



Pipeline Advisory Committee



Update on Mandates and Recommendations

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Topics

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Congressional Mandates



Topic		Mandate	Deadline	Status
Administrative Enforcement and Civil Penalties	2	No mandate, but PHMSA should update Part 190 to be consistent with new penalty provisions.	None	Completed.
Damage Prevention	3(a)-(c)	Incorporate into PHMSA's grant program new standards for state one call programs, such as no state and local exemptions.	1/3/2014	Completed.
Damage Prevention	3(d)	Conduct a study and report to Congress on the impact of excavation damage on pipeline safety, including frequency, severity and type of damage, and a survey of state exemptions.	1/3/2014	Exemption workshop March 14. Report in concurrence.
Automatic and Remote-Controlled Shut- Off Valves	4	Require the use of automatic or remote-controlled shut-off valves on transmission pipelines constructed or entirely replaced after the date of the rule, if appropriate.	1/3/2014	Study completed (not-required) and relayed to Congress by 1/3/13. Rule drafting underway.
IMP Expansion and Class Location Replacement	5(a)-(d)	Conduct an evaluation on whether IMP should be expanded beyond HCAs and whether gas IMP should replace class locations.	7/3/2013	60 day FR notice published 8/1/13 to ask for comment by 11/1/13. Comments under review. A workshop is planned for April.



IMP Expansion and Class Location Replacement	5(a)-(d)	Report findings from the evaluation to Congress.	1/3/2014	Report to Congress is late.
IMP Expansion and Class Location Replacement	5(e)	PHMSA may extend a gas pipeline operator's 7-year reassessment interval by 6 months if the operator submits written notice with sufficient justification of the need for an extension. PHMSA should publish guidance on what constitutes sufficient justification.	None	Being considered in rulemaking. If rule goes final, guidance will be developed.
IMP Expansion and Class Location Replacement	5(f)	If appropriate, issue regulations expanding IMP and/or replacing class locations (but may not issue during review period unless there is a risk to public safety).	As soon as practicable after review period (1/3/2015)	TBD
Public Education and Awareness	6	Maintain operators' most recent oil facility response plans and provide a copy to any requester, but exclude sensitive information.	Immediately	Implemented with continuing improvements to FRP program.



Public Education and Awareness	6	Maintain a map of all HCAs as part of NPMS.	Immediately	Continuing implementation.
Public Education and Awareness	6	Update the map biennially.	Every 2 yrs	Draft Information Collection in concurrence.
Public Education and Awareness	6	Implement a program for promoting greater awareness of NPMS to state and local emergency responders and other parties.	1/3/2013	Ongoing through ER Outreach program and CATS program, articles in ER publication.
Public Education and Awareness	6	Issue guidance to operators on providing system-specific information to emergency responders after consulting with them on current practice.	7/3/2013	Completed with ADB to operators and on-going through ER Outreach program.
Cast Iron Gas Pipelines	7	Conduct a follow-up survey on industry's progress in replacing cast iron gas pipelines.	12/31/2012 and every 2 yrs thereafter	Online system to track cast iron inventories developed and implemented.
Cast Iron Gas Pipelines	7	Submit status report to Congress	12/31/2013	Letter sent to Congress by 1/3/13.



Leak Detection	8(a)	Submit a report to Congress on leak detection systems used by hazardous liquid operators.	1/3/2013	Study completed and relayed to Congress by 1/3/13.
Leak Detection	8(b)	If appropriate, issue regulations requiring leak detection on hazardous liquid pipelines and establishing leak detection standards (but may not issue during review period unless there is a risk to public safety).	As soon as practicable after 1/3/2014	Rule drafting underway.
Accident and Incident Notification	9(a)-(b)	Revise regulations to require telephonic reporting no later than 1 hour following “confirmed discovery” and to require revising initial telephonic report after 48 hours if practicable.	7/3/2013	ADB issued 1/30/2013. May be covered in proposed rulemaking.
Accident and Incident Notification	9(b)(2)	Review and revise, as necessary, procedures for operators and the NRC to notify emergency responders, including 911.	7/3/2013	ADBs issued 11/3/2010 and 10/11/12.
Administrative Enforcement and Civil Penalties	10	No mandate, but PHMSA should update Part 190 to be consistent with new authority to enforce Part 194 regulations. (Mandate counted as part of Section 2)	None	Completed.
Data collection (flow lines, etc.)	11	No mandate, but PHMSA may collect other geospatial and technical data for NPMS.	None	Under consideration.



Data collection (flow lines, etc.)	12	No mandate, but PHMSA may collect geospatial and other data on “transportation-related oil flow lines,” as defined in the Act.	None	Under consideration.
Cost Recovery for Design Reviews	13	Prescribe fee structure and procedures for assessment and collection in order to implement authority to recover design review costs for projects that cost over \$2.5 billion or that involve “new technologies.”	None	May be covered in proposed rulemaking.
Cost Recovery for Design Reviews	13	Issue guidance on the meaning of the term “new technologies.”	1/3/2013	Guidance completed and posted on PHMSA website by 1/3/13.
Biofuel Pipelines	14	No mandate, but PHMSA may issue regulations for pipelines transporting non-petroleum fuels, such as biofuels.	None	May be covered in proposed rulemaking.
CO₂ Pipelines	15	Issue regulations for transporting carbon dioxide by pipeline in a gaseous state.	None	Under consideration.
Diluted Bitumen	16	Review and report to Congress on whether current regulations are sufficient to regulate pipelines transporting diluted bitumen.	7/3/2013	Completed.



Non-Petroleum Hazardous Liquids	17	PHMSA may analyze the extent to which pipelines are transporting non-petroleum hazardous liquids, such as chlorine, whether they are unregulated, and whether being unregulated presents risks to the public. The results of any analysis must be made available to Congress.	None	Under consideration.
Maintenance of State Efforts	19	Grant waivers of the maintenance of effort clause in FY12 and FY13 to States that demonstrate an inability to maintain funding to their safety program due to economic hardship.	FY12 and FY13	Completed.
Maintenance of State Efforts	19	PHMSA may grant such a waiver for FY 14.	FY14	TBD
Administrative Enforcement and Civil Penalties	20	Issue regulations for enforcement hearings that require a presiding official, implement a separation of functions, prohibit ex parte, etc.	1/3/2014	Completed
Gathering lines	21(a)- (b)	Review and report to Congress on existing Federal and State regulations for <u>all</u> gathering lines, existing exemptions, and the application of existing regulations to lines not presently regulated.	1/3/2014	Report in concurrence.



Gathering lines	21(c)	If appropriate, issue regulations subjecting offshore <u>liquid</u> gathering lines to the same standards as other liquid gathering lines.	None	TBD
Excess Flow Valves	22	Issue regulations requiring the use of excess flow valves on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities, if appropriate.	1/3/2014	Rulemaking on track.
MAOP Verification	23	Require tests to confirm the material strength of previously untested gas transmission pipelines in HCAs.	7/3/2013	Annual rpt/info collection due by 6/15 will inform rulemaking. IVP process flowchart by team. Aug 7 IVP workshop. May be covered in proposed rulemaking.
MAOP Verification	23	Require operators to report any exceedance of MAOP within 5 days, and regulations to ensure safety of pipelines without records to confirm MAOP.	None	ADB issued 12/21/12. May be covered in proposed rulemaking.
MAOP Verification	23	Require operators to report by 7/3/2013 any pipelines without sufficient records to confirm MAOP.	Prior to 7/3/2013	ADBs issued 1/10/11 and 5/7/2012. Annual report info. Completed
MAOP Verification	23	Issue Advisory Bulletin regarding existing requirements to verify records confirm MAOP in Classes 3 and 4 and in HCAs.	Prior to 7/3/2012	Completed.



Limitation on Incorporation By Reference	24	PHMSA may not incorporate by reference into its regulations or guidance material any document that is not made publicly available free of charge on an internet website.	1/3/2015	Substantial progress and Congress acted to extend date to 1/3/2015.
Training for State Personnel	25	No mandate, but PHMSA may provide training personnel at state-operated training facilities, and may require reimbursement for expenses, such as travel.	None	TBD
Cover Over Buried Pipelines	28	Conduct a study and report to Congress on hazardous liquid pipeline accidents at water crossings to determine if depth of cover was a factor.	1/3/2013	Study completed and relayed to Congress by 1/3/13.
Cover Over Buried Pipelines	28	If study shows depth of cover was a factor, review the sufficiency of existing depth of cover regulations and make any legislative recommendations to Congress.	1 yr from completion of study	Completed.
Seismicity	29	No mandate, but PHMSA should issue regulations to be consistent with requirement in statute that operators consider seismicity in identifying and evaluating all potential threats to each pipeline pursuant to Parts 192 and 195.	None	May be covered in proposed rulemaking.



Tribal Consultation	30	Develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.	1/3/2013	Protocol/policy completed and posted on PHMSA website by 1/3/13.
Pipeline Inspection and Enforcement Needs	31	<p>Report to Congress on the total number of FTEs for pipeline inspection and enforcement, the number of such FTEs that are not presently filled and the reasons they are not filled, the actions being taken to fill the FTEs, and any additional resources needed.</p> <p>PHMSA may increase the number of such FTEs by 10 in FY14 only if all the original FTEs are filled on or before 9/30/14.</p>	1/3/2013	Completed and report sent to Congress on 12/20/12.
Pipeline Transportation R&D	32	After the initial 5-year program plan under § 12 of the PSIA of 2002 has been carried out, prepare a research and development program plan every 5 years, in coordination with NIST, as appropriate.	Immediately, and every 5 yrs thereafter	Report transmitted to Congress on 7/30/13. Completed.



Pipeline Transportation R&D	32	Transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years.	1/3/2014 and every 2 yrs thereafter	In concurrence.
Pipeline Transportation R&D	32	Ensure at least 30% of the costs of program-wide R&D activities are carried out using non-Federal sources.	Immediately	Completed.



Open NTSB Recommendations



Rec#	Recommendation	Action	NTSB Status	Status
P-01-2	Require that excess flow valves be installed in all new and renewed gas service lines, regardless of a customer's classification, when the operating conditions are compatible with readily available valves.	PHMSA drafted a Notice of Proposed Rulemaking (NPRM) titled "Pipeline Safety: Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other Than Single-Family Residences."	Open – Acceptable Response	In Progress
P-04-1	Remove the exemption in regulations that permits pipe to be placed in natural gas service after pressure testing when the pipe cannot be verified to have been transported in accordance with the American Petroleum Institute's (API) recommended practice RP5L1.	PHMSA proposed closure. Addressed through pending final rule "Pipeline Safety: Miscellaneous Changes to Pipeline Safety Regulations." NTSB will consider closure upon publication of the final rule.	Open – Acceptable Response	Proposed Closed – Not Closed
P-04-3	Evaluate the need for a truck transportation standard to prevent damage to pipe and, if needed, develop the standard and incorporate it into regulations for both natural gas and hazardous liquid line pipe.	Dec PAC : "The proposed rule, Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments (issues related to ASTM D 2513 excluding rework issues which will be discussed at the next meeting), as published in the Federal Register and the Draft Regulatory Evaluation are technically feasible, reasonable, cost-effective, and practicable." Discussing rework	Open – Acceptable Response	In Progress



P-09-1	Conduct a comprehensive study to identify actions that can be implemented by pipeline operators to eliminate catastrophic longitudinal seam failures in electric resistance welded (ERW) pipe; at a minimum, the study should include assessments of the effectiveness and effects of in-line inspection tools, hydrostatic pressure tests, and spike pressure tests; pipe material strength characteristics and failure mechanisms; the effects of aging on ERW pipelines; operational factors; and data collection and predictive analysis.	Phase 1 field and lab tests complete. Final report completed on January 20. Phase 2 work began in December 2012 with completion in 3rd quarter 2014.	Open – Acceptable Response	In Progress
P-09-2	Based on the results of the study from NTSB Open Recommendation P-09-1, implement the actions needed.	PHMSA will address this recommendation once the ERW study regarding P-09-1 is complete.	Open – Acceptable Response	In Progress
P-11-8	Require operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines to provide system-specific information about their pipeline systems to the emergency response agencies of the communities and jurisdictions in which those pipelines are located. This information should include pipe diameter, operating pressure, product transported, and potential impact radius.”	PHMSA proposed closure. NTSB supports the establishment of the public awareness working group and awaits the results. The recommendation remains open.	Open – Acceptable Response	Proposed Closure – Not Closed



P-11-9	Require operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines to ensure that their control room operators immediately and directly notify the 911 emergency call center(s) for the communities and jurisdictions in which those pipelines are located when a possible rupture of any pipeline is indicated	PHMSA proposed closure. NTSB was encouraged by the publication of ADB-12-09 and NENA's Standard and PIPEs system. NTSB is still calling for regulations; therefore, the recommendation is not closed.	Open – Acceptable Response	Proposed Closure – Not Closed
P-11-10	Require that all operators of natural gas transmission and distribution pipelines equip their supervisory control and data acquisition systems with tools to assist in recognizing and pinpointing the location of leaks, including line breaks; such tools could include a real-time leak detection system and appropriately spaced flow and pressure transmitters along covered transmission lines.	Rule drafting begun. R&D initiatives.	Open – Acceptable Response	In Progress
P-11-11	Amend Title 49 Code of Federal Regulations Section 192.935(c) to directly require that automatic shutoff valves (ASV) or remote control valves (RCV) in high consequence areas and in class 3 and 4 locations be installed and spaced at intervals that consider the population factors listed in the regulations.”	Rule drafting begun.	Open – Acceptable Response	In Progress



P-11-12	Amend 49 CFR 199.105 and 49 CFR 199.225 to eliminate operator discretion with regard to testing of covered employees. The revised language should require drug and alcohol testing of each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.	May be addressed through NPRM “Pipeline Safety: Operator Qualification, Cost Recovery, and Other Proposed Changes.”	Open – Acceptable Response	In Progress
P-11-14	Amend Title 49 Code of Federal Regulations 192.619 to delete the grandfather clause and require that all gas transmission pipelines constructed before 1970 be subjected to a hydrostatic pressure test that incorporates a spike test.	PHMSA may propose the IVP and address the Grandfather Clause in the Gas Transmission NPRM.	Open – Acceptable Response	In Progress
P-11-15	Amend Title 49 Code of Federal Regulations Part 192 of the Federal pipeline safety regulations so that manufacturing- and construction-related defects can only be considered stable if a gas pipeline has been subjected to a post-construction hydrostatic pressure test of at least 1.25 times the maximum allowable operating pressure.	PHMSA may propose the IVP in the Gas Transmission NPRM.	Open – Acceptable Response	In Progress



P-11-16	Assist the California Public Utilities Commission in conducting the comprehensive audit recommended in Safety Recommendation P-11-22.	PHMSA proposed closure based on supporting CA-PUC with conducting a comprehensive audit of PG&E to include seven inspections. NTSB kept open based on a similar recommendation (11-22) remaining open.	Open – Acceptable Response	Proposed Closed – Not Closed
P-11-17	Require that all natural gas transmission pipelines be configured so as to accommodate in-line inspection tools, with priority given to older pipelines.	Assessing how to best address.	Open – Acceptable Response	In Process
P-11-18	Revise your integrity management inspection protocol to (1) incorporate a review of meaningful metrics; (2) require auditors to verify that the operator has a procedure in place for ensuring the completeness and accuracy of underlying information; (3) require auditors to review all integrity management performance measures reported to the Pipeline and Hazardous Materials Safety Administration and compare the leak, failure, and incident measures to the operator's risk model; and (4) require setting performance goals for pipeline operators at each audit and follow up on those goals at subsequent audits.	Issued a revision of the HL IM Enforcement Guidance. Series of IM questions have been added to the question set used for inspections. Stood up gas and liquid data and metrics teams.	Open – Acceptable Response	In Process



P-11-19	(1) Develop and implement standards for integrity management and other performance-based safety programs that require operators of all types of pipeline systems to regularly assess the effectiveness of their programs using clear and meaningful metrics, and to identify and then correct deficiencies; and (2) make those metrics available in a centralized database.”	Stood up gas and liquid data and metrics teams. PHMSA currently maintains a centralized and publically available database of metrics on its website.	Open – Acceptable Response	In Process
P-11-20	Work with state public utility commissions to (1) implement oversight programs that employ meaningful metrics to assess the effectiveness of their oversight programs and make those metrics available in a centralized database, and (2) identify and then correct deficiencies in those programs.	PHMSA partnered with NASPR to develop preliminary criteria for screening possible metrics and a draft of possible metrics. PHMSA continues to meet to complete this effort and to communicate outcomes to pipeline operators.	Open – Acceptable Response	In Process



P-12-3	Revise Title 49 Code of Federal Regulations 195.452 to clearly state (1) when an engineering assessment of crack defects, including environmentally assisted cracks, must be performed; (2) the acceptable methods for performing these engineering assessments, including the assessment of cracks coinciding with corrosion with a safety factor that considers the uncertainties associated with sizing of crack defects; (3) criteria for determining when a probable crack defect in a pipeline segment must be excavated and time limits for completing those excavations; (4) pressure restriction limits for crack defects that are not excavated by the required date; and (5) acceptable methods for determining crack growth for any cracks allowed to remain in the pipe, including growth caused by fatigue, corrosion fatigue, or stress corrosion cracking as applicable.”	May be addressed in NPRM “Pipeline Safety: Safety of On-Shore Hazardous Liquid Pipelines.”	Open – Acceptable Response	In Process
P-12-4	Revise Title 49 Code of Federal Regulations 195.452(h)(2), the "discovery of condition," to require, in cases where a determination about pipeline threats has not been obtained within 180 days following the date of inspection, that pipeline operators notify the Pipeline and Hazardous Materials Safety Administration and provide an expected date when adequate information will become available.	May be addressed in NPRM “Pipeline Safety: Safety of On-Shore Hazardous Liquid Pipelines.”	Open – Acceptable Response	In Process



P-12-5	Conduct a comprehensive inspection of Enbridge Incorporated's integrity management program after it is revised in accordance with Safety Recommendation P-12-11.	Discussion between Enbridge and PHMSA continues. PHMSA seeks improvements to Enbridge's plan.	Open – Acceptable Response	In Process
P-12-6	Issue an advisory bulletin to all hazardous liquid and natural gas pipeline operators describing the circumstances of the accident in Marshall, Michigan, including the deficiencies observed in Enbridge Incorporated's integrity management program, and ask them to take appropriate action to eliminate similar deficiencies.	ADB in concurrence.	Open – Acceptable Response	In Process
P-12-7	Develop requirements for team training of control center staff involved in pipeline operations similar to those used in other transportation modes.	Team training may be included in the Cost Recovery and Other Proposed Rules (formerly Misc II).	Open – Acceptable Response	In Process



P-12-8	Extend operator qualification requirements in Title 49 Code of Federal Regulations Part 195 Subpart G to all hazardous liquid and gas transmission control center staff involved in pipeline operational decisions.	May be addressed in NPRM "Pipeline Safety: Operator Qualification, Cost Recovery, and Other Proposed Changes.	Open – Acceptable Response	In Process
P-12-9	Amend Title 49 Code of Federal Regulations Part 194 to harmonize onshore oil pipeline response planning requirements with those of the U.S. Coast Guard and the U.S. Environmental Protection Agency for facilities that handle and transport oil and petroleum products to ensure that pipeline operators have adequate resources available to respond to worst-case discharges.	PHMSA coordinated a cooperative review of the revised Enbridge Plan with the United States Coast Guard, Environmental Protection Agency, and the National Energy Board (of Canada) and is analyzing results among agency responses to identify areas of conflicting viewpoints and potential regulatory contradictions.	Open – Acceptable Response	In Process
P-12-10	Issue an advisory bulletin to notify pipeline operators (1) of the circumstances of the Marshall, Michigan, pipeline accident, and (2) of the need to identify deficiencies in facility response plans and to update these plans as necessary to conform with the nonmandatory guidance for determining and evaluating required response resources as provided in Appendix A of Title 49 Code of Federal Regulations Part 194, "Guidelines for the Preparation of Response Plans.	ADB published on January 28.	Open – Acceptable Response	Complete



Open OIG Recommendations



Hazardous Liquid Pipeline Operator's Integrity Management Programs Need More Rigorous PHMSA Oversight

Rec	Lead	OIG Status	Recommendation Description	PHMSA Response	Actions Taken
3	Seeley	Open	Implement a pilot program to determine whether the IM Field Implementation Directive provides sufficient onsite field testing of operator's IM program implementation	Concur	Questions developed and incorporated for use during inspections. Report results expected March 2014.
5	Gale	Open	Update IM requirements to mandate baseline and recurring assessments for non-line pipe facilities, given the availability of new assessment technologies and methodologies	Concur	Cost/benefit under assessment.
8	Murray	Open	Create a database of pipeline physical characteristics, accidents, and inspections—including geographic location—of individual pipeline units in order to identify and monitor at-risk pipelines	Concur	Goal to collect 2014 data in 2015.



Open GAO Recommendations



Report #	Title	Recommendation	Status
GAO-12-388	Collecting Data and Sharing Information on Federally Unregulated Gathering Pipelines Could Enhance Safety	Collect data from operators of federally unregulated onshore hazardous liquid and gas gathering pipelines, subsequent to an analysis of the benefits and industry burdens associated with such data collection. Data collected should be comparable to what PHMSA collects annually from operators of regulated gathering pipelines (e.g., fatalities, injuries, property damage, location, mileage, size, operating pressure, maintenance history, and the causes of incidents and consequences).	Collecting data from operators may be addressed in the HL and GT NPRMs. PHMSA may also propose that all gathering lines be subject to annual and incident reporting.
		Establish an online clearinghouse or other resource for states to share information on practices that can help ensure the safety of federally unregulated onshore hazardous liquid and gas gathering pipelines. This resource could include updates on related PHMSA and industry initiatives, guidance, related PHMSA rulemakings, and other information collected or shared by states.	Coordinating with GAO to see how we can best honor the intent of the recommendation.



Report #	Title	Recommendation	Status
GAO-13-168	Better Data and Guidance Needed to Improve Pipeline Operator Incident Response	To improve operators' incident response times, improve the reliability of incident response data and use these data to evaluate whether to implement a performance-based framework for incident response times.	PHMSA has proposed information collection changes to each of the four inc/accident reports to collect date/time of "failure awareness" and date/time "arrived onsite." PHMSA proposes to require the time sequence fields in part A18 for every report. Instructions have been modified to clarify that PHMSA will use the time sequence data to calculate accident response time.
		To assist operators in determining whether to install automated valves, use PHMSA's existing information-sharing mechanisms to alert all pipeline operators of inspection and enforcement guidance that provides additional information on how to interpret regulations on automated valves, and to share approaches used by operators for making decisions on whether to install automated valves.	Rule drafting as begun.



Report #	Title	Recommendation	Status
GAO-13-577	Gas Pipeline Safety: Guidance and More Information Needed before Using Risk Based Reassessment Intervals	To improve how operators calculate reassessment intervals, we recommend that the Secretary of Transportation direct the Administrator for the Pipeline and Hazardous Materials Safety Administration to develop guidance for operators to use in determining risks and calculating reassessment intervals.	Response in concurrence.
		"To better identify the resource requirements needed to implement risk-based reassessment intervals beyond 7 years for gas transmission pipelines, we recommend that the Secretary of Transportation direct the Administrator for the Pipeline and Hazardous Materials Safety Administration to collect information on the feasibility of addressing the potential challenges of implementing risk-based reassessment intervals beyond 7 years, for example by preparing a report or developing a legislative proposal for a pilot program, in consultation with Congress, that studies the impact to regulators and operators of a potential rule change."	Response in concurrence.



Questions