

U.S. DEPARTMENT OF TRANSPORTATION

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GAS PIPELINE ADVISORY COMMITTEE  
TECHNICAL PIPELINE SAFETY  
STANDARDS COMMITTEE

AND

LIQUID PIPELINE ADVISORY COMMITTEE  
TECHNICAL HAZARDOUS LIQUID PIPELINE  
SAFETY STANDARDS COMMITTEE

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JOINT MEETING

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TUESDAY  
FEBRUARY 25, 2014

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The Joint Meeting convened in the Fitzgerald Ballroom of the Westin Arlington Gateway Hotel, 801 Glebe Road, Arlington, Virginia, at 1:00 p.m., Colette D. Honorable, Chair, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS:

HONORABLE COLETTE D. HONORABLE  
DENISE M. BEACH  
J. ANDREW DRAKE  
SUSAN L. FLECK  
ROBERT W. HILL  
RICHARD F. PEVARSKI  
RICHARD H. WORSINGER  
JEFF C. WRIGHT  
CHAD J. ZAMARIN

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS:

MASSOUD TAHAMTANI  
LANNY W. ARMSTRONG  
MICHELE JOY  
RICHARD B. KUPREWICZ  
CHARLES LESNIAK, III  
RON McCLAIN  
CRAIG O. PIERSON

DEPARTMENT STAFF PRESENT:

JEFF WIESE, Designated Federal Official

LINDA DAUGHERTY, PHMSA

MIKE ISRANI, PHMSA

MAX KIEBA, PHMSA

ALAN MAYBERRY, PHMSA

STEVE NANNEY, PHMSA

JAMES PATES, PHMSA

DANA REGISTER, PHMSA

CAMERON SATTERTHWAITE, PHMSA

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

1:04 p.m.

MEMBER WIESE: Good afternoon everyone. Welcome. Are you happy that we arranged some snow, those of you from Texas who don't ever get to see that stuff? Very good, very good. Yes, refreshing.

I don't think we characterize it that way, but -- matter of fact, tired of it is probably what we would say.

So, good afternoon. My name's Jeff Wiese. I'm Associate Administrator for Pipeline Safety at USDOT inside of the Pipeline Hazardous Materials Safety Administration. I want to just welcome you all here officially. I'm glad we're together. Last time we met, we met remotely and those are always challenging, as we know. So thank you for taking the time out of your schedules to come in and join us.

I'll be -- in just a few minutes, I'll be turning over to my able chair here,

1 Colette Honorable. But if you allow me, I've  
2 got a few remarks up front that I would like  
3 to make.

4 Besides just welcoming you, I've  
5 got some administrative notes to make and the  
6 first thing I would always want to tell you in  
7 a place is how to get out in the event of some  
8 sort of an incident.

9 Apparently, there might be doors  
10 behind there, but we know the door that we're  
11 better off taking is right behind us. If for  
12 some other reason we need to, we can go back  
13 through those curtains and get out. There are  
14 doorways to the right and the stairway -- you  
15 might have seen when you came in -- to the  
16 left, it'll take you right outside, assembling  
17 out in front of the building, taking guidance  
18 from the hotel people as we go.

19 So, not aware of any drills. I  
20 doubt we'll have to. We've had many meetings  
21 here and never had to exit yet, but just in  
22 case, worth knowing that.

1           The restrooms, for those who might  
2           need them, out the door and to the right.  
3           There's another meeting right next to us, but  
4           just on the other side of it, you'll find  
5           those. So making sure the comfort moments are  
6           taken care of.

7           We're in a joint meeting today of  
8           the Gas and Liquid and I think we've got  
9           people just sort of randomly mixed up. We  
10          don't have them on one side or the other. So  
11          you all know which you're affiliated with.

12          I'm generally serving as presiding  
13          official of this but honestly, it's chaired by  
14          Colette Honorable, to whom I'll turn over the  
15          reins in a few minutes. Colette does have an  
16          appointment in New Orleans or somewhere, I  
17          think, and can only stay part of the day  
18          tomorrow.

19                    CHAIR HONORABLE: Right.

20                    MEMBER WIESE: Still correct?

21                    And so I recruited my friend  
22                    Massoud, he's very shy and, you know, he's a

1 little soft-handed when he runs a meeting but  
2 he promised me he would toughen up for you  
3 guys. Okay? So I want to thank Massoud for  
4 volunteering to do that.

5 I'll take a couple of minutes and  
6 just do some quick introductions so everybody  
7 knows who's who. I think by now you know most  
8 of the members, know each other. But I'd also  
9 like to start, if I could with the PHMSA staff  
10 and I'd say Cheryl Whetsel, who most all of  
11 you know is ill. Of course, and she notified  
12 Cameron, I think this morning or yesterday, so  
13 and most of you know Cameron by now.

14 Cameron is basically going to be  
15 doing much of our on-site coordination. But  
16 he's assisted by some of the folks from his  
17 staff and we'll introduce ourselves. Maybe if  
18 we can really quickly since I've introduced  
19 myself, we'll go to Alan and introduce PHMSA  
20 people.

21 MEMBER MAYBERRY: Good afternoon.  
22 I'm Alan Mayberry. I'm Deputy Associate

1 Administrator for Policy and Programs in  
2 PHMSA.

3 MEMBER KIEBA: Max Kieba, Pipeline  
4 Engineering and Research Division.

5 MEMBER PATES: Jim Pates,  
6 Assistant Chief Counsel for Pipeline Safety.

7 MEMBER REGISTER: Dana Register,  
8 Pipelines Regulatory.

9 MEMBER SATTERTHWAITE: Cameron  
10 Satterthwaite, Regulations and also John  
11 Gale's not here as well, and he's recovering.  
12 He had his surgery so he's doing well. He's  
13 managing and he -- I'm sure he looks forward  
14 to joining us next time.

15 MEMBER ISRANI: Mike Israni. I'm  
16 a Senior Technical Advisor at PHMSA.

17 MEMBER DAUGHERTY: I'm Linda  
18 Daugherty. I'm the Deputy AA for Field  
19 Operations.

20 MEMBER WIESE: Very good. I think  
21 that's it for PHMSA staff. Anybody else?

22 Steve Nanney, we'll point out,

1 needs no introduction at this point. Steve  
2 will come back and when we talk about gas  
3 rules and IVP, everybody will want to know  
4 Steve's name.

5 So with that, maybe we could take  
6 a few minutes and just walk around the table  
7 really quickly if I can. I'll turn to Colette  
8 and we'll do introductions on the members.

9 CHAIR HONORABLE: Colette  
10 Honorable, I chair the Arkansas Public Service  
11 Commission and this year I'm also NARUC  
12 President on Gas.

13 MEMBER KUPREWICZ: Rick Kuprewicz  
14 on the Liquid Pipeline Committee, representing  
15 the public.

16 MEMBER JOY: Michele Joy, I do  
17 Project Management at Shell and this is my  
18 first meeting, so I'm representing the liquid  
19 industry.

20 MEMBER WIESE: And my notes are  
21 backwards because I do have -- welcome to  
22 Michele Joy who is the -- at this meeting, the



1 only new member that we're going to be  
2 introducing.

3 Many of us know Michele and worked  
4 with her for many years when she was with the  
5 Association for Oil Pipelines and other  
6 things. So we're really happy to have you  
7 back. Thank you.

8 MEMBER JOY: Thank you. Glad to  
9 be here.

10 MEMBER ARMSTRONG: Lanny  
11 Armstrong, Fire Chief, City of Pasadena.

12 MEMBER BEACH: Denise Beach, NFPA  
13 representing the public on the Gas Pipeline  
14 Committee.

15 MEMBER HILL: I'm Robert Hill,  
16 from Brookings County, South Dakota, County  
17 Development Director there and I am a member  
18 of the public also representing the Gas  
19 Pipeline.

20 MEMBER LESNIAK: Chuck Lesniak,  
21 City of Austin, Environmental Officer, Liquids  
22 Committee public representative.

1                   MEMBER ZAMARIN: Chad Zamarin with  
2 NiSource Gas Transmission Storage Chief  
3 Operating Officer representing the Gas  
4 Committee.

5                   MEMBER FLECK: Sue Fleck with  
6 National Grid. I'm the Vice President of Gas  
7 Pipeline Safety and Compliance and I'm  
8 representing the Gas Distribution.

9                   MEMBER PEVARSKI: Rick Pevarski,  
10 Virginia 8-1-1, representing the Gas Industry  
11 with the general public.

12                   MEMBER PIERSON: Craig Pierson,  
13 President of Marathon Pipeline Liquids  
14 Industry.

15                   MEMBER TAHAMTANI: Massoud  
16 Tahamtani, Virginia Commission Liquid  
17 Committee.

18                   MEMBER DRAKE: Andy Drake, Vice  
19 President of Operations in the EHS for Spectra  
20 Energy and on Gas Committee.

21                   MEMBER WORSINGER: Rich Worsinger,  
22 Director of Utilities for the City of Rocky

1 Mount on the Gas Committee.

2 MEMBER WRIGHT: Jeff Wright,  
3 Director of the Office of Energy Projects at  
4 the Federal Energy Regulatory Commission and  
5 I'm on the Gas Committee.

6 MEMBER WIESE: So that's it.  
7 Okay, very good.

8 We have a couple of other guest  
9 speakers coming in today. I'm going to run  
10 over the format in a second and then turn to  
11 Colette to run this and with apologies because  
12 I'll have to turn around.

13 Is Rachel Giesber-Clingman here?  
14 Okay, so one of our speakers here -- Karen  
15 Lively.

16 MEMBER LIVELY: I'm here.

17 MEMBER WIESE: Hi, Karen. Thank  
18 you for coming in.

19 We did have Robert Miller, but I  
20 think Massoud, you're taking that function  
21 from Robert, okay.

22 And then Gene Palermo. Okay,

1       thank you, Gene. Thanks for coming in.

2                       Okay, a little bit about audience  
3 participation. Today we have one vote and  
4 that'll be coming up in a little while. We'll  
5 have the discussion first of the issue at hand  
6 and I'll turn that to Colette.

7                       But I'd like to kind of lay out  
8 the ground rules so that everybody understands  
9 them. We've had occasion to use these ground  
10 rules and so forgive me for being so clear  
11 cut, but this is a meeting where it's a  
12 federal advisory committee. We're here to  
13 listen largely to the members and solicit  
14 their advice. So there is an opportunity for  
15 public participation but it's prescribed and  
16 if you decide that you want to take advantage  
17 of it, A,"you should have told us by now; but  
18 B, we're asking you to keep it very short.

19                      I'll go on to say that if you're  
20 not adding any new material, don't feel  
21 compelled. Okay? I mean this is -- we have  
22 a pretty tight agenda, so getting up and

1 saying me too adds no value to the discussion.

2 So, again, I apologize for being  
3 so clear about it, but I've found that over  
4 time, that leads to a better meeting.

5 And the only other thing, which I  
6 doubt we'll need it here, but I've seen it  
7 needed before, when we say we do have a  
8 format, we will be following the Chairman's  
9 direction. We will have an opportunity for  
10 public comment. Anyone wanting to will have  
11 an opportunity to speak at that time. If you  
12 can't play by the ground rules, I'll have  
13 security show you out. It's that clear.

14 So we should -- we've had a couple  
15 of meetings, trust me, where the meeting  
16 doesn't go on. You know, people just stand up  
17 and try to be disruptive so I just like to lay  
18 out those ground rules early on.

19 So I will say that the meeting is  
20 being recorded, you know, so I would remind  
21 people that when you speak, it's very helpful  
22 to the court reporter if you would say your

1 name and if you're in the public, if you'd say  
2 who you're associated with. There will be a  
3 transcript made available as well as all the  
4 presentations. You can get to those through  
5 regulations.gov under Docket No. -- forgive me  
6 -- PHMSA-2013-0156.

7 So now I guess I'd officially like  
8 to welcome Michele. I guess I could have done  
9 that one earlier. So thanks again for coming  
10 in. Michele, for those you who don't know  
11 her, is General Manager, Pipeline Growth,  
12 Supply and Distribution, Vice President at  
13 Shell Pipeline Company. So again, thank you  
14 so much for agreeing to serve.

15 I wanted you to know that we've  
16 had some recent resignations and so the ranks  
17 are thinning. But we have nominated three new  
18 people. I expect to make an announcement, I  
19 had hoped to do it by now, but for sure when  
20 we meet next time, we'll have at least three  
21 to five new members. So I'm really looking  
22 forward to seeing some fresh blood in there.

1 I also -- most of you by now will  
2 have noticed that Dr. Gene Feigel is not here.  
3 Gene really abruptly resigned just about a  
4 week ago and just sent an email in. So I  
5 wasn't expecting that one. He has retired  
6 from Hartford Steam Boiler, for those of you  
7 that have known him for many years. Gene has  
8 served us for 12 years. So quite impressed  
9 with the service that he has provided. And  
10 Gene was always good about keeping us straight  
11 on our cost benefits. So we will miss his  
12 comments and I hope he'll stay active.

13 And forgive me, last sort of thing  
14 on resignations. As most of you know by now,  
15 Mike Bellman has left and he is now a member  
16 of AGA. Is Mike here, by chance? Okay no,  
17 okay.

18 Wayne Gardner who is State  
19 Commissioner out of Pennsylvania has also --  
20 wasn't reappointed by the Governor and it goes  
21 to that position.

22 And I'm very sorry to say that

1 Jerry Rosendahl, though I'm happy for him, he  
2 retired at the end of last year, so he won't  
3 be on here.

4 So we'll talk some more, Lanny,  
5 about trying to find some coverage on that  
6 other side.

7 So when we get to a vote, votes  
8 I've found in the past have been very  
9 confusing. Cameron's been very helpful. He  
10 and his folks have put together slides which  
11 we will put up when it comes time for a vote  
12 so that you'll understand exactly the language  
13 that you can use and you can substitute words  
14 in there. But I think, for those of you who  
15 remember when we did this last time, it worked  
16 out a lot better. So I think we're trying to  
17 learn on that.

18 The only vote today is whether or  
19 not to support a proposed exclusion of Section  
20 4.2, affectionately known as Rework, in an  
21 ASTM Standard D2513 the 09a Edition, or  
22 suggesting an alternative to the PHMSA 1.



1                   So again, I've given you the  
2 docket number. We will adjourn hopefully  
3 sometime around 5:00. We'll begin around 9:00  
4 a.m. tomorrow morning just as a refresher.

5                   I'm hoping that we don't get a lot  
6 more snow and hoping, I'm sure, that that'll  
7 work out well. And I'll be pleased that  
8 Cynthia Quarterman will be joining us in the  
9 morning to kick off the event.

10                  So I think with that, that's  
11 really about most of what I had and so, with  
12 your permission, I'll hand the reins over to  
13 you.

14                  CHAIR HONORABLE: Thank you, Jeff,  
15 and good afternoon everyone. It's great to be  
16 back here with you. Welcome to Michele, I  
17 think you have many friends around the table.  
18 We're delighted to work with you.

19                  I first want to establish that  
20 this is a joint meeting of the Gas and Liquid  
21 Pipeline Advisory Committees and a quorum is  
22 present so that we can conduct business. I

1 wanted to establish a quorum.

2 This meeting is officially called  
3 to order and again, I want to reiterate  
4 something Jeff Wiese mentioned. If you are  
5 speaking, please turn your tent card up. We  
6 all understand that, right? So we won't speak  
7 out unless we're recognized.

8 And when we speak, we will  
9 introduce ourselves for the record. I know  
10 it's cumbersome and you get passionate in the  
11 heat of the moment. I hope you won't mind me  
12 interrupting you if you forget to do that.

13 So with that, we will begin with  
14 Agenda Item 2. We look forward to your  
15 careful attention to this briefing and also  
16 some good debate afterward and a vote. So  
17 without further ado, I'll turn it over to, I  
18 believe, Andy Mayberry and Max Keiba.

19 MEMBER MAYBERRY: Thank you.

20 CHAIR HONORABLE: Alan. Did I say  
21 Andy? He is like mom and apple pie, so it  
22 made me think of Andy.

1 (Laughter.)

2 MEMBER MAYBERRY: You know that  
3 dates the two of us when you say Andy.

4 CHAIR HONORABLE: Pardon me.

5 MEMBER MAYBERRY: It shows you  
6 what kind of TV we watched.

7 CHAIR HONORABLE: That's right.

8 MEMBER WIESE: Can you still  
9 whistle the song?

10 CHAIR HONORABLE: No, I can't. I  
11 still recall it, though. But forgive me, Alan  
12 Mayberry and Max Keiba.

13 MEMBER MAYBERRY: No problem. I  
14 answer to all of those.

15 But anyway, Madam Chair and  
16 Committee Members, I'm here today to brief you  
17 on an issue that we discussed at the last  
18 meeting and, by the way, this is a gas-centric  
19 discussion, it's focused on a standard that's  
20 incorporated by reference within the Gas Rule  
21 Part 192 and it's related to rework or  
22 regrind, depending on your preferred term, and

1 it's -- this is one of 69 standards that we  
2 incorporate by reference.

3 We had a discussion last time, you  
4 may recall, that was in our meeting that was  
5 held primarily, I guess, by conference call  
6 and we ended up with a vote that really  
7 concurred with the standard, with the  
8 exception of rework.

9 And rework, for those of you just  
10 to catch you up, and Max will do a much better  
11 job than I eloquently describing the issue.  
12 But it has to do with material that is excess  
13 in the process of producing plastic pipe that  
14 is put back into the process, remelted and  
15 still -- and made into plastic pipe.

16 But it has to do essentially with  
17 the scrap that may be cut off, the ends of  
18 pipe, that sort of thing. It's ground back up  
19 and put back into the manufacturing process.  
20 And that -- there are people or operators who  
21 are passionate on either side of that issue.

22 And so we're here today to

1 discuss, you know, the pluses and minuses of  
2 allowing that. I guess you would say our  
3 going in position right now has been that we  
4 would preclude that from incorporation by  
5 reference or what we go forward with.

6 But with the discussion that we  
7 had last time and the need to really  
8 understand all the relevant points, we felt  
9 that it was needed to put it back on the  
10 agenda this time to have a more complete  
11 discussion. Hence, we are here today to do  
12 just that.

13 And of course, we're here in a  
14 very public setting to establish a public  
15 record. You know, what you present here, if  
16 you have input on the topic, will be a matter  
17 of public record. But again, we wanted to  
18 make this a public setting, as we do, as the  
19 regulator, to understand all the sides of the  
20 issues and just be -- just lay it all out in  
21 the open there so that we make an informed  
22 decision as we go forward whichever way we end

1 up going on this.

2 You now, as far as the outcome  
3 today, obviously we're looking for your advice  
4 and that will come in the form of a vote and  
5 that will be a Gas Committee vote.

6 And then as we go forward, we, you  
7 know, urge you to understand the big picture,  
8 at least those that will be voting on this,  
9 that, you know, the standard that we're  
10 talking about here, ASTM D2513, the 09 version  
11 A, also includes other important changes  
12 besides the issue of rework or regrind.

13 But there are other parts that are  
14 in it that would be incorporated by reference,  
15 such as UV exposure limits and perhaps some  
16 other issues there as well.

17 Today, we have a panel discussion,  
18 Max Keiba will kick it off, then we have  
19 perspectives from the various stakeholders  
20 involved here. We have the NAPSR perspective  
21 and Massoud from -- who's the Director at  
22 Virginia State Corporation Commission, will

1 present the perspective of the NAPS SR Group  
2 collectively.

3 Then we'll have the manufacturer's  
4 perspective and Karen Lively, who's Technical  
5 Manager with Performance Pipe, will present  
6 that followed by the Gas Operators that are  
7 the local distribution company perspective  
8 with Sue Fleck, Vice President at National  
9 Grid, representing collectively the gas  
10 operators.

11 And then finally, we ask Gene  
12 Palermo, Dr. Gene Palermo with Palermo  
13 Consulting Services to round out the panel as  
14 an independent expert perspective on the  
15 topic.

16 So without further ado, I'll turn  
17 it over to Max to begin the technical  
18 discussions.

19 MEMBER KIEBA: Yes, thank you,  
20 Alan. Thank you, committee. I am Max Kieba  
21 with PHMSA's Engineering and Research  
22 Division. I am just going to give the

1 technical perspective, certainly defer to Alan  
2 and Jeff to talk from a PHMSA perspective  
3 overall.

4 But in my technical presentation,  
5 I'll talk a little bit, what is rework,  
6 regrind. Alan's already mentioned a lot of  
7 that. What does the version that's currently  
8 incorporated by reference say, and then give  
9 the delta change of that. Is what does this  
10 version and associated technical notes say  
11 what is being considered currently.

12 To give a little perspective on  
13 issues, we've seen or heard about in general  
14 and rework, regrind some issues we've seen  
15 with wording in the standard.

16 A little bit of field perspective,  
17 both from PHMSA and some states and other  
18 industries and countries. That kind of came  
19 up in December on what exactly is going on  
20 outside of our collective industry, both in  
21 the U.S. as well as other countries. So,  
22 we'll talk a little bit about that.



1                   So what is rework, regrind? Alan  
2 talked a lot about this but in the general  
3 extrusion process, you have raw material  
4 usually in the form of pellets. And you see  
5 on the right there, it's either generally  
6 speaking, yellow is going to be your medium  
7 density, black is going to be your high  
8 density. There's certainly other colors in  
9 between. But typically, there's a mix of a  
10 natural resin with some coloring in there. If  
11 you've heard of the term salt and peppering,  
12 that's usually what they're talking about.

13                   So typically, that goes through  
14 the process of heating, mixing into a dye and  
15 shaped into a pipe. If all goes well, it's  
16 round, has the diameter and the wall thickness  
17 you'd expect.

18                   But sometimes, things have to be -  
19 - they're not up to spec sometimes if it's a  
20 first run of a new project or changing of  
21 equipment, it has to be reworked or also known  
22 as regrind, which is a process where it's cut

1 down, sometimes in multiple stages, ideally  
2 back to close to that original pellet size,  
3 and then sent back through the process. And  
4 ideally, yes, you want to avoid any kind of  
5 contamination that goes on with that because  
6 that can certainly affect your pipe.

7           So what does D2513 99, which is  
8 the version incorporated by reference, say?  
9 There isn't much. It basically just says  
10 rework material shall not be used unless it  
11 meets all the requirements of a specification.  
12 But really, most will agree, there isn't much  
13 in that specification on other requirements.  
14 There's a number of testing in general, but  
15 nothing specifically with rework.

16           So this issue has been looked at  
17 really -- industry as well since 99, early  
18 2000s, about beefing up those requirements.  
19 09a, so this is the version that's currently  
20 being considered.

21           And 09, if no one knows, that  
22 means 2009, that's the 2009a version, there's

1 different versions in between, but 2009a  
2 version has the same front portion but it adds  
3 a sentence there at the end of rework material  
4 shall be governed by 4.3 and PPI TN, it's a  
5 Technical Note, 30, 2006 version is what's in  
6 09 but it's a later version.

7           And this also says rework material  
8 shall be limited by a maximum of 30 percent by  
9 weight. And there's also a 4.3 that's written  
10 on documentation allowing for the traceability  
11 as raw materials and others.

12           The onus is on the manufacturer in  
13 the case of manufacturing the pipe but  
14 certainly from our case, the onus would be on  
15 the operator to justify that they have this  
16 documentation from the manufacturer.

17           High level concerns that we've  
18 had, this is from PHMSA and also we have a  
19 PHMSA NAPS R Plastic Ad Hoc Committee which is  
20 three PHMSA members from different regions.  
21 We have about seven States on that committee.

22           But certainly at the high level

1 our concern is the potential for contamination  
2 both in the regrind process and any point in  
3 that pipe extrusion process.

4 Concern on affected material  
5 properties such as dielectric -- and really  
6 that's the dielectric breakdown for those that  
7 know, plastic pipe, it can create charge  
8 pretty easily. Just simple flow of their gas  
9 can create charge.

10 Static discharge, a lot of it is  
11 installed on the ground on reels and just the  
12 fact of turning that reel around can create a  
13 lot of static discharge -- or sorry, buildup  
14 of static electricity and then something  
15 happens where you get a discharge.

16 Slow crack growth is generally any  
17 kind of stress rise of some kind on that pipe.  
18 It can be point loading, it can be some other  
19 inclusion in there and over time it creates a  
20 crack. Almost like slow crack growth on a  
21 steel side but definitely steel and pipe are  
22 not the same.

1                   And then resistance to rapid crack  
2 propagation. That's an issue that has been  
3 seen anecdotally where, in colder temps with  
4 the right pressure points if it hits the pipe,  
5 if can create a sinusoidal wave, almost like  
6 a running fracture of sorts.

7                   Other concerns we've had is issues  
8 with plant quality control in general and a  
9 lack of standards. There aren't too many  
10 standards out there. It's really left up to  
11 each manufacturer to develop those standards.  
12 There is some general discussion out there but  
13 there aren't a lot of firm standards on plant  
14 quality control.

15                   No definitive reports on either  
16 side. In December, a lot was talked about  
17 this OTD report back in the early 09s. That  
18 made many points to support rework but if you  
19 give it a strict technical read of it, it has  
20 a number of gaps and conflicting statements in  
21 it. It's a good data point, but I don't know  
22 if it's definitive to say rework is not an

1 issue.

2           Having said that, there are  
3 certainly other reports on the other side on  
4 pinhole leaking that lean towards rework as a  
5 possible contributor. But also there, it's  
6 not definitive. And this came up in December,  
7 too, and in the MPRM.

8           But there is a lack of reportable  
9 incidents directly attributed to rework, but  
10 frankly, there's a lack of true good root  
11 cause analysis and a lot of that is it's  
12 really tough to find. If you get a piece of  
13 pipe, it's really tough to say how much rework  
14 is in there if -- you can't even do it.

15           So generally, we have some  
16 observations to inspections and anecdotal  
17 information that indicates there could be  
18 issues.

19           MEMBER SATTERTHWAITTE: Excuse me,  
20 I just want to just cut in for one second.  
21 For those of you all who don't have pens or  
22 pads to take notes, I don't know if anybody

1 needs that. But if you can turn your tent  
2 card up, we have a couple pads and pens if you  
3 need them. Does anybody need them?  
4 Everybody's okay? Everybody's good then. All  
5 right, excuse me, I'm sorry.

6 MEMBER KIEBA: And Cameron, are  
7 you our timer or who's our timer? Do we have  
8 one? Okay.

9 So anyway, generally  
10 contamination, the most problematic issue  
11 you've seen is scraps or strapping to hold the  
12 coils together. That's been caught at times  
13 in the rework process. It generally produces  
14 roughly-shaped particles but it cause problems  
15 in the extrusion, particularly with smaller  
16 diameter type pipes.

17 And I will say there has been talk  
18 of, you know, two inches of good threshold for  
19 whether or not to allow it. Generally, two  
20 inches is most of your service line piping and  
21 then just carry over to main. But it is  
22 possible. It can be seen in thicker walls.

1                   And generally, your operator  
2 grinding the pipe is going to be your lowest  
3 paid, not exactly your most skilled operator.  
4 It's not a great job. It's noisy. It is a  
5 process and it's, you know, human error. We  
6 talk about safety management systems. All  
7 that is possible for human error to come into  
8 play.

9                   Here's some examples of  
10 contamination that you can actually see.  
11 There are certainly many others you can't see  
12 but you will see generally some kind of  
13 inclusion in the pipe and those are both  
14 outside and inside the pipe. Uneven mixing,  
15 you can see some inclusions in there. And  
16 again, that's what you can see. There's a lot  
17 of stuff that you can't see that gets in there  
18 over time.

19                   There are some current methods  
20 like screen packs typically are supposed to  
21 catch many of these contaminants but -- and  
22 typically it will be held up in that screen



1 pack but there is a potential with certain  
2 extrusion pressures, heating, that can push  
3 them through almost to a long string. And  
4 yes, nylon, polyester and other strapping  
5 contamination has been found in both black  
6 high density and yellow medium density.

7 Cross-contamination -- so, many of  
8 these plants are not solely gas. There are  
9 some that are primarily gas but some do water  
10 and gas. So there's certainly a chance for  
11 cross-contamination between the different  
12 industries, it has occurred in the past.  
13 Probably will be less of a problem with black  
14 high density but would be more likely a  
15 problem with the yellow medium density.

16 So our concerns with the standard  
17 is those 30 percent rework, but what is with  
18 respect to? It doesn't really say if you go  
19 through one time, you can go through multiple  
20 times. Is there a point where it converges to  
21 100 percent if you keep redoing this at 30  
22 percent? And how can you properly measure and

1 track that?

2 I'm not aware of any that can say,  
3 yes, we can measure and track that. Probably  
4 your first go, you can say how much rework is  
5 in there, but over time, what percentage of it  
6 is in your pipe? Is 30 percent too high?

7 Anyone knows the process safety  
8 control in general, it's an indication --  
9 anything on the order of 30 percent kind of  
10 tells you your control is kind of out of  
11 control. Rough measures on kind of the three  
12 sigma rule talks for 90 percent -- 97 percent  
13 are free basically. So you're talking  
14 allowable levels of about 3 percent. Some  
15 industry sources have confirmed this is a  
16 generally good rule of thumb.

17 Levels of 6 percent in plants that  
18 were considered as having more manufacturing  
19 upsets and problems have occurred.

20 Historically, I've heard some of our  
21 manufacturers have been around the 10 percent  
22 level. So, yes.

1                   Section III calls for  
2                   documentation. I've already talked about  
3                   this. Some manufacturers claim it's difficult  
4                   if not impossible to do. I know operators  
5                   have requested manufacturers to put the  
6                   percentage of rework on the print line and  
7                   historically manufacturers have been resistant  
8                   to that.

9                   There are two separate workgroup  
10                  items underway in the ASTM. One is  
11                  eliminating rework and the other is addressing  
12                  contamination.

13                  Some field observations, there  
14                  have been evidence of pinholes from PE due to  
15                  contaminated rework and when you talk about  
16                  dollars, you know, leak repair requires O&M  
17                  dollars. So over your life cycle of your  
18                  pipe, that can create some issues down the  
19                  road.

20                  Reworking is not homogeneous. As  
21                  a result, voids can be created. And again,  
22                  generally process control QA/QC.

1                   This last bullet is probably the  
2 most important to me. Many operators in the  
3 U.S. do not allow rework. They don't have to  
4 per the Code. Many times operators, they do  
5 something because they have to, but this is a  
6 case where early 2000s, probably 2002,  
7 operators got together and had some concerns.  
8 Most of it say it's based on the right thing  
9 to do. A lot of little things they've seen in  
10 best practice. But after prohibiting,  
11 generally the reduction has occurred.

12                   Other industries in the U.S.,  
13 nuclear does not allow scrap or regrind per  
14 Code Case N-755 and that's on your safety  
15 critical systems. It's not directly  
16 incorporated under Title 10 because use of  
17 plastic is kind of new in a nuclear site. But  
18 they use it for their service water piping for  
19 their coolers, for the nuclear reactors on a  
20 cooling side. But as part of that, if you  
21 want to use plastic instead of steel, you have  
22 generally, the expectation is you come in with

1 Code Case N-755 and in there, it says no  
2 regrind.

3 On the electric side, they have  
4 seen poor performance on insulation materials  
5 and there have been some studies on effects  
6 like treeing and they've developed tighter  
7 standards and quality control procedures.

8 Other countries, my understanding  
9 is Canadian CSA is kind of considering rework.  
10 Many operators overseas don't allow it. I  
11 will say other countries generally they have  
12 a precompounded material versus our salt and  
13 pepper here so it is a little bit different on  
14 the process but there are, again, operators  
15 overseas that don't allow it.

16 And here's a couple references for  
17 additional reports out there. I think the  
18 other OTD report is on a docket somewhere but  
19 these are some other ones and if you just  
20 Google these, you can find them publically.

21 So, I think that's it for me.

22 MEMBER MAYBERRY: Okay. Thanks,

1 Max. And next on our list, we'll turn over to  
2 Massoud.

3 MEMBER TAHAMTANI: Thank you.

4 I believe that Max's presentation  
5 adequately described, specifically slides nine  
6 and ten, why NAPSRS very concerned about this  
7 issue. So I'll follow Jeff's direction which  
8 said don't repeat anything that doesn't add to  
9 the proceeding here. I won't go through all  
10 the reasons why NAPSRS recommends that rework  
11 material be prohibited from making pipeline  
12 for gas.

13 There has been concerns about the  
14 impact of this decision on the industry and  
15 the point that NAPSRS brings to the table is  
16 that rate payers pay for good pipe that's made  
17 of virgin material to last not just a few  
18 years, but if it's constructed properly, for  
19 the next 100 years.

20 And so with that, again, very  
21 briefly, NAPSRS's opposed to any use of rework  
22 for construction of plastic pipe for gas.

1                   MEMBER MAYBERRY: All right, thank  
2 you, Massoud. And next we'll turn it over to  
3 Karen Lively, representing the manufacturers.

4                   MEMBER LIVELY: My name is Karen  
5 Lively and I am the Technical Manager for the  
6 Pipe Division of Chevron Phillips. However,  
7 I'm here today representing the Plastic Pipe  
8 Institute and our Engineering Director, Randy  
9 Knapp, is with me as well here today.

10                   We appreciate the opportunity to  
11 talk to you -- oh good point, thank you. Very  
12 helpful. We appreciate the opportunity to  
13 talk to you and certainly are very honored to  
14 have the opportunity to be here as well.

15                   From our standpoint, the Plastic  
16 Pipe Institute represents over 300  
17 manufacturers. It is one of the lead trade  
18 organizations for the plastic pipe industry.  
19 We represent manufacturers of resins, pipe, as  
20 well as equipment and then some consultants in  
21 test labs.

22                   One of the divisions of the

1 Plastic Pipe Institute is the Energy Piping  
2 Systems Division and it is the Energy Piping  
3 Systems Division that asked that we come and  
4 talk today.

5 We reviewed the NPRM at our  
6 meeting in September of 13 and at that stage,  
7 the group voted unanimously that they wanted  
8 to follow comment on it opposed to the  
9 complete elimination of rework and that we  
10 also wanted to come here today.

11 So on behalf of PPI, again, thank  
12 you for letting us visit with you today.

13 So there was just a whole lot of  
14 information out there. I want to be very  
15 respectful of your time and first I've got to  
16 figure out how to move this slide forward.  
17 That wasn't good. This one? Yes, thank you,  
18 Max. Most importantly, move the slides.

19 We want to be respectful of your  
20 time. There is a lot of information to cover.  
21 I know Max went through it very quickly on his  
22 side and I will try and do the same as well



1 here.

2 So briefly, what is rework. We  
3 talked about that a little bit. We do want to  
4 take a chance to talk to you about what steps  
5 the industry has already taken, of the  
6 concerns specifically that we have as the  
7 energy division with the NPRM and the proposal  
8 that we would like to ask you to consider. So  
9 we'll go through those, again, fairly quickly.

10 The definition of rework, I pulled  
11 it from ASTM F412. It's a plastic from a  
12 manufacturer's own production that has been  
13 ground or pelletized for reuse by that same  
14 manufacturer. The sources of rework are many  
15 at start-ups, change overs, errors and  
16 appearance issues and inadvertent damage.

17 But I think what I would say is  
18 the source of rework, it's like the reverse  
19 iceberg. The base of the iceberg is the  
20 rework that we have predominantly, and that is  
21 the rework that is scrapped from the  
22 production floor. From that you scrap rework

1 from the quality level, perhaps from the  
2 shipping level with the intent that nothing  
3 goes out that doesn't meet your full  
4 requirements.

5 Polyethylene, in particular, is  
6 very well-suited to melting and reforming and  
7 that's why I've shown the picture of the  
8 fusion joint here today, which is certainly  
9 the classic method of joining polyethylene is  
10 that you can melt it and bond it back together  
11 and within limits without damage to the  
12 material. And we'll try and talk about that,  
13 too.

14 So there was a study back in the  
15 early 2000s, the GTI/OTD study on the  
16 evaluation of impact of rework and it's  
17 outside the scope of the time we have today to  
18 really get into it. But we evaluated pipes  
19 with known rework, with known contaminated  
20 rework that were deliberately contaminated.  
21 We did virgin, 30 percent, 100 percent levels  
22 with rework deliberately left dirty and rework

1 we tried to clean.

2 We developed short and long term  
3 tests to evaluate the pipes on. The short-  
4 term tests, we did RCP which one of the tests  
5 Max had mentioned, and we also did dielectric  
6 strength.

7 On the long-term test, we test for  
8 the slow crack growth properties as measured  
9 by the 50-year substantiation and we tested  
10 for the PIMP value. And from that, we did  
11 develop recommendations for the safe use of  
12 rework. It is not to say there were no  
13 concerns. It's to say that there were things  
14 we could do better as an industry.

15 And in fact, we implemented those  
16 in PPI, in our document TN-30-2006, and I  
17 think on the call in December, there was some  
18 comment that maybe this wasn't a very good  
19 document. It's not written in standard  
20 language, but from a manufacturer's  
21 standpoint, this is definitely a very good  
22 document.

1                   It has specific requirements that  
2 prevent pipe from being stored in locations  
3 where it can be contaminated. It requires  
4 purchase of elutriators such as shown, the  
5 photo on the right, maybe that's not a very  
6 sexy photo, but elutriators which remove fines  
7 and dust. They have screens to maintain the  
8 product size adequately. It requires magnets,  
9 in-stream magnets and also requires melt  
10 filters that are necessary that the molten  
11 polymer must pass through the filter.

12                   And then in 2007, this was adopted  
13 into ASTM as a requirement of D2513. So this  
14 is where the industry is today. We've put  
15 those in place. We adopted them into D2513  
16 and then another item I guess I would add is  
17 effectively, the melt filter requirements of  
18 TN-30 do limit the use of rework to sizes two  
19 inch and larger.

20                   So coming to the concerns within  
21 NPRM -- and again, the group, the Energy  
22 Piping Systems Division, did vote unanimously

1 for us to come and make these concerns present  
2 to you. And shame on us, we were very  
3 surprised to see the elimination of rework in  
4 the NPRM. It was not expected. So we were  
5 surprised, and hopefully we can stay a little  
6 bit closer in touch so that we don't have that  
7 happen in the future.

8 Our first concern, and one that we  
9 had mentioned in the letter that had been  
10 provided to comment, was the cost. And this  
11 is to gas distribution.

12 And I think first, what may not be  
13 aware to most people is that a vast majority  
14 of the pipe that is used in gas distribution  
15 is medium density pipe, medium density  
16 polyethylene pipe.

17 In North America, there is no  
18 other market for medium density polyethylene  
19 pipe other than gas distribution. All the  
20 other polyethylene markets use high density.  
21 And so with there being no other medium  
22 density market, it must be discounted to a

1 nonpressure pipe or a commodity product value.  
2 So there's an inherent loss in value that the  
3 manufacturers will see based on any scrap  
4 levels.

5 If we assumed, as we did on our  
6 comments, some level of scrap and some level  
7 of derating, we came up with an estimate. But  
8 we are manufacturers. We can't share costs by  
9 restraint of trade. And so these are just  
10 approximately numbers as best we could figure.

11 Some of our manufacturing members  
12 felt that the one to three million was very  
13 low and their rationale being that without a  
14 market where you can sell medium density pipe,  
15 you're not going to regrind it, transfer it to  
16 another facility and make something else out  
17 of it. It's not worth it. And so in their  
18 case, they felt that the value would be paying  
19 someone to come pick up scrap pipe and just  
20 grinding it and selling it for junk value,  
21 basically.

22 So what's the real number? We

1 don't know. We can't say and we're not going  
2 to get together and try and assess what it is.  
3 But it is a real cost for us, particularly on  
4 the medium density which is the predominant  
5 product.

6           There is a second concern that we  
7 wanted to talk about and that is on oil and  
8 gas gathering. The oil and gas gathering  
9 market, these are a rough pipe chart from the  
10 Plastic Pipe Institute's annual reports on the  
11 volume. This is a weighted volume, the pounds  
12 used in different markets.

13           Oil and gas gathering has  
14 previously not been a regulated market.  
15 However, they have been hearing concerns over  
16 the last, I'd say at least five years that it  
17 will soon be regulated. Additionally, we have  
18 had several customers of ours who have had  
19 issues where their pipeline, which had not  
20 been regulated, suddenly the rural became  
21 urban and the line is now regulated.

22           So to protect themselves, the

1     midstream users are requiring that their pipe  
2     for oil and gas gathering meet D2513. That  
3     has become more the norm than not. And if  
4     they understand that rework is not allowed,  
5     they will do the same thing for that.

6             Their intent is that their asset  
7     won't go away, so that they've intended to put  
8     an asset in the ground that even if it becomes  
9     regulated later, it will still meet D2513.  
10    And so we're seeing a lot of that.

11            And so there's a lot of concern by  
12    our manufacturers who do oil and gas gathering  
13    pipes that if this comes part of the oil and  
14    gas gathering business, now you have almost  
15    half of the whole North American pressure pipe  
16    market that can't use any rework and that's  
17    unprecedented. And what we're going to do  
18    with that rework, certainly there will be a  
19    cost attached. I'm not here to try and  
20    estimate what it is but it's a concern. It's  
21    definitely a concern that the manufactures  
22    have. That was our second point.



1                   And our third point's a little bit  
2                   odd, but we don't really feel that you're  
3                   going to get the benefit out of eliminating  
4                   rework that you believe you are. It only  
5                   addresses rework. It doesn't address other  
6                   sources of contamination. It pressures the  
7                   operators, it pressures the manufacturers to  
8                   minimize to reduce scrap.

9                   Now when we're setting up,  
10                  speaking as a manufacturer, when we're setting  
11                  up our safety programs in our plant locations,  
12                  our focus is not to minimize the number of  
13                  recordables or to minimize the number of  
14                  safety incidents, it's to get people to  
15                  embrace them, to understand the hazards and  
16                  make the right decision. If you're placing a  
17                  significant financial penalty on operators to  
18                  minimize the level of scrap because they have  
19                  no other outlet for it, we are concerned that  
20                  you will be sending the wrong message.

21                  Additionally, as I think Max had  
22                  noted, there is no way to ensure compliance.

1 You can't test a piece of pipe and determine  
2 if it has rework in it or not. And so our  
3 means to compliance would be, you're  
4 regulating the utilities, requiring all the  
5 utilities, large and small, to put in their  
6 purchase specifications that they can have no  
7 rework and then that they would -- the  
8 manufacturers, again both large and small,  
9 would have in their procedures, no rework.

10 It's not auditable, it's difficult  
11 to find and I would say, truthfully, there's  
12 only one or two utilities in the U.S. that are  
13 capable of conducting the kind of audit you  
14 would have to do to ensure compliance. So we  
15 see cost. We see concerns. And we're not  
16 sure that we see that we achieve the benefit  
17 of a higher quality gas pipeline that we want.  
18 I mean, these pipes go up to our homes and our  
19 businesses as well.

20 So our proposal, and I think it's  
21 been clear -- if not, I should have said it  
22 earlier, is to adopt 09a. That is a good

1 version of the ASTM standard. It has a lot  
2 benefits -- oops and I'm being pushed, so  
3 adopt the 09a.

4 We do want to limit rework to the  
5 use of diameters larger than two inch. And  
6 why I say that is first, adopting 09a has a  
7 lot of really great benefits. It requires  
8 only the materials that the highest resistance  
9 to slow crack growth. It keeps the melt  
10 filtering requirements of TN-30. It keeps the  
11 clean product handling requirements of TN-30,  
12 yet it doesn't give us a financial penalty.

13 And what I've shown up here is a  
14 melt filter screen. It's a picture of my hand  
15 right in front of my computer monitor. You  
16 can see my fingers slightly behind it. But  
17 those are the melt filtering screens that we  
18 are pushing our molten polymer through. It's  
19 intended to catch contaminates, whether  
20 they're from rework or other sources.

21 The other point I would make on  
22 the GTI study is that the slow crack growth

1 resistance materials, there were three resins  
2 studied on it. Two of them would not meet the  
3 requirements of 09a. The only one that met  
4 the requirements of 09a was the PE 2708, which  
5 meets the high slow crack growth resistance.  
6 That material passed all of the tests within  
7 the OTD study.

8           And then the area I wanted to hit  
9 primarily is to talk about the cost to us. So  
10 we feel that by eliminating the -- if you  
11 eliminate the rework going into sizes smaller  
12 than two inch, two inch and smaller, excuse  
13 me, two inch and smaller, we sell in feet. We  
14 make product in pounds. You eliminate over 70  
15 percent of the product that we sell every year  
16 just by eliminating rework in sizes two inch  
17 and smaller.

18           You eliminate the highest risk  
19 product, it's the thinnest walled product, you  
20 eliminate the highest risk product because  
21 this is the product that goes right up to your  
22 house. So to us, this makes good sense. And

1 yet, as a manufacturer, we can still put it in  
2 80 percent of our product which causes us no  
3 financial concerns.

4 And so, for us, it represents the  
5 best option. You get the high quality of the  
6 09a. You get the high quality of the  
7 reference to TN-30. And yet, from a  
8 manufacturer's standpoint, we don't have the  
9 financial penalty.

10 There is -- we know this is not  
11 the end state and there is a project in ASTM,  
12 which is a project to develop a standard for  
13 preventing contamination and gas pipe and  
14 fittings. It is being written so that it is  
15 an auditable standard so that utilities can  
16 readily audit it or third-parties can audit.

17 We've been through the first  
18 ballot of this. We've had good responses and  
19 I expect this will come through as a ballot.

20 But to wrap up for today, this is  
21 what we propose to you from plastic pipe  
22 standpoint. And again, thank you very much

1 for the opportunity to speak with you and I  
2 apologize if I ran over. It sounds like I  
3 did.

4 But the 09a, we strongly recommend  
5 it be adopted. It's a great version except  
6 Section 4.2 we say should be limited to  
7 materials larger than two inch IPS.

8 That's all I have. Thank you.

9 MEMBER MAYBERRY: Thank you very  
10 much Karen.

11 Okay next -- and by the way, we'll  
12 obviously get into Q&A at the very end. I  
13 know I thought of a couple questions as we've  
14 gone along here that I'd like to get into.

15 But next, we'll turn it over to  
16 Sue Fleck, representing the gas operators.  
17 Susan?

18 MEMBER FLECK: Thank you.

19 I'm representing AGA today, the  
20 gas distribution industry.

21 And in previous comments of the  
22 docket, AGA recommended that PHMSA adopt the

1       alternate wording for D2513-09 Section on  
2       Rework to further enhance safety beyond what  
3       is provided in that newer edition and we did  
4       recommend that rework material only be allowed  
5       for pipe greater than two inch in pipe size.

6                 AGA now recognizes that there are  
7       members who believe there are continued safety  
8       concerns with the use of reworked pipe and in  
9       an effort to move forward, AGA is recommending  
10       that PHMSA adopt ASTM 2513-9 without the  
11       rework.

12                A number of safety improvements in  
13       the 2009 edition of the standard that brings  
14       some other tremendous advantages to the  
15       industry. These were mentioned before, rapid  
16       crack propagation, oxidization, improved  
17       resins and other things. I'm not going to go  
18       into great detail. So that's where we are at  
19       this point.

20                Is that brief enough?

21                MEMBER MAYBERRY: Yes, perfect.

22       We made up a little bit of time there. Thank

1 you.

2 Okay, and finally to round out the  
3 panel, I'll turn it over to Dr. Gene Palermo.  
4 Gene?

5 MEMBER PALERMO: Thanks for giving  
6 me a lot more time, Sue.

7 For the record, my name is Dr.  
8 Gene Palermo, Palermo Plastics Pipe Consulting  
9 and thank you for inviting me to be here today  
10 to talk about this issue.

11 We have seen the proposal from  
12 PHMSA to not allow rework in ASTM D2513 and I  
13 am here today to speak on behalf of that  
14 proposal and to recommend that you support  
15 that proposal.

16 Why should rework not be used in  
17 D2513? For several years, the AGA Plastic  
18 Materials Committee utility members have been  
19 asking for polyethylene pipe to be rework-  
20 free. And the following slides are taken  
21 directly from the AGA PMC Minutes. And as  
22 Sue, I'm not going to go through them for this



1 in detail other than to say that the most  
2 important issue is number one, the rework may  
3 not be as clean as the virgin resin.

4 There have been a number of  
5 studies showing that technically, rework can  
6 be used. There is no effect of rework on  
7 short-term properties. No effective rework on  
8 long-term performance, the life of the pipe.

9 The concern with rework is it adds  
10 an additional step where there's possible  
11 contamination. That is the key issue that the  
12 gas companies are concerned about and that's  
13 why we believe rework should not be used.

14 Okay?

15 A number of issues that have been  
16 talked about, slow crack growth, pinholing,  
17 etc., those have been discussed.

18 The main thing is that the gas  
19 companies are responsible for safety and  
20 longevity of the distribution system, that's  
21 why they don't want rework to be used.

22 As a result of the work done at

1       PMC there was a project initiated at ASTM to  
2       revise D2513 that rework not be allowed.  
3       There was a ballot for that. There were a  
4       number of negatives and that project, as of  
5       now, is currently on hold.

6                    Okay, what do other countries do  
7       with regard to rework in gas pipe? I know Max  
8       said that he believes rework is not being used  
9       in Canada. I can tell you exactly what's  
10      going on. CSA Z662 is the code for oil and  
11      gas in Canada. Clause 12 is the section for  
12      gas distribution and I am the chairman of  
13      Clause 12 in Z662.

14                   At our last meeting, we  
15      specifically had a discussion on rework in  
16      polyethylene gas pipe and all of the operators  
17      and the regulators, Clause 12 is comprised of  
18      all the regulators in the Provinces, all the  
19      gas companies in the different Provinces and  
20      myself as chairman. It was unanimous. They  
21      don't want rework in CSA B137.4 which is the  
22      Canadian standard for polyethylene gas pipe

1 similar to D2513.

2 As a result, we've asked for a  
3 project to be initiated in the B137 Technical  
4 Committee to remove rework from B137.4,  
5 exactly the same as the project which Perry  
6 Sheth has in D2513.

7 What about other countries? I  
8 happened to be at the Iceland meeting in  
9 Helsinki, Finland. That's a tough job, but  
10 somebody has to go over and do that.

11 I was there with Sarah Patterson  
12 who is the Technical Director of PPI. And I  
13 specifically asked the question, I said, we  
14 are debating in the U.S. whether rework should  
15 be used in gas pipe. What do other countries  
16 do? And here's the answers.

17 France, no rework is allowed in  
18 gas pipe. And all of this, by the way, was  
19 recorded by Sarah Patterson who's the PPI  
20 Technical Director.

21 Netherlands, no rework is allowed  
22 in polyethylene gas pipe.

1 Belgium, no rework allowed in  
2 polyethylene gas pipe.

3 Across the other ocean, Korea, no  
4 rework allowed in polyethylene gas pipe.

5 Interestingly, in the United  
6 Kingdom, they do allow rework but for  
7 traceability purposes, the standard  
8 specifically says you either have no rework,  
9 which is what's preferred by the gas company  
10 which is National Grid. Or if you're going to  
11 use rework, it has to be 100 percent rework.  
12 So it's either zero or 100 percent. And the  
13 100 percent is so you can throw all the rework  
14 into one pipe and they can sell it for less  
15 and you don't have to worry about rework being  
16 in the other gas pipe.

17 Okay, finally, what is my  
18 recommendation? My belief is the ASTM  
19 standard that is being developed for the  
20 proper use to rework, Karen mentioned that and  
21 that's a project that is ongoing. Also, PPI  
22 has a Technical Note 30 and that has just

1 recently been revised.

2                   These are two very good documents.  
3 The problem is that this proposed standard and  
4 the PPI note are good recommendations for  
5 material handling. But the only true  
6 guarantee to prevent contamination from rework  
7 is to not allow rework in ASTM D2513.

8                   To summarize, to increase the  
9 safety and improve the overall quality of gas  
10 pipe, which is what was requested by the gas  
11 companies, I recommend that we support the  
12 PHMSA proposal regarding adoption of ASTM  
13 D2513 09 with the exception of Section 4.2.

14                   I know earlier it was mentioned  
15 that PPI does not support this position. PPI,  
16 in fact, submitted comments. I am a member of  
17 PPI. I don't support the PPI position. I  
18 know there's a manufacturer within PPI who  
19 also does not support the PPI position.

20                   For the last year, as a  
21 polyethylene manufacturer to the gas industry,  
22 they have been producing 100 percent rework

1 free. They've listened to the gas companies  
2 and for a year now, they have zero percent  
3 rework in all of their PE gas pipe. So one  
4 manufacturer has already converted to zero  
5 rework.

6 Rework should not be allowed in  
7 the PE gas pipe, as I said. We should not do  
8 it in the U.S. They're already going in that  
9 direction in Canada and several countries  
10 around the world already don't allow rework in  
11 gas pipe.

12 You can have rework in other  
13 pressure pipes, like water pipe, irrigation  
14 pipe, etc. but not in gas pipe.

15 And finally, I believe we should  
16 also support the ASTM project which is chaired  
17 by Perry Sheth representing AGA to remove  
18 rework from ASTM D2513.

19 Thank you.

20 MEMBER MAYBERRY: Thank you, Gene.

21 And Madam Chair, that concludes  
22 our panel discussion on the topic of rework so

1 we'll turn it back over to you.

2 CHAIR HONORABLE: That you, Alan.  
3 Thank you, Max and thank to all of the  
4 presenters. It was very informative and we  
5 appreciate the time that you took to prepare  
6 those presentations.

7 So now we will hear from the  
8 committee if you have either questions of the  
9 presenters or comments that you would like to  
10 make for the record. Please raise your tent  
11 card and I will do my best to keep a list --  
12 thank you, Cameron, for the paper -- of those  
13 who wish to speak.

14 We'll hear first from the  
15 committee and after hearing from the  
16 committee, we will then hear from the public,  
17 and not everyone at once.

18 Maybe you've had your say. I  
19 really would like to commend Alan and Max for  
20 teeing up this issue in the way that you did  
21 because it allowed the opportunity for the  
22 various perspectives to be heard in a very

1 organized fashion.

2 So I'm looking at the joint  
3 committee once more. All right, I won't beg  
4 you.

5 Now we'll turn to the public. If  
6 there are members of the public who wish to  
7 offer a comment on ASTM D2513 rework, now is  
8 your opportunity to do so. I believe we have  
9 a microphone standing in the middle of the  
10 room.

11 Yes, please go to the microphone  
12 and identify yourself.

13 MEMBER PALERMO: It's me again.

14 CHAIR HONORABLE: I think that we  
15 just heard from you, sir.

16 MEMBER PALERMO: Gene Palermo.

17 CHAIR HONORABLE: So this will be  
18 interesting.

19 MEMBER PALERMO: Palermo Plastics  
20 Pipe Consulting.

21 I just had a question or comment  
22 for Karen regarding the oil and gas gathering



1 and the use of rework in oil and gas pipe.

2 ASTM D2513, which is the standard  
3 we're talking about here --

4 CHAIR HONORABLE: I'm sorry, Dr.  
5 Palermo --

6 MEMBER PALERMO: I'm sorry.

7 CHAIR HONORABLE: -- I apologize.  
8 From the public, we are taking comments, so I  
9 apologize, but we invite you on the break, you  
10 may wish to visit with I think it was Karen  
11 directly about her question. Very good.

12 Are there any other comments from  
13 the public? Now is your opportunity and I  
14 apologize for the interruption, Mr. Palermo.  
15 We appreciated your presentation.

16 Please identify yourself.

17 MR. SCULLY: Sure, my name is Mike  
18 Scully. I represent Dura-Line and we are the  
19 company that's been rework free for a full  
20 year. We do not support the PPI stance. We  
21 do support AGA and we would like it to be  
22 known that it's not unanimous. Thank you.

1 CHAIR HONORABLE: Thank you very  
2 much for your candor, also.

3 Are there any other public  
4 comments? Please go to the microphone and  
5 identify yourself.

6 MR. KNAPP: Randy Knapp with the  
7 Plastics Pipe Institute.

8 And just to make a public comment  
9 and to reiterate, while the vote at PPI on  
10 this issue was not unanimous, we have a  
11 consensus process that we go through and this  
12 was the decision of the Energy Piping Systems  
13 Committee to move this forward in the manner  
14 that we did and I would urge support of the  
15 PPI recommendation.

16 CHAIR HONORABLE: Thank you.

17 Any others from the public? Now is  
18 your chance. All right. It appears that  
19 someone has voiced your perspective. I'm  
20 looking back to the committee once more.

21 All right, we'll turn now to  
22 Cameron. Thank you, Cameron.

1           If you all will recall, I believe  
2           in December we used this process. It was very  
3           helpful and it aided us in our thought process  
4           as we considered the vote and as we voice our  
5           motion in support of or opposing any position.

6           So I would like to yield to  
7           Cameron to explain the process.

8           MEMBER SATTERTHWAITTE: Okay.  
9           Basically, we're just going to walk through a  
10          little bit of some of the things that we've  
11          already heard but just to give a little  
12          background before we move towards the vote.

13          And basically, this first language  
14          is what was actually voted on at the last  
15          Advisory Committee in December. And  
16          basically, the, you know, the vote last  
17          December voted to approve, you know, you voted  
18          to approve everything that was in the  
19          standards update rule except for this one  
20          issue regarding this rework and that's the  
21          language that you see up here.

22          And of course, right here, we're

1 talking about what we're talking about as far  
2 as ASTM D2513. The language in red is what  
3 was initially proposed. And of course, as  
4 stated before, this is a vote of the Gas  
5 Pipeline Advisory Committee and is basically  
6 to whether or not you support the exclusion of  
7 Section 4.2 ASTM D2513 09a.

8 And basically, just to give an  
9 idea, we already talked about the quorum side  
10 and basically we're going to allow, you know,  
11 the floor will be opened up for motions to be  
12 made. And just, you know, to assist in that,  
13 I just want to give examples of a couple  
14 motions that go in the different directions.

15 There's three different ways you  
16 can go. You can agree as proposed and that  
17 rework not be allowed. You know, support the,  
18 you know, the exclusion. Not in agreement,  
19 basically, you would say, you know, we do not  
20 support the proposed language. And third, if  
21 you will wish to make a motion to propose a  
22 change.

1                   And here are the different  
2 motions. I've tried to make it as basic as  
3 possible. And, you know, I, insert your name,  
4 recommend the committee support so forth and  
5 so on.

6                   So we have one, this is agree as  
7 proposed, not agree as proposed and propose a  
8 change. I have a little part in there  
9 recommending certain language if you all wish  
10 to insert language and therefore, I turn it  
11 back over.

12                   MEMBER WIESE: Can we go back to  
13 the section that lists all three there?

14                   CHAIR HONORABLE: That one?

15                   MEMBER WIESE: And when people are  
16 saying -- yes, so that when a committee member  
17 wants to make a motion, they can say I want to  
18 make a motion on this one and we'll flip up  
19 the appropriate language. So --

20                   CHAIR HONORABLE: So with that, we  
21 will now entertain a motion from a member of  
22 the Gas Committee. Please raise your tent

1 card if you'd like to be heard at this time.

2 I recognize Sue Fleck.

3 MEMBER FLECK: Susan Fleck and I  
4 propose that we recommend the first option,  
5 agree as proposed, exclude Section 4.2. So  
6 should I read from this slide here?

7 CHAIR HONORABLE: Please do, Sue.

8 MEMBER FLECK: Great. I, Susan  
9 Fleck, recommend the committee support  
10 excluding Section 4.2 of ASTM D2513-09a as  
11 proposed in the Rule Pipeline Safety Periodic  
12 Updates of Regulatory References to Technical  
13 Standards and Miscellaneous Amendments as  
14 published in the Federal Register on August  
15 16, 2013.

16 CHAIR HONORABLE: Thank you.  
17 There is a motion to support the PHMSA  
18 proposal to exclude rework. Is there a  
19 second? And I will recognize Robert.

20 MEMBER HILL: Robert Hill, I  
21 second the motion.

22 CHAIR HONORABLE: Very good. We

1 have a motion and a second on the floor to  
2 support the PHMSA proposal to exclude rework.  
3 And now is the time for discussion.

4 Sue, is your tent card up for  
5 discussion?

6 Are there any members of, I  
7 believe just gas or both?

8 MEMBER SATTERTHWAITE: Gas.

9 CHAIR HONORABLE: Just gas that  
10 would like to comment on the motion and second  
11 now before you? Hearing none, I presume that  
12 the members of the Gas Committee are ready for  
13 the vote. All of those in -- I'm sorry?

14 MEMBER SATTERTHWAITE: We'll do a  
15 roll call.

16 CHAIR HONORABLE: Oh, very good.

17 MEMBER SATTERTHWAITE: Yes, we  
18 have to for the record.

19 CHAIR HONORABLE: Pardon me.  
20 Please proceed, Cameron.

21 MEMBER SATTERTHWAITE: That's  
22 okay. And what I'll do is basically, you can

1 just say yes or no and I'll just go through  
2 the members of the Gas Committee.

3 All right. Colette Honorable?

4 CHAIR HONORABLE: Yes.

5 MEMBER SATTERTHWAITE: Don's not  
6 here. Jeff Wright?

7 MEMBER WRIGHT: Yes.

8 MEMBER SATTERTHWAITE: Andy Drake?

9 MEMBER DRAKE: Yes.

10 MEMBER SATTERTHWAITE: Sue Fleck?

11 MEMBER FLECK: Yes.

12 MEMBER SATTERTHWAITE: Rick

13 Worsinger?

14 MEMBER WORSINGER: Yes.

15 MEMBER SATTERTHWAITE: Chad

16 Zamarin?

17 MEMBER ZAMARIN: Yes.

18 MEMBER SATTERTHWAITE: Denise

19 Beach?

20 MEMBER BEACH: Yes.

21 MEMBER SATTERTHWAITE: Robert

22 Hill?



1 MEMBER HILL: Yes.

2 MEMBER SATTERTHWAITE: Rick  
3 Pevarski?

4 MEMBER PEVARSKI: Yes.

5 MEMBER SATTERTHWAITE: It was  
6 unanimous.

7 CHAIR HONORABLE: Very good.  
8 Thank you, Cameron. There was a unanimous  
9 vote in support of the motion and second  
10 supporting the PHMSA proposal to exclude  
11 rework. And I'll yield now to Jeff Wiese.

12 MEMBER WIESE: Okay. Well, I want  
13 to thank the members of the committee for  
14 taking time to go through that. Actually as  
15 I think most of you know by now, a lot of work  
16 was done before we got to the meeting and I  
17 want to thank people for all the work that was  
18 done leading up to this.

19 I would like to quickly add to Karen and  
20 the PPI, you know, that we appreciate them  
21 coming here. We appreciate them making the  
22 presentation and I wouldn't say that you're

1 arguments are without merit. The position  
2 that we find ourselves in, particularly, I  
3 think, as safety regulators and ones who've  
4 been, you know, in a very -- there have been  
5 a number of incidents that I think we can all  
6 recall that give us pause to take -- to step  
7 out on a limb further.

8 I'm not saying that there's not an  
9 opportunity for us to work together. So I do  
10 want to say that, that there's -- that I think  
11 there can be an opportunity to work together  
12 to establish a public record that's fact based  
13 and, you know, gives us an opportunity to work  
14 at some of these issues where there are  
15 question marks.

16 I must admit, I, myself, have, you  
17 know, questions in my mind about the whole  
18 thing but I couldn't resolve them and I think  
19 what I largely wanted to say to you is I  
20 appreciate the work that you've put into this.

21 I think that I would, if I were  
22 voting, which I'm not at this point, you know,

1 that I would have had to have taken a  
2 conservative position.

3 So I think there's work that can  
4 be done, you know, and continue -- I want to  
5 encourage you to continue work with us because  
6 I know our folks have spoken very highly of  
7 their work with you guys. So I understand  
8 that that was a -- the way it was served up,  
9 it seemed more open and closed that it was.  
10 There was a lot of work that went into this.  
11 So I want to thank you for that.

12 So I want to thank the committee,  
13 again, for their work.

14 Actually, the rest of the meeting  
15 is more fun because they're information  
16 briefings from this point. So with that, I'll  
17 turn back to Colette.

18 CHAIR HONORABLE: Thank you, Jeff.  
19 And thank you for mentioning that. This is an  
20 important process and a transparent one and I,  
21 too, greatly appreciate the time that everyone  
22 took to bring their perspectives before the

1 committee.

2 So, we are set -- actually  
3 according to our agenda, it says we are to  
4 take a break now, but I'm going to look at  
5 Jeff to see should we take one?

6 MEMBER WIESE: Are we running on  
7 time, Cam?

8 MEMBER SATTERTHWAITE: We're  
9 ahead.

10 CHAIR HONORABLE: We're ahead?

11 UNKNOWN: Yes, we're ahead about  
12 30 minutes.

13 MEMBER WIESE: Perfect. Well we  
14 appreciate the brevity of some of the members  
15 here.

16 CHAIR HONORABLE: What is your  
17 pleasure?

18 MEMBER WIESE: I would say, why  
19 don't we take a quick break if we can. Take  
20 a like a --

21 CHAIR HONORABLE: Ten, 15?

22 MEMBER WIESE: -- 15 --

1 CHAIR HONORABLE: Fifteen minutes  
2 break.

3 MEMBER WIESE: Right, very good.

4 CHAIR HONORABLE: All right. So  
5 just before 2:30, we'll reassemble.

6 MEMBER WIESE: Yes. Okay.

7 (Whereupon, the foregoing matter  
8 went off the record at 2:11 p.m. and went back  
9 on the record at 2:33 p.m.)

10 CHAIR HONORABLE: If I might have  
11 your attention, we are back on the record.  
12 May I have your attention? Thank you.

13 We are back on the record after  
14 our brief break here in this joint committee  
15 meeting and we are turning now to Agenda Item  
16 3 which is a briefing on Class Location. So  
17 we'll hear about that study from Alan and  
18 others. So I'll turn it over to Alan.

19 MEMBER MAYBERRY: Okay, thank you,  
20 Madam Chair and committee members. My  
21 apologies but here, again, we are talking or  
22 discussing another issue that's relevant to

1 gas pipelines. And this is also a  
2 Congressional mandate.

3 So my purpose here today is to  
4 brief you on where we stand on -- related to  
5 class locations and specifically, okay --  
6 where we stand on Section 5.

7 There are a number of mandates  
8 that came out of the reauthorization and this  
9 particular one that I'll be talking about  
10 today is Section 5 mandate that relates to  
11 class location and the requirement that we  
12 perform a study to -- concerning the  
13 effectiveness of class locations, just to put  
14 it in a nutshell, and whether or not to extend  
15 high consequence areas that exist or that used  
16 to -- what we currently call high consequence  
17 areas.

18 My goal here is to seek input from  
19 the committee and then just also further  
20 establish the public record on, you know,  
21 where we stand and then also, like I said,  
22 seek input from the committee as well as the

1 public.

2 I will go over where we stand  
3 right now. I'll review as well the comments  
4 we've received so far and then at the very  
5 end, just give you some concluding remarks.

6 And by the way, I'm joined today,  
7 you know, also giving remarks related to class  
8 location, you know, like the last panel, we'll  
9 have representatives of a cross section of the  
10 stakeholder community. We'll first, after  
11 myself, will be Massoud Tahamtani with the  
12 State of Virginia, Rick Kuprewicz representing  
13 the public, Andy Drake representing the  
14 interstate gas pipelines and rounding out, Sue  
15 Fleck representing the local distribution  
16 companies.

17 My apologies, panelists, for not  
18 describing that order. I hope that's  
19 acceptable to you but if there are any issues,  
20 let me know.

21 Just to go through a time line of  
22 where we've been and just to kind of, and I

1 realize in the room there are varying levels  
2 of understanding on where we stand and what  
3 we're talking about even.

4 So what I'm trying to zero in on  
5 here is a discussion that'll work for you if  
6 you're not that familiar with what we're  
7 talking about, but then not getting in to the  
8 weeds so much as to be boring to those of you  
9 who are familiar with it -- very familiar with  
10 it -- as I have been familiar over the last  
11 several months.

12 But anyway, just as far as time  
13 line goes, you may recall that way back in  
14 2011, we issued an Advanced Notice to Proposed  
15 Rule Making for gas. It was in that AMPRM  
16 that we also had a question in there. And as  
17 you may know, an AMPRM is before we go an put  
18 out a Notice of Proposed Rule.

19 We're seeking input from the  
20 public and we typically, in those, put out a  
21 number of questions.

22 In that one, we did have a



1 question related to HCAs, high consequence  
2 areas, and the expansion of HCAs.

3 And then just further on the time  
4 line, you know, so since that point, we've  
5 been working on those comments received and we  
6 also have been working on a gas rule that  
7 would end up as a Notice of Proposed Rule  
8 Making that's still being wrapped up as far as  
9 that rule is currently in PHMSA so and we're  
10 finishing up the details on that.

11 And that was as a result of the  
12 AMPRM and then some other work that you may be  
13 familiar with that we did related to the  
14 integrity verification process that would be  
15 wrapped up in to a proposed rule.

16 Okay, you probably recall that we  
17 were reauthorized on January 3, 2012 and  
18 within that was the Section 5 mandate that I'm  
19 going to brief you on.

20 You know, in follow-up, the action  
21 that we took immediately after reauthorization  
22 specifically dealing with Section 5 was we

1 sent out a Public Notice. It was put in the  
2 Federal Register.

3 We were seeking input on the  
4 current class location regime and an  
5 opportunity for the public, for operators, for  
6 the various stakeholders to comment. And that  
7 was in support of what we were doing to  
8 satisfy the mandate and also prepare for the  
9 report that we're currently writing to satisfy  
10 the mandate.

11 And of course, today, here we are,  
12 we're updating the PAC, the Pipeline Advisory  
13 Committee.

14 Let me also mention that next  
15 month, or actually in April, the 16th, we'll  
16 have a class location workshop and that's to  
17 further, you know, establish the public record  
18 and gather further input from the various  
19 stakeholders on the issue as we finalize the  
20 report. And shortly after that workshop, we  
21 plan to finalize the report.

22 As you may recall, as I said,

1 there's a report required by Congress that  
2 we'll submit after we finish it, we expect by  
3 early summer.

4 Basically, Section 5 mandate  
5 requires us to evaluate the initial report  
6 that I mentioned on the integrity management  
7 requirements and whether or not we should  
8 extend the current requirements beyond the  
9 current high consequence areas or what we  
10 currently define as high consequence areas.

11 And, you know, part two of this  
12 is, you know, could this mitigate the need for  
13 class location requirements? Is this an  
14 alternative? Is there a suitable alternative  
15 to the current class location regime that's  
16 part of Part 192?

17 So where do we go? You know, as  
18 far as the options we look at, there is -- we  
19 could stay with the status quo, keep the  
20 current class location regime. We could  
21 establish a new class location definition,  
22 that is, established additional class numbers.

1 We could modify the definition of HCAs expand  
2 perhaps high consequence areas and perhaps  
3 there are other methods that we should  
4 consider.

5 Of course, if you have some ideas  
6 on that, you know, that's part of why we're  
7 here today and also why we will have the  
8 workshop in April.

9 And, you know, how should this  
10 apply? Should it only apply to gas  
11 transmission or distribution or gas gathering?  
12 Or should it apply to both? Should it apply  
13 to all, interstate or intrastate? You know,  
14 should it be divided by operating stress level  
15 or certain sizes or MAOPs? So those are all  
16 considerations.

17 Now I'm going to go through just  
18 the -- I'm not going to really bore you with  
19 details on this but just to establish the  
20 record, I think some of this may be helpful.  
21 You can read it outside of this meeting. But  
22 just to give you a background on the class

1 location concept within the code.

2 As you may know, the code, when it  
3 came out in 1970, had a class designation --  
4 class designations from 1 to 4 and it's really  
5 where you determine the class by counting the  
6 number of buildings within the 660 feet of the  
7 pipeline for a continuous mile and that's for  
8 class 1 through 3.

9 And then for class 4, it's where  
10 you had four- or more story buildings  
11 predominant within that section.

12 You know, for example, you know,  
13 it's also used to establish your allowable  
14 stress level where the higher stress pipeline  
15 would be in a class 1 area to the lower stress  
16 being applied to class 4. It's essentially  
17 applying a factor of safety.

18 For instance, in class 1, the  
19 maximum allowable limit is 72 percent. That  
20 is unless you are operating under Part 192620,  
21 the alternate MAOP which allows an operator to  
22 go up to 80 percent but then all the way down

1 to class 4 as you can see it ratchets down  
2 depending on the population that's near by,  
3 again, within that 220 yards of either side of  
4 the pipeline distance.

5           You know, obviously, as population  
6 grows, you know the operating factor of  
7 safety, if you will, changes. There are a  
8 number of things that an operator must do and  
9 must consider when they review the population  
10 that's growing around the pipeline.

11           And when there is a change that's  
12 occurred, say a pipeline goes from one to two  
13 or one to two and then to three, there are a  
14 number of things that need to happen.

15           First you can reduce the operating  
16 pipeline MAOP to be commensurate with the  
17 class. For instance, if it was operating at  
18 72 percent as class 1, it can be lowered to 60  
19 percent operating as class 2 or they could  
20 replace the pipe, commensurate with the class  
21 or you could conduct a pressure test.

22           There is a provision in the class

1 location change section of the code that  
2 allows for a one class bump so to speak that  
3 would allow a line operating class 1 to go to  
4 a class 2 if it's been tested to a certain  
5 pressure level. It's what we call a one class  
6 bump.

7 Then in the early 2000s, we issued  
8 integrity management regulations which overlay  
9 the existing regulations in the regime  
10 involving class location, the establishment of  
11 class locations.

12 Integrity management used high  
13 consequence areas, what we defined high  
14 consequence areas that signified areas of  
15 higher risk or potentially higher risk along  
16 the pipeline. Involved a calculation of a  
17 potential impact radius and that's based on  
18 the diameter of the pressure or a variety of  
19 factors and that introduced the new  
20 requirement to -- for an operator to conduct  
21 ongoing assessments of risk along their  
22 pipelines assessing the threats to the

1 pipeline integrity, that is.

2 You know, it's a performance based  
3 reg that recognized that, you know, the person  
4 best suited for knowing and understanding the  
5 threats to operating a pipeline were the  
6 operator who worked with the pipeline  
7 everyday. And it was up to them to know and  
8 understand the threats and to act on those  
9 threats through what we call preventive and  
10 mitigative measures that are in the regulation  
11 and of course in the gas reg that is contained  
12 in Subpart 0.

13 You know, now just in review, you  
14 know, you know, class locations, you know, are  
15 really the -- they're really used to --  
16 they're the cost of entry for operating a  
17 pipeline. They used to establish MAOP,  
18 obviously, testing requirements and the  
19 variety of things. It's the cost of entry  
20 with installing a pipeline.

21 Then integrity management or HCAs  
22 or a layer over that baseline, if you will,



1 they require an operator to assess and deal  
2 with additional threats within areas  
3 designated as high consequence areas.

4           You know, as far as the  
5 consideration of, you know, the current class  
6 location regime and where it's connected, you  
7 know, within the code, you know there are a  
8 lot of tentacles that, you know, parts of the  
9 Code that deal with class location that have  
10 requirements that vary depending on if it's a  
11 class 1, 2, 3 or 4.

12           And I've got a summary here of  
13 those parts that we would have to deal with if  
14 we were to say, look at an alternative regime  
15 class, classes or class locations that we  
16 would have to deal with these parts of the  
17 regs.

18           So, you know, I guess, you know,  
19 as a comment that, going into it, it's a  
20 pretty daunting task I can see going forward  
21 if we look at modifying these various sections  
22 to account for a different regime. It's more

1 based on the HCA concept and addressing risk  
2 assessment for pipelines segments.

3 Now I'd like to switch gears and  
4 just kind of summarize the public comments.  
5 And by the way, my intent here is to be  
6 neutral on the issue. Certainly, I'm, you  
7 know, I'm describing some of the potential  
8 issues, you know, a lot of tentacles in the  
9 reg, that's one issue.

10 But we're really agnostic at this  
11 point on which way to go. We're really  
12 looking for input so that's, you know, that's  
13 very important to us as we -- especially as we  
14 do this in a very public way.

15 So next, I'd like to just kind of  
16 summarize the comments. There were a number  
17 we received actually related to the AMPRM  
18 related to expansion of integrity management.

19 And here's some public comments,  
20 I'm not going to go through every one. If  
21 there's one of interest, perhaps in the Q&A we  
22 can go into further detail.

1                   And that's one reason why I have  
2                   Mike Israni and Steve Nanney here, in addition  
3                   to being my bodyguards, they're here to --  
4                   since they did deal with the questions and the  
5                   comments that came in on the Federal Register  
6                   of you know, the public comments, are here to  
7                   probably provide more detail on that.

8                   But, you know, like one was to  
9                   revise the integrity management to include  
10                  more mileage and to otherwise expand integrity  
11                  management beyond where it currently is. In  
12                  other words, the part of the IM plans for a  
13                  densely populated areas and for new so-called  
14                  Class 5 encompassing cities with a population  
15                  greater than 100,000.

16                  We had others like from industry,  
17                  we had a representative proposing an  
18                  application of IM principles in non-HCA areas.  
19                  You know, how that should be left to industry  
20                  as a voluntary effort.

21                  NAPSR had a comment related to  
22                  preferring the current system, prefer the

1 current status quo.

2 And then we had a comment from the  
3 Jersey City, New Jersey Mayor's Office  
4 suggesting that we add three additional new  
5 class locations for urban areas.

6 As far as other industry comments,  
7 you know, we had -- it varied from keep class  
8 locations intact for existing pipelines.

9 And by the way, I shifted gears on  
10 you. I went from, we had comments on the  
11 AMPRM, as I said. That was covered, we had  
12 the HCAs covered in the AMPRM but then also in  
13 our Public Notice we sent out in August and we  
14 requested comments. These are the ones I'm  
15 going over now. I switched on you there, but  
16 they're still relevant to the issue at hand.

17 Just some comments came in in  
18 follow-up to the 2011 AMPRM and then a lot of  
19 comments. I can say the bulk of them came in  
20 in response to our more recent Federal  
21 Register Notice.

22 Let's see, also you can see the

1 summary there, I'm trying to think which ones  
2 might be -- you know, obviously the last  
3 bullet there is kind of a no brainer. We're  
4 very open about our policies we develop and  
5 before we go forward, obviously, first and  
6 foremost, we seek input from this committee,  
7 but then in addition to that, we do seek input  
8 from the various stakeholders, you know, to  
9 weigh in on the issues, so we fully understand  
10 the issues before we develop the policy or the  
11 rule making, if you will on it.

12 From AGA, and I'm sure, Sue, you  
13 may expand on this, but one of the comments we  
14 had received was allowing operators to choose  
15 a method for design factors for existing class  
16 locations or PIR.

17 And then API, American Petroleum  
18 Institute, had a comment related to class  
19 locations and gathering the lines. It's not  
20 possible to determine the regulatory status of  
21 gathering the lines.

22 APGA, limit to operating stress

1 levels above 30 percent, equal to or above and  
2 then revise the definition of transmission  
3 line. That's not the first time we've heard  
4 that one.

5 Related to INGAA, and I'm sure,  
6 Andy, you'll probably expand on some of these  
7 or maybe touch on them, and in addition to  
8 perhaps a proposal. But IM should be extended  
9 beyond HCAs and allow for either existing  
10 class locations or the PIR method. And the  
11 revise certain O&M requirements that many no  
12 longer be necessary.

13 Then we had comments from the Iowa  
14 Utilities Board, keep existing class locations  
15 and then additional safety to buildings  
16 outside of small radius PIRs.

17 Then the Iowa Association of  
18 Municipal Utilities suggesting that the  
19 regulations would impose some significant  
20 costs on low pressure pipelines so they were  
21 suggesting revising the definition of  
22 transmission line.

1                   And then finally, there's Pipeline  
2                   Safety Trust. They support the idea of  
3                   applying IM beyond HCAs, extending the  
4                   requirements that are currently, the, you  
5                   know, the requirement to assess for threats  
6                   within the HCA to apply beyond HCAs. And then  
7                   perhaps expanding the class location  
8                   definitions and then strengthening existing  
9                   integrity management rule.

10                   You know, that's -- some of this  
11                   we have in play right now with some other  
12                   initiatives and actually some other parts of  
13                   the statute, some other sections of the  
14                   statute as far as work we're currently doing  
15                   on integrity management rule. So some of that  
16                   is actually already being worked on.

17                   So I guess that really summarizes  
18                   the comments. I'd just like to say in  
19                   conclusion, you know, just to kind of  
20                   reiterate, we are working on a report that's  
21                   responsive to the mandate to assess the  
22                   effectiveness of the current class location

1 regime and then, perhaps, you know, is there  
2 a need to expand or the principles of  
3 integrity management beyond the current  
4 definition of high consequence area.

5 In order to inform us for that  
6 paper or further inform us, we're using the  
7 public meeting, the workshop in April and then  
8 after that, like I said, we expect to finalize  
9 that report and issue it to Congress and then  
10 hopefully close that one out.

11 Of course, after that, whatever  
12 policy would come out, we'd have to go and do  
13 a separate rule making. We're currently not  
14 in a rule making that would deal fully with  
15 that mandate.

16 So I guess with that, I'll turn it  
17 over to Rick. I know you're representing the  
18 public. If you have any comments just on the  
19 --

20 MEMBER KUPREWICZ: Since I was so  
21 quiet earlier this week, you want to go to  
22 someone else? Or earlier today.



1                   This is a big deal, not only for  
2                   the public but for the industry and I think  
3                   the first message you've got to convey -- when  
4                   I say big deal, this involves a lot of effort.

5                   Not knowing what the answer's  
6                   going to be but just watching the dynamics  
7                   that we went through in terms of going to the  
8                   point eight design factor which was a sound  
9                   technical discussion.

10                  But it's a big deal for PHMSA.  
11                  It's going to take a lot of resources to get  
12                  -- it's not going to happen in a week. It's  
13                  not going to happen in a couple of months and  
14                  I think you need to convey that message in  
15                  your report, would be my suggestion.

16                  There are advantages to moving  
17                  away a little bit from the class location and  
18                  into integrity management. There are some  
19                  strengths in integrity management over class  
20                  location. The corollary is there are some  
21                  weaknesses.

22                  And so I think if you allow

1 appropriate resources and bring the right  
2 discussions to factual decisions, will take  
3 you in a more informed public discussion where  
4 you need to be from the public's perspective.

5 But it's not something that's  
6 going to happen over night.

7 The integrity management rule  
8 making, having been involved in a lot of that  
9 process both on liquid and gas discussions, it  
10 was clear that the initial phase wasn't going  
11 to finish the integrity management effort.  
12 Nor was it going to be the only phase of the  
13 integrity management effort.

14 If I were making a report to  
15 Congress, I would start with this is the  
16 pipeline mileage by class location and within  
17 those class locations, these are the parts  
18 that are integrity management. I mean I've  
19 seen some breakdowns, but you might want to  
20 get PHMSA's perspective on that because that's  
21 kind of the -- this is what it is at this  
22 date.

1                   We've seen some concerns on some  
2                   companies who have missed the importance of  
3                   the integrity management of the identified  
4                   sites. And there's a reason they're not  
5                   building, it's because the identified sites,  
6                   if you ever have a terrible rupture tragedy,  
7                   those people are least likely to survive. So  
8                   you want to give that a little more thought.

9                   And defying that some companies  
10                  have given it, and I'll say I don't want to  
11                  paint a broad brush here, but they've missed  
12                  that importance in their integrity management  
13                  program is quite disturbing.

14                 So I would encourage you to move  
15                 this forward effort not knowing what the  
16                 answer is yet but I think you need to be fair  
17                 to everybody, including Congress, wherever  
18                 this goes, an informed discussion can drive  
19                 this to the right place. But it's going to  
20                 take people. It's going to take meetings.  
21                 It's going to take some time. And if Congress  
22                 is trying to accelerate your schedule, and as

1 a representative of the public, I'm going to  
2 start advising people like the Pipeline Safety  
3 Trust and that they've got to be real nervous  
4 here.

5 I was encouraged by the discussion  
6 I heard or the vote I saw earlier today. As  
7 a member of the public, a lot of the public  
8 doesn't get to see the interactions that go on  
9 and there are a lot of people in industry who  
10 are trying to do the right thing. They don't  
11 always get that picture.

12 And so that's an encouraging sign.  
13 I think you can get to a solution here. It  
14 may not be the solution everybody accepts.  
15 There has to be a compromise, there is a  
16 transition process here. But I'm convinced  
17 you can get there, whoever you get involved in  
18 that process.

19 And I'll shut up. Thank you.

20 MEMBER MAYBERRY: Thank you, Rick.

21 You know, just in follow-up,  
22 certainly, you know, on the advent of

1 integrity management, it was certainly an  
2 efficient way to introduce that regime where  
3 the operator would be required to assess  
4 threats and risks on the pipeline as far as,  
5 you know, layering in on the existing code  
6 structure.

7           So it was an efficient way at the  
8 time. Certainly, we've documented pretty well  
9 that, you know, some of your concerns related  
10 to the application of that risk management and  
11 the dealing effectively with risks and  
12 threats, in particular interactive threats  
13 which I tend to talk a good bit about on  
14 occasion.

15           But certainly those are lessons  
16 learned that we're also applying as I  
17 mentioned that we're working on in other  
18 areas, you know, to deal with.

19           But anyway, you know, I apologize,  
20 Massoud, our State partner, I slighted you by  
21 turning to Rick, who we also -- was our  
22 partner but, my apologies to Massoud our State

1 partner from the Commonwealth of Virginia.

2 MEMBER TAHAMTANI: Well actually,  
3 this time, I don't mind going last so I can  
4 clean up after the industry.

5 MEMBER MAYBERRY: Bring up the  
6 rear.

7 MEMBER TAHAMTANI: Having said,  
8 I'll go now because I'm very brief.

9 As PHMSA knows, NAPSRS has filed  
10 comments in both dockets in a very summary  
11 fashion. They support the current class  
12 location and also recommend that HCA  
13 definition be expanded to cover class 3 and 4.

14 And Jeff talks about in 2.0, at  
15 this, Virginia's looking forward to that. I  
16 want to echo what Rick said, that a lot of our  
17 operators don't understand it. They don't  
18 carry it out like it supposed to. It is a  
19 checkbox approach and we need to get them to  
20 do the right thing and then move on to the  
21 next version.

22 Having said that, I reserve the

1 right to come back and respond to the  
2 industry.

3 MEMBER MAYBERRY: Okay, next, I'll  
4 turn it over to your neighbor, Massoud, Andy  
5 Drake representing the interstate gas  
6 pipelines.

7 MEMBER DRAKE: Thanks. I look  
8 forward to that. I'll hopefully put out  
9 something that's not too controversial here.

10 I think -- there we go -- I think  
11 you can go to the next slide. We'll -- the  
12 Pipeline Safety Act was pretty clear as Alan  
13 pointed out, that we need to look at applying  
14 integrity management program requirements or  
15 elements thereof to additional areas that  
16 would mitigate the need for classification  
17 requirements.

18 I think this concept, this  
19 discussion topic started a long time ago and  
20 I think it's really -- oh thank you -- it's  
21 really I think helpful for all of us to be  
22 founded in facts and basis.

1                   Where did the classification, you  
2 know, thought originate? Why was it  
3 instituted back in the 50s?

4                   We had that question back in the  
5 90s. I mean actually it's the product of an  
6 emeritus report that was done at GRI back in  
7 1998. We went back and actually interviewed,  
8 while they were still alive, the people that  
9 actually wrote the original Code and asked  
10 them, what were you trying to do here? What  
11 was your purpose?

12                   And they said, well, we're trying  
13 to provide an increased margin of safety  
14 because our other tools are not very accurate  
15 in managing the assets, integrity and the risk  
16 of threats. So we want to have a bigger  
17 margin of error so that we have more time to  
18 find those things before they surface as  
19 threats to deal with, you know, dangerous  
20 consequences.

21                   Okay, that seemed logical, at the  
22 time and it's served us pretty well, but I



1 think we have many -- all of us, as Rick  
2 alluded to and Massoud alluded to -- I think  
3 have seen places where stress level has not  
4 served us well. In and of itself, that is not  
5 a silver bullet. It provides us more time.

6 But if we are not diligent in  
7 managing risk, that will in the end, surface  
8 as a threat that that environment will  
9 realize.

10 And the thinking in that time was  
11 there has to be a better way in the 90s, a  
12 better way that's more precise. That was the  
13 genesis of integrity management discussions.  
14 A more deliberate intensive effort to look at  
15 the threats much more aggressively with much  
16 better technology to manage those risks.

17 I think in the end, we see now,  
18 the technology changed radically from 1950,  
19 imagine that, to 1990s. And we have much  
20 better tools at our hands to look at the  
21 threats in those areas. That was the intent  
22 of integrity management back in the end of the

1 1990s, the first go round, if you will, 1.0 or  
2 wherever Jeff is.

3 Is it perfect? No. Is it a  
4 starting place? Yes. Is there a learning  
5 curve? Sure. Is it a culture change? You  
6 bet. You know, are we going to give up on it?  
7 No.

8 The industry is committed to this.  
9 We're committed to extending integrity  
10 management beyond HCAs. Whether we revise the  
11 definition of HCAs is interesting. The point  
12 is we need to do integrity management on the  
13 system. It's a much better tool than class  
14 locations.

15 And, you know, I think the part of  
16 the rule or the law -- I mean the rule back in  
17 the 90s or actually in 2003 when it was  
18 passed was this was a part of the cost-benefit  
19 study justification for the integrity  
20 management rules was.

21 We want to do integrity management  
22 because it's much more sophisticated and

1 deliberate and intensive and successful than  
2 the class locations. And it is imbedded in  
3 the cost-benefit justification of that rule.

4 Fundamentally, it was we're going  
5 to go back in and look at where does it make  
6 sense to get rid of doing the pipe change  
7 outs? Because there is a much more efficient  
8 way of doing this. That is fundamentally in  
9 the cost-benefit justification of the IM rule  
10 back in 2003.

11 So I think it's just important for  
12 us to go back to some things that we know that  
13 were the basis of decisions that were made ten  
14 years ago or even longer than that ago.

15 I think to summarize where is  
16 industry on the INGAA side? To us, I think  
17 there's two issues here. There's class  
18 location change outs on existing facilities.  
19 That, I think, is the basis of the cost-  
20 benefits study that was done in the integrity  
21 management 1.0 rule is that issue.

22 That is a very specific issue. I

1 think there is some places there where we want  
2 to look at what we can do with the existing  
3 pipe. Are there characteristics or times when  
4 the pipe that's in the ground is good pipe?  
5 Can we define that and can we leave it in the  
6 ground and everybody's comfortable with that  
7 and it meets certain conditions?

8           The next issue is new  
9 construction. I think if we tried to apply  
10 the PIR circle to existing pipes, we would  
11 find huge dislocations and problems with that.  
12 There's 360,000 miles in the ground right now.  
13 It was based in the design choices on class  
14 location criteria that's currently in the  
15 Code. To change that criteria would be hugely  
16 problematic for everybody and not worthwhile.

17           What we're proposing here is a  
18 parallel path to look at going forward as an  
19 alternative -- an alternative -- a new  
20 construction standard that would base itself  
21 off the PIR and HCAs and I know it's a more  
22 definitive use of the technologies we have

1 right now.

2 But not to go back in and try to  
3 rip the current Code to shreds and apply it  
4 retroactively to old pipe. That would be  
5 inefficient and very frustrating to everybody  
6 around this table. You know, so I think in  
7 that regard, we agree with Rick.

8 If you're going forward to look at  
9 an alternative for new construction, it's  
10 basically going to require a rewrite of the  
11 Code. It's going to be a big effort. It's  
12 going to take a lot of time and it can't be  
13 done without having a, you know, without a lot  
14 of diligence, a lot of stakeholders, a lot of  
15 deliberation. I think we want to reserve that  
16 as an alternative and something that we would  
17 use only going forward.

18 Let's see here. The class  
19 location change outs of existing pipe, I think  
20 is a key issue for us right now. This is very  
21 real in current terms. The key question I  
22 think the industry is asking is why are we

1 changing out good pipe?

2 If we're inspecting it, it's good  
3 pipe. It's been hydrostatically tested. It's  
4 been inline inspected. It's got no shielded  
5 coatings. It's got good depth of cover. It's  
6 go a close interval survey on it that shows  
7 the coating is performing well and well  
8 protected cathodically. What are we really  
9 worried about here? Why are we taking that  
10 pipe out of the ground?

11 We talked about the cost-benefit  
12 decisions that were based in 2003 on the  
13 original rule.

14 We have a special permit process  
15 that's in place. The problem with it is it's  
16 a sort of a moving target. It provides very  
17 little certainty in what the process is going  
18 to be and what those requirements are going to  
19 be. They continue to escalate. And right  
20 now, frankly, I don't know of anybody that's  
21 submitted a special permit on class location  
22 in the last several years.

1                   And the reason is, the  
2 requirements have escalated to a point where  
3 it's self-eliminating. The requirements have  
4 gone beyond the hydrostatic testing, beyond  
5 the inline inspection, beyond the shield  
6 coating, beyond the close interval surveys.  
7 It's now gone to the coating pretty much has  
8 to be perfect. It's like, well, all right.

9                   It's cathodically protected, we're  
10 inline inspecting, there's all these other  
11 things, but that's not good enough. And  
12 that's where the costs for us explode and it  
13 makes it a non-starting option. We'd like to  
14 revisit that.

15                  I think there are situations where  
16 we agree the pipe should be changed out. We  
17 just need to clarify what those are.

18                  I think the point for us is we'd  
19 like to revisit those special -- what the  
20 special permit processes and some of the  
21 requirements. If we revisit those criteria to  
22 make them practicable and appropriate. They

1 almost now are exclusive and self-eliminating.  
2 That's not serving any of us.

3 I think this is a statement from  
4 the cost-benefits study back in December, you  
5 know, that's basically the same, you know,  
6 obligation that we're under right now. Is to  
7 kind of revisit this and see where is  
8 integrity management really working for us?

9 We talked about the conditions  
10 that operators currently agree to these key  
11 things. Every one of the operators we've  
12 talked to says we're good with pipe that would  
13 meet criteria should include it. It has to be  
14 hydrostatically tested. It has to be close  
15 interval surveyed. It has to be inline  
16 inspected. Shield and coating should be  
17 removed and the common ground alliance best  
18 practices should be instituted.

19 Those are things that we  
20 fundamentally agree to and I think that  
21 addresses the 99 percentile threats and risks  
22 and concerns.



1                   Where we start to fall, I think,  
2                   into some concerns, is where some of the  
3                   criteria is extended beyond the classification  
4                   areas where we agree we're going to have to do  
5                   accelerated anomaly response or stress  
6                   corrosion cracking DA in the area of the class  
7                   location. But now we're being obligated to do  
8                   it for the entire discharge. So for a 1,000  
9                   feet of pipe, if I want to do this, now I've  
10                  got to do 30 or 40 miles of this. This is  
11                  even beyond IM. That doesn't make any sense.

12                   I think we're mixing things  
13                   together here and raising the bar  
14                   extraordinarily high.

15                   I think the biggest thing, though  
16                   as we mentioned is, the conditions that really  
17                   frustrate us, I think, is the ACVG and DCVG  
18                   coating anomaly response criteria. This is in  
19                   addition to close interval survey. This is in  
20                   addition to making sure that our CP system is  
21                   working. This is in addition to inline  
22                   inspection.

1                   And this basically looks to see is  
2                   your coating virtually like new on a pipe that  
3                   might be 20 years old. But it's not got any  
4                   corrosion on it. That requirement alone is  
5                   probably one of the most single-handedly  
6                   eliminating criteria in the entire bunch.

7                   Looking at providing an  
8                   alternative to class location criteria, I  
9                   think we've talked a little bit about this.  
10                  I think it's going to take a deliberate  
11                  revisiting of the Code. It only looks at  
12                  going forward. I think we would look to try  
13                  to design to a single factor. I do think  
14                  there's some open discussions around other  
15                  class location criteria, that there's, you  
16                  know, super densities, whatever you want to  
17                  call them, urban environments. I think people  
18                  are receptive to that.

19                  I think we want to look at  
20                  basically facing this on using the PIR to  
21                  drive the requirements. That would be the  
22                  fundamental to this parallel alternative. But

1 I do think it's important, it's not a  
2 replacement track. It is an alternative that  
3 people might use in a very different world  
4 going forward.

5 I think with that, you know, we  
6 kind of summarized our position. I think  
7 there's two issues for us. One is the class  
8 location changes for current pipe and the use  
9 of the current Code to the existing pipe  
10 that's in the ground. And then there is a  
11 parallel alternative of going forward with new  
12 pipe, new design, new criteria, a whole  
13 rewrite of the Code as a parallel option.

14 And I think this has some good  
15 opportunities for us as a group. I think we  
16 recognized that ten or 15 years ago. I think  
17 we need to go back and revisit that. I think  
18 we've kind of lost a little bit of the  
19 thinking that was back there 15 years ago and  
20 I think it would behoove us to kind of slow  
21 down and rethink what are we trying to  
22 accomplish here?

1                   With that, I'll move it to whoever  
2 is next.

3                   MEMBER MAYBERRY: Okay, thanks  
4 Andy. I think next, I'll turn it over to Sue  
5 Fleck, representing the LDC.

6                   MEMBER FLECK: Thank you. You're  
7 going to hear some similar themes from the AGA  
8 position.

9                   As Alan mentioned earlier, class  
10 locations are imbedded in more than 20  
11 different sections in Part 192, factors  
12 covering areas around design, construction,  
13 operations, maintenance of natural gas  
14 pipelines. Therefore, we don't support the  
15 revision and replacement or complete removal  
16 of class locations or the addition of new  
17 class locations without fully evaluating the  
18 impact to the operators and their systems of  
19 all these changes in all these sections.

20                   AGA does support the investigation  
21 and development of a second and parallel  
22 approach. Currently allowed in using

1 something like a PIR approach that's currently  
2 allowed in Subpart O for HCA determination and  
3 certain elements of transmission IMP.

4 The second methodology should be  
5 designed to alleviate the need for automatic  
6 pipe replacement or pressure reduction when  
7 class location changes due to additional  
8 housing development around the pipeline.

9 And once the alternative  
10 methodology is developed that uses a PIR type  
11 approach, AGA recommends that the regulations  
12 allow for an operator to determine on a case  
13 by case basis whether to stick with the class  
14 location methodology or to use the  
15 alternatives. So similar to what Andy was  
16 talking about, allowing parallel paths rather  
17 than a wholesale replacement of class location  
18 with a PIR.

19 AGA also supports the use of  
20 transmission integrity management elements as  
21 an alternative to pipe replacement or MAOP  
22 reductions when additional construction

1 results in a class location.

2 And the next point is one that's  
3 really specific around distribution systems  
4 but it's an important point and will create  
5 some real issues for us. When you evaluate  
6 changes to class locations in federal  
7 regulations, it's important to remember that  
8 many states regulations adopt the federal code  
9 and then make tweaks to them in their state  
10 codes.

11 So if we go and change the federal  
12 code drastically and the States don't change  
13 it at the same time or concurrently, we're  
14 going to end up with competing and potentially  
15 contradictory requirements on a utility that's  
16 operating in multiple states.

17 So if you think of a company in  
18 many States, the federal code changes, New  
19 York doesn't, Massachusetts does. Rhode  
20 Island changes it a different way and then you  
21 end up with this very complicated regulatory  
22 environment. So we think you need to really

1 take that into consideration as you consider  
2 just wiping class location out.

3 And AGA member companies encourage  
4 PHMSA to fully develop and understand the  
5 potential impact of expanding integrity  
6 management prior to any attempt to eliminate  
7 or modify the current class location  
8 methodology.

9 Thank you.

10 MEMBER MAYBERRY: All right, thank  
11 you Sue. And also thanks to the rest of the  
12 panelists.

13 I wanted to add, too, that related  
14 to our public meeting, you know, again, as I  
15 mentioned, we're going to pick up the  
16 discussion there and further vet this issue,  
17 this important issue at that. And I  
18 anticipate it will be a format that you're  
19 familiar with it, or other public meetings  
20 where we'll have panel discussions on various  
21 topics.

22 We'll be organizing it in the

1 next, you know -- we are currently organizing  
2 and will continue organizing it and seeking  
3 input from the various stakeholders as we do  
4 that.

5 So, you know, if you have an  
6 interest, those of you who have heard the  
7 conversation today and would like to  
8 participate in some manner or provide input at  
9 that workshop, I would encourage you to  
10 contact Mike Israni who also will be listed on  
11 the Federal Register Notice for the meeting.

12 The meeting will be at the Hilton,  
13 Crystal City, again on April 16th and the  
14 Federal Register Notice announcing that will  
15 be coming out soon.

16 With that, I guess I'll turn it  
17 back over to Madam Chair and thank you.

18 CHAIR HONORABLE: Thank you, Alan,  
19 and thank you to all of the presenters.  
20 Another well done briefing.

21 And I'm going to yield now to Jeff  
22 to inquire after comments of the committee



1 will we be able to hear from the public?

2 MEMBER WIESE: I guess maybe we  
3 should go to the committee first?

4 CHAIR HONORABLE: Yes.

5 MEMBER WIESE: Okay. I'll just --

6 CHAIR HONORABLE: Okay. So if  
7 there are members of the committees who would  
8 like to offer a comment about what you've  
9 heard or if you have a position, please, as  
10 Chad has just done, raise your tent card and  
11 you'll be recognized. Chad?

12 MEMBER ZAMARIN: Thank you, Chad  
13 Zamarin with the Gas Committee.

14 Just maybe a couple of comments.  
15 You know, it certainly does, I hear a lot of  
16 commentary about it being hard, about it being  
17 complex, but just to put it in a little bit of  
18 perspective.

19 I've seen years over my career  
20 where our budget, which is limited and for a  
21 lot of reasons, not just because of the kind  
22 of the constraints of an operator, but because

1 of the reality of the rate making and balance  
2 within the environment that we live in. I've  
3 seen years where our budget has been, at  
4 times, 30 to 40 percent consumed by class  
5 location changes.

6 Call it a \$100 million budget, \$30  
7 to \$40 million a year being consumed by class  
8 location changes and when we run inline  
9 inspection tools through those pipelines,  
10 those are not the areas that we would be out  
11 repairing based on those results.

12 So the reality of the diversion of  
13 dollars because of the current rule is true  
14 and it is happening. And so, you know, I know  
15 it's hard. I know it's complex but as an  
16 engineer, as a pipeline safety advocate, it  
17 always bothered me that we were diverting  
18 resources to activities that, in my view,  
19 weren't benefitting the public safety.

20 The reality is, there are two  
21 consequence models now in the Code, class  
22 locations in high consequence areas, high

1 consequence areas is far superior. Building  
2 on that good work, I think is our belief as  
3 the right path forward.

4 Figuring out how to minimize the  
5 amount of distraction created by what was a  
6 great, I think first start but now is an  
7 outdated methodology is important.

8 The liquids industry operates  
9 without design factors and class locations and  
10 they're, I think, doing fine. And integrity  
11 management has raised the bar in that area.

12 So, I appreciate the comments. I  
13 think that it is complex but I also think it's  
14 a fairly simple problem that we need to solve.  
15 So, you know, our position would be extend  
16 integrity management, keep building on the  
17 good work that we've done, and eliminate the  
18 need to replace pipe due to classification  
19 changes, design pipe in areas that aren't  
20 going to affect people, focus on the areas  
21 where people can be affected.

22 Thanks.

1 CHAIR HONORABLE: Thank you, Chad.

2 Any others? Jeff?

3 MEMBER WRIGHT: I just want to  
4 speak on behalf of the regulator for  
5 interstate siting.

6 CHAIR HONORABLE: Introduce  
7 yourself please, for the record.

8 MEMBER WRIGHT: Oh, I'm sorry.  
9 Jeff Wright, Federal Energy Regulatory  
10 Commission, Gas Pipeline Committee.

11 I just wanted to speak on behalf  
12 of a regulator for interstate siting of  
13 pipelines.

14 The class locations, and I'm  
15 speaking for new pipe itself, it establishes  
16 a baseline for the construction of the  
17 pipeline. It makes the work that goes into  
18 getting a pipeline into the ground a bit  
19 easier.

20 Now I wouldn't doubt there's some  
21 things that need to be done to reform the  
22 class locations, but I think using class

1 locations in combination with the high  
2 consequence areas, it's an optimal hybrid  
3 system that works.

4 And I would say looking at the  
5 comments of Jersey City, I know exactly what  
6 project that that's about. And these people  
7 in the public -- you laugh, too, because it's  
8 your project. Yes. I have scars all over my  
9 body from that project.

10 But what the people look to is  
11 something they can grab on to and class  
12 locations are what they understand. So I  
13 think it's important, I'm not advocating maybe  
14 an expansion of class locations, that's  
15 something down the road, but I think a system  
16 with class locations in the high consequence  
17 areas is good for the system we have. Not  
18 that it can't be refined, but it's also good  
19 for the public to understand what's going on.

20 CHAIR HONORABLE: Thank you.

21 Any other members of the  
22 committee? All right. I think we can turn

1 now to the public. And I'm looking at Jeff  
2 here.

3 MEMBER WIESE: Thank you, Colette.

4 Well, I think Massoud and I are  
5 probably, we figure that, you know, there's a  
6 lot of discussion yet to be had on this  
7 subject. We have a workshop coming up. Linda  
8 was saying, you know, I have something to say.  
9 But I think a lot of that can wait for the  
10 workshop.

11 I'd like to say more in a note of  
12 humor that I was hoping that the reason we  
13 hadn't gotten many more special permits for  
14 class location was I asked you guys to stop  
15 bringing them.

16 We had learned everything there  
17 was to learn about class location special  
18 permits and Colette and I were talking about  
19 the fact that, special permits are there for  
20 a reason. They're not to be a permanent  
21 workarround the Code. You experiment with  
22 things and say can that work or how would you

1       adjust it?

2                       But I think we've learned what we  
3       needed to learn about the whole class location  
4       special permits. So the time is ripe, you  
5       know, to talk about it.

6                       I would recommend, and I know  
7       Massoud would back me on this, that there is  
8       a lot of inertia behind class location. I  
9       think that at a minimum, we need to talk with  
10      our State partners a lot on this.

11                      Now I realize that INGAA, you  
12      know, is, you know, marginally affected in  
13      that regard but some of your operations are  
14      affected by State regulations and certainly  
15      Sue and Chad have some that are affected.

16                      So, I think I would recommend to  
17      you, and we can talk offline with Massoud,  
18      there are five regional meetings coming up  
19      with NAPS. I mean, I think you need to work  
20      these issues and talk to the people who are  
21      like immediately affected and understand where  
22      they're coming from.

1                   It won't be as easy as just blunt  
2 force push through a rule. I think we need to  
3 talk to people who have a lot of grave  
4 suspicions, you know, and I think we need to  
5 put those aside.

6                   And Massoud and I did talk about  
7 this and we said, you know, like in a perfect  
8 world, I think we both get risk management,  
9 you know, and we've been working with your  
10 guys forever on this stuff so we get it. But  
11 it seems not to be a perfect world. Peoples  
12 models seem to be imperfect.

13                  You know, we continue to have  
14 failures where the operator said I did  
15 everything I needed to do, you know, to look  
16 at this. There was nothing actionable on that  
17 system and we still have a failure. So I'm  
18 just not saying that it's not possible, I'm  
19 just saying that there are reasons why people  
20 are apprehensive, you know.

21                  And I think if we get around to  
22 talking to them about PIR, you might want to



1 think about PIR plus a buffer, you know, or  
2 something. We have seen PIR be overextended  
3 in accidents so, any rate, probably enough  
4 from me on that. I'll save the rest of it for  
5 the workshop.

6 But Colette bent my arm and said,  
7 you know, I'm too hard and I'm not receptive  
8 enough to people talking. So, she suggested  
9 that I allow people to comment from the  
10 public. I will point out, we will have a  
11 workshop on the 16th and but I would invite  
12 anybody who wants to come up and give a three  
13 minute or less comment for the record at this  
14 point. You're welcome to.

15 CHAIR HONORABLE: Thank you, Jeff.  
16 And those weren't my exact words but I  
17 appreciate that you gained the importance of  
18 my comment to you.

19 So with that, if there are any  
20 members of the public, if you'd like to  
21 comment on the class location study, there  
22 will be a public workshop at which you're

1 invited to attend and offer comment at that  
2 time.

3 Seeing none, very good.

4 MEMBER WIESE: See the way I  
5 served that up, it just like tamps it down.

6 CHAIR HONORABLE: Oh, of course,  
7 Rick?

8 MEMBER KUPREWICZ: Did you have  
9 something you wanted to say, Linda?

10 MEMBER DAUGHERTY: I'll wait for  
11 the workshop. Thank you.

12 CHAIR HONORABLE: Very good.  
13 Thank you, Rick. And thank you, Alan and  
14 others on this topic.

15 So without further ado, we'll move  
16 ahead to Agenda Item No. 4, a briefing on  
17 Midstream Regulatory Jurisdiction. And I'll  
18 turn it over to Linda.

19 MEMBER WIESE: Well, we're back  
20 and we're on to the last subject of the day.  
21 I'm pretty sure that we're going to get you an  
22 early adjournment. I can't promise you the

1 same tomorrow, so I'd take advantage of it  
2 tonight if you can but I appreciate your  
3 attention.

4 The issue we're going to talk  
5 about now, and I'll just serve it up really  
6 quickly and then have Linda and Rachel, I  
7 introduced you earlier, I think, when you were  
8 out. Rachel Giesber-Clingman, to talk about  
9 -- and this is really something -- I don't see  
10 Todd Denton here. Do we know if Todd was --  
11 he's out.

12 Oh, he did. Okay, but I already  
13 have his proxy, so in any event, what I'm  
14 going to present is an issue that's come up in  
15 the past year or so really, maybe. And it's  
16 something that has involved us in a sector  
17 that we really hadn't had a ton of involvement  
18 with before and touches on a regulatory  
19 jurisdiction issue between ourselves and OSHA.

20 And there was a lot of back and  
21 forth on it and I think Linda and Rachel can  
22 describe for you what's going on but just so

1 I get to throw out the punch line first, I'm  
2 going to, at the end of the presentation, and  
3 I want you think about this as we present it,  
4 ask for your show of support to create a  
5 subcommittee of the advisory committee.

6 That's something that we haven't  
7 done for a while. I think you might have been  
8 on our last one when we put together the  
9 report to America. We'll have better results.

10 Actually, we used everything in  
11 that report, you know, it just didn't come out  
12 as a report to America.

13 But anyway, with that said, I  
14 really would turn it over, but I wanted you to  
15 understand that there was a punch line here  
16 and I'm going to ask for a motion of support  
17 to create a subcommittee at the end of this.

18 I've already conscripted a couple  
19 of people. Chad sort of reluctantly had an  
20 arm behind his back said that he would be glad  
21 to sponsor and Todd Denton, who's not here to  
22 deny it, also said that he would be happy to

1 sponsor it. So I was looking for a member  
2 from both committees to come into them.

3 I don't know, do we have folks  
4 from OSHA here?

5 Okay, very good. I -- well, not  
6 having met you before, we did invite the OSHA  
7 folks in, too. I think you'll like this.  
8 It's a good opportunity for us to work out  
9 some issues in what I would call a  
10 collaborative fashion.

11 CHAIR HONORABLE: Very good.  
12 Linda?

13 MEMBER DAUGHERTY: All righty.

14 So closing out the day with a  
15 great discussion, right. This is going to be,  
16 you know, as Jeff said, you know, we kind of  
17 stumbled upon this one this year. We've been  
18 doing inspections for a long time and this  
19 issue kind of came up as a little bit  
20 controversial, more controversial than we  
21 anticipated. So let me just jump in and tell  
22 you what we're talking about.

1                   Jeff already mentioned the need  
2                   for a working group. But one of the issues  
3                   that we inspect this line -- this graphic that  
4                   I have up here in the PowerPoint will -- okay,  
5                   what did I do?

6                   CHAIR HONORABLE: There you are.

7                   MEMBER DAUGHERTY: Okay, where's  
8                   the pointer thing? Okay.

9                   CHAIR HONORABLE: You'll just have  
10                  to describe it, there.

11                  MEMBER DAUGHERTY: This is a  
12                  government issue -- Yes, the box in red. What  
13                  the -- I knew that we weren't going to have  
14                  one to imagine, okay? Imagine I'm pointing at  
15                  the box in red.

16                  So what this depicts -- oh, thank  
17                  you. Thank you. So I'll move my hand and you  
18                  move the cursor.

19                  So what we're talking about is  
20                  this particular area here of the entire  
21                  system. Now PHMSA has regulatory authority on  
22                  some of the lines upstream of here. The lines

1 that go through this area, the plant area,  
2 down through compressor stations and  
3 downstream and then, of course, our State  
4 partners often take up -- great, thank you.  
5 You know, this is the last time I'll need  
6 this, right, yes, free gifts.

7 So this area right here is the one  
8 we're looking at, and Rachel, I will pass this  
9 on to you here in just a second.

10 So these plants can do a variety  
11 of things. You can have -- let's say you have  
12 natural gas coming into the line. It could  
13 have contaminates, it could have H<sub>2</sub>S, it could  
14 have water. So these plants serve a variety  
15 of purposes. Different units do different  
16 things.

17 And so you'll have a stream coming  
18 in. It will be processed in some way and then  
19 outgoing, you will have a type of stream.

20 So for example, if, and this is  
21 very simplistic, me on paint, okay, so if this  
22 is a fence line, imagine this black box is a

1 fence line and let's say you have a pipeline  
2 that brings in gas from an upstream source.

3 This represents a valve and then  
4 this is some type of processing facility. It  
5 could be a processing unit, it could be dehy,  
6 it could be contaminant removal, it could be  
7 anything else.

8 Then you have a flow that comes  
9 out of the unit that goes through another  
10 valve and then has a downstream natural gas  
11 pipeline.

12 You may also have some of that gas  
13 that goes up here into storage. So what we  
14 have traditionally considered PHMSA  
15 jurisdiction, what we would inspect would be  
16 all the lines in black. The line coming in,  
17 the line going out, the line going into  
18 storage, including storage. I should have  
19 made that storage outline black.

20 And then, of course, this  
21 represents just another line that comes into  
22 storage and out of storage without processing.



1                   We had also considered OSHA's  
2 regulatory authority to be the unit itself.  
3 So we have a split of authority where you  
4 could have one -- you could have two different  
5 jurisdictions, two different regulatory  
6 agencies covering different parts of a  
7 facility inside this fence.

8                   Now, we don't stop at fence lines.  
9 OSHA doesn't stop at fence lines but we do  
10 believe that we need to have not overlapping,  
11 but safety authority that butts up against  
12 each other. We're not interested in  
13 duplicating activities.

14                   Here's another example, very  
15 similar where you're splitting a gas flow.  
16 You have a gas flow that comes in, you drop  
17 out to liquids. You have natural gas coming  
18 out and this would be -- this would fall under  
19 our hazardous liquid regulations. This would  
20 fall under our natural gas regulations.

21                   This example is simply meant to  
22 show a situation which you have multiple

1 processing. Maybe you have water removal and  
2 contaminate removal or, you know, there's a  
3 variety of different things that you could  
4 have occurring here.

5 And, you know, this is very, very  
6 simplistic. Rachel here in a minute is going  
7 to show you some much more detailed schematics  
8 and go through this.

9 Our current policy is that we  
10 believe we should have no gaps between PHMSA  
11 and OSHA but no overlaps. We don't, you know,  
12 we don't really think it's a good idea to  
13 waste resources. We want to make sure though  
14 that everything is covered appropriately.

15 We haven't changed our policy in  
16 recent years. We have had inspections of  
17 these facilities for years but it has recently  
18 come up as, you know, some question or concern  
19 if we are changing what we're doing.

20 One thing I want to be very clear  
21 on, we have no interest in regulating  
22 processing units. That's not our area of

1 expertise. We do not have good regulations  
2 for dehy units or for, you know, the H2S  
3 treatment. We do not have that expertise,  
4 OSHA does.

5 And so we think it is very  
6 critical that OSHA have authority over those  
7 units. We do, however, have expertise on the  
8 pipeline and on the storage and that's the  
9 area that we believe that we should continue  
10 regulating.

11 Now, we've had some discussions  
12 with OSHA and I believe our OSHA folks may  
13 say, hey wait a minute, you know, once we get  
14 into the details we may have differences but  
15 in general, I believe we're pretty much  
16 aligned on those previous simple schematics.

17 And another note is we don't stop  
18 at fence lines. We don't end our authority  
19 just because there is a, you know, a wood  
20 fence there. You know, it goes into the  
21 valve.

22 And by the way, I should have

1 mentioned on that schematic real quick, one  
2 last point and then I think I'll turn it over  
3 to Rachel.

4           These valves here represent the  
5 last valve closest to the unit. In other  
6 words, you may have a big manifold sitting  
7 here. You know, we would regulate most of the  
8 manifold but then we would stop at that last  
9 valve before the processing unit and OSHA  
10 would take over so we would have most of the  
11 piping pretty much.

12           And simply put, we think there's a  
13 need for a working group because we need to  
14 understand -- better understand the concerns  
15 of the midstream companies. We've had a group  
16 come to us and say hey, you know, we're  
17 worried about this especially with the advent  
18 of these shales. So we expect there could be  
19 a lot more of these facilities and so we need  
20 to get this ironed out now before we have a  
21 much larger issue.

22           You know, there may be some things

1 that we don't recognize that are actual issues  
2 for the companies. And so we want to make  
3 sure we move forward smoothly.

4 Now, I'm going to turn it over to  
5 Rachel. That's the forward and this is the  
6 pointer.

7 MEMBER GIESBER-CLINGMAN: Do I  
8 need to point?

9 Thank you. I wanted to first  
10 thank Jeff for his attention to the issue  
11 although I do not thank Jeff for promising you  
12 all early adjournment, although I will not be  
13 long. And also to Linda for her courtesy thus  
14 far and agreeing to work with us.

15 As Linda said, the issue is as it  
16 relates to midstream facilities.

17 My name is Rachel Clingman; I'm a  
18 lawyer from Houston and I'm here representing  
19 a working group titled the Working Group for  
20 Midstream Facility Safety. Our members are  
21 major public companies in the natural gas  
22 liquids business.

1                   We have DCP Midstream Enterprise  
2                   Products, Targa and others. Together, the  
3                   members of the group operate more than 150,000  
4                   miles of pipeline, much of which is PHMSA  
5                   regulated, some of which is not, and about 170  
6                   midstream facilities are represented by our  
7                   members.

8                   We have had discussions with other  
9                   industry groups, AOPL, GPA, TPA. Some of  
10                  their members have similar concerns and  
11                  interests and overall, we're supportive of the  
12                  proposal that Jeff is making that there be a  
13                  working group to get a little more clarity to  
14                  the issue. And I can expand a bit.

15                  As many of you are aware, there  
16                  are many different activities at midstream  
17                  facilities and processing is one. There are  
18                  also fractionation facilities, storage,  
19                  terminaling and these can be combined in a  
20                  number of different configurations and  
21                  different methods.

22                  Here is the more detailed

1 schematic promised to you by Linda. But  
2 essentially in the past, it is our perspective  
3 that the lines shown in red have been  
4 regulated by PHMSA and are in DOT  
5 jurisdictional grounds.

6           The valves indicated around the --  
7 you can see the dotted line being the fence  
8 line, and we agree the fence line per se means  
9 nothing. But if you see the valves closest to  
10 the fence line, it is our perspective that  
11 PHMSA jurisdiction has generally stopped at  
12 that first pressure regulator device, not  
13 proceeded beyond that into in-plant piping and  
14 operations.

15           The area I think that we're  
16 talking about is this. Well, here we go,  
17 purple, it's going to turn purple. So the  
18 purple now indicating, let me hit it again,  
19 blue, purple. The purple indicating what we  
20 are concerned represents potential overlap.

21           We are very much in agreement that  
22 overlapping regulation, potentially

1 inconsistent overlapping regulations, serve no  
2 purpose. I think we're in agreement.

3 We're in agreement that there  
4 should not be gaps. Green, by the way is  
5 State regulation in this diagram. The  
6 question is where are those lines drawn, what  
7 valves and what pipe is included? And it's  
8 not an easy issue.

9 This schematic is not meant to  
10 depict any particular facility. In fact, I  
11 don't know of a single facility that is  
12 configured exactly like this. But this was  
13 just designed to illustrate the issue.

14 Let me take you through very  
15 briefly some photographs as well, borrowing  
16 from our friends at Google Earth.

17 This is a large NGL fractionation  
18 facility that we would consider to be a  
19 midstream facility. It has numerous aspects.  
20 There is a truck terminal. I think actually  
21 that's -- there we go -- fractionation towers  
22 and a truck terminal and also a railcar



1 terminal all within the facility. And again,  
2 looking at the fractionation towers.

3 Many facilities will not have  
4 fractionation. They will be more, as Linda  
5 mentioned, more processing. Again, the truck  
6 and the rail.

7 Here is another large NGL  
8 fractionation facility with a very different  
9 configuration and this one, as you see over on  
10 the left, has a barge terminal operation.  
11 It's the first time I've actually seen them  
12 pop out, so I'm seeing that with you for the  
13 first time.

14 Here is a medium-sized NGL  
15 facility. Very different configuration,  
16 different menu of operations going on here.  
17 And here also is one that has a little bit of  
18 above ground but a good bit of underground  
19 storage in addition to a separation facility.

20 Next I have a couple closeups of a  
21 midstream facility and I think this is the  
22 heart of the confusion and the issue that we

1 bring to your committee's attention and have  
2 brought to PHMSA's attention. It shows in  
3 greater detail a number of manifolds and  
4 valves and particularly pipe of different  
5 sizing and for different functions. This pipe  
6 functions at different pressures. It is  
7 inspected in different ways. The record  
8 keeping differs.

9 So that is the area in which we're  
10 concerned not of regulation but of clarity and  
11 the ability to comply with one set of  
12 consistent regulations throughout the facility  
13 and in and out of the 195 pipe.

14 This is just another shot of the  
15 inside in-plant, what we would call in-plant  
16 or inside the fence piping and valves and  
17 manifolds.

18 So as was presented, PHMSA has  
19 inspected some of these midstream facilities,  
20 fractionation and storage and notified some  
21 operators of potential violations based on  
22 Part 195. We saw that as a fairly recent

1 development that these would be inspected  
2 under Part 195 as opposed to in OSHA. So we  
3 saw a shift from blue to purple, so to speak.

4           There is a lawsuit on file in the  
5 D.C. Circuit Court of Appeals between one  
6 operator and PHMSA and that is currently on  
7 stay pending PHMSA administrative action. We  
8 think that is a very good time for the  
9 industry and the regulator to talk together  
10 and see if we cannot, in an amicable way,  
11 agree on where the boundaries are and how the  
12 different elements here should be regulated.

13           We do believe that the current  
14 regulatory program is robust and effective but  
15 overall, and critically, we are committed to  
16 safe operations of these midstream facilities  
17 and we want a regulatory scheme that we think  
18 most promotes continued safe operations.

19           Clearly, we agree we should avoid  
20 overlapping regulation and undue regulatory  
21 resources, quite honestly, and inspecting  
22 things that might be inspected by another

1 agency.

2 And our bottom line, as we just  
3 wanted to consider more and understand what  
4 are the regulator concerns? Are there gaps?  
5 Are there things that have been inadequately  
6 enforced or regulated? And also then to  
7 enhance the understanding of this group and  
8 the PHMSA regulators about the variety of  
9 midstream facilities and what regulations  
10 might be best suited "inside the fence" or  
11 beyond that first pressure regulator.

12 And so with that, Jeff, I'll hand  
13 it back to you but also with our request on  
14 behalf of the seven companies in our working  
15 group that this committee endorse forming a  
16 working group to study this in a little more  
17 detail.

18 CHAIR HONORABLE: Thank you,  
19 Rachel. Very well done to both you and Linda.

20 UNKNOWN: She got the whiz-bang.

21 CHAIR HONORABLE: Yes. Yes, she  
22 upstaged you on the technological advances.

1 All right, so with that, we'll  
2 hear questions, comments from the committee  
3 and I see Michele jumping right in.

4 MEMBER JOY: Thanks. I was  
5 wanting to ask Rachel a question. Before you  
6 leave, on your slide pack going back to where  
7 it goes blue to purple, I saw some portions  
8 turn from blue to purple that seemed  
9 inconsistent with what Linda was saying. So  
10 I was wondering if we could go back to that so  
11 that I could get clarity as to where we think  
12 the break might be.

13 MEMBER GIESBER-CLINGMAN: I would  
14 go back but I think I might be able to speak  
15 for both of us in that we don't have clarity.  
16 So I think our perception and possibly Linda's  
17 perception and possibly different people in  
18 industry and different people on the regulator  
19 would draw that line differently today. I  
20 don't think there is clarity. And I think  
21 there probably is some delta between the  
22 earlier presentation and this, thus the

1 problem.

2 MEMBER JOY: And sorry, I forgot  
3 to identify myself. Michele Joy, on the  
4 liquid pipeline side. Sorry.

5 Because you note here that the  
6 dehy unit turns purple, but Linda said that  
7 any processing facility you didn't think would  
8 be part of PHMSA? I'm just trying to get  
9 clarity on those issues.

10 MEMBER DAUGHERTY: Right. And we  
11 would not take any processing unit. We would  
12 take the piping, the storage, things outside  
13 of the units. The processing units would  
14 belong to OSHA under, and I believe they use  
15 PSM for that.

16 So, that's the issue that we're  
17 trying to work out is where do we butt up to  
18 OSHA? Where there's a perception we overlay  
19 or where we stop at different valves. So  
20 that's the issue and we need to have a  
21 workgroup to just talk it through and to look  
22 at the different complexities and come to

1 agreement.

2 MEMBER GIESBER-CLINGMAN: I do  
3 think you're right, though, that under both of  
4 our interpretations that particular unit  
5 should be in blue. I think that's right.

6 MEMBER JOY: Okay. That helps.  
7 Thank you.

8 The other question I had as we go  
9 forward with this idea of the working group  
10 because if you want to have a working group,  
11 it seems to me you need clarity of the  
12 foundation of what they are working on and  
13 what the scope is.

14 And there's kind of been two  
15 different approaches with respect to  
16 overlapping jurisdiction or potentially  
17 overlapping jurisdiction.

18 One is to clearly get clarity  
19 around, up to this point, is Agency A after  
20 that point, is Agency B and, obviously,  
21 everyone's trying to get to the proper level  
22 of safety and if that works out, great.

1                   The other alternative that has  
2 worked as well is everybody wants the proper  
3 level of safety. So if Agency A and Agency B  
4 agree as to what is the right level of safety,  
5 then the industry doesn't have to try to worry  
6 about doing two different standards.

7                   Are either questions open with  
8 respect to the workshop or is there just such  
9 a big difference in terms of the regulations  
10 that we're really looking at a breakpoint?

11                   MEMBER DAUGHERTY: I think we are  
12 going to have to take the first step first  
13 which is to assure we have clarity on what the  
14 points of confusion are.

15                   It may be we all sit down in a  
16 room, we put our schematics out and we all  
17 say, oh, I well I didn't know that's what you  
18 meant. Okay, we're all clear, we're good and  
19 we move forward.

20                   On the other hand, if we determine  
21 that there are gaps or there are clear  
22 overlaps, if there's gaps, maybe it's a



1 regulatory issue. If there's overlaps, it's  
2 possible that OSHA and PHMSA could come to an  
3 agreement. I mean, there's several mechanisms  
4 to address how we make sure that the safety  
5 issues are being addressed without double-  
6 dipping.

7 MEMBER JOY: Okay, thank you,  
8 that's helpful. Thank you.

9 CHAIR HONORABLE: Thank you. And  
10 Michele, I think your question bears out maybe  
11 the reason why there should be a working  
12 group, certainly without my opining on that  
13 topic.

14 And I see Craig's tent card and  
15 then Chad.

16 MEMBER PIERSON: Craig Pierson,  
17 liquids. I'm comforted to see that there's a  
18 philosophy of no overlaps. I wonder if the  
19 other agencies share that? We're the operator  
20 of one facility and EPA also is a safety  
21 regulator at the facility that we've got. So  
22 we have three federal agencies there and I

1 suspect if you're really going to solve the  
2 problem, folks have to actually go there and  
3 point and say this is mine, this is yours and  
4 agree to no overlaps.

5 I also state that you've got a  
6 very similar issue in refineries. We operate  
7 in the refineries and there is -- there are  
8 some significant overlaps and I suspect in  
9 general there are more overlaps than gaps.

10 CHAIR HONORABLE: Thank you.

11 Chad?

12 MEMBER ZAMARIN: Chad Zamarin with  
13 the Gas Committee. I should probably know  
14 this but, things like the dehydration  
15 facilities, there are gas conditioners and  
16 liquid separators that just natural gas  
17 facilities, transmission facilities, storage  
18 facilities, compressor stations, I mean, PHMSA  
19 currently inspects and has jurisdiction over  
20 those facilities. Is that correct?

21 MEMBER DAUGHERTY: Yes.

22 MEMBER ZAMARIN: Okay. I think

1 what I really do support, Jeff didn't have to  
2 twist my arm too far, I do really support this  
3 effort. It seems like a question not, I think  
4 somewhat of maybe expertise but more just a  
5 jurisdictional kind of boundaries and defining  
6 what is or isn't a midstream facility, what is  
7 or isn't a processing facility and part of a  
8 processing facility. I'm looking forward to  
9 figuring that out myself. So, certainly good  
10 presentation. Thanks.

11 CHAIR HONORABLE: Thank you, Chad.  
12 Jeff?

13 MEMBER WIESE: I guess I probably  
14 should have waited to see if there are any of  
15 the other committee members who wanted to  
16 talk.

17 But, first of all, I'd like to  
18 thank Rachel and I'd like to thank the  
19 Midstream Working Group. I would say in our  
20 fairly long experience, there are a couple of  
21 ways of working out these kinds of rubs when  
22 you get to them and one of them is through a

1 lot of protracted litigation, which I don't  
2 think is a good use of anyone's time, effort  
3 or money.

4 Not to say that we'll always agree  
5 on things, but we're not entirely sure where  
6 we agree and where we disagree, which is why  
7 we thought rather than get into this prolonged  
8 period of litigation, why don't we at least  
9 give it a shot of getting in a room and let  
10 people talk. Let's figure out where we do  
11 agree.

12 We had debated going larger but I  
13 think that OSHA and we agreed that, you know,  
14 we're fairly well aligned on issues and I  
15 think when we get in a room with the midstream  
16 folks, I'm very optimistic this will have a  
17 positive outcome for all sides.

18 But we won't know until we start  
19 talking and we start comparing things. So I  
20 guess I want to, again, I want to thank folks  
21 because I think it's the right way of doing  
22 business. There's no point in -- we don't

1 have enough resources, as Rick always points  
2 out to me, you know, and I agree entirely, to  
3 take on everyone.

4 We need to focus on the things  
5 that are at greatest risk, but let us not  
6 fight in order to get to the answer. We'll  
7 try to find a way.

8 And we're not shy so I think as  
9 you'll find in a working group, we're not shy  
10 about expressing our opinion. But I think  
11 let's find out where the rub really is before  
12 we, you know, have to take off the eight ounce  
13 gloves or something.

14 So, I guess seeing no, although  
15 there are, okay so --

16 MEMBER HILL: I'd like to make a  
17 motion that we do allow Ms. Honorable to set  
18 up the workshop per your standards.

19 CHAIR HONORABLE: Very good and  
20 that's Robert Hill for the record --

21 MEMBER HILL: Yes, I'm sorry.

22 CHAIR HONORABLE: -- making the

1 motion. Is there a second?

2 Chad Zamarin is the second.

3 Is there any discussion of this  
4 motion to set up a working group?

5 MEMBER WIESE: I might just for  
6 clarity, so and it may be patently obvious to  
7 everyone, but just to be sure, what we're  
8 asking for is just a motion of support. This  
9 isn't -- you know, I'm just looking for an  
10 indication that you think that's the right  
11 path to follow.

12 We've already done the work behind  
13 the scenes to get all the participants to the  
14 table including OSHA, you know, including the  
15 members who we didn't have to twist their arm  
16 too hard and they were willing to participate.

17 So, although Craig's always going  
18 to want it to go a little further than where  
19 it's going, but our goal is to set up a  
20 working group. Let them do their work and by  
21 the time we meet again in person, have them  
22 report out to you. Okay, so that's enough.

1 CHAIR HONORABLE: Okay. So I  
2 think you've covered Craig's territory, but go  
3 ahead Craig.

4 MEMBER PIERSON: You answered the  
5 question. It is a subcommittee as opposed to  
6 a workshop.

7 MEMBER WIESE: Subcommittee.

8 MEMBER PIERSON: And subcommittee  
9 will report back to this committee.

10 CHAIR HONORABLE: Yes.

11 MEMBER PIERSON: Then I make a  
12 motion to support that.

13 CHAIR HONORABLE: All right, we  
14 have a motion and a second and so is there any  
15 discussion? This is just a motion to support  
16 this effort.

17 And so is it all right to call for  
18 a voice vote or should we have a vote? Voice  
19 vote? Very good.

20 All those in support of the  
21 formation of this subcommittee, and I think I  
22 -- okay, very good. Chuck?

1                   MEMBER LESNIAK:  Chuck Lesniak,  
2                   Liquids Committee.  Are we -- do the Liquids  
3                   Committee get a vote on this?  Do we have a  
4                   quorum?  I'm not sure we've got a quorum with  
5                   the Liquids Committee here.

6                   MEMBER WIESE:  I know we have a  
7                   quorum on the gas side.

8                   MEMBER LESNIAK:  I know we do on  
9                   the gas but, I was counting heads and I'm not  
10                  sure we've got a quorum.

11                  CHAIR HONORABLE:  Both committees.

12                  MEMBER WIESE:  I guess that is a  
13                  technicality, but you're probably right.  But  
14                  since we're asking both committees here and  
15                  it's not really a vote, per se.  I'm just, you  
16                  know, I'm really looking for more of a --

17                  CHAIR HONORABLE:  It's an  
18                  expression of support.

19                  MEMBER WIESE:  -- verbal -- if  
20                  anyone's opposed, you know, I'm happy to hear  
21                  why.  I think it's a generally a good idea,  
22                  it's not going any further than it comes back



1 to the committee. So --

2 CHAIR HONORABLE: Thank you,  
3 Chuck.

4 MEMBER WIESE: Yes, and I should  
5 say I'll offer too, we have been pre-  
6 populating a working group with the hopes that  
7 you would approve it and we'll send a  
8 communique out to the full committee and say  
9 who the formal members are going to be.

10 But I wanted you to know that you  
11 would have one from each committee who would  
12 be charged with kind of overlooking the  
13 process and keeping Linda and Rachel in line.

14 CHAIR HONORABLE: And I think that  
15 you referenced Craig Pierson and Chad Zamarin?

16 MEMBER WIESE: Chad Zamarin and  
17 Todd Denton.

18 CHAIR HONORABLE: Todd Denton.  
19 Pardon me.

20 MEMBER WIESE: Oh, Craig is ready  
21 to volunteer, too.

22 CHAIR HONORABLE: Sorry, Craig.

1                   MEMBER WIESE: Only if we take on  
2 refineries.

3                   CHAIR HONORABLE: Okay. And so  
4 for that purpose it would be appropriate to  
5 gain an expression of support for the  
6 subcommittee from both committees.

7                   So with that, we have a motion and  
8 a second. Is there any other unreadiness,  
9 questions, discussion?

10                  Okay, all of those in favor,  
11 please say, aye. Any opposed or abstaining?

12                  All right. So you have your  
13 expression of support.

14                  MEMBER WIESE: Thank you.

15                  CHAIR HONORABLE: And I believe  
16 that we've heard that we look forward to a  
17 report from this subcommittee at our next  
18 meeting.

19                  MEMBER WIESE: Absolutely.

20                  CHAIR HONORABLE: Very good.  
21 Thank you both, Linda, Rachel and in advance,  
22 Chad and Todd, in absentia.

1                   This is what happens when you  
2                   don't make it or when you leave early to go on  
3                   The Hill, you get appointed to a committee.

4                   And with that, I'm going to turn  
5                   it over to Jeff.

6                   MEMBER WIESE: Okay, thank you so  
7                   much, Commissioner. I appreciate very much  
8                   your time and attention. We are, I know  
9                   Michele will have something in a second. And  
10                  I'll just finish my administrative things  
11                  unless it's a matter of order?

12                  Okay, why don't we defer to  
13                  Michele?

14                  MEMBER JOY: I just had a  
15                  question. We didn't ask for any comments from  
16                  the public on this last one. Did we need to?

17                  MEMBER WIESE: No.

18                  MEMBER JOY: Okay.

19                  CHAIR HONORABLE: We can take it  
20                  up at our next -- when we hear the  
21                  presentation from the subcommittee.

22                  MEMBER JOY: Okay, thank you.

1 CHAIR HONORABLE: Thank you.

2 MEMBER WIESE: As a technical  
3 matter, we always ask for public comment on a  
4 vote. On a, you know, a normal briefing type  
5 things, time permitting, great. This really  
6 isn't going anywhere short of the group  
7 standing off.

8 So I think there'll be a lot of  
9 opportunity for people to weigh in. We want  
10 to sort things out first and make a really  
11 clear presentation back to the committee.

12 CHAIR HONORABLE: Sort of, I would  
13 imagine, to get the lay of the land, if you  
14 will, and the parties to engage and to come  
15 back with a report of where we are and where  
16 we're headed. So we look forward to that.

17 And I too would like to commend  
18 both PHMSA and OSHA for being willing to work  
19 together in this manner. I'm looking forward  
20 to the work that will evolve.

21 All right.

22 MEMBER WIESE: Okay, just a few

1 closing comments, just more housekeeping more  
2 than anything is that I, and Cam can correct  
3 me where I leave stuff out here.

4 I wanted to make clear that as  
5 opposed to the SMS workshop, which will be on  
6 Thursday and starts at 8:00 a.m., because we  
7 assumed it was mostly pipeline engineers, all  
8 right, and they're sitting around for an hour  
9 wondering what they're going to do from 7:00  
10 until 8:00 in the morning.

11 The meeting tomorrow, the Advisory  
12 Committee starts at 9:00 indifference to those  
13 of you who are not pipeline engineers.

14 So tomorrow I'm really looking  
15 forward to it because we wanted you, the  
16 members of the committee in particular, to  
17 understand the breadth of things that are  
18 going on as it relates to pipeline safety.

19 Administrator Quarterman's going  
20 to be here and kick it off and then she has to  
21 leave pretty quickly afterwards to go to The  
22 Hill and testify on crude oil movement by

1 rail, one of her favorite topics these days,  
2 as I'm sure you bet.

3 But we're going -- we've set it up  
4 on purpose so that you'll hear from each of  
5 the major stakeholder groups about what their  
6 priorities and initiatives are for 2014. So  
7 I doubt there will be some overlap in this  
8 stuff, but I think you'll get a sense of the  
9 magnitude of the things that are going on in  
10 pipeline safety, a lot of which relate to  
11 mandates and recommendations, as you can  
12 imagine.

13 We'll then have a lunch and Alan  
14 is going to come back along with Cam and give  
15 you some real quick updates on the mandates,  
16 recommendations.

17 Cam's going to tell you what he  
18 can tell you about the regulatory agenda.

19 And then the next two sessions are  
20 really kind of a warm-up for those of you who  
21 are going to stick around Thursday or watch  
22 the webcast.

1                   We have been working on metrics  
2                   for well over a decade. Michele might even  
3                   remember the earlier days, I know Andy does  
4                   and others where when we said about integrity  
5                   management, we said about performance measures  
6                   immediately. There's probably more available  
7                   to people than they're aware of and that's  
8                   partially our fault. Alan and Linda and  
9                   others will describe for you what we're doing  
10                  to fix that issue.

11                  But I think that's very much  
12                  related to safety management systems and the  
13                  whole issue of management review.

14                  The second item, and I'm really  
15                  happy to see that we have Jordan Barab who's  
16                  the Deputy Assistant Secretary for Labor  
17                  coming over. He is a Deputy at OSHA and he's  
18                  going to talk to us about their experience  
19                  with safety management systems, PSM, which  
20                  many of you are familiar with and they have  
21                  put out a notice for improvements they'd like  
22                  to make to PSM so we've invited them to talk

1 to us about that.

2 He'll be joined by Brian Salerno  
3 who's the Director for the Bureau of Safety  
4 and Environmental Enforcement, the parts of  
5 the former MMS, so all the off-shore on gas,  
6 they obviously have a lot of experience after  
7 -- well both before and after Deepwater  
8 Horizon on safety management systems.

9 And then last but not least, we've  
10 invited Patrick Smyth who runs a significant  
11 portion of the Canadian National Energy Board  
12 to talk to us about SMS.

13 So I'll close by saying that the  
14 point of the last two presentations of the day  
15 is really to set you up for the discussion the  
16 next day about safety management systems.

17 I'd like to encourage all of you  
18 as well as the public to either dial in for  
19 the webcast, you can get to it from PHMSA's  
20 front page or to attend.

21 We're heading, Massoud mentioned,  
22 in 2.0, you know, and many of us have talked



1 about what might that contain? What might it  
2 look like? And I think it's an open question  
3 to be asked, how does the work that Ron  
4 McClain and the committee, RP1173 Committee,  
5 how does that play in to this scenario?

6 So I'd really like to encourage  
7 you to. We've put a lot of time and effort  
8 into both a draft standard we'll be handing  
9 out at the end of that workshop as well as the  
10 workshop itself.

11 So I think that's really it. I'm  
12 happy to entertain any questions, but if not,  
13 I will also be happy to adjourn a tad early.

14 CHAIR HONORABLE: I don't think  
15 you'll hear any objections on that point. But  
16 I guess I would remind us all, we will begin  
17 in the morning at 9:00 a.m.

18 MEMBER WIESE: 9:00 a.m., same  
19 place.

20 CHAIR HONORABLE: Thank you. I  
21 think Sue is asking should we leave our name  
22 tags? Feel free to do so and you can pick it

1 back up in the morning.

2 MEMBER WIESE: Yes, I think  
3 they'll clean under it.

4 CHAIR HONORABLE: Thank you. So

5 MEMBER WIESE: Great, okay, we're  
6 adjourned.

7 CHAIR HONORABLE: -- we're  
8 adjourned for the day.

9 MEMBER WIESE: Thanks so much  
10 for your time, very much. Thank you.

11 (Whereupon, the foregoing matter  
12 went off the record at 3:58 p.m.)

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