

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

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TECHNICAL PIPELINE SAFETY
STANDARDS COMMITTEE
(GAS POLICY ADVISORY COMMITTEE)

and

TECHNICAL HAZARDOUS LIQUID PIPELINE SAFETY
STANDARDS COMMITTEE
(LIQUID POLICY ADVISORY COMMITTEE)

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JOINT MEETING

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WEDNESDAY

JULY 12, 2012

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The Committees met in Ballroom D,
Marriott Metro Center, 775 12th Street,
N.W., Washington, D.C., at 9:00 a.m., THE
Honorable Lula M. Ford, Chair, presiding.

PRESENT:

THE HONORABLE LULA M. FORD, Chair,
Illinois Commerce Commission

TECHNICAL PIPELINE SAFETY STANDARDS

COMMITTEE MEMBERS PRESENT:

DENISE M. BEACH, National Fire Protection

MICHAEL BELLMAN, City of Richmond

J. ANDREW DRAKE, Spectra Energy

RICHARD E. FEIGEL, Hartford Steam Boiler

SUSAN L. FLECK, National Grid

THE HONORABLE WAYNE E. GARDNER, Pennsylvania

Public Utilities Commission

RICHARD F. PEVARSKI, Virginia Utility

Protection Services, LLC

DONALD J. STURSMA, Iowa Utilities Board

RICHARD H. WORSINGER, City of Rocky Mount

JEFF C. WRIGHT, Federal Energy Regulatory

Commission

TECHNICAL HAZARDOUS LIQUID PIPELINE SAFETY

STANDARDS COMMITTEE MEMBERS PRESENT:

LANNY W. ARMSTRONG, City of Pasadena

LARRY J. DAVIED, Magellan Midstream

Partners L.P.

DENISE M. HAMSHER, Enbridge (USA) Pipeline

RICHARD B. KUPREWICZ, Accufacts,

Incorporated

CRAIG O. PIERSON, Marathon Pipe Line LLC

LARRY M. SHELTON, Sunoco Logistics

MASSOUD TAHAMTANI, Virginia State

Corporation Commission

CARL M. WEIMER, Pipeline Safety Trust

ALSO PRESENT:

JEFFREY WIESE, Associate Administrator for
Pipeline Safety, Office of Pipeline
Safety

LINDA DAUGHERTY, Deputy Associate
Administrator for Policy and Programs,
Office of Pipeline Safety

ALAN MAYBERRY, Deputy Associate
Administrator for Field Operations,
Office of Pipeline Safety

JOHN A. GALE, Director, Standards and
Rulemaking, Office of Pipeline Safety

CHERYL WHETSEL, Technical Advisory Committee
Manager, Office of Pipeline Safety

KRISTIN BALDWIN, Staff Attorney, Office of
Chief Counsel

CAMERON SATTERTHWAITE, Pipeline and
Hazardous Materials Safety
Administration

STEPHEN KLEJST, National Transportation
Safety Board

ROBERT J. HALL, National Transportation
Safety Board

PETER LIDIAK, American Petroleum Institute

C-O-N-T-E-N-T-S

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Jeff Wiese & Committee Chair

(Lula Ford)

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and San Bruno Accidents

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Committee Chair

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

2 (9:02 a.m.)

3 CALL TO ORDER/MEETING OBJECTIVES

4 MR. WIESE: I'm glad to see that
5 a couple of people took my advice last night
6 and went to Brasserie Beck on 9th. And
7 we've been there before. It turns out that
8 Belgian week -- I lied -- is actually next
9 week. So for those locals who go back to
10 Brasserie Beck next week, I'm sure you'll
11 enjoy it.

12 Okay. Before we begin the
13 session this morning, I wanted to make a
14 couple of quick announcements, and then I'll
15 turn to Commissioner Ford and we'll begin
16 the meeting officially.

17 We did a little rearranging here.
18 And hopefully -- I didn't get a chance to
19 bounce it off of everybody. Hopefully it
20 works for all of you.

21 As we were talking yesterday,
22 there's -- you know, I think we've got a

1 good, sound framework to build on. And I do
2 believe with IMP 2.0, my cute little way of
3 thinking about where do we go next.

4 You know, there's a lot of work
5 to do between now and next fall, when we
6 hold that meeting. We're going to stage a
7 series of events between now and then to try
8 to build a consensus about where we need to
9 go between those.

10 I think it's important for us to
11 look at the landscape and what's before us
12 in there. I think for the gas guys as well
13 as the liquid and vice versa, we need to
14 know what's on the landscape.

15 Clearly NTSB is -- we have
16 invited them here to make a presentation
17 this morning about the Marshall, Michigan
18 failure that they reported on two days ago.
19 And I think it's important for everyone to
20 listen to that.

21 And with my apologies to them
22 because we had also asked them to do the San

1 Bruno briefing. You know, I had asked them
2 if we could -- we will bypass that because I
3 think we know that one. And we've all gone
4 through that. And we know what the issues
5 are on the landscape we have to deal with
6 there.

7 So in the spirit of making sure
8 that we all know where we are going in about
9 a year, we have asked the NTSB to come in.
10 I'm going to follow that and do a joint
11 session, follow that. Instead of doing Alan
12 and Linda separate rooms, doing the same
13 presentation on records, I thought we would
14 do that here.

15 After we're done with those two
16 things, we'll break up. Liquid group will
17 stay here. Gas group will go over there,
18 finish our agendas. And my apologies
19 because we should have said we're going to
20 try to adjourn around noon today. You know,
21 it might be a little later than noon. I
22 know that we had originally planned on a

1 full day's session, but I think we'll get
2 through what we need to by noon and maybe
3 get people out of here and back home. So I
4 appreciate that.

5 Then the last thing is -- have we
6 figured out the time? No. We'll report
7 back to you. If you're sticking around for
8 tomorrow, the meeting we're holding at DOT
9 on consensus standards incorporated by
10 reference, I'll get you a starting time.

11 I'll bet it's 9:00 o'clock
12 because it's run by the attorneys and not
13 the engineers. The engineers will want to
14 start at 7:00 or 7:00, you know, and the
15 attorneys aren't going to be in yet. So my
16 guess, it will be 9:00 o'clock, but I'll get
17 back to you on that, with apologies to my
18 friends who are attorneys, at the DOT
19 building, sadly.

20 There's a new edict, by the way
21 -- I don't know if it affects the -- of
22 course, you have a big room to meet in -- a

1 new edict in the federal government in the
2 wake of GSA's debacle that anybody would
3 have said was a debacle that everyone will
4 meet in federal buildings whenever possible.
5 So we fight desperately to keep these
6 meetings out of federal buildings because
7 it's so hard to get everybody in and out.

8 And I guess the other thing I
9 should say is because things kind of
10 backfired at the last minute, the hotel
11 comped coffee for everyone out here. And so
12 there is coffee. Please help yourself.
13 They put us in the wrong room. We were
14 supposed to be in a different setup.

15 I think those are really sort of
16 the introductory remarks. So, with your
17 permission, I will turn the meeting over to
18 Chairman Commissioner Ford.

19 CHAIR FORD: Thank you. Good
20 morning.

21 (Chorus of "Good morning")

22 CHAIR FORD: This is a joint

1 meeting of the Technical Hazardous Liquid
2 Pipeline Safety Standards Committee and the
3 Technical Pipeline Safety Standards
4 Committee.

5 There are no published rules to
6 consider to vote on at this meeting. The
7 meeting is officially called to order. And
8 before we begin the first agenda item,
9 please turn off your cell phones. If you
10 wish to speak, turn your card on its side.
11 State your name before you speak for the
12 record.

13 It's a pleasure for me to
14 introduce Steve because Steve was at my MARC
15 Conference in Des Moines, Iowa, as I
16 mentioned earlier, along with Donald, who is
17 an Iowan, and Phil Bennett and Tim Butters.
18 So they did a fine job. And it was a very
19 good conversation between all.

20 Steve?

21 MR. KLEJST: Good morning,
22 everyone. This morning's presentation is

1 actually going to be done by Robert Hall.
2 Robert is the Deputy Director of the Safety
3 Board's Office of Railroad Pipeline and
4 Hazard Materials Investigations.

5 I think it was said earlier there
6 were to be two presentations: one on the
7 San Bruno accident and our findings and one
8 on our most recently completed Enbridge
9 accident in Marshall, Michigan. And Rob
10 played a very strong role in that
11 investigation. And he will be doing the
12 presentation today. So I will turn it over
13 to Rob. Thank you.

14 AGENDA ITEM 1:

15 BRIEFING: NTSB UPDATE FROM
16 ENBRIDGE AND SAN BRUNO ACCIDENTS

17 MR. HALL: As I was saying, I did
18 bring some copies, but I was expecting to be
19 presenting to only one group. So I don't
20 have quite enough copies.

21 I have given electronic copies to
22 PHMSA. So they will be distributing

1 electronic copies, but there are 14 copies
2 here of each, the slides that I am about to
3 use as well as a synopsis of the accident
4 information that we published on the website
5 yesterday, which includes the findings,
6 probably cause, and recommendations. So
7 I'll get those started around.

8 I'm going to provide an overview
9 of the July 25th, 2010 Enbridge line 6B
10 pipeline rupture and crude oil release that
11 occurred in Marshall, Michigan and resulted
12 in large environmental impacts along
13 Talmadge Creek and the Kalamazoo River. The
14 accident occurred just about two years ago.

15 The Enbridge system originates in
16 Canada, in Edmonton, Alberta, and flows down
17 into North Dakota through Minnesota,
18 Wisconsin, splits in Wisconsin, one going
19 through the upper peninsula into Michigan
20 and then the other going down through
21 Illinois.

22 The line of interest is line 6B,

1 which is shown in orange here, which is part
2 of the old Lakehead system. It's where the
3 accident occurred. And the control center
4 is in Edmonton.

5 Line 6B begins in Griffith and
6 runs to Sarnia in Canada. And the Marshall
7 pump station, which was the closest pump
8 station to the rupture, is about in the
9 center of the line. The line itself,
10 30-inch diameter, almost 300 miles long, was
11 constructed in 1969, double-submerged
12 arc-welded pipe with polyethylene tape
13 wrap-coated coating.

14 When we look at the events that
15 were leading up to the rupture, the line 6B
16 was going into a planned shutdown. And they
17 were at the time injected at the Griffith
18 terminal, delivering to the Stockbridge
19 terminal, and they were going to shut the
20 pipeline down for ten hours. They began by
21 shutting off pumps at Griffith and La Porte.
22 They then used a pressure control valve at

1 the Stockbridge terminal to increase the
2 line back pressure from 50 psi at
3 Stockbridge up to 200 psi at Stockbridge.

4 A few seconds after this
5 increase, they shut down the stations at
6 Niles and Mendon. And then as the pressure
7 wave from the increase of the valve closing
8 went back to Marshall, we had a rupture just
9 outside the Marshall station.

10 The rupture occurred at 486 psi,
11 which was well below the MOP for the line
12 but above the pressure that it had just been
13 operating at prior to the shutdown.

14 The ruptured section, located in
15 a wetland about a half mile from the
16 Marshall pump station, the section had been
17 hydrostatically tested in 1969. And, as I
18 mentioned, it was wrapped with a
19 polyethylene tape coating, a field-applied
20 tape coating, at the time of construction.

21 This is a picture of the rupture.
22 It's about 81 inches long, 5 inches wide at

1 the largest point. You can also see the
2 tape coating there at the rupture location.

3 The longitudinal weld seam was at
4 approximately the 3:00 o'clock position in
5 the ground. And the rupture was occurring
6 just below that.

7 When we look at the events that
8 kind of led up to this rupture because it
9 was a series of events throughout the
10 accident following the rupture to discovery,
11 it was 17 hours and 19 minutes from the time
12 of rupture to the time that oil was
13 discovered on the ground. And oil was
14 discovered on the ground by a gas utility
15 worker, who then phoned it in to Enbridge.

16 The rupture occurred at 5:58 p.m.
17 during this planned shutdown. During the
18 shutdown, they got multiple pressure-related
19 alarms. Pressure at the Marshall pump
20 station went to zero. But they also got an
21 MBS alarm, which is their mass balance
22 system, severe leak detection alarm.

1 Those alarms cleared because of
2 the shutdown. It was unusual to get a mass
3 balance alarm in this location. They
4 misinterpreted its column separation, but
5 because of the shutdown, things just kind of
6 got lost as they were moving on with
7 activities and they did not investigate the
8 alarm. They call it column separation, and
9 they moved on.

10 They made a turnover to shift B.
11 Now, while shift B was on duty, the first
12 911 calls were received about three and a
13 half hours after the rupture. There were
14 multiple 911 calls that were made about odor
15 in the Marshall area about the smell of
16 crude oil. Some people reported it as a
17 natural gas smell, but there were multiple
18 calls that came into the 911 center.

19 Firefighters were dispatched to
20 investigate the cause of the calls. They
21 never found anything. And, in fact, as
22 multiple calls came into the 911 center,

1 they basically told people, "Well, the fire
2 department is already on it." The 911
3 center didn't pass on the information to the
4 fire department that these calls were
5 continuing.

6 On shift B, they tried to start
7 the line. After the ten hours, the planned
8 shutdown, they tried to start the line.
9 They got mass balance system alarm. They
10 kept pumping for an hour. About 439,000
11 gallons were pumped. And they could not get
12 pressure up in the line to get the line
13 started. They finally shut down.

14 On that same shift, later on,
15 they started again. This time they pumped
16 for half an hour, put in an additional
17 244,000 gallons of oil. And again they
18 could not get pressure to get the line
19 started to get the pump started.

20 They had multiple leak alarms,
21 volume differences, and low pressure. They
22 all attributed it to column separation.

1 They also ignored restrictions and
2 procedures that would have prevented the
3 prolonged release.

4 After the '91 incident, they put
5 in place a 10-minute restriction on pumping
6 if you have an unknown cause for mass
7 balance alarm.

8 They violated that ten-minute
9 restriction. And that ten-minute
10 restriction was put in place for this very
11 reason, and they violated it.

12 Then we go to shift C. Shift C
13 did contact the regional manager to have
14 line 6B inspected. Line 6B was not
15 inspected. In fact, the manager was "Well,
16 we haven't had any outside calls. You know,
17 let's go forward with it."

18 They gave approval to start a
19 third time. And then at 11:17 a.m., before
20 they started that third time, outside
21 notification came to the control center.
22 And at that point, they immediately shut the

1 remote control valves.

2 One of the interesting things
3 about these three shifts, the 17 hours, one
4 of the things we noted in our investigation
5 was shift turnover was poor, but the three
6 shifts were all making the same error, the
7 same misdiagnosis. They weren't passing
8 that down from shift to shift. They were
9 making the same misdiagnosis.

10 This is an aerial photograph of
11 the rupture area. In the center of the
12 screen, you can see where they were
13 excavating the pipe for the rupture. Here
14 in the lower left, you can see a large pool
15 of oil. And the arrow shows where Talmadge
16 Creek is.

17 And this is a little bit further
18 out showing the area and how the oil flowed
19 to Talmadge Creek.

20 One of the things that we looked
21 at in the investigation was the oil spill
22 response. And this was particularly

1 troubling. They have a large quantity of
2 oil here near the rupture location. When
3 they went there on the initial response,
4 they went miles downstream in Talmadge
5 Creek, "Let's find a shot where there's no
6 sheen, no oil, and let's set up up there."
7 And they threw out a couple of booms.

8 They had an opportunity here to
9 contain the oil near the source location,
10 source control using well-known techniques
11 in the literature, and it wasn't done. And
12 they used ineffective techniques downstream,
13 which compounded this problem, which is why
14 we ended up with 38 miles of waterfront that
15 was contaminated.

16 So that initial response was
17 inadequate. We have environmental impacts
18 to the water sediments and shorelines of the
19 Kalamazoo River and Talmadge Creek.

20 Over the days that this spill
21 occurred, the light factions evaporated out
22 of the crude oil. The crude oil eventually

1 sank down into the sediment, where it was
2 originally on the surface.

3 To date -- or, actually, this is
4 from October, 767 million in cleanup costs.
5 We just found out last week there's another
6 42 million that had been incurred. These
7 costs will continue to incur because the
8 cleanup is ongoing. The cleanup of this
9 spill is five times or more than five times
10 the next most costly on-shore spill in the
11 PHMSA records.

12 There was a voluntary evacuation
13 of 50 houses. And the Michigan Department
14 of Community Health did a study after the
15 fact and found 320 reports from individuals
16 and 145 patient records of symptoms
17 consistent with exposure to crude oil.

18 The safety issues that we
19 identified in this investigation, integrity
20 management, public awareness, emergency
21 responses, and human factors, particularly
22 in the control room, same safety issues that

1 we looked at in San Bruno, but when you
2 start looking at these two accidents, there
3 is a great deal in common.

4 We have an Integrity Management
5 Program that failed to find a known defect.
6 We had a Public Awareness Program. And when
7 we talk public awareness here, we're looking
8 specifically at those first responders that
9 didn't understand that the pipeline was
10 there.

11 The 911 center didn't understand
12 that the pipeline was there; again, kind of
13 a failed Public Awareness Program with the
14 local officials. The emergency response,
15 although somewhat different than the
16 emergency response with PG&E, again, we had
17 massive failures in the emergency response
18 here in the oil spill response.

19 And then we had control room
20 issues in how we dealt with those control
21 room issues. The control room issues here
22 were a little more severe than PG&E, but,

1 again, these same themes run through both
2 investigations.

3 The PHMSA issues that we
4 identified, what we consider weak integrity
5 management regulations, particularly in the
6 area of how you deal with cracks and what
7 are the requirements for dealing with
8 cracks. And there is a recommendation, very
9 lengthy recommendation, with five parts
10 specific to cracks and also the interaction
11 of cracks and corrosion.

12 This failure occurred in an area
13 where you had corrosion of pipe and you had
14 cracks. Each defect on its own was not that
15 severe, but when you combined the two, it
16 was very severe.

17 When you looked at the Enbridge
18 organization, they had an integrity
19 management group that looked at corrosion.
20 They had an integrity management group that
21 looked at cracks. And they didn't talk to
22 each other. And here you had both of them

1 occurring at the same place. So the
2 regulations we felt were weak there and
3 exploited by Enbridge.

4 The facility response plan
5 regulations, we did a detailed comparison
6 with those of EPA and Coast Guard and found
7 that the PHMSA regulations in Part 194 are
8 not to the same level as those of the EPA
9 and Coast Guard. And we made a
10 recommendation there about harmonizing with
11 those other regulatory agencies.

12 We also took issue with the
13 approval of the facility response plans.
14 PHMSA does approve the facility response
15 plans. The response plan was sent in and
16 approved within two weeks, could only have
17 received a cursory review. There were some
18 major issues with the response plan.

19 The two identified contractors
20 because in a response plan, you have to have
21 preapproved, identified contractors for your
22 spill response, the closest one was ten

1 hours away in another state. The second one
2 listed was in Houston from Michigan. You
3 know, that doesn't quite make sense, and
4 that kind of stood out at us.

5 Recommendations. We issued a
6 number of recommendations, two to the
7 Secretary of Transportation. The two to the
8 Secretary of Transportation, we are asking
9 them to audit the facility response plan
10 program, make sure that it's meeting the
11 requirements of OPA 90; and a second one to
12 look at the resources of PHMSA and make sure
13 that response plan activities are properly
14 resourced.

15 We had eight recommendations to
16 PHMSA. As I mentioned, we had one on the
17 crack, how you deal with cracks; another one
18 on the 180-day notification requirements
19 that we want pipeline companies to notify
20 PHMSA; if they're missing the 180-day, and
21 when they're going to have it done so that
22 we get that requirement.

1 There are a couple dealing with
2 the control room aspects. We have asked to
3 extend OQ qualification to all the
4 decision-makers. We had a number of
5 decision-makers in the control room that
6 were not OQ-qualified. We have asked for
7 training in the control room dealing similar
8 to what has been done in aviation in marine.

9 The crew resource management,
10 which is really geared towards one aspect,
11 is that dissenting opinions get heard.
12 There were several dissenting opinions in
13 Enbridge control room and in the Enbridge
14 operations that were mystified as to why
15 they were trying to start again with the
16 conditions that they had. And they
17 expressed that, but they weren't heard.
18 That was expressed but not heard.

19 And then we have a couple
20 centered around the facility response plans
21 to PHMSA, so in those three areas, the
22 integrity management, the control center,

1 and the facility response plans.

2 We made similar recommendations
3 to Enbridge. API, there is a recommendation
4 to API to develop standard for safety
5 management system specific to pipeline
6 companies.

7 We are looking very hard as the
8 NTSB most wanted list for this year is
9 safety management systems. We think that
10 the pipeline industry could really benefit
11 from a comprehensive safety management
12 system.

13 Integrity management is a piece
14 of that, but there is a lot more to safety
15 management than integrity management. And
16 so we are asking for a comprehensive
17 standard to be developed.

18 We have also asked that API
19 develop that standard following an ANSI
20 process. We want to see a broad
21 cross-section of stakeholders participating
22 in that standard process, so not just the

1 pipeline companies but other stakeholders
2 ought to be participating in that ANSI
3 standard process.

4 We made a recommendation to PRCI
5 to look at what might be the best practices
6 for how to handle interactive threats of
7 corrosion and cracking, to do some research
8 there and develop some standards in that
9 regard; and then a recommendation to the
10 International Association of Fire Chiefs and
11 the National Emergency Number Association,
12 the 911 association.

13 This kind of parallels what we
14 did in San Bruno. In San Bruno, we issued a
15 recommendation to PHMSA about making sure
16 the emergency responders have specific
17 information about the pipelines. Now we
18 have issued to the receiving organizations
19 that they need to diligently and
20 aggressively seek that information out from
21 the pipelines. They have a responsibility,
22 too, to get that information. And we need

1 to solve that problem as to the emergency
2 responders being well-informed of the
3 pipelines in their community.

4 That's what I have for my
5 presentation. I'm here to answer questions
6 as well as Steve Klejst.

7 COMMITTEE DISCUSSION AND Q&A: AGENDA ITEM 1

8 CHAIR FORD: Mr. Gardner?

9 MEMBER GARDNER: I'm a little bit
10 perplexed. You started off your
11 presentation pretty much laying out the
12 scenario under which the accident occurred,
13 but, nevertheless, at the end of the
14 presentation, there is no further expansion
15 on the effect of the shutdown and the
16 pressures on I'll say the weakened pipe that
17 was due to corrosion and a weakened well.

18 Could you expand on that a little
19 bit for me, the operation of the shutdown,
20 the rapid pressurization of the pipe? Was
21 that a contributing factor or have you
22 reached a conclusion that had nothing to do

1 with it?

2 MR. HALL: The shutdown was
3 conducted in an orderly fashion, as you
4 would expect the shutdown to be conducted.
5 The pipe failed well below the MAOP. It
6 should have been able to withstand what was
7 a very moderate pressure increase coming
8 from that backpressure regulator at the
9 Stockbridge delivery.

10 So the operational aspects of the
11 shutdown were normal. And the system should
12 have contained that.

13 The accident really started in
14 1969 with the polyethylene tape coating.
15 And that's really the beginning of the
16 accident and laid in place that first latent
17 failure that was ultimately seen.

18 The crack that ultimately failed
19 was detected in 2005, mischaracterized. And
20 the effects of corrosion were not considered
21 coincident with the crack. We also had
22 issues with the crack growth rate that was

1 used, that this crack grew by a corrosion
2 fatigue mechanism, rather than a stress
3 corrosion cracking mechanism, and grew much
4 faster than what Enbridge assumed for their
5 reinspection interval.

6 They were at the same time that
7 they were conducting this shutdown also
8 running an inspection tool through the line.
9 They were conducting the next inspection
10 when this occurred.

11 CHAIR FORD: Any other questions?
12 Andy?

13 MEMBER DRAKE: Sorry. My name
14 tag I think is in the other room.

15 (Laughter)

16 MEMBER DRAKE: It's Andy Drake
17 with Spectra. Does this line have a history
18 of cracking that they had identified over
19 time and that they -- I mean, it was a risk
20 known to them.

21 MR. HALL: The line did have a
22 history of cracking. It was a known risk.

1 The Enbridge considered essentially the
2 polyethylene tape coating for the 300 miles
3 as failed.

4 I believe there were some -- and
5 the numbers are in the report. I'm just
6 trying to go from memory. I think there
7 were some 15,000 crack or crack field
8 defects identified in the end line
9 inspection run and some 900 digs that were
10 performed on line 6B. So it was a line that
11 had some serious integrity challenges.

12 MEMBER DRAKE: Thank you.

13 MEMBER WORSINGER: Rich Worsinger
14 from the Gas Committee. Basic question.
15 Could you explain what column separation is
16 for us not in the liquids side?

17 MR. HALL: Column separation is a
18 condition that occurs when you drop the
19 pressure low enough in the line that you
20 actually vaporize some of the liquid. So
21 you form a two-phase flow. And then in the
22 liquid side, they refer to that as column

1 separation.

2 It typically occurs in areas
3 where you have large elevation changes. The
4 Marshall area really did not have any
5 elevation changes, which was kind of one of
6 the misnomers is that they are attributing
7 this to column separation. Yet, there is no
8 elevation change. There was something
9 definitely amiss there.

10 Column separation also occurs
11 when you have a leak because the pressure
12 drops. And so there was truly column
13 separation, but that was a result of the
14 leak that wasn't the cause, the initial
15 cause, of the alarm.

16 MEMBER KUPREWICZ: Rick
17 Kuprewicz, Liquids. Another way to look at
18 it, a more simplistic way maybe, is column
19 separation in my vernacular in regulations
20 is the line is not liquid full. That adds
21 all kinds of complications to monitor
22 detection, much less leak detection.

1 CHAIR FORD: Any other questions
2 for Robert? Jeff?

3 MR. WIESE: I don't have
4 questions so much as just -- forgive me --
5 just a little bit of commentary.

6 First of all, I want to thank you
7 for both Steve and Rob. You have been very
8 good to work with. You know, I appreciate
9 the fact that we have a good working
10 relationship. It makes things go a lot
11 easier.

12 I think they have been very open
13 to talking to us about what is going on in
14 the agency in rulemaking. And I have been
15 here long enough to remember when that
16 wasn't true. So I don't want to go back
17 there.

18 I appreciate very much. And I
19 know you guys worked really hard on this.
20 So I want to thank you for that. I
21 particularly appreciate your coming over
22 here.

1 I would quickly add because it's
2 my job our people spent well over a man-year
3 of effort assisting the NTSB. So we work
4 together on these things. I think it's
5 important for you to know that. Maybe not
6 everyone in the Committee knows that. So I
7 think we work well together in that regard
8 as well.

9 Just a few comments on this one
10 in general. I would say, you know, the
11 issues that have been brought up, the reason
12 we wanted to do this in joint session I
13 think is obviously to all of you.

14 As we were thinking about 2.0,
15 what are the things we need to be working
16 on? How do we weave these things together
17 better? And we have been talking about
18 this. We have been holding workshops,
19 whether it is on leak detection or valves.

20 The R&D forum, which is the 18th
21 and 19th, next week -- it's quickly. There
22 are too many things coming. But, you know,

1 there is a focus on cracks there. And I
2 would say that people have been focused on
3 cracks.

4 Stress corrosion cracking is a
5 relatively recent phenomenon on the liquid
6 side. You know, I think the gas side has
7 known and been working on SCC for a long
8 time. You know, it's not to say that
9 cracking wasn't known, but I just wanted you
10 to know.

11 I mean, there is a focus on
12 cracking. It will continue. The tools are
13 not perfect, you know, far from it. But
14 that takes me to the next part, which is I
15 think what you guys are touching on, that
16 last summer we held a workshop on
17 interacting threats. You know, how do we do
18 better risk assessment?

19 You know, clearly -- and, by the
20 way, for what it's worth, in my view
21 Enbridge was looking. You know, I've seen
22 other companies -- we won't use names, but

1 we had a lot of visibility -- that weren't
2 even looking. So there's a difference in my
3 mind between clueless and at least looking.

4 So this issue of interacting
5 threat is something that we really have to
6 get after better. And it's not just
7 Enbridge. It's not just this other company.
8 I see it time and time again where there's a
9 failure, we talk to the operator, who was
10 picking their pipeline, didn't see it. They
11 saw one thing that they didn't think was
12 actionable. So they move on. You know, but
13 if they had taken a more holistic look at
14 that, I think that they would have had an
15 opportunity to prevent. So I don't say it
16 to beat on people. I just think that that's
17 an opportunity for us to improve.

18 On the oil spill and facility
19 response plan, we'll have a more detailed
20 presentation for the Liquid Committee in a
21 little while. Alan Mayberry is going to do
22 that.

1 There are some limitations on
2 both our authority. And, you know, it's
3 when you have come to really look at the
4 statute, you wonder how Congress writes the
5 things they do. You know, if an operator
6 can check off about six or seven boxes, we
7 must approve that plan.

8 So I think we just got our
9 enforcement authority back. I think, as we
10 talk to the NTSB, they see this as an
11 opportunity for us to revisit our
12 authorities in that area and perhaps do a
13 better job with that.

14 Emergency response plan, control
15 room, public awareness, these are all issues
16 we're actively engaged in and working on.
17 And I would just say control room rules were
18 just beginning to take effect, you know, at
19 the time of this accident. So a lot of
20 progress has been made. And Enbridge really
21 had addressed many of the things that we had
22 found and alleged in our notice of proposed

1 violation.

2 You know, we asked Lanny and
3 Jerry Rosendahl on purpose to be on the
4 Committee so we can find better, smarter
5 ways of working with the emergency response
6 community. I am very appreciative of your
7 service in that regard.

8 And we're actively working in
9 that area. So I think there's a bright side
10 to this. In any accident, you need to look
11 for the silver lining. That's the
12 opportunity to do better individually as
13 well as a regulator and as the industry.

14 I'll close my rhetorical comments
15 on two points. One is SMS. And, you know,
16 I think integrity management is found in SMS
17 principles. I do believe there are some
18 gaps in it and particularly on the liquid
19 side. We fixed a few of those as we learned
20 from liquid and then into gas that as we
21 come back in 2.0, that's what we need to do
22 is fix that.

1 So I think the focus that you
2 have given on that will be appropriate. It
3 will feed progress in that regard.

4 My last thing -- and I say that
5 with our friends the commissioners here,
6 particularly for the gas side, you know, the
7 relationship to the rate structure is not
8 well-known, certainly not by the public.

9 I know that there are competing
10 schools of thought about who should pay,
11 ratepayer versus shareholder. And I am sure
12 there is not one right answer there. There
13 is a balance in there somewhere.

14 But I am appreciative of the
15 commissioners' involvement. And NARUC has
16 really taken a very active interest in that.
17 So I am hopeful that the focus, that it's
18 not a unidimensional look. You know, it's
19 not just about how hard can we push the
20 safety agenda, but it's also how do we
21 incentivize a reinvestment in the
22 infrastructure so we have a robust, reliable

1 energy delivery system in the country.

2 So those are all critical
3 components. And I think my summary is what
4 I started with yesterday when I said to you,
5 "We have work to do."

6 It's important work, you know,
7 but I'm sure that we -- I think we have
8 shown that we have made great progress over
9 the past ten years. And I'm sure that we'll
10 do it again, you know, as we go forward.

11 So sorry for all the rhetoric,
12 but, you know, I just thought it was
13 important to get it before the full
14 Committee. So thanks.

15 CHAIR FORD: Rick, did you have
16 your hand up?

17 MEMBER KUPREWICZ: Well, I just
18 want to comment from a public perspective.
19 I know more about this system. There's a
20 report to the NEB in Canada on stress
21 corrosion cracking issues and all of that.
22 And that's a public document.

1 Let's be careful here. It's easy
2 to just think this is an Enbridge problem.
3 And this is not an Enbridge problem. This
4 could have happened to anybody in this room
5 that operates a liquid line within reason.

6 So there are some important
7 issues here that the NTSB has identified.
8 And I support those wholeheartedly.

9 Thank you.

10 CHAIR FORD: Gene and then
11 Denise?

12 MEMBER FEIGEL: There's always a
13 fair amount of technical parochialism when
14 we're looking at this sort of stuff. The
15 downstream folks have done a lot of work on
16 failure mechanism interactions that I think,
17 rather than going off and inventing the same
18 wheel again, it would pay this industry
19 probably to get a little tighter with those
20 folks than they historically probably have
21 been.

22 MEMBER HAMSHER: I kind of debate

1 not saying anything, but I do want -- I
2 think Enbridge CEO and others have expressed
3 appreciation. I know that it has been hard
4 work for PHMSA and both the NTSB. And we do
5 appreciate it.

6 I hope you also realize we have
7 been as open as we possibly can since day
8 one in helping to get to the bottom of this
9 because nobody more than Enbridge wanted to
10 learn from here.

11 And it didn't take the NTSB
12 report for us to have our own learnings. We
13 have put many changes in place already.

14 And we do appreciate now this
15 moment because now we're in a position to
16 where we can share with industry some of the
17 lessons learned. And I think that is the
18 theme of what you are talking about.

19 So we are looking forward to
20 being able to talk very frankly now about
21 some things that went wrong, some things
22 that we think would have been doing to

1 prevent both systematic-wise and then
2 getting to the heart of some of the things.

3 I also should note for some of
4 you that may not know that we had actually
5 proposed replacing significant sections of
6 this line prior to the incident. We had to
7 redo those plans given the lengthy state PUC
8 regulatory process. However, since that
9 time, we configured that and are in the
10 process of replacing that entire line in
11 phases. Seventy-five miles of it is driven
12 as a true integrity replacement. And that
13 should be done, permits pending, by next
14 year.

15 CHAIR FORD: Wayne?

16 MEMBER GARDNER: I guess without
17 -- I have a question. And I hope I am not
18 going to create an hysteria. And that is,
19 how much of this legacy polyethylene-wrapped
20 pipe is out there? Is anybody aware? No?

21 MEMBER KUPREWICZ: Yes. The
22 other side is many in the industry know this

1 and it's not something to panic about. It's
2 something to manage. That would be my
3 perspective. We don't go out there and
4 start ripping everything out just because of
5 the coating. Otherwise you're tearing on
6 hundreds of thousands of miles of pipeline.
7 You need to manage it.

8 There are a couple of hundred
9 thousand miles of liquid pipeline transition
10 pipeline in the United States, give or take.
11 A lot of it has coating issues that place it
12 in that risk evaluation. A properly applied
13 integrity management program would address
14 that.

15 MEMBER HAMSHER: Denise Hamsher
16 with Enbridge. Somebody may be able to
17 weigh in. And I don't know that PHMSA nor
18 the industry actually has a survey of the
19 mileage. But in general, just for the
20 public's benefit, there were many years of
21 pipe that were put in place in the '50s that
22 use a different type of coating that has

1 held up to the test of time. Coal tars is
2 one.

3 And, secondly, since I think the
4 '80s or so, there has been another type of
5 coating called fusion bond coating. And
6 that has continued to improve.

7 So this type of coating was used
8 predominantly in the industry but for a
9 short era period of time.

10 CHAIR FORD: Lanny and then --

11 MEMBER ARMSTRONG: Lanny
12 Armstrong, Public Liquids. Just from an
13 emergency response perspective, looking at
14 this report and reading it -- I actually got
15 the report this morning. It was perfect
16 timing. And this is primarily for the
17 operators.

18 I noticed in the report the
19 recommendations of the International
20 Association of Fire Chiefs and several other
21 of the emergency response or emergency phone
22 number group.

1 There's probably not a handful of
2 fire departments in the country that could
3 have bone very much with that, even if they
4 were well-trained. And so our reliance in
5 our area because we have such an industrial
6 center, we expect the spiller to respond.
7 And we expect them to respond with an
8 environmental company, with well-trained
9 people, containment capability, and our
10 primary mission really is, number one,
11 protect the public; number two, protect the
12 environment as best we can.

13 But all of these fire
14 departments, no matter how big they are, are
15 very limited resource-wise with spill
16 control. I can tell you that right up
17 front. Resources are limited. There's just
18 not a lot we can do with it if it's a volume
19 spill. So that's something I think we need
20 to engage the operators with.

21 Gathering information and knowing
22 where the pipelines are, it's all important,

1 but once it's out of its container, we're
2 got some real struggles.

3 And a lot of these places,
4 especially in rural areas, have very limited
5 capability anyway. So I think it's
6 incumbent upon us to be able to bridge that
7 gap.

8 CHAIR FORD: Steve?

9 MR. KLEJST: Yes. Just in
10 closing, I just wanted to thank Jeff and the
11 PHMSA team for the invitation to participate
12 and present today. One of the important
13 missions that we have is to get our message
14 out with our findings and recommendations.
15 And a forum like this with the key
16 decision-makers that are here today is
17 certainly a venue that we want to take
18 advantage of.

19 And I would also like to thank
20 PHMSA and Enbridge for the cooperation and
21 participation that they provided during our
22 investigation.

1 Just a brief overview. The
2 Safety Board is the lead in conducting these
3 investigations. However, we utilize what is
4 called the party system. Those interested
5 individuals, groups participate in the
6 fact-finding, development of the factual
7 information, in which PHMSA played a key
8 role as well as Enbridge and some other key
9 players in the system that we, the pipeline
10 system that we, investigated this particular
11 accident.

12 It is a group effort in the
13 development of information, in which case
14 the Safety Board then takes that
15 information, analyzes it to produce our
16 findings, recommendations, and probably
17 cause.

18 So it is a group effort. And we
19 do rely heavily on that in the event -- and
20 we certainly don't want to think that we'll
21 see any of you in a forum other than this,
22 but it is done collectively at the initial

1 stages. And we do value the input from all
2 parties, whether it be from the operator,
3 the emergency response community, and any
4 relative vendors.

5 One of our board members often
6 says that out of tragedy comes good. And,
7 again, this is another good example where we
8 have a message, we have developed a probable
9 cause in findings.

10 We rely on you, the industry
11 leaders, the stakeholders in the pipeline
12 system -- and I use "system" in the very
13 broadest sense -- of all of those
14 individuals that comprise the delivery of a
15 product that is valuable to our nation to
16 make sure that it is done with the proper
17 risk control to provide what our citizens
18 need in order to function in our economy.

19 Thank you, Jeff, for the
20 opportunity to present today.

21 CHAIR FORD: Jeff?

22 MR. WIESE: Well, thank you,

1 Steve, appreciate it very much and
2 appreciate you guys coming in.

3 The one thing that I'll say that
4 I've really appreciated in the past year or
5 two from the Board members, in particular,
6 they focus on organizational failure, you
7 know, in moving beyond the culture of blame
8 to figuring out what is going wrong.

9 You know, Chris Hart's vice chair
10 has a phrase that he uses. Maybe he picked
11 it up from Steve. You know, let's assume we
12 have good people trying to do the right
13 thing working hard and we let them down.
14 How did we do that? And then we have an
15 opportunity to fix what's wrong and go
16 forward and make it better for everyone
17 else.

18 So I appreciate very much that
19 focus that the Board has been bringing. You
20 know, tragedy, these are clearly tragic
21 events. Clearly the public is impacted.
22 Every single person in here is committed to

1 trying to stop that.

2 And I guess I'll close by saying
3 also in response to Lanny's comments, having
4 been involved in public awareness with
5 Denise, in particular, since -- God knows
6 when we started that? -- a long time ago, it
7 is tough to get the attention of the
8 emergency responders sometimes because
9 they're fighting all different kinds of
10 problems on a daily basis. And across
11 America, it's rare that it's pipeline.

12 Now, Lanny was in Pipeline
13 Central. So he knows what to do. But a lot
14 of these other people don't. So I think
15 we're all committed trying to make sure
16 emergency responders have what they need in
17 order to do their job.

18 Thank you.

19 MEMBER HAMSHER: Just one more
20 comment. Denise Hamsher.

21 Lanny, you talked about the kind
22 of emergency response and deployment of

1 boom. And maybe the NTSB could speak to
2 this. But I think the issue and expectation
3 isn't that you start doing the containment.
4 I think as a responsible party, the
5 recommendations are there about how to
6 improve it.

7 I think the issues really are
8 awareness. And there was a lot of
9 assumption that was with the natural gas
10 leak, and our control room wasn't called to
11 it.

12 It's identification of all the
13 facilities and all the potential sources so
14 that everybody could have been called right
15 at the beginning. You might want to speak
16 to that.

17 MR. HALL: Yes. The issues
18 around the public awareness and the
19 emergency response is really the fire
20 department being informed, the 911 center
21 being informed.

22 You know, the 911 centers have

1 geographic information systems that tell
2 them where the calls are coming from. If
3 there had been a pipeline map up on the
4 wall, they would have seen that the calls
5 are around the pipeline, but there was no
6 map. There was no pipeline information in
7 the 911 center.

8 We made recommendations in San
9 Bruno again to PHMSA through the Public
10 Awareness Program to the pipeline companies.
11 In this accident, we made a recommendation
12 to the fire chiefs and the 911 centers.

13 But there is another aspect of
14 this. And when you start looking at how
15 public awareness is done, you know, the
16 pipeline companies hold these meetings for
17 the firefighters. And they send out these
18 notices, "Come to our meetings."

19 Yet, the same liquid companies --
20 and Enbridge told us they make it a point to
21 talk to every landowner every year. They go
22 to the landowners and talk to the

1 landowners. Why don't they go to the fire
2 departments, instead of sending a notice
3 saying, "Come to our meeting"? It's just a
4 thought. You might get more information,
5 more exchange.

6 CHAIR FORD: Craig?

7 MEMBER PIERSON: Craig Pierson,
8 Liquids. I'm sure this question confronts
9 NTSB on a lot of other investigations. Have
10 you given thought to be able to push out
11 these learnings more quickly with
12 preliminary reports?

13 I know from an industry
14 perspective, I've watched Enbridge really
15 want to help get the information out, but I
16 don't know that they have had that latitude.

17 I'm sure you're confronted with
18 that problem on all kinds of other
19 investigations.

20 MR. KLEJST: I do appreciate the
21 industry's thirst for information. What we
22 attempt to do is to make available our

1 factual reports on the public docket so that
2 people could see this information.

3 And I'll just use the San Bruno
4 case, where I was invited and was able to
5 speak to some of the findings, not
6 conclusions but findings, factual findings,
7 from the initial stages of the San Bruno
8 investigation. And people knowledgeable in
9 the operations and the issues associated
10 with the pipeline operations can enjoy a
11 very reasonable conclusion as to what they
12 need to do as far as directing assets and
13 activities.

14 We attempt to bring to closure
15 accidents as quickly as possible, but we do
16 need to make sure that there is a thorough
17 and rigorous examination of the data. So
18 the timeline sometimes is a year. San Bruno
19 has done it under a year.

20 The conflict with this particular
21 accident, quite honestly, was the resource
22 allocation. It took place in July. We

1 started to do our typical initial
2 fact-finding work. San Bruno took place,
3 not that we want to diminish the impact of
4 this particular accident, but when we start
5 to take a look and to account the fatalities
6 in the San Bruno accident, that had to
7 allocate resources, brought that accident to
8 closure and quickly then realigned the
9 resources to do the accident then.

10 This one essentially, although
11 the timeline doesn't reflect that it was
12 concluded in less a year if you take a look
13 at actual person-hours in completing this
14 investigation, but we do make available when
15 completed and vetted by the party members
16 the factual reports, but the conclusions,
17 findings that would be part of the report,
18 that does a bit greater length of time.

19 But, again, we do appreciate the
20 invitations that we received to speak at
21 professional conferences, again, to the key
22 decision-makers that need to get this

1 information that could actually implement
2 change. That's the mechanism that we
3 operate under.

4 Thank you for the question.

5 CHAIR FORD: Thank you. Thank
6 you, Steve. I know you have to leave. So
7 we will close this section. And Jeff will
8 introduce our next agenda item.

9 MR. WIESE: Okay.

10 CHAIR FORD: Thank you, Steve.

11 MR. WIESE: Thanks, Rob. Thanks,
12 Steve. Okay. See you.

13 CHAIR FORD: Thank you.

14 MR. WIESE: Okay. So before we
15 give you a break and we let you go to your
16 separate rooms at that time and have a
17 separate session, we had planned to conduct
18 the same briefing in two rooms. I thought
19 maybe it made sense to do it together.

20 The issues are fairly common
21 across the industry. We're talking about
22 the records issue in our advisory recently.

1 I think there is a lot of
2 commonality. So, with your indulgence, this
3 is probably about a 20-or-so-minute
4 presentation. If you absolutely have to
5 take a break, I would just take it. But
6 we'll try to move through this quickly. And
7 then we'll take a formal break and go in
8 there.

9 So I'll really quickly introduce
10 if you -- I'm sure by now most of you know
11 Linda Daugherty. Linda is my Deputy for
12 Policy and Programs. She is going to be
13 assisted by Alan Mayberry, who, as you may
14 know, has been my Deputy for Field
15 Operations.

16 So, with that?

17 MS. DAUGHERTY: Good morning,
18 everybody.

19 (Chorus of "Good morning")

20 AGENDA ITEM 3: BRIEFING -

21 MAOP VERIFICATION "KEEPING GOOD RECORDS" AND
22 CHANGES TO GAS TRANSMISSION ANNUAL REPORT

1 MS. DAUGHERTY: I get to stand up
2 here with a mike. Alan gets to sit there.
3 So direct all your questions to the guy
4 that's sitting at the table.

5 MR. WIESE: Actually, you can sit
6 here.

7 MS. DAUGHERTY: No. That's all
8 right, Jeff.

9 So going really quick, we wanted
10 to talk about a recent advisory bulletin
11 that we had sent out. And we have had a lot
12 of questions.

13 The advisory bulletin was issued
14 to both gas and liquid operators. And it
15 raised a lot of questions because it was
16 prompted by some things that came out of San
17 Bruno.

18 So I am going to back up a little
19 bit, give you a little history. And Alan
20 and I are going to play tag team here. So
21 if something isn't clear, stop us, but we'll
22 try to move pretty quick.

1 Back in January of 2011, we
2 issued an advisory bulletin basically
3 telling operators that "You must have good,
4 sound records to support any MAOP or MOP
5 calculation.

6 In other words, you've got base
7 your operational decisions on good
8 information. That came out of San Bruno.

9 Then in May of this year, we
10 provided further clarification of -- and I
11 use certain terms. We'll get into that a
12 little bit more. Many of you know what I'm
13 talking about here. But we'll talk about it
14 in more detail.

15 We also want to talk about
16 anticipated changes to the gas transmission
17 annual report and then give folks an idea of
18 what was coming in that information
19 collection. Okay? So we have two advisory
20 bulletins related to records and MAOP/MOP
21 determination. Okay?

22 Why do we do this? Do you want

1 to talk a little bit about the background?

2 MR. MAYBERRY: Well, certainly --
3 this is Alan Mayberry, by the way -- you
4 know, post-San Bruno, one of the issues
5 there was we didn't know what we didn't
6 know. I mean, we've heard that quite a bit.
7 And it involved grandfather clause pipe.
8 Pipefit was in operation at the time
9 regulations were implemented. And they were
10 not subject to a hydrostatic test
11 necessarily.

12 And then later, you know, I guess
13 post-San Bruno with the reauthorization of
14 the Pipeline Safety Act earlier this year,
15 we have a requirement to direct gas
16 operators, in particular, to provide
17 verification of records, then for us later
18 to draw up regulations for how to deal with
19 the grandfather clause because we weren't
20 specifically directed to remove the
21 grandfather clause.

22 Next. If you look at some of the

1 issues we have seen -- I'm speaking in terms
2 of overseeing the five region offices and
3 obviously what came out of San Bruno as
4 well. But we have seen issues of unknown
5 pipe specifications. It's probably a common
6 one.

7 We're dealing with a couple of
8 cases now with some actually liquid
9 operators that -- you know, they know they
10 have A.O. Smith pipe, but they just don't
11 have that record that says, you know, that
12 it's kind of been handed down, known but
13 really unknown information. That kind of
14 speaks to San Bruno where, you know, we
15 thought, "Gosh, there's 30-inch seamless
16 pipe," which really doesn't exist, but it's
17 transferred from another document. So it's
18 incorrect information. We thought we knew
19 what it was, but it really wasn't that.

20 You know, there are cases where,
21 say, you deal with replacement project and
22 maybe file drawers that have project files

1 that haven't been married up with your
2 master records per recordkeeping,
3 housekeeping.

4 And then just the acquisition
5 process, this one is probably very common,
6 where you have acquisitions and records
7 being lost in acquisition process or other
8 mishaps, fire, flood, whatever the case.
9 And we have had not many but we have had
10 enforcement actions related to records.

11 Anyway, moving on, you know, I
12 guess -- and, Linda, feel free to chime in,
13 but, you know, what are we after? A lot of
14 the questions we get are, well, what about
15 this, what about that? We have to really
16 focus on, what are we after?

17 In San Bruno, we really didn't
18 know what we didn't know. There was an
19 issue of having an invalid record that we
20 had a transposing error that occurred at
21 some point in time. We didn't know what we
22 didn't know.

1 Operators to have an effective
2 integrity management program need to know
3 their system. They need to know what it's
4 made of to understand how to deal with the
5 various risks that are in the system.

6 And for suspect pipe, pipe that
7 doesn't meet any standard, you know, we have
8 had a couple of cases in the last several
9 years from Rancho Cordova in -- I think I
10 pronounced that right, where you had an
11 issue with plastic pipe that didn't meet any
12 standard, to San Bruno, where you
13 essentially had a segment of pipe that
14 ultimately failed that didn't meet a
15 standard.

16 So that's what we're after, is
17 really dealing with these, understanding the
18 system, knowing the system, and addressing
19 any shortcomings and information with
20 appropriate mitigative measures such as
21 assessments, inspections, testing perhaps,
22 and that sort of thing.

1 MS. DAUGHERTY: One thing that we
2 wanted to emphasize is that, although we
3 have some specific examples from gas
4 pipeline issues, San Bruno in particular,
5 these are common processes that must be
6 applied to every pipeline operator.

7 It's just as important for liquid
8 pipeline operators to know their systems as
9 it is for gas pipelines. So when we issued
10 the advisory, we intentionally issued it to
11 everyone. Okay? Whether you are an APGA
12 company or whether you are a cross-country
13 big diameter liquid line or whether you are
14 a gas transmission operator, you must know
15 your system.

16 We had a lot of questions that
17 came back. One of them was, does this
18 really apply to liquid operators? Does it?
19 What is it?

20 Does it create new requirements?
21 No. An advisory bulletin does not create
22 new requirements. All it does is reiterate

1 the requirements that are already in the
2 regulations or it provides operators
3 guidance as far as the regulators' intent
4 and what we believe is appropriate.

5 So this advisory bulletin -- I'm
6 emphasizing it for a reason -- did not
7 create any new requirements on any pipeline
8 operator, but it did say you should know
9 what your system is about.

10 It also clarified some terms that
11 were first mentioned by the NTSB that we
12 also picked up in our initial advisory
13 bulletin. Remember, I said we issued two
14 advisory bulletins. In the first advisory
15 bulletin, we referenced the terms
16 "traceable," "verifiable," and "complete."
17 And everybody came back and said, what
18 exactly do you mean by that?

19 So we provided some definitions.
20 And I'm not going to read this to you, but
21 basically it says a traceable record is
22 something that you can put right back to the

1 piece of pipe. You know it's linked to that
2 pipe and it's good information. It's
3 confirmed. It's definite. Okay?

4 Pipe mill records. You can't get
5 more specific than that. It's linked to a
6 segment of pipe.

7 One of the issues that came out
8 that Alan mentioned was transcribed records.
9 A lot of operators would take original
10 documents and transcribe them into a new
11 document. And that might be acceptable
12 except you have to be alert there could be
13 transcription errors, as in the case of San
14 Bruno. There is a potential that maybe they
15 had a college intern typing up stuff and
16 they typed in the wrong information. We
17 don't know. But that can happen. And if
18 you make an operational decision based on
19 that information, you can have a problem.

20 The next one had to do with
21 verifiable. Now, this one because of our
22 wording, we unintentionally created a lot of

1 problem for a lot of folks. In the
2 language, we said, "verifiable records." We
3 said, "All records must meet all three of
4 these criteria." But we said "Verifiable
5 records must be confirmed by other
6 complementary but separate documentation."

7 What we were trying to get at is
8 if I have a document here that has half the
9 information and I have another separate
10 documentation, separate, totally separate
11 document, that has that other half of the
12 information that's needed, you can put them
13 together as long as you have something that
14 positively links them.

15 We are not requiring people to
16 have two records if you do have one perfect
17 record. Does that make sense? So if you
18 have one perfect record that has all the
19 information, can be linked back to the pipe,
20 we are not asking you to go find a separate
21 document to verify it.

22 And the complete records are

1 those which have a signature, have a date.

2 By the way, I think we have handouts.

3 That's actually the advisory bulletin.

4 We'll hand those out.

5 We wanted to make sure that --
6 there are times you'll find a record that
7 has some information, but you're not really
8 sure when it was done. You're not really
9 sure. The absolute pressures, for example,
10 I think we used an example there was a
11 pressure test.

12 Pressure tests, you test the pipe
13 just so high it fails, but it never shows
14 that the pipe was retested and passed at a
15 better pressure. That is not a complete
16 record. You've got to have something that
17 describes the final information.

18 I like this. This was Alan's.
19 He said, you know, whatever records you use,
20 you need to be able to stand up and say it's
21 a good record, you know.

22 I will tell you that one thing I

1 didn't mention on the slides, if we do not
2 consider it acceptable for an operator to
3 say, you know, Jim Bob tested that pipe 40
4 years ago. And I went to see him in the
5 nursing home. And he signed an affidavit
6 saying they pressure-tested it to 600
7 pounds. That's not acceptable. You can't
8 rely on someone's memory from four years
9 ago. It has to be something that's good and
10 solid.

11 Alan, do you want to take that or
12 do you want me to go on?

13 MR. MAYBERRY: Well, I think you
14 had referred to the revised gas transmission
15 annual report that we will use and kind of
16 listed here as what the act required us to
17 do. But we're going to basically take the
18 information from the annual report that
19 comes in next year.

20 And that will inform where we go
21 later based on the information we see on how
22 operators determine verification of MAOP.

1 Again, this is for the gas side. And,
2 again, that will determine where we will go.

3 And just a word on where we will
4 go. And I can't really speak for, you know,
5 the deliberative process in developing
6 rulemaking, but, you know, my thoughts on
7 that are kind of sort of a bucket of risk,
8 if you will, on high risk to low risk and
9 measures that are taken to address each
10 risk.

11 You know, from the top end of the
12 scale, perhaps the grandfather clause, high
13 stress San Bruno kind of pipeline to the
14 lower risk, perhaps it's had a test but not
15 the test, the subpart J-style test. And
16 that might be considered, say, a lower risk,
17 but just kind of think the general thinking,
18 if you will.

19 MS. DAUGHERTY: And I do want to
20 highlight something that Alan mentioned. In
21 the act that was passed in January, Congress
22 required PHMSA to direct operators to submit

1 information confirming that their gas
2 transmission lines had adequate records.

3 We are actually planning to use
4 information in the gas transmission,
5 proposed gas transmission, annual report to
6 collect that information. And that's a
7 separate document that's going through. Is
8 everyone confused?

9 COMMITTEE DISCUSSION AND Q&A: AGENDA ITEM 3

10 MR. MAYBERRY: I am sure there
11 are a lot of questions, yes.

12 CHAIR FORD: Carl?

13 MEMBER WEIMER: I'm always
14 confused. So that's normal.

15 Just a point of clarification
16 because I think I am a little confused about
17 when Congress passes something, when that
18 goes into effect.

19 In talking about MAOP, I know
20 there is stuff about the grandfather clause
21 and records that you're working on defining
22 when that goes into effect, but there was

1 also a section of that that says if a
2 pipeline company has an overpressurization
3 event, they need to report it to PHMSA. Is
4 that already in effect or do you have to go
5 through some kind of an implementation for
6 that? I saw it on the to do list yesterday.

7 MS. DAUGHERTY: It is on the to
8 do list. That specific provision we went
9 back and reviewed with our counsel. And it
10 is a self-executing requirement, which means
11 that -- and, just for the public, in the
12 act, there are two types of requirements.
13 One says the Secretary of Transportation
14 shall direct operators to do A, B, C.

15 Then there's also a second type,
16 which says operators must. What you're
17 talking about, the notification of
18 overpressure events, was a self-executing.
19 It was an operator's must. So right now
20 there is a requirement in effect that
21 operators must report any time where they
22 exceed the operating pressure. I don't have

1 the specific data.

2 Now, I will say this. PHMSA does
3 not yet -- we're working on it quickly --
4 have a method of receiving all of those. We
5 are taking them in as we get them when an
6 operator notifies us. Many are using
7 existing processes, like safety-related
8 condition-reporting processes. Some of our
9 states have received notifications. And
10 they are passing them along.

11 So we are trying to get a formal
12 process in place to handle those and to
13 provide guidance to the operators on how
14 best to notify us.

15 MEMBER WEIMER: So those types of
16 things go into effect as soon as the
17 President signs the document?

18 MS. DAUGHERTY: Yes.

19 MEMBER WEIMER: Thank you.

20 CHAIR FORD: Donald?

21 MEMBER STURSMA: I thought I
22 heard recently that PHMSA was creating

1 another web-based report for these events
2 and when it goes into effect, you would want
3 operators to report using that system, all
4 events or all since the first of the year?

5 MS. DAUGHERTY: Yes.

6 MEMBER STURSMA: Okay.

7 MS. DAUGHERTY: But we don't have
8 that developed yet. And we are working with
9 the states trying to come up with something
10 that will make sense.

11 CHAIR FORD: Any other questions?
12 Rick?

13 MEMBER KUPREWICZ: Rick
14 Kuprewicz. As I understand it, for the gas
15 guys, it's MAOP plus the accumulation of the
16 safety. Right? Okay.

17 MS. DAUGHERTY: Yes.

18 MEMBER KUPREWICZ: So those
19 events are occurring. And they're probably
20 more than everybody would want to think
21 about on gas systems, not a surprise.

22 MS. DAUGHERTY: So noted.

1 CHAIR FORD: Jeff?

2 MEMBER WRIGHT: Jeff Wright of
3 FERC. I noticed an interesting it's an
4 advisory bulletin emphasizing what's already
5 in effect. Yet, you define three times.
6 How does that work procedurally?

7 MS. DAUGHERTY: It is guidance as
8 far as intent. It is not enforceable unless
9 we were to incorporate it into our
10 regulations. The terms were initially used
11 by NTSB. They said that the records must
12 meet these criteria. And we realized real
13 quickly we had to tell people what we
14 believe that criterion is.

15 CHAIR FORD: Jeff?

16 MR. WIESE: There was a related
17 discussion we were going to have on fitness
18 for service that I think is part and parcel
19 of this broader discussion about ensuring
20 that the pipe in this country is fit for
21 service.

22 We really don't have the time I

1 think today because of the agendas we need
2 to achieve, but I'd like to in our next
3 session. We can think about doing this a
4 number of ways. We can do a remote session
5 if you really want to do it sooner, but we
6 can certainly park it for the next session
7 when we get together and have a detailed
8 discussion because I think even the industry
9 itself, I think when you see the things that
10 they are doing, they're saying basically in
11 a lot of cases, you are running out of
12 options. You know, you are down to running
13 the pressure tests. You know, if you can't
14 meet these conditions, you have got to go
15 there.

16 So I know that that will spool
17 some people up, but I think there's a good
18 discussion to be had in fitness for service,
19 happy to have it with you either next time
20 or we can conduct a remote teleconference if
21 you think it's more urgent.

22 CHAIR FORD: Rick?

1 MEMBER KUPREWICZ: You've touched
2 on a very sensitive issue. And I'm not here
3 as judge or jury, but sometime today could
4 someone please tell me where within either
5 gas or liquid federal pipeline known safety
6 regulations, it permits the use of fitness
7 for service or engineering conditional
8 assessments? Because my take of this -- and
9 I could be wrong -- my take is it is not
10 defined in federal regulation.

11 MS. DAUGHERTY: May I answer
12 that? You are correct. It is not currently
13 defined in the pipeline safety regulations.
14 That is something we need to look at in the
15 future.

16 MR. WIESE: But I would quickly
17 add that that broader concept for fitness
18 for service is well-known in many other
19 industries.

20 You are absolutely right. It has
21 to be defined through regulation, but I
22 think that is where we are headed, whether

1 we call it fitness for service or something
2 else. You know, we have to have more
3 clarity around this and less latitude, but
4 we also understand. And that's why we're
5 having these discussions and why we're
6 gathering information.

7 As Debbie Hersman herself said,
8 this is a heavy lift. You know, they are
9 fortunate, the NTSB and the Congress. They
10 are fortunate. They don't have to run
11 through the regulatory gauntlet that we have
12 to run through. Even if we are 100 percent
13 behind what they're recommending, we still
14 have to run through that gauntlet. And
15 sometimes, you know, even internal processes
16 within the federal government stop you from
17 moving things you cannot prove the cost
18 beneficial nature of. And that's difficult.

19 But, at any rate --

20 MEMBER KUPREWICZ: I don't want
21 to sound critical. I want to support your
22 efforts here because anything that gets

1 things clear is going to help all parties,
2 including the public, understand. I think
3 that we are very supportive of that effort.
4 So continue with it.

5 MEMBER GARDNER: I think that
6 this is a very critical topic. And I would
7 prefer that we be more deliberate in the
8 approach and would suggest that we defer it
9 to a face-to-face across-the-table
10 discussion than a teleconference, where it's
11 always a challenge somewhat to get your
12 input thoroughly heard.

13 So if we want to do something in
14 the fall, I would suggest that we go that
15 route.

16 MR. WIESE: Yes. I think we're
17 shooting for a fall meeting because we've
18 got to figure out how to do this. We should
19 team up with Carl's meeting in some way.
20 Then we have got to be in New Orleans,
21 instead of being in Washington.

22 (Laughter)

1 MR. WIESE: But we'll get back to
2 you. But we do anticipate a fall meeting.
3 You know, as I say to the members, you know,
4 we respect your time and your contributions.

5 I try to bring you together when
6 we actually have work that you have to do,
7 which is voting on some rules. There are a
8 million reasons to bring this together
9 because we would like to, but I try to
10 respect your time and only bring you
11 together when we have work we have to do.

12 But we'll shoot for something in
13 the fall. And we'll start working with
14 everyone. So thank you, Wayne.

15 CHAIR FORD: If there are no
16 other questions, we may go to break and then
17 adjourn. Fifteen minutes.

18 (Whereupon, the foregoing matter
19 went off the record at 10:16 a.m.)
20
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Joint Meeting - TPSSC and THLPSSC

Before: Hon. Lula M. Ford

Date: 07-12-12

Place: Washington, DC

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