

**CONTACT**

sam@vnf.com  
202.298.1896

**PRACTICE AREAS**

Litigation & Administrative  
Proceedings  
Pipeline & LNG  
Pipeline Safety

**EDUCATION**

The Catholic University of  
America, Columbus School of  
Law  
University of Michigan

**BAR AND COURT ADMISSIONS**

District of Columbia Bar  
Virginia State Bar

**SUSAN A. OLENCHUK**  
**PARTNER**



**Professional Background**

Susan Olenchuk counsels clients in the oil and gas industry on pipeline safety matters before the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Pipeline Safety, and on rate, tariff, certificate, compliance and enforcement matters before the Federal Energy Regulatory Commission (FERC). She also represents clients in federal courts of appeal.

**Pipeline Safety Compliance, Enforcement and Strategic Counseling**

Susan helps operators of gas transmission and distribution pipelines, hazardous liquid pipelines and LNG facilities navigate day-to-day compliance questions involving PHMSA's pipeline safety regulations. She helps clients think through how the regulations and other guidance apply in both routine and unanticipated operational situations and affect company decision-making. Susan assists clients in enforcement matters before both PHMSA and state agencies, working with in-house counsel, engineers, and consultants to prepare thoughtful, well-supported factual and legal arguments to help achieve satisfactory outcomes and ensure the preservation of due process. Susan also counsels on rulemaking proceedings and legislative matters and she provides on-site seminars and training on PHMSA programs, policies, processes and jurisdiction.

**FERC Compliance Counseling**

Susan counsels on rate, tariff, certificate, compliance and rulemaking proceedings affecting natural gas pipelines. She advises on corporate compliance matters under FERC's affiliate Standards of Conduct and undue preference requirements under the Natural Gas Act. She also assists clients in evaluating internal processes and procedures and in developing workable and effective compliance plans and training materials that reflect best practices, conform with regulatory guidance and mandates, and achieve corporate objectives.

**Representative Experience**

**Representative PHMSA Experience:**

*Enforcement Successes*

- Defended pipeline operators in multiple enforcement proceedings involving such issues as welding, operator qualification, and physical security of facilities, achieving withdrawals of Notices of Probable Violations, proposed civil penalties and compliance orders.
- Assisted in successfully resolving enforcement proceeding involving the application of PHMSA's Part 192 MAOP and record-keeping requirements to gas distribution pipelines constructed before 1970.
- Helped operator negotiate favorable consent agreement to resolve the application of PHMSA's Part 195 regulations to natural gas liquid fractionation facilities.
- Counseled LNG operator on a corrective action order proceeding that involved a hearing and helped with implementation issues.
- Assisted hazardous pipeline operator in managing notice of proposed safety order.

- Counseled operators with respect post-incident issues involving drug and alcohol testing.
- Advised operator in district court litigation involving jurisdictional status of plant piping.

#### ***Regulatory Counseling and Problem Solving under the Pipeline Safety Act***

- Provided gas pipeline operators with regulatory certainty in applying Part 192 MAOP requirements and conversion regulations to transmission and gathering pipelines, successfully helping operators manage real-life operational circumstances, conserve resources, and achieve business and operational objectives.
- Provided hazardous liquid pipeline operator compliance guidance and regulatory certainty in applying integrity management regulations to non-line pipe.
- Assisted pipelines in determining whether gas pipeline segments should be classified as transmission, distribution, or gathering.
- Provided gas pipeline operator regulatory certainty with respect to the construction of new road crossings over existing pipeline.
- Provided gas pipeline operators regulatory certainty regarding the classification of farm taps facilities and their regulatory status.
- Helped provide regulatory certainty to pipeline operators in assessing whether their pipelines are subject to PHMSA jurisdiction, and if so, which regulations apply.
- Guided pipeline operator in applying odorization requirements for new and existing pipelines.
- Assisted gas and hazardous liquid pipeline operators in determining jurisdictional and classification status of terminal piping.
- Helped gas pipeline operator prepare applications for special permits.
- Reviewed written compliance procedures for Control Room Management, Distribution Integrity Management, Operating and Maintenance, Emergency Response, and other PHMSA regulatory programs to assess compliance with regulatory requirements.
- Helps operators assess the impact of new PHMSA regulations in rate and abandonment proceedings before FERC.
- Identified compliance issues in connection with the acquisition and sale of assets.

#### ***Legislative and Regulatory Policy***

- Helped trade association and pipeline operators prepare comments on complex notice of proposed rulemaking that may significantly amend safety standards for gas transmission and gathering pipelines; guided trade association on outreach to FERC regarding rate and abandonment implications of PHMSA's notice of proposed rulemaking.

#### ***In-House Training***

- Provides training and seminars to management, operational staff, and in-house legal staff regarding PHMSA jurisdiction and regulatory programs.

#### **Representative FERC Experience:**

- Advises natural gas pipelines and customers in rate, tariff, certificate, and rulemaking proceedings.
- Assists interstate gas pipelines with pipeline FERC rate and abandonment implications of pipeline safety regulatory developments.
- Counsels natural gas pipelines and LDCs on implementation and compliance issues arising under FERC's affiliate Standards of Conduct and undue preference policies.
- Counsels pipelines on jurisdictional issues associated with natural gas transportation and storage

services provided under Section 311 of the NGPA.

### Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2014-2018

### Articles and Presentations

- Panel Moderator, "The Future of Safety Regulation of Underground Natural Gas Storage Facilities" - 16th Annual Platts Gas Storage Outlook Conference, Houston TX, 01/08/2018
- Presenter, "Pipeline Safety Issues" - S&P Global Market Intelligence, Washington DC, 12/15/2016
- Instructor, "FERC Ratemaking Under the Natural Gas Act" - The Basics of FERC Ratemaking for Interstate Pipelines, New Mexico State University, Albuquerque NM, 10/10/2016
- Presenter, "Pipeline Safety Act and the Impact of Proposed Regulations and New Legislation" - AGA 2016 Legal Forum, Asheville NC, 07/10/2016
- Panelist, "Known Knowns and Known Unknowns: Sifting Through Regulatory Changes in the Gas Pipeline Industry" - Energy Bar Association Annual Conference, Energy Bar Association, Washington DC, 06/07/2016
- Moderator, "PHMSA Regulatory Agenda" - 2016 API Pipeline Conference, American Petroleum Institute, Carlsbad CA, 04/05/2016
- Instructor, FERC Ratemaking under the Natural Gas Act - The Basics of Natural Gas Pipeline Ratemaking Course, New Mexico State University - Center for Public Utilities, Albuquerque NM, 10/11/2015
- Panelist, "Pipeline Safety: Understanding Federal and State Regulatory Programs which affect Midstream Pipeline Operations" - Shale Insight 2015, Marcellus Shale Coalition, Philadelphia PA, 09/16/2015
- Speaker, "Preparing Your Pipelines for IVP" - 6th Annual Pipe Tech Americas Summit, San Antonio TX, 04/22/2015
- Instructor, FERC Ratemaking under the Natural Gas Act - The Basics of Natural Gas Pipeline Ratemaking Course, New Mexico State University - Center for Public Utilities, Albuquerque NM, 10/12/2014
- Speaker, "What is Natural Gas?" "Historical Perspective and Industry Overview," and "Legal Overview: Key Statutes" - EBA's Natural Gas Primer: An Introduction to FERC Regulation of the Natural Gas Industry, Energy Bar Association, Chicago IL, 05/19/2014
- "Update on Federal Pipeline Safety Initiatives" - Pipeline Safety Seminar, Marcellus Shale Coalition, Canonsburg PA, 02/25/2014
- Speaker - Association of Oil Pipelines 2013 Annual Business Conference, Newport Beach CA, 09/17/2013
- Speaker, "The Changing Dynamic of the Relationship Between PHMSA and its State Partners" - AGA Legal Forum 2013, American Gas Association, Newport RI, 07/14/2013
- Pipeline Records Verification: Compliance Questions for Operators, Pipeline and Gas Journal, Vol. 239 Issue 9, 09/01/2012
- The Potential Impact of New Pipeline Safety Laws on PHMSA's Regulatory Initiatives, Pipeline and Gas Journal, Vol. 239 Issue 4, 04/01/2012
- The National Transportation Safety Board's Report on San Bruno: Implications for Pipeline Safety, Pipeline & Gas Journal, Vol. 238 Issue 11, 11/01/2011
- Pipeline Safety: Attorneys Ready for the Challenge, Pipeline & Gas Journal, Vol. 238 Issue 8,

08/01/2011

- "New Priorities and Compliance Expectations in Pipeline Safety" - AGA Legal Forum 2011, American Gas Association, Santa Fe NM, 07/17/2011
- Hydro Licensing and the Endangered Species Act: Implications of FERC's Current Approach, Hydro Review  
Recipient of the Author's Award as the No.1 ranked article by readers, Vol. 26 Issue 3, 06/01/2007
- Report of the Judicial Review Committee, Energy Law Journal, Vol. 27 Issue 1, 06/01/2006
- The Pipeline Safety Improvement Act of 2002, Energy Law Journal, co-authored with Theresa I. Zolet, Vol. 24 Issue 1, 02/01/2003

### Alerts

- Court Ruling on Post-Spill Access to Records Highlights Importance of Corporate Safety Culture, 08/15/2017
- PHMSA Issues Long-Awaited Proposed Hazardous Liquid Pipeline Rule, 10/06/2015
- White House Releases Climate Action Plan to Reduce Methane Emissions, 03/31/2014
- OUTLOOK 2014: KEY POLICY DEVELOPMENTS, 01/23/2014