



Dates of Interest

July 2019

- 3 Comments due on [Pipeline Safety: Information Collections](#)
- 21-24 [NARUC Summer Policy Summit](#), Indianapolis, IN

August 2019

- 13-15 [MEA Gas Operations Technical & Leadership Summit](#), Rochester, MN
- 20-21 [Western Regional Gas Conference](#), Tempe, AZ

September 2019

- 9-13 [NAPSR National Meeting](#), South Portland, ME
- 17-20 [AOPL Annual Business Conference](#), San Antonio, TX

October 2019

- 16-17 [API 2019 International Pipeline Security Forum](#), Chicago, IL
- 17-18 [NGA Fall Operations Conference](#), Hartford, CT

November 2019

- 7-8 [Pipeline Safety Trust Annual Conference](#), New Orleans, LA

Pipeline Safety Update

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Multiple pipeline safety reauthorization bills propose amending Pipeline Safety Laws. The Gas Pipeline Advisory Committee considers proposed gas gathering regulations. PHMSA Rulemakings Update. PHMSA convenes public meeting on public awareness and amending the definition of USA.

Multiple Pipeline Safety Reauthorization Bills Propose Amending Pipeline Safety Laws

Funding authorization for the federal Pipeline Safety Laws expires September 30. Multiple proposals to reauthorize funding and amend the Pipeline Safety Laws are under consideration, with additional bills expected. Below is an overview of recent developments.

House Energy & Commerce Committee: On June 19, the House Energy and Commerce Committee's Subcommittee on Energy convened a [hearing](#) regarding a [discussion draft](#) of the Safer Pipelines Act of 2019, which would authorize funding through 2023 and amend the Pipeline Safety Laws. Witnesses included industry representatives and safety advocates. On June 24, Representative Bobby Rush (D-IL) introduced a revised version of the bill, [H.R. 3432](#), and on June 26 the Subcommittee convened a [mark-up](#) and approved the legislation by a voice vote. Numerous amendments to the bill were offered and withdrawn with a commitment by the subcommittee to develop a bipartisan bill. The full Committee is expected to mark up the bill before the August recess.

Other proposed legislation includes the [Protecting Our Infrastructure of Pipelines and Enhancing Safety Act](#), submitted by the Department of Transportation (DOT) and the Leonel Rondon Pipeline Safety Act [S.1097/H.R. 2139](#), introduced by Massachusetts Senators Edward Markey and Elizabeth Warren and Massachusetts representative Lori Trahan.

Proposed legislation is expected to be considered by the House Transportation and Infrastructure Committee and the Senate Commerce, Science and Transportation Committee.

The Gas Pipeline Advisory Committee Considers Proposed Gas Gathering Regulations

On June 25-26, the Gas Pipeline Advisory Committee (GPAC) met to consider the Pipeline and Hazardous Materials Safety Administration's (PHMSA) notice of proposed rulemaking (NPRM) to amend the federal safety regulations applicable to gas gathering pipelines. Originally included as part of PHMSA's NPRM issued in April 2016 to comprehensively revise regulations applicable to gas transmission and gathering pipelines, the gathering provisions are now being considered in a separate rulemaking.

The GPAC approved recommendations to guide PHMSA's development of pipeline safety requirements that will apply to gas gathering pipelines 8" or more in diameter in Class 1 Locations and operating at or above stress levels of 20% of specified minimum yield strength (SMYS). The GPAC also approved recommendations that PHMSA withdraw a proposal to redefine the beginning and ending points of gathering and apply Part 191 reporting requirements to unregulated gathering. Presentation materials and other information related to the meeting are available [here](#).

Revised PHMSA Rulemakings Update. The chart below shows the status of PHMSA's pending pipeline safety rulemaking initiatives as reflected in DOT's June [Significant Rulemaking Report](#), PHMSA's status [Chart](#) of legislatively mandated actions, and the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Spring 2019 Unified Agenda of Regulatory and Deregulatory

State-Specific Association Meetings

July 2019

29-8/1 [LGA Pipeline Safety Conference](#), New Orleans, LA

August 2019

12-14 [TGA Safety Summit](#), Burns, TN

20-21 [RRC Regulatory Conference: Oil & Gas and Pipeline Safety](#), Austin, TX

28-29 [Gas Pipeline Safety for Small Operators, Conference](#), Marion, IL

September 2019

16-20 [Operators of natural Gas and Liquid Pipeline Facilities](#), Cooperstown, NY

October 2019

8-9 [South Carolina Pipeline Safety Seminar](#), Columbia, SC

**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.](#)

Actions. The Unified Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#). Revised information appears in bold.

PHMSA has announced that the Gas Transmission Final Rule (Safety of Gas Transmission Pipelines MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments) and Valve Installation and Minimum Rupture Detection Standards NPRM have been transmitted to OMB. 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.

Pending Final Rules

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Emergency Order Procedures	August 1, 2019	May 2019	April 22, 2019
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	August 30, 2019	July 2019	July 2, 2019
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	June 26, 2020	December 2019	Not Listed
Safety of Onshore Hazardous Liquid Pipelines	June 28, 2019	December 2018	June 18, 2019
Underground Natural Gas Storage Facilities	September 30, 2019	July 2019	July 2, 2019

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's Chart
Amendments to LNG Facilities	September 2, 2019	October 2019	Not Listed
Class Location Requirements	November 15, 2019	November 2019	Not Listed
Gas Pipeline Regulatory Reform	September 30, 2019	August 2019	Not Listed
LNG by Rail	July 29, 2019	Not Listed	Not Listed
Liquid Pipeline Regulatory Reform	Not Listed	June 2019	Not Listed
Periodic Standards Update	Not Listed	April 2020	Not Listed
Repair Criteria for Hazardous Liquid Pipelines	June 26, 2020	Next Action Undetermined	Not Listed
Valve Installation and Minimum Rupture Detection Standards	September 27, 2019	August 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 convenes public meeting on public awareness and amending the definition of USA. On June 12-13, PHMSA convened a public [meeting](#) to address (1) amending the definition of Unusually Sensitive Areas (USA) for the Great Lakes, coastal beaches, and marine coastal waters areas and (2) public awareness and engagement. Proximity to a USA is one method of determining if a hazardous liquid pipeline could affect an HCA, making the pipeline subject to PHMSA's integrity management regulations. Section 19 of

**Recent Van Ness Feldman
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[EPA Finalizes Affordable Clean
Energy Rule](#) – June 24, 2019

[EPA Issues Revised CWA
Section 401 Guidance to States](#)
– June 10, 2019

[Washington State's New Clean
Energy Legislation Has Far
Reaching Impacts](#) – May 23,
2019

[Implementation of Recent
Amendments to the 45Q
Carbon Sequestration Tax
Credit](#) – May 3, 2019



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the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 required PHMSA to amend the definition of USA to include the Great Lakes, coastal beaches, and marine coastal waters. To address this mandate, PHMSA must define, identify data sources, and maintain a map of these areas in the National Pipeline Mapping System. With respect to public awareness, PHMSA sought input on the most effective methods to inform all stakeholders on shared responsibilities with respect to pipeline safety.

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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