



Pipeline Safety Update

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Congressman Upton requests update on rulemaking. PHMSA issues advisory bulletin regarding oil spill response plans. PHMSA requests comments regarding information collection efforts. DOT announces funding opportunities. PHMSA updates DIMP enforcement guidance. Status of PHMSA rulemakings. White paper suggests finalizing pipeline safety regulations will give industry certainty for investments.

Congressman Upton Requests Update on Rulemaking

On January 28, Rep. Fred Upton (R-MI), chairman of the U.S. House Committee on Energy and Commerce, sent a [letter](#)¹ requesting that U.S. Secretary of Transportation Anthony Foxx provide an update on the status of the Department of Transportation's (DOT) rulemaking to implement Section 23 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. The Act requires DOT to issue regulations for testing of previously untested natural gas transmission lines located in high consequence areas and operating at a pressure greater than 30% of specified minimum yield strength. The Act set a deadline of July 3, 2013, by which DOT was to issue rules.

PHMSA Developments

PHMSA Issues Advisory Bulletin Regarding Oil Spill Response Plans. On January 28, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an [Advisory Bulletin](#)² reminding operators of onshore oil pipelines of numerous requirements related to the adequacy and timeliness of spill response resources. PHMSA also encouraged operators to submit electronic copies of their response plans, explained common errors that cause submitted plans to be rejected, and provided guidance on the availability of materials typically incorporated by reference into response plans. Finally, PHMSA indicated that it will appropriately redact plans found to be acceptable and then publically post them on PHMSA's [Freedom of Information Act Electronic Reading Room](#).³

PHMSA Requests Comments Regarding Information Collection Efforts. On January 29, PHMSA issued a [Notice and Request for Comments](#)⁴ regarding four information collections that expire in the spring and summer of 2014, including: (1) safety-related condition reporting; (2) state gas and liquid pipeline Safety Program Certifications; (3) abandoned underwater pipeline reporting; and (4) periodic underwater inspections. PHMSA also provided notice that it is combining its information collections for abandoned underwater pipelines and periodic underwater inspections. Comments are due March 31, 2014.

DOT Announces Funding Opportunities. DOT has opened the application period for three grant funding opportunities.

- [Technical Assistance Grants](#)⁵: applications are due March 17. Applicants are eligible for up to \$50,000 each for a funding total of \$1.5 million. The grants are available for use by local communities and

Regulations and Code Compliance: Upcoming PHMSA State Seminars

February 2014

10-14 Colorado (LPG and Gas)
25-27 Iowa (Gas)

April 2014

1-3 North Dakota (Gas)
7-11 Minnesota (Gas & Liquid)
7-10 Georgia (Gas)
21-25 Washington (Liquid)

PHMSA offers training on gas and hazardous liquid pipeline safety regulations. More information is available [here](#).



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Federal Funding Resource Center

Van Ness Feldman continually identifies and provides updates on federal funding opportunities related to energy, environment, natural resources, and public lands, including PHMSA grants.

www.vnf.com/Funding

To sign up for the weekly updates, e-mail vnf@vnf.com with "FFO Subscribe" in the subject line.

Dates of Interest

February 2014

- 25-26 [Meeting of the Technical Pipeline Advisory Committee and the Liquid Pipeline Advisory Committee](#), Location TBA
 - 25 [Marcellus Shale Coalition Pipeline Safety Seminar](#), Canonsburg, PA
 - 25 [Comments due](#) on DOT's Proposed Procedures for Grantees
 - 27 PHMSA Public [Workshop](#) on Safety Management Systems, Arlington, VA
- March 2014**
- 9-14 [NACE Corrosion 2014 Conference](#), San Antonio, TX
 - 11-13 [CGA Excavation Safety Conference & Expo](#), Phoenix, AZ
 - 18-19 [AGA Transmission Pipeline Workshop](#), New Orleans, LA
 - 23-25 [APGA Security & Integrity Foundation \(SIF\) Operations Conference](#), Miramar Beach, FL
 - 31 [Comments due](#), PHMSA Information Collection Activities
 - 31 Applications for TAG and HMEP Grants Due
- April 2014**
- 8-10 [API 2014 Pipeline Conference and Cybernetics Symposium](#), San Antonio, TX
 - 16 PHMSA Class Location Methodology [Workshop](#), Location TBA
 - 28 – 5/2 [NAPSR Southern Region Meeting](#), Panama City, FL

groups (including non-profit organizations) to fund technical analyses of pipeline safety issues or to promote public engagement in official pipeline safety proceedings.

- Hazardous Materials Emergency Preparedness (HMEP) Grant Application for [Native American Tribes](#)⁶ and for [States and Territories](#)⁷: applications are due March 31, 2014. These funding awards, between \$50,000 and \$1.5 million, may be used to improve emergency response planning and effectiveness in responding to hazardous materials accidents and incidents, focusing on transportation-related situations.

PHMSA Updates DIMP Enforcement Guidance. On January 29th, PHMSA updated its [Gas Distribution Pipeline Integrity Management Enforcement Guidance](#).⁸

Status of PHMSA Rulemakings. The table below reflects the most current publicly available information on the status of PHMSA rulemakings as reported in the Department of Transportation's (DOT) February 2014 [Significant Rulemaking Report](#).⁹ Additional information from the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) is [here](#).¹⁰ DOT's February report contains several updates as indicated in bold.

Rulemaking & Next Action	Estimated Date to OMB	DOT Estimated Publication Date	OIRA Estimated Publication Date
Excess Flow Valves; NPRM	February 28, 2014	June 6, 2014	May 2014
Issues Related to Use of Plastic Pipe in the Gas Pipeline Industry; NPRM	No Date Announced	April 2014	April 2014
Safety of Gas Transmission Pipelines; NPRM	March 18, 2014	June 30, 2014	July 2014
Safety of On-Shore Hazardous Liquid Pipelines; NPRM	February 21, 2014	May 30, 2014	April 2014
Valve Installation and Minimum Rupture Detection Standards; NPRM	September 18, 2014	December 29, 2014	TBD
Enforcement of State Excavation Damage Laws; Final Rule	February 21, 2014	May 30, 2014	March 2014
Miscellaneous Amendments to Pipeline Safety Regulations; Final Rule	March 7, 2014	June 18, 2014	August 2014
Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Final Rule	March 7, 2014	June 18, 2014	TBD

Other Industry Updates

White Paper Suggests Finalizing Pipeline Safety Regulations Will Give Industry Certainty for Investments

United Transportation Advisors recently published a white paper suggesting that the U.S. pipeline industry is delaying investment in new infrastructure projects due to uncertainty and delay associated with future pipeline safety regulations. The report, [Assessing America's Pipeline Infrastructure: Delivering on Energy Opportunities](#),¹¹ argues that regulatory certainty, increased coordination between regulators and industry, and the adoption of advanced pipeline safety technology would advance pipeline safety goals and induce increased investment in pipeline projects.

State-Specific Association Meetings

February 2014

- 18-19 [Louisiana Mid-Continent Oil & Gas Ass'n Annual Meeting](#), New Orleans, LA

March 2014

- 17-19 [Louisiana Damage Prevention Summit](#), Baton Rouge, LA
- 18-19 [SGA Everything DIM Workshop](#), Columbia, SC
- 19-21 [Louisiana Oil & Gas Association Annual Meeting](#), Lake Charles, LA

April 2014

- 7-10 [Minnesota Office of Pipeline Safety, 2014 Pipeline Safety Educational Conference](#), Breezy Point, MN

Van Ness Feldman counsels clients on pipeline safety compliance, enforcement, and litigation under the Pipeline Safety Laws and Regulations and related statutes. If you are interested in additional information regarding pipeline safety matters, please contact [Susan Olenchuk](mailto:Susan.Olenchuk@vnf.com) at (202) 298-1896 or sam@vnf.com, [Jim Curry](mailto:Jim.Curry@vnf.com) at (202) 298-1831 or jbc@vnf.com, [Keith Coyle](mailto:Keith.Coyle@vnf.com), at (202) 298-1811 or kjc@vnf.com or any member of the firm's [Natural Gas & Oil](#) practice groups.

¹ Letter from Rep. Fred Upton, Chairman, U.S. House of Representatives Committee on Energy and Commerce, to Anthony Foxx, Secretary, U.S. Department of Transportation (Jan. 28, 2014):

<http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/letters/20140128%20DOT%20.pdf>.

² PHMSA, Advisory Bulletin for Improvements in Preparing Oil Spill Facility Response Plans (Jan. 28, 2014):

<http://www.gpo.gov/fdsys/pkg/FR-2014-01-28/pdf/2014-01515.pdf>.

³ PHMSA's Freedom of Information Act Electronic Reading Room:

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7boobof22e4c6962d9c8789/?vgnextoid=ob34c66fc93ao410VgnVCM100000d2c97898RCRD&vgnextchannel=2d037fd9b896b110VgnVCM1000009edo7898RCRD&vgnextfmt=print>.

⁴ PHMSA, Pipeline Safety: Information Collection Activities (Jan. 29, 2014):

<http://www.gpo.gov/fdsys/pkg/FR-2014-01-29/pdf/2014-01671.pdf>.

⁵ PHMSA, Technical Assistance Grant (Jan. 31, 2014):

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=250756>.

⁶ PHMSA, Hazardous Materials Emergency Preparedness Grant for Native American Tribes (Feb. 1, 2014):

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=250613>.

⁷ PHMSA, Hazardous Materials Emergency Preparedness Grant for States and Territories (Feb. 1, 2014):

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=250614>.

⁸ PHMSA, Gas Distribution Pipeline Integrity Management Enforcement Guidance (Jan. 29, 2014):

[http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Pipeline/DIMP_Enforcement_Guidance\(1_29_2014\).pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Pipeline/DIMP_Enforcement_Guidance(1_29_2014).pdf).

⁹ DOT Significant Rulemaking Report for February 2014:

<http://www.dot.gov/sites/dot.dev/files/docs/FEB%202014%20Internet%20Report.docx>.

¹⁰ OIRA DOT Rulemaking Status Page:

http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGE_NCY_RULE_LIST¤tPub=true&agencyCd=2100&Image58.x=52&Image58.y=10.

¹¹ John Laurence Rafuse and Vern E. Grimshaw, Assessing America's Pipeline Infrastructure: Delivering on Energy Opportunities (Feb. 2014):

<http://nouveaucorp.com/wp-content/uploads/2014/02/Pipeline-White-Paper-02.05.14.pdf?subject=whitepaper>.