



**Dates of Interest**

**August 2019**

- 12 Comments due on [RRC Informal Working Draft](#)
- 20-21 [Western Regional Gas Conference](#), Tempe, AZ
- 23 Comments Due on [DOE Request for Information](#)
- 28 Comments due on [PaPUC ANPRM](#)

**September 2019**

- 3 Comments due on [TSA Information Collection Renewal](#)
- 9-13 [NAPSR National Meeting](#), South Portland, ME
- 11-12 [NGA LNG/LP Safety and Emergency Response Training](#), Stow, MA
- 17-20 [AOPL Annual Business Conference](#), San Antonio, TX
- 25 [PAPA Annual Membership Meeting](#), Denver, CO
- 28 Comments due on [PHMSA Information Collection](#)

**October 2019**

- 16-17 [API 2019 International Pipeline Security Forum](#), Chicago, IL
- 17-18 [NGA Fall Operations Conference](#), Hartford, CT
- 21-23 [GPA Midstream Fall Technical Conference](#), Oklahoma City, OK
- 21-23 [North American Gas Forum](#), Washington, DC
- 29-31 [APGA Operations Conference](#), Huntsville, AL

**November 2019**

- 6-7 [PLC Pipeline Leadership Conference](#), Houston, TX
- 7-8 [Pipeline Safety Trust Annual Conference](#), New Orleans, LA
- 12-13 [API 14th Annual Cybersecurity Conference for the Oil & Natural Gas Industry](#), Woodlands, TX
- 17-20 [NARUC 2019 Annual Meeting](#), Antonio, TX

# Pipeline Safety Update

## ISSUE NO. 152 – AUGUST 8, 2019

*[Susan Olenchuk](#), [Bryn Karaus](#), and [Marco Bracamonte](#)*

*Senate Committee approves bill to reauthorize pipeline safety programs and amend the Pipeline Safety Laws. DOT increases maximum civil penalties under the Pipeline Safety Act. Updated PHMSA Rulemakings Chart. PHMSA seeks comment on renewed information collection. Updates from Select States.*

### Senate Committee Approves Bill to Reauthorize Pipeline Safety Programs and Amend the Pipeline Safety Laws

On July 31, the Senate Commerce, Science and Transportation Committee [approved](#) by voice vote [S.2299](#), the Pipes Act of 2019. The bill contains provisions addressing the evaluation and ranking of risks under distribution integrity management plans; the management of distribution system records and ensuring they are available to construction and engineering personnel; emergency response plans; management of change; review of construction plans by qualified personnel; and reducing the risk of line overpressurizations. S.2299 also would require that, when establishing a civil penalty, the Pipeline and Hazardous Materials Safety Administration (PHMSA) consider whether the operator self-disclosed and corrected an alleged violation before PHMSA discovered it.

Senator Tom Udall (D-NM) voted “no” on the bill because it does not contain language addressing the management of methane leaks. In addition, Senator Richard Blumenthal (D-CT) expressed concern that the Committee did not consider amendments on whistleblower protections. Both senators indicated their desire to address these amendments before the bill reaches the Senate floor later this fall.

### DOT Increases Maximum Civil Penalties Under the Pipeline Safety Act.

On July 31, the Department of Transportation (DOT) issued a [final rule](#) increasing the civil penalties that PHMSA may assess for violations of the Pipeline Safety Act. Effective July 31, the maximum civil penalty for each pipeline safety violation increased from \$213,268 to \$218,647 per violation per day, and the maximum penalty for a related series of pipeline safety violations increased from \$2,132,679 to \$2,186,465. The maximum penalty for liquefied natural gas pipeline safety violations increased from \$77,910 to \$79,875. These increased penalties apply only to violations occurring after the rule’s July 31 effective date.

**Updated PHMSA Rulemakings Chart.** The chart below shows the status of PHMSA’s pending pipeline safety rulemakings as reflected in (1) DOT’s June [Significant Rulemaking Report](#), (2) PHMSA’s status [Chart](#) of legislatively mandated actions, and (3) the Office of Management & Budget’s (OMB) Office of Information and Regulatory Affairs (OIRA) Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions. The Unified Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#).

**Pending Final Rules**

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA’s Chart
Emergency Order Procedures	August 1, 2019	May 2019	July 26, 2019
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	August 30, 2019	July 2019	August 30, 2019

**State-Specific Association Meetings**

**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**

- 3-5 [ANGA/AL PSC Pipeline Safety & Operations Seminar](#), Montgomery, AL
- 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.](#)

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	July 29, 2019
Underground Natural Gas Storage Facilities	September 30, 2019	July 2019	October 22, 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	September 2, 2019
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	September 27, 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	April 13, 2020

**Other PHMSA Updates**

*PHMSA seeks comment on renewed information collection.* On July 30, PHMSA issued a [notice](#) that it intends to submit a renewed information collection to OMB covering the reporting and recordkeeping requirements associated with the requirement that gas pipeline operators notify customers of their right to request the installation of excess flow valves. The existing information collection expires on March 31, 2020, and PHMSA intends to request renewal without change. Comments are due September 30.

**Updates from Select States**

*Pennsylvania.* Comments are due on August 28 regarding the Pennsylvania Public Utility Commission's [Advance Notice of Proposed Rulemaking](#) seeking public input on how to amend and enhance regulation

**Recent Van Ness Feldman  
Publications**

[WaterISAC Releases Broader  
Cybersecurity Guidelines for  
Water & Waste Water Utilities](#)

– July 29, 2019

[FERC Adopts New Data  
Collection Requirements for  
Market-Based Rate Sellers,  
Streamlines Market Power  
Analysis for Certain Organized  
Markets](#)

– July 23, 2019

[EPA Amends Freedom of  
Information Act Regulations](#)

– July 3, 2019

[EPA Finalizes Affordable Clean  
Energy Rule](#)

– June 24, 2019

[EPA Issues Revised CWA  
Section 401 Guidance to States](#)

– June 10, 2019



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governing the design, construction, operation, and maintenance of public utilities that transport petroleum products and other hazardous liquids in intrastate commerce.

*Texas:* Comments are due on August 12 regarding the Texas Railroad Commission's (RRC) [informal working drafts](#) of possible amendments to its pipeline safety regulations pertaining to unregulated intrastate gas gathering and hazardous liquid gathering pipelines. Potential regulatory changes include requiring unregulated onshore Class 1 natural gas gathering pipelines and unregulated rural hazardous liquid pipelines to comply with regulations pertaining to corrosion control for steel pipelines, damage prevention, public education programs, maximum allowable operating pressure (gas pipelines), maximum operating pressure (hazardous liquid pipelines), line markers and leakage surveys for gas gathering and right-of-way inspections for liquid pipelines.

In addition, the working draft would require that Class 1 onshore natural gas gathering lines greater than 12.75 inches in diameter with MAOPs that produce a hoop stress of 20 percent or more of specified minimum yield strength (SMYS) comply with Part 192 of the federal pipeline safety regulations, except for integrity management and requirements for inline inspection. Such pipelines also would be required to comply with requirements pertaining to incident and accident reporting, inspections, and enforcement. The working draft also reflects revised definitions of incidents and accidents, shortening the deadline for reporting an incident or leak from 2 hours to 1 hour after discovery, and addresses record-keeping requirements for plastic pipelines.

### 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.

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