportation technology center in Pueblo,
20 Colorado.

21 In 2020, PHMSA initiated two short-
22 term R&D projects at TTC. We awarded the first

1 project to the Transportation Technology Center,
2 Inc., or TTCI, to evaluate fatigue on pipe
3 transported by rail.

4 The objective of the project was to
5 show, through full-scale testing and analysis,
6 the impact of rail transportation on fatigue
7 damage to pipe.

8 TTCI developed a test plan and
9 pipeline samples were also procured for testing.
10 The project is currently on hold pending the
11 execution of a new contract vehicle at the TTC
12 facility.

13 And the second project objective was
14 to build upon prior research in the area of case
15 crossings and railroad loading, evaluate best
16 practices and other guidance in use today.

17 And TTCI completed the development of
18 this test plan and we intend to fund the testing
19 described in the research plan contingent on
20 funding availability following the execution of a
21 new contract vehicle at TTC.

22 And I'll now hand it over to Mr.

1 Mayberry to discuss the status of the proposed
2 RDT facility.

3 MR. MAYBERRY: Thanks, Senth. As you
4 may recall, the past couple years we've been
5 working to develop an approach to using this
6 existing Federal Railroad Administration facility
7 in Pueblo, Colorado.

8 This slide here, this shows you one of
9 the visual schematics that was generated through
10 that effort and we certainly appreciate the work
11 of the focus group that has been assembled under
12 or prime contract related to that.

13 You may recall in the many provisions
14 of the recent PIPES Act, there are a number of
15 to-dos related to the work we were -- or at least
16 the development of a facility out there.

17 First, related to Section 105, there
18 is a requirement to perform a study to look at
19 the need for a pipeline safety testing facility,
20 which is -- the study is currently underway. And
21 so, that will determine, you know, next steps.

22 And we'll see how it fits into the

1 overall parties of the Administration on just
2 where that has -- but we first must submit that
3 study to Congress and receive approval before we
4 go further.

5 So, currently the project is on hold
6 and, you know, pending, you know, preparation of
7 that report and then for their approvals and
8 then, of course, you know, depending on how it
9 fits in with our overall research priorities.

10 The other -- there was a requirement
11 to submit an updated research plan. Many of the
12 provisions of that plan are -- were discussed by
13 Sen. White today and that is also a plan that's
14 submitted actually under our 2021 appropriations.

15 So, to move on, I think that is --

16 MS. WHITE: Alright. Thank you.

17 MR. MAYBERRY: Yeah.

18 MS. WHITE: Thanks. So, what are
19 PHMSA's future R&D plans? So, we plan -- our
20 plan includes continue to work on safeguarding
21 the environment by investing further in leak
22 detection R&D and investing in new projects

1 addressing the safe transportation of emerging
2 fuels, such as hydrogen, by pipeline.

3 Additionally, we plan to continue our
4 outreach with minority-serving institutions, or
5 MSIs, throughout our CAAP program.

6 PHMSA will look to strengthen MSI
7 participation by conducting visits to various
8 universities on research opportunities and the
9 benefits of the CAAP program for the university
10 and students.

11 And as Administrator Brown mentioned,
12 we are also planning to host a virtual hydrogen
13 and emerging fuels R&D forum on November 30th
14 through December 2nd where the first day will be
15 a public meeting and general discussion followed
16 by the second day that will consist of smaller --
17 six interactive working groups where participants
18 will take a deep dive in a particular R&D topic
19 and develop research topics to address those
20 gaps.

21 And we've currently established a
22 steering committee who's going to help in

1 developing the agenda for these working groups.

2 And then we'll conclude on the third
3 day with a report out from each of the working
4 groups.

5 And I'll wrap up by providing a few
6 important links to find out more about our
7 program, including links to all of our projects
8 and how you can submit a research gap idea.

9 And, of course, all of this great R&D
10 work in our program could not be achieved without
11 our R&D team, Kandi Barakat, Robert Smith and
12 Nathan Schoenkin.

13 And so, on behalf of our R&D team,
14 Madam Chair, I want to thank you and the
15 Committee for your time and can take any
16 questions that anyone may have.

17 CHAIR BURMAN: Thank you. This is
18 really, really helpful. I'm going to turn it
19 over -- I think there's a question or a comment
20 from Shawn.

21 Shawn, remember to state your name,
22 organization and which committee you sit on.

1 Thank you.

2 MR. LYON: Thank you, Chairman. This
3 is Shawn Lyon with Marathon Pipeline, part of
4 LPAC.

5 And, Sentho, thanks for the update and
6 it's always -- I remember the last time we were
7 in person in 2019 in D.C., you gave a similar
8 update and it's always impressive to see all the
9 different things we're working on.

10 I know on the industry side we spent
11 a lot of time collaborating, I'll say, on safety
12 issues, environmental issues and how we can work
13 together, and we've seen benefit to that through
14 that collaboration.

15 Really, there's two questions I've got
16 or comments. How do we do that with PHMSA so we
17 can try to pool our resources, our technical
18 expertise, our finances to help even advance that
19 together based on some things you laid out there.

20 And I don't know if there's a separate
21 forum outside of LPAC/GPAC to do that, because I
22 think there's a lot of things we're talking about

1 that may align or be even more beneficial that we
2 know from operating the pipes there.

3 And along those lines, I think one of
4 the things that hit me as I saw a lot of the
5 grants that were granted -- that were given out
6 by PHMSA was is there operators working with
7 those folks who, you know, applied or you're
8 giving money to.

9 I'm a firm believer -- I think
10 technology is only as good as it can be applied
11 in the real world. It's great when it happens in
12 the laboratory, but execution -- and I've seen it
13 many times before where it worked at one time,
14 but the application just isn't feasible with
15 that.

16 So, anyway, I'll stop there and see if
17 you have any comments on that and then I just
18 have one other question about the PIPES Act.

19 MS. WHITE: Sure. So, in regards to
20 your first question about collaboration, I would
21 say that one of the best ways to do that is
22 through our R&D forum and we're actually going to

1 be going live with publishing the Federal
2 Register Notice for that this afternoon.

3 And so, we also have a public webpage
4 that I'll direct you to the Federal Register
5 Notice, but there you will be able to sign up for
6 the six working groups and, really, that's where
7 we receive a lot of input and collaboration.

8 Again, like I mentioned on the second
9 day, that's where there will be a lot of
10 interactive discussions with our stakeholders
11 that can really help to inform, you know, the
12 next steps for our R&D strategy.

13 And with respect to your second
14 question related to -- can you repeat the second
15 question again? I apologize.

16 MR. LYON: Yeah, sure. No problem.
17 On the grants you've given out --

18 MS. WHITE: Oh, yes.

19 MR. LYON: -- how are operators, you
20 know, engaged in that to make sure we get the
21 best chance for it to be successful in the real
22 world?

1 MS. WHITE: So, the second -- your
2 second question, many of, actually, our R&D
3 projects are funded through CORE. That's
4 actually our primary mode and there are a lot of
5 technology projects through that.

6 We've seen a lot of partnerships
7 between industry, between tech providers, and
8 operators sometimes through tech demonstrations.
9 So, that's a very good vehicle to partner up.

10 Also with CAAP, too, we really
11 encourage at the academic level, and we tried to
12 put this in our CAAP solicitations, to really
13 have industry partner also with universities,
14 because that's another great way to have that
15 collaboration.

16 MR. LYON: Okay.

17 CHAIR BURMAN: So, Shawn, before you
18 ask the next question, I did just want to see if
19 Alan Mayberry had any comments because I see his
20 hand is raised.

21 MR. MAYBERRY: Well, I just wanted to
22 say, first of all, Sentho, thanks for an

1 excellent overview.

2 Shawn, great questions. One of the
3 reasons we're bringing the R&D program before you
4 today is to, you know, seek guidance from the
5 Committee. If you have any input, we're all
6 ears.

7 And that, you know, can be done, you
8 know, in the course of our discussions right here
9 during the Q&A, but also in the meeting docket,
10 but, you know, we always value the opinion of
11 this committee -- or these two committees.

12 And so, any input you might have -- I
13 will say, you know, talking with you and others
14 over the years, I know one of the challenges with
15 research is just the time it takes.

16 And so, many of you, you know, go
17 directly to technology providers to work a
18 solution for a specific issue and actually I'd
19 love to work closely with you, PRCI and other
20 stakeholders, EDF and others, in finding ways to
21 speed up the development of technology, mainly.
22 Thank you.

1 CHAIR BURMAN: Thank you. And before,
2 Shawn, you ask your next follow-up question to
3 that, I do just want to recognize that then the
4 order of speaking will be Andy Drake, Ron Bradley
5 and then Sara Gosman.

6 I don't see any other hands up, but
7 feel free, if you want, to raise your hand and we
8 will get you after the other three.

9 Shawn, if you want to ask your follow-
10 up?

11 MR. LYON: Yeah, just a quick -- so,
12 in the PIPES Act, I think it's Section 104, it
13 was a pilot technology program that was laid out
14 there and just was curious if PHMSA had any
15 guidance for the industry, how to participate in
16 that.

17 Again, we're doing a lot of stuff on
18 the technology front that is really, honestly,
19 kind of exciting and really game changers in how
20 we can participate that through the PIPES Safety
21 Act.

22 MS. WHITE: Sure. Great question.

1 So, we are in the process of -- and we just
2 received approval to start drafting a Federal
3 Register Notice that will provide guidance on the
4 provisions where applicants can submit an
5 application for a pipeline testing enhancement
6 project.

7 And there are various provisions in
8 the mandate and I can go through a couple of
9 those, but a part of it is the application will
10 require an environmental assessment.

11 The project cannot be located in HCAs.
12 There has to be -- the operator must show an SMS
13 program, and also the project needs to show some
14 -- sort of the R&D that's been done either
15 partnering with PHMSA and other -- a research
16 entity.

17 So, those are just a few and I think
18 I've probably left some additional departments
19 out, but that's some of the provisions.

20 MR. LYON: Yeah. Thank you. That's
21 helpful. And, Alan, just to carry off your
22 comments, I think it would be good for us to

1 continue that discussion because you hit it.

2 I think we're looking to how do we
3 move the technology faster for real-world
4 application and make a difference with the monies
5 that you're, you know, you're focused on and then
6 the ones we are, too. So, that would be a good
7 thing.

8 MR. MAYBERRY: Yes, definitely. And,
9 as you know, the focus of our programs is short
10 and midterm, you know, solutions.

11 We're interested in the ability to
12 apply the work, the monies we spend, you know, to
13 the pipeline safety matters, so, you know, as
14 quickly as possible, but thanks.

15 MR. LYON: Thanks.

16 CHAIR BURMAN: Okay. Great. Thank
17 you so much. And next we're going to have Andy
18 Drake, but before, Andy, you speak, I just do
19 want to remind folks that we're going to be
20 taking lunch after Agenda Item 5.

21 We're currently on Agenda Item 4.
22 Agenda Item 5 is the cybersecurity one and then

1 we'll take a virtual 45-minute break after that
2 period.

3 Andy?

4 MR. DRAKE: Thank you, Commissioner
5 Burman. This is Andy Drake with Enbridge with
6 the GPAC Committee.

7 Sentho, I appreciate the update.
8 That's a great review. Very substantive. I
9 appreciate the challenges that you're facing
10 there.

11 You're dealing with some real issues
12 in the industry and I think pushing the envelope
13 there is really critical for us to improve the
14 standard of care.

15 I think the question I have is not
16 really a question, it's really just a comment, is
17 -- maybe to Alan's point, is really about
18 collaboration.

19 We're doing a lot of things in the
20 same areas, as you know. I mean, INGAA is
21 working on integrity management, continuous
22 improvement opportunities to advance the state of

1 care and lower greenhouse gas emissions.

2 I mean, I think the key here is how do
3 we do these things in parallel and keep in sync
4 with each other to keep propelling and
5 iteratively developing those platforms.

6 I don't know that it may be a
7 different venue than some of the research
8 committees that you're talking about sitting on,
9 but it may be just more of a sharing, staying in
10 sync as kind of state of the state.

11 I just offer that because when you're
12 going through that, so many of the themes that
13 you're working on are very congruent with things
14 we're doing, you know, working on hydrogen
15 transport, working on alternate materials.

16 As you know, we're working on a
17 geohazard standard to try to define best
18 practices and advance how to apply technologies
19 consistently. I think that's a big void there.
20 Also, crack protection.

21 I think those three in particular --
22 four in particular would be good opportunities

1 for us to have maybe some close interval
2 exchanges on because it's moving that fast, which
3 is a great opportunity, but we don't want to end
4 up going two different directions on something.

5 I think we can iteratively develop
6 this and move the needle quite synergistically,
7 but I just offer that.

8 I know we've talked a little bit about
9 some of those things, but I do think it would be
10 helpful. Maybe we can take that offline as a
11 different -- how do we stay in sync.

12 And maybe that's a little bit of where
13 I kind of heard Shawn going to. How do we stay
14 in sync with one another as we're working on
15 these parallel paths that are on the same issues.

16 Anyway, I just thought I'd put that
17 out there. So, I think it's great work. We're
18 all pointed, sort of, in the same direction.

19 I hear those common themes and I think
20 it's just how can we work to keep supporting,
21 synchronizing and reinforcing one another.

22 Thank you for your efforts. Great

1 work.

2 MS. WHITE: Thank you, Andy.

3 Appreciate that. And I will say that -- and we
4 have talked with pipeline leadership about this,
5 but even having -- our forums are every other
6 year, but, you know, we would like to have a
7 closer type of open public meetings to discuss
8 some of the more specific topics like you
9 discussed.

10 So, we definitely have heard that and
11 have proposed that to our leadership.

12 CHAIR BURMAN: Great. Thank you.

13 MR. DRAKE: Thank you. I think that's
14 great.

15 CHAIR BURMAN: Okay. So, next up is
16 Ron Bradley and then Sara Gosman and I see no
17 other hands.

18 MR. BRADLEY: Thank you, Chairman
19 Burman. Ron Bradley from PECO with the Gas PAC.
20 Senthoo, good afternoon. Good afternoon.

21 Yeah, I was really impressed by the
22 report. I wanted you to know that. I think it

1 was really well done.

2 Research and development is going to
3 be really critical to continue, you know, to
4 uncover new technologies. To sort of go down
5 that -- the path of even growing those new
6 technologies out I think it's really -- it's
7 really vital to what we do.

8 I definitely appreciate your
9 continuing to partner with not only industry, but
10 research and the public.

11 There's one other thing that I was
12 really impressed by and it's -- I think it's the
13 Department of Transportation's strategic core
14 values.

15 The fact that you guys call out per
16 aligning with the core value of equity, I think
17 that's really important because especially in
18 this energy corridor where there's lots of
19 different people that can get engaged.

20 There are lots of folks that aren't
21 engaged right now that could be very capably
22 engaged, and I think the fact that you're

1 considering, you know, ways to get more diverse
2 participation and get more diverse opinions, you
3 get more diverse perspectives and I think we can
4 get a much, you know, a much more better product
5 with a diverse approach versus a monolithic
6 approach.

7 So, thank you for expanding and I
8 really appreciate what you've done. No
9 questions, just that comment.

10 MS. WHITE: Thank you. Appreciate it.

11 CHAIR BURMAN: Thank you. I also
12 know, Ron, it seems everybody comes in and out
13 during your speaking.

14 I think next we had Sara Gosman and,
15 Ron, if you could put down your hand, that would
16 be great.

17 MS. GOSMAN: Hello. So, this is Sara
18 Gosman. I'm a member of GPAC and with the
19 Pipeline Safety Trust as well as the University
20 of Arkansas.

21 So, I just want to again thank you for
22 this update. I'm really glad that PHMSA is

1 funding such important research.

2 I'm wondering if PHMSA has funded
3 interdisciplinary research or has considered
4 funding it.

5 So, I'm thinking particularly research
6 that involves social science, economics,
7 geography, political science, as well as
8 engineering and traditional science fields.

9 I think this is particularly important
10 for issues such as climate change and also issues
11 such as environmental justice.

12 So, I know the direction from Congress
13 is on pipeline integrity, but I think there are a
14 lot of ways to ensure pipeline integrity and
15 certainly ways that social science could
16 contribute.

17 So, I'm more, you know, sort of
18 comments and a question as well. Thank you.

19 MS. WHITE: Sure, Sara. Thank you for
20 your comment. So, one of the working groups that
21 we have established for the forum is in support
22 of Executive Order 13-985, Advancing Racial

1 Equity and Support for Underserved Communities,
2 through the federal government.

3 And that working group is going to --
4 is focused on rehabilitation of aging cast iron
5 pipelines, but we are planning to look at, you
6 know, not only technological solutions, but, you
7 know, how to rehabilitate aging cast iron
8 pipelines, but also, you know, where these lines
9 are located in socially vulnerable communities.

10 So, there is that aspect of looking at
11 that from a socioeconomic perspective, but, yes,
12 we are open to other areas.

13 They have to align, of course, with
14 the pipeline safety because that is our mandate
15 from our Pipeline Safety Improvement Act, but,
16 yes, we'll definitely discuss that with our
17 leadership.

18 And I see Alan has his hand up.

19 CHAIR BURMAN: Alan?

20 MR. MAYBERRY: If I can get my
21 controls -- yes. You know, related to that,
22 Sara, in another initiative we've looked at our

1 incident -- we've had a project working with the
2 Department in looking at our incident data.

3 And the project we worked on was a
4 specifically related incident -- gas distribution
5 incident data and lining it up with -- related to
6 social equity.

7 We developed an interactive map that
8 showed how the incidents lined up with certain
9 census tracks.

10 It's really interesting, it's a good
11 start and it's a taste of what's, you know, more
12 to come and expanding it to other areas and also
13 making it public, but it definitely looks at, you
14 know, the impact on underserved communities and
15 communities of color, but we look forward to
16 actually further work in that area, but that's an
17 evolving area I just wanted to make mention of,
18 but it's not directly part of our research
19 program.

20 CHAIR BURMAN: Sara, do you have any
21 other comments?

22 MS. GOSMAN: Yeah. Thank you. I just

1 wanted to follow up then. Thank you, again. You
2 know, I think that work that you're doing on sort
3 of locations of pipelines and environmental
4 justice issues is incredibly important.

5 And I think it does -- again, I want
6 to make the pitch that I think it absolutely
7 relates to pipeline integrity because communities
8 around pipelines also have an influence on
9 pipeline integrity.

10 So, I think this is a great
11 opportunity and I want to echo Ron Bradley as
12 well.

13 I'm glad that you're focusing on
14 issues of diversity, equity and inclusion and I
15 think these are really important issues as it
16 relates to infrastructure generally, and
17 pipelines in specific.

18 And I also think it's a great
19 opportunity to advance your research and
20 development mission in a way that's more
21 interdisciplinary and holistic. so, thanks
22 again.

1 MS. WHITE: Thank you, Sara. I will
2 also follow up and say that part of the special
3 permits program is within my division. And so,
4 they're aware the operators submit for a special
5 permit application.

6 They are also required to submit
7 environmental justice data as well as part of
8 their application and environmental assessment
9 for the -- a request for a waiver. So, we'll
10 practice that as well.

11 CHAIR BURMAN: Great. Thank you. So,
12 I don't see any other hands from GPAC or LPAC.
13 Before we go to the audience, I just want to make
14 sure that there is no GPAC or LPAC member who
15 wants to speak.

16 Seeing none, I will go to the
17 attendees and I see John Stody. Please say your
18 name, what organization you may be with. Thank
19 you.

20 MR. STODY: Hello. John Stody here
21 with the Association of Oil Pipelines. Thanks,
22 Senthoo, for your briefing and thanks for having

1 this R&D item on the agenda.

2 I was pleased to hear Tristan
3 reference the potential to use technology to
4 address root causes of pipeline safety and then
5 Alan's comments on speeding up development of
6 technology.

7 I think I was grateful to hear your
8 comments on -- that PHMSA is working on guidance
9 for the technology pilots.

10 As you know, that's intended to field
11 test technology. So, get it from the lab to
12 practice, whether that's through regulation or
13 the operator. So, we look forward to that.

14 One comment I did want to make is you
15 mentioned the opportunity to use the forums as a
16 way for greater interaction with industry and the
17 government.

18 And I have attended those forums in
19 the past and they are great events, you know.
20 Good discussions interchanged. The problem is
21 they're very infrequent, you know.

22 The normal schedule is every couple of

1 years and then the forum that you have upcoming
2 seems to be more on emerging fuels or, you know,
3 non-liquid pipeline traditional issues.

4 So, Alan's comment on would be great
5 to find ways to have more frequent discussion of
6 R&D, I think this is a good start.

7 Certainly you share information with
8 us, but opportunities for that back-and-forth,
9 whether it's on the LPAC/GPAC meetings, you know,
10 industry could share what we're working on.

11 There could be other topical
12 discussions, so I think we'd really appreciate
13 ways to have that kind of strategic discussion on
14 where do we need to do the R&D, what should we be
15 working on and having it more frequent than, say,
16 every two years or through other mechanisms such
17 as LPAC/GPAC. Thank you.

18 MS. WHITE: Thank you, John. And I
19 did mention, too, in response to another comment
20 earlier about making sure to have more frequent
21 meetings on more specific research topics.

22 And so, we definitely hear you and we

1 are going to be discussing that with our
2 leadership.

3 Again, we have a fairly small R&D
4 team, but we will, you know, based on that, we
5 definitely will try to make that a priority as
6 well. Thank you.

7 CHAIR BURMAN: Great. Thank you.
8 And, John -- okay. So, I see no other hands
9 raised either in GPAC or LPAC or with the public.

10 This is a really great discussion. I
11 think it's important to note just how important
12 folks view research and development and
13 technology and the advancement of that.

14 Some of the things that I heard during
15 this conversation is being more engaged, making
16 sure that we're aligned, making sure that we're
17 maximizing the resources as well as the funding
18 opportunities. And also making sure that we work
19 together to try to know what's out there and
20 engage with all the different stakeholders that
21 can be helpful on these issues.

22 I do see that on pause a little bit as

1 the R&D facility itself. And the upcoming forum
2 is a key one. Again, that's November 30th to
3 December 2nd.

4 It's a virtual forum. It will be
5 posted shortly and I would ask that GPAC and LPAC
6 members also, as appropriate, get the -- an email
7 link to it as well.

8 Does anyone have any other comments or
9 questions before we go to Agenda Item 5? After
10 Agenda Item 5, we will be taking a short 45-
11 minute lunch break. Maybe even a little shorter
12 if we can do that.

13 Alright. Hearing none, now we'll go
14 to Agenda Item 5, which is our pipeline
15 cybersecurity issues, and I will turn it over to
16 PHMSA staff. Thank you.

17 MR. GAITHER: Thank you, Madam Chair.
18 Good morning or afternoon, based on your
19 location.

20 My name is Time Gaither and I am
21 PHMSA's Director for Preparedness Emergency
22 Support and Security.

1 I have been a part of PHMSA for about
2 a little over ten months now and, needless to
3 say, the topic that myself and Scott are going to
4 talk about have definitely taken a lot of our
5 interest and focus these past few months.

6 So, with that, I'll turn it over to
7 Scott so he can introduce himself.

8 MR. GORTON: Thank you, Tim. Good
9 morning, everyone. Tim, can you hear me?

10 MR. GAITHER: I can hear you, Scott.
11 You're good to go.

12 MR. GORTON: Okay. Thank you. I
13 apologize, everyone. I had some technology
14 issues earlier today. I just wanted to make sure
15 you could hear me.

16 Good morning, everyone. My name is
17 Scott Gorton. I am the Executive Director for
18 Surface Policy at the Transportation Security
19 Administration.

20 Essentially what that means is I
21 oversee the development of policy for surface
22 modes of transportation, including pipelines and

1 other things like freight railroads and mass
2 transit, developing policy and guidance.

3 And one of the things we're going to
4 talk about today, the security directives that we
5 recently issued to critical pipelines, that comes
6 under my shop.

7 We also have a TSA -- another group
8 that was stood up about two years ago, Surface
9 Operations, that's led by Assistant Administrator
10 Sonya Proctor.

11 I think a lot of people know her from
12 previously. She was my boss and then she stood
13 up Surface Operations to direct our field-facing
14 activities for pipelines, both -- for pipeline
15 security and the other modes of security.

16 But with that, I will turn it back to
17 you, Tim, so we can move on with the rest of the
18 presentation. Thank you, everyone.

19 MR. GAITHER: Thank you, sir. I'm
20 going to bring up these slides real quick.
21 Alright. So, today we're going to talk about a
22 few things.

1 One of the first things we want to
2 start with is a case study that's something we're
3 all probably very familiar with. We won't go
4 into too much detail about it, but just kind of
5 want to set the tempo for a lot of issues that
6 we're going to kind of jump into today.

7 We're also going to get some security
8 concerns/issues. We are going to keep that very
9 high level because this is a public meeting.

10 So, just be aware if you have
11 questions about specifics of that, Scott will be
12 unable to answer some of that information as he
13 sees fit.

14 We'll be talking about the MOU that
15 TSA and PHMSA went under back in 2018 after the
16 GA audit.

17 Scott will give a lovely presentation
18 on the security directives, give some information
19 on the PHMSA cyber hygiene discussions, and then
20 we're going to finish it up with some lessons
21 learned and the path forward specifically
22 associated with this cybersecurity and the joy

1 that we've been dealing with these past few
2 months.

3 So, on to our case study. Like I
4 said, I really wanted to kind of bring this to
5 light just to touch on some of the topics of this
6 just because it really has changed the face of
7 pipeline and cybersecurity in these past few
8 months since about May when this incident
9 happened.

10 So, back in May we had a cyber-
11 incident that occurred where ransomware was
12 discovered on a pipeline operator's information
13 technology system. And, as a precaution, that
14 operator did take their -- that operational
15 technology site down.

16 From a PHMSA perspective, you know, we
17 were worried about safety. Wanted to make sure
18 the pipeline was taken off, you know, safely and
19 brought back up safely.

20 But because the system was down, it
21 had, you know, a very large impact to the
22 country, especially on the east coast, north and

1 the south, which we saw a little bit more in the
2 south with fuel supplies.

3 What's important about this is that,
4 you know, what we saw throughout this whole thing
5 was that, you know, all of us, the federal
6 agencies came together, the private industry came
7 together, and we really worked to kind of figure
8 out what was going on and how we do this.

9 So, you know, when we talk about
10 information sharing within -- it was done at the
11 highest levels of PHMSA as well as TSA and
12 others.

13 Scott had mentioned Sonya. Both Sonya
14 and Scott were very much involved in that in the
15 sense of that the White House was meeting daily
16 with Colonial as well as, you know, the PHMSA
17 leadership, DOE leadership.

18 It was a high-collaborative effort all
19 the way down to some of the daily news that were
20 going on between the trade groups as well as, you
21 know, DOE, TSA and PHMSA.

22 So, this was something that was worked

1 at at every level so that we could kind of share
2 information and make sure everybody was aware of
3 what was going on.

4 So, some of the things that were
5 asked, and it's pretty important and something I
6 want to talk about from the industry side,
7 there's a lot of concerns on the type of attack,
8 the effector of that attack, you know, when it
9 was going to be resolved, what some of these
10 operators could do to prevent this from happening
11 to them.

12 And on the other side, the fed side,
13 was discovering what happened, you know, who did
14 it. And this is both investigation done by the
15 FBI as well as CISA, you know, what exactly was
16 put on the network and how we could mitigate that
17 and how could we make sure it didn't spread
18 throughout the entire network.

19 What this really led to at the end of
20 all this is really some of the documents that
21 Scott is going to talk about.

22 The security directives changed how

1 pipeline operators have to, you know, handle some
2 of the cybersecurity preparedness and mitigation
3 efforts to support some of the efforts that TSA
4 put out.

5 And then the other side of it is, you
6 know, a review of current policy. What's, you
7 know, what's currently in place. Is it
8 applicable? Does it need to be updated and, you
9 know, what's the next step?

10 Some agency perspectives, I can turn
11 that over to Scott real quick.

12 MR. GORTON: Yes. Thank you, Tim.
13 And I do want to say the Colonial event was a
14 tipping point of sorts, but it certainly was not
15 the sole reason that we issued the security
16 directives.

17 And I'll touch on that in just a
18 moment, but it does -- it was a very public
19 realization of the potential effects from cyber
20 incidents that went bad and also the
21 vulnerabilities associated with information
22 technology and operating technology systems.

1 And the interconnections between those
2 that can have those effects, that it's not just a
3 simple denial of service or defacement that those
4 things can touch the parts of an operating
5 system.

6 And it's really -- it's pipelines and
7 it's other, you know, sectors, whether it's
8 transportation or other sectors where, you know,
9 the -- because of the connection to the internet,
10 public-facing things and how those are connected
11 to other things, that all of these things point
12 to for critical infrastructure operators to be
13 aware of that and to take measures.

14 And, you know, there is plenty of
15 guidance out there from CISA, from the
16 Cybersecurity and Infrastructure Security Agency,
17 you know, plenty of guidance out there from
18 industry associations, but I think, you know,
19 this was -- the Colonial event opened a lot of
20 eyes. I mean, I can say it as simply as that.
21 Thank you.

22 MR. GAITHER: Thank you, Scott. And

1 from PHMSA, I mean, one of the things that was
2 key for us was when the operator was conducting
3 manual operations.

4 Something that we're very familiar
5 with is that a lot of operators have not done
6 this continually in practice, so we want to make
7 sure, you know, one of our observations is that
8 we want to make sure that operators are prepared
9 for this, have staff trained to do this and
10 actually exercise it as well.

11 And then the other side of it is, you
12 know, in our emergency response plans, you know,
13 make sure it addresses all types of, you know,
14 accidents or incidents.

15 Right now, I think the way it's worded
16 you could defer it means cyber, but we want to be
17 a little bit more specific with that.

18 So, that's something that, you know,
19 from our -- our point of view, it's something
20 that's very important and leaning forward will be
21 essential to making sure pipeline operators are
22 protected and prepared in case there's any

1 incident.

2 Alright. The next area is we're going
3 to talk about some of the ongoing threats. And
4 with that, I'll turn it over to Scott.

5 As I mentioned earlier, Scott will
6 keep some of these things high level since this
7 is a public meeting. Over to you, Scott.

8 MR. GORTON: Okay. Thank you, Tim.
9 So, I will go through here and, as Tim mentioned
10 at the very beginning because this is a public
11 meeting, I'm limited in what I can say.

12 So, what I have here on this slide are
13 -- is publicly available posted on ODNI's website
14 and also on the CISA website, but, you know, to
15 talk about ongoing threats in a very, very broad
16 sense here for cyber threats, you know, they
17 really are two groups of potential actors or
18 attackers depending on our viewpoint, but the
19 common term is they'll refer to them as "actors."

20 You know, there are criminal actors
21 who want to extract money from a company, whether
22 it's a pipeline or someone else that they view is

1 a potential source of revenue.

2 And, you know, there has certainly
3 been an uptick in the use of ransomware as a
4 means for criminal actors to extract money from
5 legitimate businesses.

6 Since the, you know, with COVID-19 and
7 a shift to remote working, a lot more online
8 activity, there has been -- the FBI and others
9 have seen an uptick in ransomware.

10 There are also, you know, there is a
11 host of companies operating on the dark web and
12 in other places where they sell ransomware as a
13 service where somebody with -- who has an
14 interest can actually purchase software and a
15 playbook that they can use against legitimate
16 interests.

17 So, ransomware and other similar
18 criminal acts that -- are a problem. And, again,
19 because those, you know, that ransomware may
20 depending upon the -- what is the type that's
21 used and how it's deployed, can actually have
22 those effects on the actual operation of the

1 entity being attacked.

2 Either shut them off from their
3 customers, they can't do business or if it's, you
4 know, we're talking about industrial control
5 systems and operating technology, could even
6 affect operating technology if it's not properly
7 protected.

8 The other group of actors that we are
9 concerned with are nation-state actors. And
10 there are, you know, opponents of the United
11 States that, for a variety of reasons, are
12 getting into U.S.-owned assets and looking for
13 information either to gain a competitive business
14 advantage.

15 It may also be to have a tactical
16 advantage in the event of conflict. There are a
17 number of reasons that nations go after the other
18 nation's data both from the public sector and
19 from the private sector.

20 And this has been cited, and I have
21 two citations here that talk about China. And
22 this was in the 2019 Office of the Director of

1 National Intelligence Worldwide Threat Assessment
2 that China has the ability to launch cyber-
3 attacks that cause localized temporary disruptive
4 effects on critical infrastructure, such as a
5 disruption of natural gas pipeline, for days or
6 weeks in the United States. And that's a direct
7 quote from that report.

8 I'm sure there are many in this
9 meeting today that are aware of this. It's been
10 -- it definitely has caused us to pick up the
11 tempo and focus with pipelines.

12 At TSA, it was a big driver for the
13 establishment of a pipeline security assessment
14 team, dedicated individuals out of our inspection
15 force to get additional skills and training to
16 concentrate on both pipeline inspection and
17 pipeline assistance -- providing assistance in a
18 variety of ways to pipeline operators.

19 So, this has been going on and working
20 in the background with that was something that
21 was disclosed here in May in a CISA-FBI Joint
22 Alert, again, that is available on the CISA

1 website.

2 That joint cybersecurity advisory that
3 was coauthored by CISA and the FBI provides
4 information on a spear phishing and intrusion
5 campaign conducted by state-sponsored Chinese
6 actors that occurred from December 2011 to 2013
7 targeting U.S. oil and natural gas pipeline
8 companies.

9 So, let me talk about that bullet for
10 a minute. This information was known. That
11 information was briefed to the pipeline companies
12 that were involved in this and, again, that
13 started a heightened degree of interest in what
14 was going on that has seen the security
15 directives, were a result of that other work with
16 the National Security Council and focus on
17 natural gas transmission pipelines as a source
18 of, you know, fuel for electric transmission and
19 their criticality to other sectors of the
20 economy.

21 So, this is -- again, we've had
22 knowledge of this. It's been working. At one

1 time it was classified at an extremely high level
2 and it was only until May of this year that that
3 could be determined that it was safe to release
4 that information publicly.

5 It was released and is classified
6 information both to government and private sector
7 operators about that.

8 But the key line in that joint alert,
9 and the alert is rather lengthy and it goes into
10 not only what was detected in terms of the
11 threats and the tactics, but also providing
12 information about what can be done to help to
13 protect information systems by outlining the
14 tactics, the techniques and the procedures were
15 used and the recommended mitigation actions.

16 In that report, CISA and the FBI
17 assess that this activity was ultimately intended
18 to help China develop cyber-attack capabilities
19 against U.S. pipelines to physically damage
20 pipelines or disrupt pipeline operations.

21 So that, you know, is a telling
22 statement and it, I think, gives some of the

1 publicly available information as to background
2 to why TSA, CISA, the Department of Homeland
3 Security, PHMSA, the Department of Energy are
4 concerned about these cyber threats and looking
5 at a number of ways, either through policy or
6 technology or practice and information sharing,
7 to start being better able to defend against
8 these threats.

9 It is a tough game, I will just say
10 this with that, and I will readily admit that I
11 am not a cybersecurity expert.

12 I have to be a policy jack-of-all-
13 trades to a certain extent, but I have learned
14 enough to understand that, you know, it is a
15 tough game that we are playing with nation-state
16 actors.

17 These are very well-provisioned, you
18 know, government-supported activities that go on
19 and they have the ability to do a lot.

20 And we are no -- efforts to counteract
21 that, but it is a -- certainly a game -- to
22 characterize it very simply, a game of tug and

1 pull, push and shove, as we work with it.

2 So, you know, the guidance that's put
3 out about this to the industry, to the operators,
4 is important and we hope that people are
5 listening and taking it seriously.

6 Let's go to the next slide, Tim. So,
7 you know, what are the implications for security?
8 Well, you know, this is where, you know, security
9 and safety truly overlap because if these cyber-
10 attacks, you know, are most, you know, the thing
11 that keeps us up at night that we're most
12 concerned about, is that the cyber-attacks on
13 pipelines or other critical infrastructure,
14 they're going to have the potential to produce
15 kinetic effects that not just, you know, shut
16 down a website, but actually get into operating
17 technology systems or other industrial control
18 systems and make things happen.

19 You may remember, you know, there have
20 been attacks in the water sector where hackers
21 were able to get in and actually manipulate
22 metering valves to change the flow of treatment

1 chemicals at a wastewater treatment plant, you
2 know.

3 Those type of things where cyber-
4 attack produces kinetic effects either to slow
5 the service, to reduce the efficiency or to cause
6 an operator to have to shut down for -- to
7 protect themselves or the potential for physical
8 damage if there's overpressurization or, you
9 know, a variety of tactics that can be used to
10 fool the system, you know.

11 They're not -- it takes a
12 sophisticated operator to do it, but there have
13 been demonstrations that there are people out
14 there with that type of skill that have expressed
15 an interest and an intent to do these type of
16 things.

17 Next slide, Tim, please. And I think
18 this goes back to you, Tim.

19 MR. GAITHER: Yes, sir. Thank you.
20 So, I think these are probably two of my favorite
21 slides that Scott and I put together because one
22 is about security and one is about safety and, as

1 Scott indicated, there's such a nexus between the
2 two.

3 So, a shutdown of a pipeline or, you
4 know, an explosion or a leak or a spill, all of
5 those things while they're security forced by,
6 you know, some sort of kinetic device or from
7 someone using cyber to change pressure levels on
8 the gauges that employees are not aware they're
9 being changed on them and such, these things all
10 can lead to the impact to our environment, to the
11 public and to the employees that are working
12 there, you know.

13 It's something we want to avoid, but
14 both of those areas lead to some of the same
15 results and that's why it's essential for us to
16 kind of bring this together.

17 And I'm going to go back just a few
18 slides real quick because I wanted to kind of
19 close this section off with that.

20 This is a Jim quote, but it's really
21 the perspective of our adversaries, whether it be
22 a criminal state or another state actor or be a

1 criminal group. If it's important, you don't
2 quit. You keep going no matter how hard it gets.

3 So, our adversaries are going to keep
4 going, they're going to keep pushing, they're
5 going to keep changing, they're going to keep
6 adapting.

7 And on this side from a safety and a
8 security perspective, we have to keep doing the
9 same.

10 And part of, you know, what we're
11 doing is in that and so that's just something I
12 want to kind of throw out at you before we
13 continue to the next area.

14 So, the next area is that -- it's an
15 annex of the DOT-DHS Memorandum of Understanding,
16 but that annex, for us, is really between PHMSA
17 and TSA.

18 So, the audit that was done in 2018
19 really looked at the relationship between the two
20 agencies and what it's about is kind of
21 establishing that that boundary between the two
22 and exactly what we're supposed to share with

1 each other, which really is a lot of the security
2 and the safety aspect of pipeline incidents as
3 they happen.

4 So, the overview is -- it was really
5 about, you know, PHMSA sharing anything that's an
6 accident and, by our definition, spills. If we
7 find out about, you know, devices put on a
8 pipeline in a construction zone, different things
9 like that.

10 If we find out about protests that are
11 affecting an operator that causes them to shut
12 down or someone is turning a valve, these are the
13 types of things that we are sharing with TSA, as
14 well as the Department of Energy, to make sure
15 they're all aware of what's going on with the
16 operators from different aspects, you know.

17 From TSA it's the security side. From
18 PHMSA it's the safety. DOE is looking at the
19 supply. So, we're all very heavily engaged in
20 this.

21 On the other side of it TSA is, you
22 know, supposed to share security incidents or

1 threats of pipeline infrastructure. In this
2 case, their critical pipeline infrastructure.

3 But if they learn about something that
4 is, you know, a spill or release, anything that
5 kind of falls within, you know, PHMSA's
6 regulatory authority, this is something that they
7 would share as well with us.

8 So, this document, for us, is really
9 about establishing what we're supposed to share,
10 who we're supposed to share it with and how.

11 So, it really, you know, and I threw
12 in this last bullet because it really also goes
13 to support, you know, CISA with their
14 cybersecurity protocol.

15 So, we are, at PHMSA, still supporting
16 it. Even though we don't necessarily have the
17 cyber expertise to do that, we do support them in
18 every which way we can when it comes to this.

19 So, the next area is going to be the
20 TSA security directives and I will turn this back
21 over to Scott.

22 MR. GORTON: Okay, Tim. Can we go to

1 Slide 17?

2 MR. GAITHER: We're there, Scott.

3 You're good to go.

4 MR. GORTON: Okay. I may have a
5 delay. I'm seeing -- okay. I'm just going to go
6 ahead and go and assume that everybody can see
7 slide 17 because I'm seeing 15. I may be -- oh,
8 it just changed. Okay. Thank you, everyone.

9 So, let me start off by laying the
10 groundwork here because this gets asked, and has
11 been asked here recently, about TSA's security
12 directive authority because it was something that
13 was not -- had not been exercised in surface
14 transportation for a number of years.

15 Before this past -- this year in
16 January when we issued security directives to
17 implement the Executive Order on the wearing of
18 facial masks on public transportation, we hadn't
19 issued a security directive for surface
20 transportation since 2005.

21 So, you know, certainly, you know, not
22 something a policy instrument that a lot of

1 people in surface transportation, including
2 pipelines, were familiar with.

3 It is a regular instrument that TSA
4 uses with the aviation community with aviation
5 and air cargo.

6 Security directives are a regular
7 course of business and are issues much more
8 frequently in aviation.

9 We never -- we had not had the need
10 for, you know, better than almost 15 years to do
11 this, but this year we saw a change with that.

12 So, in response to the ongoing
13 cybersecurity threat to pipeline systems, TSA
14 used the authority that it has under 49 U.S.C.
15 114, which is the Aviation Transportation
16 Security Act, or ATSA, which is our enabling
17 legislation and governs a lot of what TSA does.

18 So, that actually gives the authority
19 to issue directives to owners and operators of
20 TSA-designated critical pipelines.

21 And we're talking very specifically
22 here about what we did with the security

1 directives for pipelines.

2 The language -- and just in case
3 somebody goes back and says, well, wait a minute,
4 he said -- the authority in ATSA is much broadly
5 worded for transportation security. It doesn't
6 list the specific modes. I've taken a little
7 literary license here to explain that.

8 What the U.S.C. does say is it
9 authorizes TSA to issue emergency regulations or
10 security directives without providing notice or
11 public comment where the administrator determines
12 that a regulation or security directive must be
13 issued and immediately in order to protect
14 transportation security.

15 And we have heard from a number of
16 areas, both from operators and trade
17 associations, and even a few people on Capitol
18 Hill, that they had questions about using this
19 authority.

20 And the case that we did with the
21 security directives, we have responded to those.
22 We think we are on firm legal ground and it, you

1 know, there was a compelling reason to do what we
2 did and to do it in the way that we did.

3 It doesn't mean that certainly that
4 we're going to do every regulation or every
5 policy action through a security directive.

6 We will use the regular notice and
7 comment and notices of proposed rulemaking and
8 plenty of opportunity for input going forward,
9 but it was -- the feeling was that circumstances
10 were such that we could not wait months to go
11 through the rulemaking process, that we needed to
12 exercise this authority, and so we did.

13 Now, there are some checks and
14 balances in this that once the security
15 directives are issued, they can only remain in
16 effect for a period not to exceed 90 days unless
17 they are ratified by the Transportation Security
18 Oversight Board.

19 And so, the Transportation Security
20 Oversight Board is chaired by the Deputy Security
21 of Homeland Security and representatives from
22 Department of Justice, Department of Defense,

1 Office of Director, National Intelligence,
2 Department of Transportation, all have a seat on
3 the Transportation Security Oversight Board.

4 And we had to present these security
5 directives to the board and provided our case and
6 our reasoning, and then they took that under
7 consideration.

8 In the case of both of the security
9 directives, the TSOB did ratify the security
10 directives. And so, they are -- right now,
11 they're in effect for one year from date of
12 issuance and could be extended if it's necessary
13 to do so.

14 Alright, Tim, if we could go to the
15 next slide? Thanks. I think it's important to
16 understand that, you know, when we develop these,
17 we don't do them in total isolation.

18 Certainly critics, they would have
19 liked to have had more time. I understand that.
20 If we -- where we can provide, you know,
21 additional time, we certainly will. We get that,
22 but, again, there was a need to move -- to move

1 expeditiously on these directives, but we did
2 work with our government partners from the DOT,
3 from the Department of Energy and from -- and
4 FERC and with other DHS components like the Coast
5 Guard and CISA and the Cybersecurity Division of
6 CISA to, you know, lay out, you know, what is it
7 that needs to be done, how should we characterize
8 this, how should we do the scope to come up with
9 a good, good document that addresses the need and
10 also provides clarity without being overreaching.

11 We also work with industry provided
12 that the drafts of the security directives to
13 trade associations and they, in turn, provided
14 that to the membership for comment.

15 We got a great deal of comments and
16 some of them very instructive. We made changes
17 along the way to both of the security directives.
18 We have calls with the industry reviewers to
19 discuss those.

20 As with anything, not all of -- we
21 weren't able to accept all of the comments --
22 well, we didn't accept all the comments. I mean,

1 you never can, but we did take them very
2 seriously and, in certain cases, made what I
3 consider to be, you know, where significant
4 entries were raised, we made appropriate changes
5 in the wording or the provisions of the
6 directive.

7 Alright. If we could go to the next
8 one, Tim. So, we did have issued two security
9 directives.

10 The first one was issued on May 28th
11 of this year. The SD, or Security Directive, is
12 applicable to owners and operators of hazardous
13 liquid and natural gas pipelines that have been
14 identified as critical by TSA.

15 And there is a process that started a
16 number of years ago to apply certain criteria
17 based on throughput service to other critical
18 infrastructure sectors and critical locations and
19 now national critical functions to identify the
20 most critical pipelines.

21 The exact number of those pipelines is
22 security-sensitive information. I'm not going to

1 detail that.

2 There have been numbers that have been
3 in the media and press that are not far from the
4 number. So, if you've read that -- but we do not
5 publicly disclose that number.

6 The operators know who they are. We
7 share that information with the right people at
8 CISA and at PHMSA. They are aware of who those
9 companies are and our reasoning for those, but
10 it's important here that they -- and it will
11 probably generate a question, you know, why not
12 all pipelines?

13 Well, we did not think that all
14 pipelines were under threat. We thought that it
15 was the target based on other information that we
16 have were on larger systems.

17 And so, we have addressed the --
18 again, the security directives are limited to
19 critical pipelines.

20 Does that mean that other operators,
21 other pipelines shouldn't report incidents to
22 CISA or do -- follow the pipeline security

1 guidelines and look at that and, you know, take
2 stock of how their practices line up against the
3 guidelines? Absolutely not. We want everybody
4 to do that.

5 The difference is in whether or not we
6 put it into a mandatory regulatory directive.
7 So, we have limited the scope.

8 So, the SD required three things that
9 we think are basic to moving forward to enhancing
10 cybersecurity.

11 One is the designation of a
12 cybersecurity coordinator, to have the companies
13 designate somebody that we can use as a point of
14 contact to exchange information with to make sure
15 that we got the name and the phone number and
16 email address of the right person at a company
17 that we can send that information to.

18 Conversely if something were to occur
19 on one of these critical pipelines, it is a point
20 of entry, you know, a starting point for us to
21 get information and to start coordinating
22 activities.

1 That doesn't mean that that company is
2 limited to only that person, but it's just
3 somebody that can be the initial point of contact
4 and then things can move from there as needed.

5 We've had physical security
6 coordinators in other modes going back as far as
7 2008 with railroads and rail transit.

8 We found that to be very advantageous
9 having an identified point of contact to be very
10 advantageous for both government and industry.
11 So, we included it here.

12 The second thing is the reporting of
13 cybersecurity incidents to CISA Central within 12
14 hours of identification of the incident. And the
15 security directive goes into a lot more detail on
16 what has to be reported and the different -- and
17 I will say this, that we're not -- we're sending
18 what we have, but this -- the whole concept of
19 reporting cybersecurity incidents is going to be
20 an ongoing discussion.

21 There are several bills right now on
22 Capitol Hill under consideration to require

1 cybersecurity incident reporting across all
2 critical infrastructure sectors, including
3 transportation, a variety of different provisions
4 and some different approaches to that, but it --
5 there is a recognition that there needs to be
6 information collected at a central point and CISA
7 will be that central point so that they can amass
8 data about what is going on, what are the
9 tactics, the techniques, the procedures, who are
10 the victims, who are the -- what are the vectors,
11 are there similarities between what's being seen
12 in the financial sector and what's being seen in
13 the transportation sector, is there something
14 similar between pipelines and railroads, for
15 instance, and then how can that -- what can be
16 done for that and what guidance, and then
17 informing the operators.

18 So, it's a heavy burden on the
19 government to, you know, collect this because our
20 obligation is to make good use of that
21 information to inform operators, you know, to
22 analyze that and then give them back information

1 that they can use to protect themselves and use
2 that information to devise ways for government to
3 do its job where it can and protecting industry.

4 So, there is a heavy obligation here
5 and Congress has recognized that there is some --
6 and, again, and the legislation under
7 consideration would establish a whole new office
8 within CISA to be strictly with the objective of
9 being a central incident reporting point and an
10 office to manage all of this -- these activities
11 because it is expanding.

12 People are voluntarily reporting to
13 CISA now, but it's not, you know, I wouldn't say
14 that there's consistency, but once it becomes
15 law, you know, there will definitely be an uptick
16 in the number of reports and, you know, there's
17 room to grow and there will be a need to, you
18 know, increase capacity to take in reports,
19 analyze reports in a timely manner and that type
20 of thing.

21 The third requirement -- I spent
22 enough time on that one. The third requirement

1 requires conducting a self-assessment of the
2 owner-operator's practices and activities in
3 relation to the cybersecurity guidelines
4 contained in the TSA pipeline security
5 guidelines.

6 Those are guidelines that have been
7 out there since 2011 in their current format.
8 They are something that we developed in close
9 coordination with industry to come up with
10 guidelines.

11 They primarily focused on physical
12 security. There were updates made to the
13 guidelines to incorporate cybersecurity. So,
14 there is a section devoted to cybersecurity in
15 those guidelines.

16 And we require the operators covered
17 by the SD to do a self-assessment against those
18 guidelines. They were provided with a template,
19 questionnaire, whatever you want to -- however
20 you want to phrase it, and they completed that
21 and they submitted those results to TSA.

22 We, in coordination with CISA, are

1 analyzing those results to try to identify, you
2 know, areas, quite honestly, where can we help.
3 Where did people say, yeah, we self-identified as
4 having needing to do more in this area or we
5 didn't have an in-place process to address this.
6 What can we do to assist with that moving
7 forward?

8 So, I'm pleased to report that we have
9 100 percent compliance with all those provisions.
10 It was issued on May 28th and everything in there
11 had to be done within 30 days. So, we are -- we
12 do have 100 percent compliance from all the
13 covered operators.

14 And that was -- that security
15 directive, the last bullet on there, was ratified
16 by the Transportation Security Oversight Board on
17 July 3rd.

18 Alright, Tim. Let's go to the next
19 slide. I'm going to try to pick up the pace here
20 in the interest of time.

21 So, the second security directive was
22 effective on July 26 of this year. The SD

1 applied to the same group of critical pipeline
2 owner-operators covered by the first SD. We
3 didn't add anybody to the group. It was the same
4 group.

5 This security directive was issued as
6 a sensitive security information document. SSI
7 is a categorization of information that's used
8 both by the Department of Transportation and TSA
9 to protect information that the disclosure of
10 which could reveal a security vulnerability or
11 information about certain security measures.

12 With that being said, I believe in
13 addressing things up front. It was SSI. There
14 was a Freedom of Information Act request by the
15 Washington Post for the security directive.

16 We honored the Freedom of Information
17 request and provided them with a redacted version
18 that had the security-sensitive information --
19 portions of the document were redacted and then
20 the Washington Post was provided that.

21 So, this provisions part of -- a large
22 part of the security directive was made available

1 by the Washington Post in association with an
2 article that they wrote earlier this month.

3 We would have preferred that happen a
4 different way, but it did and so we're working
5 with the carriers because we've had a number of
6 questions about sharing that information and
7 could they share it.

8 We're working with the operators and
9 the trade associations about giving them guidance
10 on how they can share that and they can make that
11 available.

12 They had been giving information to --
13 because SSI doesn't mean that it can't be shared,
14 you can't share it with anyone, it just has to be
15 shared in a controlled manner with those who have
16 a need to know, a demonstrated need to know.

17 And so, that can be broadly
18 interpreted for those who, you know, advise a
19 pipeline company, state oversight boards that
20 oversight, you know, they all may have a need to
21 know for certain portions of a document. And so,
22 we, you know, provided guidance to operators on

1 that.

2 So, I wanted to cover that ground
3 about the security directive, but I am precluded
4 -- because it was SSI, I am not going to -- I
5 can't discuss all the measures that are in the
6 SD, but to summarize -- and it would take a long
7 time I'd be doing this for another hour or so and
8 I don't think you want that, but the SD requires
9 three major actions.

10 One, the implementation of critically
11 important mitigation measures to reduce the risk
12 of compromise from the cyber-attack. So, there
13 are a number of things that are specifically
14 listed that go to protecting both IT and OT
15 systems.

16 Things about reset -- from resetting
17 passwords, to network segregation, multifactor
18 identification, a whole number of things.

19 Are these things easy? No. We
20 recognize that they're not necessarily easy. We
21 recognize that they are complicated depending on
22 the size and scope of the operator, and none of

1 the operators subject to this are, you know, a
2 small company -- well, some are smaller
3 companies, but they all have complex operations
4 from one aspect or another.

5 And so, we realize that and we made it
6 clear in our communication that we will entertain
7 proposals for alternative measures. If a
8 pipeline believes that what's specifically
9 required, they can have another way of achieving
10 an equal level of security, we have a process
11 where they can propose to us an alternative means
12 to accomplish that.

13 We take that under advisement and then
14 we'll either approve it or deny it based on, you
15 know, a number of factors. We are currently
16 considering those.

17 We had anticipated it going somewhat
18 faster than it has, but we have wanted to be
19 extremely diligent in making sure that any
20 measures we approve or deny, that those are done
21 with a full consideration of the implications for
22 the operator and for security and safety.

1 There is also a provision in here in
2 the SDs that if an operator believes that one of
3 the mitigation measures like making changes to
4 the OT system may jeopardize safety or degrade
5 operations or have an adverse impact on
6 operations, they're to let us know that, to
7 contact us.

8 Don't take action until you talk to
9 us. We'll take those -- again, take those under
10 advisement.

11 We'll work with the appropriate
12 persons at PHMSA, and possibly CISA, as necessary
13 to evaluate the -- what we're being told and then
14 to provide guidance on that going forward.

15 So, we are, you know, there are
16 deadlines in this security directive, we've had -
17 - many companies have met those deadlines, others
18 have asked for additional time, and others have
19 submitted alternative measures which are under
20 consideration.

21 So, because it is complex, it's not
22 cut and dry, many of these things are very much

1 tied to the individual means of operation and the
2 way the business is done for an operator.

3 We, again, want to work with people.
4 We're not -- our intent here is not to make
5 things worse, it's to make things better.

6 So, we want to make sure that we all
7 are doing the right things to get to where we
8 need to be for security, but not at the expense
9 of safety or operational capacity. That would be
10 -- is very much counter to our objective.

11 The second thing that was required in
12 the security directive is the development of a
13 cybersecurity contingency/response plan to reduce
14 the risk of operational disruption or significant
15 business or functional degradation of necessary
16 capacity should the information or operational
17 technology system of a pipeline be affected by a
18 cybersecurity incident.

19 More plainly said, a battle plan that
20 clearly identifies how you are going to execute
21 on the things you need to do to segment and
22 protect IT system and the OT system. And if you

1 are attacked, how to -- how you're going to be
2 able to continue on.

3 The next point is to --

4 CHAIR BURMAN: So, I'm going to stop
5 at this point. I do think that this is really
6 incredible information.

7 I know that people are going to have
8 a lot of questions or comments and I'm wondering
9 if this -- we may want to take a very quick 30-
10 minute lunch break in a minute or two and then
11 come back and follow up with the rest of the
12 cybersecurity discussion as well as allowing
13 folks time to formulate some comments that they
14 may have or thoughts.

15 I know this is a really important one
16 and I, myself, am processing a lot of it. So, I
17 do just want to take a pause. I'm not sure how
18 many more slides we have.

19 And, Alan, if you have any thoughts on
20 our timing because I do want to make sure that we
21 don't lose people who need to grab something
22 quickly for lunch.

1 MR. MAYBERRY: Yes, I would agree.
2 This is incredibly informative. I just -- I
3 know, in the interest of time, I know we need to
4 -- we need to, you know, wrap it up.

5 We are going to shift the agenda a bit
6 here anyway after lunch, but I --

7 MR. GORTON: Sir, I apologize. I am
8 going to be really tight on time. I've got other
9 meetings.

10 I mean, I think if we want to wrap up
11 here and see if there are any questions about the
12 security directive, I can address those and then
13 the afternoon -- I mean, if we have to, I'll have
14 -- I guess I could go until 2:30. Again, I'm
15 just trying to plan here.

16 CHAIR BURMAN: Great.

17 MR. MAYBERRY: Well, Madam Chair, with
18 your indulgence, we could move the Q&A as well
19 and then, for the record, have the presentation
20 posted.

21 CHAIR BURMAN: Yeah, I think that's
22 great. Why don't we see if there are any

1 questions? If we have you to 2:30, also, we
2 could do the Q&A now; but then if you're here
3 right after, we'll come back quickly, meaning
4 we'll do a 25-minute lunch just so people can,
5 you know, take a break for a moment.

6 With that, does anyone have any
7 questions or comments that they want before we
8 continue? And don't apologize. This is a very
9 important topic.

10 Okay. I do see Dave Danner and Andy
11 Drake and then Bill from Pipeline Safety Trust.
12 Dave?

13 MR. DANNER: Yeah.

14 CHAIR BURMAN: I just want to remind
15 folks to introduce yourself on your name, your
16 title -- excuse me, your organization as well as
17 which committee you sit on. Thanks.

18 MR. DANNER: Thank you. I'm Dave
19 Danner and I'm the chair of the Washington
20 Utilities and Transportation Commission, which is
21 the utility regulatory body in the State of
22 Washington. And I'm a member of the Gas Pipeline

1 Advisory Committee.

2 My agency regulates the rates and
3 services of local distribution companies in the
4 State of Washington.

5 And insofar as the security directives
6 may impose new costs on them, I'm concerned
7 because the only way that these companies can
8 recover those costs is to raise rates.

9 And the only way they can raise rates
10 is through an adjudicative proceeding in our
11 state -- at our state agency, which is public and
12 involves a number of interveners and public
13 testimony.

14 And I'm concerned about how we get
15 matters into the record where we can determine
16 the prudence of expenditures when those matters
17 involve security-sensitive information that can't
18 be disclosed publicly.

19 And so, I would -- it might be
20 something that we'd have to discuss offline or,
21 you know, in a different setting, but I just --
22 that's a big concern that we're imposing new

1 costs on these regulated utilities and they won't
2 be able to get those costs back except through a
3 public proceeding. So, I'd certainly like to
4 hear your thoughts on that.

5 MR. GORTON: I think we will have to
6 talk about that in another forum. That issue has
7 been raised and we provided guidance to those
8 that are publicly regulated, those pipelines that
9 are subject to those situations that you just
10 mentioned.

11 We did provide guidance to them about
12 how they could communicate appropriately about
13 those measures that they are required to
14 implement.

15 I think it, from what you're saying,
16 it may take -- require further discussion and I
17 am -- I just -- I would not want to weigh in
18 right now about the particulars.

19 I'm not an information law attorney.
20 I mean, I understand generally what the
21 restrictions are and what -- some of the ways to
22 get around those restrictions legally, but that

1 may -- that is something that we would have to
2 discuss, but that was something that was brought
3 up to us and we have done some work with the
4 operators, in particular, providing guidance to
5 them to help assist them with that.

6 MR. DANNER: Well, I appreciate that.
7 I think that any guidance you can share with the
8 regulators as well would be very helpful. So,
9 thank you very much and thank you for your
10 presentation this morning.

11 CHAIR BURMAN: Thank you. We're going
12 to next go -- and, Dave, you can put your hand
13 down. We'll next go to Andy Drake and then Bill
14 from Pipeline Safety Trust.

15 MR. DRAKE: Thanks, Chairman Burman.
16 This is Andy Drake with Enbridge with the GPAC
17 Committee.

18 I want to pick up on something that
19 Alan mentioned and that is I'd like to make sure
20 that we get this material more than posted to
21 this docket or to the GPAC proceedings.

22 I think this is really important

1 information to be disseminated to the trade
2 associations and the public and others and we're
3 going to have to figure out how to create a line
4 of sight into this information.

5 I just want to kind of go on record on
6 that. This is really important to get this out
7 to a broader audience.

8 I didn't even see any slides in
9 preparation for the meeting, so I really -- this
10 is great information. I just want to make sure
11 we get it out there.

12 CHAIR BURMAN: Okay. Scott, did you
13 want to respond to that? Do you think that
14 that's something that you can help facilitate?

15 MR. GORTON: Yeah. I'll work with Tim
16 Gaither and the other appropriate persons at
17 PHMSA about getting this available as part of the
18 record or we'll have to go back and double-check
19 and make sure for public-public, I mean, like
20 without restriction posting on a website.

21 But as far as being part of the
22 record, the Committee, you know, we're okay there

1 with the information that's in the slide deck,
2 but I appreciate the comment that, you know,
3 wider -- they think there could be usefulness for
4 wider dissemination.

5 We have shared this information, I
6 will just say, with all the pipeline trade
7 associations. The elements here about the threat
8 and the need, that has been widely communicated
9 to those individuals and to individual operators.
10 That has been -- has certainly been done.

11 CHAIR BURMAN: Okay. Thank you.
12 Next, we'll have Bill from Pipeline Safety Trust
13 and then Ron Bradley. Thank you.

14 MR. CARAM: Yes. Thank you. This is
15 Bill Caram with the Pipeline Safety Trust. I'm a
16 member of LPAC and thanks for your presentation.

17 I was curious if you could give a
18 sense of how much of our pipeline facilities have
19 been identified as critical.

20 And the reason I ask is certainly with
21 Security Directive No. 1, it's pretty
22 straightforward, a common-sense regulation, and

1 so curious how much of our operators are -- how
2 much of our facilities will be subject to that.

3 MR. GORTON: And I'm sorry, sir, how
4 many -- whose facility? I missed that part, sir.

5 MR. CARAM: Just a sense of, you know,
6 miles of pipeline or number of operators that
7 have been deemed critical.

8 MR. GORTON: Yeah. As I said before,
9 I can't -- the number of exact -- the exact
10 number of operators is sensitive security
11 information. We're not disclosing the number of
12 operators.

13 What we have said publicly is that the
14 operators covered by the SD handle 85 percent of
15 the nation's throughput. So, it is the largest
16 companies, you know, providing throughput.

17 There are some that have because of
18 their particular location and the industry or
19 other customers they serve, makes them critical.

20 So, it's a variety of factors, but
21 throughput is the predominant factor.

22 MR. CARAM: Thank you.

1 CHAIR BURMAN: Okay. And thank you so
2 much. Bill, if you can take your hand down,
3 great. Ron Bradley?

4 MR. BRADLEY: Good afternoon. Ron
5 Bradley from PECO with the GPAC. Scott, thanks
6 for your presentation.

7 Just a quick question going back to
8 Mr. Danner's comment about the Commission and the
9 coverability, et cetera.

10 Would you consider TSA speaking to
11 interveners in some of the rate cases or is that
12 off limits?

13 MR. GORTON: That's an interesting
14 question. I think I'd have to think about that.
15 I'm not the -- I'm going to be honest here. I'm
16 not sure of the role of intervener. So, I better
17 be careful about answering the question or
18 providing an answer without fully understanding
19 the question.

20 MR. BRADLEY: I appreciate that. I
21 understand. You know, I know from those who were
22 involved in the security directives because,

1 since obviously we can't state, but I know those
2 that are involved, it's a very big burden.

3 It is a lot of work. It has taken a
4 great amount of effort and there's a commitment
5 that's, you know, it's just really resource-
6 intensive and it's -- I think it's going to
7 require more discussion. Thank you.

8 CHAIR BURMAN: Okay. Thank you. And
9 then I think there are -- I don't see any other
10 comments from GPAC or LPAC.

11 Before I open it up to attendees, I do
12 know there's some questions there, making sure
13 there's no one else.

14 Okay. Now, I'm going to go to the
15 attendees. John?

16 MR. STODY: Hello. Thanks. John
17 Stody here with Association of Oil Pipelines.
18 Thanks for doing this joint TSA-PHMSA briefing.

19 And we've certainly worked with TSA as
20 described to the trades and I wanted to really
21 ask a question on this PHMSA-TSA MOU.

22 And the slides seem to characterize it

1 as primarily information sharing back and forth
2 between the agencies and my comment was on the
3 need for an ability to participate more on policy
4 development and program implementation.

5 The trades, as you've described, we've
6 worked on this issue universally, gas, liquid
7 transmission, distribution.

8 We felt that the security directives,
9 if implemented as written by TSA, would disrupt
10 operational pipeline systems. And because
11 operational and safety systems are intertwined,
12 would threaten the safety of those systems.

13 So, you did mention the alternative
14 implementation process and then also the action
15 plans for those seeking more time to come forward
16 with additional measures.

17 Both of those depend on the pipeline
18 operational challenges each operator faces.
19 PHMSA appreciates those types of issues.

20 It's our understanding that the review
21 of the security directive, it's fairly cursory,
22 the opportunity provided and there was a limited

1 sharing of concerns about the security directive,
2 so seems like there's a potential to expand or
3 improve on the role of PHMSA helping with policy
4 development and program implementation.

5 So, I wonder is there something in the
6 MOU or other types of agreements that can be
7 changed or added to or acted upon that would
8 enhance the interaction between PHMSA and TSA
9 when it comes to these pipeline operational and
10 safety issues?

11 MR. GAITHER: Go ahead, Scott.

12 MR. GORTON: Yeah, I'll take that.
13 You know, John -- and I know, John, you're
14 familiar with a lot of the work that we did --
15 there's always room for improvement. I mean, I
16 would never say there's not room for improvement.

17 Was there a need to do some things
18 expediently? Would we have liked to have had
19 more time? Yes, given all things considered.

20 We will continue to refine -- these
21 security directives are not, you know, I'm trying
22 to think of the right phrase.

1 The good thing about security
2 directives versus regulation is it is easier to
3 change.

4 If we realize that we've done
5 something that does not have the intended effect,
6 we can easily rescind or change something in the
7 security directive much easier than we could with
8 an existing regulation. So, we, you know, that's
9 one advantage to the security directive.

10 Have we learned lessons through this
11 exercise? Most definitely. About, you know, how
12 we can better coordinate, communicate, get to the
13 right solutions to problems, yeah, we've learned
14 a little bit about all those things. So, we take
15 that to heart and we'll use that to improve.

16 The MOU, you know, does talk about
17 this, you know, but it's an MOU. I mean, it
18 doesn't -- it's a master plan, you know. It's
19 not a, you know, a specification sheet.

20 So, it, you know, it does speak to
21 this. You know, we have the objective, I have
22 the objective of, you know, continually improving

1 our communication or coordination with our
2 government partners be it PHMSA or the Federal
3 Railroad Administration or Federal Transit, you
4 know, all the groups that have a joint interest
5 in, you know, because our interest, as I said at
6 the beginning, and I just can't say it hard
7 enough, our interest with the security directive
8 was to protect pipelines, not to imperil them.

9 So, we've tried, as loudly as we can,
10 to make that clear that if an operator thought
11 that doing something in the security directive
12 was going to jeopardize safety, tell us about
13 that so that we can have a conversation and
14 figure out the right path, the right course of
15 action, because we absolutely do not blindly want
16 somebody to go, well, they told us we got to do
17 it, and then they do something that is harmful.
18 That's not what we want. Absolutely not. Thank
19 you.

20 MR. GAITHER: Thank you.

21 CHAIR BURMAN: Okay. Does anyone else
22 have any other comments or questions at this

1 time? I'm going back to GPAC or LPAC members. I
2 see none at the moment.

3 Now, I'm going back to the public and
4 I don't see any from attendants. I do think this
5 is really very helpful. We are making an agenda
6 change in a moment. I will talk about that.

7 I do want to thank you. I want to
8 also especially say thank you to you coming from
9 TSA giving us this overview and details.

10 There's been a lot of different
11 directives recently and especially as you outline
12 the one that looked at the three critical issues,
13 which was identifying a corporate-level
14 cybersecurity coordinator, as well as reporting
15 the cybersecurity incidences to CISA, and then
16 also looking at the self-assessment and taking
17 that into consideration.

18 I think I did hear a common theme
19 among both the committee members as well as the
20 attendees, that there is a need for continuous
21 improvement in collaboration and drilling down
22 and utilizing and engaging with PHMSA and the

1 experts through PHMSA's advisory committees as
2 well.

3 I think some of the common theme also
4 is how can we ensure that we get out critical
5 information to the public that can be helpful,
6 informative information, but also due to the
7 sensitivity of a lot of this, it's really
8 imperative that we don't have just a knee-jerk
9 reaction of spitting out information to folks
10 even if it's through a FOIA request if the
11 unintended consequences is perhaps, you know,
12 making things more vulnerable by sharing
13 information that should not have been shared, you
14 know, in that format without some sensitivity
15 discussions on ensuring that we're protecting our
16 vulnerable assets.

17 Truly all of us are engaged in making
18 sure that we do all we can do in these critical
19 issues especially as we have some incredibly bad
20 actors that we need to all collectively work in
21 defense of. So, I appreciate that and continuing
22 the dialog with TSA especially as it relates to,

1 you know, what it means on the ground in the
2 relevant states and putting it into operation.

3 With that, does anyone else have any
4 other questions or comments as to this agenda and
5 we'll follow up on that?

6 Hearing none, I do just want to let
7 folks know now, and I'm going to have you come
8 back in a moment, just to make sure we're on the
9 same page for a quick break, but we are going to
10 be moving Agenda Item 9 up when we come back from
11 the break.

12 And that is on the Section 114 issues,
13 briefing on the implementation of Section 114.
14 And then the other agenda items, at this point,
15 will follow right after that, but Agenda Item 9
16 will become Agenda Item 6 and we will take a
17 short break.

18 Alan, do you want to say 2:25?

19 MR. MAYBERRY: 2:25, that sounds good.
20 We'll do a quick break.

21 CHAIR BURMAN: Okay.

22 MR. MAYBERRY: A few of us need to

1 grab something, but thanks.

2 CHAIR BURMAN: Okay. Great. Thank
3 you so much.

4 (Whereupon, the above-entitled matter
5 went off the record at 1:59 p.m. and resumed at
6 2:26 p.m.)

7 CHAIR BURMAN: We're now back from a
8 short break. We are going to be continuing with
9 our presentations today.

10 Just a reminder to folks that we will
11 stop at about 6:00, and then tomorrow, we have a
12 full agenda, but not as long. I think the time
13 is 10:30 to 3:00. Does it start at 10:30 or does
14 it start earlier?

15 MR. GALE: Diane, it starts at 10:30.

16 CHAIR BURMAN: Okay, great.

17 MR. GALE: We anticipate it being done
18 by 3:00.

19 CHAIR BURMAN: Great.

20 MR. GALE: If it needs to go a little
21 over, it will be fine, but we anticipate that it
22 will be complete by 3:00.

1 CHAIR BURMAN: Great, okay, so 10:30
2 Eastern Time. I do just want to kind of -- we
3 did move around the cybersecurity one and had it
4 before lunch. We were short for time, so we did
5 cut off some of the presentation, the PowerPoint
6 itself, and opened it up to questions.

7 I know that this is a very sensitive
8 area. I want to thank PHMSA for its engagement
9 with the committee as well as other stakeholders
10 who are really interested, and the TSA MOU
11 agreement.

12 I do know that some of the sensitivity
13 is also about how to ensure that those experts of
14 industry, as well as the regulators, as well as
15 other stakeholders who can be helpful with the
16 engagement with TSA are very much included.

17 It's not enough at times just to reach
18 out. You really do need to fully understand and
19 work through any challenges, especially when it
20 comes to sharing of sensitive information and the
21 protocols in doing so, to ensure that we're doing
22 all we can to not create an unanticipated risk

1 with that.

2 With that, we're now going to go to
3 the new agenda item six. Rod, I think you go
4 first in the presentation, and then if you need
5 help with anything, let us know. Thank you.

6 MR. SEELEY: My slides are up?

7 CHAIR BURMAN: Yes, we can see them.

8 MR. SEELEY: Very good, thank you.

9 So, I'm going to give a very short overview of
10 the hazardous liquid rule that was published in
11 October of 2019. I know time is short, so these
12 will be very short so you can move onto the gas
13 rule and then the 114 implementation.

14 My name is Rod Seeley, National Safety
15 Coordinator for the Office of Pipeline Safety,
16 and I was the lead on the implementation of this
17 rule.

18 As a little bit of background, the
19 rule was published in October of 2019. We call
20 it the new liquid rule. The effective date of
21 this rule was essentially July 1 of 2020, but
22 various sections within that rule had different

1 effective dates and I'll get into that in just a
2 minute.

3 As far as the implementation program
4 that we started in late 2019, PHMSA conducted
5 outreach to various stakeholders. We have a
6 public meeting in Houston, or rather Sugar Land,
7 Texas in February of 2020.

8 We met with NAPSRS virtually on
9 multiple occasions during the summer of 2020, and
10 the implementation team developed the inspection
11 content or the questions, if you will, and we
12 trained both federal and state inspectors
13 throughout the summer of 2020.

14 After July of '20, after the effective
15 date went in place, the hazardous rule inspection
16 responsibility transitioned over to the federal
17 regions and the state inspectors, so that would
18 have been the fall of 2020 in what they would
19 have incorporated (audio interference) they would
20 have incorporated that into their normal
21 inspection regimes. So, for the federal, they
22 would have integrated the new hazardous liquid

1 rule regulatory requirements into what we call
2 our integrated inspection process.

3 As mentioned earlier, there are
4 various effective dates of the rule. On the
5 screen, you can see the various sections of that
6 rule that are in effect today.

7 Some of the larger ones are like the
8 extreme weather inspections that went into
9 effect. Some of the leak detections for new
10 pipelines are in effect, and there are various
11 integrity management additions that are in
12 effect.

13 Obviously, there are the self-
14 executing portions, the data sheets and the
15 integrity assessments for a certain pipeline, and
16 the reporting requirements are all in effect, so
17 those would be available for inspection as we are
18 going on right now.

19 There are some sections that are not
20 in effect yet, and so that will be rolled into
21 future inspections. For example, the leak
22 detections for existing lines. That requirement

1 kicks in in 2024, assessments outside of an HCA,
2 that's kind of a tricky one.

3 The assessments have to be completed
4 by 2029. An operator could begin that at any
5 time, but they're not technically required to be
6 completed until 2029.

7 The new information analysis addition
8 under 195 452G go into effect in 2022, so that
9 will probably -- that will be a larger focus in
10 the next year's inspection cycle, and lastly, the
11 requirement to accommodate ILI and HCAs, that has
12 a final requirement of 2035.

13 And I know this was quick and it was
14 short, and I wanted to reel back some time for
15 the gas rule implementation and for the 114
16 discussion, so I will turn it over to Chris
17 Hoidal.

18 MR. HOIDAL: Thanks, Rod. Are you
19 seeing my screen yet?

20 CHAIR BURMAN: No, not yet.

21 MR. HOIDAL: Okay.

22 CHAIR BURMAN: I still don't see your

1 screen.

2 MR. HOIDAL: Interesting.

3 (Simultaneous speaking.)

4 CHAIR BURMAN: It's up.

5 MR. HOIDAL: Okay, there was a
6 considerable delay. Sorry about that. Yeah,
7 okay, so this is Chris Hoidal. I'm a Senior
8 Technical Advisor for the Program Development
9 Division.

10 And I too, I took a similar approach
11 to implementing the new 2019 gas rule that Rod
12 did, but due to the complexity and the number of
13 requirements of the regulation, we took a
14 slightly different tack.

15 We had to spend more time clarifying
16 the regulation, you know, communicating
17 expectations to the operators, as well as
18 significantly more time training the inspectors.

19 That said, it is a similar strategy,
20 and unlike where hazardous can kind of roll --
21 the hazardous liquid regulation can be rolled
22 into the existing inspection framework, we're

1 recommending that the 2019 gas rule inspections
2 be done as standalone inspections.

3 So, real quickly, I know there's a lot
4 of liquid people in the room and there's some
5 people just need a quick refresher of the rule.
6 This won't take long. This presentation is
7 derivative of what I gave to the AGA a couple of
8 weeks ago in Orlando.

9 I'm just going to focus on the real,
10 near-term implementation dates, and when I say
11 near-term, what we're telling the inspectors to
12 focus on now, some compliance tools that have
13 been posted for both the states and the pipeline
14 operators and the public, our strategy and
15 training, and then some areas where there's a
16 little bit, despite all the coordination, and
17 collaboration, and clarification with the
18 operators, there's still a little bit of areas
19 that need to be further clarified.

20 So, today, I'm just going to talk
21 about RIN 1. You know, for the people that don't
22 know this, this was a painful process that went

1 on for ten years, but RIN 1 is what came out in
2 the 2019 gas rule as part of what used to be
3 called the mega rule. It's been split into
4 three.

5 RIN 1 only talks about the mandates
6 and the NTSB recommendation, mostly what came out
7 of the 2010 San Bruno incident that killed eight,
8 you know, and 38 hours destroyed, as well as the
9 2012 Sissonville incident that shut down I-77 in
10 West Virginia.

11 RIN 2, once RIN 2 comes out, we expect
12 that that would be rolled into our training, and
13 our FAQs and, you know, positive inspections that
14 we did for RIN 1 since we expect that will be an
15 expansion of --

16 Well, RIN 2 would be an extension of
17 what we're doing for RIN 1, and then gas
18 gathering is still pending, but I don't think
19 that fits well within RIN 1 and RIN 2.

20 So, the two primary things we've been
21 training the operators, I mean, not the
22 operators, the inspectors on is the MAOP

1 reconfirmation process, and we got 15 years
2 there, the material verification that's needed to
3 support the MAOP reconfirmation process.

4 One of the things that operators need
5 to realize, material verification goes beyond
6 just MAOP reconfirmation needs. It's also needed
7 for repairs. It's needed for engineering and
8 critical assessments.

9 So, material verification is still
10 very much a needed process that goes beyond just
11 whether or not you need MAOP reconfirmation.

12 And the second big part of the rule is
13 assessments outside of HCAs. Our training and
14 our outreach also discusses long-term receiver
15 safety and MAOP exceedance reporting and other
16 changes to IMP, but the focus for the inspectors
17 has been those first two long-term programs.

18 What we've been telling inspectors are
19 to focus on these yellow highlighted items.
20 There's dozens of crumbs in the regulations. You
21 guys can read this.

22 A lot of these requirements were due

1 July 1, 2020, but because of the stay of
2 enforcement that was issued by PHMSA, only the
3 reporting aspects, you know, only the reporting
4 aspects were required to be followed up on.

5 You know, operators were still
6 encouraged to implement procedures that addressed
7 parts of the rule that didn't have specific
8 timeframes.

9 They needed to start recording their
10 class location designations and how they
11 determined it, and begin to identify which
12 pipeline systems were going to be covered by the
13 regulations, including which ones were going to
14 get assessed.

15 The bulk of the regulation though
16 became effective just a few months ago. They
17 needed to start using the new incident report
18 form that's posted to the docket.

19 They needed to start developing MAOP
20 reconfirmation processes and procedures, and that
21 included the fact that hey, in order for me to do
22 these MAOP reconfirmation processes, I needed to

1 know where my MCAs were.

2 MCAs are moderate consequence areas,
3 and just to remind everybody that didn't go
4 through the painful rulemaking process over the
5 last time, moderate consequence areas are
6 anywhere where the potential impact radius of the
7 pipeline impacts five or more habitable buildings
8 or impacts a major roadway.

9 Long-term receivers had to be
10 retrofitted or replaced to allow for the
11 depressurization and identification whether there
12 was any pressure in the barrel. We expected to
13 see preliminary assessment plans for assessing
14 moderate consequence risk pipelines.

15 We expected to see preliminary plans
16 for reconfirming the MAOP. You know, you have
17 six different methods to reconfirm MAOP. If you
18 started to do that, you needed to do it in
19 accordance with your new procedures, so a lot
20 became due this July.

21 And lastly, even though it hasn't been
22 approved by OMB yet, the annual report for

1 anything that supports the 2019 gas rule, that
2 was posted this June.

3 The first new annual report submittal
4 date is next March. They need to report on all
5 MCAs, how you're reconfirming MAOP, how many 192-
6 710 pipelines have been assessed.

7 That all needs to start next year, and
8 like I said, that's posted to the PHMSA website
9 as well. That though, there is some sections
10 that haven't had OMB approval.

11 The takeaway from this is whatever is
12 posted right now is probably what you got to use,
13 and if anything happens to what's posted right
14 now, it's going to be a subset of what's there
15 now.

16 All right, so this one I'm going to
17 talk about, the most important thing is what we
18 have done with communicating our expectations to
19 the industry of what we believe compliance would
20 look like, and we did this through the use of
21 frequently asked questions and publishing
22 inspection forms.

1 So, like Rod said, you know, we too
2 did, we crafted frequently asked questions based
3 on requests we got from industry, state and
4 federal regulators, and the public.

5 During the last administration, any
6 comments, anything we -- basically our draft
7 responses, we had to put them out there for
8 public comment.

9 We got our comments back. There was
10 a lot of them, but it was almost like a little
11 mini rulemaking process. We had to address the
12 comments in our final answers.

13 And because we had gotten so many
14 requests, we actually started batching the FAQs.
15 The first batch of FAQs went through the public
16 comment period and we posted our final responses
17 last September.

18 As we were posting the final
19 responses, we got a request for 24 more FAQs.
20 Those responses have been drafted. They have
21 been posted. We got comments back, but they have
22 not -- they're still under legal review.

1 I will say this. The draft responses
2 that were posted to the docket and what we have
3 proposed that is going under legal review right
4 now, there's not much difference. There's, I'd
5 say, two FAQs that are, I would say, more
6 controversial.

7 And this is where you guys could find
8 both the draft responses, the comments back to
9 us, and then the final responses.

10 Okay, your questions, what we did with
11 this is we used the FAQs as kind of a touchstone
12 for what we consider to be adequate under the
13 final rule.

14 So, PHMSA's policy is we have a
15 question set of how we're going to ensure
16 compliance with the new regulation. The pipeline
17 operators have that same set, but it doesn't have
18 those enforcement considerations.

19 So, you have three buckets out there.
20 You got the federal compliance set, you have a
21 mirror image that the states are using, and then
22 you have a public set that the operators can use,

1 and the only difference between PHMSA, and the
2 states, and the public set are the fact that the
3 operators can't see our enforcement
4 considerations.

5 There is 69 questions associated with
6 the gas rule. About 30 are procedure related,
7 about 30 are record related, and maybe eight or
8 nine observation questions.

9 What's a little bit different about
10 this question set is we reordered them so they
11 appear -- and again, the pipeline operator's
12 version looks like the state version, which looks
13 like the federal version.

14 They're ordered in a format that,
15 basically in a format that's most usable by
16 pipeline inspectors. So, when an inspection
17 unfolds, you guys should be looking at things
18 unfolding in the same manner.

19 Another thing we did with the
20 inspection, and this is different than other
21 posted inspection questions, is we actually added
22 flowcharts and diagrams to aid in the

1 implementation of the regulation.

2 So, you know, everybody can read the
3 regulation, but some people like to see
4 flowcharts and diagrams of how to best implement
5 the regulations.

6 So, when you go -- when the operator
7 downloads the inspection questions, he'll see
8 about 20 or 30 flowcharts and applicability
9 drawings appended to the back end of the
10 inspection questions.

11 Strategy and training, we did five
12 pilot inspections. These companies, they
13 basically volunteered. We told them, you know,
14 we would identify things that were good
15 practices, things that needed a little bit of
16 work, and things that, if they were not
17 corrected, would lead to enforcement.

18 There was five companies done. The
19 pilot inspections were used, like I said, to
20 tweak expectations, tweak our FAQs, and actually
21 tweak our inspection questions, and we only
22 focused on the five or six most important aspects

1 of the regulation.

2 These are the companies that were
3 involved in the pilot inspections, Boardwalk,
4 Iroquois, Louisville, Dominion Energy, and
5 Southern Star.

6 National Grid was kind of a limited
7 pilot. We only focused on in situ testing to
8 collect material attributes, but these six
9 companies, they did go through the inspection
10 process and they were all different.

11 They all had different methodologies.
12 They all had different processes, but the one
13 central good thing from all of these pilots, they
14 all had great recordkeeping systems.

15 They basically utilized their GIS
16 systems to house all their attribute data. I was
17 really impressed. You could tell they had been
18 working on these for years.

19 There is some areas that need
20 attention. Sometimes it's not clear whether a
21 pipeline is grandfathered or not. Sometimes
22 operators think that they have hydro test

1 compliant records when they're not.

2 Operators always didn't do a great job
3 of defining what we call opportunistic digs. You
4 know, that's basically opportunities to select
5 material attribute data in situ or destructively,
6 either one.

7 Some of the companies didn't think
8 that they would need an ECA analysis to reconfirm
9 their MAOP. I thought that was a little short-
10 sighted because not everybody is going to read
11 hydro tests. Not everybody is going to take a
12 pressure test. Not everybody is going to be
13 replacing pipe.

14 There may be times that you need to do
15 an engineering critical assessment to evaluate
16 the MAOP of the pipeline. The only thing if you
17 want to use an ECA, it's predicated on having
18 good ILI data and good material data.

19 Training, we have trained 59 state
20 inspectors through our TQ, well, basically
21 virtual platform. These 59 state inspectors are
22 from 43 state programs.

1 So, only a handful of states -- you
2 know, Alaska and Hawaii don't have state
3 programs, so only a handful of states have not
4 gone through this training. Other states like
5 Texas and California sent multiple inspectors.

6 There are 22 federal inspectors
7 trained from five PHMSA regions, so we have a
8 cadre of people trained to come out and start
9 inspecting your systems. Again, the key focus of
10 the training is consistency and clarity, so I
11 think we're off to a good start there.

12 One thing we weren't expecting, we had
13 to do a renewed emphasis on MAOP determinations,
14 class location studies, basically things that
15 have already existed in the regulations, because
16 these are all precursors to applying the new MAOP
17 reconfirmation regulations, so we had to do a
18 renewed emphasis on these topics, and the
19 interstate systems obviously will be targeted by
20 PHMSA.

21 GRIT, that's the Gas Rule
22 Implementation Team which consists of four PHMSA

1 people as well as two state people, they were
2 provided a prioritized list of what pipeline
3 operators should be looking at first, and
4 generally, and this is generally, they are
5 grandfathered pipeline systems that may have
6 class three, four, and HCA areas.

7 Because of the annual reporting not
8 being required, the new annual reporting not
9 being required until next year, this is how we
10 had to start.

11 So, obviously the bigger companies
12 like the TransCanadas and the Enbridges, they're
13 going to show up first, but, you know, after
14 they're done --

15 And the Gas Rule Implementation Team
16 will be attending those inspections, then we'll
17 get to the pipeline systems that have less
18 grandfathered pipeline, and then move onto post-
19 1970 non-grandfathered pipeline that has class
20 three, four, and HCAs.

21 Your PHMSA people and our interstate
22 agents will be using the inspection system

1 software. For the interstate pipelines, if
2 there's -- NAFSER (phonetic) has the analog
3 version of the inspection assistant questions
4 that are virtually identical.

5 And these are the four topical areas
6 that still seem to be what I call areas needing,
7 areas that I would say there's still a little bit
8 of delta between what we expect out of the
9 regulations and what operators are providing.

10 Of these four, MAOP reconfirmation
11 applicability, you know, whether or not their
12 pipeline even, you know, it falls underneath the
13 new regulations; non-TVC hydro tests, just
14 because a TVC hydro test may have been accepted
15 in the '80s, if they don't have the key
16 components of a hydro test, we may not accept it;
17 opportunistic dig definition, we really want to
18 make clear that operators should be collecting
19 material attribute data even if they don't have
20 to do MAOP reconfirmation; and then also the
21 proper application of engineering critical
22 assessments.

1 Considering how large the rule is and
2 how many moving parts it has, really the areas
3 still needing clarification are not that big.
4 I'll turn it over to Byron.

5 CHAIR BURMAN: Thank you. Byron, we
6 can see your screen. Thank you.

7 MR. SEELEY: Byron, you may be on
8 mute.

9 MR. COY: Sorry about that. I'm going
10 to talk to you about the inspection program for
11 Section 114.

12 Section 114 for inspections and the
13 inspection process is made up of three parts.
14 The first part is focused on the reduction of
15 natural gas emissions, those from a fugitive leak
16 and those from intentional releases through
17 operation, maintenance, and emergency response
18 activity.

19 So, because it's focused on natural
20 gas, you know, the principal engagements on this
21 topic will be for those operators who transport
22 natural gas, but there are a few non-natural gas

1 operators who use natural gas for power or
2 controls implementation, actuators.

3 So, our interest for emission
4 reduction would be for some hazardous liquid
5 operators. It's only in regard to how they use
6 and manage the natural gas emissions in their
7 operations. There would be very few of them.

8 The second part of 114 talks about the
9 remediation or replacement of leak prone pipe, so
10 this would affect natural gas emissions, but
11 also, you know, the persistence of leak prone
12 pipe, you know, poses a threat and, you know, a
13 danger to the public and the environment.

14 The operator trends in this regard,
15 you know, are to address the systematic or
16 problematic areas for recurrence of leak issues,
17 you know, based on material, design, operating
18 practices and maintenance history.

19 The language of the act specifically
20 calls out cast iron, unprotected steel, wrought
21 iron, and certain plastics, but it's not
22 exclusively those types of materials. There are

1 materials as well that the operator may have
2 identified that persist in their operating
3 system.

4 And certainly the last part of the
5 114, very abruptly, we wanted to be accommodated
6 in operators' programs and procedures, but we
7 don't want those efforts at the expense of
8 safety, and that the safety for the public and
9 the environment is to be maintained or, you know,
10 improved where practical. You know, we don't
11 want changes made for natural gas emission, et
12 cetera, to impact safety.

13 The inspections that were mandated to
14 perform are across all pipeline asset types,
15 various asset types that, you know, transport
16 natural gas, but also hazardous liquids, you
17 know, for leak-prone pipe issues and for
18 hazardous liquids that would use natural gas in
19 their process.

20 The inspections that we ask to
21 perform, there would be thousands of them. They
22 would be performed by PHMSA, and a ton of

1 inspections would be performed by our state
2 partners, and all of these inspections are
3 supposed to be completed across 2022.

4 The objective of those inspections is
5 to determine the adequacy of the operators'
6 programs to accommodate the instruments for
7 natural gas emission management and reduction,
8 and the further efforts for the remediation and
9 replacement of leak-prone pipe.

10 And 2022 will be the first trip to
11 inspect all operators, but we will be performing
12 that process into a five-year cycle, and we'll
13 spread the inspections out over, you know, a
14 longer period of time and blend it in with the
15 other inspections we're already engaged in.

16 We based our work on the recerts that
17 EPA had done to determine the source of natural
18 gas emissions, and a lot of emissions and
19 transmission comes from compression stations and
20 compression station equipment.

21 The amount of methane releases, you
22 know, are down from the previous year, so there's

1 already a lot of work engaged in this process.
2 The EPA is very engaged with gas transmission
3 operators.

4 And in our initial review of work that
5 operators are engaged in, a great part of the
6 expectations we have for Section 114 are already
7 at least partially and sometimes accommodated in
8 the work that operators are already performing.

9 For gas transmissions, you know, the
10 majority of the source of natural gas here is
11 through leaks through service lines and mains.
12 They're a factor coming into play as well.

13 The EPA is not quite as engaged with
14 the distribution companies as they are with
15 transmission.

16 The team we've put together to create
17 our inspection criteria is made of, you know, a
18 number of federal staffers and also from the
19 state programs. We've come up with the eight
20 topic areas that you see here.

21 Each of those topic areas has a few
22 questions. The total of the questions that we

1 have to use is 34. We may make adjustments to
2 those questions as we near completion of our work
3 and in preparation for the rollout in January.

4 No one asset type would be the
5 recipient of all 34 questions, and the questions
6 that are put together, there's one for
7 transmission, one for distribution, different
8 types of gas, et cetera.

9 We also have done or are doing the
10 pilot inspections, the first of which we did in
11 Ohio late in September, and we'll be wrapping up
12 here next week. We tried to make sure that we
13 covered at last two pilot inspections for each of
14 the asset types.

15 We will be regrouping here in a couple
16 of weeks to, you know, gather up our lessons
17 learned on these pilot inspections to adjust our
18 question sets, maybe shuffle them as needed,
19 maybe add or take away questions as appropriate.

20 So, after the pipe check, you know,
21 was published December of '20, we engaged in the
22 process. We put out an advisory bulletin earlier

1 this year reminding operators of what the
2 requirements were that were laid out in Section
3 114.

4 We're just about wrapped up developing
5 our inspection criteria and our pilots. We'll be
6 finalizing our inspection material early in
7 November, and then we'll have inspector training
8 for federal and state inspectors in late
9 November, and we'll be rolling out to begin
10 inspections in January.

11 Because we have so many inspections to
12 complete all in the one year, we're going to have
13 to get out there early in the year to be able to
14 get all of that work accomplished.

15 That's all the material I've brought
16 with me along today to share with you.

17 MR. HOIDAL: Ms. Burman, I think we're
18 ready for questions.

19 CHAIR BURMAN: Yes, thank you. So,
20 first of all, thank all three of you for
21 presenting. Now I'm going to open it up to
22 anyone who has questions. I think we're going to

1 do this in two parts.

2 First, we're going to have questions
3 on the HL and GT, the hazardous liquids and gas
4 transmission questions, and then we'll go to
5 questions on Section 114 more specifically.

6 So, for those who may have a question
7 or a comment on HL and GT, please raise your hand
8 so that I can call upon you.

9 All right, I don't see anyone in the
10 GPAC or LPAC with any questions or comments on HL
11 or GT. I'm going to go to the attendees. Okay,
12 and I see no questions. Oh, one question. I'm
13 going to go back to Andy Drake.

14 Again, just to remind folks, please
15 say your name, your organization, and if you are
16 on GPAC or LPAC. And we do have some others now
17 who are raising their hands, so, great. Andy?

18 MR. DRAKE: Thank you, Commissioner
19 Burman. This is Andy Drake with Enbridge with
20 the GPAC committee.

21 I really want to go back to a question
22 actually more for Chris Hoidal who was talking a

1 little bit about Subpart J records, Subpart J
2 compliance records.

3 And I think it was for the hydrostatic
4 testing in particular and there was a comment
5 about if you're not grandfathered, you know, or
6 that you declare that you're not grandfathered,
7 you need to meet Subpart J requirements.

8 I think that the committee really
9 deliberated over the records with regard to
10 hydrostatic testing explicitly because,
11 grandfathered status or not, these pipes were
12 built before the regulations and we recognize
13 that they wouldn't meet Subpart J recordkeeping
14 requirements.

15 And we were trying to figure out how
16 to define a reasonable and practicable solution
17 because part of our charge on the committee, you
18 know, we put down records specifically about
19 providing guidance in the transcripts.

20 And I would encourage the group to go
21 back to some of that guidance, especially in
22 areas where there's uncertainty, because this is

1 a significant issue for people, you know, to try
2 to meet current hurdle rates on Subpart J, you
3 know, recordkeeping requirements.

4 (Audio interference.)

5 MR. HOIDAL: Okay, the approach we've
6 done, Andy, is obviously if it's post 1970 after
7 the code existed, 517 has explicit requirements
8 of what records need to be kept. You know,
9 you're talking about medium duration, accounting
10 for elevation.

11 We realize Subpart J didn't exist
12 prior to 1970 and, you know, they're following
13 B318, and they didn't even have a duration back
14 then, but that said, a lot of companies did stuff
15 that was just as good as a Subpart J hydro test.
16 Maybe they're missing one thing.

17 We did put -- you know, we have been
18 training our inspectors, listen, if they have the
19 key components of a Subpart J hydro test -- and
20 they don't have to be perfect.

21 Let's say they're just missing a
22 signature, you know, or let's say they're missing

1 elevation, we don't have a problem with them
2 going back and adjusting for elevation after the
3 fact.

4 So, we realize that B318 did not have
5 those requirements, and we've been training the
6 inspectors to use some judgment of what's
7 accepted, but at the same time, we've looked at
8 stuff where we see affidavits 16 years after the
9 fact where somebody said oh, yeah, I witnessed
10 this back in 19, you know, 61, you know, and
11 signed in 1975. Yeah, we're telling our guys
12 that's not good enough.

13 So, that deviates a little bit from
14 the white papers that were done back in 2016.
15 So, we agree with a lot of what the issue said,
16 but in cases of, you know, where they just
17 weren't TVC records, we did tell the inspectors
18 those would not be good enough.

19 But, yeah, there's a judgment call,
20 and the records that are provided don't have to
21 be contemporaneous. They can supplement it with
22 additional information like I said, like go in

1 there. They know where the test header was, but
2 they just don't have elevations considered. For
3 one in Florida, we may not worry about it.

4 In Delaware, we may not worry about
5 it, but in mountainous areas, we would want the
6 operator to go back and just retrofit those old
7 hydro tests and make sure they considered
8 elevation changes, so I hope that helps.

9 MR. DRAKE: I appreciate that, and I
10 know that the devil's in the details so to speak.

11 MR. HOIDAL: Yeah, it is.

12 MR. DRAKE: There's a lot of gray in
13 there we're trying to work with and that's really
14 my recommendation. I appreciate the challenge
15 that you have, but the committee did wrestle with
16 this at great length.

17 (Laughter.)

18 MR. DRAKE: For many, many days, we
19 wrestled with this in committee about how to
20 create a practicable rulemaking and guidance
21 here, and I would encourage you, in those areas
22 of uncertainty, try to go back to the transcripts

1 because we really tried to be articulate about
2 how to communicate that gray space, so, thanks,
3 Chris.

4 MR. HOIDAL: I do want to point out
5 one thing, where we are really sticking to our
6 guns. You know there was a petition to the gas
7 rule July of last year that was responded and
8 there was a modification to the regs saying that
9 if the pipeline is not grandfathered, it's a
10 modern pipeline, the only TVC record they need to
11 have is a valid Subpart J hydro test.

12 So, let's say it's 1985, okay? If
13 they don't have a valid Subpart J hydro test
14 according to 517, we say that they're out of
15 compliance. So, that is -- we're more strict
16 with the requirements of 517 after 1970, and then
17 it is a judgment call prior to 1970, okay.

18 CHAIR BURMAN: Before we go to the
19 next person, Andy, did you have any follow-up
20 question or comment?

21 MR. DRAKE: No, I appreciate Chris'
22 take on that. I just think that it is a very

1 pragmatic issue and a very practical issue.
2 We're going to have to work through it and I
3 think not everybody is going to have all of those
4 records, and so how do we land in a reasonable
5 place? So, that's --

6 MR. HOIDAL: It's a tough challenge.

7 MR. DRAKE: Thanks, Chris.

8 CHAIR BURMAN: Okay, I don't see any
9 other comments from the GPAC or LPAC. Before I
10 go to those in attendance who aren't on the
11 committees, just making sure there isn't anyone
12 else in GPAC or LPAC?

13 Okay, with that, I'm going to go to
14 Brandi Wolfe. Please state your name and the
15 organization you're with if you're with an
16 organization. Thank you.

17 MS. WOLFE: Hi, my name is Brandi
18 Wolfe. I'm with a company called WSB and my
19 question is for Chris, and I wanted to ask a
20 question specifically to your slide about
21 overarching pilot results.

22 I think it was somewhere around slide

1 number 22. Can you elaborate on the last item
2 which was regarding determining which components
3 are applicable under material testing?

4 And I'm asking because recently there
5 have been some questions about what we would call
6 an auxiliary component such as a bolt or a
7 gasket, and the expected NTR for those items is
8 they're to be included.

9 CHAIR BURMAN: And I think you might
10 be still muted if you're responding.

11 MR. HOIDAL: Yeah, Brandi, so what
12 you're talking about is 192-607-F, and what
13 components are applicable under 192-607-F.

14 So, when we did the pilots, even
15 though they all had the same regulation, they
16 were looking at anything greater than two inches,
17 or anything with an X42 pipe material, or
18 anything that couldn't be isolated from the main
19 line, they all had a different approach of what
20 they considered to be applicable per that
21 regulation.

22 So, what we did is we got all of the

1 input. We got input from our team and we created
2 a series of applicability slides. Those are
3 attached to the back end of the inspection forms,
4 and we actually defined these things are
5 definitely in no matter what. These things are
6 always going to be applicable under 192-607-F.

7 A lot of companies went further. For
8 example, let's say you have a blow down stack
9 around a main line valve. Some of the people,
10 they only took it to the first isolation off the
11 main line, isolation valve off the main line.

12 Other people took it on a crossover,
13 but what we're saying as a regulator, we took it
14 to the first isolation valve off of the main
15 line.

16 Okay, now you're talking about
17 ancillary or pertinence. If it can be isolated
18 from the main line, then anything downstream of
19 that does not have to be tested. Does that help,
20 Brandi?

21 MS. WOLFE: Yes and no.

22 MR. HOIDAL: Okay.

1 MS. WOLFE: I think specifically the
2 question was regarding bolts. You know,
3 technically those cannot be isolated, but they
4 may not have an NTR that includes all mechanical
5 and chemical properties. They may just state
6 that they meet a certain industry standard, so --

7 MR. HOIDAL: Okay, as far as bolts,
8 you know, things that can't be isolated were
9 considered -- the thing that interests us most is
10 the rating. We're not interested in the chemical
11 properties. We're just interested in the
12 ratings.

13 MS. WOLFE: Okay, that helps. Thanks,
14 Chris.

15 MR. HOIDAL: Sure.

16 PARTICIPANT: You're on mute, Diane.

17 CHAIR BURMAN: Thank you, sorry. So,
18 before we get to Section 114 questions or
19 comments, I don't see any more questions on the
20 gas transmission or hazardous liquid rules. Just
21 raise your hand if you still do.

22 Not seeing that, now we're going to go

1 to any questions folks may have specifically to
2 the presentations as it relates to Section 114.
3 I see Ronald Bradley.

4 Again, just a reminder, state your
5 name again, organization, and which committee you
6 sit on. Thank you.

7 MR. BRADLEY: Thank you. Ron Bradley
8 with PECO on the GPAC, and my question or my
9 comment is more to Byron. Hello, Byron.

10 MR. COY: Good afternoon.

11 MR. BRADLEY: So, I appreciate how you
12 laid out Section 114 and I agree. I'll sort of
13 go in reverse of those three priorities. The
14 efforts must not erode safety. I think that's
15 awesome. Pipeline safety is like top priority.

16 And I'm sort of repeating a little bit
17 of what I said earlier, tagging onto the chat
18 from earlier around readjusting our lens to make
19 sure we adjust for minimizing releases of natural
20 gas and protection of the environment. I think
21 that is very important. I think that underscores
22 the need for research and development on

1 technology.

2 I also want to comment that, you know,
3 some of this stuff, it's going to be a
4 progression, and we do have certain pieces of
5 equipment that are designed, if they work
6 effectively, that they will release gas to the
7 atmosphere to protect the solution, right?

8 You could have certain situations that
9 are out there, and I think you're going to
10 understand this, where we have leaks or we have
11 gas in an area where we need to vent. That's
12 one.

13 We could have distribution stations
14 along many distribution systems where we don't
15 have worker monitor kind of regulators where they
16 have relief valves that release pressure to the
17 environment if there's a buildup of bad pressure
18 on the distribution system.

19 So, there are some aspects of our
20 business that we're going to have to figure out
21 over time. I think in the meantime, the approach
22 to modify our plans as called for and then expect

1 the inspections in 2022, I think it's going to be
2 great.

3 I think as long as we -- you know,
4 understand we're trying to get there, and whether
5 it's the distribution system or the LNG site,
6 there's work that we have to do because some of
7 our equipment is designed to release natural gas
8 into the atmosphere.

9 I do think that there are some
10 capabilities moving forward, and once again, the
11 technology will help us get there.

12 The last thing I want to mention is
13 this is one that I have trouble figuring out.
14 Right now, there are factors where we measure
15 greenhouse gas for greenhouse gas reporting where
16 we use basically a factor based on pipe material.

17 When we do some of this work to
18 eliminate or reduce releases, we're going to have
19 to figure out how to also capture that in a way
20 that it can help us figure out if we're getting
21 better or not.

22 Because the way we're doing it now by

1 retiring outmoded main like cast iron, bare
2 steel, wrought iron and ductile is basically
3 putting in plastic or cathodically protected
4 coated steel and getting a really low factor, but
5 then when we change practices to collect gas
6 instead of blow it down, we're not going to be
7 able to take that off of our measure.

8 So, it sort of creates a little bit of
9 a dilemma. We're going to do the right thing,
10 but it would be great to understand where we're
11 getting better. Do you have any comments on that
12 or is it at least something to think about in
13 2022 when we get closer to the rule?

14 MR. COY: Yeah, we gained a lot of the
15 information through the pilot inspections we
16 performed and we intentionally put in our plans
17 for early November to figure out exactly what our
18 inspection questions need to be and what our
19 objectives ought to be as a result of that, so
20 your comments are timely.

21 CHAIR BURMAN: And I do see Alan
22 Mayberry has his hand raised, so Alan, if you'd

1 like to share?

2 MR. MAYBERRY: Yes, thanks, Madam
3 Chair, Alan Mayberry. Ron, I appreciate your
4 comments and I agree it will be an iterative
5 process.

6 You know, for those of you who are
7 familiar with our PIPES Act of 2020, you know,
8 you need to be very familiar with Section 113 and
9 114, the topic here today, because they are
10 interrelated.

11 You know, 114 does cover leaks, but
12 also it does what we can do now related to
13 operational releases, and therefore, you know,
14 Congress put a self-executing requirement there
15 and we'll inspect against what operators have
16 done to update their O&M plans, but a lot of
17 moving parts on 114.

18 Now, ultimately there will be a GAO
19 audit of what we do, and then ultimately, I
20 expect there will be a report that could very
21 well recommend further actions that are taken
22 based on the learnings of what we've done in

1 Section 114.

2 So, it will be an iterative process,
3 but it is quite a -- you know, between 113 and
4 114, it's very comprehensive.

5 MR. BRADLEY: Thanks.

6 MR. MAYBERRY: Good seeing you, by the
7 way.

8 CHAIR BURMAN: Great, thank you so
9 much. And I do see now we have Rich and Alan,
10 yeah. Rich, do you want to ask your question?
11 And Alan, your hand is still raised.

12 MR. WORSINGER: I do. Thank you,
13 Diane. Good afternoon, everybody. I have a
14 comment and a question, first a comment to Alan.

15 Alan, I know your staff has had a lot
16 to work on and I appreciate that you're still
17 working from home, but just the comment is
18 getting the slides to us ahead of time really
19 helps.

20 I've been scrambling here trying to
21 take notes as I'm looking at slides and keep up
22 with everything, and it's a challenge.

1 My question, on slide number five, I
2 think I got that right, I jotted down inspect to
3 determine adequacy of operators' programs. So,
4 my question is what programs are you referring
5 to?

6 It's my understanding, and I could be
7 wrong, but it's my understanding that the scope
8 of the congressional mandate is specific to
9 operators' inspection and maintenance for O&M
10 plans, and will PHMSA and the states' inspections
11 be limited to inspections of O&M plans or will it
12 expand beyond Congress' scope?

13 MR. COY: This is Byron. Our
14 objective for this first round of inspections is
15 to look at the plans and procedures operators may
16 already have in place for natural gas management
17 and releases, for things that they, plans they
18 are preparing for that would be implemented, you
19 know, shortly after.

20 We're not inspecting for rollout of
21 programs. We're looking to see that the plans
22 have been put in play to prepare for execution

1 going forward, you know, for natural gas
2 reduction.

3 CHAIR BURMAN: Chris, do you have any
4 comments before we move onto the next person?

5 MR. HOIDAL: No, Diane, I think that
6 clarifies it. Thank you.

7 CHAIR BURMAN: Okay, great, and you
8 can put your hand down. Great, thank you. Andy
9 Drake, you're up again. Reminder to start with
10 who you are and your organization.

11 MR. DRAKE: Thank you, Chairman
12 Burman. This is Andy Drake with Enbridge and the
13 Gas Pipeline Advisory Committee.

14 I have maybe just kind of an
15 observation. Obviously, I want to make it clear
16 industry is committed to operating pipelines
17 safety and reducing planned and unplanned
18 releases of methane.

19 Many of us have goals to reduce
20 emissions and have timelines with specific
21 targets that we come out publicly with and
22 they're broad. They're far reaching. They go

1 beyond the pipelines. They go to every piece of
2 equipment in this business in general.

3 I'm a little bit kind of confused with
4 how you see 114 being implemented without having
5 a clear 113 in front of it. I think the intent
6 of Congress was to try to meet the requirements.
7 114 was going to have to meet the requirements of
8 leak detection and repair as defined under 113.

9 So, if we get 114 out ahead of 113, I
10 don't know if we're going to have the clear
11 targets and scope that we need to try to ensure
12 some sort of continuity in how the industry is
13 going to go after this. This is a huge effort
14 without a very clear target.

15 I think the things that caught my
16 attention, Byron, when you were going through
17 this was so many of the sources of release are
18 outside our O&M plans.

19 They're things like dry gas fields.
20 They're things like gas-fired starters on
21 turbines. You know, they're rod packings on
22 recip engines. They don't have anything to do

1 with pipeline safety.

2 They're managed in other, by EPA
3 frankly, with reports we have to them, but
4 they're not connected to our O&M plan and I'm
5 trying to --

6 I think that may be a derivative of
7 the question that Rich was asking is when we talk
8 about our O&M plan, is it pertaining to issues
9 that are related to PHMSA and PHMSA's charge with
10 regard to pipeline safety?

11 Are we not expanding PHMSA's charge to
12 go beyond pipeline safety and start looking at
13 pieces of equipment, you know, and turbines, and
14 things like that? It seems very unclear to me,
15 very ambiguous at this point.

16 CHAIR BURMAN: Thank you for the
17 questions. Does anyone from PHMSA have a comment
18 to the question?

19 MR. COY: I could --

20 (Simultaneous speaking.)

21 MR. COY: Go ahead, Alan.

22 MR. MAYBERRY: No, go ahead, Byron.

1 You start and then I'll finish up.

2 MR. COY: We were looking to address
3 natural gas releases from operations, maintenance
4 practices, and certain emergency response
5 activities, so we're looking for gas in those
6 realms.

7 So, they may not be currently in our
8 OM&E manuals, but we're looking for opportunities
9 for reductions in those areas, so plans and
10 procedures in that regard, you know, as you
11 mentioned, many of which are already enforced.

12 We saw a lot of that across our
13 pilots, but the programs you have in place may
14 not necessarily find their way into the OM&E
15 procedures. There might be, you know, that it
16 appears in some sort of environmental management
17 regimen instead.

18 MR. MAYBERRY: Yeah, I was just going
19 to add that Congress clearly -- you know, one
20 thing we were talking about at the start of this,
21 you know, clearly expanded our authority related
22 to, you know, adding protecting the environment

1 to our mission.

2 And, you know, to that end, you know,
3 reducing methane emissions through operational
4 releases will be an area that, you know, we will
5 ultimately address in rulemaking at some point,
6 but, you know, to keep things moving, Congress
7 provided a self-executing provision that gives
8 direction, you know, for operators to update
9 their O&M standard, and that's what we would
10 inspect against.

11 But like Ron was saying earlier though
12 too, this will be an iterative process. You
13 know, we have a long history of, you know, a very
14 deliberative approach to rulemaking, to guidance
15 and the like, and we don't --

16 You know, we can't regulate from a
17 standard that's not there, but nonetheless, you
18 know, one foundation of our inspections is
19 reviewing O&M plans and what operators put into
20 them.

21 And one of the challenges, you know,
22 as we work through the pilot inspections, and

1 we're not done, is just, you know, what is that
2 standard? What is a robust plan?

3 We expect that a plan that says reduce
4 greenhouse gas emissions, period, is not
5 acceptable, but there needs to be some meat on
6 the bones that is meaningful and addresses
7 releases that are operational and also addresses
8 the leaks as well because it does cover leakage,
9 but, you know, that's based on what we know
10 today, but I believe this will be an iterative
11 process.

12 We've communicated with the industry
13 and we'll continue to do that with all of the
14 stakeholders as we go forward to get this right,
15 and we certainly won't go beyond our authority,
16 but we will do what we can do, you know, and
17 that's really what Congress is asking us to do,
18 so I hope that helps.

19 CHAIR BURMAN: Andy, before we go to
20 the next person, do you want to comment on that?

21 MR. DRAKE: Just a point of maybe
22 clarification, we're not really challenging

1 congressional direction to you about expanding
2 your authority. I think there is some authority
3 there. I think the question really is about
4 ambiguity. How expanded is it?

5 I mean, if we're going to get into
6 turbine replacements because PHMSA says we should
7 lower our dry gas seal releases, that's a very
8 different direction than anywhere we've ever been
9 with PHMSA before. If we're going to talk about
10 getting into methane tracking on blowdowns, that
11 seems related, and it's just where is that?

12 And I think really, Alan, my
13 recommendation here would be because this is such
14 a huge effort and we kind of got two parallel
15 events happening, 113 and 114 at the same time, I
16 think it's really incumbent on us to pump the
17 brakes a little bit here as we get done with some
18 of this net that's been cast to gather
19 information that Byron referred to and help
20 people clarify the target.

21 What is it that we're talking about?
22 Are we talking about turbines? Are we talking

1 about releases from pneumatic actuators? Are we
2 talking about leaks from tubing? Are we talking
3 about leaks from pipelines?

4 Are we talking about vented gas from
5 post-combustion out of a compressor? What
6 exactly are we talking about and what is the
7 standard of care? You know, I heard Deputy
8 Administrator Brown working together to not just
9 reduce, but minimize.

10 Okay, like I said, the industry is in
11 this. We're trying to get to set targets that we
12 have. What is it that PHMSA interprets that to
13 mean?

14 Because I think the rule or the
15 advisory bulletin was so ambiguous, I think we
16 have a host of different interpretations of what
17 that means, and that's going to be a challenge
18 for PHMSA to apply and it's going to be very
19 frustrating for operators to try to hit.

20 So, I guess that's really my hope here
21 is that we can at least be intentional to create
22 a place where we get resynchronized tonight

1 because it's not clear is really my point.

2 MR. MAYBERRY: Right. And I can
3 appreciate that. You notice we worked to land on
4 the sweet spot here of our oversight program and
5 your understanding of the expectations there.

6 So, you know, I think what we are
7 prepared to do as we go forward is obviously stay
8 in communication with all of the stakeholders and
9 perhaps, you know, as we get closer to the end of
10 the year, you know, at a good point in time have
11 some sort of discussion, a public discussion, to,
12 you know, kind of wrap-up, be a wrap-up to our
13 pilot inspections. And it would be more of a --
14 give a better idea of where we're headed, you
15 know, in the coming years as we start the
16 inspections. So that's something that I think
17 we're prepared to work toward. So, Andy, I
18 appreciate your concern.

19 MR. DRAKE: Thanks, Al.

20 CHAIR BURMAN: Okay. Oh, Andy, if you
21 can put down your hand that would be great. We
22 do have two members of the Committee. We're

1 going to go to Chad first and then Ronald.

2 I do also want to recognize that I'm
3 aware that we have at least one -- Erin Murphy, I
4 see your hand up. We'll get to you after we go
5 through the Committee first.

6 If there are any other Committee
7 members, we're going to go to them before we get
8 to the non-Committee members. So why don't we
9 start with Chad. Again, remember everyone, say
10 your name, your organization and which Committee
11 you sit on for the record. Thank you. Chad?

12 MR. ZAMARIN: Thank you. Chad Zamarin
13 with Williams, and I'm with the Gas Pipeline
14 Advisory Committee. And maybe just carrying on
15 that conversation a little bit, just a few
16 thoughts, maybe a question.

17 I do think, you know, we need to be
18 careful as companies, as an industry, we're
19 mobilized -- there's a massive mobilization going
20 on from a greenhouse gas emissions perspective.

21 You know, we're -- and I do think
22 PHMSA has a role to play in that. But I would

1 just be careful that we don't get at conflict
2 with other areas of effort and potentially not
3 put the emphasis where the value is going to be
4 at.

5 You know, kind of to what we spoke
6 about earlier, there are some specific areas
7 where I think PHMSA can enhance the journey
8 towards emissions reduction. But, you know,
9 we've got massive sustainability efforts
10 underway, ESG efforts underway. We have ETA
11 programs that we're working through.

12 We've all, you know, I mentioned
13 earlier on the interstate side of the business,
14 we've committed as an industry to a net zero
15 ambition. And I can cut at 90 percent of the,
16 you know, opportunity in our perspective would
17 fall outside of what would be an O&M kind of
18 manual type of effort.

19 And so I do think PHMSA is clearly
20 defining its role. I think it would be
21 beneficial for both, you know, us that are
22 operators and PHMSA as a regulator because there

1 are -- PHMSA is in a very complex landscape right
2 now. And if we don't get it right, there are
3 going to be conflicting, I think, efforts. And
4 we might not be putting the effort in the area
5 where the need is greatest.

6 And so I would just ask if there is an
7 opportunity to clearly define -- you know, Alan,
8 you mentioned that there has been additional
9 jurisdictional authority afforded to PHMSA. But
10 I think defining -- can we define what that is?
11 And can we also try to target that towards where
12 we think the benefit will be significant?
13 Because if all we do is go through the O&M
14 Manual, and we try to pepper, you know,
15 everywhere we can with some emissions reduction
16 language, I'm not sure that it recognizes the
17 right strategy for, you know, driving toward the
18 goal.

19 And that's what we've really been
20 focused is let's set clear targets and goals as
21 companies, as an industry and then each of us
22 have to individually go out and figure out where

1 we get the results.

2 If we try to do kind of a one size
3 fits all and pepper it through a safety
4 regulation, I just worry that we're going to take
5 away from the effort that we're already
6 committing to under different, you know,
7 jurisdictional structures, whether that's ESG and
8 our investors driving us, EPA and their rules and
9 regulations or other kind of net zero programs
10 that are being put in place.

11 So I just wonder is there an
12 opportunity to continue to clarify the role that
13 PHMSA plays and how you interpret that
14 jurisdiction and what's the goal that we're
15 trying to accomplish?

16 MR. MAYBERRY: Yes. Thanks, Chad, for
17 that. A couple of things, first off, you know,
18 the process we're going through now with our
19 pilots and having discussions with you and with
20 other stakeholders is really helping us hone what
21 our approach will be.

22 But, you know, we're not going to

1 overstep our authority. I mean, that's just a --
2 our attorneys wouldn't allow us to do that. And
3 we're not going to -- you know, we are going to
4 practice good government. And EPA has their
5 role, and certainly, they're a big part of this.
6 And they will continue to be. But, you know, I
7 think as we move forward as we round out our
8 pilot inspections and conclude those, you know,
9 you'll have a good idea of where we're headed on
10 this.

11 I don't think you need to be too
12 concerned that we're going to overstep our
13 authority and then, too, I think you'll
14 understand, you know, where we're going to be
15 heading in the next year.

16 But the other thing I just wanted to
17 reinforce, this isn't a one and done deal. This
18 is going to be a journey because, you know,
19 Section 114, right out of the box we're doing
20 what we can do. But, you know, there's more to
21 learn. This will be a learning experience for us
22 as well as far as learning what practices you are

1 doing.

2 Like the question I would have is, you
3 know, what do operator -- you know, how is the
4 practice of reducing blowdowns to the atmosphere,
5 you know, and diverting it to a low pressure
6 pipeline? I would expect that that's a practice
7 that would be used. Is that the only practice?
8 No. Probably not. And there are probably areas
9 -- in fact, I'm sure there are areas where you
10 can't do that.

11 But I think this work will guide us.
12 It will also help inform the report that's
13 expected by 114 that we'll see where we need to
14 go. And I think that will add further clarity.
15 Again, it's a journey just like S&S. I hope that
16 helps.

17 CHAIR BURMAN: Chad, do you have any
18 other comments or questions before we go to the
19 next folks?

20 MR. ZAMARIN: Yes, thanks. Just a
21 quick follow-on. It does help. You know, I
22 think it's helpful for all of us to remember, you

1 know, the transition that we're going through is
2 significant. And I think we've got clarity
3 around the goal. But the path to getting there
4 is still very much, you know, in the early
5 innings of being defined.

6 So, you know, I think staying
7 coordinated with all of the different
8 stakeholders and being careful not to prescribe,
9 you know, kind of the specifics of how we get to
10 the goal when we're this early on in the process
11 is something that we should keep in mind.

12 Because I think that's what we really
13 try to encourage is let's get laser focused on
14 what the goal should be. Let's be careful not to
15 over define the way to get there because this
16 whole industry is still -- you know, this kind of
17 emissions reduction, net zero industry is just
18 now getting kind of in its infancy. Thank you.

19 MR. MAYBERRY: Thanks.

20 CHAIR BURMAN: Great. Thank you so
21 much. And, Chad, if you can put your hand down.
22 We do have two more people who are on the

1 Committee, Ronald Bradley and then Bill from
2 Pipeline Safety. And then we do have two people
3 in the queue for the public, that's Erin Murphy
4 and David Murk. And I think other people have
5 started to raise their hands, too.

6 I'm going to go back now to Ronald and
7 then Bill and then Rich, who is also on the
8 Committee. Erin and David, I know that you've
9 had your hand up for a while, but we do go first
10 per protocol to the Committee and then to the
11 public. So, Ronald?

12 MR. BRADLEY: Thanks, Chairman. Ron
13 Bradley from PECO with the GPAC. So let me see
14 if I can try a different approach here because I
15 think I'm building off of what Byron said.

16 So I understand 113 and 114. I think
17 114 -- when I think about Section 114, you know,
18 it brings to mind the work that the American Gas
19 Association did on the white paper considerations
20 for eliminating hazardous leaks and minimizing
21 releases of natural gas.

22 And then, you know, so when I think

1 about 114, I think about, all right, it's a self-
2 executed mandate. Congress, I believe, there the
3 rulemaking is going to be extensive. So Byron
4 help me here.

5 Is it more that, hey, look, I think
6 this is what you said. Just build into your
7 plans where you will start to show consideration
8 for reducing natural gas leaks in your operation.
9 Don't just operate your facility in a way that
10 deals primarily with public safety and hazards to
11 buildings, explosions, things like that.

12 If you have a plan that doesn't have
13 enough consideration into it for releases of
14 natural gas, you know, figure out where the
15 technology is going, like some of the technology
16 out there for collecting natural gas instead of
17 just using nitrogen and pushing it out of the
18 pipe to the atmosphere and let's try to collect
19 that. Figure out where you have aspects of your
20 routine program where you can, you know, change
21 the way you do things, maybe limit the operation
22 of certain pieces of equipment, and put that in a

1 plan, and we'll come look at it.

2 And then as this thing progresses
3 further down, because in my mind I'm not thinking
4 targets and things like that. Obviously, I think
5 the wheel that you put up for distribution leaks
6 such as 40 percent of the distribution of the
7 data on gas distribution systems, 40 percent of
8 that emissions was -- 46 percent was leaks. And
9 I get that.

10 I think the accelerating retirement of
11 main and services is going to reduce that
12 continually. I'm not even trying to reduce the
13 pie. I'm trying to reduce the circle, right? So
14 dig in, bring that down, find a way to address
15 meters although in many states gas is still
16 growing. So as we put more meters in with the
17 factors it might look like it's going up.

18 But the long and short is, it seems to
19 me you want to see us moving in the right
20 direction as an industry, and you want to come in
21 and check our plants to see if we basically have
22 done nothing in our plants from a different

1 perspective or for showing places in our plants,
2 especially leveraging the AGA white paper on
3 considerations for eliminating hazardous leaks
4 and minimizing releases of natural gas.

5 That's the way I hear you, Byron. Am
6 I off point or am I close?

7 MR. COY: Well, first off, the AGA
8 paper, I wish that would have been published six
9 months ago. It would have made our job easier
10 because a lot of things we're calling for, you
11 know, are mentioned in that paper, which came out
12 about the time we were ready to start into our
13 pilots.

14 But, you know, a lot of the things we
15 mentioned, you know, operators are already
16 engaged in release management. But we have just
17 never, you know, been asking about that
18 previously. It's now brought more into the
19 forefront for us to monitor and examine what
20 programs are there.

21 As Andy mention, you know, operators
22 are, you know, engaged in doing a lot of work

1 already in this area outside of the scope of our
2 interest in previous inspection work. So we
3 would like to see what they're doing.

4 We're not necessarily -- you know, you
5 may not have to do something better than you're
6 doing once we can identify what activities the
7 operators gave them, we may find that what you're
8 doing is admirable at the place you're currently
9 running. We just don't know that just yet.

10 MR. BRADLEY: Thank you.

11 CHAIR BURMAN: Okay. Thank you so
12 much. All right. So we're going to go to Bill
13 and then Rich and then if there are no more
14 questions from GPAC or LPAC members, we'll go to
15 the public. And we'll start with Erin and David.
16 Still, again, I would remind everyone your name,
17 your organization and which committee you sit on.
18 Thank you. Bill?

19 MR. CARAM: Thank you, Chair Burman.
20 My name is Bill Caram. I'm with the Pipeline
21 Safety Trust, and I sit on LPAC. I just want to
22 say I do appreciate the difficulties that the

1 ambiguity of Section 114 raises for the
2 operators. Just a reminder that, you know, we
3 are in a climate crisis, and Congress did issue
4 this mandate that's now law.

5 We clearly see this to be within
6 PHMSA's authority. And I'll just say from a
7 public perspective, I think what we're expecting
8 to see is a good safe effort that operators
9 update these O&M plans to the best of their
10 ability to start cutting methane emissions as
11 soon as possible without waiting for promulgated
12 rules. That can take some time. So that's it.
13 Thank you.

14 CHAIR BURMAN: Thank you, Bill. You
15 can put your hand down. That would be great.
16 Does anyone have a -- do you have a comment to
17 Bill? Okay. Hearing none, we'll go to Rich.

18 MR. WORSINGER: Hi. Rich Worsinger,
19 Wilson Energy on the Gas Pipeline Advisory
20 Committee.

21 And just a follow-up comment to Alan.
22 I think a public meeting about PHMSA's

1 expectation would be very, very helpful. It
2 would help alleviate some of these questions,
3 concerns that you are hearing us, clarity about
4 which portions of the inspections are for
5 enforcement versus which ones are informative.

6 And, Alan, you know, you've dealt with
7 this for years. You know, we want to get this
8 right. None of us want to be spending our time
9 and efforts on the wrong area. And I also
10 recognize this is a new initiative, and we're all
11 learning as we go. So, again, I think that
12 meeting would be very helpful.

13 MR. MAYBERRY: Thanks, Rich. And,
14 yes, I think as we navigate this communication is
15 key. So I think, you know, that I think more
16 than ever it will probably help in this case
17 whether it is ambiguity that we keep seeing.
18 Thanks.

19 MR. WORSINGER: Great. Thank you.

20 CHAIR BURMAN: Great. And now we have
21 another member from the Committee, back to Chad
22 and then we'll go the public unless there's some

1 other member. Thank you.

2 MR. ZAMARIN: Thank you, Chairman.
3 Chad Zamarin with Williams, GPAC. I just wanted
4 to respond, a follow-up to Bill Caram's comment
5 that I totally agree with his comment. And at
6 least for my part, from an industry perspective,
7 we're not waiting on PHMSA regulations.

8 And my point is that this issue has
9 become an issue where our social license to
10 operate is what's going to drive us to take on
11 this challenge. I mean, our industry are taking
12 on the challenge of the need for energy to be
13 delivered to our customers but also the need for
14 emissions to be reduced.

15 I mean, we clearly heard that as a
16 messaging. So my comments were to be careful
17 that we don't try to regulate that from PHMSA's
18 perspective which I'm not sure has the bandwidth
19 nor the expertise to drive the greatest
20 reductions in emissions across our system.

21 So I think you've got to play your
22 part. You've got to know your role. But I

1 totally agree with what Bill Caram said. And I
2 would just say for my part, I've seen the
3 industry get it. There's no one that's going to
4 think that a PHMSA regulation is what's going to
5 help us, you know, get to our net zero goals.

6 And so that's why, you know, I just
7 want to make sure we try to make sure everybody
8 is getting their kind of capabilities and
9 jurisdictional authority in the right role so we
10 all get the maximum result possible.

11 CHAIR BURMAN: Thanks. Alan, do you
12 have a comment to that?

13 MR. MAYBERRY: Yes. Just a follow-up.
14 Thanks. I love it when our public and operator
15 stakeholders are on the same page related to, you
16 know, what we're after. So thanks for that, and
17 I look forward to working with all of you as we
18 move forward.

19 CHAIR BURMAN: Great. Thank you,
20 Alan. You can put down your hand. Seeing no
21 other comments or questions from the GPAC or LPAC
22 members, I'm going to move now to the public. I

1 want to thank Erin and David for your waiting to
2 talk. So, Erin, I will go with you again. Your
3 name and the organization that you are
4 representing. Thank you.

5 MS. MURPHY: Thanks, Commissioner
6 Burman. This is Erin Murphy. I'm with the
7 Environmental Defense Fund. Thank you, Byron,
8 for that helpful presentation. It's really
9 valuable to pick up some insight into how PHMSA
10 is approaching the Section 114 implementation and
11 great to see that the Agency is, you know,
12 preparing and on track to start the inspections
13 in 2022.

14 I wanted to ask a couple of questions.
15 To start, it would be helpful to hear more from
16 the Agency about how PHMSA is planning to ensure
17 transparency around the Section 114 mandate.

18 So, Byron, you described the
19 inspection criteria that are being finalized. It
20 would be helpful to hear if the inspection
21 questions are going to be made public so the
22 public can understand, you know, what is being

1 expected of pipeline operators to comply with
2 this element of the PIPES Act of 2020.

3 Another question that came to mind
4 along the same vein for me was, you know, there's
5 going to be these inspections ongoing throughout
6 2022. And then as Section 114 requires, there
7 will eventually be a GAO report that my
8 understanding is that's expected to be completed
9 by the end of 2023.

10 I mean, that's a ways out, right, from
11 the time when the inspections are occurring. So
12 I think EDF's hope would be that PHMSA might be
13 thinking about ways to make this process more
14 transparent. And I'm curious if PHMSA is
15 thinking about ways to share, you know, outcomes
16 from the inspections as they're happening
17 throughout 2022 or what other sort of plans are
18 in store for transparency. Thanks.

19 MR. COY: This is Byron. In answer to
20 the first part of your question there, our
21 traditional practice is that we'll establish the
22 question criteria that we use. This question

1 will go into the public domain. So, you know,
2 all interested stakeholders, you know, would be
3 able to see the questions that we are going to be
4 asking.

5 We have not released that as yet
6 because we're just working on the development
7 now. We'll be wrapping that up, you know, by the
8 end of November.

9 I heard some interest in more
10 information by the public about our expectations.
11 And Alan may have comments about how to arrange
12 to make that happen.

13 We periodically would give
14 presentations about progress in certain
15 initiatives. We've in the past provided
16 statistics of composite information about the
17 other types of inspections we've performed. And
18 there's no reason why we couldn't do the same for
19 114.

20 MR. MAYBERRY: And just to follow-up
21 on that. Byron covered it well. But as it rolls
22 into our inspection process, you know, the

1 results of inspections roll into our enforcement
2 transparency database and a complete set of
3 metrics is available today.

4 I would fully expect, Erin, that, you
5 know, as we learn from, you know, our
6 implementation of Section 114 of the inspections
7 that considering the audit by GAO and then also,
8 you know, the expectations on us to report on
9 this will also include a level, you know, of
10 details on the results of our inspections.

11 I can't predispose that, but I would
12 expect that it would be included there. But at a
13 minimum, that would be on our website for, you
14 know, where we -- all the parts to our work for
15 all information related to inspections and
16 enforcement. Thanks.

17 CHAIR BURMAN: Erin, do you have a
18 comment or follow-up to what you heard before we
19 got to the next speaker?

20 MS. MURPHY: Yes. Thank you so much.
21 That was helpful and, you know, we'll be
22 interested to sort of follow along and track that

1 information as it comes forth. So thank you for
2 clarifying that.

3 I have one additional question, which
4 I just wanted to talk a little bit and understand
5 how PHMSA is thinking about understanding
6 greenhouse gas emissions from gathering pipelines
7 in particular.

8 Byron, I saw in your presentation, you
9 know, you were sharing some information that was,
10 I believe, derived from EPA data to track the
11 emissions from both transmission and distribution
12 lines.

13 I didn't see a sort of parallel
14 assessment of emissions from gathering lines. I
15 know EDF has pretty significant concerns about
16 the methane leakage that is happening from
17 gathering lines around the country, and I just
18 wondered if you could speak more to that.

19 MR. COY: Yes. Jurisdictional gas
20 gathering lines are a part of the asset group
21 that would come under the inspection process.
22 That is one of the assets that are set to go into

1 the string of assets on the slide deck.

2 MS. MURPHY: Sorry. Just to follow-up
3 and clarify there. So you're confirming that
4 gathering lines are subject to 114? I just
5 wanted to understand what you were -- go ahead.

6 MR. COY: Well, the jurisdictional gas
7 gathering lines would be included. Those that
8 are not jurisdictional would not be included at
9 this time.

10 MS. MURPHY: Right. Understood. And
11 so are you, you know, similarly looking at
12 greenhouse gas emissions reporting data from EPA
13 to think about what those emissions look like or
14 just how are you approaching that consideration?

15 MR. COY: We use the EPA data from all
16 workers, from different types of pipelines to
17 establish the question sets. And some of that
18 data influences the question set we would be
19 using for gas gathering.

20 MS. MURPHY: Okay. Thank you.

21 CHAIR BURMAN: All right. Are you
22 good, Erin, before we move on to the next person?

1 MS. MURPHY: Yes. Thank you,
2 Commissioner.

3 CHAIR BURMAN: Great. And thank you
4 again for your patience, Erin.

5 MR. COY: Excuse me. I guess I should
6 have said regulated gas gathering was the
7 jurisdictional.

8 MS. MURPHY: Understood. Thanks.

9 CHAIR BURMAN: Okay. Thank you. You
10 can put your hand down, Erin. Now we have David.

11 MR. MURK: Yes, thanks Chairman. So
12 I had a question actually going back to Byron's
13 presentation and really more on the liquid side
14 actually.

15 So clearly the intent of Section 114
16 is focused on natural gas and methane emissions.
17 But, you know, based on how the language is
18 written clearly, how these liquid operators have
19 been pulled into it. So I just wanted to make
20 sure it was clear because I still do get asked by
21 operators on the intent and what is actually
22 required for having these liquid pipeline

1 operators.

2 And it's my understanding, Byron and
3 Alan, that the intent with how there's liquid
4 pipeline operators, as Byron said, is that
5 essentially they would get asked during an
6 inspection whether they had natural gas
7 operations in some way as operators, whether
8 that's an accessory or, you know, what that might
9 be, auxiliary equipment, et cetera.

10 So I just wanted to make sure I'm
11 clear on that. You know, what is expected? What
12 is that going to look like for a hazardous liquid
13 operator? And I'm assuming as part of the
14 inspections in 2022, you're going to have to go
15 to each liquid operator as well. So any clarity
16 on that would be helpful. Thanks. Thanks,
17 Chairman.

18 MR. COY: This is Byron again. Dave,
19 you are correct. The natural gas emission
20 aspects of 114 would be applicable to hazardous
21 liquid operators if they use natural gas, fuel
22 gas or instruments or actuator control.

1 So the few operators that have natural
2 gas in their operation, we will be establishing
3 questions based on the natural gas aspect. The
4 fact that they use natural gas doesn't expand our
5 interest into hazardous liquid transmission. It
6 would only be focused on how natural gas is being
7 used and managed and released.

8 The leak-prone pipe part of 114 is
9 applicable to all operators. It does not have a
10 natural gas affiliation. So there would be a few
11 questions that would be posed to liquid operators
12 about leak-prone pipe, you know, prep beyond the
13 category of the example pipes that are shown in
14 the language.

15 CHAIR BURMAN: David from API, did you
16 have any follow-up questions before we continue?

17 MR. MURK: No, I don't think so. I
18 think, you know, just a better understanding, you
19 know, what is -- and, again, it's been part of
20 the discussion around the gas side and how far
21 and to what extent this is going to go and their
22 interpretation of that provision and what leak-

1 prone pipes would mean.

2 I mean, as part of an integrity
3 program, there's already those requirements,
4 right? So I guess it's just understanding a
5 little bit more on that. And this might not be
6 the forum for that. It might be a separate
7 discussion. But, yes, that's all I had. Thanks.

8 CHAIR BURMAN: Okay. Thank you. Does
9 anybody have any follow-ups to what we've heard
10 so far before we continue? Okay. Hearing none
11 and seeing none, I just want to kind of level set
12 for a little bit.

13 We did in this agenda item, which we
14 moved from Agenda Item 9 right to right after our
15 break so it became Agenda Item 6 for those who
16 may have missed that.

17 We looked at the gas transmission
18 integrity management rule as well as the hazard
19 liquid integrity management rule, which laid out
20 regulations specified how pipeline operators must
21 identify, prioritize, assess, evaluate, repair
22 and validate the integrity of these gas

1 transmission pipelines or the hazardous liquid
2 pipeline that could in the event of a leak or
3 failure affect high consequence areas within the
4 United States.

5 We also looked at Section 114, which
6 we're looking at the statutory mandate to update
7 inspection and maintenance plans to address
8 eliminating hazardous leaks and minimizing
9 releases of natural gas in pipeline facilities
10 and looking at the fact that operators must
11 revise their plan to address this.

12 I do just point out that we heard a
13 lot of, you know, conversation on what does this
14 look like from an implementation perspective and
15 an execution perspective?

16 Both the PIPES Act Section 113 and 114
17 as folks know are self-executing, meaning that
18 PHMSA does not need to promulgate regulations in
19 order for operators to meet to take action such
20 as revising or making their procedures. That is
21 looking at to be done by the end of 2021. And
22 then all states must review all operator

1 procedures by the end of 2022 and then we also
2 are looking at the GAO report for 2023.

3 So there's a lot of discussion on, you
4 know, the devil is in the details with the
5 execution and implementation.

6 Some things that I heard is the need
7 for engagement and addressing the natural
8 emerging challenges and questions that arise from
9 the new statutory obligations with the
10 environmental now more expressly in the statute
11 the need to be focused on the environment.

12 And what I also am hearing with that
13 is making sure that there are clear
14 jurisdictional guardrails and working through
15 those challenges that are similar to how the
16 states are looking at their clean energy
17 transition issues as well.

18 And within the framework of PHMSA,
19 PHMSA is, you know, Alan had spoken a little bit
20 about the real importance of working within their
21 statutory authority and ensuring their efforts on
22 pipeline safety are done but recognizing that the

1 new statutory obligations that come in have to be
2 looked at in light of the whole with their
3 jurisdictional issues.

4 There's a lot of discussion, and I
5 think there's a lot of follow-up that will
6 happen. And Erin Murphy from EDF, you know,
7 raised a good point in terms of looking at how
8 you're doing that from a transparency perspective
9 and some of the questions that arise from that.

10 I'm sure these are going to be
11 important conversations to continue in a
12 collaborative fashion.

13 I do just want to point out going back
14 to Acting Administrator Brown kind of three
15 points that he has been speaking about lately,
16 which is the need for continuing and enhancing
17 our cooperative relationship as well as
18 navigating emerging challenges and then the
19 importance of communicating our work and then
20 looking at it from new statutory obligations.

21 And I did say Section 113 and 114 are
22 both self-executing. That was a mistake. It's

1 really only Section 114 that's self-executing.
2 Section 113, though, is an important component of
3 that.

4 With that, before we go on to the next
5 agenda item, does anyone have any other comments
6 or questions that are important for us to
7 address? Great.

8 Seeing no hands, we are now on Agenda
9 Item -- the new Agenda Item 7. We have three
10 agenda items to get through, and we're going to
11 turn now to David Lehman to discuss the 2020
12 PIPES Act briefing. Thank you.

13 MR. LEHMAN: Thank you. First, I'd
14 like to do a sound check.

15 CHAIR BURMAN: You sound great.

16 MR. LEHMAN: Okay. Great. Thank you.
17 I've had some technology challenges earlier
18 today. And you should soon be seeing my slide
19 deck.

20 CHAIR BURMAN: And we can see it now.

21 MR. LEHMAN: Okay. Very good. Well,
22 first of all, thank you very much, Madam Chair,

1 for that kind introduction. I'm Dave Lehman.
2 I'm the Director of Program Development within
3 the Office of Pipeline Safety.

4 I've been in this position for
5 approximately 10 months and came to this position
6 in December of 2020. And when I returned from
7 the holidays, I found that the PIPES Act had
8 passed and that I would be asked to be tracking a
9 lot of what we're doing.

10 So what I'm going to be talking about
11 here is the PIPES Act of 2020. It was signed on
12 December 27, 2020, at approximately 10:00 p.m. on
13 December 27. And what it does is reauthorize the
14 Pipeline Safety Program through fiscal year 2023.

15 It includes 38 mandates advancing
16 pipeline safety, environmental protection,
17 technology innovation, effective government and
18 then, of course, some workforce development.

19 My slides have been really kind of
20 focused around those areas, pipeline safety,
21 environmental, technology, innovation, effective
22 government. I'm not going to touch on the

1 workforce development in this presentation
2 because those are really kind of mandating, you
3 know, how many staff we have and the like. I
4 believe that has been covered elsewhere.

5 I wanted to point out, you know, 38
6 mandates. As we run down them, 16 of them affect
7 rulemaking, 7 require new rulemakings, 7 advance
8 or modify existing rules and then 2 may need
9 modified procedures. But we're still evaluating
10 those, and in some cases, you know, we're coming
11 to some conclusions on that.

12 Eleven mandates require study reports
13 and reviews. Some of those have already been
14 completed. Six are self-executing as you had
15 mentioned, Madam Chair, but they affect those
16 operators, PHMSA and our state partners. We had
17 two hiring mandates and then GAO was mandated to
18 do these studies.

19 So for comparison just how did this
20 look, you know, compared to the 2011 and 2016
21 Acts? There were 42 mandates in the 2011 Act,
22 and 40 of those mandates have been completed thus

1 far. And as you will see in the PIPES Act, some
2 of those are advancing, in the 2020 advancing
3 those 2011 mandates.

4 And then in 2016, we had 16 mandates
5 and 17 of those have been completed. And once
6 again, those that had not been completed have
7 typically rolled over into the 2020 mandates.

8 So starting into the enhancing
9 pipeline safety, there is no real organization to
10 this or priorities here I'm just doing them by
11 sections for each of these like safety,
12 environmental, et cetera. So please don't read
13 any prioritization into this.

14 I've also made some highlights here as
15 you'll see color coding as to what's required of
16 the mandate within them. So regulations are red,
17 and you'll see colors for green and blue for
18 others.

19 So starting off, the first mandate is
20 to issue regulations prescribing the
21 applicability of the requirements to idle
22 pipelines as you probably all are aware. There

1 is definition or there is no status on the idle
2 pipeline.

3 We have put up an advisory board in
4 the past on those. But as we know that sometimes
5 pipelines are not in use, but they plan to be
6 used in the future. So those are still subject
7 to the regulation although we do recognize that
8 some regulations are not applicable to a pipeline
9 that is not operational.

10 So what Congress has asked us to do
11 here is to issue regulations prescribing those
12 that are applicable to a pipeline. And so it
13 really does create that third category of idle
14 pipeline.

15 The deadline of that one, you'll see
16 most things are either one year, two years, three
17 months. And they give us, you know, standards
18 so. That one I believe John might have touched
19 on that earlier today, but we see that the
20 deadlines give us prioritization. They help, you
21 know, show us where Congress puts our priorities.
22 But, again, we also look at the resources.

1 The LNG facilities is the next one
2 that was in Section 110. And really it's to
3 review and update 49 CFR Part 193 to include
4 large scale liquefaction. We had an existing
5 rule on that one, and this one would be modified
6 to address the 110. That one had a due date of
7 2023, end of the year.

8 Gas gathering, and this one put a
9 prioritization on issuance of a final rule in the
10 gas gathering. As you can tell by the deadline,
11 that was a high priority for Congress to us and
12 John, in his presentation earlier today,
13 highlighted where it is in our priorities.

14 Class location, that one basically
15 addresses the use of these Advisory Committee
16 procedures whether to advance the rulemaking on
17 class locations, the existing rule. And that one
18 really is to determine whether to have an
19 Advisory Committee meeting. So I think that one
20 is a relatively easier mandate to meet. And I
21 know meetings are going to be scheduled here in
22 the future.

1 The next one is integrity management
2 for distribution pipelines. And really here, we
3 are to conduct a study on integrity management
4 methods to determine which could drive a greater
5 level of safety for specimens of distribution
6 systems.

7 So this is a study. And you'll note
8 the color coding on green on that one so. That
9 study is due in 2022, end of the year.

10 The next big section -- I lumped all
11 the Leonel Rondon Pipeline Safety Act into this
12 one thing, to this one column. You see the row
13 in this table. It has some various timelines.
14 John spoke significantly on that rulemaking that
15 is undergoing.

16 I'm going to talk a little bit more.
17 I have some separate presentation slides on that
18 specific act since it was pretty extensive.
19 Just, you know, part of the act is in memory of
20 Leonel Rondon who lost his life in Merrimack
21 Valley incident in Massachusetts. So I'll be
22 covering a little bit more on that a little bit

1 later in this presentation.

2 The pipeline safety management systems
3 or SMS, we are to submit a report on the number
4 of distribution operators who have implemented
5 SMS in accordance with API recommended practice
6 1173. And that is due in December of 2023.

7 Switching gears a little bit here, and
8 the first two items on this one are ones that
9 have been extensively discussed today with the
10 leak detection and repair. John has covered the
11 113 at length this morning. And then we also
12 talked a little bit at the 114. Notice the
13 deadlines on those things where they really do
14 highlight the priorities of Congress for us to be
15 working on.

16 The 114, the phase mandate just to
17 reiterate the timeline, so really the self-
18 executing piece, there is one mandate in that, us
19 to enforce in the following years and another
20 mandate, I didn't color code that one, but the
21 GAO, the study, what we and the state have done
22 and make recommendations.

1 And also PHMSA is to conduct a study
2 on the technology. So then based on all of that,
3 the Secretary of Transportation is to consider
4 de-regulation. So this ties back into that kind
5 of duplicate, if you will, into 113 and follow-
6 ons to 113.

7 The other mandate, environmental
8 benefit in Section 118 that PHMSA is to include
9 environmental benefits in justifying the cost of
10 regulation. And that was an immediate mandate.

11 And we have, in the past, and have
12 continued to do so, included environmental
13 benefits in our cost benefit analyses or our
14 RIAs, regulatory impact analysis. So that was
15 already part of our mantra. So that was a
16 mandate that has already been fulfilled because
17 we had been doing that.

18 Also PHMSA has to enter into an
19 agreement with the National Academies of Science
20 to study automatic and remote control shutoff
21 valves. I believe they sent the cover back. We
22 had the agreement in place with the National

1 Academy and that study has already begun.

2 Unusually sensitive areas, that
3 expansive definition of U.S. aid for certain
4 coastal waters and basically address the
5 Secretary to complete regulations that were
6 mandated under the PIPES Act of 2016. And once
7 again you can see the timeline that Congress
8 highlighted this as a priority for us.

9 And we are moving on that. And what
10 was good about the legislation here is they gave
11 us a good definition that we could use in the
12 rulemaking process.

13 Hazardous liquid pipeline integrity
14 assessments really just focuses on deep water
15 hazardous liquid lines where an operator might
16 assess the potential impacts by marine equipment
17 and other vessels such as anchors. You might
18 recall that, you know, there was an accurate
19 strike in the Straits of Mackinac and also there
20 was the more recent one off of California.

21 So that is also a self-executing
22 mandate. And that assessment would be rolled

1 into our existing inspection enforcement
2 programs. So that is a recurring assessing that
3 the Board has these liquid pipeline operators
4 that meet the definition of requiring the
5 assessment.

6 Technology innovations, I believe
7 there was a question earlier today about the
8 testing program. And really this is allowing
9 operators to look at and evaluate innovative
10 technologies.

11 I just put some requirements in there,
12 as Senthos had noted, such as this could not take
13 place in an ACA right now, but it does require us
14 to do a study on the applicability of whether
15 this could be tested in ACA.

16 I know in my discussions Senthos and
17 her engineers, there are certain things that we
18 could look at that would not, you know, pose a
19 risk in ACAs. Just some type of light monitoring
20 or system like that, why would that -- you know,
21 that would be beneficial for an ACA.

22 So that's ongoing, and I know Senthos's

1 group is working on that. They did not give us a
2 deadline on that one although they did give them
3 a time limit on the testing programs. And that
4 was a five year program. So once a program is
5 approved, it would be approved for five years.

6 And one other point on that one is
7 anything that comes out of that program must be
8 basically transparent. We must provide public
9 notice of that and also post results of this on
10 our website.

11 The next one, I think Alan and Senthoo
12 both touched on this, basically that we are
13 required to submit our report to Congress on R&D
14 capability to PHMSA and whether having an
15 independent pipeline facility is critical to our
16 operations. So that was touched on earlier. A
17 due date for that is December of 2022.

18 The LNG, liquefied natural gas, center
19 of excellence, PHMSA is required to report
20 basically what resources would be necessary to
21 establish such a center. So, you know, costs,
22 human resources, et cetera. So all of that needs

1 to be detailed in a report and submitted to
2 Congress by December of 2022. And I believe that
3 one was also mentioned earlier this morning by
4 Sentho.

5 Effective oversight, effective
6 government, the first mandate really was a self-
7 executing one and really it expanded or added the
8 definition of technical assistance, who are
9 eligible for our technical assistance grants, or
10 TAG grants, and also refines the eligibility for
11 who can apply for those.

12 That was immediate and those criteria
13 and that definition was used in this year's TAG
14 grant award. So that's already been admitted as
15 well.

16 Regulatory update status. We are
17 required to publish on our website the status of
18 each outstanding rulemaking mandate. So that's
19 in the 2011, 2016 and 2020.

20 What really changed, we've had that
21 requirement in the past. And in the past, it has
22 been provided every 90 days. Now it's required

1 every 30 days. And Congress also said we still
2 need to know where PHMSA is with the rulemaking.
3 We want to know where the Office of the Secretary
4 is as well as OMB. So Congress basically
5 recognized that it does not have control over
6 everything so therefore they want to know who has
7 possession of a rulemaking and where it is.

8 So that happens every month. And I
9 think John mentioned that website where it's
10 available. At the end of this presentation, I
11 will have a link to this rule. And you can also
12 -- that has links to both the legislation as well
13 as the status reports that are out there.

14 Enforcement proceedings, the only
15 change there is that Congress allows respondents
16 to enforcement proceedings to request consent
17 agreements. So there is not a specified date for
18 that one. We see that that is just changing our
19 procedures.

20 There might be some follow-up
21 rulemaking just to clean up some things in the
22 future. But we see that is something we can do

1 now and have been working on it. So the
2 specified is just, you know, how soon we can get
3 that done?

4 So following up on that and it's also,
5 you know, it's in the same section that has to do
6 with our enforcement procedures. And really it's
7 asking GAO to come in and take a look at the
8 information that we have available on our website
9 to make sure that we're transparent.

10 So, you know, if there's a consent
11 agreement, do we have that posted out there? If
12 an operator provided a response, you know, is
13 that posted out there? So GAO is to come look at
14 what we have available and then make a report to
15 Congress and, of course, do recommendations along
16 with that. And that report is due in October of
17 2022.

18 GAO, another GAO requirement is to
19 review and analyze GAO spatial and technical data
20 that is collected by operators on gathering
21 lines. GAO has already started that. PHMSA has
22 been involved with the interview process with

1 them. And we suspect that they will be wrapping
2 up their report here shortly. And so we
3 anticipate receiving that report probably, I
4 expect, pretty close to the deadline.

5 Additional, 116 really expanded
6 whistleblower protections. And really what this
7 one did was allow whistleblowers, if they had,
8 like a non-disclosure agreement with their
9 company, that in order to whistleblow, that
10 agreement is null and void or does not preclude
11 them from whistleblowing. That one is self-
12 executing and that took place immediately.

13 So drug and alcohol procedures is the
14 next one. This one really is to look at our, you
15 know, auditing program for drug and alcohol
16 programs in Part 199. It's really to improve
17 efficiencies.

18 What this one focuses on is the
19 shareability of auditing. So the example I like
20 to use if there's a pipeline operator that both
21 is inspected by -- is both intra and interstate
22 that a state could accept a PHMSA audit of the

1 program and vice versa at least for operations
2 within the -- that it's joint jurisdictional. So
3 really it's to improve the efficiency of the
4 auditing of drug and alcohol regulations. And
5 our staff is working on that right now.

6 Another self-executing provision is
7 related to the Safety Related Condition Reports
8 that requires operators to provide the Safety
9 Related Condition Reports to the Secretary of
10 State and Tribes within five days of those
11 happening. And that was an immediate self-
12 executing provision.

13 Our discussions within PHMSA is
14 additional guidance needed there? Pipeline
15 operators should know where the pipelines are
16 operating. But, you know, is it a federally
17 recognized Tribe or not? I think that's some of
18 the areas where some additional guidance may be
19 necessary.

20 I'm going to be changing gears here,
21 going a little bit more into detail into the
22 Leonel Rondon Pipeline Safety Act.

1 The first one really looks at
2 distribution integrity management plans. So
3 really once they issue regulations to ensure that
4 PHMSA evaluates the risk from cast iron pipes
5 remains a risk for low pressure systems.

6 So one thing I would, you know,
7 encourage anyone if they have not read the NTSB
8 report and some of the findings from the
9 recommendations out of that, you will see a lot
10 of common themes here with this part of the act.

11 I want to also add the certification
12 process so the states have sufficient qualified
13 inspectors, and we do have processes and
14 procedures in place within our state programs
15 that are being looked at upstate.

16 Emergency response plans, basically
17 operators are required to have written procedures
18 on how to communicate with first responders,
19 public officials and the general public. That
20 was one of the issues that came out of the Leonel
21 Rondon, excuse me, the Merrimack Valley incident.

22 Operations and maintenance manuals,

1 basically to have procedures really how to
2 respond to overpressurization and then also how
3 do they manage change, the management of change?
4 Once again, if you go back to the Merrimack
5 Valley and what occurred there, one of the issues
6 was management of change.

7 And then finally on this one is the
8 pipeline SMS. This requires us to submit a
9 report. I mentioned this earlier on the number
10 of natural gas distribution operators that have
11 implemented pipeline SMS in accordance with APIRP
12 1173.

13 This one, PHMSA will be working with
14 our state partners on. NAPSR has a big role in
15 this one. And so this one is due once again
16 December 2023.

17 And safe pipeline safety practices,
18 you've heard the term, you know, traceable,
19 reliable and complete records. That applies in
20 the issued regulations for the distribution side.
21 It also requires qualified agents within a
22 distribution system to monitor gas pressure in

1 the district except if they have the capability
2 of remotely monitoring that and for automatic
3 shutoff and to assess and update appropriate
4 regulatory stations to ensure the risk of
5 overpressurization is minimized.

6 So I know John talked a good bit about
7 this this morning, but that is all part of that
8 in response to Leonel Rondon.

9 A little bit more on this safety
10 management system report that PHMSA is required
11 to -- this details some of the different
12 requirements that we must have. So how many have
13 implemented it? The progress operators have made
14 in implementing it and the feasibility of
15 implementing it.

16 Once again, this requires us to work
17 very closely with our state partners because we
18 will be getting most of the information really
19 through our state partners on the implementation
20 of SMS on distribution operators.

21 And then really it requires us to
22 provide guidance and recommendations after we do

1 the study as part of the results we want. And
2 then we and our state partners are to promote SMS
3 amongst the distribution operators.

4 So as I promised, here's the link to
5 the legislative mandates. If you go to this
6 website, we will have the link to the rulemaking
7 charts. It's updated every 30 days as well as an
8 actual link to part of the Consolidated
9 Appropriations Act. So our appropriations as
10 well as the government's appropriations plus the
11 Pipeline Safety Act is all on this one large
12 document. That's why our act begins on Page
13 1029.

14 So that concludes my presentation,
15 Madam Chair so.

16 CHAIR BURMAN: Thank you.

17 MR. LEHMAN: Yes.

18 CHAIR BURMAN: Thank you so much for
19 that. It was really, really helpful. I'm going
20 to see if anyone has any questions. I know that
21 we're going to also have a briefing on SMS so
22 some of the details on SMS that people may want

1 to save their questions or comments for that. I
2 don't see any members of GPAC or LPAC with any
3 comments or questions. Actually, Chuck?

4 MR. LESNIAK: Yes, thank you, Madam
5 Chair. Chuck Lesniak with the liquids group
6 representing the public.

7 Just a quick question on the rule for
8 deep water lines about anchors, anchor chains,
9 that sort of thing. I didn't catch the date on
10 that. Was that already in effect at the time of
11 the recent spill in California? And if it
12 wasn't, is there any thoughts on is that the kind
13 of incident that's trying to avoid?

14 MR. LEHMAN: It was a self-executing
15 mandate. And the pipeline operators had one year
16 to do the assessment, so the one-year timeframe
17 would be December of this year. So, you know, I
18 need to go back and look at the Act, but I
19 believe it would apply to that situation although
20 the operator in that case would have still had a
21 few more months to conduct that assessment.

22 MR. LESNIAK: Okay. This may not be

1 something you can comment on. But does anybody
2 know whether with PHMSA, does anybody know
3 whether that operator was in compliance with the
4 rule, and it had already implemented it?

5 MR. LEHMAN: I'll defer to -- I am not
6 aware of that. I have kind of tracked that
7 incident, but it is still in the investigatory
8 phase. So it will probably be a little bit of
9 time before we would learn more.

10 MR. LESNIAK: All right. Thank you.

11 CHAIR BURMAN: Great. So Alan?

12 MR. MAYBERRY: As I mentioned earlier,
13 great question, Chuck. You know, the answer is
14 it's still under investigation. That will be
15 part of our investigation. It's just too early
16 to tell right now.

17 MR. LESNIAK: Well, maybe you'll have
18 a case study to encourage operators to rapidly
19 implement that rule and get into compliance with
20 it.

21 MR. MAYBERRY: Yes, certainly. It was
22 a self-executing provision. So it doesn't

1 immediately involve rulemaking. It could down
2 the road but --

3 MR. LESNIAK: Okay.

4 MR. MAYBERRY: -- thanks.

5 CHAIR BURMAN: Okay, great. And
6 Chuck, did you have any other comments before we
7 move on?

8 MR. LESNIAK: No. Thank you.

9 CHAIR BURMAN: Okay. Great. If you
10 could just put down your hand. Seeing no other
11 members from GPAC or LPAC with any comments or
12 questions, I'm now going to move to the public.
13 John Stoody?

14 MR. STOODY: Thanks. Just a really
15 quick comment. Thanks for your mention of
16 Section 104. It was great to hear the outlook
17 that there could very well be projects that would
18 benefit the environment in ACAs, and I'm so glad
19 you're keeping an open mind on that.

20 Something on the dates. You mentioned
21 the five year timeline. That may have been a
22 slip of the tongue. Section 104(c)(2) has the

1 program expiring three years from enactment or at
2 least that would be the last time somebody could
3 approve a new pilot program. And with the one
4 you're already passing, that means there's only
5 two years to go. So glad you're working on the
6 guidance. And we'll look forward to seeing that
7 as soon as possible.

8 CHAIR BURMAN: Great.

9 MR. LEHMAN: And thank you, John.
10 Thank you very much for the clarification. Yes,
11 it was a slip here.

12 CHAIR BURMAN: And just for the
13 record, John is with the Association of Oil
14 Pipeline. Great. Does anybody else have any
15 comments or questions? I know these slides are
16 really important, especially as they lay out what
17 is required when and then what exactly some of
18 the underlying things are to be done.

19 I do know that, especially as it's
20 talked about engagement with the states and
21 others, it's really important. And as we look at
22 the importance of SMS, it's now timely for us to

1 introduce the next agenda item, which is a
2 briefing on SMS. I'm going to turn it now over
3 to Massoud and his fellow panelists. Thanks.

4 MR. TAHAMTANI: Good afternoon, Madam
5 Chairman. Just a soundcheck. Can you hear me?

6 CHAIR BURMAN: Yes, we can.

7 MR. TAHAMTANI: Great. Cameron, if
8 you would, bring up my slides, please.

9 CHAIR BURMAN: We can now see your
10 slides.

11 MR. TAHAMTANI: Thank you very much
12 again. Good afternoon, Madam Chairman and
13 members of the Committee. I'm pleased to talk to
14 you about the Pipeline Safety Management System,
15 SMS. And the main purpose of this session is to
16 really hear from our industry partners about the
17 progress they've made.

18 But before that, I'll make a couple of
19 remarks, if you will, about where we've been and
20 where we're going, and then very excited to talk
21 to you about our own PHMSA internal SMS.

22 Next slide.

1 It goes without saying that the
2 conversation on SMS and pipeline industry came
3 about as a result of the NTSB recommendation that
4 stems from two major pipeline accidents back in
5 2010, San Bruno and Marshall, Michigan. And as a
6 result of that recommendation to API, a Committee
7 was formed. I was fortunate to serve on that
8 Committee.

9 It took us about two years. And in
10 2015, API issued RP 1173. But as you heard a
11 bit, the Merrimack accident brought an additional
12 focus on SMS, and I'll talk about it a bit later.

13 Next slide. Next slide, please.

14 We all believe -- I think everybody on
15 this call believes that SMS is really the key to
16 closing the gaps that cause accidents. We all
17 also believe that since the early 1970s, when the
18 first set of regulations were put into books and
19 also pipeline safety was created, those minimal
20 regulations have significantly advanced the
21 safety of our pipeline system.

22 And we believe that SMS is that

1 umbrella that will get us to that goal of zero
2 incidents that both PHMSA and the industry have.
3 And we also believe that this Pipeline Safety
4 Management System cannot happen as good as it
5 should without a very strong safety culture to
6 begin with.

7 Next slide.

8 Our expectation has been, since the
9 beginning back in 2016 when we were asked these
10 questions, that we expect the industry to adapt
11 or implement Pipeline Safety Management System.
12 But as I said, when Merrimack happened, there was
13 a lot of talk about whether SMS should actually
14 become regulations.

15 And I believe this is Congress's way
16 of trying to monitor the implementation of SMS by
17 the industry. Like they just mentioned, Section
18 205 of the PIPES Act mandates that we submit a
19 report to Congress by the end of 2023 and report
20 certain information.

21 Next slide.

22 We also report the number of gas

1 distribution systems that have implemented a
2 pipeline safety management system in accordance
3 with RP 1173. We also report the progress
4 adopters are making and the challenges they're
5 having.

6 And we also are to report the
7 feasibility of the operators' implementing based
8 on size, or smaller operators may have
9 difficulties to implement SMS, although I believe
10 RP 1173 was designed to be scalable for any size
11 operator to implement that RP.

12 Next slide. Next slide, please.

13 And I believe Dave mentioned this too,
14 that in that report, the Secretary has to provide
15 guidance or recommendation that would further the
16 adoption of Pipeline Safety Management System by
17 the industry.

18 It went on to also say that the
19 Secretary, PHMSA, and the state shall promote and
20 assess Pipeline Safety Management System, and
21 both the state and PHMSA will continue to promote
22 the implementation of SMS for pipeline outliers.

1 Next slide.

2 So, where we're going, I think it's
3 clear that we all need to be thinking about
4 implementation of SMS with emphasis on a strong
5 safety caution because they go together as a
6 group.

7 Next.

8 And the actions we're taking, as I
9 said before, both PHMSA and our state partners,
10 we continue to promote the adoption and
11 implementation of SMS across all the pipeline
12 that we regulate.

13 Within PHMSA, a couple years ago, we
14 decided that we need to also walk the talk. And
15 we have provided foundational training to all of
16 our employees. We have a pretty strong draft SMS
17 policy that has been reviewed and will hopefully
18 get approved by our leadership.

19 And we came up with our own SMS. It's
20 called PHMSA Plus, and I'll talk about that a bit
21 later. And then we're in the process of actually
22 coming up with key performance indicators to have

1 PHMSA Plus drive efficiency with all of our
2 programs at PHMSA.

3 Next slide.

4 Another thing that we did -- and my
5 thanks to my counterpart, Linda Daugherty. She
6 came up with this. So this card was laminated
7 and was sent to all of our 500-plus employees
8 both on the pipeline side and on that HAZMAT side
9 so that every employee begins to be aware of
10 PHMSA Plus and the SMS concept.

11 Next slide.

12 So Plus stands for performing our
13 tasks and programs and everything that we do at
14 PHMSA at the highest standard possible, that we
15 lead by example, and that we unify all of the
16 PHMSA areas so that, again, it brings about
17 efficiency and we find the gaps, just like SMS
18 tells us, and address those gaps.

19 And, of course, it goes without saying
20 that safety has been and will continue to be our
21 top priority, and of course the protection of the
22 environment, like Alan said. We've always been

1 involved with protecting the environment, but now
2 we have a new mandate to obviously reduce methane
3 emission from the pipeline systems.

4 Next slide. Next slide, please.

5 And, as you can see from here, the
6 PHMSA Plus elements are very similar in line with
7 the ten elements that are within RP 1173.

8 Next.

9 And our PHMSA Plus is based on the
10 PDCA cycle.

11 So now, with that, I will turn it over
12 to John Hill, who is the Chair of the Pipeline
13 SMS Industry Team, and Cindy Graham, who is the
14 Vice Chair of the team.

15 John, now to you.

16 MR. HILL: Thank you, Massoud.

17 Just a sound check. Can you hear me
18 okay?

19 MS. GRAHAM: Yes, sounds good. Yep.

20 MR. HILL: Okay. Great. Sorry. I'm
21 having some technical issues this morning. It
22 sounds like maybe some others are as well. I

1 can't get my video working either, and I can't
2 get any of the incoming video. So I'm not sure
3 what slide we're on, but I'm assuming just the
4 first stage slide.

5 MS. GRAHAM: That's correct. Just the
6 title slide, John.

7 MR. HILL: Okay. Thank you.

8 So good afternoon. As Massoud said,
9 my name's John Hill. I'm the Vice President of
10 Natural Gas System Safety for Black Hills Energy.
11 Black Hills Energy is a combination gas-electric
12 utility serving a little over a million customers
13 across eight states in the -- I'll call it mid
14 and mid-mountain West.

15 Today, I'm representing the Pipeline
16 SMS Industry Team as the current Chair. And, as
17 Massoud pointed out, Cindy is the current Vice
18 Chair. And so I will turn it over to her for
19 just a moment to introduce herself.

20 MS. GRAHAM: Thanks, John.

21 Hello, everybody. My name is Cindy
22 Graham. I work at Enbridge. My role is Director

1 of Safety and Reliability Governance at the
2 enterprise level. And, as John said, I have the
3 opportunity to be the Vice Chair of the Industry
4 Team. And we're both looking forward to talking
5 to you this afternoon, sharing about what
6 industry is doing for Pipeline SMS.

7 Thanks, John.

8 MR. HILL: Yep. Absolutely.

9 So I appreciate the invitation today.
10 It's an honor to be a part of a broad industry
11 stakeholder group focused on the safety of our
12 communities. And so Cindy and I will tag-team
13 here across the presentation, kind of every other
14 slide, as we go through the slide deck.

15 So just next slide, the 2021 Pipeline
16 SMS Industry Team. And so who is the Industry
17 Team? I think many on the call probably know,
18 but just to confirm, the Pipeline Industry Team
19 serves to enhance pipeline operations by
20 supporting operators' adoption, implementation,
21 and conformance to API 1173. The team's really
22 been in formation since 2015 when the standard

1 came out.

2 And I'd be remiss in not highlighting
3 we have a couple past Chairs on the call today as
4 well. They're participating as LPAC Committee
5 members now. But I'd just like to say thanks to
6 Shawn Lyon and Angie Kolar for their past
7 leadership of the Industry Team. And so,
8 definitely, they did great work to get the team
9 up and going over the past few years, and we're
10 just trying to continue that work on today.

11 So, again, who are we? Approximately
12 30 members, individual members, I guess,
13 representing the team -- gathering, transmission,
14 distribution. It also includes nine trade
15 associations at this point. So, for the past
16 couple of years, we've added -- we continue to
17 add to associations participating, including the
18 gathering lines, midstream, and contractors over
19 this past year and a half as well.

20 Our focus is in four strategic areas:
21 increasing industry participation, external
22 engagement, supporting operators' journeys -- and

1 I appreciated Alan's comments before about SMS
2 being a journey, and we are on this journey
3 together. And so the Industry Team really is
4 there to support operators' journeys, and
5 ultimately the governance of the team itself and
6 of API 1173.

7 And so, just at a high level, from a
8 voluntary implementation perspective, the survey
9 from 2020, we've got about 56 percent of all
10 industry pipeline mileage that responded to the
11 2020 survey. And I do believe we really covered
12 more than that. The key -- and we've been
13 talking about this over the past month or so --
14 really is to get more people engaged with that
15 annual survey and how important it is for us to
16 get information back through that survey so that
17 we can share it with our stakeholders.

18 So, with that, I'll turn it over to
19 Cindy for the next slide.

20 MS. GRAHAM: Thanks, John.

21 I'll just shift gears a little bit
22 here. I want to talk about COVID, of course,

1 could have changed the way that we all work. The
2 Industry Team was able to host a workshop on SMS
3 yesterday. Of course, it was all done virtually
4 -- really able to continue that engagement.

5 What I wanted to do at this point is
6 I just want to give a very short case study for
7 SMS. And we find that if we can share those
8 real-life applications of PSMS, it really is
9 helpful for operators to see how to apply it and
10 get benefits within their own organization.

11 So, very briefly, there are four key
12 elements included in the recommended practice on
13 this page. And we start with leadership and
14 management commitment. And then, during COVID,
15 what I observed is COVID actually gave an
16 opportunity for leaders to demonstrate their
17 commitment to safety. Whether it was providing
18 regular updates to employees, getting directly
19 involved in the COVID response through crisis
20 management teams, it actually was unexpectedly an
21 opportunity to show commitment.

22 Operating controls -- we know from

1 operators they had to develop special COVID-
2 related procedures. They did that for all
3 employees, starting with the most critical
4 employees working in control rooms, but as well
5 for field and office personnel. Everyone had to
6 change the way that they worked.

7 Stakeholder engagement -- we know that
8 operators were regularly, proactively
9 communicating with their stakeholders during the
10 COVID response. Internally, as we've said, new
11 ways of working, employees and contractors.
12 Externally, messaging around safe delivery of
13 energy -- the public, our customers, government,
14 our regulators.

15 The fourth key area I wanted to
16 highlight is around emergency preparedness and
17 response. Companies had to adapt their more
18 traditional existing emergency response
19 structures/contingency plans to apply to their
20 COVID response. And, certainly, at the beginning
21 of the pandemic, operators set up incident
22 command teams to ensure that they could continue

1 to operate safely.

2 So I think what this slide tells me --
3 this case study tells me -- is not only would
4 PSMS not pause during COVID, it actually was an
5 opportunity to show that SMS is a very powerful
6 tool, a systematic framework that allowed
7 operators to navigate in that unknown situation.

8 So, with that, back to you, John.

9 MR. HILL: Thanks, Cindy.

10 So 2020 survey results -- and,
11 Massoud, I appreciate your conversation about how
12 PHMSA is really taking the framework, the plan-
13 do-check-act cycle -- really kind of bringing
14 that internally to PHMSA.

15 We think about that the same way from
16 an industry perspective as well. One of the key
17 elements there, obviously, the check piece of
18 that, is really one of the main purposes that we
19 do our annual survey, really checking our
20 progress, checking with operators on how their
21 journey is going.

22 And so it gives us a chance to get

1 some data back, yes. I think data is important
2 but doesn't tell the whole story. We do have a
3 couple of items here just on the slide. I'll
4 highlight them real quickly, just a 2019 versus
5 2020 look. A positive movement, really, in
6 conducting gap assessments and closing gaps,
7 really, management reviews and participating and
8 sharing events.

9 And, really, what we were looking at
10 from a check cycle perspective was how is the
11 industry doing, and can we measure that in some
12 way, the progress along the journey? And so I
13 think the numbers came back pretty well for us.
14 We looked at this as a positive movement on the
15 SMS journey.

16 But, I think more importantly than
17 just these numbers, that last bullet on the
18 slide, really one of the key things we ask for
19 around -- what's the most challenging things that
20 the operators are seeing from an implementation
21 perspective? And really trying to use that
22 information to shape tools and workshops and to

1 address those current challenges for operators.

2 As you can see there, really, the key
3 ones were operational control, documentation,
4 record keeping, risk management, stakeholder
5 engagement, and management review. And so Cindy
6 will dive into a little bit of detail on those
7 barriers on this next slide.

8 MS. GRAHAM: Thanks, John.

9 And as John said, we really do use
10 that annual survey -- and it's just coming up now
11 for this year -- to get information about what
12 are the barriers.

13 So what you're seeing on this slide
14 are actually some answers to the open-ended
15 questions around what are barriers for operators
16 in implementing PSMS. So I'll just -- we won't
17 go through them all. You're probably glancing at
18 them already. But a couple of examples -- and
19 what I want to try to do is then tie that to the
20 way that John and I believe the Industry Team can
21 help support.

22 So I'm going to start on the upper

1 left bubble. You'll see there's comments about
2 management reviews, KPIs, also on -- where is
3 that other one? Yeah, okay. I found it. It's
4 on the right, second from the bottom on the
5 right: performance metrics.

6 What I can say is both of those topics
7 -- operators are looking for information on KPI
8 metrics, management reviews -- all of those
9 topics have been covered in workshops that we
10 host. As I said, as recently as yesterday, we
11 had a pretty in-depth presentation on KPIs. And
12 I know I myself have even shared about management
13 reviews. So that's a way that we can get
14 involved and help.

15 If we look at the bottom left, you can
16 see that there is a desire to get more support
17 for small departments, small operators. Again,
18 yesterday, we had a presentation -- I found it to
19 be very colorful -- from a small operator, about
20 23 employees, was able to share how their company
21 is implementing PSMS and then took us through the
22 elements.

1 So we continue to provide those real-
2 life examples to make this all very tangible for
3 our small operators. We also know that as an
4 industry association/industry team, our partners,
5 AGA, APGA, have done a lot of work with
6 workshops, peer reviews, element assessments, and
7 even materials and tools that can help smaller
8 operators. So good work there.

9 You will see in the right-hand side a
10 desire to get some guidance from a contractor
11 perspective. John mentioned we have nine trade
12 associations on the Industry Team, which I think
13 is very powerful. That does include two
14 contractor associations. So we're going to be
15 able to do more work there to support contractors
16 as they look to implement SMS within their
17 businesses.

18 The last part I wanted to point out is
19 -- I'm moving now to the right-hand side. You
20 can see from the first comment on the upper
21 right, want to have some more information on how
22 they can incorporate 1173. Bottom right, better

1 understanding of the elements.

2 Again, when we see that, a desire for
3 understanding the workshops, one way we can do
4 that -- there's also a fair amount of free
5 materials available on our website,
6 pipelinesms.org, that operators can go in and
7 access some really good tools to get started.

8 So, with that, I'm going to hand it
9 over to John. He'll take us through some of the
10 highlights -- some of the work that the Industry
11 Team has done. And what I'm hoping is you'll see
12 some of those linkages between what operators are
13 telling us they need help with and what the
14 Industry Team is able to do together.

15 And with that, over to you, John.

16 MR. HILL: Thanks, Cindy.

17 So industry highlights for 2021 could
18 have filled up quite a few pages here and quite a
19 bit of time, but really just tried to highlight
20 some of the main things that are going on really
21 connected to those challenges that Cindy was
22 talking about.

1 And so the virtual workshops,
2 obviously in 2020, we moved in-person workshop to
3 virtual. That was the first time that we
4 conducted virtual workshop, and really ended up
5 seeing attendance go up in many cases from a
6 virtual perspective.

7 So did that again this year in 2021,
8 as Cindy talked about, and really trying to
9 engage the attendees and talk about,
10 specifically, those challenges that we saw in the
11 survey.

12 From a broader perspective -- and I
13 would also highlight AGA and APGA's continued
14 work in this area -- really, all the industry
15 trade groups do do a lot of work with their
16 individual members. And what we tried to do here
17 is really just capture a few of the things that
18 are going on within those industry trade groups
19 as well, so AGA creating a virtual assessment
20 pilot this year for PSMS. So I know our company,
21 Black Hills Energy, participated in that, was one
22 of the first to participate, and provided

1 feedback on that program. And that's a good way
2 for us to work with our peers and learn from them
3 on where they are in their journey as well.

4 And from a broader perspective, I
5 would say kind of a whole PSMS assessment, API
6 continues to engage with their third-party
7 assessment program. I will say -- and I know
8 Dave Murk is on the call as well, probably some
9 others from API.

10 I think the COVID situation has had a
11 large impact on this assessment process, more so
12 than the workshops and other work that we did
13 because, really, the assessments were meant to be
14 in person. They were really meant to come onto
15 site to interview and engage, to get a good
16 flavor of the safety culture that's going on.

17 That's just very difficult to do from
18 a virtual perspective. But I do appreciate API
19 continuing to push through on that, and the
20 operators that volunteered to be a part of those
21 assessments for 2020 and 2021. And so you see
22 the numbers there are probably nearing eight

1 assessments by the end of this year, and I know
2 we've got a few more in queue for 2022 as well.

3 From an industry participation
4 perspective, we talked about the virtual workshop
5 that the Industry Team puts on through API. But
6 APGA also completed a virtual workshop, and also,
7 from an APGA perspective, really highlighting
8 their work at the executive level, CEO level,
9 board level, creating an Executive Steering
10 Committee around PSMS and also an Operational
11 Risk Data Committee to increase sharing across
12 the APA members.

13 And then from an external engagement
14 -- the one thing I would really highlight, I do
15 appreciate meeting with regulators and
16 stakeholders each year that we've done that the
17 past couple of years. But one of the things that
18 we added this year was a broad industry regional
19 trade roundtable, and just a great opportunity
20 for us to connect with a broader set of industry
21 trade groups that are working on PSMS as well.

22 And so just -- I think we've talked

1 about it on the call a couple of times today,
2 really, this idea of clarity, communications,
3 transparency, really trying to gather all of the
4 information on PSMS implementation that's
5 happening across the industry.

6 So, with that, I'll do the next slide.
7 I'll touch briefly on API RP 1173's path forward.
8 As many of you may know, the recommended practice
9 was published in July of 2015. API's standard
10 practice is that action needs to be taken every
11 five years, even on the recommended practices as
12 well.

13 And so 2020, as you can imagine, was
14 a pretty crazy year for everybody with the COVID
15 situation. So we actually asked for an
16 extension, a two-year extension, in 2020 out to
17 2022 to take action on the recommended process.

18 So there is a standard policy group
19 meeting right now to review and identify
20 potential revisions to this first edition. And
21 at the same time, we'll be working to develop a
22 balanced voting group over the next six months or

1 so, so that we can take action on the first
2 edition of 1173 by the summer of 2022.

3 I'll hand it over to Cindy now -- back
4 to Cindy for some conversation on safety culture.

5 MS. GRAHAM: Thanks, John.

6 And, actually, Massoud, you started us
7 off perfectly here. John and I wanted to talk
8 about PSMS, but we, like you, know that you
9 really can't have an effective PSMS without a
10 positive safety culture. As you said, they
11 really do go hand in hand.

12 So I'm seeing some good things here.
13 Industry continues to evolve the way that they're
14 able to measure safety culture, and doing that in
15 a consistent way industry-wide. Last fall,
16 liquid pipeline operators participated for the
17 first time in the Industry Safety Culture Survey.
18 And the survey was based on the INGAA/CEPA survey
19 that has been going on for years.

20 So it's pretty exciting in that it's
21 going to allow even more benchmarking within
22 industry, sharing of best practices, and

1 ultimately identification of trends and
2 opportunities. In 2023, U.S. and Canadian
3 gas/liquid transmission operators will redo the
4 survey again. So this is going to be a powerful
5 complement for industry with PSM (phonetic).

6 And with that, over to John to discuss
7 our current priorities as an Industry Team.

8 MR. HILL: Yeah, so we'll just close
9 out on this last slide, just talking a little bit
10 about strategic priorities for 2021, really kind
11 of closing out this year, again, some of the
12 accomplishments that we've had, and also really
13 setting ourselves up for success in the future as
14 well.

15 So as we meet again, probably later
16 this year, as an Industry Team we'll be looking
17 at these four strategic areas once again and be
18 focused on how we're going to continue to provide
19 operator support and increase industry
20 participation, continue to engage with our
21 stakeholders, and providing governance and
22 oversight.

1 So what you see on this last slide is
2 really just a sampling of the things that we're
3 going around this toward the end of 2021 here.

4 And one of the key things that's in motion at the
5 moment is the 2021 survey, and so just a chance
6 to plug that survey once again and highlight its
7 importance.

8 I can't think of any other way that we
9 as an industry collect all the information from
10 the operators that are on the PSMS journey. This
11 survey is a way to collect that information from
12 them, to engage the operators, to understand
13 what's happening with them, and help support them
14 in their journey.

15 And so the key thing really happening
16 just over the next few weeks is that survey will
17 be released out to the operators. The operators
18 will complete that survey by the end of this year
19 into early 2021, and we'll have results from that
20 survey folded into our 2022 annual report that'll
21 come out in a February or March timeframe.

22 So, with that, I will close and just

1 say thank you once again for the time today.
2 It's great to see this topic in this forum. It
3 shows the recognition, the importance across the
4 industry, that the stakeholders place on Pipeline
5 Safety Management System. So appreciate the time
6 today.

7 CHAIR BURMAN: Thank you so much. I
8 appreciate that as well.

9 I'm going to ask, if anyone has any
10 questions, if they're on GPAC or LPAC, to raise
11 your hand or in the comments, as well as the
12 attendees.

13 I do just want to say that I
14 personally, in my capacity as a state regulator,
15 have seen the effectiveness of working through a
16 Pipeline Safety Management System and the API
17 1173. I'm particularly happy to note that NTSB
18 was and continues to be focused on supporting how
19 we may all work together to implement API 1173
20 pipeline safety management practices, or similar
21 Pipeline Safety Management System protocols.

22 I know that PHMSA and others have been

1 very much engaged in such efforts with
2 stakeholders, including the states and the
3 utilities. I love that PHMSA has its own
4 internal protocols in looking through that
5 program, and I'm particularly pleased that the
6 API 1173 actually contemplated and incorporated
7 pandemic activities into the SMS culture and
8 operations. And those API 1173 activities and
9 hands-on exercises can and were beneficial to
10 helping deal with COVID-19.

11 So I was glad to see that, and I love
12 the focus that you can't have an effective
13 Pipeline Safety Management System without a
14 positive safety culture. So thank you for that.

15 I do see a hand. Let me just see.
16 Ron Bradley? And again, just for the record,
17 remind folks who you are, your organization, and
18 which committee you sit on. Thank you.

19 MR. BRADLEY: Thanks, Chair.

20 This is Ron Bradley from PECO. I sit
21 on the GASPAC -- gas committee, Gas Pipeline
22 Committee.

1 So the presentation was exceptional,
2 Cindy, John, and Massoud. That was really great.
3 And just, Chairman Burman, as you were speaking,
4 I was about to put my hand down because you said
5 everything I was going to say. So I'll just
6 layer one more thing.

7 If this also takes resources, we are
8 so -- this is one of those things that makes me
9 proud to be an operator in this industry when
10 something comes along that's going to make a
11 difference and we don't have to sit back and say,
12 well, force me.

13 We all come to the table together, in
14 a sense. We're going to do it, and even if it
15 means we're going to staff up where we have to
16 staff up. We're going to get engagement where we
17 have to get engagement. We're going to put
18 staffing plans together and figure out how to get
19 treated properly for it later, but it's the right
20 thing to do.

21 We're doing it. The American Gas
22 Association is all over this. The Board of

1 Directors of AGA is all over this, just cheering
2 with you. So I wanted to give you some
3 encouragement. We're all pulling in the right
4 direction. Thank you.

5 CHAIR BURMAN: Thank you so much. And
6 if you could put your hand down, that would be
7 great.

8 And then Andy Drake?

9 MR. DRAKE: Thank you, Chairman
10 Burman.

11 This is Andy Drake with Enbridge on
12 the GPAC. I just want to say thanks to this
13 group for bringing this up. I think that is a
14 great presentation.

15 I think that I like some of the
16 things, Massoud, that you said. I just wanted to
17 tease out one thought, and that was we learn so
18 much from other industries that have matured,
19 made the step change on safety prior to us, like
20 nuclear and aviation and others. And, obviously,
21 they have instituted safety management systems,
22 and they've been very integral to their success.

1 As you look at where we are in the
2 lens of others that may be more mature than us on
3 safety management systems, how did that inform
4 the thought of a three- to five-year plan of what
5 are the next steps to keep advancing this beyond
6 just building on 1173?

7 I don't know if you had any thoughts
8 on that, maybe Massoud. But I'll open it up to
9 Cindy and John as well.

10 (Simultaneous speaking.)

11 MR. HILL: Massoud, I was just going
12 to say that was a great point, and it's a good
13 lead-in, too, because yesterday at the workshop
14 that Cindy was talking about, our keynote speaker
15 was Captain John Cox and his view of where the
16 airline industry has come and the success that
17 they have had with Safety Management System and
18 his work, really, to bring a lot of that
19 information and a lot of his learnings over to
20 the pipeline industry as well.

21 And so you bring up a great point. We
22 are definitely open to learning from other

1 industries, and that will inform us on where we
2 go in the future. And I would say one other
3 thing.

4 I believe that we've been able to use
5 those other industries and those examples. I
6 think it's been noted that, really, since
7 probably 2012 or so when we started working on
8 the recommended practice, that we've been able to
9 accelerate the journey even faster than those
10 other industries because we've learned from them.

11 And so I think if you look just in the
12 success that we've had in the short time -- a
13 little over five years -- that the recommended
14 practice has been in place, I think a lot of
15 those successes have to do with us learning from
16 the other industries.

17 MS. GRAHAM: I'll just add to John's
18 point something that I found interesting
19 yesterday. By the time the FAA mandated SMS for
20 U.S. airlines, John recorded that all but one
21 airline already had their SMS. So that speaks to
22 how that industry got ramped up and participated.

1 CHAIR BURMAN: Thank you.

2 And Dave Danner?

3 MR. DANNER: Thank you, Diane.

4 I just wanted to echo your comments
5 and let everybody know that you're not alone as a
6 regulator in the thoughts that you express. I
7 think that was a great presentation. I really
8 appreciate it.

9 I'm just speaking out loud, so people,
10 don't freak out. But a lot of state regulators
11 are now looking at a concept called performance-
12 based rate making. And we actually have a state
13 statute that requires us to start exploring this.

14 So it may be that state regulators can
15 help in this regard by setting up some metrics
16 and providing incentives for utilities to
17 continue on this journey. And so that is
18 something that perhaps we can explore with AGA
19 and other stakeholders as we go forward. Thank
20 you.

21 CHAIR BURMAN: Thank you.

22 Does anyone have any comments as to

1 what they heard? And that was Dave Danner,
2 Washington state regulator.

3 MR. DANNER: Thank you, and member of
4 the GPAC.

5 CHAIR BURMAN: Right. Great.

6 The other thing -- oh, Alan? Alan
7 Mayberry?

8 MR. MAYBERRY: Yeah, thanks, Madam
9 Chair.

10 I just wanted to recognize what
11 Massoud covered related to SMS for the regulator.
12 I think this is probably the biggest opening or
13 look under the hood that we've had, sharing with
14 you some internal materials that we've had for
15 the first time.

16 So we're walking the journey with
17 everyone on this. It's not been easy, but under
18 Massoud's leadership and Linda Daugherty's
19 leadership, our deputies for field ops and policy
20 and programs, we're making great progress in that
21 area. And we're really excited for our own
22 internal SMS.

1 So thanks for covering that, Massoud.

2 CHAIR BURMAN: Wonderful.

3 And I think -- let's see. Dave
4 Danner, is your hand still up to say another
5 comment, or --

6 MR. DANNER: No, I'm sorry.

7 (Simultaneous speaking.)

8 CHAIR BURMAN: That's okay. That's
9 great.

10 Okay. So I think now we're on our
11 final agenda item. Thank you very much for the
12 presentation that you just did on SMS.

13 We're now going to go back to industry
14 performance and incident history with David.

15 MR. LEHMAN: Yes. Hello. How are
16 you?

17 CHAIR BURMAN: Great.

18 MR. LEHMAN: Yes, I'm pulling it up.
19 You should be seeing it soon.

20 CHAIR BURMAN: And we can see your
21 slides now. Thank you.

22 MR. LEHMAN: Oh. Okay. Thank you.

1 And also wanted to give a shout-out to
2 John Gale and his team.

3 Unbeknownst to you, I lost feed for a
4 little bit, and they just jumped right in for my
5 last one. So they're ready again in case I have
6 some more technical issues.

7 Good afternoon. Once again, I'm Dave
8 Lehman. I'm the Director of Program Development.
9 This is an exciting topic for me. I was a
10 mathematics major, and one of my roles in program
11 development is to look at the data, identify and
12 explore trends, and work with SMEs in the
13 government, industry, academia, and the public to
14 examine and work with possible solutions.

15 Looking at performance is integral to
16 SMS and PHMSA Plus, so I think this is a good way
17 to kind of -- ending the day right after the SMS
18 presentation, which was just fabulous.

19 CHAIR BURMAN: Hey, David, if you
20 could just speak up a little bit more, I think
21 some people are having trouble hearing.

22 MR. LEHMAN: Yeah. Okay. I'm going

1 to hold the phone as close as I can to my -- so,
2 to set the stage, let me get -- really, for this
3 presentation, I'm going to show industry
4 performance and incident information through the
5 lens of our National Pipeline Safety Performance
6 Measures.

7 These performance measures were
8 developed with OPS -- for OPS and with OPS
9 through a consensus process. To develop the gas
10 distribution and gas transmission performance
11 measures, OPS worked with our state partners in
12 NAPSR, the Pipeline Safety Trust, and industry
13 representatives from the American Public Gas
14 Association, or APGA, and the International Gas
15 Association of America, INGAA.

16 And these performance measures I'll be
17 sharing today were put in place in 2015. But in
18 2017, OPS put in place hazardous liquid
19 performance measures, a similar process that was
20 used working with the Pipeline Safety Trust and
21 industry representatives from American Petroleum
22 Institute and the American Association of Oil

1 Pipelines.

2 So amidst that effort there, I had the
3 pleasure of assisting with this effort when I was
4 the Director of Oil Spill Preparedness and
5 Emergency Support Division. So what I'm going to
6 do is, in a few minutes, I'm going to highlight
7 what these are. But I really need to set the
8 stage in where we are.

9 So you've probably seen this slide.
10 And I was taking care of some technical issues,
11 so if this is a repeat slide, I do apologize.
12 But what this really does is it shows that,
13 basically, the total mileage of pipeline industry
14 is quite extensive in the United States. And, in
15 fact, it's been increasing steadily over the last
16 ten years.

17 For example, the hazardous liquid
18 pipeline miles have increased 22.5 percent over
19 ten years. And so all the numbers I'm going to
20 give you are ten-year timeframes. There have
21 been some decreases. There's a one percent
22 decrease in gas transmission. Most of that

1 decrease occurred in the offshore transmission
2 pipelines, and offshore only accounts for less
3 than one percent of the transmission lines.

4 Gas gathering pipelines has also
5 decreased by approximately 11 and a half percent.
6 However, there has been an increase of seven and
7 a half percent in gas distribution in the past
8 ten. And, once again, LNG facilities have gone
9 up 30 percent. And we just now recently
10 conducting underground natural gas storage, so I
11 can't tell you how much that's increased just
12 yet. But we are monitoring those increases.

13 Also, as we look at these performance
14 measures, and to go through some of the
15 definitions that we use here, the first one is
16 serious. I'll be spending a lot of my discussion
17 today on the serious incidents and accidents, and
18 these are the ones that involve fatalities or
19 injuries that require inpatient hospitalization.

20 All of our data that you'll be
21 presented exclude the fire first. And what I
22 mean by fire first is basically where the fire,

1 specifically mostly in distribution systems, are
2 caused by other outside source damage or some
3 causes -- you know, house fires where pipelines
4 were later exposed. So those are excluded. So,
5 really, what we're focusing here are incidents
6 that occurred as a result of the pipeline itself.

7 Significant is another term that we
8 use, and there's the five criteria. Once again,
9 it covers the serious, and then it looks at total
10 cost as measured in 1984 dollars. So, for
11 reference, that's approximately \$112,000 in
12 today's dollars.

13 Then HVL releases a five barrels or
14 more. Non-HVL releases a 50 barrels or more, and
15 then any liquid release that's an unintentional
16 fire or explosion. So those are considered
17 significant.

18 I will note, when you look at those
19 definition of significant, especially in the gas
20 distribution and gas transmission, the first two
21 elements really are the ones that drive the
22 significant incidents for those types of systems.

1 So each element, I'm trying to provide
2 a little bit of context on how pipelines have
3 related. So I think you should be able to see my
4 cursor. The blue line here, that's a serious
5 incident. And, once again, that's involving the
6 fatality or hospitalization, injuries.

7 And then how does this relate to the
8 pipeline industry, pipeline mileage, and how much
9 energy resources we consume? As you can see,
10 everything's been going up, with the exception of
11 the serious incidents. And, actually, we've been
12 better conserving our petroleum consumption.

13 But everything else is going up. I'm
14 not trying to -- really, when you sit there and
15 see that from 1.0 to 1.2 -- that's 20 percent
16 increase -- and the numbers that I quoted as far
17 as the pipeline mileage, you see that pretty much
18 marries up. And over that same time, the U.S.
19 population has increased almost 16 percent.

20 So that puts context. So, really,
21 what that also helps us do is look at the risk of
22 involved with this. So there's no risk out there

1 because the -- in contact with people more.
2 There's more pipeline that could have potential
3 issues, but the good news is the performance
4 indicators for pipelines are showing a good trend
5 downward.

6 So I'm going to start off a little bit
7 backwards from what I did up front, and I'm going
8 to start with a crude and refined product. This
9 one, we're first going to look at serious, and
10 then we look at the rate per mile and the causes
11 of those. And why we look at rate per mile --
12 and rate per mile is a constant theme through
13 this -- really, that's to normalize the data. So
14 that way, kind of like in the context position,
15 we look at how many incidents per mile or many
16 cases per thousand miles.

17 The other one is impacting people and
18 the environment, once again rate per mile, and
19 then also the volume spilled about per mile
20 transported. And then, finally, miles inspected
21 and type of inspection method.

22 Now, due to the time constraints, I'm

1 not going to focus on all of these performance
2 measures. I'm going to kind of highlight the
3 ones specifically focusing on the serious ones
4 first, and then some others that could be of
5 interest to you as well.

6 So, starting off with the serious
7 incident rate, while the incident rate has
8 fluctuated over time since 2005, the overall
9 trend is trending downward. And that trend line
10 is computer generated, so it's not us making it
11 up. It's really where the trend line is going.

12 And then when we look at the actual
13 causes of these serious incidents, the largest
14 cause, roughly half of it, is through incorrect
15 operation. And incorrect operation by a company
16 is sometimes referred to as operating error.
17 Examples of this operating error may lead to a
18 release or inadvertent actions.

19 Examples include wrong valve opened,
20 overfilling of a tank, over-pressurization of a
21 piece of equipment, not following proper
22 procedures, used the wrong equipment for the

1 procedure that's required. So those are just
2 examples of what could be included in incorrect
3 operation.

4 And so one thing I will point out,
5 throughout this, you'll see a lot of graphics in
6 this. All these are a part of our performance
7 information that we provide available online, and
8 I'll provide the link to that at the end of this
9 presentation.

10 The next element I will talk about is
11 the accidents impacting people and the
12 environment. Here, once again, we see the trend
13 line going in the direction we'd like to see it.
14 You see that there is called -- I call it the
15 camel hump, but -- around the '13/'14 timeframe.
16 Then it starts going in the right direction.

17 This measure includes serious
18 incidents, accidents involving emissions,
19 explosions, evacuations, water or soil
20 contaminations, public property damages, and
21 unintentional releases of a volume of five
22 gallons or more in high-consequence areas as

1 defined in 49 CFR Part 195.

2 And the leading cause is really -- and
3 this probably represents 80 percent of the
4 accidents, and these are in the order of greatest
5 to least, explosion, and then equipment failure,
6 incorrect operation, material failure.

7 So here you see for the impacting of
8 people and environment -- so it's a broader look
9 inclusion jump to the top, whereas under the
10 serious incorrect operation was what you saw
11 before.

12 So I'm going to move on to the gas
13 transmission performance measures. Once again, I
14 will really just kind of focus on the serious
15 ones. So let's see. I'm not going to read all
16 of them, but basically, we are looking at the
17 serious incident rate and cause. Once again,
18 serious is fatalities or injuries involving
19 hospitalization.

20 On-shore here, for significant, I'm
21 not going to touch on those just in the interest
22 of time today, but -- and also areas with ACAs.

1 So the first one I'm going to touch on is the
2 serious incident rate.

3 This is really, basically, per
4 thousand miles. I note, though, really, the
5 mileage of gas transmission hasn't fluctuated, so
6 this basically closely aligns with the number of
7 serious incidents.

8 And prior to 2010, the average number
9 of serious incidents for the previous ten years
10 was approximately seven per year. And since
11 2005, there's been an average of 2.4 serious
12 incidents per year. So you see the trend line is
13 going once again in the right direction. Once
14 again, though, any injury and any fatality is one
15 too many. So our goal is zero.

16 Once again, you see the different
17 causes here. And one thing that pulls up here --
18 and you're going to see this as a recurring theme
19 for the gas -- is excavation damage. So
20 excavation damage is the leading cause for gas
21 transmission serious incidents.

22 Within the excavation damage, third-

1 party damage is responsible for the majority of
2 these. Third-party damages occur when a person
3 other than the pipeline operator or contractor
4 excavates and damages a pipeline system. Also,
5 at the end of this presentation, I'll have a link
6 to where you can find more information on our
7 damage prevention information.

8 The second leading cause, as you can
9 see by the purple here, is other outside force
10 damage. Within this cause, vehicular damage is
11 responsible for most. And when we look at the
12 narrative of the company incident reports from
13 the operators, they usually mention an impaired
14 driver or a reckless driver.

15 This is another one of the five --
16 basically, what we're looking at here is the
17 incident rate by the year of the pipeline
18 installation. So what we're finding is -- the
19 little graphic didn't show up really well, but
20 this is unknown and pre-1940. This is the 1940s,
21 and this is the '10s, so 2010 to 2019, just so --
22 leading causes is corrosion and then material

1 failure, and then up to here, it's equipment
2 failure. And we'll discuss that a little bit
3 more later here.

4 Now, this is actually not one of the
5 actual performance measures you will find on our
6 website because -- I want to do a shout-out to
7 Blaine Keener and his team in the Operations
8 System Division. This is a newer chart than has
9 been circulated within PHMSA. And I know Alan
10 likes charts.

11 But really, what it does is it really
12 kind of does show the bathtub curve, a little bit
13 of a jagged bathtub. I wouldn't want to sit in
14 it, but -- so, really, once again, we find that -
15 - so this is out time. So this is year to day
16 and out beyond.

17 So, from there, you can see that early
18 failures are caused by equipment, so in other
19 words, it's not the pipe or the weld. And then
20 you start seeing the pipe and weld are the green
21 assessments showing up on years -- and that's
22 this chart here that goes up there -- really

1 begin to increase at the 30-year mark. And then
2 late failures are predominantly welding failures.

3 So this really kind of does coincide
4 with the previous slide I showed you. So this is
5 a phenomenal piece of work that I think that
6 Blaine and his team has done. So kudos to them.

7 Well, I'm going to move on now to the
8 gas distribution performance measures. Once
9 again, these are the ones that were developed by
10 the work group in 2015. In this case, I'm going
11 to just once again look at the serious rate.

12 Then we'll look at excavation damage, and then
13 I'd be remiss if I didn't talk about some of the
14 higher-risk materials that are still out there.

15 So, once again, we see the good trend
16 lines. Incident rates are going down, but we're
17 still seeing some issues, and especially with the
18 cause. Once again, there's the trend, excavation
19 damage and other outside source damage, same
20 issues that we've seen.

21 I'm going to delve in a little bit
22 more into the excavation damage next. And this

1 one has some kind of interesting information. So
2 what we're seeing here is people are calling in
3 to 811. That's what the blue line is. So that's
4 basically the damages per thousand tickets. And
5 so we're seeing the trend line, and that's really
6 showing that people are calling in.

7 And I looked at other data, through
8 like the Common Ground Alliance, and found that
9 really, we, Joe Public, are calling in more
10 frequently. Where are we seeing it? Really,
11 it's in the excavation damages. Who's doing it?
12 Once again, that third party.

13 And the causes are the main categories
14 of excavation damages. So we do have
15 subcategories for each of these, and the
16 subcategories for excavation, not sufficient
17 locating practices, not sufficient and the like.
18 When we have the subcategories, these do align
19 with the Common Ground Alliance Damage Incident
20 Report Tool, or DIRT.

21 Of note, the CGA's 2020 DIRT report
22 was published just last month and is available on

1 CGA's website. I do encourage you all to take a
2 look at that. And that is for all utilities, not
3 just pipelines. But they also have some nice
4 little tools that you can go in and kind of tease
5 out data from it. I had a little bit of fun with
6 that as I prepared for this meeting.

7 Some of the subcategories for
8 excavation practices not sufficient include
9 failure to maintain clearance, failure to
10 maintain the marks, failure to support exposed
11 facilities -- so, as you excavate, they collapse
12 on it -- failure to use hand tools when required,
13 failure to verify location by test-holing or
14 potholing, and then improper backfilling.

15 Subcategories for locating practices
16 not sufficient include the facility couldn't be
17 found or located, the facility marks of the
18 location were not sufficient, the facility was
19 not marked or located, and then incorrect
20 facility records or maps.

21 And so the facility not marking and
22 located, one of the interesting correlations I

1 found to the Common Ground Alliance data was
2 approximately ten percent, the markings were in
3 the wrong place. So off by an eighth in some
4 cases. So that's kind of why we would obviously
5 see excavation damage.

6 And I will say, in a personal
7 experience, I had a brother-in-law who did all
8 the right things, called 811. They came out.
9 When he put a shovel in the ground, he hit a
10 pipeline because it was mismarked by over two
11 feet. So, fortunate for him, I still have him
12 around. My sister does as well. But it does
13 show the dangers of mismarking.

14 So I'll move on to the higher-risk
15 materials. As we see here, the trend lines are
16 going in the right direction. Right now, we've
17 seen nearly a 50 percent decrease in bare steel
18 since 2005, and it only constitutes three
19 percent.

20 Unprotected, roughly 40 percent
21 decrease since 2005, once again three percent of
22 all gas distribution systems. And unprotected

1 steel -- excuse me, unprotected coating, 12
2 percent decrease since 2005. And that
3 constitutes one percent of gas distribution
4 systems.

5 So, overall, 28 percent of the gas
6 distribution systems were installed pre-1970.
7 Mileage of pipeline systems installed has
8 declined as well. So we're heading in the right
9 direction on this one. Still more work to do.

10 And then this is my final slide of
11 performance measures and, really, talking about
12 the cast iron and wrought iron pipelines.
13 They're more susceptible to damage by earth
14 movement than other modern materials, such as
15 steel or plastic. And it was mentioned earlier
16 that we are looking at ways that we can
17 incentivize and encourage that through grants and
18 other things in the future. So that is on the
19 table. So we would like to see this go down.

20 And I do want to point out that we
21 also have a website. If you go to this
22 performance measure on high-risk materials for

1 gas distribution performance measures, you will
2 have a link to everything that's going on with
3 reducing these higher-risk materials.

4 And, finally, where I said you can get
5 some additional information, data, and statistics
6 -- basically, if you go to our website, one of
7 the items is More Resources, Data, and
8 Statistics. That'll take you to the same site as
9 this.

10 When you go through that site, over on
11 the left-hand column, it'll say National
12 Performance Measures. And each of these items
13 that I went through today, plus ones I did not --
14 it has detailed information on that. And what's
15 nice is you can drill down and go deeper into
16 each of those columns and look at the actual data
17 that helped produce that information.

18 So I encourage you to use that. And
19 I did not provide a link, but cga.org is where
20 you can find the Common Ground Alliance's DIRT
21 2020 report.

22 So with that concludes my

1 presentation. I thank you for your time. I'm
2 open for questions, although I might need to pull
3 in some others to help me answer.

4 CHAIR BURMAN: Thank you so much.
5 That was really comprehensive and detailed, and
6 all of that information is really, really
7 critical for us to have and to have a summary
8 analysis and drill down.

9 I'm going to see if anybody has any
10 comments. I don't see anyone on -- oh, GPAC, Ron
11 Bradley. Thank you so much.

12 MR. BRADLEY: Thank you, Chair. Ron
13 Bradley from PECO or GPAC. Dave, thanks for the
14 presentation. Just a quick question. On the
15 distribution side, did you see an impact in
16 excess flow valves? Obviously, if there's a hit,
17 it will shut down releases of gas and make the
18 area safe. I'm wondering if you're seeing that
19 make a difference in the industry.

20 MR. LEHMAN: That one -- I am going to
21 defer that question over. I have seen those as -
22 - when I was in the Oil Spill Preparedness and

1 Emergency Support. Anything that was a serious
2 incident I would see, I did see an impact in
3 those. And that was always one of the first
4 questions that we got asked from NTSB and others
5 on that one.

6 But I'm going to defer if Blaine is
7 still on. He's the one that -- he sees
8 everything. So I'm going to defer to Blaine if
9 he's available.

10 MR. KEENER: Yeah. Hi, everyone.
11 This is Blaine Keener with PHMSA and the
12 Operations Systems Division.

13 For excavation damage, most of the
14 time, the problem happens over the ditch, not
15 with a migration into the house problem. So I'm
16 not sure that excess flow valves can really be
17 tied to just one incident cause.

18 We haven't really taken a close look
19 at trying to determine what incidents may have
20 been avoidable due to -- if an excess flow valve
21 had been in place. So that's not something we
22 look at (audio interference) looked at that

1 (audio interference).

2 MR. BRADLEY: Thanks. I think I might
3 be thinking about something a little bit
4 different. But, I mean, if an excess flow valve
5 is installed right and someone digs into the
6 service or knocks the meter apart or just -- you
7 have a blowing gas situation, it will lock up and
8 basically stop the flow of gas up that service
9 and then to the atmosphere.

10 So yeah. I think over time, we'll see
11 a difference. We'll just keep watching for it
12 because we're putting more and more of those in.
13 So thank you. Thanks for your presentation
14 today, and thanks for the response.

15 CHAIR BURMAN: Thank you so much for
16 that.

17 And now we have Bill from Pipeline
18 Safety Trust.

19 MR. CARAM: Hi. Thanks, Chair Burman.
20 This is Bill Caram with the Pipeline Safety
21 Trust, a member of LPAC.

22 First off, thank you, David, for a

1 great presentation. I just want to ask, if it's
2 possible in the future, it would be really great
3 to get these presentations ahead of time to be a
4 little more prepared. But, again, thank you for
5 a great presentation.

6 So, I do have one question. Are there
7 plans to add HVL and CO2 lines to the National
8 Pipeline Performance Standards?

9 MR. LEHMAN: In discussions as I was
10 preparing this -- and I pre-briefed Alan and
11 Massoud -- we all discussed and say, yes, it is
12 time to look at updating the performance and
13 revisiting that.

14 I see Alan has his hand up. He
15 probably wants to chime in as well.

16 So, Alan?

17 MR. MAYBERRY: Yeah. One of the areas
18 -- like Dave said, we were just talking about
19 that. Good question, Bill. And I think it is
20 time to revisit those national performance
21 metrics.

22 Your predecessor, Carl Weimer, helped

1 us greatly as we developed those. But it's
2 probably time now for a reality check, so I think
3 we should be talking, going forward by getting --
4 if not that same band back together, maybe a
5 different band to take a look and take a look at
6 refreshing those.

7 And, by the way, one of Dave's role --
8 who -- Dave, as he mentioned earlier, he's
9 relatively new in the role, but he's soon
10 developing PHMSA's analytical agenda. And that
11 squarely falls within that domain and looking to
12 make certain improvements in how we present data,
13 how we use the data to derive information, and
14 certainly related to data visualization of the
15 information you see.

16 And so improving those national
17 performance metrics, which you come to right when
18 you click on the Data and Statistics button on
19 our website, would be part of that. So thanks
20 for the question.

21 CHAIR BURMAN: Great. Thank you.

22 And I don't see any more from GPAC or

1 LPAC with any comments. I just will now go to
2 the public attendees.

3 And John Blanc?

4 MR. BLANC: Hey. This is John Blanc.
5 Can you hear me?

6 CHAIR BURMAN: Yes, John.

7 MR. BLANC: Yes. Thank you very much.

8 Yeah, thank you very much for the
9 presentation. Going back to the slide where it
10 talked about the serious incident rate and cause,
11 based on the pie chart, I believe more than a
12 third of the incidents were attributed to
13 excavation, and the other third was outside force
14 damage.

15 I'm a senior quantitative engineer for
16 PECO.

17 Well, actually, not that one. Maybe
18 the one before. Sorry about that. Yeah, that
19 one. Yeah.

20 Yeah, naturally I'm inclined to look
21 at mitigating measures to prevent them from
22 occurring, but seems like these are more like --

1 I guess the medical community calls them single-
2 incident trauma cases where it happens once and
3 it's very difficult to, I guess, prevent it from
4 occurring.

5 So I was wondering, what was your take
6 on that? Because it seems like a pretty
7 interesting distribution. I think I'm looking at
8 that right. That's the -- that's not equipment -
9 -

10 (Simultaneous speaking.)

11 MR. LEHMAN: Yes. Yeah, those are not
12 equipment failures. So the excavation damage --
13 our damage prevention programs that we work on
14 our typing the green piece the 102 there. The
15 108 is the more challenging, and others will
16 probably join me in this discussion.

17 But those are harder to tackle in the
18 sense of -- I mean, it's amazing how aerodynamic
19 or airborne a vehicle can go, and they tend to
20 always land on a pipeline facility. I don't
21 understand why that happens, but it does. I
22 don't know how many times over the seven years I

1 was in the Emergency Support role.

2 And you would see those very
3 frequently, at least once a week, sometimes twice
4 a week. And that's what the data's showing you
5 as well. So it's kind of like they have an
6 uncanny way of doing it, and I know he knows as
7 well, how to tackle that. I think that's a --
8 more discussion needed.

9 So anyone else from PHMSA like to join
10 me on that one?

11 Or did that answer your question?

12 MR. BLANC: Yeah. No, it answers it,
13 but I was just wondering because, seeing so many,
14 it just seems like there's other ways -- if it
15 was equipment failure, there's ways to mitigate
16 it. But when you're looking at over a fourth,
17 and a fourth if you combine the two, that's
18 nearly half of the incidents are almost --
19 there's almost nothing you could do other than
20 hope for the best. So I just wanted to point
21 that out.

22 MR. LEHMAN: Yeah. Thank you.

1 CHAIR BURMAN: Thank you so much. And
2 I think the next, then, is Christine. Christina?

3 MS. SAMES: Thank you, Commissioner
4 Burman. Christina Sames, American Gas
5 Association. And I'm actually going to tie on to
6 that last point, that 108 other outside force --
7 AGA actually stood up a -- what we call the
8 Operational Risk Data Committee. And that
9 Committee has been doing a deep dive into some of
10 these incidents to try to figure out, how can we
11 drive down some of these incidents?

12 And when we looked at other outside
13 force, what we found was almost all of them were
14 other outside force vehicular damage not due to
15 excavation, basically vehicles -- at least 40
16 percent are vehicles that are going through
17 fences, through bollards, through, really, what
18 they shouldn't be going through, and hitting
19 above-ground structures, meters, pipelines.

20 It's amazing how vehicles seem to find
21 things that they really shouldn't. I think my
22 favorite one that I looked at was a tractor-

1 trailer that decoupled that went through a field,
2 hit a Walmart with such force that it moved the
3 meters on top of the building.

4 One thing that AGA has been
5 encouraging is a look at other technologies
6 beyond physical barriers that can help prevent
7 these incidents, things such as breakaway
8 technologies that will stop the flow of gas if a
9 meter is hit, or installing excess flow valves on
10 existing pipelines to help shut down the flow of
11 gas if excavation occurs or, again, if a vehicle
12 hits a meter.

13 We can't solve everything, but I know
14 that the group feels pretty strongly that we have
15 to look beyond the traditional at this point to
16 some of these new technologies that we really
17 think can prevent these incidents.

18 I loved seeing these charts. And
19 between excavation damage and other outside
20 force, if we can solve those two, we get rid of
21 more than half of the incidents on the
22 distribution side.

1 Thank you.

2 CHAIR BURMAN: Thank you so much for
3 those thoughtful comments. Does PHMSA want to
4 say anything to what they just heard?

5 MR. LEHMAN: No, I will just echo
6 because when I've read some of the summaries of
7 the incidents, physical barriers are not going to
8 stop that type of momentum. So I applaud the
9 efforts you all are doing as well.

10 CHAIR BURMAN: Okay. With that, I
11 don't see any more comments or questions from
12 either GPAC or LPAC Committee members or from the
13 public.

14 I'm now going to turn it over to Alan
15 for wrap-up, I believe.

16 MR. MAYBERRY: Yes. Thanks, Chairman
17 Burman.

18 And just want to call your attention
19 to one item. I just want to give you just a
20 little clarification on our presentation that we
21 had to cut short on security. You're going to
22 see the full slide that posted to the docket.

1 But I wanted to call to your attention
2 -- the area we weren't able to cover you'll see
3 covered in the preceding slides after the TSA
4 presentation, and you'll see discussions related
5 to actions we're taking in the Office of Pipeline
6 Safety related to security.

7 And one -- well, a couple of the
8 examples are just drawing the connection to doing
9 things we can do that -- where there's a
10 connection between security and safety, and with
11 the expectation that the operators are covering
12 that and addressing it to address the safety
13 concern, the risk and integrity management plans
14 in particular.

15 It's a threat, much like other threats
16 like corrosion, so it needs to be addressed. And
17 that's an area we're working on related to our
18 protocols.

19 Another related area would be in the
20 emergency response plan. There is already an
21 expectation that operators are able to manually
22 operate pipelines, but just -- in how they

1 address that in their emergency plans, but --
2 their response to the incident, but then also in
3 the ability to recover and to operate under
4 manual operation, which is a bit tricky, we
5 found, with many operators out there because they
6 don't typically flex those plans.

7 So that's another area that we're
8 looking to address going forward. But feel free
9 to look at those as you see them posted. If you
10 have any comments, feel free to reach back out to
11 us.

12 Just in conclusion for the day, I just
13 want to thank everyone for bearing with us on
14 this long day. As you can see, we had a lot to
15 cover. And there's still so much we didn't cover
16 with you. We tried to provide a broad array of
17 the activities that are going on at PHMSA and the
18 Office of Pipeline Safety.

19 And I want to say it's quite
20 impressive. There's a lot going on, and we have
21 a fantastic team that's really helping us move
22 forward with a number of initiatives that you've

1 seen described today. None of it's easy, but we
2 really have a great team. And I just want to
3 express appreciation, too, with all the
4 stakeholders, from the public to the operators to
5 my fellow government members in the federal
6 government, state, working together as we move
7 forward.

8 But just a lot of moving parts. There
9 are other things we could have covered that
10 perhaps will stay to another policy meeting down
11 the road. So feel free to comment on the docket
12 for those of you that have been here and have
13 anything or additional input that you may have
14 related to the topics that were covered today.

15 Tomorrow, we'll be covering the
16 Standards Update Rule. We'll have a vote, or a
17 series of votes, on that. That's the single
18 topic we have for tomorrow, so we're looking
19 forward to that.

20 I think that's about it. I wanted to
21 thank everyone. I'll turn it back over to Madam
22 Chair for closing the meeting. But thank you.

1 CHAIR BURMAN: Great. Thank you so
2 much for that. I look forward to seeing everyone
3 virtually tomorrow, 10:30 sharp. I think we'll
4 be opening it up around 10:00 so people can start
5 to get on.

6 And with that, I'm going to adjourn
7 the meeting. Thank you.

8 (Whereupon, the above-entitled matter
9 went off the record at 5:52 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Liquid and Gas Pipeline
Advisory Committee

Before: PHMSA

Date: 10-20-21

Place: teleconference

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