



Dates of Interest

March 2019

- 11 [Common Ground Alliance 2019 Conference and Expo](#), Tampa, FL
- 20-21 [AGA 2019 Pipeline Risk Data Workshop](#), Albuquerque, NM

April 2019

- 8 Comments due on [DOT Notice of Review of Guidance](#)
- 9-11 [API Pipeline Conference and Control Room Forum](#), Phoenix, AZ
- 11-12 [SGA Compliance Workshop for Natural Gas Pipeline Operators](#), Plano, TX
- 12 Comments due on [Pipeline Safety: Information Collections](#)
- 14-17 [GPA Midstream 2019 Convention](#), San Antonio, TX
- 23 [NTSB Meeting on Silver Spring, Maryland, Natural Gas Explosion](#), Washington, DC
- 29-5/3 [2019 AGA Operations Conference & Biennial Exhibition & Spring Committee Meetings](#), Nashville, Tenn.

May 2019

- 7-9 [SGA Practical In-Line Inspection Workshop](#), Tulsa, OK
- 21-22 [SGA Gas Pipeline Integrity Management Seminar](#), Houston, TX
- 21-23 [SGA Advanced In-Line Inspection Workshop](#), Dublin, OH

June 2019

- 4-5 [SGA Pipeline Safety Management Systems](#), Houston, TX
- 25-26 [PHMSA GPAC Meeting](#), Washington, DC

Pipeline Safety Update

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Susan Olenchuk, Bryn Karaus, and Marco Bracamonte

PHMSA extends deadlines for complying with new plastic pipeline regulations. PHMSA reschedules Gas Pipeline Advisory Committee meeting on proposed rule for gas gathering pipelines. Senate Commerce Committee leadership urges PHMSA to issue final rule for gas transmission pipelines. PHMSA Rulemakings Update. PHMSA releases updated civil penalty summary. API releases third edition of Recommended Practice (RP) 1160. Pipeline Association for Public Awareness releases Excavation Safety Guide and Directory.

PHMSA Extends Deadlines for Complying with New Plastic Pipeline Regulations

On March 1, the Pipeline and Hazardous Materials Safety Administration (PHMSA) [granted](#) the request of the American Gas Association (AGA) to extend compliance deadlines established in the recently adopted [final rule](#) amending design, construction and maintenance requirements applicable to plastic piping.

As summarized in the table below, PHMSA granted an additional 90 days to implement training and operator qualification programs for the new requirements and to work with equipment suppliers. PHMSA granted an additional six months to comply with provisions requiring the development of new programs. PHMSA also delayed until January 22, 2020 the deadline for using Category 1 fittings on plastic to metallic connections of pipe 4 inches or more in diameter. PHMSA did not adopt AGA's request to limit the requirement to use Category 1 fittings to connections of plastic to plastic pipe with diameters of less than 4 inches.

Topic	Sections of 49 C.F.R.	New Compliance Deadline
Joining plastic pipe with mechanical couplings	§§192.281(e)(3), 192.281(e)(4), 192.283, and 192.285	April 22, 2019 (90 days)
Installing service lines with compression couplings	§192.367	April 22, 2019 (90 days)
Implementing corrosion control for electrically isolated metallic fittings	§192.455	April 22, 2019 (90 days)
Maintaining equipment used to join plastic pipe	§192.756	April 22, 2019 (90 days)
Requirement for devices and components to withstand anticipated loads and meet listed specifications	§§192.143, 192.313, 192.145, 192.149, 192.375, 192.281(e)(3), 192.283, 192.285, 192.376	April 22, 2019 (90 days)
Cathodic protection design for isolated metallic fittings	§192.455	April 22, 2019 (90 days)
Develop and implement programs for using weak links	§192.329	July 22, 2019 (6 months)



State-Specific Association Meetings

March 2019

19-20 [KY Gas Ass'n Annual Meeting](#), Lexington, KY

April 2019

8-11 [MN 2019 Pipeline Safety Educational Conference](#), Breezy Point Resort, MN

16-18 [VA State Corporation Commission Damage Prevention Conference](#), Virginia Beach, VA

24-26 [TN Damage Prevention Summit](#), Murfreesboro, TN

May 2019

15-17 [AR Damage Prevention Summit](#), Little Rock, AR

Van Ness Feldman's Environmental Cost Recovery Unit

Recognizing client demand for efficient environmental cost recovery strategies particularly tailored to today's challenging business conditions, Van Ness Feldman has established an environmental cost recovery unit (CRU) that enables clients to maximize use of customized fee structures and insurance assets for environmental cost recovery. The CRU team is comprised of former government enforcement attorneys and insurance recovery specialists to support clients in prioritizing, funding, and maximizing environmental cost recovery efforts.

[Click here for more information.](#)

Develop and implement programs for storing and handling plastic pipe	§192.67	July 22, 2019 (6 months)
Develop programs for maintaining joining equipment	§192.756	July 22, 2019 (6 months)
Use of Category 1 fittings on pipe 4" or more in diameter	§192.281(e)(4)	January 22, 2020

PHMSA will publish a formal response to AGA in the Federal Register.

PHMSA Reschedules Gas Pipeline Advisory Committee Meeting to Discuss Proposed Rule on Gas Gathering Pipelines

PHMSA has [announced](#) that the Gas Pipeline Advisory Committee (GPAC) will meet on June 25-26 to consider the gathering line component of the notice of proposed rulemaking PHMSA issued in April 2016 to significantly revise PHMSA's regulations applicable to gas transmission and gathering pipelines. The Committee is expected to address reporting requirements, safety regulations for Class 1 gathering lines, and definitions related to gas gathering. PHMSA has not announced a new date for the postponed meeting of the Liquid Pipeline Advisory Committee.

Senate Committee Leadership Urges PHMSA to Issue Final Rule for Gas Transmission Pipelines

On March 6, leadership of the Senate Commerce, Science and Transportation Committee sent a [letter](#) to DOT Secretary Elaine Chao and PHMSA Administrator Howard "Skip" Elliott urging PHMSA to complete the pending final rule applicable for gas transmission pipelines that was required under the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. Industry stakeholders submitted a similar [letter](#) to Secretary Chao in February.

PHMSA Rulemakings Update. The chart below shows the status of PHMSA's pending pipeline safety rulemaking initiatives as reflected in DOT's February [Significant Rulemaking Report](#), PHMSA's recently updated [Chart](#) summarizing the status of legislatively mandated actions, and the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions, which appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#). Updates appear in bold.

Pending Final Rules

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Emergency Order Procedures	March 20, 2019	October 2018	April 22, 2019
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	July 2, 2019	March 2019	July 2, 2019

**Recent Van Ness Feldman
Publications**

[Emerging Technologies Update](#) – February 26, 2019

[Federal Guidance on Section 404 Permitting Under Development](#) – February 14, 2019

[Van Ness Feldman Launches Environmental Cost Recovery Unit for Energy, Industrial, and Government Clients](#) – February 1, 2019

[Critical Infrastructure: 2018 Cybersecurity Year in Review/2019 Year Ahead Analysis](#) – January 24, 2019

[Emerging Technologies Update](#) – January 23, 2019

[BSEE Requests Comments on Deepwater Decommissioning-in-Place Policies](#) – January 2, 2019



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

Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	December 20, 2019	December 2019	Not Listed
Safety of Gas Gathering Pipelines	December 20, 2019	December 2019	Not Listed
Safety of Onshore Hazardous Liquid Pipelines	May 27, 2019	December 2018	May 27, 2019
Underground Natural Gas Storage Facilities	July 2, 2019	December 2018	July 2, 2019

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Class Location Requirements	Not Specified	September 2019	Not Listed
Gas Pipeline Regulatory Reform	August 14, 2019	May 2019	Not Listed
Liquid Pipeline Regulatory Reform	Not Listed	Feb. 2019	Not Listed
Periodic Standards Update	Not Listed	April 2020	Not Listed
Repair Criteria for Hazardous Liquid Pipelines	Not Specified	Next Action Undetermined	Not Listed
Valve Installation and Minimum Rupture Detection Standards	August 7, 2019	January 2019	August 7, 2019

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Coastal Ecological Unusually Sensitive Areas	Not Listed	April 2020	Not Specified

Other PHMSA Updates

PHMSA releases updated civil penalty summary. On March 5, PHMSA posted an updated "[Civil Penalty Summary](#)" providing an overview of how PHMSA calculates proposed civil penalties when issuing notices of probable violation. The updated summary adjusts several civil penalty ranges, in part to reflect higher, inflation-adjusted civil penalty limits, and revises descriptions of conduct that may affect the level of a proposed penalty.

Updates from Industry

API releases third edition of Recommended Practice (RP) 1160. On February 27, the American Petroleum Institute (API) [released](#) the third edition of RP 1160, "Managing System Integrity for Hazardous Liquid Pipelines," which describes a process for establishing safe pipeline operations, including performing risk assessments and establishing systems to manage systems during day-to-day operations.

Pipeline Association for Public Awareness releases Excavation Safety Guide and Directory. The Pipeline Association for Public Awareness released the Pipeline Edition of its [Excavation Safety Guide and Directory](#) which sets forth guidelines for preventing pipeline emergencies. Among other things, the Guide contains a pre-excavation checklist, explains the basics of locate requests, and describes locating and marking best practices.

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.

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