



Dates of Interest

July 2018

- 20 [Applications due](#) for State One-Call Grant
- 22-25 [APGA Annual Conference](#), Portland, OR
- 23 [Applications Due](#) for State Damage Prevention Program Grant
- 30-8/1 [SGA Operating Conference & Exhibits](#), Tampa, FL
- 30-8/3 [NAPSR Southwest Region Meeting](#), Montgomery, AL
- 30-8/3 [LGA Pipeline Conference](#), New Orleans, LA

August 2018

- 14-16 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Liquid\)](#), Oklahoma City, OK
- 23 [PHMSA Voluntary Information-Sharing System Working Group](#), Washington, DC
- 28-29 [Western Regional Gas Conference](#), Henderson, NV



**Know what's below.
Call before you dig.**

Pipeline Safety Update

ISSUE NO. 140 – JULY 18, 2018

Susan Olenchuk and Bryn Karaus

PHMSA Rulemakings Update. PHMSA will provide advance public notice of enforcement hearings. PHMSA requests comments on revised hazardous liquid annual report form. The Voluntary Information-Sharing System Working Group meets on August 23. House Subcommittee convenes pipeline safety hearing. The NTSB issues safety recommendation regarding installation of PermaLock mechanical tapping tee assemblies in gas distribution systems. Select Updates from States.

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 (DOT) June [Significant Rulemaking Report](#) and the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions. The Unified Regulatory Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#). New information is highlighted in bold.

Pending Final Rules

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Enhanced Emergency Order Procedures	Not Provided	August 1, 2018	August 2018
Plastic Pipe Rule	May 24, 2018	August 30, 2018	August 2018
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	December 4, 2018	March 14, 2019	March 2019
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	June 2019
Safety of Gas Gathering Pipelines	May 2, 2019	August 14, 2019	August 2019
Safety of Hazardous Liquid Pipelines	July 2, 2018	October 12, 2018	September 2018
Underground Natural Gas Storage Facilities	Not Provided	September 26, 2018	September 2018

**Dates of Interest
(continued)**

September 2018

4 [Comments due](#) on Proposed Revision to NYPS&C Proposed Rules

5-6 [SGA Integrity Management for Gas Pipelines Workshop](#), Fort Worth, TX

11 [Comments due](#) on PHMSA's Proposed Revision to Hazardous Liquid Pipeline Annual Report form

11-12 [PHMSA Pipeline Safety R&D Forum](#), Baltimore, MD

18-20 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Gas\)](#), Oklahoma City, OK

October 2018

18-19 [2018 Pipeline Safety Trust's Annual Conference](#), New Orleans, La

Recent Van Ness Feldman Publications

[OPPORTUNITY: CEO Requests Comments on Ways to Modernize NEPA Process](#) – June 21, 2018

[FEMA Adopts Significant Changes to the National Flood Insurance Program \("NFIP"\) Under the Rubric of a "Clarification"](#) – June 8, 2018

[Policy Update: Businesses need to be prepared for the Impact of Recent Changes in U.S. Strategy](#) – June 7, 2018

[Hydro Newsletter – Volume 5, Issue 7](#) – July 2, 2018

[Northwest Land Matters Update](#) – June 2018

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Gas Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Liquid Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Periodic Standards Update	Not Listed	Not Listed	June 2019
Valve Installation and Minimum Rupture Detection Standards	Not Provided	November 2, 2018	November 2018

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Class Location Requirements	May 8, 2018	June 12, 2018	June 2018
Coastal Ecological Unusually Sensitive Areas	Not Listed	Not Listed	November 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 will provide advance public notice of enforcement hearings. On June 28, PHMSA Chief Counsel, Paul Roberti, stated in a [letter](#) to the Reporters Committee for Freedom of the Press that PHMSA will implement a new practice of placing letters scheduling enforcement hearings in the proceeding's publicly accessible docket. Members of the press interested in observing a hearing must submit an advance request to attend.

PHMSA requests comments on revised hazardous liquid annual report form. On July 13, PHMSA issued a [notice](#) requesting comments on proposed revisions to the Annual Report form for Hazardous Liquid Pipeline Systems (PHMSA F 7000-1.1). PHMSA proposes to add "carbon dioxide" to the name of the form and to revise Part J to remove the column for "Rural Low-Stress Pipeline Segments Subject ONLY to Subpart B of 49 C.F.R. § 195" because this type of pipeline does not exist. The proposed forms are found on [Regulations.gov](#). Comments are due September 11.

The Voluntary Information-Sharing System Working Group will meet on August 23. On June 22, PHMSA [announced](#) that a public meeting of the Voluntary Information-Sharing System Working Group will be held on August 23 in Washington, DC. Register for the meeting [here](#).

**State-Specific Association
Meetings**

July 2018

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

August 2018

6 [Michigan Petroleum
Pipelines - Quarterly Board
Meeting](#), Lansing, Mich.

21-22 [Texas RRC Pipeline Safety
and Oil and Gas Regulatory
Conference](#), Austin TX

September 2018

25-27 [Alabama Damage
Prevention Summit](#),
Montgomery, AL

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

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

September 2018

25-26 Mississippi

UPDATES FROM CAPITOL HILL

House Subcommittee convenes pipeline safety hearing. On June 21, the House Subcommittee on Railroads, Pipelines, and Hazardous Materials of the Committee on Transportation and Infrastructure convened a pipeline safety oversight [hearing](#) addressing the status of PHMSA's implementation of various statutory directives. Witnesses included PHMSA Administrator Skip Elliott and representatives from the pipeline industry, and the Pipeline Safety Trust. Among other things, Administrator Elliott stated in prepared remarks that issuing the final rule addressing the safety of hazardous liquid pipelines is a high priority and that the agency is preparing a notice of proposed rulemaking to address shut-off valves and rupture detection. Generally, with reauthorization of the federal pipeline safety program looming in 2019, Subcommittee members expressed concern about the delay in implementing regulatory programs required by the 2011 and 2016 reauthorizations.

UPDATES FROM OTHER FEDERAL AGENCIES

The NTSB issues safety recommendation regarding installation of PermaLock mechanical tapping tee assemblies in gas distribution systems. On June 18, the National Transportation Safety Board (NTSB) issued a [Safety Recommendation Report](#) addressing the incorrect installation of PermaLock mechanical tapping tee assemblies in gas distribution systems. Following residential gas explosions connected to incorrect installation, the NTSB recommends that PHMSA work with state pipeline regulators to modify inspection programs to address installation best practices, and recommends that Honeywell, the manufacturer of the PermaLock mechanical tapping tee, update installation instructions.

SELECT UPDATES FROM STATES

NEW YORK

On June 19, the New York Public Service Commission published a [notice of proposed rulemaking](#) to amend Part 255 of the state's pipeline safety regulations applicable to gas transmission and distribution pipelines to adopt new federal regulations adopted in 2016 and to make clarifications and technical edits. The amended provisions address excess flow valves, notification of conversions from non-jurisdictional to jurisdictional fuel, the qualification of gas pipeline welders, control room training, and the inspection of pressure-regulating devices. Comments are [due](#) September 4.

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