



Dates of Interest

March 2016

- 14-16 [SGA Pipeline Safety Management Systems Workshop](#), Houston, TX
- 17 Comments due on ACC [Supplemental Notice of Proposed Rulemaking](#)
- 21 Comments due on IURC [notice of proposed rulemaking](#)
- 29-31 [APGA Security & Integrity Foundation Operations Conference](#), Savannah, GA

April 2016

- 4-6 [Midwest Energy Association Leak Detection Class](#), Fitchburg, WI
- 5-6 [AGA/SPE Underground Storage Operators Workshop](#), Evansville, IN
- 5-7 [API Pipeline Conference & Cybernetics Symposium](#), Carlsbad, CA
- 11-14 [ND Industrial Commission Public Hearings on Proposed Regulations](#)
- 12 [PHMSA Public Workshop on Oil Spill Response Planning](#), Washington DC
- 10-13 [Gas Processors Association Convention](#), New Orleans, LA
- 19-22 [AGA Operations Conference](#), Phoenix, AZ
- 24-28 [Compressed Gas Association Annual Meeting](#), Petersburg, FL
- 25-29 [NAPSR Southern Region Meeting](#), Biloxi, MS

Pipeline Safety Update

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The Senate passes pipeline safety reauthorization bill. House committees convene hearings on pipeline safety reauthorization. PHMSA rulemakings update. PHMSA to hold oil spill response planning and preparedness public workshop. PHMSA to hold public workshop on LNG regulations. DOT OIG releases results of disaster recovery plan audit and issues recommendations. PHMSA seeks comments on the renewal of information collection. NARUC and DOE announce natural gas infrastructure modernization partnership. Common Ground Alliance releases updated best practices guide. Select updates from states.

The Senate Passes Pipeline Safety Reauthorization Bill

On March 3, the Senate passed [S.2276](#), the Securing America's Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act (SAFE PIPES Act) reauthorizing appropriations for the Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety programs through FY 2019. Passage of the bill had been delayed as a result of concerns regarding a provision requiring hazardous liquid pipeline operators to submit unredacted oil spill response plans to Congress. The provision remains in the bill. The focus of pipeline safety reauthorization now turns to the House of Representatives.

House Committees Convene Hearings on Pipeline Safety Reauthorization

On March 1, the House Energy and Commerce Subcommittee on Energy and Power convened a [hearing](#) to address pipeline safety reauthorization. PHMSA Administrator, Marie Therese Dominguez, [testified](#) along with industry representatives and other stakeholders. In advance of the hearing, the Subcommittee released a [discussion draft](#) of a pipeline safety reauthorization bill. To date, the bill has not been formally introduced. Notably, Ms. Dominguez announced that the Office of Management & Budget (OMB) has completed its review of the long-anticipated notice of proposed rulemaking (NPRM) that is expected to propose substantial regulatory changes for gas transmission and gathering pipelines. PHMSA is expected to publish the NPRM in the near future.

On February 25, the House Transportation and Infrastructure Committee convened a [hearing](#) on pipeline safety reauthorization. [Ms. Dominguez](#) and other industry stakeholders appeared as witnesses.

A wide range of issues were discussed at both hearings. Notable initiatives discussed included requiring PHMSA to issue safety regulations for underground natural gas storage facilities, empowering PHMSA with emergency order authority to address significant industry safety issues, and amending the Pipeline Safety Act to allow private lawsuits that could compel PHMSA to perform non-discretionary duties.

PHMSA Rulemakings Update. The tables below summarize the status of PHMSA's rulemakings as reported in the Department of Transportation's (DOT) February [Significant Rulemaking Report](#) and by OMB's Office of Information and Regulatory Affairs (OIRA) in the Fall 2015 [Unified Regulatory Agenda](#).

As noted above Administrator Dominguez has announced that OMB completed its review of PHMSA's NPRM regarding the Safety of Gas Transmission Pipelines. The NPRM is expected in the near future.

**Dates of Interest
(continued)**

May 2016

- 3-5 [SGA Practical In-Line Inspection Workshop](#), Tulsa, OK
- 9 Comments due on [PHMSA Information Collection](#)
- 9-13 [NAPSR Western Region Meeting](#), St. George, UT
- 18 [2016 API/AFPM Spring Operating Practices Symposium](#), Chicago, IL
- 18-19 [PHMSA Public Workshop on LNG Regulations](#), Washington D.C.
- 23-27 [NAPSR Eastern Region Meeting](#), Dover, DE
- 24-26 [SGA Advanced In-Line Inspection Workshop](#), Dublin, OH

State-Specific Association Meetings

March 2016

- 16 [Louisiana Mid-Continent Oil and Gas Ass'n Annual Meeting](#), Baton Rouge, LA
- 21-23 [Louisiana Damage Prevention Summit](#), Baton Rouge, LA

April 2016

- 4-7 [Georgia Municipal Association Pipeline Safety Seminar](#), Macon, GA
- 11-14 [Minnesota Pipeline Safety Education Conference](#), Breezy Point, MN
- 12-14 [New Mexico Gas Association Pipeline Safety Seminar](#), Ruidoso, NM
- 19-21 [Virginia State Corporation Commission Damage Prevention Conference](#), Virginia Beach, VA



Pending Notices of Proposed Rulemaking

Rulemaking	Submitted to OMB*	DOT Estimated Publication	OIRA Estimated Publication
Safety of Gas Transmission Pipelines	April 27, 2015	March 7, 2016	December 2015
Valve Installation and Minimum Rupture Detection Standards	April 15, 2016 (estimated)	July 27, 2016	October 2016
Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments	Not listed in report because deemed non-significant	Not listed by DOT	March 2016
State Pipeline Safety Program Certification	Not listed in report because deemed non-significant	Not listed by DOT	August 2016

Pending Final Rules

Rulemaking	Estimated Submission to OMB*	DOT Estimated Publication	OIRA Estimated Publication
Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other than Single-Family Residences	September 30, 2016	January 17, 2017	N/A
Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	Not listed in report because deemed non-significant	Not listed by DOT	June 2016
Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Proposed Changes	Not listed in report because deemed non-significant	Not listed by DOT	June 2016

*Under Executive Order (EO) 12866, OMB reviews proposed significant rules to ensure they are consistent with applicable law, the President's priorities, and the principles set forth in the EO, and to ensure the proposals do not conflict with another agency's policies or actions. OMB also analyzes the cost-benefit analyses in support of the proposals. While the EO sets out deadlines for OMB evaluation, review periods are often extended.

OTHER PHMSA UPDATES

PHMSA to hold oil spill response planning and preparedness public workshop. On April 12, PHMSA will hold a public workshop to address oil spill response planning and preparedness; including how to harmonize PHMSA's regulations with the requirements of other agencies, and how operators of onshore oil pipelines can prepare for an oil spill. The workshop will be held at the National Transportation Safety Board in Washington, DC and will be webcast. Registration and additional information are available [here](#).

PHMSA to hold public workshop on LNG regulations. On May 18 and 19, PHMSA will hold a public workshop to solicit input and information on future regulatory changes to the Part 193 regulations governing liquefied natural gas (LNG) facilities. According to PHMSA, existing regulations may not adequately incorporate risk-based assessments, process safety practices, and technologies that have been

Regulations and Code Compliance: Upcoming PHMSA State Seminars

PHMSA offers training on gas and hazardous liquid pipeline safety regulations.

More information is available [here](#).

April 2016

- 11-15 North Carolina (Gas)
- 11-15 North & South Dakota (Gas)
- 18-22 Maryland (Gas)

May 2016

- 9-13 Oklahoma (Gas & Hazardous Liquid)
- 9-13 Puerto Rico (Gas)
- 16-20 California State Fire Marshall (Hazardous Liquid)

Recent Van Ness Feldman Publications

[Hydro Newsletter – Vol. 3, Issue 3 – March 1, 2016](#)

[Electric Reliability Update – February 29, 2016](#)

[Administration Marches Ahead on Critical Habitat – February 22, 2016](#)

[Reflections on the BLM's Proposed Methane and Waste Reduction Rule – February 8, 2016](#)

[FERC Reaffirms Sanctity of Committed Shipper Contracts and Arm's-Length Bargaining – February 3, 2016](#)

[Northwest Land Matters Update – February 2016](#)

developed since the 1970s when most LNG facilities were constructed. The workshop will be convened at DOT headquarters in Washington, DC and will be webcast. Registration and additional information are available [here](#).

DOT OIG releases results of disaster recovery plan audit and issues recommendations. On March 3, the DOT's Office of the Inspector General (OIG) issued a [Memorandum](#) to the agency's Chief Information Officer summarizing the results of audits of disaster recovery plans of DOT and its operating administrations (OA) with respect to key information systems. With respect to PHMSA, OIG found that the agency's Information System Contingency Plan failed to address alternate telecommunications systems and that PHMSA did not perform adequate contingency plan testing on its Hazardous Materials Information System. OIG provided nine recommendations to improve the effectiveness of the OA's information systems contingency planning and testing.

PHMSA seeks comments on the renewal of information collection. On March 9, PHMSA issued a [notice](#) requesting comments on a proposed, three-year renewal, without change, of an information collection entitled "Integrity Management in High Consequence Areas for Operators of Hazardous Liquid Pipelines," which expires November 30, 2016. Comments are due May 9.

UPDATES FROM INDUSTRY

NARUC and DOE announce natural gas infrastructure modernization partnership. On March 7, the National Association of Regulatory Utility Commissioners (NARUC) and the Department of Energy (DOE) [announced](#) that they will form a three-year technical partnership to explore emerging technologies relating to accelerating infrastructure modernization and the repair of natural gas distribution pipelines. NARUC also will work with federal agencies and an ad hoc technical group to convene stakeholders to support efforts to identify new technologies and cost-effective practices for enhancing pipeline safety, reliability, efficiency and deliverability.

Common Ground Alliance releases updated best practices guide. On March 9, the Common Ground Alliance (CGA) released the 13th edition of its [Best Practices Guide](#), which addresses preventing damage to underground infrastructure, increasing safety, and improving public awareness and education. The new edition also provides a history of the formation and development of the CGA.

SELECT UPDATES FROM STATES

ARIZONA

On December 11, 2015, the Arizona Corporation Commission issued a [supplemental notice of proposed rulemaking](#) (Docket no. RG-00000A-15-0098) to incorporate by reference federal pipeline safety standards and forms that have been adopted through October 1, 2015, and to make certain rules consistent with the federal pipeline safety regulations. Staff responses to certain questions were filed on March 2; public comments are due March 28.

INDIANA

On January 13, the Indiana Utility Regulatory Commission issued a [notice of proposed rulemaking](#) to reflect recent changes to the federal pipeline safety standards. A [public hearing](#) will be held on March 14; comments are due March 21.

KENTUCKY

HB551 (Mills): This bill would establish the Kentucky pipeline safety fund, to be administered by the Energy and Environment Cabinet and funded by a \$250 per-mile assessment imposed on operators of active intrastate and interstate pipelines transporting hazardous liquid or natural gas in or through Kentucky. The bill also would require: (1) the Kentucky Public Service Commission to seek certification from PHMSA allowing the Commission to regulate intrastate hazardous liquid pipelines and act as an interstate agent with respect to interstate hazardous liquid and natural gas pipelines; and (2) pipeline

**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.

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operators to submit a pipeline spill response plan every five years, which would be made publically available for review and comments. Introduced: March 1; referred to the Committee on Veterans, Military Affairs, and Public Safety.

[SB250](#) (Hornback): This bill would amend the Underground Facility Damage Prevention Act to: (1) exclude abandoned or retired facilities from the definition of underground facilities; (2) designate the Kentucky Contact Center as the sole recipient of 811 notifications; (3) define a "special project" as one with an excavation area of ten miles or greater, with an installation period of two months, and located in a metropolitan area where flammable, toxic, or corrosive products are present; (4) require operators to respond to normal excavation locate requests within two working days of receiving notification or the excavation start date, whichever is later; (5) require operators to respond to emergency excavation locate requests within two hours of notification, and providing locates within six hours or prior to excavation; and (6) require special project excavators to provide at least 60 days' notice to the Kentucky Contact Center prior to commencing activity. The bill would also require citations for violations to be issued within the later of one year of the violation, or the leak, fire, or explosion which resulted in the violation.

MISSISSIPPI

[SB2755](#) (Burton): Passed by the Senate on February 25 and transmitted to the House, this bill would amend Mississippi's One Call law to create, within the Public Service Commission's Pipeline Safety Division, the Underground Facilities Damage Prevention Board (Board), which would be responsible for enforcing the One Call law. The Board would be funded by the Underground Damage Prevention Fund, comprised of civil penalties issued under the One Call law. The bill also would exempt certain activities by a government entity in its right-of-way where the activity does not penetrate the ground by more than twelve inches.

[HB1215](#) (Beckett): Passed by the House on February 29 and transmitted to the Senate, this bill is the House companion bill to SB2755.

NORTH DAKOTA

On February 29, the North Dakota Industrial Commission issued a [Full Notice of Intent to Adopt and Amend Administrative Rules](#) announcing four public hearings (April 11-14) regarding proposed regulatory changes that will affect, among other types of facilities, underground gathering pipelines capable of transporting crude oil, natural gas, carbon dioxide, or produced water and salt water handling facilities. For pipelines, the [proposed revised rules](#) address information reporting, access to records, bonding, and a wide range of safety requirements, including construction, notification, design, installation, inspections, pipeline right of ways, geographic information system locational data, operations, leak detection, spill response, corrosion control, pipeline integrity, repairs, and abandonment. The proposed rules also contain a number of provisions affecting saltwater handling facilities.

FOR MORE INFORMATION

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 or any PHMSA or pipeline related matter, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, or any member of the firm's [Pipeline & LNG](#) practice group.