

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

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

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MEETING

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THURSDAY
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 10:35 a.m., the Honorable
Lula M. Ford, Chair, presiding.

PRESENT:

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

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

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

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

KRISTIN BALDWIN, Staff Attorney, Office of
Chief Counsel

PETER LIDIAK, American Petroleum Institute

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

2 (10:35 a.m.)

3 MR. WIESE: I won't have to pay a
4 lot of attention to or the Chair won't have
5 to pay a lot of attention to quorum because
6 we're not having votes, nothing like
7 starting a meeting to bring people back. So
8 I will, with that, reconvene the group. And
9 we'll get the meeting going and hopefully
10 get you out of here on time.

11 CHAIR FORD: Thank you, Jeff.

12 I think we are on agenda item 2.
13 We have a briefing from Alan Mayberry on
14 Inspector General auditor of the Hazardous
15 Liquid Integrity Management Program. Alan?

16 MR. MAYBERRY: Okay. Thank you
17 very much.

18 AGENDA ITEM 2:

19 BRIEFING: INSPECTOR GENERAL AUDIT OF THE
20 HAZARDOUS LIQUID INTEGRITY MANAGEMENT
21 PROGRAM

22 MR. MAYBERRY: It's a smaller

1 group, always welcome.

2 Okay. I'll be talking about the
3 IG audit of our Integrity Management Program
4 and just thought I might add that when you
5 are talking Integrity Management Program,
6 you are really referring to one aspect of a
7 widely varying program to oversee pipeline
8 safety in the U.S.

9 Integrity management, as you
10 know, evolved and was implemented in the
11 '90s, early '90s, and represents a paradigm
12 shift in how operators manage pipelines and
13 the risks associated with operating
14 pipelines, but it also represented a
15 paradigm shift with how we inspect the
16 program we implement to oversee integrity
17 management.

18 No longer do you have a grab and
19 go, if you will. And I know my staff really
20 doesn't like for me to say "grab and go"
21 because that's one extreme where they
22 describe an inspection type. But it goes

1 away from a short of a checklist, if you
2 will, an item A through Z sort of inspection
3 to one that requires a methodical review of
4 a very methodical program.

5 So it has been a very complicated
6 inspection program, more a challenge to
7 implement, if you will. Again, it's a
8 paradigm shift. Any time you have change,
9 there are going to be some wrinkles. But it
10 does require a different skill set, if you
11 will, to inspect integrity management
12 programs versus as opposed to the
13 regulation.

14 Anyway, just to summarize, the
15 background to this audit by the IG,
16 post-Marshall back in 2010 and large release
17 of the latest figures that came out of the
18 NTSB hearing, at DOT it was determined it
19 had been a while since the IG had reviewed
20 or audited our Integrity Management Program.

21 So it was decided at that time
22 with the issues around the incident, the

1 release involving integrity management
2 programs, our oversight decided to initiate
3 an audit of PHMSA's Integrity Management
4 Program.

5 The focus of the audit was really
6 three areas that are inspection enforcement
7 activities; focus on non-line pipe
8 facilities; and then how we manage data and
9 how we analyze data related to the program.

10 Just some timeline review. The
11 audit initiated officially in December of
12 2010, we had our first entrance meeting in
13 January. And that's '11, draft report in
14 April of this year.

15 And then the final or PHMSA had
16 an opportunity in that to issue formal
17 comments on the draft report and
18 recommendation. It's there, which we'll go
19 into; and then the final report, just here
20 recently, on June 18th.

21 Now, what I'm going to go through
22 -- and the next couple of slides are

1 findings. I'll pull these directly out of
2 the report, just to give you a summary. I'm
3 not going to go into detail on each one, but
4 if you have any questions when we get to the
5 Q&A, feel free to chime in.

6 First off, they've noted in the
7 report that we had inspected all operators,
8 liquid operators. Again, this is focused on
9 liquid integrity management, not the gas.
10 But we had inspected them at least once.
11 And those operators had repaired over 35,000
12 defects in 10 years.

13 They did note, however, that we
14 do have a backlog or as they referred to a
15 backlog. And they came to that conclusion
16 because we were attempting to inspect
17 operators, very operator, every five years.
18 And there were a number that we had not
19 inspected on a five-year frequency.

20 I'm going to address inspection
21 frequency toward the end here because we're
22 involving our inspection program beyond a

1 time-bound interval for inspecting operators
2 to one that's more based on risk. And that
3 was an evolution during this more recently.
4 So that's part of the reason why there were
5 some operators that had not been done,
6 because we were involving into what we call
7 an integrative inspection approach.

8 Also, their findings, I mean,
9 their view, we had insufficient on-site
10 visits. These are field visits. I mean, in
11 their view, there was some value in being at
12 ditch-side, for instance, to actually verify
13 that certain inspections were done.

14 You know, I might just add to
15 that or explain that by saying that these
16 inspections and these programs, integrity
17 management programs, are highly
18 process-driven for a lateral review of
19 records in the office, also records in the
20 field offices.

21 On-site visits we do. We do them
22 frequently. They tend to be opportunistic

1 inspections, where we are out there. And
2 they are hit or miss, in other words. But
3 enough said. They did point that out, and
4 we are addressing that. And I'll get into
5 that later.

6 Then declining IM inspections may
7 impact enforcement program requirements. In
8 their view, we are doing fewer now, again
9 because our inspection program's evolving,
10 but that will preclude our ability to find
11 certain risks of certain issues that are out
12 there.

13 For non-line pipeline facilities
14 -- I won't go into this in detail, but we
15 have seen an uptick in incident frequency in
16 release in, say, terminals. Those are
17 typically into containment, but they have
18 narrowed it and need to evolve our program
19 and to improve our regulations, in
20 particular, or oversight at terminals.

21 I think going forward, we are
22 addressing that issue. But, again, we are

1 dealing with facilities that are at
2 terminals. And typically if it's a release,
3 it is typically into containment.

4 They did acknowledge some of the
5 technological changes that have occurred
6 since the implementation of integrity
7 management.

8 Yes, Craig? Do you have a
9 question.

10 MEMBER PIERSON: Yes. Craig
11 Pierson, Liquids. When you say "terminals,"
12 do you mean truck terminals, like products,
13 truck terminals?

14 MR. MAYBERRY: That would be a
15 regulated terminal such as a breakout tank
16 facility, that sort of thing, --

17 MEMBER PIERSON: Thank you.

18 MR. MAYBERRY: -- pump station
19 perhaps, that sort of thing, yes. Again,
20 these are -- the term "terminals," thanks
21 for the clarification there.

22 Now, related to data and

1 analysis, they also -- and we have been
2 involving our analytic agenda, if you will,
3 in how we manage data, but there have been
4 no shortcomings in how we manage data.

5 I think I would like to have
6 gotten a little more credit for what we are
7 doing in data quality and our enforcement
8 transparency website that will list
9 enforcement action specifics to what we have
10 done in that area.

11 We have taken great pains to
12 ensure the data, the accuracy of the data,
13 in those areas. Where we -- I mean, there
14 are obviously improvement opportunities in
15 the area of analyzing the data that we have.
16 That's also been pointed out by NTSB;
17 developing performance measures to assess
18 the efficacy of our programs, for instance.

19 We have a lot of work going on
20 right now related to that, specifically to
21 deal with NTSB's recommendation out of San
22 Bruno to develop meaningful metrics and then

1 also measure, establish goals during
2 inspections.

3 But I might add that's not just
4 limited to integrity management. It's for
5 all inspections.

6 Now I'm going to get into -- the
7 report had nine recommendations in total.
8 I'll just go briefly through all nine. And
9 then if we have an opportunity to respond at
10 the report stage, which we did. there are
11 three ways to respond. Concur is one;
12 concur, in part; or nonconcur. We had a mix
13 of concur and concur, in part.

14 I might add this was after a lot
15 of internal deliberation. We did want to
16 give deference to the good people that
17 prepared the report, did a lot of work on it
18 and also in any way possible accommodate,
19 yet not affect, some of the work that is
20 going on now. And I can explain that a
21 little bit better by talking about
22 recommendation one, which directs us to

1 establish IM as a high priority in the
2 Integrated Inspection Enforcement Program.

3 We concurred, in part, on that.
4 You know, it wasn't a wholehearted
5 concurrence because, you know, the whole
6 concept behind the integrated inspection
7 approach is to use data on the operator, to
8 understand the operator, to know the risks
9 of the operator, to know the operator's
10 operating environment, incident history,
11 reports, the results of the data that we see
12 on the reports that operators are
13 submitting.

14 All of that data is crunched
15 together in our risk-informed, data-driven
16 inspection process to drive where the
17 inspection will go.

18 So we're a little hesitant to,
19 say, artificially establish a high-ranking
20 full integrity management. Granted, it's a
21 very, very important key area. It's a key
22 regulation. And it will have importance as

1 we go forward.

2 Just as we put it in our
3 response, we will address the risk level for
4 integrity management-related parts of the
5 code, but we'll do it based on the data that
6 supports us doing that.

7 I might add, you know, of
8 interest to you guys being the Liquid
9 Committee, our first several runs of this or
10 new algorithm called Risk-Ranking Index
11 Model, first run, the only outburst that
12 popped up at the top in the segments were
13 liquid segments. So we've had to tweak that
14 a bit to have a mix of gas and liquid.

15 MEMBER KUPREWICZ: Rick Kuprewicz
16 representing the public. From a risk
17 manager perspective, you know, this might be
18 a classic example of where the computer in
19 is telling you something out that doesn't
20 make sense and you really need to step back.
21 I know you guys are doing that. So that's a
22 good idea.

1 I'm in the middle of Redmond,
2 Washington in software country. All these
3 guys are multimillionaires. And they don't
4 have the most common sense, but they've got
5 a lot of money. So there may be some
6 problem there.

7 My point is that doesn't seem to
8 make sense if it's only a liquid problem.

9 MR. MAYBERRY: And I've been
10 involved in risk algorithms for a long time.
11 And I can tell you they're dynamic. I mean,
12 you don't change the factors of the risk
13 factors willy-nilly by any means, but they
14 do require adjustment from time to time.
15 You have to take a step back and just
16 understand.

17 Yes?

18 MEMBER KUPREWICZ: The reality is
19 it's a statement of fact that large diameter
20 transition pipelines are capable of putting
21 more tonnage of hydrocarbon into a
22 neighborhood than any other form of

1 transportation.

2 And so that in itself, if there's
3 any risk model, it doesn't say -- you know,
4 the consequences can be substantially
5 higher. The probabilities may be lower, but
6 the consequences are so much higher. That's
7 a reality check that would just not fit. So
8 I appreciate you giving them feedback on
9 that one.

10 MR. WIESE: With Alan's and
11 Jerry's permission, just a quick comment.
12 You know, we agree entirely. One of the
13 things I think the public may not fully
14 understand is the people that we have
15 conducting inspections in the field have
16 decades of experience, hands-on experience.
17 So we have in our algorithm a step one, this
18 risk-informed model that we're running.

19 But we have always said from the
20 beginning the last variable is local denial.
21 You know, if we sit back, we discuss the
22 results, we consult with local people, there

1 are a lot of things you cannot put a metric
2 on. You know, we have seen companies, for
3 example, when there is turmoil in a company.
4 And we have seen it before. You know, we
5 really distract people's attention.

6 You know, there are just soft
7 things like that that you'll never quantify,
8 but you do need to put in as a variable in
9 deciding how you are going to allocate the
10 few resources you have to do the job.

11 Yes. Thanks. We agree.

12 MR. MAYBERRY: The next
13 recommendation, establish target dates for
14 resolving remaining data system and risk
15 analysis issues affecting inspection
16 program. We concurred. As mentioned, there
17 is a lot of work going on related to our
18 data analysis, some reorganization we've
19 done within PHMSA.

20 And there's work specifically to
21 address this between what we call our
22 Pipeline Data Mart, which is our front end

1 that pulls data on all of our different
2 databases to -- it's just a reporting tool
3 that we have but connecting that with our
4 Inspection Assistant platform, which is a
5 new platform that our inspections are
6 performed under, a software-based platform.
7 But that will connect the two. The data
8 gets put in from our inspections in the
9 Inspection Assistant.

10 Recommendation 3. This is
11 related to the -- you know, I referred to
12 the so-called bitch side or the
13 implementation directive. We concur. We
14 are developing a protocol to actually finish
15 it but are tweaking it to perform just this
16 very type of what we call directive, which
17 is an activity on site at the region office,
18 at the district office to review the
19 operators' implementation of integrity
20 management.

21 Again, it's really the back end
22 of the circle, if you will, if the beginning

1 of the circle is the office of developing
2 your integrity management program and then
3 implementing an inspection program,
4 assessment program. The back end is
5 actually performing that work. And so this
6 directive is focused at that.

7 Recommendation 4, expand accident
8 investigation criteria to do more on-site
9 reviews. We agree we had our budget request
10 included more resources to do just this.

11 Five, update requirements to
12 mandate baseline and recurring assessments
13 of non-line pipe facilities.

14 We concur. We're dealing with
15 that through the proposed rulemaking
16 process.

17 Six. I'm going through these
18 quickly, but we can come back. Just in the
19 interest of time -- yes, Craig? Do you have
20 a question? Go ahead.

21 MEMBER PIERSON: Yes. Sorry.
22 It's going against your interest of time

1 statement. What are non-line pipe? Is that
2 terminals?

3 MR. MAYBERRY: Terminals, yes.

4 MEMBER PIERSON: Okay.

5 MR. MAYBERRY: It could be within
6 pump stations. Service quality assurance
7 procedures to verify the accuracy of
8 operator annual reports and accident data.

9 Concur, in part. We already do
10 this with accident data. There is some
11 opportunity with annual reports.

12 Seven, develop and implement a
13 program systematic analyses to better assist
14 pipeline risks.

15 Concur. We have implemented a
16 Risk-Ranking Index Model. In fact, we have
17 had a team meeting this week in our Lakewood
18 office, the implementation team, working on
19 the algorithm. And for the first time, we
20 have used GIS data that corresponds to the
21 pipeline units.

22 Eight, create a database pipeline

1 physical characteristics. You know, that
2 was concur. We included that in our 2013
3 budget request to increase funding to
4 improve our GIS system. And we have already
5 done some background work related to this as
6 far as rulemaking goes.

7 And, then, finally, develop and
8 implement specific performance measures to
9 assess impact of the IM program. This is
10 similar to the NTSB recommendation at San
11 Bruno in developing meaningful metrics.

12 We concur. We have a workshop
13 coming up in October, public workshop, where
14 we're looking for input on that very topic.
15 It's heavy on the agenda.

16 Furthermore, I've got a team that
17 I'm leading within PHMSA that is looking at
18 that issue as well. We've done quite a bit
19 on that. So stay tuned in that area.

20 And then, just in summary, we
21 have a record of taking the IG seriously and
22 the recommendations. We want to address

1 these. We typically address these before
2 reauthorization. It typically will make
3 reauthorization go much easier. It takes
4 ammo off the table. The only other issue
5 that can affect reauthorization or like
6 incidents, which we all know the story
7 there.

8 As we have implored the IG and
9 NTSB, for that matter, we are
10 resource-constrained. We have a limited box
11 of resources to pick from to implement our
12 program. We put the resources where they
13 are most effective. And that's our goal.

14 We see integrity management as a
15 very important piece of our oversight
16 program. It's not the only piece, but it
17 will remain important.

18 And then we're developing an
19 action plan to respond to the final report.
20 There is a letter we have to respond back to
21 the IG in the next two weeks that we're
22 working on right now to just give them an

1 initial response.

2 And, with that, I think that's
3 it.

4 COMMITTEE DISCUSSION AND Q&A: AGENDA ITEM 2

5 MR. MAYBERRY: All right. Larry?

6 MEMBER DAVIED: Larry Davied.

7 Excellent overview. I appreciate you going
8 through it. We have talked many times about
9 priorities, resource constraint. I think
10 most of it has been on PHMSA departmentally.
11 Obviously it's on operators. It's on
12 contractors. It's on all of us.

13 With that setup, I think these
14 and other recommendations have come forward
15 as well as own agendas fit very well in the
16 mode of trying to help all of us have safer
17 pipeline systems. The liquid pipeline
18 industry is very aligned with that interest.

19 Craig Pierson gave a presentation
20 yesterday on many of the program attributes
21 that we are working on or trying to
22 prioritize in a drive towards excellence,

1 say pipelines.

2 Jeff, you mentioned also
3 yesterday maybe some future plans of
4 utilization of this group, technical
5 advisory group. And I think maybe that's
6 something for consideration is with all the
7 varying reports from different agencies,
8 accident reports, the discussions,
9 presentations that are held here, that we
10 use this as maybe somewhat, partially
11 somewhat, like a risk management program of
12 setting those priorities, again with the
13 interest of we're aligned with wanting to
14 improve and distract a lot of resources,
15 obviously, on chasing things to satisfy
16 reports, not that they're bad, but where do
17 they fit in in truly making a difference,
18 bag for the buck issues or immediate safety
19 threats, impending safety threats versus
20 what I term some of the more back office,
21 really good things to do, not arguing that,
22 but making sure we're aligned on our

1 priorities to make liquid pipelines safer.

2 MR. WIESE: So just a quick
3 response. There's nobody more sympathetic
4 to the idea of establishing priorities than
5 me. However, I will quickly add that I work
6 for the administration. It's a little known
7 fact.

8 You know, they don't teach in
9 Civil Service that I work for the
10 administration. The advisory committee,
11 honestly I hope that we have demonstrated we
12 take the advice we get from the advisory
13 committee very seriously. And we factor
14 that in with setting priorities, but at the
15 end of the day, I report to the
16 administration. They set priorities for me.

17 That said, you know, when Alan
18 made those points, if you'll allow me to
19 underscore it, I couldn't agree more. You
20 know, in the end, I've been doing risk
21 management most of my life. You know, I
22 understand it. And I know that we have --

1 outside of extraordinary circumstances, we
2 all have a fixed box of resources.

3 The question one has to answer --
4 and we did have this open conversation with
5 the IG that said, "If you sit at a
6 laboratory bench and keep dialing in, you're
7 eventually going to find an issue." Before
8 you decide what to do, you ought to back out
9 and say, "Given that limited box of
10 resources, are you applying them in a
11 rationale way?"

12 That conversation, whether it's
13 the Congress, the NTSB, the IG, or the GAO,
14 is never had. It is always about this
15 issue. "I want you to work this issue."

16 We've been through, as Alan said,
17 we've been through integrity management
18 several times. Some of the operators have
19 their programs pretty well down.

20 You know, there are areas we want
21 to focus on. And we will continue to do
22 that. But to just say, "You need to go back

1 and do it more frequently without any more
2 granularity of the comment than that," it
3 was all -- I think Alan was being polite
4 when he said it was all we could do to
5 concur, you know, but it's not -- I should
6 say publicly on record probably not wise to
7 non-concur.

8 Anyway, I hear you. We agree.
9 And we probably agree more than we don't
10 anymore.

11 MR. MAYBERRY: Just one quick
12 follow-up. I absolutely am not advocating
13 unilateral prioritization setting of this
14 Committee's theme. I'm trying to figure out
15 maybe how to use our experiences a little
16 bit more in doing that. And I think it's a
17 good -- as you mentioned yesterday, using
18 truly more as an advisory committee in
19 responding to what's maybe already in the
20 works. So I concur with you on that.

21 MR. WIESE: Just one other point
22 on that. The IG actually had to modify the

1 report toward the end because our inspection
2 program's evolving. We made the decision to
3 implement the integrated approach, just pull
4 the trigger on it, because it's this mode of
5 doing some integrated inspection, some
6 integrity management inspection, some O&M.

7 Okay. We're at the point of
8 okay. If we are going to go this route and
9 it's a very sound round to use risk to
10 decide where the inspection goes, we need to
11 go that way. It's too confusing to manage
12 it two different ways. Plus, there's a
13 tendency to want to keep it the old way. So
14 we pulled the trigger. We had to modify the
15 report toward the end to deal with that.

16 And, again, it gets to -- it's
17 not just IM. It's about everything, the
18 risks. They impact the operator, the
19 incident history, the last inspection, the
20 corrosion program, the OQ program. The
21 whole thing gets lumped in.

22 Massoud?

1 MEMBER TAHAMTANI: Massoud
2 Tahamtani. Alan, I'm interested in what was
3 the scope of the audit? How much data? How
4 many states did they look at? And I'm
5 interested in the number of the states who
6 are agents.

7 And I know that in my state, I
8 look at or reinspect every IMP dig, not only
9 inspect that. We look at the pig data. We
10 look at the A to Z to make sure that the
11 right things happen.

12 Did they bother to talk to us,
13 for example? I don't remember.

14 MR. MAYBERRY: They talked to
15 some of our region offices. And they did
16 not talk to the state. So there's a risk of
17 that in any report because there are some
18 variations in the reality.

19 I think even within PHMSA, there
20 were differences in the effectiveness of --
21 I think some of our regions, for instance,
22 since I oversee the regions, one thing I

1 really deal with -- and you deal with it.

2 You know, if you're an operator,
3 you deal with it with different region
4 offices. That is an issue of consistency.
5 And I think we were doing a lot of those
6 types of things, but it just wasn't called
7 like field implementation.

8 One region, in particular, I
9 think may have colored that view that went
10 into the report because they were doing it a
11 certain way. I think the other regions
12 were, too, but it just wasn't documented
13 that way.

14 Nonetheless, I think you'll see
15 what we come out with, a so-called field
16 implementation directive, will be practical.
17 It's probably consistent with what you're
18 doing already, just a weighted document with
19 the program.

20 Massoud?

21 MEMBER KUPREWICZ: Yes. I would
22 just like to comment. I support your

1 perspective that integrity management is a
2 very important process. It was always meant
3 to be one. It's not the only process. I
4 think that's also very important.

5 I find it as a representative of
6 the public a little troubling, not from
7 PHMSA's perspective but from the report
8 itself, probably an over-focus from a risk
9 perspective on terminals.

10 I've got to be careful how I say
11 this because I'm not giving the operators a
12 blank check to ignore terminals. But when
13 the discussion and eventually the
14 regulations changed to report releases of
15 five gallons -- is that the number? -- you
16 know, a lot of discussion was, again, you
17 know, we understand the public thinks zero
18 is perfect and everything, but there are a
19 lot of operations, especially in pump
20 stations and terminal operations, where a
21 packing leak is in a contained area. And so
22 the misperception from the public is zero is

1 the goal.

2 And so if you're looking at this
3 from -- one problem from a risk management
4 perspective is frequency. You start
5 reporting all of these apparently very small
6 gallon releases that have nothing to do with
7 danger or risk of the public, it can skew
8 the risk management approach.

9 And we've seen this in actual
10 issues here. And so I just would add for
11 the record here just how many five-gallon
12 releases in a terminal equal one mainline
13 pipeline rupture. All right? So we'll want
14 to be careful. You know, it sounds like
15 they're dangling here, the IGs.

16 And, again, not to be critical
17 but an observation. We're dangling the
18 opportunity of new technologies that are
19 going to be a real challenge in a terminal
20 to implement that could pool resources from
21 the operator to a focus on those
22 catastrophic issues that can affect the

1 public considerably. And I'll give you a
2 classic example here.

3 I just recently looked at an
4 emergency response plan. I won't mention
5 the company, but clearly the emergency
6 response plan was focused on hurricanes.
7 And they were crossfitting terminal and
8 pipeline.

9 And, Carl, this is going to make
10 you a little bit nervous, but just how many
11 hurricanes does the State of Washington have
12 or has had? And I think the volcanic risk
13 is probably higher than hurricanes in that
14 state. And so the recommendation back to
15 these folks was, why don't you take out that
16 third of your emergency response plan that
17 deals on pipeline risk associated with
18 hurricanes because the State of Washington,
19 I think your risk call there is probably a
20 little skewed.

21 What they had done is they had
22 cut and pasted another operation into the

1 state. So I want to really support PHMSA on
2 the effort of applying the priority to
3 integrity management, but be careful of the
4 dangling technologies that can distract the
5 mainline operators from a primary goal that
6 may be really in the best interest of the
7 public.

8 Sorry for the speech.

9 MEMBER HAMSHER: I want to
10 transition back to the dialogue that Larry
11 suggested and the role of the Committee and
12 agree that there are perspectives and
13 experiences from the public members, from
14 government members, and the industry
15 members.

16 And in years past, since I can
17 now talk about the history on this
18 Committee, there were opportunities for
19 education. If it's a policy and a dialogue,
20 we tend to come. And it's already the
21 rulemaking, and we have tunnelvision.

22 So conversations like the

1 presentation we had yesterday on production
2 and forecasts are presentations about the
3 business of pipelines, this capital versus
4 operating costs; rates, how do they earn
5 money, that type of thing; the challenges
6 with repairs and replacements and permitting
7 mostly at the state level for liquid
8 pipelines and those types of things. It
9 doesn't take much more than 45 minutes, an
10 hour on those types to give some context to
11 then the pipeline safety jurisdictional
12 things that are before the Committee.

13 MR. WIESE: Actually, I think
14 that's a great idea. And we are trying to.
15 So I want to let you know that I do hear
16 you. The one yesterday I did on purpose.
17 And I think it is important for us to draw
18 back every once in a while and take a look
19 at the larger picture.

20 I would just, you know, beg your
21 indulgence in the fact that there are about
22 75 to 80 to dos that have been dropped on

1 our plate between the Congress and the IG,
2 the GAO, and the NTSB. We view those all as
3 live ammunition and that they have to be
4 removed from the table, so a lot of work.
5 You could see it yesterday, right, a lot of
6 work coming forward for the Committees in
7 the regulatory arena.

8 But I do hear you. And,
9 actually, I love the idea of how do the
10 companies make money. I mean, it is -- I
11 remember a paper that was written years ago,
12 probably still on the AOPL website because
13 we talked with them about it and they
14 drafted it. And I think INGAA drafted a
15 similar paper. For the public's
16 perspective, it's important to note that, I
17 think. And even for the regulators,
18 ourselves, it's important for everyone to
19 understand that.

20 CHAIR FORD: You are absolutely
21 right because when we were going to weight
22 those, the public sometimes thinks that this

1 is so. And we just have to remind them that
2 they are invested on the utility. We have
3 to remind them. So those kinds of things
4 are so important to us.

5 MR. WIESE: I actually recently
6 -- I don't know, Lula, if you were on the
7 phone at the same time. There was an NRRI
8 tariff seminar. They are an adjunct arm of
9 NARUC. We do studies for them. And they
10 were doing a study and a commentary on do we
11 have too much pipeline safety.

12 And so while we because we obsess
13 on safety will say, "Oh, it's laughable."
14 But I will say, in defense to the
15 commissioners and the position they are in,
16 they are fair, reasonable rates. They are
17 under pressure on both sides.

18 So I think before the public can
19 engage meaningfully and offer ideas for
20 improvement, they do need to understand how
21 the broader picture works.

22 So I'll take that as an action

1 item. Maybe we'll work on that particular
2 topic for the next meeting.

3 MEMBER DAVIED: Thanks for your
4 indulgence. One final comment on this. I
5 think it is an important subject.

6 I very much respect that all of
7 us answer to someone, whether home, work,
8 otherwise, so appreciating we get the
9 guidance reluctantly.

10 Somewhat the irony to me in this
11 report on the subject of risk management,
12 integrity management programs, it's to
13 generate a punch list activity, which is the
14 very subject of integrity management and Mr.
15 Kuprewicz's comment about the danger,
16 caution, I guess the caution, in chasing
17 sheer numbers, such as facility releases,
18 where all of the numbers are but not
19 necessarily buying down lists and
20 approaching that.

21 So I am somewhat repeating
22 myself, but it just kind of jumps at me as

1 this integrity management review. It comes
2 up with a set list of items to clip off your
3 last thing and respecting that we all have
4 to answer to whoever sets it.

5 Thank you.

6 MEMBER KUPREWICZ: Rick
7 Kuprewicz. Just one comment that might
8 help. I know you've got enough on your
9 agendas and probably don't need the
10 additional work but maybe if you put on a
11 website someplace a list of all of these
12 things, you don't have to put them in the
13 priority. But that would just help to
14 convey, "Look, you guys, does this make
15 sense? This doesn't make sense." You might
16 get more support in an election year. Boy,
17 is that ever a wish.

18 But I think that would tend to
19 help. If there are 83 of these
20 recommendations, some will probably fall
21 into some categories that make priority.

22 MR. WIESE: Actually, we should

1 probably move into Alan's next presentation,
2 but I appreciate your comments. I will just
3 say the -- I have a minor in behavioral
4 psychology. And it ruined me forever
5 because it teaches me about trying to
6 deliver on expectations.

7 Expectations have been rising.
8 With 80-some things to do, resources are not
9 keeping up. That's a bad formula. You
10 know, I don't like letting people down, but,
11 to your point, you have to prioritize.
12 Something is going to give, you know. And I
13 don't know what it is.

14 I don't want to stop doing
15 inspections. Unfortunately, that's one of
16 our bread and butter. You know, I can't
17 take it from there. You know, I can't take
18 it from inspector training, you know, all
19 the training, all the feds and states.

20 I can't take it out of accident
21 investigation. You know, I can't really
22 take it out of our engineering group. So

1 you're down to a small group.

2 The states have a meaningful role
3 in this. I don't mean to always talk about
4 just PHMSA. I'm just saying perspective.
5 There are only a few people to go around
6 here.

7 BRIEFING: OIL SPILL RESPONSE PLAN

8 MR. MAYBERRY: Okay. The next
9 topic, oil spill response plan, is a very
10 relevant topic, especially in light of NTSB
11 hearing a couple of days ago and the
12 recommendations related specifically to the
13 spill response plans.

14 My goal here today is to give you
15 a lesson in history and how did this come
16 about for our agency, how do we relate to
17 other agencies. I'll tell you a bit about
18 our review and approval process. And keep
19 in mind I'll describe our authority, the
20 limitations in that authority and hopefully
21 clarity. And it kind of contradicts but
22 clarity to the lack of clarity in some

1 areas, but you might find this of interest.

2 What law requires us to look at
3 spill response plans? There are four
4 agencies involved, four federal agencies.
5 That's PHMSA; the Coast Guard; U.S. EPA; and
6 U.S. Department of Interior and under
7 Interior BSEE, the former MSS.

8 But the plans themselves are
9 required by the Water Pollution Control Act
10 implemented back in 1972. If you'll
11 remember, this was when I was watching Andy
12 Griffith. And the advertisement would come
13 on with the Indian with the tear in his eye
14 of the canoe in the polluted waters.

15 At that time action was taken.
16 The Water Pollution Control Act was
17 implemented. And then later in 1990, after
18 the Exxon Valdez spill, the Oil Pollution
19 Act of 1990, was enacted. It gives actions
20 for -- well, actually, it gives requirements
21 to the President to -- by executive order
22 delegates to these four agencies here. And

1 I'll get a little bit into that.

2 What does the Clean Water Act
3 require? It assigns spill, oil
4 spill-related, activities to the President,
5 like I said. And there is a sampling of
6 what is delegated to the President,
7 oversight of oil handlers' regulations to
8 establish regulations and spill plan
9 requirements, the performance spill plan
10 reviews and approvals, and then also take
11 compliance enforcement actions if it is
12 necessary, conduct drills, both announced,
13 unannounced, and then do inspections of the
14 equipment that's referred to in these plans.

15 Now, the act empowered the
16 President, who is then required to say,
17 "Okay. What am I going to do with this?"
18 So, by executive order, more specifics were
19 given. It will require the President to
20 delegate to the appropriate agency where the
21 various functions were to happen because it
22 was silent about who will perform the

1 various duties.

2 So there are two orders. Well,
3 there is one that -- the first order in
4 1991, the President ordered PHMSA to or DOT
5 PHMSA to develop regulations which resulted
6 in Part 194 and then to review and approve
7 spill response plans for on-shore pipelines.

8 and then in an amendment, amended
9 executive order cited there assigns other
10 duties to the Coast Guard conducting of oil
11 spill exercises, expecting spill containment
12 booms and removal equipment and coordinating
13 with other departments and agencies, which
14 we do to minimize the burden on the
15 regulated industry, get into some of that.

16 If you look at our history, when
17 the act came out and the executive orders,
18 in the first few years, we were organized in
19 a way where we had basically two managers,
20 federal employees who manage, a contractor,
21 who would do the technical plan review and
22 then would also develop a spill drill design

1 and evaluation. A lot of that was going on
2 throughout regulated industry. we would
3 actually do that through our contract
4 resources.

5 And then after 2005, we did not
6 use contractors. We did bring the review
7 in-house. Of course, approval was always
8 in-house, but then we brought the
9 recordkeeping and the review fully in-house.
10 And that's where in NTSB report, you saw the
11 reference to one and a half persons. We
12 basically had one to two persons dealing
13 with review and approval. And we also
14 decided to discontinue discretionary spill
15 drills, the unannounced drills, the spill
16 planning it, because it was really never a
17 requirement of the act that PHMSA conduct
18 those. They had to actually sponsor the
19 drills.

20 I'm not saying it doesn't need to
21 be done. It just wasn't necessarily in our
22 authority to do those that we had to do to

1 conduct and sponsor the drills.

2 Now, the act tells us -- let me
3 shift gears here, talk about the act --
4 gives us authorities delegated by the
5 President to review the plans. The statute
6 gives a specific structure that the plans
7 must follow. And those are in some ways
8 limiting. And I'll get into that in a
9 minute, but they're very specific on what
10 the plans must include.

11 There are three items listed
12 here, just the plans must be consistent. I
13 mean, I won't read those, but those are
14 three of them. And then moving on, the plan
15 was also like, for instance, "Describe
16 training, equipment, testing," and so on and
17 then "The plans must be periodically
18 updated" we submitted after each significant
19 change.

20 And if the plan makes these
21 requirements, if it has these provisions
22 covered, we have to approve it. That's

1 specific. We must. It's specifically
2 asserted that way in the statute.

3 Now, what do we do when the plans
4 come in? I mean, we do review plans that
5 could leak or facilities that could leak oil
6 and cause significant and substantial harm
7 to the environment. All of those must be
8 submitted for review.

9 And for plans that are submitted,
10 we will review them promptly, although I
11 must say in the last two years, while we
12 have been evolving our program and improving
13 it post-Marshall, actually post-Deepwater
14 Horizon, it's not been so prompt. It's been
15 more than in some cases about a year. But
16 we do -- so, anyway, we're working on the
17 promptly part currently. We do require
18 amendments to any plan that does not meet
19 the requirements.

20 If we get a plan in and there are
21 issues, we get back with the operator and
22 tell them to fix it and resubmit the part

1 that was deficient. And then obviously we
2 review each resubmitted plan for review.

3 That's basically what our staff
4 does. And I'll get into a little bit some
5 of the things we're doing, changes we are
6 making, but we have added staff. We are
7 planning to add more staff to the review
8 process.

9 As I mentioned, the Clean Water
10 Act and Part 194, for that matter, don't
11 provide discretion on plan approval. We
12 shall approve the plans if they meet the
13 requirements that were listed in slides 7
14 and 8.

15 And 194 does direct -- now, if we
16 have not approved the plan, you can't start
17 the pipeline. However, there is a
18 provision. If you certify that the plan
19 meets the requirements of 194, then you are
20 able to operate it for up to two years prior
21 to our actual approval.

22 What else does the Clean Water

1 Act require as far as related to preventing
2 releases? It also requires periodic
3 inspections. This is a topic. In the
4 Enbridge Marshall incident, there was a
5 photo that was presented at the hearing
6 related to the extent of the locally
7 available booms and equipment, then periodic
8 drills of removal capability with prior
9 notice. That's a requirement of the Clean
10 Water Act.

11 Executive orders that I've
12 referred to specifically assign these duties
13 to the Secretary of the DHS. Secretary of
14 the Coast Guard is operating within.

15 I am pointing this out because it
16 presents a lack of clarity. It doesn't take
17 away from the fact that these things need to
18 be done, the inspections need to be done.

19 The authority was specifically
20 delegated to the DHS. It conflicts a bit
21 with NTSB recommendation, however, as you'll
22 find within NTSB and other oversight

1 agencies that look into cause and develop
2 recommendations.

3 It's not really their matter to
4 determine your authority. It's just "Okay.
5 It needs to be done. If you don't have the
6 authority, you should go seek the
7 authority." But specifically, though, we
8 are precluded by those executive orders from
9 doing those specific inspections.

10 Also there's a mention of
11 cooperation earlier, I believe. We do
12 cooperate with our federal partners in
13 what's called the PREP program, or
14 Preparedness and Response Exercise Program.

15 And we have back in 1995
16 developed the one plan, integrated plan.
17 It's an example mentioned in appendix A-194,
18 which is a format for plans that's
19 consistent between the federal agencies.

20 A little bit about lessons
21 learned from Marshall. In fact, I know Jeff
22 and I were there a couple of times on site

1 meeting with EPA and exchanging ideas,
2 thoughts, ways to improve cooperation. It
3 did demonstrate the need for better enhanced
4 interagency coordination, communications.

5 You know, for example, with EPA,
6 we rarely have discussed spill response
7 plans with them except when an incident
8 happens. To get that feedback on "Okay.
9 The spill happened. The pipeline broke.
10 Oil was released. How did the plan work?
11 We're the ones that approved the plan. How
12 did it work? What are things we need to do
13 or change in our protocols?" That was
14 something that we met after and developed a
15 working group to coordinate better
16 communications between our agencies.

17 We also found that we could
18 improve our plan review process, which was
19 implemented. That's ongoing right now. Of
20 course, NTSB pointed out that as well.

21 And then the differences among
22 all the executive order agencies we need to

1 work out. You know, there are differences
2 in each of our requirements and what we
3 expect. And we need to through our
4 coordination process work through those.
5 And we need a better means to share plan
6 information.

7 And then actions taken since
8 March, I've alluded to some of these. We
9 have put more staff, you know, the one and a
10 half that was mentioned in NTSB reports.
11 Now we're at four. And we're going to add
12 another person here in the not-too-distant
13 future that will be involved not just in
14 spill response plans but in other activities
15 related to emergency response as well.

16 We have initiated an internal
17 audit of our plan review activities. That's
18 within PHMSA. It's a group outside of
19 pipeline safety, however, that's reviewing.
20 They just kicked off an audit of our spill
21 response program.

22 And then we did conduct a

1 tabletop drill involving our Office of the
2 Secretary. And that was done in the last
3 year in South Carolina involving a couple of
4 pipeline operators.

5 And then we're participating in
6 the interagency revision of PREP, the PREP
7 guidelines. And that was kicked off earlier
8 this year.

9 We're also working to develop a
10 secure means to -- I mean, it seems simple
11 to pass on information for a plan to the
12 people that need it, but there are a lot of
13 issues with that related to -- well,
14 obviously if you're within the federal
15 family, the personal information issue is
16 not so much an issue, but there are
17 protocols, even working between agencies,
18 that we have to follow to pass securely
19 these electronic documents.

20 Jeff and I on a number of
21 occasions have met with senior U.S. Coast
22 Guard officials that are in the prevention

1 and response areas over at the nearby
2 headquarters. They're just a stone's throw
3 from the DOT headquarters here in
4 Washington.

5 And then we joined -- I think we
6 referred to this -- a workgroup to improve
7 plan content, reviewing utility among the
8 Coast Guard and the DOI dealing with just
9 collaborating on the plan issues.

10 We're changing our review process
11 because post-Deepwater Horizon, we recognize
12 the need for more resources. In our budget
13 request for FY12, we had asked for an
14 additional eight inspectors. We didn't get
15 that approved, but we're still looking to
16 move in an effort to have more activities
17 done in the region, the review of plans, the
18 regions already review, for instance,
19 emergency plans, integrity management plans,
20 a variety of plans that come in or that
21 operators have.

22 We're also looking for the

1 regions to be more engaged on the spill
2 response plan review. So that was as we go
3 forward is an area we will be addressing.

4 But the additional staffing was
5 we were looking to assist in that area. And
6 then we're reassigning all existing plans.

7 We issued the advisory bulletin
8 back post-Deepwater Horizon. And that was
9 just before, a month before, the Marshall
10 incident. Many of the operators had
11 responded to that. And our concern there
12 was in light of the Deepwater Horizon
13 incident, that resources were going down to
14 the Gulf and nothing would be available or
15 insufficient resources would be left
16 available for on-shore issues. So we issued
17 that advisory to address that issue, plus
18 the issue of accuracy of the plans, and just
19 revisiting the validity of the plans.

20 We revised our criteria, our
21 review criteria. As you know, in an NTSB
22 hearing, that was faulted somewhat or

1 abbreviated plan review. We have revised
2 that and several other items that list there
3 that we're looking at being part of the plan
4 review and reviewing -- you know, it's a
5 more thoughtful review, if you will. We're
6 looking at the incident history of operators
7 in context with the plan review as well.

8 The last bullet is quite
9 important to us. I really should have
10 started with that because if you don't know,
11 we're very much more involved in drills and
12 participating with operator drills.

13 For instance, in our Western
14 region office, every inspector will be
15 participating in at least one drill for each
16 year, but our goal there is to be more
17 engaged with the industry and participating
18 in the drills that are conducted out in the
19 field there.

20 Then, just looking forward, we
21 take the NTSB, as with other oversight
22 agencies, if you will. We take

1 recommendations seriously. We're still
2 taking a look at the findings and developing
3 a response and a plan of action.

4 We're going to continue our
5 improvement that we have already started.
6 You know, again, it's been pointed out
7 alignment with EPA and our other federal
8 partners. We're reviewing that as well as
9 just integrating the responsibilities
10 related to spill response planning with our
11 other inspection activities as far as moving
12 some of this process to our field offices.

13 I think, with that, it's about
14 it. I'll be glad to entertain questions.

15 COMMITTEE DISCUSSION AND Q&A

16 MEMBER PIERSON: Craig Pierson,
17 Liquids. Alan, do you plan on participating
18 in unified command in actual events?

19 MR. MAYBERRY: Short answer is we
20 tiptoe into the unified command. We fully
21 support the command structure. We're
22 hesitant to dedicate a person to the unified

1 command because we lose that resource. As
2 has been mentioned quite often, we are
3 resource-constrained.

4 And in talking with my
5 counterpart at EPA, they thought it was
6 valuable to have a person there as a
7 technical expert from the pipeline safety,
8 from the regulator.

9 But to actually put a person in
10 the unified command to be subsumed by that
11 operation, we're hesitant to do that just
12 because we lose that vital resource who
13 could be out there doing the investigation
14 of the incident for our purposes.

15 CHAIR FORD: Jeff?

16 MR. WIESE: Just a grace note on
17 that one is that, you know, we had -- I
18 don't remember. Alan may. We had multiple
19 people in Marshall, Michigan for months,
20 months, you know.

21 And our job is slightly
22 different. We are not responders. And I

1 hate to say that, particularly when our
2 Deputy Administrator, who was a former
3 Assistant Fire Chief, we have responders
4 here. Our job is to prevent and prepare.

5 Clearly in the authorities handed
6 down from the President, it will not prevent
7 and prepare. You don't see much in the
8 responding.

9 So I would tell you that we're
10 torn because we would like to, but I don't
11 think we're resource-oriented to be able to
12 do that. That's the problem.

13 You know, I appreciate Alan doing
14 this on such short notice because after I
15 came out of the NTSB hearing the other day,
16 I thought it was important for the Committee
17 to hear it's not quite as clear as that
18 might portray it.

19 You have to understand the
20 limitations on our authority and the
21 directions that we were given. You know, we
22 are not directed to conduct inspections.

1 That was clearly someone else. You know, we
2 only recently got enforcement authority back
3 for what we do have.

4 And I would also say -- and I
5 think this Committee has been talking about
6 this in the past couple of days. And we
7 recognize, again, fixed box of resources,
8 it's hard to do those things you're not
9 required to do, and that the period of time
10 that we were talking about, remember what
11 was going on. We were coming up with
12 operator qualification, integrity
13 management. These are unfunded mandates
14 from the U.S. Congress. So we have to
15 observe them.

16 So I wanted to answer the
17 lingering question. Well, why did you
18 redirect from a contractor review in
19 conducting growth on your own? We just
20 don't have the money. You know, it's that
21 simple. And we have compliance programs
22 that we have to assure compliance with.

1 So it is strictly a matter of
2 allocation. I would say we had operated a
3 plan review process for 22 years, other
4 priorities not funded as well.

5 Few of the plans -- and I welcome
6 any challenge on this point, but few plans
7 have been found to be deficient after
8 spills. There have been some clear
9 examples, right, but not a broad scale?
10 What we're really seeing is an
11 implementation of plans and a response, a
12 discovery in response.

13 There are issues there, but I
14 would just say that -- and I hope I speak
15 for Lanny when I say the emergency
16 responders that I have talked to don't want
17 those plans. They want to drill. They want
18 to know what you know. Do you know how to
19 integrate? What kind of resources are you
20 going to have? So we have shifted our focus
21 to drills.

22 I think we stole somebody else's

1 phrase on "Drill, baby. Drill." I mean,
2 that's what it's really about. You know?
3 That's what's important. And I think we'll
4 make infinitely more progress by drilling
5 with operator -- getting together the
6 emergency responders who will learn and
7 teach during a drill than we will ever get
8 in sitting, reading three-ring binders that
9 you submit to us that have walruses in the
10 Gulf of Mexico or whatever.

11 Yes, three-ring binders tend to
12 be contracted out. And they're cut and
13 pasted. And accidents happen when you go
14 cutting and pasting.

15 At any rate, sorry. It was
16 rhetorical. But it's hard to keep up with
17 all of those responsibilities.

18 MEMBER WEIMER: A few questions.
19 Can you remind me because I remember when
20 reauthorization happens, you guys get a
21 pretty big chunk of money out of the oil
22 spill fund. It's like \$17 million or

1 something. Does that money have to be used
2 for this type of stuff? Because one and a
3 half staff doesn't use \$17 million.

4 MR. WIESE: The quick answer is
5 no. Very clearly, there is an implementing
6 OPA line within there, which, by the way,
7 that is a great question.

8 I'm glad you asked that because
9 it was dropped out by somebody from the
10 NTSB. And in documentation, you can read
11 the Congress asks us every year "Why don't
12 you bill more to the oil spill liability
13 trust fund?" They're talking about our
14 prevention and preparedness.

15 So it runs the gambit of funding
16 inspectors, who do hazardous liquid audits.
17 It is used for the full range things. Some
18 things are used in R&B. So it's really more
19 about the prevention probably than even the
20 preparedness for their participation in
21 drill. So it funds a wide range of things.

22 MEMBER WEIMER: Okay. And I

1 think one of my more pertinent questions --
2 and I have heard it said a couple of times
3 that your hands are kind of tied. And if
4 they meet the requirements, you have to
5 approve the plan.

6 But when I looked at the list of
7 requirements, it seems like there's a lot of
8 stuff there that, you know, if they have a
9 plan that has walruses in Washington state,
10 you don't have to approve that, do you, or
11 if the response contractor is in Houston and
12 you're talking about a spill plan for
13 Michigan, you don't have to approve that, do
14 you?

15 MR. MAYBERRY: Certainly not.
16 And we send them back if there are issues if
17 there are omissions, if there are
18 references, an O&M manual. And a referenced
19 O&M manual we don't have there to look at.
20 We send them back for that, for those types
21 of things.

22 I mean, it does. Yes, it ties

1 our hands because okay. They have to
2 address those key areas. And if they have
3 addressed them, they are in there. Then we
4 have to approve it.

5 But within those, if there are
6 issues with it, we do, you know, take action
7 on that.

8 MEMBER WEIMER: So the picture
9 that NTSB showed of the one trailer that
10 just had the boom and that was for the whole
11 Michigan area or something, wouldn't that
12 have been in the plan? And couldn't that
13 have been rejected because obviously there
14 wasn't enough equipment there to approve?

15 And I didn't mean to pick on
16 Enbridge specifically.

17 MEMBER HAMSHER: No.

18 MEMBER WEIMER: It's just the one
19 clear example that we heard about.

20 MEMBER HAMSHER: I think the full
21 NTSB report may be enlightening, but just
22 because there was a picture of a trailer

1 that they showed, don't presume those are
2 the only resources we had in the state.

3 MEMBER WEIMER: But shouldn't
4 there be an analysis of the equipment that
5 has to pass the straight-face test to get
6 approval?

7 MR. MAYBERRY: The plan should be
8 credible. The plan should accurately
9 describe or calculate or give a worst-case
10 discharge to input the appropriate resources
11 on it. There is an expectation that those
12 resources would be readily available to
13 respond. Again, without, a picture without
14 context, it's hard to -- it may be enough
15 for a certain area but maybe not in others.
16 It's just specific to this incident.

17 MEMBER WEIMER: And the last one
18 I know Congress actually may ask for these
19 plans being made publicly available;
20 whereas, that's moving through for
21 implementation.

22 MR. MAYBERRY: That's one of the

1 issues we're working on right now. It's
2 just I can't tell you exactly when. It's
3 some technical issues also related to just
4 personal information. You know, they don't
5 lend themselves -- as I remember talking on
6 one pipeline safety trust panel. The
7 challenge of redaction -- and they don't
8 really lend themselves to that readily.

9 MR. WIESE: Just to, if I can,
10 add a note, both to clarify and also
11 probably irritate my friend Carl. You know,
12 I don't think we're opposed. You know, I
13 think the summary of the plan is probably
14 more useful than anything, to be honest with
15 you.

16 Again, the people who use these
17 are directed to the company people, the
18 emergency responders. They're the target
19 audience.

20 And the part that I think might
21 irritate my friend Carl is that there are
22 some things in there beyond privacy

1 information that do go to things that relate
2 to security that honestly I don't, in good
3 conscience I don't, think I could disclose
4 those things. And I know that my friends at
5 TSA are going to be all over me if I try to
6 get near that.

7 So not to say that there
8 shouldn't be something out there that talks
9 about these. There's more guidance out
10 there by the way of how much equipment an
11 operator has to have in terms of what kind
12 of a response capability and what period of
13 time that flows from the interagency
14 guidance. I think this scenario we probably
15 do need to do a little education on.

16 And, by the way, I don't want to
17 sit here and defend, just constantly be in a
18 defensive mode. I think we're doing what we
19 can with that one and probably more needs to
20 be done. I just am not sure that it's the
21 greatest risk that we face on an ongoing
22 basis. So clearly there are opportunities

1 to improve.

2 MEMBER DAVIED: Thank you. Larry
3 Davied.

4 Liquid pipeline industry is very
5 aligned again with trying to make
6 improvements in emergency response, full
7 spectrum there. We stated that yesterday.
8 We stated it before your office and others
9 publicly that this remains one of our top
10 priorities.

11 I think it's also noteworthy that
12 if you look at spills and incidence the
13 industry has, each of which prompts an
14 emergency response bill plan.

15 We hear about a select few,
16 obviously, that are high profile that things
17 don't come out. The criticism itself of
18 somewhat managing sound bytes, the fact that
19 you have one and one and a half resources
20 approving plans doesn't necessarily tie to a
21 deficiency that that created. It's a sound
22 byte, the sound byte that contracting OSRO

1 resources are located ten states away or ten
2 hours away.

3 And, again, that is after an
4 event. What we typically end up questioning
5 ourselves with and as operators well before
6 anybody else does, had you known the outcome
7 of the event, asking the question, would you
8 have responded exactly the same way,
9 inputting out many of these response plans?
10 These response plans are enacted daily, not
11 from a deficiency standpoint but not being
12 able to predict the outcome that may occur.

13 That in itself doesn't make it a
14 plan deficiency but industry is very much
15 aligned with wanting to make improvements in
16 this, full gambit, as we have talked before.

17 We do have to be careful. I
18 think it was an easy shot to look at numbers
19 and say how many people are proving plans
20 without really -- so what did that -- was
21 there a deficiency there or not?

22 CHAIR FORD: Rick?

1 MEMBER KUPREWICZ: Yes. Rick
2 Kuprewicz representing the public. A couple
3 of observations to reinforce some of the
4 comments made here.

5 I think we want to be real
6 careful. It's an honest trap that we fall
7 into. It's a little sensitive in the State
8 of Washington because our Department of
9 Ecology and our right to know state under
10 our constitution in the State of Washington
11 oil spill response plans are public right to
12 know information to a lot of degree.

13 Oil spill response plans,
14 however, are not emergency response plans.
15 They're two different animals. If you've
16 ever been on the receiving end of this,
17 you'll figure that out real quick.

18 It's a common misspoke.
19 Emergency response plans are focused on
20 protecting lives and then property. And
21 then along that line, they'll kick in an oil
22 spill response plan, which is a different

1 animal, different phase during a release.

2 The public access issue is going
3 to be a debate we're not going to resolve
4 here. It's one from an oil spill response
5 plan I think can be dealt with fairly easily
6 if you're focused on oil spill response
7 plans. When you start bringing in the
8 emergency response plans, that's a little
9 different, then.

10 So I see this dialogue going on.
11 I'm not trying to be judgmental here, just
12 caution everybody, trying to make that
13 distinction. And I think you'd be able to
14 get more information eventually. You know,
15 great minds should be able to come to come
16 consensus. That will demonstrate to the
17 public in the rare case where you need
18 liquid lines through oil spill response
19 action that you can demonstrate that you're
20 reasonably prepared for.

21 And I want to second the point
22 about the drills. I mean, I remember my

1 first position when I walked into an open
2 control room is there is a whole wall of oil
3 spill response plans. And that's really
4 nice, but what do we do in the first five
5 minutes?

6 And so the drills were really the
7 reality check that you couldn't find that
8 you need to find in a whole wall of oil
9 spill response manuals.

10 So I want to support your focus
11 on that issue, understanding that these
12 other issues, public access and all of that,
13 are just very important.

14 So, again, thank you.

15 MR. WIESE: You had a -- I'm
16 sorry. Okay. That was good timing.

17 I'll assume the role of chairman
18 at this point. I'd like to certainly give
19 any of the Committee members a chance to
20 talk and any comments. I would also like to
21 just if I can before I throw it open to
22 comments clarify something and take a little

1 comeuppance from my attorneys.

2 It turns out that registrations
3 at 7:30, which is more of an engineer's time
4 anyway -- so tomorrow for the incorporation
5 by reference, registration starts 7:30. You
6 go to the main entrance of DOT. If you're
7 going, it begins at 8:00 o'clock and will
8 run until roughly 3:00 o'clock depending on
9 how much discussion there is. It's an
10 interesting topic.

11 Lunch will be provided by DOT and
12 coffee service as well. So it's a rare
13 opportunity. It's crazy how when we go to
14 hotels, we can't provide it for you, but
15 apparently if we have it at DOT -- I try not
16 to ask too many questions about things like
17 these rules.

18 I'm sorry. I jumped in really
19 quickly, Mr. Chairman, to see if there are
20 any comments.

21 I think we are done with our
22 presentations, happy to talk about anything

1 else.

2 CHAIR FORD: Denise?

3 MEMBER HAMSHER: I just had one
4 more comment that because of the flow
5 yesterday after the presentation about the
6 real changing dynamics in production in
7 North America, I wanted to add -- and we
8 were time-constrained -- it begs the
9 question, okay. What does this mean, two
10 things in the industry?

11 And while PHMSA doesn't have
12 permitting authority for new pipelines, I
13 think your follow-on question about capital
14 versus maintenance cost is appropriate. But
15 it does beg the question. And I raise this
16 at risk because we have applications before
17 the ICC right now.

18 But the challenge for the liquid
19 pipeline industry in building the needed
20 infrastructure to respond to these changes
21 in dynamics is no small challenge.

22 And while not directly related to

1 PHMSA's input, you are often pulled in
2 because during that citing and public
3 meetings and challenges, you are questioned
4 about pipeline safety and that.

5 So I do think it's a topic that I
6 urge you to -- again kind of the one on one
7 of doing that because it is a big challenge
8 ahead of us in decades to come.

9 MEMBER WEIMER: You know,
10 listening to NTSB and then the last couple
11 of days here, it seems like the big gorilla
12 in the room is the resources or lack
13 thereof. And I was wondering if there was
14 any way, you know.

15 We talk about using the advisory
16 committees more than the advisory committees
17 -- does anybody ever give advice to Congress
18 about resources? Right now they're going
19 through that process. And my understanding
20 is there are people within the industry that
21 are up there opposing PHMSA's getting more
22 resources.

1 So there's this theory I think
2 going on right now that government is always
3 bloated and you can always cut more and you
4 can always prioritize and do with less, but
5 at some point you have cut so much that you
6 can't do what you are trying to do well and
7 prioritize and isn't going to always help.

8 So kind of my take-home message
9 for this week so far is that you guys really
10 need resources to do all of these things
11 that key people want you to do. I don't
12 know if there's a place that the advisory
13 committee may be able to give some advice
14 that might help there.

15 CHAIR FORD: And Secretary LaHood
16 is certainly from the State of Illinois.
17 And I would certainly be responsive to
18 certainly send a letter with this Committee.
19 If that is the suggestion that we, this
20 Advisory Committee of Liquids, send a letter
21 to Secretary LaHood, I would certainly be
22 amenable to that suggestion.

1 MR. WIESE: Well, how do I say
2 that one? You know, first of all, let me
3 just say that I appreciate your sentiments,
4 both of you. I would also say it's not just
5 about PHMSA. It's about the states as well.

6 You know, if we want to have a
7 robust, reliable -- don't forget reliable.
8 I've been around when things aren't
9 reliable. And, boy, then people really get
10 mad.

11 Safe and clean system. We've got
12 to do what needs to be done, you know. I am
13 not here to lobby anybody. Actually, I
14 think I can get fired for that one. So I'm
15 pretty sure that I won't have any comments
16 on that sort of saying, "You know, the
17 President proposed a budget that he and the
18 Administrator believed and the Secretary
19 believed was a response to what they see as
20 an aggressive agenda to ensure the safety
21 and reliability of the infrastructure." And
22 that's the best and safest position for me

1 to be in, is to say, you know, "We helped
2 them develop it."

3 CHAIR FORD: Craig?

4 MEMBER PIERSON: Craig Pierson,
5 Liquids. One of the most frequent topics
6 that I get involved in as learn our
7 enterprise is resources. And we expect
8 flawless performance and know that we aren't
9 going to get it.

10 And so you are constantly trying
11 to raise the bar and do more. So as I am
12 listening to the challenges of things of
13 which are not small, I'm sitting here
14 thinking about, now, how are we going to
15 respond to this as well?

16 So the resource issue is widely
17 shared. And I think we all have sympathy
18 for it for sure.

19 So, anyway, I just thought I
20 would add that comment.

21 CHAIR FORD: And another segue is
22 certainly through NARUC. And you said on

1 the guesstimate that could be a resolution,
2 and you would not be in the mix.

3 MEMBER PIERSON: I'm a member of
4 the Gas Committee. I'll abstain from the
5 vote.

6 CHAIR FORD: Absolutely. Larry?

7 MEMBER SHELTON: I would also say
8 that just as having someone to give us
9 direction as a common denominator, so is the
10 limitation or the finite number of resources
11 that we all have.

12 And so we all have to prioritize.
13 We've heard that quite a bit in the past two
14 days about prioritizing. And we all have to
15 prioritize.

16 Two days ago, we heard some
17 pressure from NTSB for more prescriptive
18 regulations. I would just caution that
19 prescriptive regulations can also have the
20 effect of giving us artificial priorities
21 that cause us to have to redirect those
22 resources from where we may see the real

1 risk.

2 For example, we heard earlier
3 today the words "panic" and "plastic tape"
4 used in the same sentence. Plastic tape in
5 itself is not an issue. There's a lot of
6 well-applied plastic tape protecting
7 pipelines out there. The problem in this
8 particular case was plastic tape over DSAW
9 welds, which creates that little bit of a
10 gap called tinting that we heard about the
11 other day. Not all pipe experiences that.

12 That would be an example of a
13 place where it might be easy and satisfying
14 to some to suddenly take some action
15 regarding plastic tape. We just need to be
16 cautious that we don't take action that
17 causes those artificial priorities.

18 CHAIR FORD: Do we have any
19 comments from the public? Oh, I'm sorry.
20 Rick?

21 MEMBER KUPREWICZ: In my 40 years
22 of investigation in various events across

1 the safety management culture and approach
2 and it's ebbed and flowed through some good
3 corporations. In some, it just went nuts.
4 It's easy to do with a group of smart
5 people, especially if you give them the
6 wrong reward mechanism.

7 The common factor in the many
8 investigations that we perform, both within
9 companies and as consultant to the companies
10 and industry and local representative, is
11 trying to do more with less. I'll bet you
12 not one single person in this room has not
13 ever gotten that speech. You are to do more
14 with less, which is fine. I understand.

15 There comes a point where you
16 just cannot do more and you're so distracted
17 from your primary objectives that that
18 becomes a leading factor.

19 So I am very interested in
20 understanding what the priorities are, what
21 the issues are from a representative of the
22 public, and whether or not you are going to

1 get the funds or not, but chances are likely
2 you're not going to get all of your funds.

3 So I would like to understand
4 where the priorities would be, not that I
5 have to agree with them but understand them
6 because then I'll start assigning risk and
7 passing that on.

8 In a classic example that's a
9 little more like to the point, in
10 California, they clearly tried to do too
11 much with not enough for many years.

12 Now, all of a sudden, they're
13 doubling their inspection staff. You just
14 don't get there overnight. You just -- you
15 know, the reaction is throw resources at it.
16 There are huge sums of money going at that.

17 That process is going to take
18 years to fix given the hole they're in. So
19 it's just the realities that you'll never
20 have enough resources. And so it is an
21 issue of priority. And I didn't start this
22 dialogue earlier this week lightly.

1 I've been on the receiving end
2 where the liabilities focus to me as the
3 first guy in front of the grand jury. It's
4 not a place anybody wants to be. In some
5 cases, you're just the innocent party and
6 you're the guy that's going to go in front.

7 So I think this dialogue -- I
8 sensed a discussion here, whether or not we
9 should send a letter.

10 I would make a motion that the
11 letter, the Committee send a letter,
12 suggesting that we support some sort of
13 resource allocation. I don't know if
14 anybody else will want to second that.

15 That's my comment.

16 CHAIR FORD: I'll second it.

17 Massoud? Larry, are you still
18 there?

19 MEMBER TAHAMTANI: Can someone
20 explain to me what letter and to whom?

21 CHAIR FORD: Well, DOT -- I mean,
22 if the Secretary -- I'm sorry -- LaHood is

1 the administrator -- has the President
2 already signed the budget?

3 MR. WIESE: No. The President's
4 budget, yes, he has signed it. And it is
5 before the Congress. But both the House and
6 Senate have acted in getting what they call
7 marked. I love this one.

8 The House mark was zero with the
9 exception of 500,000 for the community
10 technical assistance grants. The Senate
11 mark was more favorable, but it was
12 substantially scaled back from the
13 President's mark.

14 But I really -- you know, I can't
15 get involved in the idea of what letters get
16 sent to whom and what's it like under the
17 letter. But those are the facts. Those are
18 the facts.

19 CHAIR FORD: So if we are
20 advisory, we are simply sending them a
21 letter advising them that there needs to be
22 more funding for PHMSA.

1 MEMBER HAMSHER: So, if I may,
2 anybody here, if you have your staff or your
3 resources come and say, "I just want more
4 money," you --

5 CHAIR FORD: No.

6 MEMBER HAMSHER: At the risk of
7 really disagreeing with the letter, I think
8 there are other forms for that. Our role is
9 I think to communicate the priorities to
10 give you. And then PHMSA then figures out
11 how to resource those priorities.

12 I just think it's inappropriate,
13 regardless of who's paying the bill or all
14 that. I think it's just inappropriate for
15 us just to say we need more resources and
16 more people. It is quite appropriate for us
17 to communicate and give you feedback for
18 your consideration on things that -- the
19 priorities that are the biggest bang for the
20 buck in reducing the risk.

21 MR. WIESE: You know what? I'm
22 struck by the idea -- I've heard a couple of

1 times -- I'm just turning it over in my
2 mind. My daughter makes me take her to this
3 place that is called -- I think it's BRB,
4 build your own burger-type thing. And they
5 go in and they make a checklist. And you
6 hand them the checklist of all of the
7 things.

8 It would be an interesting
9 exercise to sit as a group and have people
10 independently come in, we list all the
11 various ingredients, and people come in
12 assigning a medium, high, low. To the
13 extent that there was agreement, you might
14 be able to do something. I can't promise
15 you that I can convince other people of
16 that.

17 And, really, the Congress, for
18 what it's worth and just for my own self, I
19 would say are not sympathetic when you don't
20 address their issues.

21 You know, nor do they really
22 adequately consider the funding associated

1 with the mandates. And they will ask us to
2 consider the impact of our actions on others
3 as unfunded mandates, but it doesn't come
4 back that way.

5 I'll just say really quickly I'm
6 interested and willing to talk about that
7 idea, but we have at least a group sense of
8 what is most important. I have my own ideas
9 on that.

10 I will tell you that just kind of
11 my closing comments on this. I think I am
12 overworking some people. I know that many
13 of you are sympathetic and you're in the
14 same boat, but I feel like I'm breaking a
15 few people.

16 I'm wondering how long Alan and
17 Linda are willing to stay around. You know,
18 this may be not what they bargained for when
19 they are on the job.

20 I'm also concerned about the
21 discourse with the media, you know, and the
22 hyperbole that comes out in the wake of

1 legislation and recommendations.

2 For us, understand what it's like
3 when our inspectors, who I believe are
4 working pretty darn hard -- it's called
5 weak, you know, inadequate oversight. It's
6 characterized not as under-funded and
7 understaffed. It's characterized as weak
8 and not up to the job.

9 You know, I would just say that
10 that's very harmful to the morale of the
11 people who actually are working hard, you
12 know, on the public behalf, but I don't have
13 any hope of ever changing that dialogue.
14 That's the nature of our society, is to
15 assign blame and affix it, rather than, as
16 Chris Hart was saying earlier, figure out
17 what went wrong, how the organization
18 dropped the ball, fix it, and move on.

19 CHAIR FORD: Alan?

20 MEMBER WEIMER: Well, I think we
21 have a motion on the table. Just to speak
22 to that a little bit? And I'm not sure

1 there's support for it. So we'll see if it
2 gets removed or not.

3 You know, I certainly would
4 support the idea of a letter to the
5 Secretary saying that we've heard enough
6 that we know that the agency is
7 resource-limited and so we would support
8 some sort of resource enhancement.

9 You know, we aren't going to get
10 to the point today that we're going to be
11 able to say how much that resource ought to
12 be or how many people or anything, but at
13 least, you know, some kind of a message that
14 the agency is under-resourced at this point.
15 You know, I certainly can support that.

16 CHAIR FORD: Larry?

17 MEMBER DAVIED: Thank you. Larry
18 Davied.

19 Responding also to the motion
20 that's on the table process-wise, my
21 struggle is going to be in supporting
22 something that isn't defined into what it

1 is.

2 And, Carl, you made a little bit
3 of a description of what that could be, but
4 it could force me to have a much better
5 understanding of what those priorities are,
6 the setting of them, a deeper -- really
7 getting more into Defense's business of
8 where are we focusing existing resources in
9 order to make that.

10 So I'm feeling really unequipped
11 to be able to provide a recommendation on
12 something unless I have a much more intimate
13 understanding of it, much as Denise went
14 through getting requests from your own
15 organization and understanding where you
16 have resources today. I feel equipped to do
17 that but not in just a general advocacy of
18 "We need more," not knowing what departments
19 today were utilizing as resources.

20 CHAIR FORD: I think Denise did
21 say it's a priority and say they wouldn't be
22 in PHMSA's priority where they needed more

1 resources. And that would certainly be put
2 in the letter.

3 MEMBER DAVIED: Again, we heard
4 so much this morning that was kind of
5 somewhat challenging as responding to punch
6 lists does not in itself to me -- I guess we
7 don't have enough resources to do all of
8 that, but I can't with good conscience say
9 those are great things for us necessarily to
10 pursue from a risk reduction perspective.

11 CHAIR FORD: Rick?

12 MEMBER KUPREWICZ: I guess I'd
13 say since I made the motion I don't have a
14 problem modifying it as it's suggested.
15 We're an advisory committee. We're
16 advising. As I tell people oftentimes, you
17 don't have to take the advice I've given
18 you. You're responsible if you don't take
19 it.

20 And so I think Denise's
21 suggestion has excellent merit. What I can
22 tell you is I don't always agree with some

1 of your comments. We are going to be missed
2 on this Committee. There is no doubt about
3 it.

4 Thank you.

5 CHAIR FORD: Well, we have a
6 second. So all in favor for a letter raise
7 your hand? If not, we'll take --

8 (Show of hands)

9 CHAIR FORD: Opposed?

10 (Show of hands)

11 CHAIR FORD: Motion fails.

12 MR. WIESE: You know, I've been
13 in the business long enough not to take this
14 stuff personally.

15 I guess you made an offer to the
16 public?

17 CHAIR FORD: Yes.

18 MR. WIESE: I don't know if
19 anyone might want to take you up on it?

20 CHAIR FORD: Yes, this young man.

21 MR. LIDIAC: This is Peter Lidiak
22 with API. And I thought I'd throw out for

1 the Committee's consideration one of the
2 things that struck me with NTSB's
3 presentation today was the characterization
4 of there are thousands and thousands of
5 cracks along the Enbridge system and/or
6 other pipelines.

7 I think it's important for us to
8 keep in mind there really aren't thousands
9 of cracks or thousands of features
10 identified. And, of course, those
11 investigating whittle down to what are
12 actually actionable anomalies. And I think
13 we want to make sure we don't send the wrong
14 impression out into the public.

15 I think Rob's presentation if
16 just left alone might do that. I think, you
17 know, we use tools to identify the things
18 that need to be looked at. We'll look at
19 those and then whittle it down to the things
20 that are actually actionable. That is
21 probably something to keep in mind.

22 CHAIR FORD: Thank you.

1 Any other comments or
2 suggestions, remarks?

3 MR. WIESE: With your indulgence?

4 CHAIR FORD: Jeff?

5 MR. WIESE: Just I'll take two
6 seconds. I think we are about ready to
7 adjourn. I did want to thank you for
8 helping me for the past day and a half.
9 It's always been fun, and I enjoy your help
10 very much.

11 I also wanted to thank the
12 Committee members. You know, I appreciate
13 -- I know I have the investment of your
14 time. I very much appreciate and I think we
15 take pretty seriously the advice that you
16 give us. We may not always agree, but I'd
17 bet more often than not, we do, maybe not
18 when it comes to funding.

19 I do want to invite your ideas
20 for the next meeting. I agree with points
21 that were raised by Denise, Larry, and
22 others that we don't want to have these

1 devolve down to what they used to be, by the
2 way.

3 Some of these have been around
4 for a while. Remember when it was nothing
5 more than just vote. We have been trying to
6 broaden it a little bit.

7 So Denise made a motion to talk
8 about a simple subject: how do companies
9 make money. I heard another subject about
10 how this new infrastructure feels. The
11 other one, which we left undone, was fitness
12 for service. And while I know that some
13 people are nervous about the topic, I
14 personally believe we need to talk about it.

15 So those are three things that
16 are on there. You can consider these.
17 Shoot Alan, myself, Linda emails, John Gale,
18 whatever. We'll gladly work on those for
19 our next agenda. I hope we'll be meeting
20 again in the fall.

21 And I guess I would close by
22 saying where I began I wanted to thank

1 Denise for her many years of service. Not
2 only do I consider her a friend, but I have
3 appreciated her counsel for quite a while
4 and definitely going to be greatly missed on
5 the Committee.

6 CHAIR FORD: Craig?

7 MEMBER PIERSON: Yes. I just
8 want to echo the thanks to Denise from the
9 liquid side. She's rendered great service
10 to us. We had a dinner last night. And I
11 just want to put it on the record that we
12 will deeply miss her on this Committee.

13 MEMBER HAMSHER: For the record,
14 I'm not leaving Enbridge or the industry,
15 but, geez, you can wear out your welcome on
16 a Committee since 1995. So it was just time
17 to have that term limit and not extend
18 another time.

19 So I look forward to -- I'm sure
20 the liquid industry will put up a more than
21 qualified person as a substitute.

22 CHAIR FORD: Larry?

1 MEMBER DAVIED: Good, good. You
2 know what? Denise has represented herself
3 as an individual. And she's represented the
4 oil industry. But I think, well beyond
5 that, she's represented the common interest
6 here.

7 So I'm very much going to miss
8 you. And, again, it's not about the company
9 you work for, but it's what you personally
10 brought to today's agendas and years and
11 years of other priorities that have helped
12 better the industry.

13 So I am very much appreciative.
14 At least myself I want to give you a --

15 (Applause)

16 MR. WIESE: We're adjourned.

17 (Whereupon, the foregoing matter
18 went off the record at 12:09 p.m.)

19

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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 TPSSC and THLPSSC Meeting

Before: Hon. Lula M. Ford

Date: 07-12-12

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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