



**Dates of Interest**

May 2018

- 7 [Comments due](#) on PHMSA proposed renewal of information collection requests
- 7 Comments due on BSEE proposed renewal of information collection requests on [spill response plans](#) and [SEMS](#)
- 14-18 [NAPSR Eastern Region Meeting](#), Hershey, PA
- 19 [Grant applications due](#) on PHMSA CAAP
- 17-18 [SGA Pipeline Safety Management Systems](#), Boston, MA
- 23 [Comments due](#) on PHMSA renewal of information collection for gas pipeline recordkeeping
- 22-24 [SGA Advanced In-Line Inspection](#), Dublin, OH
- 25 [Comments due](#) on three PHMSA information collection requests

June 2018

- 20 [PHMSA Voluntary Information-Sharing System Working Group](#), Washington, DC
- 25-29 [AGA Operations Conference](#), Washington, DC

July 2018

- 15-18 [NARUC Summer Policy Summit](#), Scottsdale, AZ
- 22-25 [APGA Annual Conference](#), Portland, OR
- 30-8/3 [NAPSR Southwest Region Meeting](#), Montgomery, AL

August 2018

- 28-29 [Western Regional Gas Conference](#), Henderson, NV

# Pipeline Safety Update

## ISSUE NO. 137 – MAY 2, 2018

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*TSA Updates Pipeline Security Guidelines. PHMSA Rulemakings Update. PHMSA provides additional time for public comment on renewal of information collection. GAO releases report presenting views on pipeline odorization. API and AOPL release report on pipeline safety. Select Updates from States.*

### TSA Updates Pipeline Security Guidelines

The Transportation Security Administration (TSA) has released updated [Pipeline Security Guidelines](#) recommending measures to protect pipeline cyber assets. The updated guidelines revise incident response protocols, focus on operational technology systems, and recommend consideration of the approach of the National Institute of Standards and Technology. Van Ness Feldman’s recent [alert](#), prepared by our Cybersecurity team, provides additional detail and analysis.

**PHMSA Rulemakings Update.** The tables below summarize the status of the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) pending pipeline safety rulemaking initiatives, as reflected in the Department of Transportation’s April [Significant Rulemaking Report](#) and the Unified Regulatory Agenda, released by the Office of Management & Budget’s (OMB) Office of Information and Regulatory Affairs (OIRA) in Fall 2017. The Unified Regulatory Agenda appears in two principal parts: [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#). New information appears in bold.

**Pending Final Rules**

<b>Proceeding</b>	<b>DOT Estimated Submission to OMB</b>	<b>DOT Estimated Publication</b>	<b>OIRA Estimated Publication</b>
Enhanced Emergency Order Procedures	Not Listed	Not Listed	January 2018
Plastic Pipe Rule	<b>May 16, 2018</b>	<b>August 28, 2018</b>	August 2018
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	December 4, 2018	March 14, 2019	Not Listed
Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	March 4, 2019	June 12, 2019	Not Listed
Safety of Gas Gathering Pipelines	May 2, 2019	August 14, 2019	Not Listed
Safety of Hazardous Liquid Pipelines	<b>June 8, 2018</b>	<b>September 19, 2018</b>	April 2018

**Regulations and Code Compliance:  
Upcoming PHMSA State Seminars**

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

June 2018

11-12 Arizona

11-12 Florida

September 2018

25-26 Mississippi

**Recent Van Ness Feldman  
Publications**

[Updated TSA Guidelines Suggest New Approach for Pipeline Cybersecurity](#) – April 24, 2018

[D.C. Circuit Decision Loosens Restrictions on Solid Waste](#) – March 23, 2018

[GAO Reports Challenges and Successes in Cybersecurity Framework Adoption](#) – March 5, 2018

[Corps Issues Draft Guidance on Section 408 Permission Requests, Solicits Comments](#) – March 2, 2018

[EPA and Corps Amend Effective Date of WOTUS Rule, Open Door to Legal Challenges](#) – February 12, 2018

[Supreme Court Rules that District Courts Retain Jurisdiction Over “Waters of the United States” \(WOTUS\) Rule](#) – January 29, 2018

[Critical Infrastructure: 2017 Cybersecurity Review and What to Expect in 2018](#) – January 24, 2018



Know what's below.  
Call before you dig.

Underground Natural Gas Storage Facilities	Not Listed	September 26, 2018	January 2018
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**Pending Notices of Proposed Rulemaking (NPRM)  
& Advanced Notices of Proposed Rulemakings (ANPRM)**

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
ANPRM: Class Location Requirements	May 8, 2018	June 1, 2018	April 2018
NPRM: Standards Update Rule – 2015 and Beyond	Not Listed	Not Listed	June 2018
NPRM: Valve Installation and Minimum Rupture Detection Standards	Not Listed	November 2, 2018	April 2018

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. The EO sets out deadlines for OMB evaluation, but review periods are often extended.

**OTHER PHMSA UPDATES**

**PHMSA provides additional time for public comment on renewal of information collection.** On April 23, PHMSA issued a [notice](#) of an additional 30-day comments period regarding the renewal of an information collection (OMB control number 2137-0049) that requires owners and operators of gas pipelines to maintain records, make reports and provide information to the Secretary of Transportation at the Secretary’s request. The existing information collection expires April 30. Comments are due May 23.

**UPDATES FROM OTHER FEDERAL AGENCIES**

**GAO releases report presenting views on pipeline odorization.** On April 18, the Government Accountability Office (GAO) released a report summarizing views of various stakeholders, including officials of PHMSA and the National Transportation Safety Board, state officials, and other stakeholders on the odorization of gas pipelines. The report, entitled [Gas Pipeline Safety: Stakeholders’ and Officials’ Views on Federal Odorizing Requirements](#), states that general agreement exists that distribution pipelines should be odorized because of their proximity to populated areas, and that the majority of state officials and stakeholder did not view odorizing gas gathering pipelines as necessary because of technical challenges and the primary location of these types lines in rural areas. With respect to transmission pipelines, stakeholders disagreed on whether odorization improves public safety, with some stakeholders stating that such lines tend to operate at pressures that cause ruptures rather than leaks, thereby diminishing the effectiveness of odorization, and because odorization can adversely affect certain industrial processes.

**UPDATES FROM INDUSTRY**

**API and AOPL release report on pipeline safety.** The American Petroleum Institute (API) and Association of Oil Pipe Lines (AOPL) released their 2018 [“Pipeline Safety Excellence Performance Report”](#) finding that total pipeline safety incidents affecting people or the environment dropped 19% from 2013-2017, and

**State-Specific Association  
Meetings**

**May 2018**

16-18 [Arkansas Damage Prevention Summit](#), Little Rock, AK

**June 2018**

7-10 [California Independent Petroleum Ass'n Annual Meeting](#), San Diego, CA

10-13 [Texas Gas Ass'n Operations and Management Conference](#), San Antonio, TX

13-15 [Kentucky Gas Ass'n Annual Meeting](#), French Lick, IN

**July 2018**

10-12 [Indiana Energy Ass'n Pipeline Safety Conference](#), French Lick, IN

30-8/3 [Louisiana Gas Ass'n Pipeline Safety Conference](#), New Orleans, LA

that total incidents increased 3% over 5 years. Incidents caused by integrity management failures fell 35 percent; and incidents caused by operations or maintenance failures fell 24 percent.

**SELECT UPDATES FROM STATES**

**COLORADO**

[HB 1419](#). The Preventing Explosions, Nondisclosures, and Toxic Releases Act, introduced April 23, would require the Colorado Oil and Gas Conservation Commission to adopt rules to ensure wellhead integrity of oil and gas production wells and to address their permitting, construction and closure. Each oil and gas operator would be required to provide electronic notice of the location of each flow line and gathering pipeline to each local government within whose jurisdiction the subsurface pipeline is located. Operators also would be required to share development plans with municipalities and counties within whose jurisdictions the proposed operation would occur. The bill passed the Colorado House of Representatives on April 30.

**ILLINOIS**

[Senate Resolution 1534](#) would direct the Illinois Department of Natural Resources to compile a report reviewing the current state gas pipeline regulations, including those applicable to gas extraction and underground gas storage, and recommend regulatory changes to improve public safety. The report is to be transmitted to the Illinois legislature no later than December 31. The proposed resolution has been referred to the Senate Environment and Conservation Committee.

**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](mailto:sam@vnf.com), [Bryn Karaus](#) at (202) 298-1821 or [bsk@vnf.com](mailto:bsk@vnf.com), or any member of the firm's [Pipeline & LNG](#) practice group.

For assistance navigating the newly issued TSA Guidance along with existing guidance and industry standards, please contact [Gwen Keyes Fleming](#) at (202) 298-1928 or [gffleming@vnf.com](mailto:gffleming@vnf.com).