

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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GAS PIPELINE ADVISORY COMMITTEE

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FRIDAY
MARCH 29, 2024

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The Advisory Committee met at the Westin Hotel, 1800 Richmond Highway, Arlington, Virginia, at 8:30 a.m. EDT, David Danner, Chair, presiding.

PRESENT

DAVID DANNER, Chair, Washington Utilities and
Transportation Commission
SAMUEL T. ARIARATNAM, Arizona State University
PETER A. CHACE, Public Utilities Commission of
Ohio
J. ANDREW DRAKE, Enbridge Gas Transmission and
Midstream
WILLIAM "CHAD" GILBERT, United Association
International
SARA ROLLET GOSMAN, University of Arkansas
School of Law
ERIN MURPHY, Environmental Defense Fund
ARVIND P. RAVIKUMAR, The University of Texas at
Austin
STEVE SQUIBB, City Utilities of Springfield,
Missouri

TERRY L. TURPIN, Federal Energy Regulatory
Commission
BRIAN R. WEISKER, Duke Energy Natural Gas
Business Unit
CHAD J. ZAMARIN, The Williams Companies, Inc.

STAFF PRESENT

ALAN MAYBERRY, Associate Administrator
CLAYTON BODELL
BENJAMIN FRED
JOHN GALE
ROBERT JAGGER
MARK JOHNSON
JOSEPH KLESIN
MARY McDANIEL
MIKIDADU MOHAMMED
SAYLER PALABRICA
ROBERT ROSS
CAMERON SATTERTHWAITE
RODRICK SEELEY
ANNA SETZER
ERMIAS WELDEMICAEL

PUBLIC COMMENTERS

TERI ANDERSON, Oneok
ANDREW BARTNIK, Bridger Photonics
RITA BEVING, Liveable Arlington
ODESSA BJORNSON, Public Participant
LOIS BOWER-BJORNSON, Clean Air Council
CORRINNE BYRNES, National Grid
JAIME BUTLER, Young Evangelicals for Climate
Action
BILL CARAM, Pipeline Safety Trust
ALMETA COOPER, Public Participant
KEITH COYLE, American Petroleum Institute
MERCEDES DAVIS, Public participant
MARY FRIEND, West Virginia PSC
CAROL HAGER, Enbridge Gas Ohio
MARK HERETH, The Blacksmith Group
JAIME HERNANDEZ, Kinder Morgan

ANN JAWORSKI, Earthjustice
MAURY JOHNSON, Public Participant
BEN KOCHMAN, Interstate Natural Gas Association
of America
JASON LAMBERT, Williams Companies
KEVIN LANG, Southwest Gas Corporation
RICK LONN, Southern Company Gas
MICHAEL MCGRATH, Enbridge
BRIANNE METZKER-DORAN, TC Energy
RACHEL MEYER, Moms Clean Air Force
JESSICA MOERMAN, Evangelical Environmental
Network
MICHAEL MURPHY, TC Energy
JULIE NYGREN, Public Participant
MCKENZIE NYGREN, Public Participant
JEFF O'BRIEN, Rhode Island Energy
OGHENETEGA OGBAN, Eversource Energy
TOM OTJEN, Kinder Morgan
JOAN PORTER, Rhode Island Energy
BILL QUINN, Enbridge
PATRICK RAICHEL, DT Midstream
ERIC TAYLOR, BHE GT&S
PETER SEYDEWITZ, Enbridge
MATT SMITH, Illinois Commerce Commission
LAUREN TOCZYLOWSKI, Con Edison
CORRIE TOWNS, DTE
HANA VIZCARRA, Earthjustice
DARRAL WARD, Boardwalk Pipelines
BENJAMIN WARREN, Citizens Energy Group

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

2 (8:39 a.m.)

3 CHAIR DANNER: All right, good
4 morning, everybody. Today is Friday, March 29,
5 2024, and it is my hope that this is our last
6 day on the class rules.

7 We have on our agenda two more
8 topics, operator removal from eligibility;
9 assets, experience and significant incident;
10 and incorporating geohazards as an eligibility
11 criterion.

12 We have already had public comment
13 on these issues. So, I think we can get right
14 into the G-back discussion. Who would like to
15 lead the discussion, Andy?

16 MR. DRAKE: Andy Drake, Enbridge.
17 Good morning, everybody. Welcome to Good
18 Friday. I think this is actually the first
19 time that I can remember we had actually a
20 government meeting on Good Friday. So, this is
21 new.

22 I just wanted to pause for a second

1 and be really transparent to the group. We put
2 up a list of issues there yesterday. I know
3 it's Friday and we want to get to the finish
4 line, and I don't want people to go, well, you
5 keep adding, you keep moving the finish line
6 having another issue, another issue.

7 I'd like to start off the morning
8 saying there's three issues that aren't on that
9 list that I'd like to see us at least add.
10 That would be Sinetype, Operating, and the
11 grandfather clause.

12 And I think it's not intended to get
13 away with anything. It's actually being very
14 transparent, because I think some of them are
15 very clear. We just want to try to be very
16 clear. What are the little nuances around
17 those three issues and how to they play?

18 So, I just wanted to put that out
19 there. I'm not trying to extend the day. I
20 think they're just good guidance.

21 CHAIR DANNER: All right, thank you.
22 Is there anybody else on the Committee who has

1 any additional issues that they want to add to
2 the agenda today?

3 All right, let's start then with the
4 discussion of operator removal from eligibility
5 should any of their assets experience a
6 significant incident. Sara Gosman?

7 MS. GOSMAN: Thank you. I have sent
8 some language to PHMSA -- actually, to John, so
9 he can put it up on the screen. So, while
10 that's happening, I'd like to talk a little bit
11 about this idea.

12 So, I think we've had a lot of
13 conversations about the fact that we are moving
14 to IM, as sort of relying on IM as a way of
15 managing risk in these areas.

16 And in doing so, we are dealing with
17 risk that would otherwise have been dealt with
18 through replacing the pipe or through an
19 individualized review by PHMSA through special
20 permits.

21 And then, of course, the other
22 possibilities in the list of options.

1 Because I think it's so important
2 that we make sure that operators are correctly
3 implementing IM, I think we need to be careful
4 about who is going to be using this particular
5 option.

6 And I really think of it as
7 something where we are granting permission at
8 the front end to allow operators to use this
9 and it comes with the assumption that they are
10 correctly employing IM.

11 So, the language here is designed to
12 get at that issue. So, let me explain a little
13 bit about what I've done.

14 This would be a forward-looking --
15 so, we're talking about eligibility criteria in
16 this part of the rulemaking.

17 So, this would be essentially a
18 five-year window in which operators who have
19 had a significant incident, and PHMSA has taken
20 an enforcement action and determined that
21 there's been a violation of a provision of
22 Subpart O, that during that five years that

1 operator would not be eligible to enter this
2 program.

3 So, a couple of things to note about
4 this. I think this is a rare situation -- at
5 least I'm hoping it's a rare situation --
6 really designed to get at a situation where
7 we've both had an incident, and where that's
8 been tied to a violation of IM.

9 Also want to make clear that the
10 time mound here is because I'm hoping that
11 within those five years we see the operator
12 take that information and create a better
13 program, and then the hope is that they would
14 be able to use that when they were eligible
15 again for the program.

16 So, just to give you some numbers, I
17 had a lot of fun with the PHMSA enforcement
18 data and their Excel spreadsheet. So, a few
19 numbers for you here.

20 And if you go back and look at the
21 data, I believe this is since 2002. One
22 hundred eighty-eight out of 1,313 enforcement

1 records related to IM for onshore interstate
2 and intrastate gas transmission. Actually,
3 that's since 2006, I'm sorry.

4 Fifty-seven of those were final
5 orders. Meaning we went to a stage where there
6 was a specific determination about IM.

7 There were eleven final orders since
8 2019. And so, that's sort of the five-year
9 window that I was looking at.

10 In terms of the enforcement data,
11 we've got -- so, two of those had incident
12 reports attached to them. One has a final
13 order at this point and the case is closed, and
14 one is still open.

15 So, and in those particular cases,
16 one of them, the one that's still open, the
17 operator did have a significant incident and
18 they were alleged to have violated sections
19 192.917(a)(1), threat identification of
20 corrosion and stress corrosion cracking;
21 192.937(c)(1), failure to adequately do an IOI
22 inspection.

1 To me, those seem really critical to
2 the conversation that we've been having here
3 about this rule, and that is the kind of
4 situation where if that particular enforcement
5 action is closed with those findings, that we
6 would want to be careful about allowing that
7 operator to come into this program for, again,
8 a five-year window.

9 And then the other one that was
10 closed and does have a final order related to
11 it is not going through any review at this
12 point, was a failure to conduct risk analysis
13 for automatic shutoff valves and remote control
14 shutoff valves, also a requirement under IM.

15 So, that's my proposal. I'm happy
16 to take any questions on it. I hope we can
17 agree that we want operators who are doing the
18 right thing with IM, who have not had
19 significant incidents related to violations of
20 IM, to not be eligible for this program for a
21 limited period of time.

22 CHAIR DANNER: All right, thank you.

1 Chad, and then Pete.

2 MR. ZAMARIN: Thanks. Chad Zamarin,
3 Williams. When I saw the comments that were
4 submitted, I wasn't philosophically opposed at
5 all. I do think that if there's an operator
6 that's a bad actor and is not properly
7 implementing integrity management, that if
8 PHMSA deems it necessary, they should, as part
9 of their enforcement action, have the ability
10 take action against this.

11 This is very specific. This is
12 basically saying things that you have to
13 determine that it's for five years. Remember,
14 significant incident is a very low threshold.

15 What I understood is if you have a
16 rupture that occurs, or a significant impact,
17 and somebody is not following their program, or
18 doesn't have a good program, it's a bad actor.

19 This feels like we're kind of
20 telling PHMSA how to do their job. I mean, I
21 was fine at the conceptual level, that we
22 should advise PHMSA that if they have, in their

1 determination, an operator that is not properly
2 implementing integrity management, that they
3 should take action, and they have that
4 authority.

5 And I believe in the corrective
6 action order authority. If you saw that an
7 operator wasn't capable of effectively
8 implementing integrity management in lieu of
9 class change, that you can take enforcement
10 action.

11 And so, this feels very kind of
12 prescriptive, telling PHMSA how to do it. So,
13 I don't know if there's a way to talk at a
14 principal's level, at a conceptual level, and
15 not try to tell PHMSA that we know in any given
16 incident what the appropriate terms are of the
17 action that they're taking.

18 Again, like I didn't have a problem
19 with the language that was put up during the
20 comment summary. But this feels like it's
21 going beyond and being very specific. And
22 there's a lot of, I think, unknowns when you

1 start going down each of these rabbit holes.

2 MR. CHACE: Pete Chace, NAPSR.

3 Yeah, I understand and am supportive of the
4 impulse behind it, but could PHMSA just write
5 those terms into their compliance orders,
6 instead of having it written in the rule?

7 CHAIR DANNER: All right, thank you.
8 Sara?

9 MS. GOSMAN: Well, yeah, that's a
10 good question. I mean, maybe PHMSA could
11 answer that before I respond.

12 CHAIR DANNER: I'm sorry, what was
13 the question?

14 MS. GOSMAN: I thought that Member
15 Chace had asked a question about whether this
16 could --

17 CHAIR DANNER: Oh, I thought that
18 was a rhetorical question, not a specific
19 question.

20 MS. GOSMAN: Oh.

21 CHAIR DANNER: Okay.

22 MR. SEELEY: So, this is Rod Seeley

1 with PHMSA. Could you reiterate the exact
2 question you're asking?

3 MR. CHACE: Thank you. Pete Chace,
4 PHMSA. I'm wondering if it would be possible
5 if this situation were to arise, PHMSA could
6 just write these terms into their compliance
7 order.

8 MR. CHACE: So, if we've issued an
9 NOPV and we decide to issue a compliance order
10 with it, and if it goes through the whole
11 adjudication and becomes the final order, we
12 have some latitude in what we include into a
13 compliance order.

14 The compliance order would have to
15 be related to the finding of violation, or the
16 alleged violation.

17 For example, if we say Operator A,
18 you're in violation of patrolling for the years
19 2022, it would be, I think, difficult for us to
20 say, well, that's not really an IM thing, so
21 pick an IM. They didn't do your VAL study
22 under IM. So, you are never allowed to be in

1 the alternative class change.

2 That would be a bit of a stretch in
3 an order written today for something that may
4 not happen for a while. Because we can't
5 anticipate if they're actually going to do it.

6 So, there's a bit of a challenge, in
7 my opinion, and I'm a lawyer, to get that far
8 out in a compliance order, when we're not sure
9 they're even going to do that.

10 So, I think that's a bit of a
11 challenge in a compliance order.

12 CHAIR DANNER: All right, Sara?

13 MS. GOSMAN: Yeah, just to respond
14 to Chad's comments, I try to be specific where
15 I think it will be helpful, so people can
16 understand what I'm trying to do here.

17 And in doing so, I hope actually to
18 address concerns, because I think the more
19 specific I am and the more cabining that
20 happens with this language, hopefully the more
21 that people can see sort of what the
22 limitations on it.

1 I'm certainly open to other
2 language, but I will note that we are talking
3 about eligibility criteria here. That's the
4 part of the rule.

5 It seems to make sense to me to have
6 an eligibility criterion based on the
7 operator's performance of IM.

8 I don't see in this regulatory
9 system another procedural vehicle for doing
10 this in which the Agency is making a decision
11 at the front end about the program.

12 I mean, that's, again, the whole
13 point of this rule, is that under the rule, the
14 operator can use this IM alternative option and
15 proceed forward. Right? There's no
16 individualized review, there's no special
17 permit. It just goes forward.

18 So, there's not a moment in time in
19 which PHMSA can say, hey, let's look at this
20 set of issues here and determine whether the
21 operator is eligible.

22 And for that reason, I think it's

1 appropriate to think about it as an eligibility
2 criterion.

3 If there's more general language
4 that somebody wants to propose, I'm happy to
5 consider it. But that's why I'm housing it inn
6 eligibility criterion, to make sure that it
7 gets into the rule at the front end, as opposed
8 to have it be something that PHMSA -- I just
9 don't see a way in which PHMSA direct addresses
10 this again, and before an operator starts in.

11 CHAIR DANNER: All right, thank you.
12 Andy Drake, and then Chad.

13 MR. DRAKE: Andy Drake, Enbridge. I
14 agree with this conversation. The intent of
15 this is important and I agree with this, which
16 should be explicit guidance to PHMSA.

17 I'm trying to figure out -- I have a
18 couple of questions I can't seem to answer.

19 If there was an incident that
20 occurred on a pipe and there were MAOP and
21 they've done the alternative classification
22 work on stuff prior, I think we have to look to

1 PHMSA to make a decision about the relevance of
2 the event to the other permits.

3 Because I would hope that if the
4 other permits have the same threat and they can
5 say, well, yes, they should issue a corrective
6 action order that those site are restricted, or
7 they have to be addressed.

8 And we have to look to PHMSA to use
9 their insights to say, well, this threat
10 doesn't exist on these existing MAOP projects
11 and we're okay.

12 And maybe we're doing that with the
13 record here. We trust in you to sift the wheat
14 and the chaff here. There's things that are
15 bad actors, and if pervasive in the system,
16 yep, that's a problem across the whole thing.

17 If it's something specific that
18 caused it and there's other sites that have
19 that characteristic, yes, they're in.

20 But to the degree there are other
21 sites that don't, we have to trust PHMSA to
22 differentiate that.

1 But I think it's good to give some
2 guidance here on record that what is a bad
3 actor? And maybe we're doing that with the
4 record, which is good, because I think those
5 nuances aren't really reflected here.

6 And I think that's where, do we go
7 higher? Do we stay with this and just rely on
8 the record? I'm open. I'm just asking
9 questions. But I think that's important that
10 PHMSA has a role here to go through that
11 analysis and decide relevance.

12 But it's not none. If there's a
13 problem, we have to tell them, we expect you to
14 restrict.

15 CHAIR DANNER: Thank you. You know,
16 I note that this is restricting an operator.
17 So, it is the company. So, what you're looking
18 at, does this company have a record of poor
19 integrity management.

20 And PHMSA, I do believe, should have
21 tools to say, look, you're not cutting it.
22 You're not eligible.

1 So, I don't know what the right
2 level of generality is. There is the issue of
3 if you need to get somebody to move on from bad
4 IM, you need to do it quickly, so you don't
5 want to have something that sets up a two-year
6 litigation process before you can take him off.

7 So, those are some concerns that I
8 have. All right, Chad, and then Erin.

9 MR. ZAMARIN: Thanks. Chad Zamarin,
10 Williams. Yeah, again, conceptually, I mean,
11 I'm trying, to the comments here, come up with
12 an idea here.

13 I mean, I do think PHMSA has
14 different tools that they can exercise. They
15 have corrective action orders, compliance
16 orders. They have the ability to go in and
17 audit an operator's ability to comply with this
18 program and take action if they deem it that
19 they can.

20 I mean, I would be comfortable with
21 something that says something like, if there's
22 been a significant incident on an operator's

1 system, and PHMSA determines that the operator
2 cannot effectively implement the alternative
3 MAOP program, then PHMSA should exercise its
4 authority to exclude an operator from using the
5 program.

6 Something like that, where we're
7 saying, bad actors, or companies that PHMSA
8 deems doesn't have the capability to
9 effectively implement the program, shouldn't be
10 implementing the program.

11 But the challenge with getting more
12 specific is, if you had one incident that
13 occurred -- and we operate a very large
14 company; we've worked really hard, and I
15 consider us a good operator -- but if I had an
16 inline inspection in one particular area that,
17 for whatever reason, didn't have accurate data,
18 and we had something that occurred, but I've
19 got opportunities to -- and again, I think
20 we're creating more benefit from a safety
21 perspective on this program across other parts
22 of the system -- and again, significant

1 incident could be something that is just
2 emitted more than three million cubic feet a
3 day -- no rupture, no injuries, no fatalities,
4 no fire -- a very small incident can cross the
5 significant incident threshold -- enforcement
6 action is very broad.

7 PHMSA may issue a notice of
8 amendment that says, hey, you needed to update
9 your procedure, you need to make it better in
10 this particular area.

11 All of a sudden, we've tripped this,
12 I think, unintended outcome, instead of
13 allowing PHMSA the discretion to say, hey,
14 there's a bigger systemic problem here.

15 You've got an incident that
16 occurred, and I've got a concern with your
17 broad capabilities to implement integrity
18 management across your system.

19 I think you've got to give that
20 discretion to the regulator. And so, that's
21 why I would take it up a level and say, look,
22 if PHMSA makes that determination they should

1 if they don't have the tools to exclude an
2 operator from using it.

3 I think they do have the tools. But
4 that's how I would be comfortable wording it.

5 CHAIR DANNER: All right, thank you
6 for that. And I want to point out that the
7 language here, PHMSA has, based on the
8 conversation, made some edits to that language.
9 So, I just want to make sure that everybody's
10 aware of that. All right, Erin, and then Sara.

11 MS. MURPHY: Thanks. Erin Murphy,
12 Environmental Defense Fund.

13 I think it's helpful for me in
14 listening to this discussion, to sort of take a
15 step back and think about what sort of fact
16 scenario are we talking about here when we're
17 talking about eligibility criteria.

18 And we're talking about a segment of
19 pipeline that has ended up in a higher number
20 class location.

21 When the pipe was originally built,
22 it was built to one design specification that's

1 established for lower population areas.

2 Then, the density of human-occupied
3 buildings and other spaces around the pipeline
4 has increased and there are more people around
5 the pipeline. And so, now the pipeline to
6 satisfy a new set of criteria.

7 There are four options available for
8 operators to meet that standard. This proposed
9 rule would create a fifth option, the IM
10 option.

11 And so, we're talking about out of
12 these options, what should an operator have to
13 satisfy in order to be eligible for a fifth
14 option, the IM option?

15 And what Member Gosman has proposed
16 is that in order to be eligible for this
17 option, which is less strenuous than some of
18 the other options -- and as we've been hearing
19 in the discussion, I think preferable and of
20 interest to industry -- is that if there is an
21 operator that has had a significant incident
22 and there has been an enforcement action that

1 was brought against the operator due to a
2 violation of Subpart O, which is IM -- that
3 we're calling this the IM option -- then they
4 would not be eligible for this option on the
5 menu list of choices that they have to comply
6 with the standards.

7 To me, that's really reasonable. It
8 feels entirely appropriate to me that there be
9 sort of a clear carve-out if an operator has
10 behaved irresponsibly in the past, and so
11 irresponsibly that there's this clear record of
12 a violation of a provision of Subpart O in
13 particular and PHMSA brought an enforcement
14 action, I think adding an additional step of
15 requiring PHMSA to make another determination,
16 when PHMSA already brought an enforcement
17 action against an operator, doesn't make sense.

18 That seems like it's just creating
19 sort of more busy work for the Agency, when
20 they've already made the determination.

21 And what this Committee would be
22 recommending is that PHMSA deem that

1 determination, that enforcement action, as
2 something that should trigger a lack of
3 eligibility for this IM option related to a
4 class location change.

5 So, I support the proposal, and I
6 think this is really very reasonable in a lot
7 of ways. I mean, frankly, I would even
8 consider broadening it. Right?

9 There's a number of other types of
10 violations. And as Sara was summarizing some
11 of the numbers on the history of enforcement
12 actions over the last couple of years, there's
13 other types of enforcement actions that PHMSA
14 brings as well that to be might raise concerns
15 about whether that operator should be eligible.

16 So, I think what's on the table is
17 really sort of discrete and appropriately
18 tailored to the situation.

19 CHAIR DANNER: All right, thank you.
20 Sara.

21 MS. GOSMAN: Yeah, thanks again for
22 this conversation.

1 I do want to make clear that I was
2 very much trying to limit this to what I
3 consider to be the major enforcement action.

4 So, we're not talking warning
5 letters here. We're not talking notices of
6 amendment. Right?

7 What we're really talking about is
8 those that result in a final order. So, those
9 are really notices of probable violation.

10 So, to the extent that there's a
11 concern that a significant release might happen
12 but it's -- I don't know. I don't know how to
13 frame that concern exactly.

14 But that might not indicate that the
15 operator has done anything wrong. I think
16 we're talking about a very limited set of
17 things here.

18 So, I wanted to share the data again
19 because I spent some time sort of working
20 through it.

21 So, there have been 57 final orders
22 since 2006 on onshore interstate and intrastate

1 gas transmission involving IM. So, that was my
2 Excel work. And eleven have occurred since
3 2019.

4 And given all of the criteria that
5 I've put up here, only two of those were, at
6 least in the data, directly tied to incidents.
7 That is, there's a column that actually has
8 incident reports.

9 And so, the two that had yes in that
10 incident report column, there were two of those
11 within the last five years. One is still open,
12 one has been closed.

13 So, I don't think we're talking big
14 numbers here, and my hope is that this is an
15 unusual situation. But it's an incredibly
16 important eligibility criterion.

17 So, again, just to help set the
18 stage in for what I was envisioning, which is
19 not to catch anyone out, but is to find those
20 particular moments where, again, we have a
21 PHMSA determination that there has been a
22 violation. I don't know that there needs to be

1 another PHMSA determination.

2 Again, I also want to make clear --
3 I mean, I am very concerned about operators who
4 are currently in, like, using the IM
5 alternative option if something like this
6 happens.

7 But because we're talking
8 eligibility criteria here, my vision was that
9 it was a going-forward thing, so that again, I
10 mean, the way that this rule is structured is
11 that there would be for a particular segment a
12 determination of eligibility.

13 And so, this would actually be for
14 eligibility for a segment moving forward that
15 is not everything that's already in the
16 program.

17 CHAIR DANNER: All right, thank you.
18 Brian, then Andy, then Chad.

19 MR. WEISKER: Brian Weisker, Duke
20 Energy. And thank you, Sara. I think that was
21 some good comments.

22 But I got a question for PHMSA.

1 Just, I guess, a philosophical question, is,
2 are there any -- I'll call it any other bad
3 actor clauses in code where if operator does X,
4 or programs not good X, whatever it is, a
5 description of, if this, then you can't do X,
6 Y, and Z, that's described in the code, or is
7 it something -- I mean, I feel like you already
8 have the ability to address a bad actor with
9 the tools you have in the toolbox.

10 But are there any specific, I'll
11 call it bad actor clauses, in the code? I
12 don't think there are.

13 MR. MAYBERRY: I don't believe so.
14 But we have our authority and a variety of
15 tools that at our disposal.

16 MR. WEISKER: Got it. Thank you.

17 CHAIR DANNER: But again, I mean,
18 how many of those require lengthy adjudications
19 or some other thing before action can be taken?

20 MR. MAYBERRY: So, just in general,
21 if we, under authority, we see issues, whether
22 it's through an inspection or incident,

1 obviously we have a variety of tools that we
2 can use, from a corrective action order, to
3 notice of proposed safety order, to or typical
4 enforcement process, to address violations of
5 the code. Things like that, that we use.

6 CHAIR DANNER: All right, thank you.
7 Andy, and then Chad.

8 MR. DRAKE: Andy Drake. I think
9 we're close on intent here. We don't want bad
10 actors in here, and I think that it's important
11 that PHMSA has tools that don't require a lot
12 of adjudication.

13 I mean, corrective action orders and
14 safety orders, 190.239, and safety orders,
15 gives PHMSA the authority, if there's an
16 incident, to issue a corrective action order or
17 safety order. Quickly. And it can impose
18 pressure restrictions. Quickly.

19 And I think all we're saying is in
20 regard to this, if something happens that
21 you're concerned about, we should limit
22 someone's ability to come into this program.

1 I think that makes sense. I
2 appreciate your comment, Sara, about trying to
3 provide some color. I think the words that are
4 getting people here's attention and mind, it's
5 very open.

6 Like, if there's any violation of
7 Subpart O that could be tied to anything that
8 people are worried about, well, you would be
9 out of the program.

10 Well, that's not the intent.
11 Because O is big. There's a lot of things in
12 O. And definition of an incident can be pretty
13 encumbering. So, all of a sudden it's like,
14 we'll have some kind of valve spacing issue
15 come up, and all of a sudden, I'm out. Like,
16 what? That's not pervasive. That doesn't make
17 sense.

18 So, I think we're just trying to --
19 how do we give guidance without micromanaging.
20 I think that's the struggle we're having, is
21 how to do it, not whether to do it.

22 CHAIR DANNER: All right. Alan, go

1 ahead.

2 MR. MAYBERRY: Just in that spirit
3 too, is I know Williams and Enbridge know the
4 right way to do things. But as we've talked
5 about in numerous conversations, we do need to
6 float boats. And there are others out there
7 who don't have that same level of diligence.

8 And so, if you have any thoughts on
9 that, I think that's what the interest is of
10 Member Gosman.

11 CHAIR DANNER: Chad?

12 MR. ZAMARIN: Yeah, thanks. Chad
13 Zamarin, Williams. Yeah, and Alan, I think
14 that is, I think from an intent perspective,
15 why I agree. I think we're on the same page.

16 But again, we're getting very
17 specific here. I mean, the definition of
18 significant incident is very broad. It's any
19 incident that crosses several criteria,
20 including one that is a very small amount of
21 volume.

22 And so, it doesn't mean that you've

1 hurt anyone. It doesn't mean you've had an
2 incident that is even released. I mean, the
3 volumes that we've been talking about in the
4 elite detection rule are much larger than the
5 threshold for what constitutes a significant
6 incident. So, that's very broad.

7 And then, Subpart O is a very broad
8 part of the code. And there can be procedural
9 issues that PHMSA identifies that are
10 deficient, and frankly, even in good operators
11 there can be improvements.

12 And the tool that an inspector has -
13 - and I can tell you there can even be
14 disagreements.

15 There can be operators that believe
16 they're doing it the right way, and even after
17 getting a violation, still believe they were
18 doing it the right way.

19 But the tool that PHMSA has to say,
20 no, this is the absolute right way, is to go
21 through the process of issuing a notice of
22 proposed violation, and then ultimately, a

1 final order is determined.

2 So, that's what I'm getting at is, I
3 think we just need to be careful. I think that
4 PHMSA has tools that it can use. And the idea
5 that we say as a Committee, if there is an
6 incident and there is a deficient program and
7 PHMSA determines that an operator cannot apply
8 this program effectively, they should be able
9 to exclude the operator.

10 That, I have no problem with that
11 concept. When you start wiring it to specific
12 thresholds that don't apply specifically --
13 significance is very broad, all of the
14 provisions of Subpart O are very broad, one
15 violation of a procedure in Subpart O may not
16 indicate that you have a problem with
17 implementing all of integrity management.

18 So, that's what I'm struggling with.
19 So, again, I don't have a problem conceptually.
20 I just think we should be careful not to try
21 to, like Andy said, kind of micromanage the
22 issue.

1 I think we've been talking a lot
2 about, like, PHMSA's job is to figure this out.
3 Like, this is what they do.

4 They will go in and determine --
5 they need to, and I think we're saying that --
6 determine if an operator is not capable, based
7 on an incident, based on -- frankly, even if
8 there's not an incident.

9 If an operator's not capable of
10 properly implementing this, take action. Take
11 action. Thanks.

12 CHAIR DANNER: All right, thank you.
13 Sara?

14 MS. GOSMAN: Yeah, thank you. So,
15 I'm just trying to identify issues here and
16 take them on so we can figure out, I think it
17 sounds to me like there is a common interest in
18 doing this. I see that there are two things
19 here, right?

20 One relates to the question of, what
21 are the actions that we're concerned about that
22 operators are doing? And how limited or broad

1 do we want to make those?

2 So, now looking at the definition of
3 significant incident is based on total cost,
4 right? Or fatality or injury requiring
5 inpatient hospitalization.

6 So, we can have a conversation, I
7 supposed, about the cost thresholds, right?
8 But to me, these seem like important thresholds
9 to sort of look at when IM has failed.

10 There's also a question about, like,
11 does it have to be a significant incident?
12 Should it be more like a failure or a rupture?

13 The other question that I think I'm
14 hearing is really -- thank you, PHMSA. The
15 other thing that I'm hearing is really a sort
16 of question of process.

17 So, when is PHMSA going to be
18 considering this? What authorities does it
19 have to say to an operator, look, you're not
20 eligible for this program based on your
21 demonstrated violation of Subpart O.

22 And that second question, I think we

1 can have broader language. But I just want to
2 point out again that there's not -- I mean,
3 there has to be a process. Right?

4 PHMSA, it has to abide by the
5 authorities it's given and the processes it
6 has. There's nothing in the rule as I read it
7 that allows PHMSA to come in and say to an
8 operator, like, if it meets the other
9 eligibility criteria, sorry, you can't use this
10 IM alternative option.

11 I mean, that is, again, the way the
12 rule is structured, which is why we're bringing
13 this forward.

14 If there was an individualized
15 determination by PHMSA on this, then yeah, I
16 think we could say to PHMSA, take a look at
17 this issue.

18 But it's built into the structure of
19 this IM alternative option. Which means that
20 there has to be a process for PHMSA to make
21 this determination.

22 And we can leave that process open.

1 But I just want to be clear that that is what
2 I'm envisioning. Because otherwise, what we
3 have is a rule that says, you meet these
4 eligibility criteria, you're in. Right? And
5 nothing else there that gives PHMSA any
6 authorities to say, look, based on this
7 history, we don't think that you're actually
8 going to be able to apply IM in a protective
9 way.

10 CHAIR DANNER: All right, thank you.
11 Andy, then Chad.

12 MR. DRAKE: Andy Drake, Enbridge.
13 Aa thought occurred to me, Chairman, when you
14 made a comment.

15 This is actually intended to help, I
16 think, ground to the intent here. The more
17 criteria we give, I think it could cause
18 actually unintended consequences that would
19 almost hobble PHMSA a little bit.

20 Right now, PHMSA has the authority
21 that if they see a bad actor, they can
22 institute a safety act without an incident,

1 without anything. Which is, I think they're
2 saying if they got to an inspection and go,
3 hey, you're not deploying integrity management
4 very well, they have all the authority they
5 need to say, you are restricted to a lot of
6 things.

7 And I think that's important
8 deference to give to PHMSA. And I'm okay with
9 adding something here that says, hey, if you
10 determine in an inspection, or as the result of
11 an incident, that this person is not deploying
12 integrity management well, you should consider
13 restricting their eligibility to this.

14 They already have the authority to
15 do it. We're just sort of sending them a
16 message. We don't need to give them criteria
17 of what exactly that means.

18 It just means our intent was, if
19 you're in an inspection or audit, or something
20 happens, and you determine that this is a bad
21 actor not able to deploy IM, you already have
22 the authority to do this. We just want you to

1 consider doing it. Right?

2 I mean, that's what you're really
3 saying. I just want to be clear that we don't
4 -- the counter on this could be just as
5 important as that. Well, you have to have an
6 incident for them to say, you are restricted.
7 It's like, not really.

8 If they got into an audit and said,
9 you're not deploying integrity management well,
10 they can say, you're restricted. Doesn't have
11 to have an incident.

12 And I think that's an important
13 concept, as we have to -- we're sending them a
14 message, basically. We don't want to tell them
15 how to manage, is I guess the difference where
16 I am.

17 I don't want to say I don't trust
18 PHMSA. But I think we're trying to give them
19 clear guidance, but we're not trying to
20 micromanage. And that's the balancing act
21 we're trying to manage here.

22 CHAIR DANNER: All right, thank you.

1 Chad?

2 MR. ZAMARIN: Thanks. Chad Zamarin,
3 Williams. I think when we talk about
4 definitions, we need to be complete and
5 accurate. An incident is not just if a death
6 or injury occurs. It's also, or if there's
7 property damage over \$50,000, or if there is a
8 release of gas three million cubic feet or
9 more.

10 That is the threshold that triggers
11 lots of incident reports. A relief valve
12 operating properly is an incident report.
13 Like, a relatively small gas release, without
14 injury, without property damage, is an incident
15 report.

16 Three million cubic feet in total on
17 a transmission line is a very small amount of
18 gas. We talked about that during the leak --

19 So, we need to be complete and
20 accurate when we talk about definitions. So,
21 that's one of my concerns. The universe of
22 incidents under the definition is very, very

1 broad.

2 And I'm hearing you, Sara, and I'm
3 agreeing with you, we're looking for bad actors
4 that have had real incidents that have caused
5 harm or damage, or an indication that there is
6 a systemic problem with the operator's ability
7 to implement the program. I'm saying I'm
8 agreeing with that intent.

9 I don't agree with any incident that
10 trips over, and I don't know if we're adding a
11 new definition, serious. I don't know what
12 that means. But that's why we've got to be
13 careful.

14 So, again, I think giving PHMSA
15 direction on intent is helpful. I don't know
16 if we can define what they should do, when they
17 should do it, because they go in and do the
18 work to figure out what went wrong and
19 determine what the right corrective action
20 would be, and I think we should be telling
21 them, if they find that there is cause -- even
22 if there's not an incident, frankly.

1 Like, if they go in during an
2 inspection and have concerns with someone's
3 ability to implement integrity management, cut
4 it off.

5 Like, I have no problem with that
6 concept at all. And so, that's I think why I
7 would suggest we get to reinforcing that and
8 allowing PHMSA to figure out how to work that
9 into the rule, and/or how to work that into
10 their enforcement practices.

11 CHAIR DANNER: Thank you. I wonder
12 if it would be good to take Sara's language
13 there and just add a third criteria.
14 Regulators always talk about fit, willing, and
15 able. Is a company fit, willing, and able, to
16 provide this service as they're supposed to do?

17 And I would think something along
18 the lines of, and PHMSA determines that
19 continued participation, or continued
20 eligibility, could compromise public safety.

21 Some of it was, it's going to make a
22 finding that, look, yeah, it could do the first

1 two that she lists, and that might not warrant
2 removal.

3 But if it finds that continued
4 participation could compromise public safety, I
5 think we have that. It just basically, it
6 says, okay, they can identify a bad actor.
7 Well, I've got Sara and Amber, direct response.

8 MR. ZAMARIN: Yeah, that was a
9 direct response -- Chad Zamarin. If that were
10 an and, that's the kind of language that I
11 think is helpful.

12 It makes sure we're not trying to
13 interpret all of the potential circumstances of
14 unknown incidents, of unknown Subpart O issues.
15 But PHMSA's going to be determining whether or
16 not. So, if that's an and that you're adding,
17 I agree with that.

18 CHAIR DANNER: Okay. And I'm not
19 restricting. So, continued eligibility, I
20 don't know if we need the word continued. But
21 I'm just throwing that out there. And Erin and
22 Sara, in that order.

1 MS. MURPHY: Yeah, Erin Murphy,
2 Environmental Defense Fund. Appreciate the
3 discussion. And I think what I'm struggling
4 with on this question of whether it makes sense
5 for PHMSA to have to make some sort of
6 determination that an operator is or is not
7 eligible for this IM option.

8 We keep talking about the sort of
9 list of options that an operator is choosing
10 from when the class location has changed for a
11 segment of pipe.

12 And this idea of PHMSA making a
13 determination really sounds like the special
14 permit process. Right?

15 Because the special permit process
16 is when an operator submits the information to
17 PHMSA and the Agency has to make a
18 determination whether or not to sort of permit
19 certain actions to ensure compliance with the
20 class location change.

21 So, to me, the discussion here is
22 that there's agreement that if there is a

1 significant incident -- I'm not asserting that
2 there is agreement right now -- but if the
3 Committee agreed that it would make sense that
4 in certain instances of bad action by operators
5 -- and Item 1 is sort of the proposal on the
6 table that we're discussing -- then they should
7 not by default be eligible for this option.

8 And I think that makes sense for
9 this part -- right? -- they're by default not
10 eligible for this option. They can now go to
11 the special permit process, and that's when
12 PHMSA would do that sort of evaluation.

13 So, I'm kind of reacting. I don't
14 know if Sub-3 necessarily makes sense to me
15 here, because I think I'm more comfortable with
16 Sub-1 and 2. I think I'm comfortable with Sub-
17 2.

18 Yeah, as I guess I'm wanting an or
19 between the two of them. But I think to me, if
20 there's been this significant incident and an
21 enforcement action brought against the operator
22 by PHMSA, then I would want to see the

1 operator, not be default, eligible, and instead
2 going to the special permit process.

3 CHAIR DANNER: So, can I respond to
4 that? What I'm really looking at this is
5 doing, the determination is made on the
6 criteria that are above in one.

7 And so, basically what this doing is
8 giving PHMSA prosecutorial discretion,
9 basically, where they're saying, okay, look,
10 you've done all this bad stuff in Sub-1, but we
11 understand why it happened. There's some
12 mitigating circumstances, so we're not going to
13 find you ineligible.

14 Or, based on what you did in one,
15 you shouldn't be eligible and we're going to
16 basically check that box.

17 I don't know that it involves a new
18 process. I mean, because it already has PHMSA
19 taking action to restrict an operator's
20 eligibility.

21 And so, it just basically makes it
22 clear that it has to make a determination that

1 their continued eligibility would be
2 detrimental to public safety.

3 I don't think that's a big lift.
4 I'm not sure, the lawyers can tell me. But I
5 wasn't meaning for this to throw something into
6 an adjudication. I was thinking that this is
7 just basically PHMSA has the discretion to find
8 the operator ineligible or eligible, based on
9 whether it thinks going forward it would be
10 detrimental to public safety.

11 All right, Sara, then Pete.

12 MS. GOSMAN: Yeah, first I was using
13 the significant incident definition that
14 actually PHMSA had put up earlier, which came
15 from their website.

16 So, I know there's an incident
17 definition in the rules. But that was where I
18 was getting my information from. And that
19 doesn't include the release that you were
20 talking about, the three million cubic feet.

21 So, that's why I didn't address it
22 in this. I would also say, I mean, if it's

1 intentional and there's been no violation and
2 no Subpart O, then it wouldn't fall under my
3 sort of worry here.

4 So, in terms of the conversation
5 that we're having now, I guess I feel like
6 there might be a little bit of a disconnect
7 just on PHMSA authority questions here.

8 And I don't know if PHMSA can talk
9 at all about its authority. I don't see direct
10 authority in the regulations to say to
11 operator, you wouldn't be able to be eligible
12 for this program based on what's in their
13 rules.

14 So, I know it's a difficult question
15 to ask an authority question. But PHMSA can
16 help to clarify this issue, because I do feel
17 like it's important because it is really a
18 question of process here.

19 CHAIR DANNER: Thank you. Benjamin
20 Fred?

21 MR. FRED: Hi, Ben Fred, PHMSA Chief
22 Counsel's Office.

1 It's an interesting question. As
2 has been mentioned previously, we don't have a
3 precedent for having that type of scenario
4 setup.

5 So, I think it'd be something we'd
6 have to look into. Particularly, how it could
7 be crafted in a way that sort of establishes
8 some standards by which the Agency would sort
9 of make that specific determination.

10 But the question of whether having a
11 regulation in place and then the Agency sort of
12 coming in saying, for you, you can't use that
13 regulation, I think we would need to look into
14 that a little bit.

15 CHAIR DANNER: All right, thanks for
16 that. Pete?

17 MR. CHACE: Thank you. Pete Chace,
18 NAPSRS. I've had a chance to think about it.
19 Personally, I think as a regulator, I believe
20 we already have the tools to address bad
21 actors.

22 I think having a provision like this

1 maybe implies that there's something, in my
2 mind, shifty or suspect about using 618. And I
3 think we just have to decide, is 618 a valid
4 way of calculating MAOP or not.

5 I think it is. And if it is, I
6 don't know why this would have a special
7 restriction, when nothing else in the code
8 does.

9 Also, I'm going to go off on a brief
10 tangent because I have the floor.

11 We have operators and state and
12 federal regulators spend significant resources
13 on looking at insignificant incidents. Right?
14 If there are significant incidents, then it
15 applies that there's insignificant ones.

16 And when we are now already going to
17 have a large volume release definition that
18 captures all of those incidents, most of those
19 incidents not in the significant incident
20 category may be worth something for future
21 discussion. Thank you. I don't want to get us
22 off track.

1 CHAIR DANNER: All right, thanks for
2 that. Alan?

3 MR. MAYBERRY: For purposes of
4 establishing the public record, we've
5 definitely heard the concerns. I know the
6 intent here is to, in the case where an
7 operator has demonstrated that they are not
8 diligent in complying with Subpart O, do you
9 deserve membership into this club, so to speak,
10 of being able to change from Class 1 to 2 to,
11 ultimately to 3, I think we know what you're
12 trying to get at. And I think we can consider
13 that as we go forward.

14 The guidance we have, I think we're,
15 as we've indicated, we don't really have a
16 record of this, other than through our special
17 permit process of being very selective.

18 But I think the record that we're
19 good way, then we can move forward with
20 considering this as we go forward, certainly
21 considering it in our oversight program as we
22 go forward too.

1 CHAIR DANNER: Chad?

2 MR. ZAMARIN: Thanks. Chad Zamarin,
3 Williams. Yeah, I think in the interest of
4 trying to move forward, and I do think we've
5 established record, and frankly, I think we've
6 all been violently in agreement with the
7 concept.

8 So, to get caught up in trying to
9 put so much detail around the words, we might
10 get perfection in the way of progress. And I
11 don't know that any of us will define
12 perfection the same.

13 Again, I'm very comfortable with the
14 concept that if PHMSA determines that an
15 operator's eligibility would be a problem
16 detrimental to public safety, then they should
17 have the ability -- we'll let someone else
18 figure out jurisdictional authority. That's
19 not for us.

20 But they should have the ability to
21 restrict an operator's eligibility. Like, I
22 would easily vote on that. If we said, PHMSA

1 consider restricting an operator's eligibility,
2 I don't care if there's an incident, I don't
3 care if there's just one Subpart O violation,
4 and PHMSA determines that -- I don't want to do
5 what we did yesterday; I would leave Sara's
6 language up there, please -- what I'm saying, I
7 would be supportive of, and if we want to vote
8 on more detailed language, I will likely vote
9 no, but then propose a simple, like, aligning
10 concept that PHMSA consider restricting an
11 operator's eligibility if PHMSA determines that
12 their eligibility would be detrimental to
13 public safety.

14 Like, that to me is conceptually,
15 we've got a record on what that might look
16 like.

17 CHAIR DANNER: All right, thank you.
18 Erin, and then Sara.

19 MS. MURPHY: Erin Murphy, EDF. And
20 maybe the discussion's going to move to more
21 general language. But I think I just did want
22 to make a point on the idea of PHMSA making a

1 determination affirmatively, as whether or not
2 certain incidents or activities should mean
3 that an operator not be eligible for this IM
4 option, as one way to address a class location
5 change.

6 I am just thinking about sort of
7 what the process is in the proposed rule, which
8 is only that an operator provide notification
9 to PHMSA if they're exercising this option.

10 We had a fair amount of discussion
11 yesterday and heard a lot of opposition to the
12 idea of public notification if an operator was
13 going to exercise this option.

14 So, I think the question then
15 becomes, does that notification process to
16 PHMSA need to be sort of expanded into a review
17 process to ensure that PHMSA can evaluate the
18 history of whether or not there's been a
19 significant incident or other actions by an
20 operator, that would be detrimental to public
21 safety.

22 So, that might be broadening this

1 more than folks want, but I just think if it's
2 not a sort of rule on the books for whether
3 you're in or whether you're out, if it becomes
4 a determination by PHMSA, then from my
5 perspective, I would want to understand is the
6 Committee able to provide a recommendation on
7 how that determination would be made.

8 CHAIR DANNER: I wonder then -- I
9 always hesitate to do this, but if you were to
10 take, after the end of one, just put a comma
11 and say, such that an operator's eligibility
12 would be detrimental to public safety.

13 And then that just kind of kicks it
14 back to PHMSA to figure out the implementation,
15 and then take off 2 and 3. And Sara, you're up
16 next.

17 MS. GOSMAN: The language is
18 changing so fast that I'm trying to address it.
19 I think, Chair, that's a fine amendment to my
20 language.

21 I mean, option two is, frankly, also
22 fine. I mean, it's very broad language. I

1 mean, it doesn't focus specifically on IM, but
2 I suppose that there's -- I think that PHMSA
3 should make sure that an operator's eligibility
4 would not be detrimental to public safety.

5 So, if that's the language that
6 everybody can get behind, it seems to me like
7 that gets at the intent of what I'm concerned
8 about.

9 I actually think that option one is
10 more limited, and deliberately, like -- here,
11 to provide some comfort to you all. But I
12 understand also that it creates like a lot of
13 specifics, so you're trying to work through
14 those specifics.

15 So, if you are more comfortable with
16 option two, Chad, I'm with you. Let's vote on
17 it. That'd be fine.

18 MR. ZAMARIN: Yeah. And I would
19 just say -- sorry, direct response?

20 CHAIR DANNER: Yes.

21 MR. ZAMARIN: Chad Zamarin,
22 Williams. Sorry. I would just say that I was

1 having a problem with the or, which I think
2 this addresses. So, I am relatively
3 indifferent between the two.

4 If you want to stick with the first
5 one, I'm fine with that. I think we've got a
6 record that, again, I think -- and I interpret
7 that such that an operator's eligibility would
8 mean that it's PHMSA's job to figure out if the
9 incident was significant.

10 And I guess you've defined it, and I
11 apologize, your definition of significant, I
12 read incident and not significant on reporting.
13 So, you're correct there.

14 But if they determine that, such
15 that an operator's eligibility, I guess, PHMSA,
16 we understand would be the determining body of
17 that eligibility. And so, I'm fine with either
18 one.

19 CHAIR DANNER: Andy?

20 MR. DRAKE: Andy Drake, Enbridge.
21 In every single one of these scenarios, PHMSA
22 has to make a determination. If we try to take

1 that away from them, that, by definition, is
2 micromanaging.

3 That basically says, we don't trust
4 you. We don't trust your ability to make a
5 decision.

6 That's not what we should be doing
7 here. I appreciate, Chair, your friendly
8 amendment to Member Gosman's motion. I think
9 that solves the problem. I really do. It just
10 adds enough to say, hey, if in your
11 determination you think this is a big deal,
12 good, we're giving you guidance that you should
13 make that decision and restrict eligibility.

14 I think that's good guidance. And
15 I'm good with one. I think that it helps.

16 CHAIR DANNER: Sara Gosman?

17 MS. GOSMAN: All right, let's move
18 to a vote. I mean, yeah, I think PHMSA's going
19 to have to work out -- right? -- the process
20 for how this is going to be done. But we'll
21 let them do that. So, very good.

22 Okay, so I'm going to go ahead and

1 move for a vote, unless there are any other
2 comments.

3 CHAIR DANNER: Yes, go ahead and
4 make a motion.

5 MS. GOSMAN: Okay, great.

6 MS. GOSMAN: The proposed rule as
7 published in the Federal Register and the draft
8 Regulatory Evaluation regarding the continued
9 eligibility of an operator to use the proposed
10 MAOP confirmation option.

11 It is technically feasible,
12 reasonable, cost effective, and practicable if
13 the following change is made, PHMSA consider
14 restricting an operator's eligibility if there
15 has been a significant incident following the
16 effective date of the rule, on the operator's
17 system if PHMSA determines that there has been
18 a violation of a provision of Subpart O in an
19 enforcement action brought against the operator
20 as a result of the incident such that an
21 operator's eligibility would be detrimental to
22 public safety.

1 CHAIR DANNER: And, Chad Gilbert
2 seconds. All right. Cameron, we're ready for
3 a vote.

4 MR. SATTERTHWAITE: Okay. Cameron
5 Satterthwaite, PHMSA, if you agree with the
6 motion, say yes. If not, no.

7 Peter Chace?

8 MR. CHACE: Yes.

9 MR. SATTERTHWAITE: David Danner?

10 CHAIR DANNER: Yes.

11 MR. SATTERTHWAITE: Terry Turpin?

12 MR. TURPIN: Yes.

13 MR. SATTERTHWAITE: Brian Weisker?

14 MR. WEISKER: Yes.

15 MR. SATTERTHWAITE: Andy Drake?

16 MR. DRAKE: Yes.

17 MR. SATTERTHWAITE: Steve Squibb?

18 MR. SQUIBB: Yes.

19 MR. SATTERTHWAITE: Chad Zamarin?

20 MR. ZAMARIN: Yes.

21 MR. SATTERTHWAITE: Chad Gilbert?

22 MR. GILBERT: Yes.

1 MR. SATTERTHWAITE: Arvind
2 Ravikumar?

3 MR. RAVIKUMAR: Yes.

4 MR. SATTERTHWAITE: Erin Murphy?

5 MS. MURPHY: Yes.

6 MR. SATTERTHWAITE: Sara Gosman?

7 MS. GOSMAN: Yes.

8 MR. SATTERTHWAITE: Sam Ariaratnam?

9 MS. ARIARATNAM: Yes.

10 MR. SATTERTHWAITE: It is unanimous.

11 The motion carries.

12 CHAIR DANNER: All right. Thank you
13 all. Let's move on next to the question of
14 geohazards, incorporating geohazards as an
15 eligibility criteria.

16 And, who would like to start this
17 discussion? Sara Gosman?

18 MS. GOSMAN: I guess, this is my
19 section here. Okay. So, again, I've sent
20 them, PHMSA some language.

21 This was an issue that I wanted to
22 bring up, because it was something that NTSB

1 had raised in its comments. So, I'll have
2 people read the language there.

3 But, it's really about focusing on
4 the fact that we do not want to have segments
5 in this program where there is a geohazard. I
6 mean, that's sort of the basis of this concern.

7 I'm happy to answer any questions.

8 CHAIR DANNER: Thank you. Is there
9 any response to this proposed language?

10 MS. GOSMAN: Chair, if I may?

11 CHAIR DANNER: Yes.

12 MS. GOSMAN: Just to clarify things.
13 Yes, somehow Class Three. Thank you, PHMSA.
14 They're good editors.

15 CHAIR DANNER: Chad Zamarin?

16 MR. ZAMARIN: Thanks. Chad Zamarin
17 with Williams. Yeah, I don't generally have a
18 problem with this.

19 Again, conceptually it's pretty
20 specific on what procedures should include and
21 address.

22 And so, I don't know if it would --

1 if you'd be willing to consider, you know, we
2 usually say that PHMSA or the operator
3 shouldn't show procedures address elements such
4 as, because again, I -- that's a lot of detail
5 there. A finite element analysis.

6 So, I don't know if that's, you
7 know, the right tool for every applicability.
8 So, I -- that's my only reaction to it.

9 But, other than that, I think
10 conceptually, yeah, if you've got a geohazard,
11 you should do something about it.

12 CHAIR DANNER: So, you would put a
13 comma after, to remediate geohazard threats,
14 comma, --

15 MR. ZAMARIN: No, no.

16 CHAIR DANNER: Such as.

17 MR. ZAMARIN: Sorry, no. I would
18 say, PHMSA should ensure the procedures address
19 elements such as.

20 CHAIR DANNER: Okay. Thank you.
21 Andy?

22 MR. DRAKE: This is Andy Drake,

1 Enbridge. This is prudent, you know.
2 Geohazard management is evolving quickly.

3 I think there's industry standards
4 being developed. I know PHMSA's position is
5 advisory ability to know that.

6 And, I fully expect that Section O
7 will be amended at some point to include this.
8 And, I want to pause for a second, because, I
9 think, this is really important strategically.

10 The more things that we can tie to
11 Section O, the better this is in perpetuity.
12 Because Section O is live.

13 Section O will be amended over time
14 as new technologies are identified and new
15 threats are identified. And, how to mitigate
16 things identified such as geohazards.

17 So, the more that we can adopt
18 Section O, or Subpart O, I think that's very
19 healthy for us, because it's alive. And, it's
20 dynamic.

21 But, in the interim, since there's
22 not anything in Subpart O about how to deal

1 with geohazards really, I think this works.

2 And, I appreciate that.

3 I just wanted to make a comment
4 about thematically, why are -- why is industry
5 pushing so hard for Subpart O? It's because
6 it's a living document.

7 And, as we learn more, it changes.
8 Which is good. Because it encumbers operators
9 if you're going to get into this program, use
10 the latest and greatest, because latest and
11 greatest moves with time.

12 But, since there's nothing in
13 Subpart O on this right now, I think that's
14 fair. And, I think, I may be giving some
15 guidance to PHMSA as guidance on Sub -- on
16 geohazards comes in, then amend this to say do
17 that in Subpart O, because that helps clean it
18 up.

19 So, but we're here today dealing
20 with the reality of that. In future, Subpart O
21 will just evolve, and we'll just amend it.

22 But, since we're specific on this, I

1 think, this is good guidance actually.

2 CHAIR DANNER: All right. Thank
3 you. Erin, then Chad, then Peter.

4 MS. MURPHY: Erin Murphy, EDF. I
5 appreciate this language and the discussion.
6 And, just wanted to make a higher-level comment
7 on geohazards and just how critical it is that
8 operators and PHMSA and the public be really
9 aware and careful of geohazards.

10 I think this might have been what
11 Andy just referenced. But, in June of 2022,
12 PHMSA issued an advisory bulletin warning
13 operators about the environmental hazards that
14 climate change can create for pipeline
15 integrity, including extreme heat, flooding,
16 and soil erosion.

17 And, that bulletin stated that
18 changing weather patterns due to climate
19 change, including increased rainfall and higher
20 temperatures may impact soil stability in areas
21 that have historically been stable.

22 And, these phenomena can pose a

1 threat to the integrity of pipeline facilities
2 if those threats are not identified and
3 mitigated.

4 And, PHMSA recommended that owners
5 and operators consider monitoring geological
6 and environmental conditions, including
7 changing weather patterns in proximity to their
8 facilities.

9 One example I want to point out in
10 particular, is that during a record-breaking
11 heat wave in June of 2023, operators in Texas
12 had to quickly release massive amounts of
13 natural gas from their pipelines to avoid
14 catastrophic breaches in pipeline integrity.

15 And, that resulted in the release
16 not only of methane that further exacerbates
17 that climate change, right, sort of creating
18 that positive feedback loop that's not
19 beneficial to any of us.

20 But, those releases also resulted in
21 the release of hundreds of tons of toxic gasses
22 into the air that can be harmful to human

1 health and local air quality. The emissions
2 were primarily methane, but also included
3 cancer causing chemicals like benzene, xylene,
4 and ethylbenzene.

5 So, I think, just broadly
6 considering that geohazards are not only what
7 have classically been monitored and considered,
8 but we should expect these problems to continue
9 to worsen as climate change worsens.

10 So, really, really, important that
11 we're aware of them. And, I think, you know,
12 this specific recommendation on the table about
13 the geohazard threats, is valuable in this
14 context as well.

15 CHAIR DANNER: Thank you very much.
16 Chad and then Pete.

17 MR. ZAMARIN: Thanks. Chad Zamarin,
18 Williams. I just do want to be clear, I think,
19 Andy was referring to this not being
20 specifically covered in Subpart O.

21 But, I do want to be clear, Subpart
22 O, at the very beginning requires us to

1 identify all threats. And, it actually does
2 say, including time independent threats such as
3 third-party damage, mechanical damage,
4 incorrect operating procedures, weather related
5 and outside force damage, to include
6 consideration of seismicity, geology, and soil
7 stability of the area.

8 So, we do manage geohazards today
9 through Subpart O. But, again, I think, adding
10 this specificity in this section makes good
11 sense.

12 But, I just wanted to kind of build
13 on what Andy had said, it's not that it's not
14 in Subpart O. We do manage the threat of soil
15 instability on all of our pipelines.

16 But, this is some specific language
17 that wouldn't be in Subpart O. Thanks.

18 CHAIR DANNER: All right. Thank
19 you. Pete?

20 MR. CHACE: Pete Chase, NAPSR.
21 Thank you. Geohazards are certainly an
22 important threat.

1 I'm going back in my mind of all the
2 transmission line ruptures we've investigated
3 since I've been at the Ohio Commission. And,
4 soil slips or erosion, has been at least a
5 contributing factor in just about all of them.

6 Having said that, I think, this
7 might be something where the devil is in
8 details. Or, what is a geohazard and when is
9 it found?

10 I think it's an important issue. I
11 wonder if that is something that -- well, as
12 Chad points out, other outside forces is one of
13 the, or natural forces are some of the threats
14 operators are required to investigate.

15 And, I wonder if this is a broader
16 issue than just putting it in this kind of,
17 kind of popping it in 618.

18 CHAIR DANNER: All right. Thank
19 you. Sara then Andy.

20 MS. GOSMAN: So, I'm just responding
21 to Member Chace's comments. So, when you say a
22 broader issue, would you want broader language

1 here to address a number of threats?

2 I think the reason that I was
3 bringing this forward, is that it was raised in
4 the comments. And, it wasn't specifically in
5 the proposed rule.

6 So, that's -- but, I'm happy to
7 hear, you know, sort of the revisions or sort
8 of the amendments to the language.

9 CHAIR DANNER: All right. Thank
10 you. Pete, let me turn to counsel first, if
11 you don't mind.

12 MR. ROSS: Robert Ross, PHMSA. I do
13 note that there is also additional language
14 pertaining to the regulation of, or rather the
15 prevention of geohazard threats as a result of
16 extreme weather incidents.

17 And, our prescriptive regulations at
18 192.613, those were introduced in the RIN 2
19 Rulemaking. Thanks.

20 CHAIR DANNER: All right. Thank
21 you. Pete, did you have a direct response
22 then?

1 MR. CHACE: Yes, sir. So, I agree
2 that the geohazard issue is important. Like he
3 said to me, I think some thought needs to be
4 put into what is a geohazard and when is it
5 found?

6 And, then maybe, I think, it's a
7 broader issue than just 618.

8 CHAIR DANNER: Great. Thanks very
9 much. Andy?

10 MR. DRAKE: Andy Drake, Enbridge. I
11 think, this is prudent to give some technical
12 guidance here.

13 And, the only reason I want to come
14 back to that thing Chad alluded to, in Subpart
15 O we talk about operators should identify
16 threats, what to do about them, and there's an
17 advisory bulletin out.

18 But, the piece that's missing in
19 Subpart O right now is this. I think, that's
20 what we're trying to get to, is in this space
21 of immediacy, we see a threat that we need some
22 clarity around, not the -- it's not addressed

1 at all, I don't think, it insinuates not
2 addressed at all.

3 But, you're trying to give more
4 specificity to it. And, I think this does just
5 that. It gives more specificity about what
6 PHMSA should be considering on how to deal with
7 this.

8 So, I think, this is very
9 appropriate right now. And, I'm not arguing
10 with it. I think, this is appropriate.

11 But, I don't mean to insinuate that
12 Subpart O is broken. I think, the point is,
13 it's evolving.

14 But, this threat is up on the deck
15 right now as an evolution. And so, here we
16 are, trying to fill in that space in the
17 interim.

18 In the future, it will just happen
19 intrinsically. As we learn of things, we'll
20 infuse them into Subpart O.

21 But, right now, we stand knowing a
22 threat that we want a little bit more

1 specificity to. So, I think, this is totally
2 appropriate.

3 And, I don't mean to insinuate that
4 we didn't do a good job. I think, we're
5 learning in parallel, which is indicative of
6 where we are and continues improvement.

7 So, as we know about it, let's add
8 some language to help us manage it.

9 CHAIR DANNER: Thank you. Alan and
10 then Sara.

11 MR. MAYBERRY: It's definitely safe
12 to say that this is on our radar. And, it's
13 under consideration for future rulemaking.

14 CHAIR DANNER: All right. And, that
15 would include a definition of geohazards in
16 response to Pete's concerns.

17 MR. MAYBERRY: Addressing the issue
18 of geohazards. Thank you.

19 CHAIR DANNER: And, the definition
20 of geohazards.

21 MR. MAYBERRY: Yes.

22 CHAIR DANNER: Sara?

1 MS. GOSMAN: Great. Thank you.
2 And, I should have prefaced this. I see
3 geohazards as two issues.

4 So, this is really the issue around
5 when we find a geohazard when we're in the
6 program, right. And, how do we manage that?

7 I also just wanted to let people
8 know that I have some language on the
9 eligibility side where there's a question about
10 whether a segment should be eligible for the
11 program based on known geohazard threats.

12 So, I was thinking about these as
13 two, you know, certainly related issues. But,
14 two issues we could take on separately.

15 But, if people would like to see the
16 language also on the eligibility criteria.
17 And, I'm happy to show that too.

18 And, we can take the vote together
19 if you'd like.

20 CHAIR DANNER: I wonder if we should
21 take the vote first on the language that you
22 just had up there.

1 MS. GOSMAN: Okay. Yes. I was just
2 noticing that, you know, with the preamble,
3 right, it sounds like that's all we're going to
4 do on geohazards.

5 So, I just wanted to make sure of
6 that.

7 CHAIR DANNER: Okay. No,
8 understood. I think, at this point, we would
9 entertain a motion.

10 MS. GOSMAN: Wonderful.

11 CHAIR DANNER: Sara?

12 MS. GOSMAN: Okay. Thank you very
13 much. The proposed rule is published in the
14 Federal Register and the Draft Regulatory
15 Evaluation regarding the mitigation of
16 geohazards within the proposed IM option.

17 It is technically feasible,
18 reasonable, cost effective, and practicable if
19 the following change is made, based on
20 experience with special permits, PHMSA should
21 require operators of an existing Class One to
22 Class Three segment, where a geohazard is found

1 to develop procedures on how to evaluate and
2 remediate the geohazard threat.

3 PHMSA should ensure the procedures
4 address elements such as inspection tools,
5 inspection intervals, patrols, employee and
6 contractor training, finite element analysis or
7 FEA, and girth weld repairs.

8 CHAIR DANNER: Chad?

9 MR. ZAMARIN: Thanks. Chad Zamarin,
10 Williams. Seeing quick, you know, briefly that
11 additional language, I want to make sure I'm
12 really clear here.

13 CHAIR DANNER: You got it.

14 MR. ZAMARIN: This is a requirement
15 for managing the geohazard threat within a
16 segment that is changing, that is a part of
17 this program.

18 It says existing Class One to Three
19 segments. But, I want to understand. Because,
20 I think, I saw that there may be an exclusion
21 of pipelines that have geohazards.

22 But, I took this to mean if a

1 pipeline has a geohazard that this is how you
2 would manage that issue within the Class change
3 segment that will be using integrity
4 management.

5 Is that accurate?

6 MS. GOSMAN: Would you like a
7 response?

8 CHAIR DANNER: Sara?

9 MS. GOSMAN: Yes. So, this was
10 meant to be about segments that are already in
11 the program where we find a geohazard threat.

12 So, I think, there are two
13 components to geohazards. And again,
14 apologies, I didn't make this clear at the
15 beginning.

16 This was really, the existing piece
17 is important, because it's already in the IM
18 alternative. And, this is how we're going to
19 be dealing with it.

20 There is, I think, a front-end
21 question about eligibility at all for this IM
22 alternative option that comes with geohazard

1 threats. And, I see these two things as
2 different.

3 So, once you're in the program, this
4 is how we would deal with it. There is a
5 separate question around eligibility at all,
6 going into the program.

7 I imagine that we might have more
8 conversation about that. Yes.

9 MR. ZAMARIN: Yes. Chad Zamarin.
10 May I respond to that?

11 CHAIR DANNER: Yes.

12 MR. ZAMARIN: Chad Zamarin,
13 Williams. Yes, thanks. I do think that we
14 need to take these on together, sorry.

15 Like, we're going not vote on
16 something that we say we should use for
17 geohazards. But, then we're going to be asked
18 to vote on something that says we shouldn't
19 allow pipes with geohazards.

20 I do -- it does sound like those are
21 very related topics.

22 CHAIR DANNER: All right. Sara, do

1 you want to withdraw your motion?

2 MS. GOSMAN: Yes.

3 CHAIR DANNER: All right.

4 MS. GOSMAN: I'll withdraw my motion
5 so we can talk about them together.

6 CHAIR DANNER: So, why don't we put
7 up the other language then. Okay. Any
8 reaction to this language, Sara?

9 MS. GOSMAN: Well, I just -- I
10 think, the language is pretty clear. But,
11 again, I just want to note here for the record
12 that this was actually an issue that the
13 National Transportation Safety Board had raised
14 in their comments.

15 And, it was a concern that they had
16 raised about making sure that segments would be
17 eligible for the program, would not be eligible
18 for the program, correct that, if there were a
19 geohazard.

20 And, this, I think, is a really
21 important issue, because we need to be careful
22 about the segments going in. And, I feel like

1 I'm on repeat here and I'm repeating actually
2 what Erin said this morning.

3 But, in my mind this program has to
4 be carefully tailored to the segments that we
5 are confident can be managed through IM. And,
6 where there is an existing geohazard threat.

7 Those segments have an, you know, an
8 additional threat, an additional set of issues,
9 risk issues. And, for that reason, shouldn't
10 be in the program.

11 CHAIR DANNER: All right. Pete and
12 then Chad.

13 MR. CHACE: Pete Chace, NAPSR.
14 Again, I want to say geohazards are a very
15 important safety issue.

16 But, to me this language is not
17 clear. And, the reason why I say that is
18 because I'm not sure what a, what are not --
19 what would not qualify as a geohazard that
20 affects or could affect the Class One to Three
21 segment.

22 The reason I say that, I get a lot

1 of calls from landowners around piping, talking
2 about soil erosion. And, they want the company
3 to restore their property. And, sometimes it's
4 legit. And, sometimes it is not.

5 But, I -- to me the effects or could
6 effect, that's awful broad. And yeah, I want
7 to say, geohazards are very important.

8 But, again, I think, the devil is in
9 the details. I know geohazards can be
10 subjective.

11 They can be difficult to determine
12 what is or is not a geohazard through light R
13 monitoring or what have you. And, I'm just a
14 little concerned about that. Thank you.

15 CHAIR DANNER: All right. Thank
16 you. Again, I remind everyone that we are not
17 writing code. We are writing advice.

18 Chad?

19 MR. ZAMARIN: Yeah, thanks. Chad
20 Zamarin, Williams. Yes. And, that's what I
21 want to get to maybe the crux of the issue.

22 I thought that we were making

1 progress that the concept of, if you're going
2 through this program and you identify a
3 geohazard, you address it, was kind of what I
4 think, we were all aligning to.

5 Now, I think, we're kind of seeing
6 that that came with well, but. That's only if
7 you were in the program and you have a, and you
8 find one.

9 But, if you have one, you can't get
10 in the program, I think, is now what I'm
11 understanding. So, it's more of like, -- I was
12 really good with where we were going.

13 I think now we've taken a step
14 backwards. Like, isn't the issue that if you -
15 - you should look for and if you have
16 geohazards, address it.

17 Like, it seems like we had really
18 good agreement on the last slide, to now say,
19 but, on a go forward basis, if you have a
20 geohazard, you can never get in the program.

21 I don't understand. We're going
22 kind of, you know, backwards now. So, I again,

1 I was comfortable voting on the first language
2 and supporting it.

3 I wouldn't be comfortable coupling
4 that with an exclusion. I don't think that
5 makes sense.

6 CHAIR DANNER: Andy then Sara.

7 MR. DRAKE: This is Andy Drake,
8 Enbridge. I think, we have to be mindful here.
9 And, this is where I was pretty excited a few
10 minutes again. And now, pretty deflated.

11 We have to remember, the guidance
12 we're giving here is a rule that lives in
13 perpetuity. So, we're basically saying, if you
14 have one, do this.

15 You know, if you have one in the
16 program and it has a geohazard, here's how to
17 manage it. And, we're giving guidance, because
18 PHMSA is developing the current regulation on
19 how to do it.

20 But, if you have -- aren't in the
21 program and you have a geohazard, you're not
22 eligible forever. It's like, that doesn't even

1 make any sense at all.

2 I think, what we want to say is,
3 PHMSA, you know, somewhere on the record, and I
4 think, Alan did a good job of coming on the
5 record from his developing regulations on how
6 to manage geohazards. We can probably have
7 that out before this rule actually goes into
8 effect.

9 What we're -- I thought we were
10 trying to do, was in the interim, was say, if
11 you have a geohazard, you have to develop a
12 program that has details around how to manage
13 it.

14 You're going to notify PHMSA. PHMSA
15 will obviously queue up one, well, is that
16 program effective?

17 And, that determines whether they're
18 eligible or not. Or, how to manage it. Or, if
19 they're effective in how to do it.

20 Because, there again, back to the
21 conversation we had just a few minutes ago,
22 again, PHMSA is going to evaluate that. But, I

1 think, there's going to be a lot more clarity
2 coming on this in the meantime.

3 And, I'm really anxious about, well,
4 now we're going to pass a rule that just says
5 in perpetuity, you can't do this. Regardless
6 of deploying practices, or regardless of the
7 guidance we just, we had on the other slide.

8 Something is disconnecting there.
9 And, I just need some help with how to recouple
10 how this goes on in perpetuity.

11 CHAIR DANNER: All right. Sara?

12 MS. GOSMAN: Yeah. Thank you for
13 those comments. And yeah, I realize I should
14 have done this in the reverse order. I
15 apologize.

16 I was thinking about, you know,
17 already in, right, how do we deal with it? And
18 then the question of, like moving forward with
19 where we have unknown geohazard threat, what's
20 the eligibility criteria?

21 So, from my perspective, the first
22 set of language was really an acknowledgment

1 that okay, you're in. Right.

2 And, we found this threat. And,
3 we've committed to the idea that IM is going to
4 be the way of managing risks here. And so,
5 we're not going to kick you out.

6 So, that was, you know, in my ideal
7 world perhaps that is what would happen.
8 Right. But, that was sort of the thinking,
9 was, we deal with it through the world of IM,
10 because we're in it already.

11 The question of whether the segment
12 should be in at the, in the first place where
13 we already know that there are geohazard
14 threats, again, I'm looking to be very careful
15 about the segments coming into this program.

16 That's, I think, what the
17 eligibility criteria are really about in this
18 rule. And, it's about saying, look, if we have
19 indications that there are some additional
20 threats here, that means that it's more likely
21 that there could be an incident on this
22 segment.

1 And, given what we know about the
2 design specifications, you know, we want to
3 make sure that we're creating sort of a
4 protective set of measures here that really
5 gets at the core of, yeah, we're really
6 comfortable with this pipe coming into the
7 program. And, that is how I think about this
8 particular rule.

9 And so, just to sort of help you to
10 understand why I think that this fits within my
11 understanding of what I want to see out of this
12 rule and how PHMSA has really constructed it,
13 which is really tight eligibility criteria.
14 Then once you're in, yeah, you're using IM,
15 right, essentially to manage the risk.

16 So, I think if there's a geohazard
17 that we know about, right, and in that area,
18 then that segment should not be eligible for
19 the program.

20 I just want to remind everyone,
21 right, that doesn't mean that that's, you know,
22 you can't do anything at all to that segment,

1 because we still have the other options.

2 We still have the special permit
3 process. We still have replacement of pipe.
4 And, we have the other options as well.

5 CHAIR DANNER: All right. Thank
6 you. Brian and then Andy.

7 MR. WEISKER: Brian Weisker, Duke
8 Energy. And, I'm listening and I'm kind of
9 like where Andy was.

10 I was super optimistic and now I'm
11 not super optimistic. I just find it that I --
12 so, we have a pipe that's in the program and
13 has a geohazard. We're going to take action to
14 address the geohazard.

15 We have a pipe that is now
16 potentially eligible to go into this. We have
17 a threat, whatever the threat, we're going to
18 address the threat. And, we're just carte
19 blanche going to say that it's not eligible, to
20 me it's just silly.

21 I don't, I mean, it just doesn't --
22 it doesn't make any sense that we, that we

1 don't have -- you know, if it's in, it's okay.
2 We've addressed the threat.

3 But, if it's not in, you're just
4 forever and ever and eternity, not eligible.
5 It just, I just -- it doesn't make any sense to
6 me.

7 CHAIR DANNER: All right. Andy?

8 MR. DRAKE: Andy Drake, Enbridge.
9 I'm trying to think of some place that
10 addresses the concern in the space that we're
11 currently in.

12 And, I harken back to, you know, so
13 much of what we saw in PHMSA's guidance, and I
14 chatted with other folks that sat on the
15 committee in that subpart of development in the
16 mega Rule.

17 And, I think, I got pretty
18 confirmation that this rule evolved prior to,
19 it started certainly before the mega Rule.
20 This rule then paused while we had the mega
21 Rule conversations, which addressed many of the
22 things that were coming up identified in the

1 rule that was originally drafted.

2 This rule was parked. Then the mega
3 Rule came out. Then we revisited this rule,
4 didn't revise it, and sent it out.

5 So, there's a lot of things in the
6 rule that we identify as concerns, or, in this
7 rule that we identified in the mega Rule and
8 fixed, that are coming up here.

9 I think, my lesson learned on that
10 is, continuous improvement and evolution. And,
11 I think where my mind goes is, harken back to
12 cracks.

13 Okay. Well, 20 years ago, we didn't
14 -- we weren't managing cracks effectively.
15 There wasn't clear guidance on it. We
16 identified that.

17 The mega Rule came out. We fixed
18 that and put that in there. Moving it on
19 technology quite a bit. And now, based on the
20 vote the other day, a lot more confidence in
21 using Subpart O to manage that.

22 Play that on this. Okay, we find

1 ourselves in the space where Subpart O does not
2 reflect direct guidance on what to do with
3 geohazards.

4 We've identified this threat. What
5 we're looking for is, how do you manage the
6 threat?

7 There's industry standards being
8 currently developed. PHMSA, I think, Alan just
9 acknowledged, this is on the radar screen.
10 They're going to develop a rulemaking on this.

11 What I would say here is that if you
12 want to issue a restriction on new people
13 coming in, I think, I would say issue a new
14 restriction. A restriction on new people
15 coming in until PHMSA passes a rulemaking on
16 geohazard management.

17 And then, revise the Subpart O to
18 reflect that. And then, obligate people to
19 follow it. Which, it's just a placeholder in
20 the reality of what we're trying to do here,
21 which is continuous improvement.

22 That would make sense to me if there

1 was angst over the clarity about how to do
2 this, is get that clarity and call a time out
3 until that clarity comes in. And then, revise
4 this.

5 But, I have a problem with just in
6 perpetuity. We're just never going to do this.
7 Like that doesn't make any sense to me at all.

8 What we want to try to drive is, we
9 see this, PHMSA is working on it. Once they
10 resolve it, we'll reflect that.

11 And, I think, that is appropriate.

12 CHAIR DANNER: Sara Gosman?

13 MS. GOSMAN: Okay. Thanks again for
14 this conversation. You know, when I look at
15 the eligibility criteria in this proposed rule,
16 we've talked about some of them, right.

17 But, I'm looking here, and we --
18 and, I know that we're going not have some
19 other conversations. But, I mean, this is all
20 again, an attempt to try to figure out, okay,
21 is this risky pipe or not? Right?

22 So, whether it's bare pipe, pipe

1 with wrinkled bends, we talked about traceable,
2 verifiable, and complete pipe material records.
3 I mean, all of these are really designed to get
4 at specific threats that we're worried about
5 with the pipe.

6 And, making sure that those
7 particular segments, right, don't come into
8 this program. Which means, -- which doesn't
9 mean that they can't ultimately be subject to
10 IM.

11 And, I think, that's an important
12 statement here too. But, they have to get
13 individualized review.

14 So, if there are known geohazards,
15 land movement in the area, the operator can go
16 to PHMSA, have PHMSA look at this specifically
17 and say, okay, you know, we've looked at the
18 context.

19 We've looked at what's happening
20 around this pipe, right. And, we, you know, if
21 we're comfortable with it, right, we'll grant
22 you that special permit.

1 But, it strikes me that this is just
2 another one of these issues that didn't get
3 into the rule. But, it is completely
4 consistent with how I understand what this rule
5 is designed to do.

6 So, I guess I wonder why, where we
7 have a known threat and one that absolutely can
8 cause serious incidents, why we would want to
9 allow that in, when we're saying that these
10 other categories, right, we don't, you know,
11 we're not comfortable with allowing that pipe
12 into being managed in this way.

13 And, I know I'm -- we're on the last
14 day, right. But, I just -- I keep thinking
15 that what we're missing about this, is that
16 there are people around the pipe, right.

17 We've moved from a rural area to an
18 area where there are 46, you know, buildings in
19 this area. And, I just, I feel like that
20 continues to be critical to me.

21 We are -- we have more people at
22 risk.

1 CHAIR DANNER: All right, Andy,
2 Chad, then Terry.

3 MR. DRAKE: Andy Drake with
4 Enbridge. I appreciate that, I do, and I mean
5 quantification of risk, we typically don't
6 build subdivisions in geohazard areas, most
7 people don't want to live there. But I think -
8 - and I don't want to argue on principle, but I
9 think this is an important concept.

10 A year ago we would have said
11 cracks, it was in there before we clarified in
12 the Subpart O, if you have cracks, no. All of
13 them are threats, they're all threats that we
14 don't want in those areas. That's why we're
15 administrating advanced management tools to get
16 on them, and we're trying to raise people's
17 awareness, this is how you manage that threat.

18 We're trying to drive that risk down
19 through certainty, and I think that's an
20 important concept. I mean, geohazards in that
21 regard are no different than cracks, they're no
22 different than corrosion, they're no different

1 than seam type, they're no different than any
2 of those things, they're all threats.

3 We don't want the threat, or we want
4 the threat at a reduced level in areas where
5 there are higher consequences. That's why
6 we're doing this, and I'm just kind of
7 wrinkling my brow about well, we just picked
8 that threat, just no. No why? That's all
9 you're hearing, why, why, why? Why that one,
10 not corrosion, why that one not this one?

11 In here, I think this is a
12 developing area, it's not that there's nothing
13 going on in geohazards, as a matter of fact I
14 think there's a lot going on in geohazard
15 management. And I think you're going to find a
16 lot of clarity in the regulations on how to
17 manage geohazards in the near term. But this
18 doesn't allow that learning and those tools to
19 be used to lower the risk in those areas
20 appropriately.

21 It just says no, and I have a
22 problem with that. It's just no, even though

1 we've really figured it out, even though we've
2 got really good tools, even though we know we
3 can mitigate this, no. And that's where I'm
4 kind of getting stuck, it just says no forever.

5 CHAIR DANNER: All right, Chad then
6 Terry.

7 MR. ZAMARIN: Thanks, Chad Zamarin,
8 Williams. Again, I keep hearing things like
9 kick out of the program, limit the program. I
10 can go on and on, I won't. But I strongly
11 believe getting pipe into this program enhances
12 safety, and the options you keep talking about,
13 frankly, are worse for the environment.

14 So, I'm actually surprised we want
15 to drive more pipe to do activities that create
16 significantly more emissions. Like again, we
17 should be trying to get pipe covered under
18 enhanced integrity management, and we should
19 avoid unnecessary emissions, that's the goal of
20 this rule.

21 And so, I will keep reinforcing that
22 because somehow others want to see it a

1 different way, and that's fine, they can. But
2 that is a very strong perspective shared by a
3 lot of people. We're doing this to improve
4 safety and reduce emissions. And on this
5 point, we actually do have ineligibility, the
6 reason wrinkle bends are not eligible is
7 because if you have a wrinkle bend in an area
8 of potential instability it's a bigger threat.

9 Because we've seen failures at
10 wrinkle bends because it's not as strong a
11 bend. So, if you have a wrinkle bend in an
12 area where there's soil movement, it can cause
13 an incident. And so, we've excluded wrinkle
14 bends. We said girth weld cracking, where
15 there are girth welds that could have cracks,
16 that's an area where if we have less stable
17 soil, we exclude that pipe.

18 So, those were designed to address
19 this type of threat. And again, I'd like to
20 see the language together, or see the first one
21 again. The idea that if you have the threat
22 and you've mitigated it, there are actions we

1 can take to mitigate geohazards, I mean we do
2 it all the time. You can do matting, you can
3 put in concrete, there's a whole lot of soil
4 stability work that can be done.

5 So, again, when we were talking on
6 the first concept, it was like okay, if you've
7 got a geohazard, you have to address it, and
8 you've got to consider some of these different
9 elements in order to do that. That
10 conceptually made a lot of sense to me. To
11 just blanket say hey, you've had a geohazard,
12 you may have mitigated it, but no, now you're
13 out of the program.

14 Or you don't have an opportunity to
15 follow this approach, to me is what doesn't
16 make sense. So, can we see the prior language?
17 I do think these likely need to be voted on
18 separately, but I also wondered if this
19 couldn't be modified to enhance it, to say that
20 -- well, thank you, I'll just look at it from
21 there and finish for now, thanks.

22 CHAIR DANNER: Yeah, Sara is in

1 line, Terry, you want to go ahead?

2 MR. TURPIN: Thanks very much, Terry
3 Turpin, FERC. Just a note, I'm really
4 struggling to sort of reconcile the logic
5 between the two options. I mean, I get the
6 distinction is if it's known before you would
7 want to treat it one way, if it develops later
8 you treat it under the IM program. But at the
9 bottom line, this is all meant to be protective
10 of public safety.

11 If it's not discovered until after,
12 during the program, and the program is still
13 then good enough to deal with it, I can't
14 understand why we would then say if you knew
15 about this ahead of time, we must exempt you.
16 Conversely, if we're going to say if it's so
17 important, this issue, that we must exempt you,
18 then there shouldn't be a provision that says
19 if you're in the program and this develops
20 later, you can use it.

21 I mean you can't have it both ways,
22 and I struggle with that concept moving

1 forward.

2 CHAIR DANNER: All right, Sara?

3 MS. GOSMAN: Yeah, thank you for
4 that. I mean, I think that the language about
5 once you were in the program how to deal with
6 it was a recognition of the fact that it would
7 be difficult to pull that concept out of the
8 program. It's not a conceptual difference, but
9 an acknowledgment of some practicality.

10 Is the safer road to take it out of
11 the program once we find that geohazard threat?
12 Yes, I would say yes. So, from that side, I
13 think that this is an attempt to just address
14 some of the practical issues around what
15 happens when you find that kind of threat. But
16 I continue to think that geohazard threats
17 matter whether you found them before or during.

18 So, I found this conversation very
19 helpful, I think it goes back to some of the
20 main principles that we've been talking about
21 in this rule, and different ways of addressing
22 this. Do we want to let more into IM, do we

1 want to be careful about at the front end,
2 about what comes in? And I know that we have
3 had differences of opinion about that
4 throughout.

5 What I would like, I think where we
6 have agreement is that when the pipe is in the
7 program and we find a geohazard threat, it
8 should be managed in the way that we've
9 discussed, and I would like to be able to vote
10 yes on that. I think that that's -- I think
11 it's important information for the agency, and
12 I think that we should vote on that.

13 And then I would say we should
14 probably do a separate vote on the question of
15 eligibility coming in, and I believe that will
16 be a split vote. And so, that's fine. I don't
17 want to keep adding votes here, I recognize
18 that there's probably some interest on the side
19 of the folks across the room to have a vote on
20 we would have this be part of -- we would
21 consider this in IM.

22 But I mean basically one is an

1 eligibility criterion, right? So, if you don't
2 want that eligibility criterion in you vote no
3 to that part, I don't know that you need
4 another vote on that. Then there's the
5 question of what you do with it once you're in.
6 That one, I think we're going to agree on.

7 So, I would say vote on these two
8 separately, and we've got agreement on one
9 section, that's the way the cookie crumbles.

10 CHAIR DANNER: All right, so I think
11 we have consensus on this one. On the other
12 one there will be a split vote, what is the
13 message that we are sending to PHMSA by taking
14 that second vote? If it ends up being a split
15 vote, what is PHMSA taking away from that?

16 MS. GOSMAN: I don't know what PHMSA
17 is taking away from that, but I think it's
18 important that at least from my side, in terms
19 of some of the public members here, that we
20 want to send the message to PHMSA that we
21 support adding eligibility criteria that are
22 about sort of restricting the pipe that comes

1 into the program.

2 This is an issue that PHMSA didn't
3 address in its proposed rule, and we want PHMSA
4 to consider it.

5 CHAIR DANNER: Thank you. Chad, and
6 then Andy.

7 MR. ZAMARIN: Thanks, Chad Zamarin,
8 Williams. And I agree, I think we should just
9 vote on the two separately and keep going. But
10 I do want to say, I don't think that -- I don't
11 find this to be credible as a practical --
12 we've heard many times that even if you're in
13 the program, you can easily just go to the
14 other options.

15 And so, I think there are ways we
16 can manage geohazards. I think we're all
17 agreeing that if we find them, let's manage
18 them, and I have no problem with that language.
19 I think we can also manage them on the front
20 end of a program as well, so I think we just
21 need to vote separately. Thanks.

22 CHAIR DANNER: All right, is there a

1 motion on this -- you have more to say?

2 MS. GOSMAN: Well, I'm happy to make
3 the motion, but I just -- there was one thing
4 that Andy had said that I just wanted to make
5 sure I understood. You were talking about the
6 rules that PHMSA is developing on geohazard
7 threats. I wonder if there is any interest in
8 an interim kind of eligibility criterion until
9 PHMSA addresses geohazard threats as to this
10 issue.

11 CHAIR DANNER: Andy?

12 MR. DRAKE: Andy Drake, Enbridge. I
13 like where we're going here with these two
14 votes. I think I appreciated you showing the
15 second part, because I think it helped us kind
16 of get the sense of there was transparency here
17 with what you're trying to do. I think
18 addressing the existing candidates helps PHMSA,
19 I think that's good guidance.

20 How do we do that practicably? In
21 the second vote, you asked what's the purpose
22 of the second vote, I think it's to give PHMSA

1 some guidance on perpetuity, or do we regroup
2 once we issue a new rule, and those candidates
3 are then considered. And personally, I would
4 be okay, given that this is a work in progress,
5 to restrict new candidates until that clarity
6 comes out.

7 And I think then we clean this up,
8 that would be my proposal, Sara. Is in the
9 second vote, okay, we'll restrict until PHMSA
10 issues a rule on how to handle geohazards, and
11 then come back and look at adopting that into
12 Subpart O, which is back to the continuous
13 improvement engine.

14 I'm very sensitive where Terry is,
15 but that, I think I really appreciate that
16 you're recognizing there's tools that people
17 are using, and we want to make sure there's
18 tools we're using for the programs that are in
19 place, and we're recognizing that PHMSA is
20 solidifying that, and clarifying that in the
21 rule making that's in development.

22 So, we're kind of in this wonky

1 place on this threat, it's in development. And
2 I appreciate how to handle existing and how we
3 handle future, I just have a problem with it
4 being binary, like no, never. That doesn't
5 make any sense, they're working on a rule
6 making right now, if that rule making is
7 passed, that's diligently how to handle it.
8 Adopt it to Subpart O, and then revisit this.
9 That's where my mind went.

10 CHAIR DANNER: So, with that, let me
11 ask, it's 10:23, or 24, if we took this vote,
12 and then took a break, would there be value to
13 the two sides, seeing if there was a middle
14 ground that would be acceptable to both?

15 MS. GOSMAN: Yeah, I'm glad I asked
16 Andy that question. Yeah, I think I'd at least
17 try to -- I want to have a conversation during
18 the break, and then I think we can move
19 expeditiously here to a vote.

20 CHAIR DANNER: Would you be willing
21 to have that conversation?

22 MR. DRAKE: I'm happy to vote on

1 this first one now, and take a break, and then
2 regroup, I think it would be great, I'm certain
3 I'm going to hear a lot at the break, but
4 that's okay.

5 CHAIR DANNER: All right, let's get
6 a motion on this one.

7 MS. GOSMAN: All right, thanks
8 everyone. The proposed rule as published in the
9 Federal Register in the draft regulatory
10 evaluation regarding the mitigation of
11 geohazards within the proposed IM option is
12 technically feasible, reasonable, cost
13 effective, and practicable if the following
14 change is made.

15 Based on experience with special
16 permits, PHMSA should require operators of an
17 existing class one to class three segment where
18 a geohazard is found to develop procedures on
19 how to evaluate and remediate the geohazard
20 threat. PHMSA should ensure the procedures
21 address elements such as inspection tools,
22 inspection intervals, patrols, employee and

1 contractor training, finite element analysis or
2 FEA, and girth weld repairs.

3 CHAIR DANNER: All right, is there a
4 second? Andy Drake seconds. Cameron, are we
5 ready to vote?

6 MR. SATTERTHWAITE: All right,
7 Cameron Satterthwaite, PHMSA. If you agree
8 with the motion say yes, if not, no. Peter
9 Chace?

10 MR. CHACE: Yes.

11 MR. SATTERTHWAITE: David Danner?

12 CHAIR DANNER: Yes.

13 MR. SATTERTHWAITE: Terry Turpin?

14 MR. TURPIN: Yes.

15 MR. SATTERTHWAITE: Brian Weisker?

16 MR. WEISKER: Yes.

17 MR. SATTERTHWAITE: Andy Drake?

18 MR. DRAKE: Yes.

19 MR. SATTERTHWAITE: Steve Squibb?

20 MR. SQUIBB: Yes.

21 MR. SATTERTHWAITE: Chad Zamarin?

22 MR. ZAMARIN: Yes.

1 MR. SATTERTHWAITE: Chad Gilbert?

2 MR. GILBERT: Yes.

3 MR. SATTERTHWAITE: Arvind

4 Ravikumar?

5 MR. RAVIKUMAR: Yes.

6 MR. SATTERTHWAITE: Erin Murphy?

7 MS. MURPHY: Yes.

8 MR. SATTERTHWAITE: Sara Gosman?

9 MS. GOSMAN: Yes.

10 MR. SATTERTHWAITE: Sam Ariaratnam?

11 MR. ARIARATNAM: Yes.

12 MR. SATTERTHWAITE: It's unanimous,
13 the motion carries.

14 CHAIR DANNER: All right, very good.

15 It is 10:25, let us regroup at 20 to 11:00.

16 (Whereupon, the above-entitled
17 matter went off the record at 10:25 a.m. and
18 resumed at 10:49 a.m.)

19 CHAIR DANNER: All right, thank you,
20 we're back on the record. We have a voting
21 language in front of us, let me call on Sara
22 Gosman.

1 MS. GOSMAN: Thanks very much, I
2 think that was a very fruitful discussion over
3 the break. And at this point I want to propose
4 this language. So, a couple things I want to
5 note for everyone. The first is that we have
6 tightened up, I think there was some concern
7 about what geohazard, or sort of soil movement
8 generally might mean in this context.

9 So, we are now focused specifically
10 on pipe movement for an identified geohazard,
11 and I think I also hear some concern about
12 making sure that geohazard as a term is
13 clarified, so that's something that I agree
14 that PHMSA needs to do. And then the key
15 phrase here is until geohazard threats are
16 addressed in a PHMSA rule making, PHMSA has
17 told us that it is going -- it is addressing
18 this issue.

19 A pipeline segment cannot go into
20 this program, cannot be designated as being a
21 class one to class three segment. And I want
22 to make clear that the language at the end, the

1 identified geohazard affects or could affect
2 within 600 feet of the class one to three
3 segment comes out of the hazardous liquid side
4 in terms of their regulations.

5 So, this is language that we already
6 use in that context. And with that, I'm happy
7 to answer any questions about this language,
8 and then proceed to a vote.

9 CHAIR DANNER: Is there any comment
10 on this? Andy Drake?

11 MR. DRAKE: I appreciate the efforts
12 here, I think this is headed in a really good
13 direction. And I think that it recognizes
14 PHMSA is working on this issue, and I think
15 that's going to help give clarity to operators
16 about how to manage this threat. I think some
17 operators are already doing this, that's great.

18 But I'm back to the you're not
19 worried about what I'm doing, you're worried
20 about what people in this room aren't doing, or
21 should be doing that aren't doing because the
22 regulation isn't clear on it, I appreciate

1 that. I think this recognizes that. I think
2 there's one comment here to PHMSA, and I think
3 it's important for the record.

4 We need to work to define a little
5 more clearly geohazard, or significant
6 geohazard, or something. I know it's in Y95,
7 but I think that will help everybody here, what
8 are we talking about? I appreciate the fact
9 that you connected pipe movement to geohazards,
10 because otherwise you'd be talking about creeks
11 that are 600 feet away that are maybe scouring
12 but they're not having any effect on the pipe.

13 That's not what we're talking about,
14 and I appreciate that acknowledgment, because I
15 think those are really important and
16 propositions here. I know there's other folks
17 that haven't seen this yet, and I'll defer to
18 them, but I think helping clarify what is a
19 geohazard that's relevant is important.

20 Because there's all kinds of
21 geohazards, there's little surface slips,
22 there's scouring streams, those aren't what

1 we're talking about here.

2 CHAIR DANNER: Would you -- I'm just
3 wondering if we were to put until geohazard
4 threats are defined and addressed in a PHMSA
5 rule making, would that be helpful?

6 MR. DRAKE: I don't know that that's
7 going to help. I don't want to make it too
8 many adjectives in here, I just wanted to send
9 a message to PHMSA, I think this will help if
10 they can clarify this, get consistency on how
11 to do it. I don't know that we want to try to
12 do that in here.

13 CHAIR DANNER: All right, thank you.
14 Chad, and then Brian. All right, Brian?

15 MR. WEISKER: Brian Weisker, Duke
16 Energy. So, I guess it's a question for Sara,
17 but is this -- what we're saying here is that
18 you have a segment, there is pipe movement, I
19 want to make sure that that's kind of like the
20 precursor to that, that there is actually
21 surveyed pipe movement?

22 MS. GOSMAN: So, as I understand

1 what we're doing here, we are looking for an
2 identified geohazard, right, that causes pipe
3 movement. And that's what we're surveying and
4 assessing for. And then everything follows
5 from that, right? Where we have that, and
6 until those geohazard threats have been
7 addressed in a PHMSA rule making, the segment
8 is not eligible for the program.

9 MR. ZAMARIN: Direct response, so
10 that we're actually saying that there was a
11 geohazard that has caused pipe movement.

12 CHAIR DANNER: Sara?

13 MS. GOSMAN: Well, I guess I'd
14 appreciate some help here, maybe Andy can help
15 me out. I mean, I understood that this was a
16 forward looking situation where we were looking
17 for identified geohazard threats that would
18 cause pipe movement. I'm not sure about the
19 question of whether it already has.

20 CHAIR DANNER: Andy?

21 MR. DRAKE: Friendly amendment here,
22 I haven't made a motion yet, but --

1 CHAIR DANNER: Well, we're having a
2 discussion, yeah.

3 MR. DRAKE: It's friendly anywhere,
4 attempted friendly, this is Andy Drake,
5 Enbridge. I think the piece that Brian may be
6 alluding to is if we could add a word at the
7 last sentence where it says class one to three
8 segment, and if an identified geohazard affects
9 or could affect pipe movement within 600 feet,
10 that's the piece I think that will help give
11 the clarity you're looking for, is just add a
12 couple words in there.

13 CHAIR DANNER: Sara?

14 MS. GOSMAN: Yeah, thank you for
15 that friendly amendment, I agree.

16 CHAIR DANNER: All right, Brian, you
17 still have your card up.

18 MR. WEISKER: Brian Weisker, Duke
19 Energy. I guess that so we're now saying not
20 that it hasn't caused, but it could cause pipe
21 movement? I think that's what we're saying, I
22 just want to be clear. I guess that's a

1 question for Andy. So, we're now saying not
2 that there hasn't been a cause -- we haven't
3 had pipe movement, we're just saying it could?

4 CHAIR DANNER: Andy is nodding, yes.
5 All right, Erin?

6 MS. MURPHY: Erin Murphy, EDF.
7 Appreciate the discussion, and kind of the
8 updates to this language that we're reviewing
9 to hopefully vote on. I wanted to just express
10 that I think to me, the caveat, and the idea
11 that this would be an interim approach until
12 geohazard threats are addressed in a PHMSA rule
13 making makes a lot of sense to me.

14 I think that this sort of protective
15 standard is valuable to include in the
16 eligibility criteria for the IM option. And it
17 makes sense to me that this is that interim
18 protective criteria recognizing that PHMSA has
19 said that they're going to be addressing
20 geohazard issues in a rule making.

21 And based on the discussion, I am
22 supportive of what I think is now sort of the

1 very last phrase hanging on there. If an
2 identified geohazard had an effect on, or could
3 affect pipe movement within 600 feet of the
4 class one to three segment.

5 CHAIR DANNER: All right, Chad?

6 MR. ZAMARIN: Thanks, Chad Zamarin,
7 Williams. Yeah, I do think there's a lot of
8 uncertainty with adding an eligibility
9 criterion, and frankly, I'm hearing that from
10 people not just at this table, that they don't
11 know what this could exclude because there is
12 uncertainty with how it will be interpreted.

13 I think we're looking to real
14 threats to pipelines because of slope
15 instability, and a real geohazard that could
16 lead to failure. Because if I said geohazard
17 to an average member of the public and they
18 walked out and saw cracking soil, they might
19 think that's a geohazard. If they saw a
20 washout in a creek they might think that's a
21 geohazard.

22 If they saw the hills of West

1 Virginia, they may think that's a geohazard.
2 And so, I think there's a lot of concern with
3 having these very broad eligibility exclusions.
4 And so, I'm struggling with that. The idea of
5 600 feet, I assume that's just an arbitrary
6 number. I don't know that -- I understand,
7 again, why we put arbitrary things, especially
8 from this group, unless there's technical basis
9 for that, I'd be willing to hear that.

10 Again, the concept of if there is a
11 threat, I still think we manage these, and can
12 manage them, so I don't think we should have an
13 exclusion. But if there is a PHMSA rule making
14 that's going to improve that management, and it
15 is coming, I don't know that it is, I don't
16 know that there's been a formal process
17 undertaken, but conceptually I don't have a
18 problem with that.

19 But we're recommending a wiring
20 around a lot of unknowns here, and so that's my
21 concern. So, I would like to hear is there a
22 PHMSA rule making that is going to happen,

1 otherwise if not, this is a forever exclusion.

2 Is there any technical justification for within
3 600 feet, could affect is a very broad term.

4 So, if we've got a geohazard
5 affecting a pipe, that's fine, that I can
6 understand, manage that. We're saying here you
7 can't manage it until PHMSA passes a rule
8 making, so those are the questions that I have,
9 thanks.

10 CHAIR DANNER: Thank you, Andy?

11 MR. DRAKE: Andy Drake, Enbridge. I
12 think that I appreciate the energy on this
13 conversation, and I'm very sensitive to the
14 fact that there are people around the table
15 that are managing geohazards very aggressively,
16 and I'm also very sensitive to the fact that
17 there is no regulation on how to manage them,
18 so there may be a lot of people out there that
19 aren't.

20 So, we find ourselves in sort of a
21 wonky space here. It's truly a great step
22 forward, I hear Alan saying this is on the

1 radar screen, this is a top priority, but I
2 appreciate Chad's point. And I'm not trying to
3 put you on the spot, Alan, but I think we want
4 to see progress on this clarity as a priority
5 for PHMSA, because I think it's a great
6 opportunity to make a big difference in safety.

7 And it's a space that we've put a
8 lot of energy into. So, that would be my only
9 record here, is it shouldn't be 20 years until
10 we see something happen on geohazards, it
11 should be soon, as a priority with PHMSA. But
12 the 600 feet, frankly, I think it is arbitrary.
13 I think the key was adding the word pipe
14 movement to it.

15 In conversations with Sara, I think
16 that there was a general understanding that if
17 something is happening around the pipeline,
18 some soil movement, the key is, is it going to
19 affect the pipe. If not, it's not relevant.
20 So, I'm thinking 600 feet is just a cushion to
21 make sure we're looking for things that could
22 affect the class area.

1 That's how I'm interpreting it, so
2 I'm just kind of putting that on the record of
3 how I'm interpreting that. And I see Sara
4 shaking her head yes, I think that's the same
5 place she is. So, that's, there's something
6 for the record about what that means.

7 CHAIR DANNER: All right, thank you
8 very much, Erin?

9 MS. MURPHY: Erin Murphy, EDF.
10 Yeah, I wonder if on that very last point it's
11 more clear to flip the wording a little bit,
12 and state that if an identified geohazard
13 within 600 feet affects or could affect pipe
14 movement -- maybe that doesn't make it more
15 clear, but I feel like I'm in alignment with
16 the way that Andy just characterized that
17 phrasing.

18 If there's a way to make specific
19 that we're tying this to pipe movement, but the
20 geohazard, which I don't know how you define
21 the limits of a geohazard, how an operator does
22 that, but if that nearby geohazard could affect

1 pipe movement. I see that Chad has tossed down
2 his name card in anger, so --

3 CHAIR DANNER: Yeah, I'm not calling
4 on him.

5 MS. MURPHY: I had one other point.
6 So, I just also wanted to, on the sort of topic
7 of the PHMSA rule making, I don't believe that
8 there's anything that's been publicly noticed
9 on a rule making, so I think we're all working
10 off of the statement that Alan made to the
11 committee a couple minutes ago, that PHMSA is
12 looking to address this in a rule making.

13 So, I kind of view this also as sort
14 of an implicit committee acknowledgment and
15 even recommendation that PHMSA should be
16 looking at this in a rule making. From my
17 perspective, and maybe there's differences
18 here, but from my perspective this is an
19 interim protective step that should be in place
20 until there are other standards on the books
21 that address geohazards and ensure that
22 operators are sort of acting appropriately.

1 So, that is open ended, and we don't
2 know when that rule making will be completed,
3 but that is how I'm viewing it.

4 CHAIR DANNER: All right, thank you.
5 Chad? You're good, all right. Andy?

6 MR. DRAKE: Andy Drake, I appreciate
7 the friendly amendment. I would recommend
8 putting it back the way it is, I think it's
9 settled. I think the key here is, to me it's
10 mox nix, I'm just trying to minimize degrees of
11 freedom here, moving parts. I think the key is
12 the comment that we're trying to make on the
13 record of what does it mean, is more relevant
14 to your point.

15 And whether it's early or late, I
16 don't know if that means one thing or another.
17 The key is, is what do we think it means, which
18 is we don't need to clarify the words up there,
19 we just need to create a record that says
20 PHMSA, here's how we interpret it. What I want
21 to be careful about is adding more words up
22 here to help them understand what we're trying

1 to do.

2 Just tell them what we're trying to
3 do, and then have a slide that is basically the
4 tenet of it. That's really where I am. I'm
5 not really opposing where you are, just I think
6 they're the same, just if the record we created
7 isn't good enough, then let's add to the
8 record. Because that's really the guidance,
9 wherever we put the number is not the point.

10 It's now the record on how to
11 interpret it, does that make sense? It's not
12 really opposition, it's just is the clarity
13 there or not?

14 CHAIR DANNER: All right, thank you.
15 And again, I look at all of these, we're not
16 writing code, we're providing advice, and
17 that's the lens by which I look at this. I
18 think at this point I don't see any cards up, I
19 think if there is a motion on this we might as
20 well proceed.

21 MS. GOSMAN: All right, thanks very
22 much. As we were talking here, I just don't

1 ever want to make statements that are incorrect
2 on the record, and I had thought that the 600
3 feet language came from the hazardous liquid
4 regulations. It may have come, and I was just
5 trying to track it down right now, from the
6 special permits.

7 Because I was using those a lot for
8 my thinking about this, so I just didn't want
9 anyone to vote thinking that it was in the
10 regulations when it had come from a special
11 permit, and I apologize for that mistake.
12 Okay, and with that, I'm going to go ahead and
13 make the motion.

14 The proposed rule as published in
15 the Federal Register and the draft regulatory
16 evaluation regarding the eligibility of pipe
17 segments with a geohazard for the proposed IM
18 option is technically feasible, reasonable,
19 cost effective, and practicable if the
20 following change is made.

21 A proposed class one, two, three
22 segment must be surveyed and assessed using

1 procedures for pipe movement for an identified
2 geohazard prior to being classified as a
3 Section 192.618 class one to three segment.

4 Until geohazard threats are addressed in a
5 PHMSA rule making, a pipeline segment cannot be
6 designated as being a class one to class three
7 segment if, one, an identified geohazard
8 affects or could affect within 600 feet of the
9 class one to three segment.

10 And two, if an identified geohazard
11 affects or could affect pipe movement within
12 600 feet of the class one to three segment.

13 CHAIR DANNER: All right, is there a
14 second? All right, Erin is seconding. All
15 right, we have a motion and a second, so Andy?

16 MR. DRAKE: I'm going to try to
17 offer a friendly amendment here, and I don't
18 want this to be too distracting, I think the
19 point of this is, and maybe it's just for the
20 record, and that is a proposed class one to
21 three segment, that's what Mark Hereth just
22 came over and told me, just to be very clear,

1 this is Andy Drake with Enbridge.

2 A proposed class one to three
3 segment for consideration in this program,
4 Sara's shaking her head yes, so that's the key.
5 It's not every class change that ever happens,
6 because some of them get pipe replacements,
7 some of them take price restrictions, those
8 aren't what we're talking about.

9 What we're talking about is in the
10 context of this rule making. So, class one to
11 three segments that are intended to come in
12 here have to do this. It's not just all class
13 one to three changes. So, I see you shaking
14 your head yes, and maybe, Alan, do we have
15 enough record on that, or do we need to change
16 the language here? What's your recommendation?

17 MS. GOSMAN: Chair, can I have a
18 direct response? Because I think the language
19 in the preamble directly addresses your
20 concern. That is absolutely how I understood
21 this, and I want to make clear that this was
22 based on the eligibility of pipe segments with

1 geohazards for the proposed IM option, and that
2 is what this is all about.

3 I don't know if that -- but I'm also
4 happy to go on the record and say this is
5 specifically for this IM alternative option.

6 CHAIR DANNER: All right, I think
7 we've got a record on that, and we can go ahead
8 with the motion we have. Otherwise we have to
9 withdraw the motion and the second. All right,
10 so we have a motion and a second. Cameron,
11 will you proceed with the vote?

12 MR. SATTERTHWAITE: Cameron
13 Satterthwaite, PHMSA. If you agree with the
14 motion say yes, if not, no. Peter Chace?

15 MR. CHACE: No.

16 MR. SATTERTHWAITE: David Danner?

17 CHAIR DANNER: Yes.

18 MR. SATTERTHWAITE: Terry Turpin?

19 MR. TURPIN: Yes.

20 MR. SATTERTHWAITE: Brian Weisker?

21 MR. WEISKER: No.

22 MR. SATTERTHWAITE: Andy Drake?

1 MR. DRAKE: Yes.

2 MR. SATTERTHWAITE: Steve Squibb?

3 MR. SQUIBB: No.

4 MR. SATTERTHWAITE: Chad Zamarin?

5 MR. ZAMARIN: Yes.

6 MR. SATTERTHWAITE: Chad Gilbert?

7 MR. GILBERT: Yes.

8 MR. SATTERTHWAITE: Arvind

9 Ravikumar?

10 MR. RAVIKUMAR: Yes.

11 MR. SATTERTHWAITE: Erin Murphy?

12 MS. MURPHY: Yes.

13 MR. SATTERTHWAITE: Sara Gosman?

14 MS. GOSMAN: Yes.

15 MR. SATTERTHWAITE: Sam Ariaratnam?

16 MR. ARIARATNAM: Yes.

17 MR. SATTERTHWAITE: Motion carries

18 nine to three.

19 CHAIR DANNER: All right, thank you

20 very much. All right, so these are the

21 remaining topics, eligibility of pipe segments

22 -- so, are we dealing with these one at a time,

1 or are we dealing with this as a bundle? One
2 at a time? Chad Zamarin?

3 MR. ZAMARIN: Thanks, Chad Zamarin.
4 Yeah, I'd like to cover number six, or just at
5 least provide my thoughts on it as a separate
6 issue.

7 CHAIR DANNER: Go ahead.

8 MR. ZAMARIN: Okay, thanks. Yeah,
9 in the current eligibility there is a section
10 that refers to pipe of a certain longitudinal
11 seam, and that's not unusual in the code to
12 have different requirements for different pipe
13 with different longitudinal seam. But in the
14 code it's limited to a few different types, and
15 it does not include low frequency ERW and flash
16 welded pipe.

17 And I do want to kind of tie this
18 together, why that I'm proposing that we remove
19 these two from eligibility. If you look at
20 ASME, and you look at the code, and how threats
21 are categorized, there are four different types
22 of threats. There are stable threats, there

1 are time dependent threats, there are time
2 independent threats, and then there are human
3 or operating error.

4 And so, when we think about kind of
5 the threats on steel, on pipe, and in the
6 environment, we think about a stable threat
7 being a threat that does not change over time.
8 So, where I will tie this together is if you,
9 for example pressure test a pipe, and even if
10 it has a threat that exists above that pressure
11 test level, it will not grow to the point where
12 it will become a risk at operating pressure.

13 So, that's the definition of a
14 stable threat. A time dependent threat is a
15 threat that even if you were to establish some
16 level of safety, that threat is changing over
17 time. Corrosion for example, grows over time,
18 you might have a pressure test today, it
19 passes, you might have corrosion in the pipe,
20 but it's going to be changing over time and it
21 can become a threat to operating pressure, and
22 that's a time dependent threat.

1 Time independent threat is a threat
2 that you can't really manage from a time
3 perspective, that's like outside force. So,
4 someone excavating on the pipe, we categorize
5 those kinds of activities in the time
6 independent. And then operator or human error
7 is if someone in a SCADA system, or someone
8 does something, turns a valve the wrong way.

9 So, that's how we categorize
10 threats, that's based on literally decades of
11 research and development. That's how
12 scientific methodologies are established on how
13 to manage various threats. You treat a stable
14 threat differently than you treat a threat
15 that's changing over time, than you treat a
16 threat that can happen that is unexpected and
17 independent of kind of time as a consideration.

18 And the reason why this is an issue
19 that I'm raising is on a standalone basis we're
20 identifying EFW, which is electric flash weld,
21 and low frequency ERW, because those can have
22 defects of a certain type, we've seen defects

1 in those pipes. So, on a standalone basis I
2 would understand that being an issue.

3 But we also have a requirement that
4 any pipe that is going to be eligible has to be
5 pressure tested to a 1.25 times pressure test.

6 So, for a stable threat, once you have
7 established that factor of safety, you no
8 longer have the risk of that threat causing a
9 problem during operations. That's not just me
10 saying that, that is the research, that's the
11 standard, that's how you manage threats.

12 That's why we do pressure testing,
13 to address certain threats that then won't be a
14 problem during operation. And then we do other
15 things like in line inspection tools, and other
16 inspection activities to address those time
17 dependent threats. We do outside forces, we do
18 public awareness programs, damage prevention
19 programs for those time independent threats.

20 So, that's the reason why I believe
21 this should be excluded from a technical basis,
22 the threat has been addressed by also including

1 an eligibility of the fact that you have to
2 have a pressure test to 1.25 times for the pipe
3 that's included. So, my proposal is to remove
4 these from the eligibility exclusion, because
5 they have been addressed by the eligibility
6 requirement that you have to have a pressure
7 test. Thanks.

8 CHAIR DANNER: Thank you, Andy?

9 MR. DRAKE: Andy Drake, Enbridge. I
10 think it's helpful, and again, I don't want to
11 go into the geek engineering part of this, but
12 those seam types were very specific to certain
13 manufactures and a certain year of pipe
14 manufacturing, and they had some predisposition
15 to manufacturing issues.

16 And the reason they're up here is
17 because if they weren't tested adequately,
18 there is a history of them performing poorly,
19 more poorly than other seam types that may have
20 been not tested well. So, that's noteworthy,
21 okay? And when they are tested appropriately,
22 they behave very consistently with the other

1 seam types.

2 And I think that's the point Chad is
3 making, and I just wanted to illustrate why did
4 these end up here. Because historically there
5 has been more noted failures, or an increased
6 frequency of failures due to these types of
7 seams, okay, because they weren't adequately
8 tested. That's noteworthy.

9 So, but once you test them,
10 statistics have shown they perform very
11 consistently with the other seam types. So,
12 why would we exclude them if we require them to
13 be tested? That's the piece that's out of
14 connection here. The point of this, and I
15 think Chad made it, is if you can't pass the
16 1.25 test, which some can't, they need to be
17 replaced.

18 And I think that's the point of
19 this, is require them to be tested, if they
20 can't pass the test, they're not in. If they
21 can pass the test, they're going to perform
22 just as consistently as the other seam types,

1 so why are we excluding them regardless of the
2 test? That doesn't make sense, I think we've
3 got our cart and our hours out of order.

4 And I think some of this goes back a
5 little ways, but those are facts. And I
6 appreciate, Arvind, you kind of help remind me,
7 facts and data, facts and data, let's work off
8 of technology, and let's work off of facts.
9 But those are facts.

10 CHAIR DANNER: Can you tell me how
11 ubiquitous these seam types are, Chad?

12 MR. ZAMARIN: You mean how
13 prevalent, is that? I don't have that data.
14 These would -- I mean, there are a lot of
15 different seam types, and so there are probably
16 five to ten percent of the mileage of pipe,
17 there's a lot of pipe mileage. This was a
18 standard practice of manufacturing pipe for a
19 good period of time, and we were building a lot
20 of pipe.

21 So, it's not the -- there's really,
22 like I said, a lot of different seam types.

1 These were not rare, so they would fit within
2 that kind of we've got a distribution of seam
3 types, and again I'm guessing, but probably in
4 the five to ten percent range.

5 CHAIR DANNER: Okay, that's helpful.
6 Andy?

7 MR. DRAKE: Andy Drake. Chad's
8 right, I'd just offer a little bit of context
9 perhaps. When you say pervasive --

10 CHAIR DANNER: I said ubiquitous,
11 but he said pervasive.

12 MR. DRAKE: I picked up on the
13 pervasive because I understood that word, I'll
14 go look up ubiquitous later in my dictionary.
15 But when we look at prevalent or pervasive, we
16 have to remember we're looking at failure
17 frequency, which is unusual. We have to start
18 with that classification first, and put it
19 through that filter, failures are unusual.

20 So, it's not like there's a lot of
21 weld seam problems in every weld that came out
22 of the factory, that's not the message at all.

1 It's just that when you look at the failure
2 family, those untested or lesser tested long
3 seams have the Pareto proposition, they account
4 for a lot of them.

5 They're not that many, but when you
6 look at that failure family, they account for a
7 lot of them in that family. But once you test
8 them, they're no longer the case, that's the
9 key. So, I just want to keep that magnifying
10 lens word I'm talking about, flaws that are
11 pervasive to every seam, every joint of pipe
12 that came out made by that, that's certainly
13 not the case.

14 CHAIR DANNER: All right, thank you
15 for that. Erin Murphy, and then Chad.

16 MS. MURPHY: Thanks, Erin Murphy,
17 Environmental Defense Fund. I'm just thinking
18 about what's in the proposed rule, and then
19 what some committee members are asking us to
20 consider as a recommendation to PHMSA here.
21 And in the proposed rule PHMSA identifies a
22 number of seam types that are associated with

1 integrity issues, and proposes that those seam
2 types be excluded from eligibility for this one
3 option.

4 One option on a list of options for
5 how operators address class location change for
6 a pipe segment. And one of the seam types on
7 this list that PHMSA has identified as being
8 associated with integrity issues is the low
9 frequency electric resistance welded, and the
10 electric flash welded, the two that we're
11 discussing here.

12 And I think from my perspective, I
13 hear the point that there is also the testing
14 component, but I'm kind of thinking about
15 PHMSA's experience with the special permit
16 process, PHMSA's experience with other
17 incidents that have occurred on pipelines. And
18 if the agency in its expertise views these seam
19 types as being frequently or prevalently enough
20 associated -- I feel like I'm just picking up
21 the word prevalent now.

22 But associated enough with concern

1 that the agency wants to be able to do a case
2 by case review through the special permit
3 process if an operator chooses to pursue that,
4 that makes sense to me in these instances. And
5 it's my understanding that there have been
6 failures on pipelines that have the EFW seams
7 on them, even when there have been ILI runs
8 prior to the failure.

9 And so, thinking about the fact that
10 that's possible seems appropriate to me that if
11 an operator wants to do so when they're dealing
12 with a class location change rather than just
13 defaulting into this IM option, they can pursue
14 a special permit.

15 CHAIR DANNER: Thank you. Chad, and
16 then Andy.

17 MR. ZAMARIN: Thanks, Chad Zamarin,
18 Williams. I think Andy makes note of this,
19 there are pipes with these seam types in
20 special permits, and to be clear, we say the
21 agency, these special permits were drafted by
22 primarily an individual, and it was not -- it

1 did not go through a scientific research
2 process.

3 Again, stable threats are defined in
4 the American Society of Mechanical Engineering
5 Standards, and it is well established
6 technically that if you pressure test a pipe
7 with a stable threat you have mitigated the
8 threat. That is the entire premise of how to
9 manage a stable threat.

10 If you take the pipe to a pressure
11 above its operating pressure, stable threat has
12 been mitigated. In line inspection does not
13 address the stable threat that we're talking
14 about. But we're talking about pressure
15 testing. So, where you have a pressure test on
16 a pipe that has flash weld or low frequency
17 ERW, you have mitigated the threat, that is
18 defined in ASME code.

19 And so, I am proposing that we
20 follow the code, not follow what a couple of
21 people may have thought made sense for a given
22 permit process. And so, I think sticking to

1 facts, sticking to standards is the right way
2 to put eligibility criteria in place. And so,
3 that's why I think it's so important to focus
4 on kind of following, again, a code that has
5 been developed over 70 years of research and
6 experience, and peer review, and is in practice
7 across many different industries. Thank you.

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

10 MR. DRAKE: Andy Drake, Enbridge. I
11 think Chad raises a lot of good points. First
12 of all, we have to make sure we're talking the
13 same language. Failures that happen, are they
14 related on these seam types? So, that's a
15 little bit of a filter, or a qualifier. And
16 then hydrostatically tested. In line
17 inspection isn't designed to test the material
18 in the seam like that.

19 And so, we've got to make sure we're
20 apples and apples, yes, there probably have
21 been pipes that have failed that, have this
22 seam type, and had been ILI'd, okay, that's

1 interesting. What's relevant is were they
2 tested to a high enough strength to make sure
3 that the pipe seam has a margin of safety
4 between it and the operating pressure.

5 That's a really important
6 distinction in the facts, and the data. I
7 think the other thing that came out, and I have
8 these, so I have special -- matter of fact, one
9 of the first special permits ever filed was
10 ours, and it was a special permit that involved
11 -- pipe, flash welded pipe.

12 And it was tested actually very
13 significantly to ensure that safety margin of
14 error, and that pipe is performing very, very
15 well. And I don't hear anybody within PHMSA or
16 anywhere else saying that pipe's not good
17 enough to be in this process. Well, why? And
18 this is that project, that site fueled the
19 discussion that led to the subpart adjustment,
20 that you can't get in here if you can't survive
21 that kind of rigor test.

22 Okay, so we're saying we learned, we

1 learned, Alan said it the other day, we've
2 learned so much from the special permit process
3 that we're injecting into Subpart O, but now
4 we're saying not really sure we want to use
5 that. I don't get it. I've got one of those,
6 not just one, I have many projects in the
7 special permit bucket that are these two seam
8 types.

9 Now, there are seams, and I hope we
10 can differentiate that, there are seams listed
11 within PHMSA's note that we're saying yeah, you
12 should not let them in there. Why? Lap
13 welded, hammer welded, any seam that's not
14 rated by API to 1.0, or has a D rating seam
15 factor should not be allowed into this process.
16 Why?

17 It has a high propensity of not
18 surviving that hydrostatic test. So, why are
19 we wasting our time? That's why we're
20 supportive of those exclusions. But to exclude
21 these, just blanket exclusion, even if they can
22 survive a test significantly above 1.25, I

1 don't get it. Those pipe seams that have
2 survived that test are performing every bit as
3 well as any other seam type that's out there.
4 So, help me, I'm serious, help me.

5 CHAIR DANNER: All right, thank you.
6 I'm going to go a little out of order.
7 Clayton, you have your card up.

8 MR. BODELL: Yeah, thanks, Chair.
9 Clayton Bodell with PHMSA. Yeah, so
10 recognizing that the eligibility criteria that
11 we wrote into this proposal were to represent
12 the ideal or best candidates of pipe to feed
13 into this IM option for confirming class, we
14 included two separate eligibility criteria.

15 One dealing with if you don't have a
16 1.25 times MAOP pressure test, and then a
17 separate one dealing with these legacy seam
18 types that are, again, less than ideal. So,
19 just wanted to, I guess remind the committee,
20 that we do have regulations in Subpart O
21 specifically in Section 192.917, paragraph E,
22 that relate to the stability of the threats

1 that members Chad and Andy are describing.

2 In which some of these seam type
3 threats, or seam applicable threats can be
4 stabilized through that 1.25 times MAOP test.
5 However, there are conditions that can
6 reactivate, or operational situations that can
7 reactivate those threats. And those are
8 detailed in those paragraphs.

9 Some of them would be MAOP
10 increases, which perhaps some of the pipelines
11 coming into this program, for whatever reason,
12 might be restoring a previously D rated MAOP.
13 Also pipelines subject to cyclic fatigue
14 influences, and another one to talk about is an
15 abnormal operation in which the MAOP is
16 exceeded. Thanks.

17 CHAIR DANNER: All right, thank you.
18 Erin, then Pete.

19 MS. MURPHY: Erin Murphy, EDF.
20 Yeah, here Andy's points, and I was going to
21 turn and ask if PHMSA could sort of speak to
22 the proposal, because I'm really deferring to

1 sort of the agency's expertise in making this
2 determination. So, I appreciate the clarity
3 just provided by Clayton.

4 CHAIR DANNER: All right, thank you.

5 MR. CHACE: Thank you, Pete Chace,
6 NAPSRS. I see this as maybe analogous to cast
7 iron pipe on the distribution side of the
8 program. There are some cast iron systems that
9 perform fine, and don't leak, but it doesn't
10 really matter. Cast iron as a whole has some
11 issues across the board, and we're making
12 efforts to get it out of the ground.

13 I am not a great authority on the
14 metallurgic properties of low frequency ERW
15 pipe. What I do know about them is they're
16 subjective to seam cracking, and selective seam
17 corrosion. The piping that was made in the --
18 discontinued in the 70s, I think the real
19 problematic stuff was from the 40s and 50s.

20 So we're talking about pipe that for
21 the most part has been installed pre-code. I
22 don't think I, or we have the technical

1 expertise in this committee to really say, but
2 I believe that PHMSA's position on screening
3 these out is not unreasonable. And I can add
4 that the special permit process is still out
5 there if you do have segments of pipe with low
6 frequency ERW that can meet performance
7 standards. Thank you.

8 CHAIR DANNER: Thank you very much.
9 All right, Chad, then Andy, then Chad Gilbert.

10 MR. ZAMARIN: Thanks, Chad Zamarin,
11 Williams. And I do appreciate Clayton's
12 commentary, I do want to make it clear that
13 that's for all stable threats, that environment
14 can activate a stable threat, so we have to
15 monitor for changes that would drive us to have
16 to revisit a stable threat. So, Subpart O
17 handles this issue.

18 And Andy's right, there's a lot of
19 different ways that we manage to make sure a
20 stable threat does not become a time dependent
21 threat. And Pete, I think equating flash weld
22 to cast iron is a huge leap that I think goes

1 way too far. Flash weld is -- still has modern
2 coding, it doesn't have brittle pipe body
3 characteristics.

4 It doesn't have the same corrosion
5 history, and so flash weld was a unique welding
6 process that if not pressure tested could
7 introduce defects into the weld that could
8 become a threat. But it is, again, I would
9 hope we would follow the science, and not
10 opinion. If you look at ASME and the code, and
11 you have a stable threat, this is why I would
12 hope we would want to be consistent throughout
13 this rule.

14 If you have a stable threat, and you
15 address it through pressure testing, which this
16 does require to be in this program, then you've
17 mitigated the threat. I mean, that is defined.
18 And then, yes, Clayton's correct. Then you
19 monitor, if something changes, if you want to
20 up rate the pipe you've got to go back and
21 retest.

22 If you want to introduce cycling of

1 the pipe then you've got to go back and retest,
2 and we have monitoring, and we have to take
3 action if we do that. But to not include
4 something that by definition in these
5 eligibility requirements is addressed, doesn't
6 make any sense.

7 And I think, I mean you heard from
8 Andy, you've got special permits with these
9 seam types that are performing well. Like
10 that's the basis for going into this as a
11 regulated program, thanks.

12 CHAIR DANNER: Thank you, Andy?

13 MR. DRAKE: Andy Drake, Enbridge. I
14 think this is important metallurgically, I
15 appreciate the citation about cast iron pipe,
16 but I think it's important to understand that
17 cast iron pipe has a systemic body problem that
18 you can't test out of it. It just has it, it's
19 like genetics, it's just in it, it has a
20 systemic problem.

21 It would be similar, it wouldn't
22 survive some of the scrutiny of these tests,

1 and it creates problems, different kind of
2 problems, over time because of that. The
3 difference here that I think is noteworthy is
4 these have an issue with them that can be
5 readily identified and remediated through
6 adequate testing, and I think that's important.

7 And I think that's why you're
8 hearing so much energy around this. We have a
9 lot of experience with this, a lot of facts and
10 data over time, and it's not just, again, the
11 special permit body is small. But the
12 learnings from that have been applied to
13 thousands of miles of pipe in my system, and
14 we've seen radical performance improvements
15 through that testing.

16 That's good, that's an assurance. I
17 think that I appreciate Clayton's comments,
18 okay, up rating, yeah, if you up rate it that's
19 a separate process, we should pause, and we're
20 going to talk about up rating, I think here in
21 the next whatever, number eight there, talk
22 about up rating. Yes, we should pump the

1 breaks, and look at is everything holding
2 together on the validity of these assumptions
3 as we up rate.

4 And there's a very deliberate
5 process to go through that, and I appreciate
6 that. Cyclic fatigue, now you're getting into
7 Chad and my wheelhouse, so watch out. Cyclic
8 fatigue, the point of cyclic fatigue is to
9 establish a buffer where you don't actuate
10 those anomalies for a long time.

11 And with the numbers that we're
12 talking about, the test buffers that we're
13 talking about, the cyclic fatigue life of these
14 pipes is measured in hundreds and hundreds of
15 years. Now, in liquids, cyclic fatigue,
16 because it's non-compressible, it transmits
17 pressure waves really good.

18 Cyclic fatigue in liquids is
19 measured in tens of years, gas pipelines
20 measured in hundreds of years. So, if we want
21 to really get into the engineering part of
22 this, we would say okay, what's the validity of

1 125 percent test or 150 percent test on that
2 seam flaw to make sure it's not activated, this
3 is really relevant.

4 Well, okay, let's set a number. If
5 we're going to use it on 1.25 test, and we're
6 looking at cyclic fatigue that has life of 100
7 years, we should re-hydrostatically test these
8 pipelines within 100 years. That would give us
9 a safety margin of two, which is really good.
10 And I think that's where this -- I don't want
11 to Steve --

12 I know Steve personally, he's very
13 conservative, and he's very technically astute,
14 but we have to apply the technology here to
15 understand how that plays. We can't just say
16 it could come into play so we're just going to
17 exclude everybody. Well, we would exclude
18 everybody, because after 125 percent test
19 you're now performing the same as the other
20 seam types.

21 Well, that's the margin of
22 confidence for the lowest common denominator,

1 so we should be retesting all the seams at that
2 point in 100 years if that's what we're worried
3 about. And again, I'm sorry, this is the
4 engineer geek part coming out, but this is
5 relevant here. This is where you get
6 confidence, which I keep looking across the
7 table here at Arvind.

8 This is where we get the confidence,
9 is those are knowns. We're not talking about a
10 magical mystery tour, we're talking about
11 mechanics, tests, and demonstrative evidence
12 based on thousands of miles of physical testing
13 and performance over years. That's good,
14 that's a confidence builder. So, I just wanted
15 to touch on those things to help calibrate
16 them.

17 They're not huge problems, they're
18 managed problems, and how do they fit in here
19 is really relevant. So, I appreciate the
20 indulgence of the committee while I went geek
21 on you.

22 CHAIR DANNER: All right, thank you.

1 Chad Gilbert?

2 MR. GILBERT: You know, I do
3 appreciate the discussion. I would like to
4 request PHMSA to look at this in a data driven
5 opinion. We have had pre 1970 ERW pipes seam
6 weld failures on major pipelines that have
7 established MAOPs, and these pipelines have
8 ruptured. So, there is documentation of these
9 type of accidents and investigations that have
10 been filed.

11 So, I would just ask PHMSA to look
12 at these, and study these, and see if this is
13 something that does need to be eliminated from
14 the program. Because older pipes tend to fail,
15 and I think one thing that we can all agree on,
16 and I agree 100 percent with Peter, all cast
17 iron has not been bad, but there comes a point
18 to where we've seen that cast iron was causing
19 a pipeline safety issue.

20 And we decided that we had to remove
21 that pipe from the system. I think the same
22 things should be looked at on the transmission

1 side, and the gathering side of what has caused
2 these failures. Look at the investigations, if
3 this is something that needs to be removed from
4 the program, I think PHMSA needs to make that
5 decision to remove these certain older pipes
6 that have failure in their seams from the
7 system. Thank you.

8 CHAIR DANNER: All right, thank you.
9 Brian?

10 MR. WEISKER: Brian Weisker, Duke
11 Energy. And again, I'm just sitting here
12 listening back, and I think it's crystal clear
13 that these threats are managed, and the code
14 couldn't be any more clear. Not only would we
15 have these types of pipes in piping that's
16 covered under special permits, we would also
17 have this type of piping in HCAs.

18 The most serious areas of our
19 national piping system for natural gas, that
20 this pipe exists and the threat is being
21 managed through a 1.25 times pressure test in
22 those areas. So, in order to help keep the

1 ball moving forward here and getting some
2 progress, I think we've talked a good bit about
3 this, I'd like to propose some language.

4 That pipe segments with LFERW and
5 EFW vintage seam types that are pressure tested
6 to 1.25 times MAOP are not excluded from this
7 rule. If you need me to repeat that I'll be
8 glad to.

9 CHAIR DANNER: Did we capture that?
10 Okay, so that'll be coming up shortly. Alan
11 Mayberry?

12 MR. MAYBERRY: I was wondering if
13 the committee would consider, since the
14 recommendation may very well be similar, would
15 it be worthwhile to have a discussion on all
16 three of these, and then --

17 MR. WEISKER: That might help keep
18 the ball moving forward.

19 MR. MAYBERRY: I mean, but it's up
20 to you.

21 CHAIR DANNER: Sara then Chad,
22 sorry.

1 MS. GOSMAN: Thanks very much, I've
2 been listening to this discussion, I think I'm
3 where I understand Member Chace and Member
4 Gilbert to be on this. I think asking PHMSA to
5 look at this is something we could certainly
6 do. But again, I want to be careful here that
7 when we're thinking about how we're managing
8 risk, that what we're doing through IM in class
9 four HCAs, we're doing something different
10 here, right?

11 Again, we're taking pipe that wasn't
12 built to the design specs for the class that we
13 now have. And so, I just feel like that keeps
14 getting missed in this conversation, that IM is
15 working right now, although we still have
16 failures, right? But that's in a system where
17 in general the pipe was built to the class
18 location, and to the number of people around
19 it.

20 I also just want to make a general -
21 - well, two general observations as we have
22 this conversation. One is that I think agency

1 staff have expertise, and I think it's
2 important to recognize their expertise in all
3 of this. I never like to hear somebody called
4 out as not having that expertise, or being in
5 some way not going with the data.

6 I think we should be very careful
7 making those kinds of statements, and I would
8 hate for those kind of statements to be on the
9 record. I think that we can disagree about the
10 way that we use data and run programs, but I
11 think we have to assume that there is expertise
12 all around.

13 And when we look to engineering
14 standards, of course we do, in pipeline
15 regulations, and of course we want to look to
16 bodies that are setting those standards, but I
17 also just want to keep reminding us that if
18 that's all we did, we wouldn't have public
19 regulation.

20 We would be back to the world of
21 sort of standards set by private organizations.
22 There is a different process happening here,

1 one that can rely on those standards, but one
2 that shouldn't be limited to those standards
3 because the public agency here is directly
4 charged with protecting public safety and the
5 environment.

6 And so, the conversation that we are
7 having is about that charge, and how to best
8 address it, and sometimes that takes a more
9 protective approach, and I think that is what
10 we do for public regulation. So, those are
11 just a couple of observations. I'm not
12 supportive of allowing wholesale this category
13 into the program.

14 But I would be willing to vote on an
15 ask PHMSA to consider whether there are
16 portions of it that might be eligible.

17 CHAIR DANNER: All right, thank you.
18 Chad, then Andy, then me.

19 MR. ZAMARIN: Thanks, Chad Zamarin,
20 Williams. First I just have to respond, I
21 think it's inappropriate to try to limit my
22 input on the issue of whether or not I think

1 it's best for a small number of individuals, I
2 wasn't calling anyone out. I was saying a
3 small number of individuals, we should all
4 understand that that's how special permits got
5 developed.

6 And the code was developed by a more
7 transparent, public involved process, that
8 includes technical standards. And Subpart O
9 allows these seam types to be managed in the
10 highest consequence areas operating at .72
11 design factor, which is what we're talking
12 about putting these pipes into.

13 So, we already have the highest
14 consequence areas allowed to operate these
15 pipes, and we have ways to manage them. And
16 actually these are the easy ones, all you have
17 to do to mitigate a flash weld risk, all you
18 have to do to mitigate an ERW weld risk is a
19 pressure test, it's the easiest ones to
20 address, and we're requiring the pressure test.

21 The hard ones are the ones that grow
22 over time, or the ones that are independent of

1 time and you can't predict. Those are the
2 really hard ones. If you do a pressure test
3 you've mitigated the stable ones. So, that's
4 why I'm struggling with why these are the ones
5 that we would exclude eligibility for.

6 These are the ones that we should
7 frankly find the easiest to say okay, you've
8 done what decades of research and development
9 tell us you needed to do to mitigate that
10 threat. Let's move onto the things that are
11 real issues. And so that's why I do think we
12 need to vote on these individually and just get
13 through it, I thought Brian's language was
14 fine.

15 I don't know if there's a way to
16 modify it to make anyone else happier, but I
17 think this is an important engineering
18 principle. That we're not excluding something
19 that we're also -- and to be clear, this was
20 some of the frustration with the special permit
21 process. We ended up kind of putting
22 individual requirements in independently.

1 And then when you take a step back
2 and look at them at the whole, some of them
3 conflict or mitigate the thing you were dealing
4 with over here. So, I said that at the
5 beginning, I understand a concern with flash
6 weld seams in the absence of pressure testing.
7 But once you put pressure testing into the
8 eligibility requirement, you've taken that
9 issue off the table. That's what I'm trying to
10 clean up and make sure we get right.

11 CHAIR DANNER: All right, thank you.
12 Andy?

13 MR. DRAKE: Andy Drake, Enbridge.
14 Certainly no one here is trying to cast any
15 aspersions on PHMSA, that's not the point. I
16 think Chad makes a good point, and that is that
17 how the special permits evolved is not nearly
18 as robust a process as what happened with
19 Subpart O. Subpart O took the special permits
20 in, and vetted them in incredible detail, and
21 drew in lots, and lots of technology, research
22 of facts, data, testing.

1 And I think I look at that process
2 and have a lot of confidence in that process.
3 I think even the ability to answer Clayton's
4 questions, right there, those are good
5 questions, and processes have been around those
6 things that have addressed them. Some of them
7 have evolved during the special permit process,
8 which is good, that's how the machine works,
9 they're good.

10 And I think we have to look at
11 PHMSA, have those questions been effectively
12 answered? They're here in front of us, I take
13 them here in front of us as questions. Or a
14 discontinuity in how the two rules evolved.
15 There's questions that were asked before
16 Subpart O came into place. Okay, did Subpart O
17 answer them?

18 But they're still here because we
19 didn't change this proposed rule in the face of
20 Subpart O. Okay, can we discern the wheat and
21 the chaff? Because I think this is one of
22 them. We talked about this a lot, and I think

1 the tests are really, really proving positive
2 that this works with confidence on some seam
3 types.

4 On others that aren't even up here,
5 we're not arguing, they shouldn't be in here,
6 they're more like cast iron, they have genetic
7 problems, they're not going to clear this
8 hurdle, we shouldn't try to put them in here.
9 But that test is that confidence building in
10 managing this threat, even in cyclic fatigue,
11 and I think that's a good thing.

12 That's a confidence builder. So,
13 it's good to ask the question, and I appreciate
14 the sophistication of the regulator. I just
15 think we need to get these two rules to
16 synchronize with each other, and look to PHMSA,
17 and go yeah, I think we can put a check next to
18 that. There is no evidence that would show
19 that these seams, after they've been tested,
20 perform any different than any other seam, and
21 the issues are the same.

22 Okay, that's all I'm really asking.

1 And so, I would hate to see us say no, you
2 can't do it, we're not going to include it.
3 That's where I am.

4 CHAIR DANNER: Yeah, thank you very
5 much. And this is where I am, I think there's a
6 lot of value in what you're saying. I think I
7 don't want to say no, but I also think I'm in
8 sort of a trust but verify position. So, I
9 think that I would rather identify the issue,
10 tell PHMSA to take a look at this, whether
11 there are adequate testing procedures that can
12 assure that basically safety is going to be
13 maintained, and ask them to take a hard look.

14 And I think that's what I was
15 hearing from Chad and from Pete, and so
16 actually I suggested some language which I
17 think they can throw up there that would do
18 that, that we can look at, along with Brian's.
19 But I think that that is where I would land, is
20 on option two, subject to the conversation of
21 course. So, let me see. So, Sara, then Pete,
22 then Steve.

1 MS. GOSMAN: Thank you. I just
2 wanted to, as part of this discussion, I think
3 there was a failure in Danville, Kentucky that
4 related, this was an Enbridge failure in which
5 the pipe was tested to 1.25 MAOP, and there was
6 a hard spot, and it was this kind of seam. So,
7 I guess I'd just say that not to put anyone on
8 the spot, but just to say that -- really, but
9 just to note generally that I think when we
10 look to IM for management of risk we reduce
11 risk.

12 But we might still have an incident
13 even with the testing that we've been talking
14 about. So, maybe that helps you to understand
15 sort of why I'm concerned about a blanket let
16 the pipe in, as opposed to looking more
17 individually at it. And again, I'm fine with
18 the language that was just proposed.

19 But just wanted to put that out
20 there as an example, as I understand it, of an
21 incident where we were doing the right things,
22 and this sometimes happens, right? Still bad

1 stuff happens.

2 CHAIR DANNER: All right, both Mary
3 and Alan have their cards up, but Pete, I'm
4 going to go to you first. Actually, Pete, I'm
5 not going to go to you first. Andy?

6 MR. DRAKE: This is Andy Drake,
7 Enbridge. I just appreciate the chance to
8 respond directly. That pipe is Enbridge pipe,
9 and I think it's a good point. First of all,
10 it's not related to seams. So, the seam thing,
11 and the 125 percent, that's what we're talking
12 about here, that's not related to what happened
13 there.

14 And it's not -- that issue isn't
15 pervasive to the -- it's not related to the
16 seam at all. What you're saying is there's a
17 certain manufacturer, or there are certain
18 manufacturers that have a predisposition to
19 hard spots, which is a manufacturing process in
20 the way the coil is made that something falls
21 on it when it's red hot, quenched it, created a
22 dinner plate.

1 Basically, that's a different hard
2 spot, or a different hardness of the pipe body
3 material which creates susceptibility to other
4 things. I think the good part about that is --
5 trying to be the ever optimist here. That
6 issue was brought into the discussion in
7 Subpart O in the mega rule. And there is now
8 industry standards and a regulation around
9 managing that.

10 It's actually in Subpart O, how to
11 manage hard spots. So, to your point, there's
12 a lot of threats out there, but just picking
13 off on the seam type won't get to all of them.
14 The question is are there threats that aren't
15 managed in Subpart O, and I just want to come
16 back to that. Because we don't want to cross
17 pollinate, like somehow we're going to solve
18 that problem by kicking seams out.

19 It's like no, that's like red and
20 blue, they're not the same. So, what is that
21 problem, it's not related to the seam, so the
22 seam qualifier won't get to that issue, that's

1 a specific manufacturing issue from some
2 vendors, not all. But the point is, is that
3 threat identified in Subpart O, and can you use
4 an appropriate management protocol?

5 And I think the answer is yes, which
6 is what you're asking. But I just want to make
7 sure we're not trying to take hammers and drive
8 in screws, they're not the same thing.

9 CHAIR DANNER: All right, thank you.
10 Pete, then PHMSA.

11 MR. CHACE: Pete Chace, NAPS. I
12 think Member Weisker made a good observation,
13 that the use of this pipe is actually allowed
14 in high consequence areas. Having said that,
15 that's for pipe with wall thickness
16 commensurate with its class location. So, I
17 would be comfortable asking PHMSA just to
18 revisit the issue, and to see if the standards
19 established in Subpart O for this
20 classification of pipeline is something that
21 they could live with or not.

22 So, I'm pretty much where Chair

1 Danner is, I would support option two. Thank
2 you.

3 CHAIR DANNER: All right, thank you
4 very much. Alan, then Mary.

5 MR. MAYBERRY: Yeah, I just wanted
6 to mention, I appreciate the comments Chad and
7 Andy made related to the special permit
8 process. I just feel obligated to defend it,
9 and that it does involve a notice and comment.
10 And certainly it's a transaction between the
11 operator and PHMSA as we develop conditions.
12 But those conditions, as we develop them, are
13 posted on the docket for notice and comment.

14 So, it's done in a transparent way,
15 and then ultimately I sign these special
16 permits, it's not someone else, it's me that
17 ultimately signs on the dotted line, whom we
18 allow a variance from the code. We did
19 institute a report that's been referred to this
20 week related to the special permit process.

21 And it really didn't take issue with
22 the conditions that we developed, but it did

1 recommend that we add a bit more, I'll
2 characterize it as diversity of thought in how
3 we develop conditions, as far as having more
4 people involved, which is a fair
5 recommendation, because we did rely heavily on
6 probably one individual who helped us manage,
7 and helped us with that process.

8 But I just wanted to mention, didn't
9 want you to leave with the impression that it
10 wasn't a transparent process, because it did
11 involve a notice and comment, it did involve
12 engagement in the leadership at PHMSA, that
13 ultimately I signed off on. So, just wanted to
14 mention that.

15 CHAIR DANNER: All right, thank you.
16 Mary?

17 MS. McDANIEL: Mary McDaniel, I
18 guess the follow up to what Alan just said is
19 that in the special permits, Andy, you did
20 mention that you have a special permit, and
21 this type of pipe is included in there. I
22 think the key part to that was in the criteria

1 that we had at the time for special permits, it
2 says with substantial justification.

3 So, that gave us the opportunity to
4 review your information, and the data, and then
5 make sure you're managing it, will manage it
6 correctly moving forward. And we might have
7 applied different conditions that maybe would
8 not be included in this process, or have that
9 up front. So, I just wanted to point that out,
10 that it was not something -- there was a review
11 of that part to being accepted, a special
12 permit.

13 CHAIR DANNER: All right, thank you.
14 Steve?

15 MR. SQUIBB: Yeah, Steve Squibb,
16 City Utility Spring Field, Missouri. How I see
17 this is just I think the proposed rule used a
18 broad brush to exclude these seam types, and it
19 sounds like we've proven that a subset of those
20 seam types that have a pressure test that
21 addresses the concerns of those seam types that
22 don't have a pressure test.

1 So, it seems reasonable that that
2 would be included in this program, and I would
3 support option one, I'm still digesting option
4 two. Thank you.

5 CHAIR DANNER: All right, thank you.
6 Chad Gilbert?

7 MR. GILBERT: Yeah, I think the best
8 way to address this is just to ask a question
9 to the metallurgists that are -- that I trust,
10 that I think are good folks, good operators.
11 But in my recollection these seams have failed
12 due to corrosion, so a pressure test, corrosion
13 will expand.

14 So, a pressure test will test the
15 pipe, but then later on if the corrosion grows,
16 and the deterioration of the seam, an accident
17 could occur, am I correct with that?

18 CHAIR DANNER: Chad?

19 MR. ZAMARIN: Chad Zamarin,
20 Williams. You are correct, and that is
21 addressed through in line inspection
22 requirements of Subpart O, and also of these --

1 so, what the problem is, this is an exclusion,
2 I think. And when it's included in a section
3 that talks about longitudinal design, and so
4 when you have the risk of seam corrosion, and
5 you have the risk of seam defects from
6 manufacturing, you have to do a pressure test,
7 and you have to have an in line inspection
8 program.

9 This program has both, and so you're
10 both addressing the stable threat when you do
11 the pressure test, the seam defect is no longer
12 an issue. When you run the ILI tool, you're
13 making sure that you don't have seam corrosion
14 that becomes an issue. And that is how ASME
15 defines how to manage those threats.

16 CHAIR DANNER: All right, thank you.
17 Erin, then Chad Zamarin.

18 MS. MURPHY: Erin Murphy, EDF. I
19 think based on the discussion I do feel
20 comfortable supporting option two, which is the
21 idea that PHMSA sort of give further
22 consideration to these different components,

1 and I think someone said the idea of making
2 sure there's some sort of review of data, and
3 what's been known to happen with these seams in
4 the past.

5 So, I'm comfortable with that, but I
6 think I'm also just reiterating my sort of
7 deference to the agency's expertise, what it's
8 seen in the special permit process, and in
9 prior incidents, and that it doesn't make sense
10 to me for the committee to recommend sort of a
11 blanket shift of these seam types that PHMSA
12 had identified as not being eligible.

13 CHAIR DANNER: All right, thank you.
14 Chad Zamarin, and then Andy.

15 MR. ZAMARIN: Thanks, Chad Zamarin,
16 Williams. Look, I think we improve regulations
17 through this process all the time, and I think
18 when it's black and white, when we've got two
19 conflicting criteria, we should point that out.
20 And that happens, I mean again, lots of things
21 get put into proposed rules, and we put in a
22 seam type exclusion, but we also put in a

1 pressure test requirement, we put in an ILLI
2 requirement.

3 You've addressed the issues that
4 would have otherwise excluded that. So, I
5 think it's an important -- and look, I agree
6 with trust but verify, but if anybody can read
7 the code, if anybody can read the technical
8 standards differently, then I'm fine with that
9 being a different exclusion. But that's what
10 it says black and white, that if you pressure
11 test a stable defect you've mitigated that
12 defect.

13 And you need to then use continuous
14 monitoring tools to manage time dependent
15 threats. And so, that's what it -- I'm just
16 following the engineering and the science. And
17 so, I would have hoped that we can allow people
18 to have opinions on a lot of different things.
19 But man, when we've got a technical foundation
20 like that, I mean that's how we manage stable
21 threats in every, virtually, industry.

22 And now we're saying let's use some

1 other, what maybe feels better, or feels
2 different. That's why I have such passion
3 about this, because I think it's an
4 opportunity, frankly, to be more consistent
5 from a technical perspective. And I think
6 that's always good. And then the only other
7 thing I would say is I do have an issue not
8 just lumping the others into option two.

9 Up rating in particular, and if we
10 want to go there, we can talk about it, but I
11 wanted to talk about why I think that's an
12 important one for us as a committee to
13 consider.

14 CHAIR DANNER: Yeah, thank you. I
15 put all of these in not wanting to cut off
16 discussion, I absolutely don't think I would
17 want to take this up until we've had those
18 discussions. But all right, thank you. Andy?

19 MR. DRAKE: Andy Drake, Enbridge.
20 I'm with you Erin, I appreciate deferring to
21 PHMSA. I think where I am is there's a little
22 bit of fogginess here about this rule and

1 Subpart O, and I think we're trying to get them
2 to synchronize them in how they've evolved.
3 There's questions that are being asked here
4 that have been answered.

5 And we just want to make sure
6 everybody's clear on which ones are which. And
7 I'm going to go back to Clayton's question
8 about cyclic fatigue, that's a good question.
9 It's on here, maybe it's manifesting itself in
10 these seam types because of that, great. Okay,
11 cyclic fatigue was specifically picked up in
12 Subpart O.

13 Operators are obligated to evaluate
14 their cyclic fatigue and define their
15 susceptibility to it including the seam type,
16 and predict when to reinspect. That's kind of
17 where I came from the 100 years and all that
18 stuff. But the point is that's really good, we
19 just need to make sure as PHMSA goes back that
20 we're connecting all those dots.

21 It's like yeah, that's a good
22 question, it's been addressed, that's what

1 happened in Subpart O, now we're required to
2 look at it, and figure out how to deal with it,
3 and how to manage that threat. I think Chad
4 points out the same thing in response to member
5 Chad Gilbert's question, and that is okay,
6 selective seam type.

7 Okay, now we're not talking about
8 seam toughness, we're talking about
9 susceptibility to corrosion, not manufacturing
10 flaws, okay, well that's corrosion. Well, the
11 good news is, is rely on Subpart O, if you have
12 susceptibility to selective seam weld
13 corrosion, then you're obligated to run a tool
14 that is proven to work to define it and
15 mitigate to a defined standard that's known to
16 work.

17 Those are good things, especially
18 when you think of you have confidence inside
19 the class area, but you're obligated to run the
20 tool outside the class area to look for the
21 same thing, which is good. I mean, frankly the
22 Danville incident that you cited was class two,

1 it is not in this rule. But we wouldn't find
2 it unless we were obligated to run the hard
3 spot tool outside the area, which is the good
4 behavior we want.

5 That's what we're trying to
6 incentivize, that's why we're clarifying these
7 standards, and requiring people to deploy them
8 on a broad basis. That's a great safety add,
9 and that's why they're in Subpart O. I think
10 part of this wrangling here, there's things
11 that are on this rule making that came up
12 because there are questions that went into the
13 Subpart O discussion.

14 And they were adjudicating in there,
15 and they've been resolved there, they're clear
16 they're there, but they're still here, which is
17 fine, we just need to have check, check, check,
18 those questions have been answered, there's a
19 path to answer that question, hard spots, yes.
20 Selective seam weld corrosion, yes, ERWF
21 applied, yes.

22 I appreciate Mary's conversation

1 about substantial justification. I remember
2 that, I was there, some people would use
3 torture as a word, it was a very long and drawn
4 out conversation, which was good. And which is
5 really important, and the value of that
6 substantial justification conversation went
7 into Subpart O. It was transferred directly
8 into it, which is really good.

9 Because the learnings from that
10 torturing session, substantial justification
11 conversation went into a clarity for others to
12 follow. Which is how you float the boats. I
13 always look at that, because I appreciate that
14 as our obligation here. It's interesting that
15 Chad is really smart, and he's doing all kind
16 of things.

17 What we're worried about is what are
18 other people who aren't doing this doing, and
19 can we take the intelligence out of Chad and
20 put it in a standard, and then require it in
21 regulation? That's how you float the boats,
22 that's where confidence comes. And I think

1 that's what Subpart O is designed to do. And I
2 know we've kind of beaten this wagon quite a
3 bit.

4 But I'm just trying to reconnect,
5 Because I think your point is well made, Mary.
6 Those were some really long conversations about
7 how does fracture mechanics work, what's an
8 acceptable test, how do these seams grow? How
9 often does this work, how does cyclic fatigue
10 fit in? If you want, we can go back through
11 all those conversations, but I'd like to think
12 we can rely on the process of this committee
13 several years ago over a two year period.

14 To take those learnings and apply
15 them into a standard of care with confidence.
16 That's really what we're talking about here.
17 That's really what we're talking about here.
18 Are we comfortable that those learnings that
19 we're applying in 8CAs were diligently vetted
20 and appropriately answered? Some of these
21 questions we're dealing with today were
22 answered in there.

1 But we've somehow got disconnected,
2 and that's just a frustration. It's a reality,
3 but it's a frustration, I hope we can work
4 through that. Thank you.

5 MR. TURPIN: Okay, Chair Danner had
6 to step out, so he passed the gavel over to me.
7 Not seeing any tent cards. It seems like we
8 were kind of at a point, unless someone feels
9 otherwise, where we wanted to have more
10 conversation on those other potential
11 exclusions before coming back to consider
12 option two. If that is -- Chad?

13 MR. ZAMARIN: Sorry, what was the
14 question there?

15 MR. TURPIN: I was just saying that
16 we had -- it seems like we had some discussion
17 around continuing the specific topics that are
18 listed up there in option two before moving on
19 any further votes or thinking about that. So,
20 just trying to set a direction since no one had
21 tent cards up.

22 MR. ZAMARIN: Yeah, thanks, Chad

1 Zamarin, Williams. I kind of want to -- I hope
2 we can put this one to bed one way or another.
3 I don't know that I've got a sense of where we
4 are, but again, I think I've described that I
5 think these should be considered by PHMSA for
6 removal because of the fact that we're
7 including the 1.25 times MAOP pressure test.

8 And I'm not sure, at least option
9 two helps articulate that for me. And I don't
10 know if somebody would want to clarify that
11 language, but that's what I'm trying to get at.
12 I do think -- my proposal is that PHMSA should
13 take a hard look at the fact that ASME states
14 clearly that these are stable threats, and if
15 you have a pressure test, you've mitigated the
16 threat.

17 The issue that we were primarily
18 worried with on pre 1970 vintage pipe, was that
19 you were allowed to operate pipes that didn't
20 have pressure tests. And if you had these
21 susceptible seam types, a pressure test hadn't
22 been done. If these were pre 1970, to get in

1 this program they will have to have been
2 pressure tested.

3 So, this is a different animal than
4 a cast iron or a pre 70 susceptible pipe. So,
5 that's what I'm trying to get to, is I
6 understand special permits were created, I
7 understand some conditions that got into them,
8 we can talk about how that happened. It's
9 different than now saying this is going to be a
10 code, and we should follow kind of the
11 engineering standard in technology. So, again,
12 I'm still at I think this is the right clean up
13 that I'd like to propose.

14 CHAIR DANNER: Okay, Erin?

15 MS. MURPHY: Erin Murphy, EDF. So,
16 I also was under the understanding that it
17 seemed like there were a number of folks
18 interested in option two based on the
19 discussion, and therefore that it might make
20 sense to have some discussion on up rating, and
21 I thought it was grandfathering but it's
22 phrased a little different, but anyway, the two

1 other issues other than the seam types issue
2 sort of collectively before we take a vote.

3 CHAIR DANNER: Arvind?

4 MR. RAVIKUMAR: Point of
5 clarification maybe to PHMSA, the second option
6 is PHMSA consider alternatives to Section
7 192.6184, that doesn't preclude an exclusion
8 that's in option one, right? Alternative could
9 be an exclusion, okay.

10 CHAIR DANNER: Thank you. Pete?

11 MR. CHACE: Thank you. Pete Chace,
12 NAPSR. Arvind is where I am, I think option
13 one says PHMSA do this, and option two says
14 PHMSA consider doing this. So, I would support
15 option two.

16 CHAIR DANNER: All right, thank you.
17 Erin Murphy? Okay, Andy?

18 MR. DRAKE: Andy Drake, Enbridge. I
19 think we'd do well here to separate those three
20 issues, and talk about them individually. I
21 think what we do about each of them may be
22 different, and I think it will help the

1 conversation, actually expedite the
2 conversation. We talk about seam issues and we
3 make a decision, talk about grandfathering, it
4 may have convoluted different outcomes, make a
5 decision.

6 My recommendation is take, at least
7 in option two, take up rating and
8 grandfathering out, and talk about seams, and
9 do it. Because the answer to that one may be
10 different than the other two, I don't know, we
11 haven't gotten to the other two. It just may
12 get very convoluted in what the answer is.

13 CHAIR DANNER: The other option
14 would be to hold this motion until we have had
15 the conversations. Is your preference to do --
16 we could do three motions, I mean I --

17 MR. DRAKE: I think it's easier to
18 do them one at a time.

19 CHAIR DANNER: Chad?

20 MR. ZAMARIN: Thanks, Chad Zamarin,
21 Williams. Yeah, I think it's just easier to
22 make -- I think we've had a lot of thorough

1 discussion on this pretty specific topic. I
2 mean, the other two topics are very different.
3 So, I think what I would be prepared to do --
4 and look, on option two, if we said that PHMSA
5 consider alternatives including the removal of
6 low frequency ERW and EFW, because I do want to
7 be specific.

8 I'm not saying they have to do it,
9 but I think we need to know that there's clear
10 technical justification to not follow the code,
11 and that's what is showing up here, and I think
12 you're seeing a lot of comments out of the
13 public commenting that it's unclear why you
14 would have both in the rule.

15 CHAIR DANNER: All right. So, I'm
16 good with taking out the up rating and the
17 grandfathering, and just focusing on the seams
18 here. What was the other language change that
19 you were proposing?

20 MR. ZAMARIN: Thanks, Chad Zamarin.
21 It was proposing per the committee comments
22 received PHMSA consider alternatives to 192.618

1 vintage size including the potential removal of
2 EFW and LFERW from exclusion. It would be
3 removing from that.

4 CHAIR DANNER: All right, let's see
5 if Bobby can catch up there. I'm sorry, Andy?

6 MR. DRAKE: Andy Drake, Enbridge. I
7 think that's the essence of the record, we're
8 just trying to get words that reflect the
9 context of what we've been talking about. I'm
10 not trying to pull a fast one here, that's what
11 we've been talking about.

12 CHAIR DANNER: Is there comment on
13 that language change, Erin, or Sara? Erin
14 first. All right, Sara?

15 MS. GOSMAN: Yeah, I guess I just
16 worry if we're calling out one particular
17 alternative here, I want to be -- I think that
18 we could list all the possible alternatives,
19 right? But it seems like if we call out one,
20 given the discussion, we're sort of telling
21 PHMSA look at this one specifically.

22 And I thought the direction was

1 let's send it back to PHMSA to think about the
2 issues and whether there is -- how to address
3 this issue so that we're really getting at the
4 most risky pipe. So, that, I'm happy to
5 broaden this out now. We can include the
6 potential removal of the exclusion or
7 modification of the exclusion to make sure, or
8 retaining the exclusion if we want to make sure
9 that everybody has various options on the
10 table.

11 But I don't feel like calling out
12 one is appropriate given that I think there are
13 many different ideas here about what could be
14 done.

15 CHAIR DANNER: Yeah, and so my
16 response to that, I appreciate the comment,
17 that's why I put in per the committee comments
18 received, is to capture the discussion. But I
19 also see the language including the potential.
20 So, I don't think it precludes discussions of
21 others, and I think that the conversation this
22 morning really does have them looking at it.

1 But it just calls this out to make
2 sure that while they're looking at alternatives
3 they include this one. That's the way I would
4 see that. Erin?

5 MS. MURPHY: Erin Murphy, EDF. I
6 agree with Sara's point, and I hear you, Chair
7 Danner, but I do think that by including one
8 specific alternative, it creates an
9 implication, or it is the committee elevating a
10 specific option. And I think the effort to
11 find consensus here was in discussion.

12 Many members of the committee were
13 able to support the idea of considering
14 alternatives. So, if we're going to say
15 including the potential removal of the
16 exclusion, I would also say including the
17 potential removal of the exclusion or retention
18 of the exclusion.

19 CHAIR DANNER: Would you consider
20 including comma, among others, comma, the
21 potential modification of the exclusion, or
22 potential removal? Chad?

1 MR. ZAMARIN: Thanks, Chad Zamarin,
2 Williams. That was part of why I think you
3 don't want to do that. Because I'm trying to
4 be very specific. In that section there are
5 other references that I don't think have this -
6 - the record that I'm trying to discuss, and
7 hopefully, I don't know if it's been compelling
8 enough to call these two out.

9 Because these are the two that we
10 operate all over the country in high
11 consequence areas at 72 percent of SMYS, which
12 is what this rule does. We have plenty of
13 precedent, which is where people are populated,
14 we're not talking about anything different in
15 this new requirement from that perspective.

16 So, I'm just saying I think these
17 two need to be looked at because it conflicts
18 with the concept of ASME. So that's why I
19 think it's important that these two are called
20 out.

21 CHAIR DANNER: What I was trying to
22 do is have language here that didn't drive the

1 result, that just told PHMSA to consider
2 alternatives, and I was absolutely convinced
3 that that would include the potential treatment
4 of EFW and ERW. So, I mean we can keep word
5 smithing this, but I mean, I kind of think we
6 all know where we're going here. Chad?

7 MR. GILBERT: Yeah, Chad Gilbert
8 with United Association. I just want to state
9 that this is older pipe that we've had problems
10 with before. And now you're taking that older
11 pipe, old pipe, you're bringing it into a new
12 classification with more people there, and this
13 pipe was built under a different standard,
14 different criteria, with different inspection.

15 At that time it was industry's
16 inspection, so it is a big move. It's not the
17 same as pipe that is being looked at under
18 class three that has never upped a class
19 location. This is pipe that in my opinion has
20 been in the pipeline construction industry my
21 entire life, my dad's entire life, my
22 grandfather's entire life, was constructed

1 differently than a class three segment is
2 today.

3 CHAIR DANNER: All right, thank you.
4 Andy, then Brian.

5 MR. DRAKE: Andy Drake, Enbridge. I
6 appreciate how long you've been in the
7 industry, and I know you appreciate how long
8 I've been in the industry as well. And I know
9 that things that were built back in the 50s
10 weren't built to today's standards. That's
11 interesting, what's relevant is we're requiring
12 them to be tested to today's standard, and
13 that's a big differentiator, and a big
14 confidence builder.

15 If we didn't do that, everything you
16 said is very valid. That's why we're requiring
17 them to do this.

18 CHAIR DANNER: All right, Brian?

19 MR. WEISKER: Brian Weisker, Duke
20 Energy, I'm ready to make a proposal here for a
21 vote. But I'm seeing a couple tents just
22 popped up across the street there.

1 CHAIR DANNER: Well, let's hear from
2 Erin first, and then I'll come back to you.
3 Erin?

4 MS. MURPHY: Did Chad want to go?
5 No? Okay. Erin Murphy, EDF. I think I need to
6 take a step back and just sort of lay out where
7 I'm at as we're talking through these issues.
8 And I think we were making an effort to deal
9 with them as a group, and now we're sort of
10 diving into one.

11 And this perspective may not be even
12 helpful for everyone, but to me, just thinking
13 about where this rule making is, and sort of
14 what is being debated for the committee to
15 recommend, this rule making originated out of a
16 2017 notification of regulatory review where
17 the agency asked stakeholders to come in and
18 identify rules that were candidates for repeal,
19 replacement, suspension, or modification in
20 order to reduce regulatory burdens.

21 And so, some industry trade groups
22 came in and proposed changes to the class

1 location requirements as one sort of candidate
2 for modifying or replacing existing standards.
3 The agency considered that, it issued -- it
4 eventually developed a proposed rule after
5 seeking lots of input, and that proposed rule
6 is what this committee is reviewing today.

7 Now we're discussing whether or not
8 the GPAC should recommend to PHMSA that that
9 rule, which included some specific eligibility
10 criteria, should be even more open ended, and
11 we should remove some specific exclusions that
12 were identified by agency experts who are
13 deeply familiar with the industry.

14 And so, we keep tweaking the words
15 around, and I just want to be very clear, if I
16 vote no on this, it's because we've changed the
17 words from sort of recommending that PHMSA
18 consider information to what feels to me like a
19 recommendation that they should consider
20 removing this exclusion that I thought made
21 sense based on the agency's expertise.

22 CHAIR DANNER: Yes, and I appreciate

1 those comments, and I was very concerned about
2 whether this was looking like a recommendation.
3 I still think literally I look at this as per
4 the comments received, that you consider the
5 potential removal while maintaining an
6 equivalent or greater level of pipeline safety,
7 and if it can be shown through implementation
8 of the IM option that these segments are being
9 managed effectively.

10 So, I don't see this as anything
11 more than a recommendation to PHMSA that it
12 study this issue, and that we are not, very
13 clearly not recommending any particular
14 outcome, that we are just asking them to take a
15 look at this. So, I understand what you're
16 saying, I was concerned about that language
17 too.

18 What I think with what I've just put
19 into the record, I would be comfortable with
20 this, and I would very clearly want the record
21 to show that we are not driving to a particular
22 result, we are simply asking for a study of

1 this issue. Andy Drake?

2 MR. DRAKE: Andy Drake, Enbridge. I
3 appreciate your comments, Chair, that's where I
4 am too. And just to provide some context to
5 Erin, I think so much of what's happening here
6 is there's an overlap in the regulatory
7 development of this rule and Subpart O. And
8 so, I don't hear us going in and trying to
9 change that, I think what we're trying to do is
10 inform this based on things that happened in
11 Subpart O concurrent with the evolution of this
12 rule that the rule's evolution didn't take into
13 consideration.

14 So, we're trying to help it, benefit
15 it, we'd all be negligent if we didn't do that.
16 It would miss the obvious of two years of
17 conversation that this rule didn't have the
18 benefit of taking into consideration. And
19 those are the questions that we're being asked,
20 I think it's appropriate for us to answer them,
21 and be very deliberate to try to discern the
22 wheat and the chaff.

1 Things we've learned, and things we
2 still have to figure out. With that, I'd like
3 to make a motion but I see a tent card up, so
4 I'll stop.

5 CHAIR DANNER: Sara?

6 MS. GOSMAN: Been trying to collect
7 my thoughts here, so I'll try to be as concise
8 as possible. I think, so first of all, with
9 the chair's clarification, and that
10 understanding in the room about what we're
11 voting on, I'm comfortable with this language.
12 But I think that's -- I mean it is with that
13 clarification.

14 I just want to say perhaps again,
15 that I felt really good about the work we did
16 in the mega rule, and where we got to. But I
17 don't -- I never thought that experience was,
18 and here we are, we've done everything we need
19 to do, and so we're all good, right? And I'm
20 not saying that you all are saying that either.
21 But I didn't ever see it as the ceiling on the
22 world of getting to zero incidents.

1 And so, I acknowledge all the points
2 you're making, and I know that we're working
3 through these step by step, but to me being
4 more specific for example about particular
5 kinds of seams, making sure that operators are
6 assessing them, that there's a particular
7 repair criteria for a portion of where we see
8 metal loss, for a portion of them.

9 That was in the context of making IM
10 better, but making IM then the way that we
11 handle a change in class location where the
12 design specs are not for that particular area
13 in terms of population, I just view it slightly
14 differently. And I think I just wanted to put
15 that out there again, because I think that's
16 important.

17 We spent a lot of time on the mega
18 rule, I do feel good about where we landed, I
19 just don't see that as okay, we're here, we can
20 do all of these other things. I think of this
21 as a more limited, and more concerning
22 situation, and thus that's why I feel we likely

1 need to add these things, even though we
2 address them in the mega rule.

3 So, with that statement I'm going to
4 say that I do support this language, but again
5 with Chair Danner's clarification, and I'm
6 ready to vote.

7 CHAIR DANNER: All right, thank you.
8 Chad Zamarin, and then Andy.

9 MR. ZAMARIN: Thanks, Chad Zamarin,
10 Williams. I appreciate those comments, Sara.
11 I do hope, because I know you do, you really
12 care, and I know you work really hard at trying
13 to make this right, and better, and I really
14 appreciate that. And I do want all of us, and
15 you to keep thinking about incidents like
16 Danville.

17 If we had had a segment that would
18 have come into this program, and would have
19 expanded the good work that we just got into
20 regulation in Subpart O, that could have found
21 it and stopped it. That's why we're passionate
22 about this program. It's not limiting it so

1 that we cut out more pipe, it's expanding it so
2 that we inspect, and remediate, and apply
3 integrity management to more pipe.

4 That's the real benefit, and so I
5 know we see that differently, and I know
6 there's hesitation, and concern, and I know
7 there's also naturally cynicism and trust that
8 I know is just natural about different
9 stakeholders. But I do want people to keep
10 that in mind. Like that has been our goal, is
11 to stop doing the little things, and moving
12 that effort to doing bigger, broader things to
13 cover more pipe, address more issues and
14 incidents.

15 And so, I do want -- I know it sounds like
16 we're not there entirely, and I get that. But
17 in the context of these, I hope people keep
18 that in mind. That is the thesis that we are
19 operating under. That by doing this we expand
20 more activity to more area, and we get more
21 integrity management done. So, I just want to
22 make that clear.

1 CHAIR DANNER: Thank you so much.

2 Andy?

3 MR. DRAKE: Andy Drake. In the
4 interest of trying to make some progress here,
5 I think we're all ferociously agreeing, maybe
6 not all, but -- Erin's card is up.

7 CHAIR DANNER: Well, actually Chad
8 Gilbert's card is up first.

9 MR. DRAKE: Never mind.

10 MR. GILBERT: Chad Gilbert with
11 United Association. I just want to be
12 perfectly clear to everybody that inspection
13 pressure testing ILIs are really good tools,
14 but they're not the end all. There's still, in
15 older pipe you're still more prone to have
16 accidents in these older manufactured seams,
17 you're still more prone to have accidents.

18 Let's use the example of a car. If
19 you have an old car, you may have vintage 1967
20 automobile that has been replaced the drums,
21 the tires, everything is good on it. But if
22 you drive that 1967 automobile and never do any

1 maintenance on it, never do any replacement,
2 never do any upgrading, that car is going to
3 have an accident, that car is going to die.

4 Same thing I'm trying to say here.
5 We have problems with older pipes, older seams,
6 I would just like PHMSA to take that into
7 consideration when you're looking at these type
8 of problems. Thank you.

9 CHAIR DANNER: All right, thank you.
10 Erin?

11 MS. MURPHY: Erin Murphy, EDF. So,
12 I think I've been pretty clear about my
13 concerns with the language that was added, and
14 if there's openness to it, I would be able to
15 support this if we changed the word removal to
16 narrowing, so that this would ask that PHMSA
17 consider alternatives to what's in the proposed
18 rule, including the potential narrowing of the
19 exclusion, rather than removal. I think that
20 would more accurately sort of capture the scope
21 of the discussion.

22 CHAIR DANNER: So, I think -- okay,

1 I'm agnostic, because I think we've given
2 instruction PHMSA about what it is we want them
3 to look at, so I will go with the will of the
4 committee. Andy?

5 MR. DRAKE: This is Andy Drake. I'd
6 like to make a motion that the proposed rule as
7 published in the Federal Register and the draft
8 regulatory evaluation regarding the eligibility
9 of pipe segments with certain vintage seam
10 types, low frequency ERW, and electric flash
11 welded for the proposed IM option is
12 technically feasible, reasonable, cost
13 effective, and practicable if the following
14 changes are made.

15 Per the committee comments received,
16 PHMSA consider alternatives to
17 192.618(a)(4)(vi) vintage seam pipe types,
18 including the potential removal of the
19 exclusion for low frequency ERW pipe and
20 electric flash welded pipe segments one, while
21 maintaining an equivalent or greater level of
22 pipeline safety, and two, if it can be shown

1 through the implementation of IM option that
2 these segments are being managed effectively.

3 CHAIR DANNER: Is there a second?
4 All right, Brian, thank you. Cameron, can we
5 take the vote?

6 MR. SATTERTHWAITE: Cameron
7 Satterthwaite, PHMSA, if you agree with the
8 motion say yes, if not, no. Peter Chace?

9 MR. CHACE: Yes.

10 MR. SATTERTHWAITE: David Danner?

11 CHAIR DANNER: Yes

12 MR. SATTERTHWAITE: Terry Turpin?

13 MR. TURPIN: Yes.

14 MR. SATTERTHWAITE: Brian Weisker?

15 MR. WEISKER: Yes.

16 MR. SATTERTHWAITE: Andy Drake?

17 MR. DRAKE: Yes.

18 MR. SATTERTHWAITE: Steve Squibb?

19 MR. SQUIBB: Yes.

20 MR. SATTERTHWAITE: Chad Zamarin?

21 MR. ZAMARIN: Yes.

22 MR. SATTERTHWAITE: Chad Gilbert?

1 MR. GILBERT: Yes.

2 MR. SATTERTHWAITE: Arvind
3 Ravikumar?

4 MR. RAVIKUMAR: Yes.

5 MR. SATTERTHWAITE: Erin Murphy?

6 MS. MURPHY: No.

7 MR. SATTERTHWAITE: Sara Gosman?

8 MS. GOSMAN: Yes.

9 MR. SATTERTHWAITE: Sam Ariaratnam?

10 MR. ARIARATNAM: Yes.

11 MR. SATTERTHWAITE: Motion carries,
12 11 to 1.

13 CHAIR DANNER: All right, thank you.

14 Can I assess the will of the committee? It is
15 12:30, some of us have to check out of our
16 rooms by 1:00, should we take a lunch break
17 now, and come back and deal with the last two
18 items, or should we plow through? Lunch, okay,
19 I am hearing lunch. All right, we'll take the
20 roll on that too, and then we'll go have lunch.
21 All right, so we'll be back at 1:30.

22 (Whereupon, the above-entitled

1 matter went off the record at 12:30 p.m. and
2 resumed at 1:36 p.m.)

3 CHAIR DANNER: All right, we are
4 back on the record. We have two more issues,
5 grandfathered pipe and upgraded pipe, who wants
6 to start the discussion?

7 Andy Drake?

8 MR. DRAKE: Andy Drake, Enbridge,
9 I'll champion the conversation on grandfathered
10 pipe. And I think this is important just to
11 kind of help us get synchronized -- sorry, I
12 think they're talking about upgrading.

13 (Laughter.)

14 MR. DRAKE: But grandfathered pipes
15 are grandfathered, quote unquote, for a host of
16 reasons, you know. A lot of it has to do with
17 records, it can be a lot of different things,
18 validity of tests and things, and meeting
19 certain criteria that came on when the
20 regulations happened, and stress levels, and
21 things like that.

22 And I think there's a lot of reasons

1 why grandfathered pipes should, you know, for
2 some of those conditions shouldn't be
3 considered. But I would say, for two
4 conditions in particular, I think I'd like to
5 at least get this in front of the Committee, as
6 these are almost obvious points that -- one is
7 the issue about Subpart J hydrostatic tests.

8 Subpart J is a regulatory
9 prescription that came out in 1970 when the
10 regulations were adopted, and it's very
11 definitive about what a test needs to be and
12 looks like, and how to record it, document it.
13 And so, a lot of -- and basically saying, well,
14 can you meet that regulatory requirement? It's
15 like, well, I don't know, it was written after
16 I did the test. So, did I get this signature
17 or that signature? No, maybe I didn't.

18 The question, and I think this is
19 really important -- again, back to Subpart O --
20 PHMSA is wrestling with how to define, one,
21 what is an appropriate test in, you know, in
22 magnitude of buffer between operating and --

1 and I think that's going to be a minimum of 125
2 percent, since we already know that -- and how
3 long does it have to be? Is six hours and 15
4 minutes okay or is eight hours okay, or is four
5 hours okay? You kind of saw some of that
6 already.

7 And what is an appropriate record of
8 the test? Does it have to meet all of these
9 criteria that are in Subpart J, or is there
10 some sense that, yes, this occurred, it
11 occurred before we defined all of these little
12 noodles and groodles we wanted attached in
13 documentation, which is easy going forward but
14 hard going backward.

15 So PHMSA has, they're striking a
16 workgroup here to address that issue to resolve
17 the RIN-1 requirements of an effective test,
18 they recognize that issue exists. All I would
19 say is, on that piece, is just tie whatever
20 we're going to do to excluding grandfathered
21 pipe, if it's due to grandfathered pipe because
22 it doesn't meet Subpart J test requirements,

1 just tie it to however PHMSA solves problem.

2 Because we're going to pass a rule
3 here that just says, if it's grandfathered,
4 regardless of why, it's out. If it meets every
5 other thing other than Subpart J tests, I would
6 say, wait a minute, they recognized that
7 already in RIN-1. So just draft onto that, say
8 okay, well, if you meet whatever their criteria
9 comes out in that workgroup, if it's good
10 enough for RIN-1 it should be good enough for
11 this. And I think that's a very specific
12 provision, it's not all grandfathered pipe,
13 it's very specific to Subpart J test.

14 The second issue, I would say, is
15 the operation of pipes above 72 percent of
16 SMYS, and we talked about this a little bit
17 yesterday. And I have some of these pipes and
18 so I want to be very transparent, and I can
19 talk at great lengths about them. Seventy-two
20 percent of SMYS is a specified minimum yield
21 strength, we have pipes that operate 74-75
22 percent of SMYS and they've been

1 hydrostatically tested very high, even beyond
2 125 percent.

3 And I think what I would propose is
4 not that they be good to go to class three, but
5 that -- which is the regulatory construct here,
6 because this rule is about one to three -- but
7 I think there's a lot of value here in saying,
8 if you're grandfathered in, you are going from
9 -- and you've been tested to 125 percent of the
10 MAOP -- that you're good as long as you meet
11 the criteria of this restriction in going from
12 class one to two only.

13 I'm not saying going to three, but
14 what you're saying is, you're good, you're
15 eligible for the class bump that's already in
16 the regulations, you don't need a special
17 permit if you meet that criteria. Which I
18 think is really, almost a point of obviousness.
19 There's a whole host of pipes out there that
20 get what they call the one class bump, if
21 they've done the hydrostatic testing that's
22 sufficient. And what we're saying is, if

1 you've done the sufficient hydrostatic test
2 you're good for the bump, but we're not
3 qualifying you to go to class three.

4 And I would at least like to get
5 that on the record, because I think that's
6 really helpful to try to stabilize how these
7 things play. So that's my fawn, and I'm glad
8 to take questions and comments, but those are
9 the only two issues that I would say on
10 grandfathered. There's a lot of issues about
11 grandfathered but that should not, we're not
12 advocating for entertainment here.

13 CHAIR DANNER: Sara Gosman?

14 MS. GOSMAN: Thanks, Andy. So I
15 heard the last one, which relates to that one
16 class bump. I do -- and I appreciate that you
17 wanted to state your reasons on the record.
18 Given that we are focused here in this rule on
19 the one to class three, I wonder -- I don't
20 feel like it's within the scope of the
21 rulemaking that we are looking at.

22 And so that would be my initial

1 thought here, is that what we're really looking
2 at is that class one to class three set of
3 issues. And then we also talked about the
4 class two, I know, to class three, but I don't
5 believe, and PHMSA can correct me if I'm wrong
6 here, that there was, that this was, that
7 anything in the rule relates to class one to
8 class two. So that would be sort of my thought
9 about that piece.

10 And then, I very much apologize, but
11 could you make your first point again so that I
12 understand that point?

13 MR. DRAKE: Andy Drake, Enbridge.
14 The first part is really just a matter of, I
15 don't want to say technicality, but it's a
16 matter of detail. When we say it must meet
17 Subpart J, Subpart J is a very prescriptive
18 requirement that came in the federal
19 regulations in 1970 and it's more forward-
20 looking. Like, when you do a test, do it like
21 this. And it's -- to say, well, a test that
22 was done prior to that should meet Subpart J is

1 like, well, that would just be a coincidence
2 because they were doing it before that clarity
3 came out.

4 So the real question is, does it
5 meet the intent of a valid test and is there an
6 appropriate record that can be created? PHMSA
7 recognized that that binary, you either
8 complied miraculously prior to 1970 to
9 something that wasn't written by then, or you
10 don't, is not appropriate. PHMSA already has
11 acknowledged they have to strike a group that
12 says -- where's Rod? He's sort of leader of
13 this conversation about, we need to resolve
14 what is an appropriate test in both elevated --
15 what pressure is appropriate and what's the
16 duration of the test, and then what's an
17 appropriate record? Those two questions are
18 the questions that are in front of that working
19 group, and that's for RIN-1, so this is mega-
20 rule.

21 So I think, as we look to this, we
22 should say, if an operator has a valid test as

1 defined by PHMSA, as a result of that working
2 group, that that wouldn't, you know, that
3 wouldn't exclude them from this requirement
4 because a grandfathered pipe by definition is
5 one that says it doesn't meet the current
6 regulations in their entirety. Like, no, what
7 if meet all of them but Subpart J test? And
8 the only reason they're not meeting them is
9 because they don't have an adequate record that
10 says all these criteria are met.

11 But what if they meet the PHMSA
12 criteria that comes out of this discussion? If
13 that's good enough for RIN-1, it seems logical
14 that that would be appropriate here. So that's
15 the first part of that, Sara. I don't know if
16 I answered your question, but that's really
17 what it is. It's consistent with what PHMSA is
18 trying to do to resolve that very question on
19 RIN-1.

20 CHAIR DANNER: Sara Gosman?

21 MS. GOSMAN: So I was wonder if I
22 could hear from PHMSA about the reason that it

1 does not have grandfathered pipe eligible for
2 this program? I think I have a sense of that
3 but I, if possible, I'd love for the agency to
4 explain.

5 MS. McDANIEL: Hi. Mary McDaniel,
6 PHMSA. I think it was part of the discussion
7 that there was about what is an acceptable
8 test, and so that's one of the things, as Andy
9 mentioned, about this working group to
10 determine about the, what are acceptable
11 records. So I think, right now as part of our
12 special permit process, that's where we were
13 not -- there had been some grandfathered pipes
14 that had been included in special permits, but
15 a lot of those are written to the special
16 permit that they have to be replaced by a
17 certain time, so.

18 MS. GOSMAN: Okay, thank you. And
19 then could I get just clarification from PHMSA
20 on the class one to class two change, and
21 whether that is -- Okay, but just on that
22 second issue that you've raised about class one

1 to class two, whether this rule covers class
2 one to class two bumps?

3 MR. GALE: Hi. This is John Gale,
4 PHMSA, Sara. You know, when I first saw that
5 language and heard it, you know, I kind of had
6 a similar qualm about it, you know, was it
7 within scope? But I think, regardless of that
8 issue, like we've talked about in terms of
9 like, statutory authority and what not, I think
10 it's still valuable for the Committee to have
11 the discussion and give a recommendation. And
12 let us, as we convene and look at all the votes
13 and all the public comments, make that
14 determination at that point. But I still, I
15 think it would be valuable to have the
16 conversation with the Committee.

17 CHAIR DANNER: And I want to remind
18 the Committee that in our briefing PHMSA
19 stated, and I'm quoting, due to PHMSA's
20 extensive experience with special permits
21 regarding this issue, PHMSA's position is the
22 use of proposed 192.618 is not appropriate for

1 pipeline segments operating under 192.6198,
2 grandfathered pipe. Approval for impacted
3 segments may be obtained through additional
4 technical review using the special permit
5 process.

6 So I just, because we didn't really
7 get a briefing on this, I just wanted to remind
8 folks that that's what was in the materials.
9 Andy?

10 MR. DRAKE: Andy Drake, Enbridge. I
11 appreciate that. I think, first of all, just
12 to clean this up I'd say, anything after and
13 just take off for right now, that's a separate
14 issue. And to me it's more of a -- I
15 appreciate your comments there -- it's how we
16 handle it, it may be just PHMSA should
17 consider, it's advice to them on, you know,
18 whatever they want to do with the rule.

19 But this part, I think, is really
20 relevant. What PHMSA's saying in the rule,
21 which was before Subpart O and certainly before
22 this working group resolves it, because that's

1 happening right now, is that broadly,
2 grandfathered pipe shouldn't be in here.

3 And what we're saying is okay, I get
4 that, but specifically, if the issue is related
5 to the Subpart J test issue, PHMSA has already
6 recognized that that needs to be resolved. Can
7 we not tie that to this and specifically, so
8 this isn't, by any means, this isn't all
9 grandfathered pipe, this is very specific, if
10 you meet that criteria as defined by PHMSA and
11 that working group for what an appropriate test
12 is, then you're not blackballed.

13 Because that's, I think that's
14 really important. We're saying, just because
15 you don't have a Subpart J recognized test,
16 even though you tested -- we can see you tested
17 high enough and long enough and whatever --
18 we're not okay, because it doesn't meet every
19 single criteria in Subpart J. That's what the
20 working group is working on, we know that's not
21 the right answer to that, it's too binary.

22 It's very specific, that's why I

1 took all the other words off of there. And
2 it's the working group, you know -- well, and
3 it meets the criteria for an appropriate test
4 in duration and record, as defined by PHMSA.
5 That extra pieces up there is helpful. I'm
6 sorry, I don't mean to be irritating you, Alan,
7 about the working group, but.

8 MR. MAYBERRY: All right. Respond
9 to that?

10 CHAIR DANNER: Yeah, go ahead, Alan.

11 MR. MAYBERRY: Just going to respond
12 to the working group issue. I mean, ultimately
13 we're after guidance that will be issued
14 related to the topic of inadequate tests for
15 grandfathered pipelines. So rather than focus
16 on the working group, one thing, the ultimate
17 product is going to be guidance, additional
18 guidance.

19 CHAIR DANNER: All right --

20 PARTICIPANT: Andy wanted to --

21 (Simultaneous speaking.)

22 CHAIR DANNER: All right. Andy, go

1 ahead.

2 MR. DRAKE: I absolutely appreciate
3 what you just said. And I think that's the
4 context of this is, PHMSA recognizes this issue
5 about Subpart J which is creating a very
6 stringent hurdle that's not necessary, they're
7 trying to clarify about that work. All we're
8 trying to do is connect this to that, that's
9 it, it's not trying to sweep one by the goalie
10 or something, this is just connecting the dots
11 here.

12 CHAIR DANNER: So I just -- I just
13 note, I mean, this was squarely presented to
14 the to PHMSA in comments by TC Energy, and it
15 was squarely responded to by PHMSA saying that,
16 based on our experience we can't go there. So
17 I'm just wondering what, you know, what, I
18 mean, is this sort of just asking them to
19 reconsider and look at the arguments you're
20 making, Andy?

21 MR. DRAKE: This is much more
22 specific than I think what were the comments

1 made.

2 CHAIR DANNER: Okay.

3 MR. DRAKE: And this is tied to
4 PHMSA's conclusion in the working group which,
5 again deferring to PHMSA, they're going to take
6 all this information and decide what is an
7 adequate test. All we're saying is, once you
8 define that it should be applied here.
9 Specifically and only, no other criteria.

10 CHAIR DANNER: All right. Thank you
11 for that. Sara?

12 MS. GOSMAN: Okay. So thank you
13 very much for helping me understand this
14 proposal. So, just taking a step back, we're
15 talking about pipe that went into operation
16 before the initial testing standards of 1970.
17 So that pipe has been in the ground since then
18 and it's not been subject to the pipeline
19 safety regulations, because those didn't exist
20 at the time.

21 So this is pipe that I think by
22 definition is more concerning, because it

1 isn't, wasn't up to the standards that we
2 started with in 1970. And, of course, we've
3 improved over time since then. And for that
4 reason I have a lot of concerns about allowing
5 any grandfathered pipe into this program, again
6 given the fact that I view this as being,
7 wanting the super safe pipe into the program.
8 And for that reason I don't think I can support
9 that.

10 I could support, you know, this -- I
11 understand that the working group is still
12 coming up with a solution, that this was based
13 actually on an agreement that came off of RIN-1
14 and concerns about the RIA, right. And so the
15 solution here was to create this working group,
16 it's still, the work is ongoing, I think we
17 could mention that work and ask PHMSA to look
18 at that in terms of thinking about this rule.

19 I think that would be my proposed
20 compromise, but I don't feel comfortable just
21 saying, PHMSA, you know, go ahead and allow
22 grandfathered pipe in even if, even with this

1 MAOP pressure test.

2 CHAIR DANNER: Pete?

3 MR. CHACE: So I can't understand
4 what we're talking about. Are we talking about
5 a family of pipe where we've got a pressure,
6 records of a pressure test, just not one that
7 meets Subpart J?

8 (Off-microphone comment.)

9 MR. CHACE: Yeah. Because I'm kind
10 of, well, if we had an appropriate Subpart J
11 pressure test then you wouldn't have to
12 establish MAOP under 619.83, right?

13 MR. DRAKE: That is correct. That
14 is a very specific issue, I think it's
15 important. Here are the concerns that you
16 heard, and I guess hear Chad's concerns about
17 the same thing. The key here is it has to meet
18 all the requirements associated with this, it
19 has to have TVC records, it has to be tested,
20 has to be able to be pegged, has to be able to
21 pass all these hurdles -- which is the
22 difference that you're looking for -- has to be

1 able to demonstrate that it meets the design
2 criteria.

3 Those are the important things that
4 are happening here, the only thing that's
5 hanging up is they can't create, very likely, a
6 record that meets that standard. They can
7 create a record that says it was tested and
8 they can show that it was tested high enough
9 and long enough and everything, but they may
10 not have some signature on it, or some pressure
11 chart, or some requirement that came in in
12 1970. Okay, well that's hard to apply
13 retroactively. That doesn't mean it wasn't a
14 good test, that's the question that they're
15 wrestling with.

16 And I just want to be clear about
17 that because I don't think this should be, I'm
18 not trying to sneak anything by anybody, we're
19 not trying to do anything that's scary. This
20 isn't scary or sneaking, this is actually being
21 very deliberate. I think the value is, is
22 that, as you put people into the space, it

1 requires them to deploy TVC record applications
2 for those pipes. And I think that helps, it
3 just helps, keep raising that standard of care.

4 I just wanted to come back to that
5 because I hear the concern about, it's old or,
6 you know, it's whatever, it was built before
7 the industry standards or before the
8 regulations came out, that doesn't mean that
9 it's unbridled.

10 CHAIR DANNER: Thank you. Alan?

11 MR. MAYBERRY: I just had a
12 clarifying question.

13 We really, is not the question here
14 about the comfort level of including in this
15 regulation, lines that operate above 72 percent
16 of SMYS, up to I believe the highest one is 84
17 percent.

18 I mean, that's really the issue. I
19 think what you're bringing in is the other
20 issues we've dealt with related to what
21 constitutes a valid pressure test for
22 grandfathered pipelines.

1 CHAIR DANNER: Andy?

2 MR. DRAKE: Andy Drake, Enbridge.

3 I'm taking them one at a time. This
4 requirement, although appropriate Subpart J
5 test is wrong and that needs to come out,
6 that's what we're talking about.

7 It doesn't have the Subpart J. It
8 has an appropriate test as determined by PHMSA,
9 following this working group. So I just want
10 to be clear about that.

11 But I'm trying to be very clear that
12 it's, this is not about those. This is it
13 meets every single other requirement, other
14 than it doesn't have a Subpart J test. That's
15 the only reason it's grandfathered.

16 Like, okay, that could be a
17 signature on a record, literally. So we're
18 going to not do those because they don't have a
19 signature on a record, even if PHMSA determines
20 that's okay for all of RIN-1?

21 We're not going to do that. It's
22 like, that is so broken. It doesn't make any

1 sense to me. It's not about bad pipe getting
2 in; it's not about sweeping anything around the
3 goalie.

4 No. This is only if it meets all
5 those requirements including the design factors
6 and everything else, it's just a Subpart J test
7 documentation issue.

8 That's all that proposal is about.

9 CHAIR DANNER: And once again,
10 originally you were talking about just 1 to 2
11 but not 1 to 3?

12 MR. DRAKE: Again, there's two
13 issues. We just sort of parked the 1 to 2.

14 CHAIR DANNER: Okay, all right.

15 MR. DRAKE: Okay, that, this is just
16 very, to me very obvious. PHMSA is working on
17 this. Why would we not want to tie this to it?

18 CHAIR DANNER: Okay, Sara?

19 MS. GOSMAN: Yes, and I'm sorry, I
20 don't want to just be going back and forth
21 here, and I want to hear the views of the rest
22 of the committee.

1 But just in response, I think this
2 is a perfect situation where we're talking
3 about records. Are these records sufficient.
4 Employee depositions, questions about how long
5 the test was.

6 It's basically sort of a records
7 question but it's also on old, old pipe. I
8 think this is what special permit is meant for,
9 right? This individualized review to figure
10 out if this is the kind of pipe we want into
11 IM.

12 And so for that reason, I think that
13 that's where we should go with this. Again,
14 I'm open to some language on the working group
15 to kick it back to PHMSA.

16 CHAIR DANNER: All right, is there
17 any other discussion on this? If not, Peter?

18 MR. CHACE: Yes, Peter Chace, NAPSR.

19 Just again, I want to make sure I
20 understand what we're talking about.

21 It seems like with both the
22 grandfathering and the operating issue, it

1 seems to me like the real question is, is there
2 essentially wiggle room in the TVC process to
3 demonstrate that a pressure test that was, that
4 was conducted before 1970 can meet the Subpart
5 J criteria.

6 And should that be written into the
7 rule, or should it be subject to a special
8 permit process.

9 Is that basically right?

10 MR. MAYBERRY: If I could answer that
11 directly, that's the subject of the working
12 group is to address what constitutes a valid
13 pressure test for previously tested pipe that
14 happened to be qualified initially under
15 619(c).

16 CHAIR DANNER: All right, any other
17 comments?

18 All right, we have language up on
19 the screen. Andy?

20 MR. DRAKE: Andy Drake, with
21 Enbridge.

22 I appreciate Sara's comment about

1 the other topic and that is this 1 to 2 may not
2 be in the scope of this rule.

3 I think we've created a record that
4 PHMSA should look at that, but I'm not going to
5 make a motion related to that.

6 I think it's just important, the
7 logic of it. And so, if PHMSA wants to fit it
8 into this rule, if we want to do it only in
9 special permits, that's fine.

10 But I think it's important, it's a
11 technically valid place to be, that there are a
12 lot of special permits actually, that are above
13 72 percent but have got significant hydro tests
14 and they've only been deployed in class 1 to 2.

15 And, I think those special permits
16 should be safe. They're okay. And I guess
17 that's really the record I just wanted to
18 create.

19 So, I mean, I withdraw anything on
20 class 1 and 2 because that's a scope issue on
21 this rule, and I'll protect, I respect that.

22 But I would like to move forward

1 with this motion just to try to help get a
2 record that this should be tied to FIMSA's
3 working efforts. That these two should be
4 connected.

5 I think that helps us behave
6 consistently between what is an appropriate
7 test, and what does that mean.

8 I think it's unfair or unfortunate,
9 that there's so much misunderstanding of what
10 the grandfather clause is.

11 Everybody associates the grandfather
12 clause with San Bruno. Well, San Bruno, let's
13 be honest, San Bruno wasn't even pipe. It was
14 a piece of plate rolled in a fab shop and hand
15 welded. No IPI stamp. Zero.

16 Okay, well, that can be
17 grandfathered. That is not okay. And not
18 tested. That is definitely not okay.

19 But somehow we've decided that
20 that's all the grandfathered pipe. It's like,
21 that is not all the grandfathered pipe.

22 Most of the grandfathered pipe is,

1 it doesn't meet a requirement that came in 1970
2 for record documentation.

3 It doesn't mean the pipe's not good.
4 That's why you inspect it. That's why you test
5 it.

6 And I just think it's really
7 important at least to get on the record, that
8 differentiation.

9 So, that's in my opinion, why I
10 think moving a motion on this is important. At
11 least connect this to the sanity of the working
12 group about trying to find an appropriate test.

13 So, I see cards up.

14 CHAIR DANNER: Sara?

15 MS. GOSMAN: Well, and thank you
16 again for this conversation. To me, if we
17 connected it to the working group and that was
18 where it landed, right, I think I would be okay
19 with that.

20 But I read this language as
21 specifically directing PHMSA to consider a
22 solution here, which is to allow grandfathered

1 pipe in with an appropriate pressure test. And
2 I think that's where my concern lies.

3 So, if this language goes forward,
4 I'm going to vote against it because I don't
5 think that, I think the general issue and the
6 working group timing is something that PHMSA
7 should consider.

8 But I don't want grandfathered pipe
9 into this program right, without that special
10 consideration that FIMSA's going to give it.

11 And, I feel like we've set an
12 eligibility criteria in here that I'm not
13 comfortable with.

14 CHAIR DANNER: I was wondering if,
15 oh, okay. Chad?

16 MR. ZAMARIN: Yes, Chad Zamarin,
17 Williams. I do want to have help on this.
18 Hopefully it will help put minds at ease.

19 Just because pipe was built before
20 1970 doesn't mean it's grandfathered. If it
21 had a pressure test before 1970 and that's what
22 was used to establish the MAOP, it's not a

1 grandfathered MAOP.

2 The MAOP was grandfathered for pipe
3 that didn't have a pressure test, and we used
4 the previous operating pipe to establish the
5 MAOP.

6 What this is trying to do is clarify
7 the tests conducted before, before the code.
8 When we say things like Subpart J test, we
9 reference a code that is today's code.

10 We're talking about records that
11 exist from before the code was written. And
12 so, what we're saying is that we're trying to
13 clarify that something that was tested to 1.25
14 times qualifies.

15 But when we put Subpart J in the
16 language, it implies that it has to have a test
17 done after. That's not grandfathered.

18 So I just want to be clear. We are
19 allowing a lot of pipe that was manufactured
20 and installed before 1970. That's a lot of our
21 industry.

22 A lot of the industry built after

1 World War II, and it's operating its critical
2 pipe serving communities all across the
3 country.

4 And most of it, frankly, was tested.
5 We were doing pressure testing again, the ASME
6 Code was written in 1951. So there has been
7 pressure testing for most of the pipe.

8 So I just want to make it clear.

9 CHAIR DANNER: Andy?

10 MR. DRAKE: Andy Drake, Enbridge.

11 There was a thought in there I just
12 want to make sure we tease out, and that is I
13 think when PHMSA is done with this in essence,
14 what they define as an acceptable test will
15 resolve that these pipes are no longer
16 grandfathered.

17 I think that's really the point.
18 They're not grandfathered anymore. We have
19 redefined what an appropriate test is, and
20 that's sort of what the working group is doing.

21 That's the very specific piece here
22 that we're talking about. It's not pervasive

1 to all of the grandfathered pipe.

2 It's what is an acceptable test will
3 be redefined by this working group. And that's
4 good. That's good work.

5 So with that, I heard Sara, you were
6 talking some language change and I appreciate
7 it and I'm good with it. PHMSA should consider
8 allowing the dah dah dah.

9 It's not shall do it, it's should
10 consider. Is that reflective of what you were
11 wanting, or because, could you help with the
12 drafting here, Sara?

13 MS. GOSMAN: I can although I'm not
14 fast, so give me a moment here to try to work
15 it through.

16 CHAIR DANNER: And, I would suggest
17 that we take that last phrase, and considering
18 the determination, and put that at the end of
19 the first clause.

20 So, per the committee comments
21 received and considering the determination made
22 by the PHMSA MAOP working group comma, PHMSA

1 should consider.

2 Sara?

3 MS. GOSMAN: I'm wondering if we can
4 use, or I'm trying to find some of the language
5 that we had about equivalent or greater safety
6 levels. Some of that sort of guardrail
7 language, if we can find that and put that in.

8 I don't have the voting slide.

9 CHAIR DANNER: Yes.

10 MS. GOSMAN: So, thank you.

11 CHAIR DANNER: Is that?

12 MS. GOSMAN: I have one more --

13 (Simultaneous speaking.)

14 CHAIR DANNER: Go ahead.

15 MS. GOSMAN: -- wording suggestion.

16 CHAIR DANNER: Go ahead.

17 MS. GOSMAN: Just to allay my concern
18 that what we're really saying is we've picked
19 an option here and we're telling PHMSA like,
20 this is the one we want, consider it.

21 I'm wondering if we can do, PHMSA
22 consider whether allowing grandfathered pipe

1 for the proposed draft M option if it has an
2 appropriate 1.25 times MAO pressure test.

3 CHAIR DANNER: So just --

4 (Simultaneous speaking.)

5 MS. GOSMAN: Should be eligible.

6 CHAIR DANNER: -- whether to allow
7 grandfathered pipe if it has?

8 MS. GOSMAN: Yes.

9 CHAIR DANNER: Okay.

10 MS. GOSMAN: Yes, whether to allow.
11 You're right, you don't have to add anything.

12 CHAIR DANNER: Andy?

13 MR. DRAKE: Waiting for the cards to
14 go down.

15 CHAIR DANNER: You're going to wait a
16 long time.

17 MR. DRAKE: Just being patient. Andy
18 Drake, Enbridge.

19 I'd like to propose a motion that
20 the proposed rule as published in the Federal
21 Register, and the draft regulatory evaluation
22 regarding allowing pipe segments to have

1 operating in accordance with 192.619(c) and
2 (d), be eligible for the proposed IM option is
3 technically feasible, reasonable, cost
4 effective, and practical with the following
5 changes made.

6 Per the committee comments received
7 and considering the determinations made by
8 FIMSA's MAOP working group, PHMSA consider
9 whether allowing grandfathered pipe for the
10 proposed IM option if it is, if it has an
11 appropriate 1.25 times MAOP pressure test would
12 be appropriate for the IM option under the
13 conditions that 1) it maintains an appropriate
14 or equivalent or greater level of pipeline
15 safety; and, 2) if it can be shown that through
16 implementation of the IM option that these
17 segments are being managed effectively.

18 CHAIR DANNER: I think there's
19 grammatical problems there. I think there's
20 some extra words. Whether to allow
21 grandfathered pipe, oh, okay, no, it works. It
22 works.

1 Is there a second?

2 Chad, thank you.

3 All right, we have a motion and a
4 second. Sara?

5 MS. GOSMAN: Can I ask a clarifying
6 question? So the language is changed up there.
7 I do think there was a grammatical issue.

8 I think what we want to say is,
9 PHMSA consider whether to allow grandfathered
10 pipe for the proposed IM option if it has an
11 appropriate 1.25 times MAOP pressure test 1)
12 while maintaining an equivalent level; and, 2)
13 if it can be shown.

14 So, I'm wondering --

15 (Simultaneous speaking.)

16 CHAIR DANNER: Yes --

17 MS. GOSMAN: -- if Andy would mind
18 moving to that language instead? I can support
19 that.

20 CHAIR DANNER: So in other words,
21 whether to allow and then take out the --

22 MS. GOSMAN: Take out the, would be

1 appropriate for the IM option.

2 (Simultaneous speaking.)

3 CHAIR DANNER: -- would be
4 appropriate for the IM option.

5 So, what's that, I think it's fine.
6 If we're going to change it at this point, we
7 have to withdraw the motion and re-read it.

8 So, if we can endure a little
9 awkwardness, Andy?

10 MR. DRAKE: I'd like to propose that
11 we remove my prior option and I'll make a new
12 motion.

13 CHAIR DANNER: All right, we have to
14 have Chad remove, or rescind his second, as
15 well.

16 SPEAKER: Yes, he has to remove it.

17 CHAIR DANNER: All right, done.

18 The motion has been withdrawn. So
19 Andy, would you like to make a motion?

20 Oh, Sara?

21 MS. GOSMAN: Sorry.

22 So I think that we don't want the

1 language, would be appropriate for the IM
2 option at the end of MAOP pressure test,
3 because that's duplicative.

4 I think what we want to say is,
5 PHMSA consider whether to allow grandfathered
6 pipe for the proposed IM option.

7 So I'm wondering if we can get rid
8 of that?

9 CHAIR DANNER: Yes.

10 MS. GOSMAN: And then we've got it
11 grammatically correct, and then Andy can move
12 forward with his motion.

13 CHAIR DANNER: Okay.

14 So, Andy's about to make a motion
15 everyone.

16 MR. DRAKE: I appreciate --

17 CHAIR DANNER: So let's read it now.

18 MR. DRAKE: -- I appreciate the
19 building the plane while we're flying a thing.
20 We're just going to try to land this.

21 CHAIR DANNER: All right, let's do it
22 again.

1 MR. DRAKE: Andy Drake, Enbridge.

2 I'd like to make a motion that the
3 proposed rule as published in the Federal
4 Register, and the draft regulatory evaluation
5 regarding allowing pipe segments that have been
6 operating in accordance with 192.619(c) and
7 (d), to be eligible for the proposed IM option
8 is technically feasible, reasonable, cost
9 effective, and practical with the following
10 changes made.

11 1) Per the committee comments
12 received in considering the determinations made
13 by the PHMSA MAOP working group, PHMSA consider
14 whether to allow grandfathered pipe for the
15 proposed IM option if it has an appropriate
16 1.25 times MAOP pressure test under the caveats
17 of 1) while maintaining an equivalent or
18 greater level of safety; and, 2) if it can be
19 shown through implementation of the IM option
20 that these segments are managed effectively.

21 CHAIR DANNER: All right, is there a
22 second?

1 Chad seconds, thank you very much.

2 Cameron, you want to take the vote?

3 MR. SATTERTHWAITE: Cameron

4 Satterthwaite, PHMSA.

5 If you agree with the motions, say
6 yes, and not no.

7 Peter Chace?

8 MR. CHACE: Yes.

9 MR. SATTERTHWAITE: David Danner?

10 CHAIR DANNER: Yes.

11 MR. SATTERTHWAITE: Terry Turpin?

12 MR. TURPIN: Yes.

13 MR. SATTERTHWAITE: Brian Weisker?

14 MR. WEISKER: Yes.

15 MR. SATTERTHWAITE: Andy Drake?

16 MR. DRAKE: Yes.

17 MR. SATTERTHWAITE: Steve Squibb?

18 MR. SQUIBB: Yes.

19 MR. SATTERTHWAITE: Chad Zamarin?

20 MR. ZAMARIN: Yes.

21 MR. SATTERTHWAITE: Chad Gilbert?

22 MR. GILBERT: Yes.

1 MR. SATTERTHWAITE: Arvind Ravikumar?

2 MR. RAVIKUMAR: Yes.

3 MR. SATTERTHWAITE: Erin Murphy?

4 MS. MURPHY: Yes.

5 MR. SATTERTHWAITE: Sara Gosman?

6 MS. GOSMAN: Yes.

7 MR. SATTERTHWAITE: Sam Ariaratnam?

8 MR. ARIARATNAM: Yes.

9 MR. SATTERTHWAITE: It is unanimous.

10 The motion carries.

11 CHAIR DANNER: Excellent, thank you
12 very much everyone.

13 All right, we are down to one more
14 issue, and this is the up rating.

15 Who wants to start the discussion?
16 Chad Zamarin.

17 MR. ZAMARIN: Thanks. Chad Zamarin,
18 Williams.

19 And I did send John, you some
20 language that I'm hoping explains what I'm
21 trying to get at here.

22 And, we've talked a lot about the go

1 forward, and I do want to raise an issue that
2 I'm hoping doesn't get missed, because I think
3 it misses a real opportunity here.

4 We do have, the way that the
5 language is currently written, and it was
6 presented by PHMSA, we don't allow for pipe
7 that has previously had a class location
8 change, and its pressure has been reduced in
9 order to meet the class change requirements.

10 We are not, the rule as written
11 would not allow for us to bring that pressure
12 back to frankly, the same state that any other
13 pipe would be going through this process.

14 We do have situations in the U.S.
15 where we have not replaced pipe, oftentimes
16 because it's not practical to.

17 The environmental impacts would be
18 too significant. And the challenge with that
19 is, is we're seeing reliability. We're seeing
20 capacity that is being constrained because of
21 these kinds of challenges.

22 It's really hard to build pipe and

1 frankly, the most efficient way for us to
2 restore capacity would be as we now have the
3 rules for how you go from a class 1 to a class
4 3 area, would be to allow some of these
5 locations if they meet the criteria, to be
6 eligible for following through this program.

7 And, that's what I'm proposing.

8 So I hadn't kind of spent a lot of
9 time on it, but the idea is where pipe segments
10 for which pressure was previously reduced in
11 class 1 to 3 location areas, we allow a
12 restoration of pressure to more, no more than
13 .72 design factor, which is explicit in the
14 eligibility criteria.

15 Recognize the requirement for
16 pressure testing 1.25 MAOP, which is also
17 explicit in the eligibility criteria.

18 And so, this is not really, I said
19 up rating the section on up rating is about up
20 rating the pressure of pipe inside a future
21 class change.

22 This is, my proposal here is to make

1 sure that we're not excluding those previous
2 sections where pressure reduction was taken as
3 the option.

4 Those we should allow be considered
5 for restoring of MAOP, and using this program
6 to achieve that.

7 Some of that may be very modern
8 pipe. I will tell you that there are cases
9 where in the northeast, we've got pipe within
10 the last 10, 15 years where pressure reduction
11 has been taken.

12 This would allow us, if you follow
13 the eligibility criteria and the requirements
14 of this provision, this would allow the
15 restoration of pressure.

16 That is the most efficient way for
17 us to create additional capacity, additional
18 reliability, for the markets that we're
19 serving.

20 And so, wanted to raise this as what
21 I think would be a real important improvement
22 to the regulation.

1 Thanks.

2 CHAIR DANNER: All right, thank you,
3 Chad.

4 Erin Murphy?

5 MS. MURPHY: Erin Murphy, EDF.

6 I am going to try to repeat things
7 back to you, Chad, and I hope you can respond
8 just because I want to make sure I understand
9 the sort of factual scenario that we're
10 contemplating here.

11 So, this is a pipe segment that
12 previously experienced an increase in class
13 location, a change class location. And to
14 accommodate that change, the operator lowered
15 the pressure of the pipe.

16 Now, the operator would like to
17 raise the pressure of the pipe and opt into the
18 IM option as the pathway to comply with that
19 previous class change require, that previous
20 class change not with an additional new class
21 change.

22 Do I have that correct?

1 MR. ZAMARIN: That's correct, yes.

2 And to add a little bit of clarity.

3 What happens in practice is if you're operating
4 at .72, the class change occurred, you either
5 have to replace it as we've talked about, or
6 you can lower the pressure so you've dropped it
7 down to a lower design factor.

8 This would be restoring it to the
9 .72 design factor, which is what every other
10 pipe that's going to be considered in this
11 program, is operating at.

12 So it's just bringing that pipe back
13 to the same standard as everything else that
14 would go through the program.

15 CHAIR DANNER: All right, thank you.

16 Arvind?

17 MR. RAVIKUMAR: Just a clarification
18 on this point. So, those pipe for which you're
19 asking to be allowed up to .72 design factor,
20 what was the design factor it was reduced to?

21 MR. ZAMARIN: Yes, thanks.

22 So for class 3, they would have been

1 reduced to .6. And again, that's basically
2 what we're doing with all of the pipe go
3 forward.

4 It's operating at .72. The prior
5 option would have been replacement or drop it
6 to .6. We're saying you can keep it at .72 but
7 you have to do all these other things.

8 I'm suggesting we should use that
9 same practice, allow that same practice for the
10 pipe that was previously lowered.

11 CHAIR DANNER: All right, thank you.

12 Sara?

13 MS. GOSMAN: Thank you.

14 This might be a short conversation
15 because I think this relates really, to the
16 effective date of this rule, and when a pipe
17 segment would be eligible.

18 So in this case as I understand it,
19 the operator has chosen an option, which is to
20 reduce pressure. Now we want to allow that
21 operator to choose the IM alternative.

22 And just sort of a side note, I'm

1 not sure, I heard you to say that people
2 weren't doing this.

3 They weren't actually reducing
4 pressure in their line. That wasn't really a
5 feasible option for anyone. So I wonder who
6 we're talking about here really.

7 But in any case, I think it's
8 important to start this program when we get
9 that final rule into place. And I am very
10 hesitant, meaning I really don't want right,
11 pipe coming into this program from past class 1
12 to class 3 bumps.

13 I see this as moving forward.

14 CHAIR DANNER: All right, thank you.

15 Erin, and then Chad?

16 MS. MURPHY: Pass.

17 MR. ZAMARIN: Thanks, Chad Zamarin,
18 Williams.

19 Yes, I'm trying to understand the
20 technical reason why we wouldn't. And you're
21 right, I did say the primary tool and path that
22 we take is pipe replacement.

1 The challenge is there are areas
2 where we haven't been able to replace pipe;
3 where we can't do construction; where it's not
4 feasible. And, instead, we do take pressure
5 reductions.

6 It is becoming a really big problem.
7 I mentioned that over the last 10 years, we've
8 had a 50+ percent increase in gas demand in the
9 United States.

10 We've only increased pipeline
11 capacity by 25 percent. And we've increased
12 storage capacity by zero.

13 Now we're starting to see that
14 things like past pressure reductions are
15 causing significant strains on the system.

16 And I mentioned yesterday, this is
17 not my number. PJM has said that by 2040 and
18 PJM to support wind and solar, which virtually
19 doesn't exist today.

20 In Oklahoma and Texas, we have a lot
21 of wind resources. The only reason that that
22 works is because the natural gas capacity

1 basically picks up the slack when the wind
2 slows down when the sun sets.

3 PJM we've got, and PJM is the
4 operating area, one of the operating areas,
5 large operating area here in the --

6 (Audio interference.)

7 CHAIR DANNER: Well, we can, you
8 sound different but we can still hear you so
9 let's just go ahead.

10 We're going to take a 10 minute
11 break.

12 (Whereupon, the above-entitled
13 matter went off the record at 2:21 p.m. and
14 resumed at 2:22 p.m.)

15 CHAIR DANNER: All right, so, our IT
16 issues have been resolved early. So, our ten
17 minute break has been shortened to a one and a
18 half minute break.

19 Chad, go ahead.

20 MR. ZAMARIN: Thanks.

21 Yes, what I'm trying to kind of
22 finish my thoughts on, which, again, this seems

1 to me like a free option here that we should be
2 embracing because we're talking about using the
3 same requirements as any other pipe out there.

4 And what I was trying to articulate
5 is, we are seeing where past pressure
6 reductions have been put in place.

7 It is very hard to do those on a go
8 forward basis because of the constraints we now
9 have and the demands on the system.

10 We've seen gas demand increase
11 significantly over the last ten years. That's
12 been primarily driven by power demand.

13 And now, LNG demand from exports.

14 We're projecting to see another ten
15 BCF a day of LNG exports over the next ten
16 years, doubling potentially 15-plus BCF a day
17 of additional demand.

18 And we're seeing significant
19 increase in power demands still.

20 I mentioned PJM, and PJM, we have
21 less than 8 percent renewables. Most of that
22 is not wind and solar, it's biomass and wood

1 actually, if you look at their statistics.

2 There are large goals to install
3 solar and wind.

4 PJM has even said that by 2040, by
5 their estimates today, that peak demand for
6 natural gas will go up a 140 percent.

7 Average demand for gas may actually
8 go down.

9 But peak demand will go up
10 significantly because we'll have to meet the
11 differences between base load, power generation
12 that we're getting from wind and solar, and
13 what happens when we -- the sun sets and the
14 wind slows down. And we don't have enough back
15 up battery capacity to provide reliable energy.

16 And so, this is the issue that I
17 want to raise with this committee. Because I
18 think it would be smart for us to recommend
19 that we put in place, as part of this program,
20 the ability to look back at those reductions,
21 bring those back to pressure, follow the same
22 rules.

1 And again, I don't -- I hear not
2 wanting to do it, I don't hear a reason for not
3 wanting to do it from a technical perspective.

4 These pipes would follow the same
5 technical requirements that any other pipe that
6 would qualify for the program would follow.

7 CHAIR DANNER: All right, thank you.
8 Steve?

9 MR. SQUIBB: Steve Squibb, City
10 Utilities, Springfield, Missouri.

11 Yes, this just seems like a good
12 thing to do, it makes a lot of sense to me.

13 Because the easiest, most efficient
14 way to increase capacity, to meet the needs of
15 our communities in the country.

16 And technically, meets the same
17 requirements as other parts of the program and
18 is safe. That's the bottom line. It's a safe
19 way to increase capacity without having to
20 build new pipelines.

21 Thank you.

22 CHAIR DANNER: All right, thank you.

1 Andy, then Erin?

2 MR. DRAKE: Andy Drake, Enbridge.

3 I appreciate the conversation we're
4 having here.

5 Sara was right, what you said, you
6 know, this isn't an often used option.

7 I think that's correct, a primary
8 option that we do use is pipe replacements.
9 So, it is an option.

10 I think the thing that strikes me is
11 how dynamic the world is right now.

12 The decisions about not using pipe
13 replacement or going -- deferring the pressure
14 were made years ago or could be years ago
15 likely.

16 And those aren't the same
17 constraints as they are now. And I'll give
18 some color to that.

19 Our system now used to flow from the
20 Gulf Coast to New York City, Tex-Eastern
21 System.

22 We now move 6 BCF of gas southbound

1 out of Ohio and 2.5 BCF of gas out of Ohio
2 eastbound.

3 So, we have completely turned the
4 system around from middle Ohio to Florida and
5 to the Gulf Coast which is incredible.

6 So, decisions we made about system
7 dynamics so many years ago because of the
8 ability to take a pressure because we didn't
9 need it is not the same as it is now, I think,
10 you know, which is, I think, illustrative of
11 the time, thinking about power generation.

12 We're moving -- there was a comment
13 made earlier about just schedule your work not
14 to be in the winter.

15 We're now moving as much gas in
16 August as we move in January. It's going south
17 to Florida for power generation.

18 Our ability to get on the system is
19 typically, you know, the month of April and the
20 month of September. Those are our two months
21 to work.

22 And I'm waiting for -- oh yes, his

1 card up. So, Member Turpin can provide some
2 clarity here.

3 I don't know that, you know, this is
4 the most -- it certainly isn't the most option
5 that we use.

6 But I think the dynamics of the
7 things that we're facing, this is a helpful
8 tool and I think that the value add here is
9 that it's controlled, which I think is
10 important for the public.

11 You can't just come running in here
12 and, you know, it is very controlled how you
13 can come it, what you're knowledgeable to do,
14 and what you, you know, how you do this and
15 what's the risk associated with doing it.

16 But it can help.

17 So, maybe with that, I'll volley it
18 to somebody else, looking at Terry, but I can
19 help.

20 CHAIR DANNER: All right, thank you.

21 Erin, then Terry?

22 MS. MURPHY: Erin Murphy, EDF.

1 I appreciate this discussion. And I
2 think, you know, the sort of topic of gas
3 demand and needs around the country is, you
4 know, important to consider, but of course,
5 shouldn't, you know, command the decision of
6 whether or not pipe is up rated or not.

7 The real priority is to make sure
8 that that decision is done in a way that's safe
9 if the pressure is going to be increased.

10 And probably, you know, won't be
11 saying this again any time soon, but if you
12 need to move more gas and you're not able to do
13 it with the pipeline capacity you have, you
14 have to build more pipeline capacity.

15 So, you know, need to weigh those
16 options carefully.

17 I wanted to maybe understand a
18 little better, you know, I asked earlier and I
19 think Arvind asked, too, but so, I heard that
20 it, you know, you're dropping down if you drop
21 the pressure of pipe when you have a class
22 location change down to 0.6 design factor and

1 then, coming back up to 0.72.

2 And I know this proposed rule that
3 we're discussing references Subpart K which
4 lays out the minimum requirements that an
5 operator has to meet when they up rate, when
6 they increase the MAOP of the pipeline.

7 And so, I don't know if PHMSA could
8 speak a little bit to what is in Subpart K, but
9 I'm trying to make sure I understand how that
10 interacts with what would happen under these
11 circumstances.

12 And is the recommendation that some
13 of the industry folks on the committee are
14 suggesting the committee recommend to PHMSA be
15 that Subpart K would not be applicable under
16 these circumstances.

17 CHAIR DANNER: All right, thank you.

18 Terry?

19 MR. TURPIN: Terry Turpin, FER.

20 So, just borrow a note from Erin,
21 I'll relay what I think I heard in my own terms
22 and see if that helps or see if I've even got

1 it right.

2 But as I understand this, it's not a
3 gas demand ought to change the equation about
4 what's safe or what's not safe.

5 It seems like a recognition that gas
6 demand is going to likely drive the need for
7 more infrastructure. And I'm not saying that
8 true or not, I just think that's the argument
9 being made.

10 I heard that argument a lot.

11 And in that case, new infrastructure
12 will come and it seems to me like what's being
13 presented here is, is it smarter than to
14 require that all infrastructure be brand new
15 builds that has further new encumbrances of
16 right of way, further new pipeline in new
17 areas.

18 Or is it smarter to say, look at the
19 old pipe. It was de-rated because there were
20 no other options at the time, then we put it
21 into the new program that's available.

22 I mean what we're talking about is,

1 it's out of bounds because the option not to
2 de-rate didn't exist at the time the decision
3 was made.

4 If that's a way to then get out of
5 having to build more pipeline on more new land
6 owners, more environmental resources, that
7 seems like a good play.

8 But so, that's just my two cents on
9 it.

10 CHAIR DANNER: Thank you.

11 And when building a pipeline in my
12 state is incredibly difficult, almost
13 impossible.

14 And so, I understand the need for
15 the new infrastructure.

16 I also, of course, understand the
17 need to make sure that we don't do anything
18 that is potentially unsafe.

19 I look at this and I think, yes,
20 they should look at that. I was wondering if
21 we could throw up the boilerplate that he had
22 with one and two from the last motion with

1 regard to maintaining safety?

2 Okay, Erin and then, Chad?

3 I'm sorry, Chad then Erin, I'm
4 sorry.

5 MR. ZAMARIN: Thanks.

6 Chad Zamarin, Williams.

7 And thanks, I'm happy to include
8 those two bullets.

9 And I agree -- and I appreciate your
10 comments. You state's a great example in our
11 northwest pipeline, it is incredibly difficult
12 to expand that for any other reason from a new
13 construction perspective.

14 And we have hit a peak -- a higher
15 peak demand every year, even though, even in
16 the Pacific Northwest and in the West, we've
17 been increasing renewables and we've been
18 decreasing average use of natural gas.

19 We have increased year over year.
20 We just set a record, peak demand on Northwest
21 Pipeline into Washington.

22 And you also set a record on gas

1 prices in Washington.

2 This is a real issue and it is
3 getting worse and we've got to stay ahead of
4 it.

5 This, seems to me, the safety issue,
6 we've said we've got a program that's good,
7 it's safe. And I think, you know, Member
8 Turpin said it well, we didn't have this option
9 at the time. It would seem to make a lot of
10 sense to take the option for those areas where
11 we can.

12 So, I am -- with the additional
13 language, I know there's still some cards up,
14 but I'm -- in the interest of trying to get us
15 done, I'm prepared to move this forward.

16 CHAIR DANNER: All right, thanks.

17 Let's hear from the cards that are
18 up.

19 Erin and then Chad and then Sara?

20 MS. MURPHY: Yes, Erin Murphy, EDF.

21 I maybe wasn't clear enough earlier,
22 but I was hoping PHMSA could provide some

1 clarification on the -- like what is associated
2 with Subpart K?

3 CHAIR DANNER: So, actually, Mary's
4 got her card up and she can answer that.

5 So, if you're -- if I can interrupt
6 you, we'll come right back to you.

7 Mary?

8 MS. MCDANIEL: Mary McDaniel with
9 PHMSA.

10 Subpart K up rating, when an
11 operator does that, they put together a plan
12 but they bring up the pressure incrementally
13 and they hold it in different stages. And when
14 they do that, they can do a leak survey over
15 the section that's being up rated.

16 So, it just -- it's a matter of what
17 is included in the up rate as they do these
18 incremental pressure increases, hold the
19 pressure, and do leak surveys.

20 MR. ZAMARIN: And Chair, as a direct
21 response on that, could I -- because I was also
22 asked as an operator.

1 The intent was not to not use
2 Subpart K if we're restoring pressure. That's
3 how -- there are rules for how we would restore
4 pressure.

5 This is not an attempt to say we
6 don't apply those rules. This is a more of the
7 concept of allowing us to go to add these into
8 the program.

9 And if you're raising pressure, the
10 code has very stringent requirements in how we
11 do that and you follow Subpart K.

12 CHAIR DANNER: All right, Chad
13 Gilbert?

14 MR. GILBERT: Yes, I just want to
15 add a little bit on the world view of, you
16 know, I agree with my counterparts that natural
17 gas supply is something that we really need to
18 look at and we need to increase across the
19 country.

20 One way to do that is by expanding
21 volume and diameter on existing lines and
22 running those pipelines on ground right away

1 to eliminate any kind of potential
2 environmental impacts.

3 I think if we did try to focus our
4 construction and going forward on replacing
5 older lines that have been in the ground for an
6 extended period of time, increasing the
7 diameter, increasing volume, to where that gas
8 can be supplied to certain areas across the
9 country that need it.

10 I think that's an intellectual way
11 to go about this to where both sides come out
12 with what they -- what they're trying to
13 achieve.

14 CHAIR DANNER: Thank you.

15 Chad, did you still have your card
16 up?

17 MR. ZAMARIN: Yes, I was prepared to
18 make the motion.

19 CHAIR DANNER: Okay, hang on, not
20 yet.

21 Sara and then, Andy?

22 MS. GOSMAN: Yes, so, I guess I want

1 to say a couple things.

2 I don't -- I appreciate the comments
3 about pipeline infrastructure and capacity.

4 I think that this situation is one
5 where if the public felt more comfortable with
6 pipeline infrastructure, that we might see more
7 capacity. Right?

8 And I'm not just saying that to be
9 whatever, but I really do feel like this issue
10 we've been talking about, public education, and
11 involvement, and transparency, and trust,
12 right, this all goes to this question of
13 pipelines and infrastructure.

14 And we've taken some votes, you
15 know, particularly, I'm thinking back to the
16 MPMS vote where I don't think that we've made
17 that any easier for the public to move forward
18 on thinking about pipelines and trusting.

19 So, in this particular context, I
20 think that this looks to me like a great
21 example of a very -- I don't -- I haven't heard
22 sort of what the mileage is here that we're

1 really talking about.

2 But if it's a small amount of
3 mileage, I think this goes to PHMSA. PHMSA
4 looks at the date, they look at how long this
5 has been operating under a reduced pressure.

6 They consider sort of the other
7 aspects of the line, the coding, everything
8 else to make sure that this is going to be safe
9 and this is what the special permit process was
10 for.

11 So, given that, I'm going to -- if
12 this is the language, I'm going to be voting
13 no.

14 CHAIR DANNER: All right, thank you.

15 And I also, I mean, I come at this
16 the way I've come at the others, that this is
17 asking PHMSA to consider it, to take a look at
18 it and I want to be really clear on the record
19 that I am not driving to a particular result.
20 I am asking PHMSA to take a look at this.

21 I'm also very -- I mentioned my
22 concerns about infrastructure, but I also

1 emphasize my concerns about safety.

2 That's why I asked for one and two
3 to be added to that.

4 And so, if -- I don't see a problem
5 with PHMSA taking a good faith deep dive on
6 these issues.

7 But again, not with an eye towards a
8 particular result but just gathering
9 information that would drive the policy.

10 So, thank you.

11 Andy?

12 MR. DRAKE: Andy Drake, Enbridge.

13 I appreciate Chad Gilbert's
14 comments. You know, they're, hopefully,
15 hopefully, with that optimism here, conspiracy
16 of optimism.

17 You know, hopefully, the
18 conversation we've had about LDAR starts to
19 build the confidence that we are taking
20 ownership, physical, tangible ownership of
21 lowering emissions, which hopefully, will
22 create a better sense of expanding the

1 infrastructure to move fossil fuels in this
2 interim until we can figure out how to handle
3 the bigger energy demands of this country in
4 the long haul.

5 But I think natural gas is going to
6 be a big part of that. And so, figuring out
7 how to expand the infrastructure, big deal.

8 I think this is a piece of that, I
9 would say a small piece of that, but I think
10 it's an important step because of all these
11 guardrails.

12 I'd like to know where all the
13 guardrail we put around this.

14 And I think the thought, I
15 appreciate your comment, Chairman Danner, that
16 this is a consider, you know, and you're
17 talking about very deliberate processes here,
18 processes of operating, processes of this, the
19 controls, the guardrails.

20 I feel very comfortable with this
21 language. It's not a big, long putt.

22 But I don't want to lose track of

1 Chad's point, and that is, we should do this
2 because it makes sense and has, you know, Terry
3 Turpin's comments make sense. This is heavy
4 guardrails.

5 And we've got a bigger challenge out
6 there we're going to have to pony up on, and
7 that is, how do we get infrastructure built in
8 this country?

9 And part of that, I hope, is that
10 this industry owns and trying to minimize their
11 footprint, but we're still going to have to do
12 it because that's the logical direction.

13 With that, I think, you know, I
14 support moving forward with this conversation,
15 this motion.

16 CHAIR DANNER: All right, I don't
17 see any tent cards up.

18 So, unless, Chad, you have something
19 else you want to say?

20 MR. ZAMARIN: I was going to make a
21 motion.

22 CHAIR DANNER: Then, okay, then I'm

1 -- I think we will consider your motion.

2 MR. ZAMARIN: All right, thanks.

3 And I do appreciate the conversation
4 and the proposed rule as published in the
5 Federal Register and the Draft Regulatory
6 Evaluation regarding allowing pipe segments
7 where the pressure was previously reduced in
8 response to a Class 1 to a Class 3 location
9 change, to restore pressure within the proposed
10 IM option is technically feasible, reasonable,
11 cost effective, and practical if the following
12 change is made.

13 Per the committee comments received,
14 PHMSA consider for pipe segments for which
15 pressure was previously reduced in response to
16 a Class 1 to a Class 3 location change,
17 allowing a restoration of pressure to no more
18 than .72 design factor, recognizing the
19 requirement for a pressure test of 1.25 times
20 on AOP.

21 One, while maintaining an equivalent
22 or greater level of pipeline safety.

1 And two, if it can be shown through
2 implementation of the IM option that these
3 segments are being managed effectively.

4 CHAIR DANNER: Thank you.

5 Is there a second?

6 Brian seconds.

7 Cameron, can you take the vote,
8 please?

9 MR. SATTERTHWAITE: Cameron
10 Satterthwaite, PHMSA.

11 If you agree with the motion, say
12 yes, if not, no.

13 Peter Chace?

14 MR. CHACE: Yes.

15 MR. SATTERTHWAITE: David Danner?

16 CHAIR DANNER: Yes.

17 MR. SATTERTHWAITE: Terry Turpin?

18 MR. TURPIN: Yes.

19 MR. SATTERTHWAITE: Brian Weisker?

20 MR. WEISKER: Yes.

21 MR. SATTERTHWAITE: Andy Drake?

22 MR. DRAKE: Yes.

1 MR. SATTERTHWAITE: Steve Squibb?
2 MR. SQUIBB: Yes.
3 MR. SATTERTHWAITE: Chad Zamarin?
4 MR. ZAMARIN: Yes.
5 MR. SATTERTHWAITE: Chad Gilbert?
6 MR. GILBERT: Yes.
7 MR. SATTERTHWAITE: Arvind
8 Ravikumar?
9 MR. RAVIKUMAR: Yes.
10 MR. SATTERTHWAITE: Erin Murphy?
11 MS. MURPHY: No.
12 MR. SATTERTHWAITE: Sara Gosman?
13 MS. GOSMAN: No.
14 MR. SATTERTHWAITE: Sam Ariaratnam?
15 MR. ARIARATNAM: Yes.
16 MR. SATTERTHWAITE: The motion
17 carries 10 to 2.
18 MR. DANNER: All right, thank you,
19 everyone.
20 John Gale?
21 MR. GALE: Thank you, Chairman.
22 Just one last matter to take care

1 of. This is just simply the voting slide
2 related to the report that the transcript of
3 this meeting and the votes that have been
4 recorded constitute the report required by the
5 statute.

6 MR. SATTERTHWAITTE: Ross? Robert
7 Ross?

8 MR. ROSS: By way of transcript, are
9 we also going to include any presentation
10 slides that were made available by members of
11 the GPAC?

12 MR. GALE: That would be correct,
13 yes.

14 MR. ROSS: Great, thank you.

15 CHAIR DANNER: All right, John Gale,
16 do we need to vote on this?

17 MR. GALE: Yes, sir, we actually
18 need a motion and a vote.

19 CHAIR DANNER: Okay.

20 Andy Drake?

21 MR. DRAKE: Andy Drake, Enbridge.

22 I just want to, I know, I'm

1 certainly not trying to drag this out, I think
2 I'm going to fall out of my chair anyway.

3 But I think just before we button
4 this up here, and I -- this is maybe just a
5 logic test.

6 Should we ask PHMSA to consider, and
7 I don't need it to be on the record, a longer
8 commenting period for the class rule and the
9 LDAR rule?

10 Andy, I know you're trying to move
11 the LDAR rule, that's fine, let's keep it on a
12 hot track.

13 Can we put the class rule 30 days
14 behind that so we're not trying to read this
15 much stuff in all in the same time frame?

16 I know you've got a 60-day
17 requirement, but maybe I'd just throw that out
18 there.

19 If we're hot tracking the LDAR rule,
20 fine. Put it on 60 days.

21 But let's put the class on a little
22 different schedule because I know the elephant

1 you've got to eat or the same elephant we've
2 got to eat and then, probably everybody in this
3 room.

4 I don't know that we need a motion,
5 maybe that's enough of a record.

6 But if -- does that make sense to
7 everybody around the table?

8 I see PHMSA shaking their head yes,
9 that's a good sign.

10 CHAIR DANNER: will defer to PHMSA
11 on that. I'm not really comfortable extending
12 any timelines because I think we need to get
13 these things going, but I will defer to PHMSA.

14 MR. GALE: Andy, I think that's very
15 reasonable to do a request.

16 We also have the info collection out
17 there right now that just got published on
18 Monday related to valves and hydrogen. You
19 know that's also on the table for people to
20 comment on.

21 But we do request, you know, as you
22 noted, we are trying to move quickly on LDAR.

1 So, no request is received to extend the
2 comment period on LDAR.

3 MR. DRAKE: I'm good with that,
4 thank you, John.

5 CHAIR DANNER: All right, thank you.

6 So, is someone willing to move what
7 is on this slide here?

8 All right, Andy Drake?

9 MR. DRAKE: This is Andy Drake, my
10 last great motion.

11 The transcript of this meeting duly
12 recorded and accurately transcribe from March
13 27 to March 29, 2024, together with the
14 presentation slides documenting the committee
15 votes during the meeting, represent the report
16 of this proceeding.

17 CHAIR DANNER: Is there a second?

18 Terry Turpin seconds.

19 Cameron, we are going to take
20 another vote.

21 MR. SATTERTHWAITE: Cameron
22 Satterthwaite, PHMSA.

1 If you agree with the motion, say
2 yes, if not, no.

3 Peter Chace?

4 MR. CHACE: Yes.

5 MR. SATTERTHWAITE: David Danner?

6 CHAIR DANNER: Yes.

7 MR. SATTERTHWAITE: Terry Turpin?

8 MR. TURPIN: Yes.

9 MR. SATTERTHWAITE: Brian Weisker?

10 MR. WEISKER: Yes.

11 MR. SATTERTHWAITE: Andy Drake?

12 MR. DRAKE: Yes.

13 MR. SATTERTHWAITE: Steve Squibb?

14 MR. SQUIBB: Yes.

15 MR. SATTERTHWAITE: Chad Zamarin?

16 MR. ZAMARIN: Yes.

17 MR. SATTERTHWAITE: Chad Gilbert?

18 MR. GILBERT: Yes.

19 MR. SATTERTHWAITE: Arvind

20 Ravikumar?

21 MR. RAVIKUMAR: Yes.

22 MR. SATTERTHWAITE: Erin Murphy?

1 MS. MURPHY: Yes.

2 MR. SATTERTHWAITE: Sara Gosman?

3 MS. GOSMAN: Yes.

4 MR. SATTERTHWAITE: Sam Ariaratnam?

5 MR. ARIARATNAM: Yes.

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

8 CHAIR DANNER: All right, thank you.

9 I think we have one more -- do we
10 have to roll anything else up?

11 Okay, okay, Alan has a few remarks.

12 Alan, go ahead.

13 MR. MAYBERRY: Well, first of all,
14 thank you to the committee for a grilling two
15 weeks, actually. This is the second.

16 But I did want to pass on a message
17 from our Deputy Administrator Tristan Brown who
18 wishes he could join us today, but he's
19 following and I've been keeping him posted on
20 the events.

21 But you know, first off, to, you
22 know, to all the GPAC members, especially our

1 Chairman Danner, you know, and the public
2 participants, people on Zoom call, attendees in
3 this room, and to the dedicated PHMSA staff who
4 planed and managed this marathon multi-week and
5 multi-year GPAC meeting. Noted multi-year,
6 too.

7 Yes, a big thank you.

8 The process by which affords
9 consensus is an invaluable component of PHMSA's
10 rulemaking process and with an immeasurable
11 benefit to our safety and environment.

12 And then, he wanted to add that, you
13 know, if he attempted to do a cost benefit
14 analysis of the advisory committee process, it
15 would be difficult to do the non-quantifiable
16 benefits and costs of two weeks of meetings.

17 But we nevertheless believe the
18 value is significant.

19 So, anyway, finally, thank you
20 again, you know, thank you to the retiring
21 members, Member Drake. This is the official
22 last -- the second of the -- and final goodbye

1 from the GPAC.

2 Commissioner Burman, who was with us
3 Monday, that seems forever ago. But thank you
4 for your service over the last several years.

5 And then, also wanted to note --
6 wanted to thank someone who's not here today,
7 but who was in the audience this week up until
8 today, and that's Christina Saenz who's
9 retiring from AGA who's been a fixture at these
10 meetings as well. So, we appreciate her
11 engagement in the process and, you know,
12 helping us as we've addressed new members here
13 on the committee.

14 But anyway, with that, Tristan
15 passes on, you know, happy Good Friday and a
16 Happy Easter.

17 Ditto on that and I just wanted,
18 again, you know, say thank you.

19 I don't want to keep you here any
20 longer. I know you have flights to catch and
21 you want to relax and you deserve it.

22 We've heard from you. We've got a

1 good record and we look forward to working on
2 final rules here. We have a lot of work to do.

3 And just as a last reminder, you
4 know, the advisory committee docket is PHMSA-
5 2024-005. So, that's where comments are to be
6 submitted, you know, from this meeting this
7 week.

8 So, with that, I will turn it back
9 over to the Chair.

10 CHAIR DANNER: Thank you.

11 And I can't help myself, Chad's got
12 his card up.

13 Chad?

14 MR. ZAMARIN: Thanks.

15 I just wanted to say one thing, and
16 I don't know if we're on the record. It
17 doesn't need to be on the record.

18 But I feel like I'm losing my better
19 half from GPAC and I mentioned it yesterday,
20 you know, Andy hired me out of college. He
21 moved me to Houston. I had no family there so
22 he was my boss. He's been my friend, my

1 mentor, and in many ways, a lot of times, a
2 father figure for me.

3 He sent me to Australia where I met
4 my wife, brought her back and we have three
5 kids that we wouldn't have today without him.

6 And I wouldn't be here where I am
7 today without -- well, he didn't --

8 (Laughter.)

9 MR. ZAMARIN: But I wouldn't be
10 where I am today without him.

11 And I want to recognize him not just
12 for what he's done for this industry, but
13 that's just my story.

14 He's touched so many people and
15 mentored and led so many people throughout his
16 career that his impact goes way beyond the work
17 that he did and will continue to do from a
18 business perspective.

19 But I think what's more important is
20 that, on behalf of all those people, thank you
21 for what you've done.

22 (Applause.)

1 MR. DRAKE: Thank you, I appreciate
2 that very much. It's been an honor to work
3 with this group.

4 CHAIR DANNER: Thank you very much.

5 And I will echo that, it has been an
6 honor to work with this group and with you,
7 Andy.

8 So, thank you, everybody.

9 Without further ado, we are
10 adjourned.

11 (Whereupon, the above-entitled
12 matter went off the record at 2:49 p.m.)

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This is to certify that the foregoing transcript

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Before: US DOT/PHMSA

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Place: Arlington, VA

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