

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION

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GAS PIPELINE ADVISORY COMMITTEE

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PUBLIC MEETING

+ + + + +

TUESDAY

JUNE 25, 2019

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The Pipeline and Hazardous Materials  
Safety Administration met in the U.S. DOT Media  
Room 1200 New Jersey Avenue, SE, Washington, DC,  
20590 at 8:30 a.m., David Danner, Committee  
Chair, presiding.

**COMMITTEE MEMBERS PRESENT**

DAVID DANNER, Committee Chair; Chair, Washington  
Utilities and Transportation Commission

W. JONATHAN AIREY, Retired Partner, Vorys,  
Sater, Seymore, and Pease, LLP

RONALD BRADLEY, Vice President, Gas PECO

MARK BROWNSTEIN, Associate Vice President &  
Chief Counsel, U.S. Climate & Energy  
Program, Environmental Defense Fund

DIANE BURMAN, Commissioner, New York State  
Public Service Commission\*

J. ANDREW DRAKE, Vice President, Asset Integrity  
and Technical Services, Enbridge Gas  
Transmission and Midstream

ROBERT HILL, County Development Director &  
Emergency Manager, Brookings County,  
South Dakota

SARA LONGAN, Deputy Commissioner, Alaska  
Department of Natural Resources

MARY PALKOVICH, Vice President, Gas Engineering  
& Supply, Consumers Energy

SARA ROLLET GOSMAN, Assistant Professor  
University of Arkansas School of Law

RICHARD WORSINGER, Director of Energy Resources  
City of Rocky Mount, North Carolina

CHAD ZAMARIN, Senior Vice President of Corporate  
Strategic Development, The Williams  
Companies\*

**PHMSA STAFF**

HOWARD "SKIP" ELLIOTT, PHMSA Administrator

DRUE PEARCE, Deputy PHMSA Administrator

ALAN MAYBERRY, Associate Administrator for  
Pipeline Safety

AMAL DERIA

LINDA DAUGHERTY

JOHN GALE

STEPHEN GORDON

CHRIS McLAREN

STEVE NANNEY

CAMERON SATTERTHWAITE

MASSOUD TAHAMTANI

ALSO PRESENT

CLAYTON BODELL, Williams

KEITH COYLE, GPM

CHRISTOPHER KUHMAN, API

MARY FRIEND, NAPS

SUSAN GINSBERG, Independent Petroleum

Association of America

MATTHEW HITE, GPA Midstream Association, Vice

President of Government Affairs

JEANNETTE JONES, Noble Midstream

RANDY KNAPP, PPI

THERESA PUGH, Theresa Pugh Consulting

CARL WEIMER, Executive Director, Pipeline Safety

Trust

CHARLES YARBROUGH, Texas Pipeline Association

AARON MARTINEZ, Andeavor

JOSHUA LOWERY, O'Donoghue & O'Donoghue LLP

\*Present via teleconference

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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:35 a.m.)

3 MR. MAYBERRY: I'd like to welcome you  
4 to the Gas Pipeline Advisory Committee. My name  
5 is Alan Mayberry, I'm Associate Administrator for  
6 Pipeline Safety, but today under the Federal  
7 Advisory Committee Act, I serve as the Designated  
8 Federal Official, and as such I'm the presiding  
9 official.

10 I'd like to first off introduce our  
11 Chair today, the Honorable David Danner, who's  
12 Chair of the Washington Utilities and  
13 Transportation Commission. I'd like to also  
14 welcome the newest member of our advisory  
15 committee, Mary Palkovich, who represents  
16 industry. Welcome, Mary, good to have you.

17 And as far as others present, I'd like  
18 to introduce Carl Weimer who's a member of our  
19 Liquid Advisory Committee, who's there in the  
20 back. Sarah Magruder Lyle, she's not quite here  
21 yet. She's a member of -- newest member of our  
22 Liquid Advisory Committee representing the

1 public, and then Jerry Barnhill representing the  
2 industry on the Liquid Pipeline Advisory  
3 Committee.

4 I'll go through a couple of items  
5 first for housekeeping. Well, first off, let me  
6 do a quick safety briefing. We are located in  
7 the DOT Conference Center at 1200 New Jersey  
8 Avenue Southeast in Washington, D.C. This  
9 building is alarm equipped, and in an emergency,  
10 an alarm will sound and provide information on  
11 actions we should take.

12 If we need to shelter in place, such  
13 as a tornado, although I don't think they're in  
14 the forecast today, we'll move to the interior of  
15 the building until otherwise directed. If an  
16 emergency requires evacuation from the building,  
17 the exits of this room are located on the right  
18 side. So you'll go to the right -- my right, and  
19 out into the atrium. And we will proceed to the  
20 right. Once you get into the atrium, it's  
21 straight out the doors there.

22 During an emergency, everything's

1 opened up. There's no, you know, secure actually  
2 -- you have the secure entry, but in an  
3 emergency, we're getting out. So you go to the  
4 3rd Street courtyard entrance and then take a  
5 right and head all the way to the beautiful banks  
6 of the Anacostia River, and that's where we  
7 assemble.

8 If you -- you know, keep an eye on  
9 who's on your right and who's on your left and  
10 make sure you can account for them as we assemble  
11 there down by the river. And the rally point  
12 specifically down there -- there's a fountain  
13 area that is our rally point that you can't miss.

14 In the event we have a medical  
15 emergency, our staff here is prepared to call our  
16 medical staff. We have -- actually here at DOT,  
17 we can call them in to lend assistance.

18 We do have an AED. Similarly, we will  
19 secure the AED if that's needed, as well as  
20 calling 911 for emergency. We will just alert  
21 the staff out the back here for that.

22 If an earthquake occurs, remember to

1 drop, cover, and hold on. Don't think those are  
2 -- well we didn't expect the last one we had  
3 here, but you never know.

4 And then additionally, if an active  
5 shooter event is reported, the first option is to  
6 run, second option is the hide, and then the  
7 third option is to fight.

8 Restrooms are located out the doors,  
9 if you go out, again, to my right, and then take  
10 another right. They are located in the back  
11 corner over here. And as you evacuate, please be  
12 mindful of tripping hazards and the like. I've  
13 covered restrooms.

14 If you would, please silence your  
15 mobile devices to minimize our interruptions  
16 today. And then also I think some of you already  
17 know this, but there are a couple of options for  
18 coffee and tea. We are in a secure building. So  
19 if you go outside the building to Starbucks, you  
20 do need to have an escort to get to the exit, and  
21 then we'll need to check you back in. That's  
22 kind of a lengthy process.

1                   Probably a better option is to be  
2 escorted to the East Building where PHMSA is  
3 located. And then at the bottom of that  
4 building, there's a cafeteria where plenty of tea  
5 and coffee is located.

6                   If you need at lunchtime any advice on  
7 restaurants, we can certainly offer some  
8 assistance there. We also have the cafeteria in  
9 the courtyard. I think we have our breaks  
10 strategically planned for you so that you can get  
11 coffee, hit the restroom, and come back just in  
12 time to restart. I think that's about how it  
13 works out.

14                   Now, let me talk a little about  
15 audience participation and decorum. In order for  
16 us to -- you know, we have important business to  
17 conduct here today as we always do, and as you  
18 well know. We ask that all parties hold their  
19 comments until we open the floor, and then when  
20 we do open the floor for comments, we ask that  
21 you keep your remarks brief, less than two  
22 minutes preferably.

1           Please avoid repeating comments if the  
2 point's already been made. Let's try to avoid  
3 that just in the interest of getting through the  
4 agenda. If the point's been made -- this is all  
5 recorded and will be on the docket. So there's  
6 no issue with the point not being, you know,  
7 present on the, you know, on the docket that we  
8 will review as we go forward.

9           And the written comments, if needed,  
10 may be submitted to the docket we have. And the  
11 docket number is PHMSA-2016-0136. This is a  
12 federal advisory committee meeting. Committee  
13 members and members of the public are asked to  
14 preserve order and decorum during the meeting.

15           You know, no one shall neither by  
16 conversation or otherwise, delay or interrupt the  
17 proceedings or the peace of the committee in  
18 order to disturb any member while speaking or to  
19 refuse to obey instructions of the Chair or their  
20 Designated Federal Official. If someone chooses  
21 to be disruptive, we'll have to ask the person to  
22 leave.

1                   And at this point, I will turn it over  
2 to Chairman Danner.

3                   CHAIR DANNER: All right. Thank you  
4 very much. And good morning, everyone. Again,  
5 I'm Dave Danner. I'm Chair of the Washington  
6 Utilities and Transportation Commission, and I'll  
7 be chairing the Gas Pipeline Advisory Committee  
8 meeting today.

9                   Today is Tuesday, June 25th, 2019.  
10 And I'm going to call the Gas Pipeline Advisory  
11 Committee to order. This meeting is being  
12 recorded, and a transcript will be produced for  
13 the record. And that will be available on the  
14 PHMSA website. And it's meeting number 143. And  
15 it's on the E-Gov docket at [www.regulations.gov](http://www.regulations.gov).  
16 And the docket number for this meeting is  
17 PHMSA-2016-0136.

18                   So as we go through the meeting today,  
19 I would ask that members, presenters, and public  
20 reminders -- public participants, please  
21 introduce yourself each time you speak so that  
22 your comments can be acknowledged in the meeting

1 transcript. And for the members, please set your  
2 tent cards on end when you wish to make a  
3 comment.

4 I understand we have two committee  
5 meeting -- two committee members who are joining  
6 us by telephone today. And Cameron will be in  
7 charge of their tent cards. So they will text  
8 him when they wish to speak.

9 So at this point, we have a couple  
10 other housekeeping items before we hear from Mr.  
11 Elliot.

12 MR. MAYBERRY: Yeah, thanks. This is,  
13 by the way, the first time we've webcast this  
14 meeting. So, as such, we'll be juggling a couple  
15 things today. So please bear with us. We have  
16 two members like Chairman Danner mentioned tuning  
17 in by phone. And what were the other  
18 instructions? Go ahead to give the rest.

19 MR. GALE: Thanks, Steve. Just a  
20 couple things. First, you know, like we've  
21 mentioned this is the first time we've webcasted  
22 one of these advisory committees. So, you know,

1 we have a smaller room, but in some ways, we have  
2 a larger audience. And we appreciate the public  
3 and of course our members' patience as we get  
4 through our first webcast, but luckily we have an  
5 outstanding staff, and I'm sure we will.

6 But the way the webcast is broken out  
7 it actually is broken out -- so this is mainly  
8 for the folks online. It's broken out into  
9 two-hour segments. So our first segment is going  
10 to be 8:30 to 10:30. And so starting up again at  
11 10:30, it's important for those online to click  
12 on the next link so you can continue to view the  
13 webcast.

14 We'll try to do our breaks  
15 corresponding to those breaks on the webcast. So  
16 the second break will be at 12:30, et cetera. So  
17 just for those online, just make sure you're  
18 following along in the proper link.

19 Also, for the folks that are in the  
20 overflow room and online, you will get the  
21 opportunity to provide public comment when  
22 appropriate. We're going to have a telephone

1 line for those online to make their statements or  
2 ask their questions. But just to be clear, that  
3 telephone line is simply for asking questions or  
4 making statements. It's not for listening. So  
5 please be off the phone line and watching --  
6 listening through the webcast during the  
7 appropriate times.

8 And also, luckily, for those of you  
9 who can see, we do have some water in the room.  
10 There's additional water in a small kitchen down  
11 to the right. We weren't able to provide coffee,  
12 but we were able to provide water which is in the  
13 kitchen just a short walk from here. So for  
14 those in the room, we do have some water for you.  
15 That's it.

16 CHAIR DANNER: Okay, at this point, I  
17 would ask PHMSA staff to take the roll.

18 MR. SATTERTHWAITE: All right, just go  
19 right down. You can just say, here, when I say  
20 your name.

21 This is Cameron Satterthwaite speaking  
22 first.

1 Ron Bradley?

2 MR. BRADLEY: Here.

3 MR. SATTERTHWAITE: Andy Drake.

4 MR. DRAKE: Here.

5 MR. SATTERTHWAITE: Richard Worsinger?

6 MR. WORSINGER: Here.

7 MR. SATTERTHWAITE: Chad Zamarin?

8 MR. ZAMARIN: I'm here.

9 MR. SATTERTHWAITE: Mary Palkovich?

10 MS. PALKOVICH: I'm here, but the mic  
11 isn't working.

12 MR. SATTERTHWAITE: We'll have to get  
13 that on.

14 David, could you turn your mic off for  
15 a second? Okay.

16 Sarah Gosman?

17 MS. GOSMAN: Here.

18 MR. SATTERTHWAITE: John Airey?

19 MR. AIREY: Here.

20 MR. SATTERTHWAITE: Mark Brownstein?

21 MR. BROWNSTEIN: Here.

22 MR. SATTERTHWAITE: Bob Hill?

1 MR. HILL: Here.

2 MR. SATTERTHWAITE: Rick Pevarski?

3 I don't think he's in.

4 David Danner?

5 CHAIR DANNER: Here.

6 MR. SATTERTHWAITE: Sara Longan?

7 MS. LONGAN: Here.

8 MR. SATTERTHWAITE: Diane Burman?

9 MS. BURMAN: Here.

10 MR. SATTERTHWAITE: All right. And I

11 know Terry Turpin is out today. So that is it.

12 CHAIR DANNER: All right. Thank you

13 very much.

14 At this point, I'm honored that PHMSA

15 Administrator Skip Elliott is here today and he

16 has a few remarks to share with us this morning.

17 So, Administrator?

18 MR. ELLIOTT: Well, good morning,

19 everyone, and I welcome you to the palatial

20 confines of DOT. So don't feel bad. It's the

21 same for us. They have to escort us to get

22 coffee as well.

1           But I'm glad you're here. It's very  
2 humbling to see a lot of familiar faces. I have  
3 been on this job about two years, and one of my  
4 very first meetings was actually the Gas and  
5 Liquid Advisory Committee.

6           So I feel very comfortable here, but  
7 I know you've got a lot of important work to do.  
8 I'm going to keep my comments brief because  
9 although I heard that John Gale says there's an  
10 early quit, I know that you've got a lot of work  
11 ahead of you.

12           So I do believe that to be effective  
13 and true to PHMSA's safety and rulemaking  
14 responsibility, this agency must be transparent  
15 and willing to listen closely to all of our  
16 stakeholders. For my first day as PHMSA  
17 Administrator back in October 2017 to today, I  
18 witnessed the undeniable value that the Gas and  
19 Liquid Pipeline Advisory Committees bring to help  
20 ensure we're fully informed and educated so that  
21 in turn we can produce rules that deliver the  
22 greatest safety benefits.

1                   You know, at the Department of  
2                   Transportation, we have about 35 federal advisory  
3                   committees, and there's about 1,000 or so  
4                   throughout government. And while I suspect there  
5                   are some other advisory committees with roles as  
6                   important, or whose recommendations and advice  
7                   are as highly regarded as this one, I think they  
8                   would be hard to find.

9                   The members of this committee have  
10                  been valued and trusted contributors to our  
11                  continued journey towards eliminating harmful  
12                  pipeline-caused impacts to both people and the  
13                  environment. But today, we convene the Gas  
14                  Pipeline Advisory Committee. We ask that you  
15                  bring your knowledge on the topic of gas  
16                  gathering lines and help us determine the policy  
17                  direction that will inform a final rule.

18                  While you've likely heard much  
19                  discussion on the administration's regulatory  
20                  reform agenda, and reducing regulatory burden in  
21                  some areas, the topic of today's meeting is  
22                  regulatory in nature. The focus is very

1 necessary and demonstrates the commitment of  
2 Secretary Chao and the administration that safety  
3 must always be our number one focus, and it  
4 certainly is at PHMSA.

5 Furthermore, it's our collective and  
6 moral obligation to address potential safety  
7 issues when we discover them. To that end, we  
8 know that advances in drilling technology and  
9 greater production have resulted in some current  
10 unregulated gathering lines with diameters and  
11 operating pressures comparable to those of  
12 cross-country transmission lines.

13 These are very different than more  
14 traditional gathering lines. And so too is the  
15 potential impact on people in the environment.  
16 The comments we receive since the NPRM on this  
17 topic was issued have also helped to inform us  
18 further on the matter. But I'm confident that  
19 based on the history of outstanding work by this  
20 committee over the last 10 years, that the strong  
21 tradition of collective and honest dialogue will  
22 continue to take us to even higher levels of

1 pipeline safety.

2 In closing, I'd like to recognize as  
3 Alan did, our two newest members to these  
4 important committees, Mary Palkovich who is  
5 joining us from Consumers Energy and -- oh, she's  
6 moved back -- but Sarah Magruder Lyle, who  
7 oversees the Common Ground Alliance. So welcome  
8 to both of you.

9 And with that. I just want to say  
10 congratulations on all the good work that you've  
11 done over the years. I'm going to be in and out  
12 today. Drue Pearce, of course, my Deputy  
13 Administrator is here and will be sitting in most  
14 of the day. But sincerely -- I mean, thank you  
15 all for the good work you do.

16 I've said it many, many times over the  
17 last two years. We work hard at PHMSA to be very  
18 transparent. But the only way we can do that is  
19 to ensure that we engage in opportunities like  
20 this and that we always make sure that we listen  
21 to our stakeholders because we can only deliver  
22 good, balanced regulations if we hear from all of

1 you.

2 At PHMSA, we don't have many federal  
3 advisory committees, the gas and pipeline  
4 committees are probably the two of greatest  
5 notice, and the ones that I think have delivered  
6 the greatest over a period of time.

7 We've just undertaken a new one that  
8 was part of the FAA reauthorization and is in the  
9 process of setting up a new federal advisory  
10 committee on lithium-ion batteries. So the folks  
11 on the HAZMAT side of the equation at PHMSA  
12 actually get some equal time. But again, I look  
13 forward to further discussions with many of you  
14 today. Again for the third time, congratulations  
15 on your good work, and I look forward to further  
16 discussions.

17 CHAIR DANNER: All right. Thank you,  
18 Administrator Elliott. So at this point, I  
19 believe we're going to begin our discussion.  
20 Excuse me?

21 Okay, Alan will talk about it, but  
22 basically, we're going to go into a discussion on

1 gathering lines, Alan?

2 MR. MAYBERRY: Just before we get  
3 started. I just wanted to, you know, just  
4 reinforce perhaps -- we haven't even said it yet,  
5 but our topic today is gas gathering pipelines --  
6 the safety of gas gathering.

7 This is the third component of what  
8 used to be one rather large rule -- the committee  
9 previously deliberated on the first two major  
10 building blocks of that rule. Today, we're  
11 talking about the last component which is gas  
12 gathering pipelines.

13 I appreciate, really, the progress  
14 that's been made to date on the prior two  
15 components. You know, largely under Chairman  
16 Danner's leadership, we made good progress.  
17 We're very pleased.

18 In fact, the reputation of this body  
19 has really been -- as Skip had mentioned, has  
20 been quite good as a very good forum to advance  
21 safety through deliberation, you know, where we  
22 should head as an agency overseeing pipeline

1 safety in our policies.

2 So we have, you know, a reputation to  
3 uphold today. And I'm sure we will make good  
4 progress. Especially as what John has indicated,  
5 if we make good progress, maybe we could get this  
6 done earlier than the day and a half we have  
7 scheduled today.

8 You know, our work is seen -- our  
9 approach to deliberations and discussions really  
10 seem to work quite well. We're looking for, you  
11 know, specific direction on where the rule would  
12 go, avoiding wordsmithing as I like to say.  
13 We're providing direction where needed.

14 You know, and direction might be  
15 needed when you're talking about specific numbers  
16 of say diameter or pressure or time frames and  
17 that sort of thing. But, you know, leave the job  
18 of writing to the PHMSA staff. In fact, I think  
19 I mentioned this last time. We actually have  
20 openings if you're interested in helping us  
21 wordsmith, we do have openings here. And, you  
22 know, what better opportunity to impact pipeline

1 safety on a national scale than helping us with  
2 the wordsmithing here?

3 But anyway, today just related to a  
4 couple of vacancies -- we have two government  
5 memberships that are vacant that we fill by state  
6 Pipeline Safety Commission employees. And those  
7 are in the process of being vetted and approved  
8 right now. So by the next time we meet, we  
9 should have those positions filled.

10 We did ask NAPSR, or the National  
11 Association of Pipeline Safety Representatives,  
12 to be present and ready to comment. And to that  
13 end, I know Mary Friend who's with the West  
14 Virginia Public Service Commission is here and  
15 can offer comments as needed as we go through  
16 each briefing. But other state pipeline safety  
17 officials, if you're present, please feel free  
18 during the public comment period to weigh in with  
19 comments you may have.

20 Speaking of schedule, our next meeting  
21 will be a joint meeting. And we expect that to  
22 be in November 14th. And then I would ask, this

1 is really -- I'd like some feedback from you. I  
2 think I know the answer to this, but if you'd  
3 like maybe more advanced scheduling, say if we  
4 could get these things on like -- and define the  
5 schedule two years in advance it might help  
6 everyone. Does that seem like a kind of an  
7 obvious thing?

8           Yeah, we'll try to do that. And then  
9 just in the spirit -- I know I was talking to  
10 Mary about this earlier. In the spirit of a good  
11 SMS and plan-do-check-act, you know, please tell  
12 us how we're doing. This is the first time we've  
13 done it here. It's the first time we've webcast  
14 this. But any suggestions you may have on how to  
15 improve it, please let us know, and we'll get  
16 better.

17           I think we've got it down to a pretty  
18 good science here with how we've kind of moved  
19 the mechanics of the meeting. I think we've hit  
20 -- we're close to the sweet spot that I think  
21 we've hit on moving policy discussions forward,  
22 but if you have any suggestions, please let us

1 know.

2 With that, I'll turn it back over to  
3 the chair who will introduce the first briefing.

4 CHAIR DANNER: All right. Thank you,  
5 Alan.

6 Well, the first briefing -- as Alan  
7 said, today we're going to talk about gathering  
8 lines. So the safety of gas transmission and  
9 gathering pipelines, and it will include a  
10 discussion of the relevant topics. And I think  
11 we're going to begin that discussion with Steve  
12 Nanney and Chris McLaren who are going to review  
13 the detailed proposal and we'll just go from  
14 there with presentation, public comment, and  
15 discussion.

16 So why don't you go ahead?

17 MR. NANNEY: Good morning. We'll be  
18 going through the slides that will be here in  
19 front of the room. And just going to slide 2 as  
20 far as the agenda.

21 Again, the items we'll be going over  
22 will be, what should pipeline safety be based

1 upon for gas gathering lines? Number two is a  
2 brief overview of the recommended gas gathering  
3 rule.

4 Number three, an overview of the gas  
5 gathering rulemaking to date, what we have done.

6 Four, the existing gas gathering  
7 regulations.

8 Five, the unregulated and regulated  
9 gas gathering mileage.

10 Six, the proposed gas gathering  
11 rulemaking. And it will be a summary, public  
12 comments, and the proposed rule.

13 As you all know, as we had planned  
14 this meeting for January -- and so just think the  
15 weather outside, it's January right now instead  
16 of June with the real hot and everything. But as  
17 far as the slides we're going through today, as  
18 you probably have noticed, we made a few changes  
19 -- not many.

20 We've updated some of the mileage  
21 numbers from 2017 to 2018. We've also -- on our  
22 proposed rule, we've added one item that I'll go

1 through that as we go through the slides. But  
2 all in all, the slides are probably about 98  
3 percent the same slides as what we had in  
4 January. Just to give you an idea of what we've  
5 got, we've made minor changes. I don't think  
6 major.

7 So going to slide number 3. Again,  
8 it's what should pipeline safety be based upon  
9 for gas gathering pipelines? And the base  
10 considerations for any new gas gathering  
11 regulations, which as you see here are similar to  
12 what we look at for transmission and distribution  
13 pipelines.

14 Where's the location? Are there  
15 buildings for human occupancy near the pipeline?  
16 What is the diameter? What is the operating  
17 pressure? What should we require, and what are  
18 the operations and maintenance standards? What  
19 should be the design materials used? And then  
20 also incident prevention, or what are we going to  
21 do there for incident prevention?

22 And then lastly, on the slide is,

1 should the safety of gas gathering lines be  
2 different from gas transmission or gas  
3 distribution lines?

4           Going to slide number 4. As far as  
5 what are the incident causes that we consider?  
6 Because if you looked on the slide, I hope you  
7 can see it. I sometimes have a little problem  
8 seeing them.

9           Corrosion is 63 percent.  
10 Material/weld/equipment failure is 17 percent,  
11 and all other causes 8 percent.

12           And you can see by the pie chart we've  
13 got there what we're seeing as far as regulated  
14 gas gathering lines, which is about 17,000 miles  
15 as we go through the slides you'll see that.

16           Going to slide number 5. How do the  
17 proposed rules impact human safety? More pipe is  
18 proposed to be regulated based upon diameter,  
19 pressure, and location in the following areas as  
20 far as design, installation, construction,  
21 inspection, and testing, corrosion control,  
22 damage prevention, public awareness, establishing

1 an MAOP, maximum allowable operating pressure,  
2 installation of line markers, leakage surveys and  
3 repairs, and also having in place procedures with  
4 emergency plans and implementation of those  
5 plans.

6 Slide number 6. Again, what does the  
7 committee's -- what does PHMSA suggest that the  
8 committee consider? And if you look here on this  
9 slide, in red is a -- on the feature-type, again  
10 for a Type A, Area 1, and then we've got a Type  
11 A, Area 2.

12 And in Type A, Area 2, we are adding  
13 -- or if the stress level is unknown or if the  
14 MAOP is greater than 125 pounds. And then we're  
15 on the area. We're adding an Area 2. And that's  
16 a Class 1 location with a diameter of greater  
17 than 12.75 inches up through and including 16  
18 inches, with at least one building for human  
19 occupancy or other impacted sites in the PIR.  
20 And then all segments with a diameter of greater  
21 than 16 inches.

22 So again, we're looking at one, a

1 greater than 12.75 inches up through 16 inches.  
2 And for those, if there's another impacted site  
3 in the PIR, and then all segments with a diameter  
4 greater than 16 inches. In other words, an 18  
5 inch, 20, 22, 24 on up in diameter.

6 The item that I would like to just --  
7 that we did add is other impacted site, and you  
8 can see it's in blue up there.

9 I'd like to show a slide, and it's  
10 slide 124 in your packet -- if we could go to  
11 that slide. And I'll give you a second to look at  
12 it before -- again, it's what would be an other  
13 impacted site?

14 Well, it'd be a small, well-defined  
15 outside area such as a playground, a recreational  
16 area, an outdoor theater, or other place of  
17 public assembly that is occupied by 20 or more  
18 persons on at least five days a week for 10 weeks  
19 in any 12-month period.

20 And also, if there's -- if it crosses  
21 a freeway, an interstate, or other principal  
22 four-lane-type roadway. So that's what we're

1 considering as far as an other impacted site.

2 Give me one second.

3 Okay, going back to the slide 6.

4 Okay, if you look here, there's another slide  
5 that we've got if you would go back to the chart.

6 Yes, it's on the sides, but not the big one.

7 As far as what is an other impacted  
8 site? What we're showing there would be if you  
9 look is -- if you go to 192.5, it has the  
10 definition of based upon within 300 feet of the  
11 pipeline. And what we're basically adding would  
12 be for pipelines, if you had a like a 16-inch  
13 diameter, 600-pound pipeline the PIR of it, if  
14 you look in the bottom left-hand corner there,  
15 would be 289 feet.

16 But if you had a 16-inch 1,000-pound  
17 pressure pipeline, the potential impact radius  
18 would be 369 feet. So what we're trying to do is  
19 to ensure that if we got an outdoor area that has  
20 a lot of people that congregate there, whether  
21 it's a playground or a facility such as that, and  
22 it is a 16- or 14-inch pipeline that's operating

1 at a higher pressure, that that would be covered  
2 as part of your impacted site. So we don't think  
3 it'll be very much mileage or very many  
4 pipelines, but we know it'll be some.

5 Going back into the original slide  
6 that was started out, slide 6. Again, that's  
7 what we've added as far as in the area.

8 Now going to slide 7, what else does  
9 PHMSA suggest that the committee consider? Again  
10 we suggest that we issue the following minimum  
11 safety standards for regulated gas gathering  
12 pipelines as PHMSA had proposed in the notice.  
13 In other words, number one, design, installation,  
14 construction, and initial inspection and testing  
15 for new or replaced gas gathering lines, number  
16 two, corrosion control per subpart I, whether  
17 it's metallic or composite with metal lines only.

18 Three, the code has added plastic pipe  
19 requirements here in the past six months, and it  
20 is in 192.9(d)(3). So we've added it in blue on  
21 the slide.

22 Number four would be damage

1 prevention.

2           Going to slide 8, we would have a  
3 public awareness for education, establishing your  
4 MAOP based upon a five-year high operating  
5 pressure of the line would be allowed. You would  
6 have to install line markers, conduct leakage  
7 surveys and repairs. And for newly regulated gas  
8 gathering lines only, of course, you'd have to  
9 develop procedures, training, notifications,  
10 emergency plans, and implement them as described  
11 in a 192.615.

12           Now, going to slide 9. And these  
13 first eight slides again were just giving you a  
14 preview as we go through what we've done in the  
15 past as far as proposed rulemaking, and what  
16 based upon as time has gone on is what we're  
17 proposing in the first eight slides that we've  
18 just gone through. But we will be going through  
19 now how we got there.

20           So number one is an overview of gas  
21 gathering lines rulemaking to date. Number one,  
22 here, is on August the 25th, 2011. PHMSA issued

1 the Advanced Notice of Proposed Rulemaking  
2 soliciting comments with respect to improving the  
3 regulation of onshore gas gathering lines.

4 Number two, in January of 2012, the  
5 Pipeline Act of 2011, Section 21, mandated that  
6 PHMSA review existing gathering line regulations  
7 and report to Congress on the sufficiency of the  
8 existing federal and state laws, and the need to  
9 modify or revoke existing exemptions from the  
10 federal regulations for gas gathering lines.

11 Going to slide 10. And then in March  
12 of 2012, the Government Accounting Office issued  
13 a recommendation for PHMSA to collect data on  
14 federally unregulated hazardous liquid and gas  
15 gathering pipelines.

16 And then number 4, here, in August of  
17 2014, the GAO issued a recommendation for PHMSA  
18 to move forward with an NPRM to address gas  
19 gathering pipeline safety that addresses the risk  
20 of larger-diameter, higher-pressure gathering  
21 pipelines, including subjecting such pipelines to  
22 emergency response planning requirements that

1 currently do not apply.

2 And PHMSA believes -- that's what  
3 we're addressing, is the risk for  
4 larger-diameter, high-pressure gathering  
5 pipelines.

6 Going to slide 11, on April the 6th,  
7 2016, PHMSA issued the Notice of Proposed  
8 Rulemaking that we're discussing today. And we  
9 were responding to comments received based upon  
10 the Advanced Notice of Proposed Rulemaking. And  
11 we included the proposed rulemaking for gas  
12 gathering lines.

13 And in addition, we have the GAO  
14 reclamation -- recommendation that the Notice of  
15 Proposed Rulemaking discussed the basis for  
16 changes to gas gathering line regulations.

17 Going to slide 12. In the Notice of  
18 Proposed Rulemaking, the use of API RP 11 for  
19 defining what constitutes onshore gas gathering  
20 lines -- it lacks clarity, and as a result, is  
21 not consistently applied, especially with respect  
22 to incidental gathering line designation.

1           Also, the expanded development in  
2 areas, like the gathering of shale gas has  
3 resulted in the use of much higher pressures and  
4 larger diameter gathering lines.

5           And lastly, unregulated  
6 large-diameter, high-pressure lines exist in  
7 Class 1 locations, and in some Class 2 locations  
8 and may present undue risk. And I think --  
9 again, going back to larger-diameter,  
10 higher-pressure pipelines is what we're focusing  
11 on.

12           Slide 13. As far as the extent of the  
13 regulated onshore gas gathering lines today,  
14 under 192.8, our 2018 Annual Report showed that  
15 interstate, there were 374 miles, intrastate  
16 11,287, for a total of 11,661 miles. And that's  
17 onshore regulated gas gathering.

18           There's approximately 6,000 more  
19 offshore per mile. And again, only regulated gas  
20 gathering lines must comply with the reporting  
21 requirements of FAR 191.

22           All right. Going to slide 14. And,

1 again, slide 14 is just to give an overview, and  
2 this is through 2018. Our current estimate is  
3 that there's approximately 426,000 miles of gas  
4 gathering pipelines. And as far as the gas  
5 gathering Type A, Area 2 pipelines, a greater  
6 than or equal to eight-inch diameter.

7 And you can see down here eight-inches  
8 to less than 12-inches. There's about 46,000  
9 miles. A 12-inch, there's approximately a 20,000  
10 or 19,665 miles. And based upon what we're  
11 proposing for the committee to consider is  
12 greater than a 12-inch up through 16-inch --  
13 there's 12,604 miles, and then greater than  
14 16-inch, there's 12,500 miles.

15 So in this category of eight-inch --  
16 and when I say eight-inch or 8.625, I'm meaning  
17 the same thing on that -- from eight-inch up  
18 through your higher diameters, there's  
19 approximately 90,863 miles of gas gathering  
20 pipelines. As far as greater than the 12.75  
21 diameter gas gathering lines, PHMSA believes  
22 there's approximately 25,000 miles of these

1 pipelines.

2           Going to slide 15. And this just  
3 gives you a different type of breakdown of the  
4 mileage that we actually regulate today. Of that  
5 mileage, you can see PHMSA regulates onshore Type  
6 A, onshore Type B, and offshore lines. And it's  
7 Class 2, 3, and 4, onshore that we regulate.

8           And you can see the onshore Type A is  
9 about 8,300 miles of pipe, the onshore Type B is  
10 about 3,300 miles of pipe, and offshore about  
11 6,200 miles of pipe, for a total of 17,845 miles  
12 is what's regulated based upon the 2018 annual  
13 reports of what we've actually gotten from  
14 operators.

15           Going to slide 16. Again, this just  
16 gives you a different breakdown if we were  
17 looking at the 12.75 inches or less in diameter,  
18 or greater than 12.75 inches of pipeline, how  
19 much there would be. And you can see, for the  
20 onshore Type A, it's about 8,300 miles. For the  
21 onshore Type B, it's about 3,400 miles. And  
22 again, the offshore is about 6,200. And the

1 total mileage is 17,845 for all three of those  
2 categories.

3 But with the 12 inches or less, you  
4 can see we've got about 11,810 miles of it.  
5 Greater than 12.75, it's about 6,000 miles.

6 Now, going to slide 17. Again, what  
7 is in the existing regulation? This is from  
8 192.8, and we're showing you just to give you an  
9 idea of what's in the regulation now for Type A,  
10 Type B, and also for the area.

11 Again, for Type A lines, which are  
12 greater than equal to 20 percent of SMYS. We're  
13 regulating in the area of Class 2, 3, and 4  
14 locations. For Type B lines, which are less than  
15 20 percent of SMYS, we're regulating in Area 1,  
16 Class 3 and 4 lines.

17 In Area 2, it's an area within a Class  
18 2 location that the operator determines by using  
19 any of three methods given in the current  
20 regulation. I did not plan to go through that  
21 today, but this gives you a snapshot of what is  
22 in the code today.

1           Going to slide 18. Again, the  
2 existing gas gathering regulations are the  
3 current safety regulations for Type A regulated  
4 onshore gas gathering, which is one 192.9(c).  
5 Type A lines which are a metallic equal to or  
6 greater than 20 percent of specified minimum  
7 yield strength, or nonmetallic, greater than a  
8 125 pounds per square inch gauge must meet the  
9 safety requirements of 192 applicable to  
10 transmission lines, except for a couple of  
11 things.

12           One would be the requirements in  
13 192.150 for inline inspection. Number two would  
14 be subpart O for integrity management. And three  
15 would be a Type A lines and Class 2 locations --  
16 may demonstrate subpart N, in other words, OQ for  
17 personnel compliance, using alternative process  
18 descriptions.

19           Now going to slide 19. Again, as far  
20 as -- this is still continuing existing  
21 regulations. The current requirements for Type B  
22 regulated onshore gas gathering -- again, this is

1 in 192.9(d).

2 Type B lines, again, would be less  
3 than 20 percent SMYS metallic lines. Or if it's  
4 nonmetallic, such as a plastic line, of course,  
5 would be less than or equal to 125 pounds per  
6 square inch gauge. And they must meet a smaller  
7 subset of part 192.

8 And number one under that would be if  
9 it's a new, replaced, relocated, or otherwise  
10 changed it must meet the design, installation,  
11 construction, initial inspection, and the initial  
12 testing requirements applicable to transmission  
13 lines.

14 Number two, if the pipeline is  
15 metallic, it must have corrosion control in  
16 accordance with subpart I of part 192.

17 And three, if the pipeline contains  
18 plastic pipe or components, the operator must  
19 comply with the applicable requirements of this  
20 part for plastic pipe components.

21 Going to slide number 20. And this is  
22 just a continuation of the past slide. Four,

1 it's got to have a damage prevention program  
2 under 192.614. Must have a public education  
3 program under 192.616. You must establish the  
4 MAOP of the line under 192.619, and you must  
5 install and conduct and maintain line markers in  
6 accordance with 192.707. And also you must  
7 conduct leakage surveys in accordance with  
8 192.706 using leakage detection equipment.

9 And also you must, of course, repair  
10 hazardous leaks in accordance with 192.703(c).

11 And in part -- and number 3 of this was added --  
12 again, as I said earlier, in the 2018 plastic  
13 pipe rule.

14 All right. Going to slide 21. And  
15 this is just going through -- we've gone through  
16 the proposed gas gathering rulemaking and some of  
17 the comments. The rest of the meeting and the  
18 rest of the slide presentation will discuss  
19 comments received from the notice. We will look  
20 at general comments, reporting for part 191,  
21 definitions related to gas gathering in 192.3,  
22 the safety requirements for newly regulated gas

1 gathering lines in 192.9 and 192.619. And then  
2 lastly, the scope of the newly regulated gas  
3 gathering lines in 192.8.

4           Going to slide 22. Again, this is the  
5 summary of the proposed gas gathering rulemaking.  
6 And again, the sections we'll be talking about  
7 will be one 191.1(a), 191.23, 191.25, 191.29,  
8 192.3, 192.8, 192.9, and 192.619.

9           And again, the issue that we will be  
10 discussing is again that historically gas  
11 gathering lines tended to be small-diameter,  
12 lower-pressure systems sourced from conventional  
13 wells. And normally they had a shorter lifespan.

14           Now with drilling technology, gas  
15 production is greatly increased, and the  
16 unregulated gathering lines from productive  
17 fields can have operating characteristics,  
18 diameter and operating pressures, and hazards  
19 similar to cross-country transmission lines.

20           And there are unregulated higher  
21 stress lines existing in Class 1 locations that  
22 may present an undue risk to the public.

1                   Now, going to slide 23. Again, the  
2 Pipeline Safety Act of 2011, section 21, mandated  
3 that PHMSA review the existing gas gathering line  
4 regulations and report to Congress on the  
5 sufficiency of the existing federal and state  
6 laws, and also the impact, technical  
7 practicability, and challenges of applying the  
8 existing federal regulations to gathering lines  
9 that are not currently subject to federal  
10 regulations. And also the need to modify or  
11 revoke exist existing exemptions from federal  
12 regulation for gathering lines.

13                   Going to slide 24. In addition, the  
14 U.S. Senate Committee on Commerce, Science, and  
15 Transportation, and the GAO reviewed gathering  
16 pipeline safety and recommended that PHMSA  
17 collect data on federally unregulated hazardous  
18 liquid and gas gathering pipelines.

19                   And of course, here today, we're  
20 discussing the gas gathering pipelines in part  
21 192.

22                   And also PHMSA determined that

1 additional data and regulation of the currently  
2 unregulated gas gathering lines are needed to  
3 fulfill our statutory obligations.

4 Going to slide 25. In the proposed  
5 rule, PHMSA proposed, one, to subject all gas  
6 gathering line operators to report incidents and  
7 annual pipeline data.

8 Also, the proposed regulation would  
9 repeal the use of API RP 80 for determining  
10 gathering lines and add a new definition for  
11 production facility or production operation, gas  
12 treatment facility, and gas processing plant, and  
13 a revised definition for gathering line.

14 Also in the proposed rule was to  
15 extend the regulatory safety requirements to Type  
16 A lines in Class 1 locations with a diameter of  
17 8.625 inches or greater. And the basis was,  
18 again, the review conducted in accordance with  
19 section 11 of the act or the 2011 Act.

20 Now, going to slide 26. In part  
21 191.1(a), there were some specific revisions that  
22 PHMSA had proposed for gas gathering lines. Part

1 191.1(a), number one was to revise the scope of  
2 191 to apply to all gas gathering lines. And  
3 require the gathering lines, one, to obtain an  
4 operator identification number. Number two is to  
5 report incidents. And number three is to submit  
6 annual reports.

7 Slide 27, some other proposed  
8 revisions to gas gathering lines in 192.3, and  
9 192.8(a) was to repeal the use of API RP 80 for  
10 determining gathering lines and add/revised  
11 definitions for gathering lines, gas processing  
12 plants, gas treatment facilities, onshore  
13 production facilities, or onshore production  
14 operations.

15 Slide 28. Specific revisions that  
16 PHMSA had proposed for gas gathering in 192.8(c),  
17 was to define a new category of regulated gas  
18 gathering Type A, Area 2, meeting all of the  
19 following, one, metallic with MAOP equal to or  
20 greater than 20 percent of SMYS, or nonmetallic  
21 with an MAOP with a pressure greater than a 125  
22 pounds per square inch, and also a Class 1

1 location, and a diameter greater than or equal to  
2 8.625 inches or eight-inch nominal diameter  
3 piping.

4 And then 192.8(b), operators would  
5 have six months from the effective date of the  
6 rule to determine their applicability under  
7 192.8(c).

8 All right. Going to slide 29. To  
9 give you a snapshot of what the proposed rule --  
10 not today what we're proposing, but originally in  
11 2016 when it came out would be -- the area in red  
12 would be how all the language I'll go through in  
13 the slides would put it -- would be a new Area 2,  
14 well a Class 1 location with a diameter greater  
15 than or equal to 8.625 inches.

16 Going to slide 30. Specific revisions  
17 that PHMSA proposed to 192.9 would be again a  
18 Type A, Area 2, gathering lines would be subject  
19 to the following part 192 requirements -- again,  
20 as I've repeated earlier is, of course, they'd  
21 have to do the initial inspection and testing  
22 requirements for new and replaced lines. They'd

1 have to have corrosion control to meet subpart I  
2 for metallic lines. They'd have to have a damage  
3 prevention program to meet 192.614. They would  
4 need a public awareness education program to meet  
5 192.616.

6 And also, they would need to establish  
7 a maximum allowable operating pressure to meet  
8 192.619. They would need to establish line  
9 markers to meet 192.707, and leakage surveys to  
10 meet one 192.706.

11 And again, some of these are the same  
12 as the existing requirements in Type B that we've  
13 got asterisked here.

14 Going to slide 31. And this is just  
15 continuing. They need to have procedures,  
16 training, notifications, and emergency plans.  
17 And then the regulated onshore gathering lines  
18 would have two years to comply with 192.9(e), and  
19 if there were future class changes that resulted  
20 in a line becoming regulated as a gas gathering  
21 line, operators would have a one year for Type A,  
22 Area 2, and Type B lines, or two years if it was

1 a Type A, Area A, to comply with one 192.9(f).

2 slide 32, please. Again, in the  
3 proposed gas gathering regulations under 192.619,  
4 some of the changes were proposed to the MAOP  
5 regulations to allow newly regulated onshore gas  
6 gathering lines to establish MAOP based on  
7 previous operating pressure. In other words, a  
8 grandfather-type pressure.

9 Also, other conforming changes that  
10 were included in the Notice of Proposed  
11 Rulemaking was in 192.13, the effective date of  
12 the newly regulated gas gathering lines, and  
13 192.452(b), the effective date for class changes,  
14 and then the third bullet here is the effective  
15 date for the MAOP determination in 192.619(a)(3).

16 Again, lastly, the minimum safety  
17 standards for currently regulated gathering lines  
18 would not change.

19 Going to slide 33, we'll go over a  
20 summary of the general comments received from  
21 this notice. And I want to turn from here and  
22 let Chris McLaren go through the next several

1 slides.

2 MR. MCLAREN: Thank you, Steve. The  
3 next 40 or so slides cover the overview of the  
4 NPRM comments. To that original 2016 rulemaking,  
5 as Steve went through the original proposals, we  
6 received approximately 200 comments on the gas  
7 gathering portion of the rule from a diverse  
8 group of stakeholders.

9 Those included numerous industry and  
10 operator stakeholders, also industry service  
11 providers from a good cross-section of all the  
12 different services that are provided to industry.  
13 The industry trade groups as shown here, and on  
14 the next, slide, 35, we also received comments  
15 from government entities, NAPSR and other groups.  
16 And multiple public advocacy groups.

17 So in total on the gas rule we  
18 received approximately 418 comments or groups,  
19 and as shown on the previous slide, there were  
20 200 approximately on the gas gathering piece.

21 Okay?

22 Slide 36. So we'll start with those

1 comments and then take a break around slide 58.  
2 First public comment was PHMSA should complete  
3 the study required by Section 21 of the Pipeline  
4 Safety Regulatory Certainly and Job Creation Act  
5 of 2011 before proposing regulations effecting  
6 gas gathering. PHMSA did complete that study and  
7 submitted it to Congress in 2015 prior to issuing  
8 the NPRM that proposed these new rules effecting  
9 gas gathering lines in 2016. And there is the  
10 link shown to that report to Congress.

11 Slide 37. Other public comments,  
12 Accufacts stated that it's important that gas  
13 gathering pipelines be prudently captured under  
14 the pipeline Safety Regulations efforts. Many  
15 gathering lines are as large or larger than  
16 transmission pipelines, and operate at similar  
17 high stress levels. It's time for gathering  
18 pipelines to fall under pipeline safety  
19 regulation reporting to PHMSA given that many can  
20 produce the same serious rupture consequences as  
21 their transmission pipeline counterparts.

22 Slide 38. The Environmental Defense

1 Fund stated that development of new high-pressure  
2 large-diameter gathering lines necessitates  
3 additional regulatory oversight, and the proposed  
4 regulations represent progress towards that end.  
5 Expansion of regulations to a subset of gas  
6 gathering line is a positive step towards  
7 reducing risk to public safety and the  
8 environment. The benefits associated with  
9 critical construction and risk management  
10 standards would be magnified if applied to all of  
11 the over half million miles of onshore gathering  
12 lines anticipated by 2035.

13 Slide 39. Industry groups commented  
14 that no change to gathering line regulations is  
15 needed asserting that the absence of demonstrated  
16 risk and that there is insufficient basis to  
17 expand requirements for previously unregulated  
18 gas gathering lines.

19 PHMSA's response is that recent  
20 developments in the field of gas exploration and  
21 production such as shale gas indicate that  
22 existing scope of regulating gas gathering lines

1 needs to be expanded. Higher operating pressures  
2 in larger diameter pipelines represents increased  
3 risk which is for these gathering pipelines  
4 comparable to transmission pipelines.

5 Slide 40. Some industry commenters  
6 suggested that PHMSA create a new subpart for  
7 gathering. They asserted that such an approach  
8 would provide clarity to the public and operators  
9 on the provisions applicable to gathering as well  
10 as eliminating or at least reducing the  
11 likelihood of unintended consequences from future  
12 changes to the regulations.

13 PHMSA stated that creating a new  
14 subpart is outside the scope of this NPRM and we  
15 are proceeding with the gas gathering rulemaking  
16 separately from transmission piping rulemaking in  
17 order to more clearly distinguish between the two  
18 scopes of the rulemakings. Therefore, RIN-1 and  
19 RIN-2 cover the transmission piece from the  
20 mandates and the other regulations, and RIN-3,  
21 this one, covers gas gathering.

22 Slide 41. Some industry groups

1 suggested that the additional data should be  
2 obtained before establishing new regulations for  
3 gas gathering lines. And PHMSA's response is  
4 that the GAO recommended that PHMSA collect data  
5 on gathering lines comparable to the data  
6 collection for transmission line.

7 PHMSA proposed to do so for all  
8 gathering lines to better inform future oversight  
9 and that existing information leads PHMSA to  
10 conclude that certain large, high-pressure  
11 gathering lines should be regulated.

12 Slide 42. Other public comments from  
13 the Pipeline Safety Trust which submitted a  
14 letter on December 18th, 2018 making the  
15 following points: That from an incident near  
16 Midland, Texas a three-year old child was a  
17 fatality as a result of the incident involving  
18 the rupture of a 10 inch gathering line. And  
19 while the exact cause was unknown at the time of  
20 this slide deck development, it was clear that  
21 the 10-inch pipeline about 20 feet from the home  
22 posed a risk. The commonsense rule that PHMSA

1 has included in their proposal like corrosion  
2 control, damage prevention, public awareness and  
3 leak surveys may prevent another tragedy.

4 Slide 43. PST included to ask PHMSA  
5 to require these current unregulated lines to  
6 start doing the following. If the line is new,  
7 replaced, relocated or otherwise changed, the  
8 design, installation, construction, inspection  
9 and testing for what should be similar to Part  
10 192 for gas transmission pipelines. If the  
11 pipeline is metallic, corrosion control according  
12 to the requirements of Subpart I for part 192  
13 should be implemented similar to transmission  
14 pipeline requirements.

15 Carry out a damage prevention program,  
16 per 192.614. Establish a public education  
17 program under 192.616. And establish the MAOP of  
18 the pipeline under 192.619.

19 Slide 44. PST also asked PHMSA to  
20 require these currently unregulated lines to  
21 start doing the following: Install and maintain  
22 line marking according to the requirements for

1 transmission pipelines in 192.707. Conduct  
2 leakage surveys in accordance with 192.706 using  
3 leak detection equipment and promptly repair  
4 hazardous leaks that are discovered in accordance  
5 with 192.703(c). And for Type A, Area 2  
6 regulated onshore gathering lines only, develop  
7 procedures, training, notification and emergency  
8 plans and implement these per 192.615.

9 Slide 45. Continuing with the PST  
10 comments. In the proposed rule for the safety of  
11 gas gathering lines, PHMSA proposed to do three  
12 things: Change the definition to make it clear  
13 where gathering lines start and stop, extend some  
14 of the safety regulations to rural gathering  
15 lines eight inches or larger, and require  
16 operators to submit reports so government  
17 officials will know where and how many miles of  
18 gathering lines of various size and materials  
19 exist, how many reportable incidents they have,  
20 and how often other safety related issues are  
21 occurring on these pipelines. The Pipeline  
22 Safety Trust supports all three of these needed

1 rule improvements.

2 Slide 46. Other public comments  
3 included to increase the clarity in beginning and  
4 end points of gathering lines. That ambiguity in  
5 the beginning and end points determination allows  
6 operator to gain the system in their benefit  
7 while disregarding safety.

8 The application of requirements to 16  
9 inch and larger diameter gathering pipelines  
10 ignores tragedies on smaller diameter pipelines.  
11 And that unacceptable risk is this for eight inch  
12 pipelines as there are many instances where these  
13 pipelines are placed within 100 feet of homes.

14 Slide 47. Continuing the public  
15 comments. Limiting the regulations to pipelines  
16 larger than 16 inch will encourage the use of  
17 smaller pipelines at higher pressures, thereby  
18 increasing the risk in rural areas.

19 Also in a 2010 resolution, NAPSR asked  
20 for all gathering lines in Class 1 areas to be  
21 regulated with more stringent requirements than  
22 what PHMSA has proposed. And that the use of a

1 potential impact radius or a potential impact  
2 circle analysis would be a reasonable risk-based  
3 compromise.

4 Slide 48. One industry association  
5 asserted that gathering lines are production  
6 lines, and therefore, challenged PHMSA's  
7 statutory authority to regulate gathering lines.

8 Slide 49. And PHMSA's comment is that  
9 Pipeline Safety Act vests PHMSA with clear  
10 statutory authority to define and regulate  
11 natural gas gathering pipelines in the U.S. Code  
12 60101(b). PHMSA codified this authority in 192.9  
13 which prescribes the requirements for regulated  
14 gas gathering lines.

15 To determine if a pipeline is  
16 regulated onshore gas gathering -- is a regulated  
17 onshore gas gathering pipeline, 192.8 directs  
18 Operators to follow API RP80 which is IBR'd in  
19 the IBR section. API RP80 identifies the  
20 demarcation between the endpoints of a production  
21 operation and the beginning of an onshore gas  
22 gathering operation. API RP80 separately defines

1 gathering line and production operation such that  
2 they are distinct and mutually exclusive terms  
3 with the former being involved in the  
4 transportation of gas by pipeline.

5 slide 50. One comment was that the  
6 benefit/cost analysis for implementing the  
7 requirements proposed for gas gathering lines is  
8 inaccurate. PHMSA's response is that we will  
9 revise the benefit/cost analysis based upon  
10 changes to the final rule including the impact of  
11 any definitional change and account for these  
12 changes in the benefit and cost analysis of that  
13 final rule.

14 slide 51. Continuing with the public  
15 comments, a public official and operator both  
16 observed that the rule proposes expanded record  
17 retention requirements that go beyond current  
18 requirements. These record requirements are very  
19 costly with little benefit.

20 PHMSA's response is that most of the  
21 proposed retention requirements were intended to  
22 apply to gas transmissions segments only. Only

1 those records requirements explicitly evoked in  
2 192.9 would apply to gas gathering lines. PHMSA  
3 is splitting the proposed rule into three rules,  
4 one of which will specifically apply only to  
5 gathering lines to more clearly delineate the  
6 applicability of the new requirements to  
7 gathering lines.

8 Number 52. Industry commenters  
9 requested that the rule language should be modify  
10 to clarify that distribution lines are not  
11 included in the scope of the requirements  
12 wherever applicable. Similarly, not all  
13 requirements will apply to gathering lines. The  
14 rule language should be clear on what  
15 requirements apply to each group. The  
16 retroactive application of any transmission  
17 requirements to gathering lines, for example,  
18 management of change should be clarified as well.

19 Continued on slide 53. PHMSA's  
20 response is that the applicability and scope of  
21 each proposed regulation of gas transmission  
22 pipelines was addressed in previous GPAC meetings

1 on these topics. PHMSA's proceeding with a gas  
2 transmission and gas transmission rulemaking  
3 separately to clarify the regulatory language and  
4 to clearly specify applicability and scope of the  
5 new requirements.

6 Slide 54. With regards to new and  
7 replaced plastic pipelines, the public comments  
8 included clarify the intent for record keeping  
9 with respect to -- what? Okay. With respect to  
10 plastic pipelines. That these requirements  
11 should not be retroactive for qualification of  
12 plastic pipe joiners, only qualifications at the  
13 time the joints were made, to clarify that some  
14 design records for plastic pipe should not be  
15 applicable. And some commenters feel the  
16 qualifications records requirements are  
17 unnecessary. However, some commenters feel the  
18 same or similar records should be required for  
19 plastic as are required for steel pipe.

20 PHMSA's response is that the records  
21 requirements will not be retroactive for existing  
22 gathering lines. These proposed new records

1 requirements were intended to apply to  
2 transmission pipelines only and this will be  
3 clarified in the final rule. Note that in the  
4 plastic pipe rule which became effective earlier  
5 this year that there is the requirement in  
6 192.9(d) as Steve previously discussed on plastic  
7 pipes requirements and what they must meet.

8 Slide 55. Continuing on plastic pipe,  
9 public comment was the Plastic Pipe Institute  
10 commented that the RIA or cost/benefit analysis  
11 does not adequately address impacts to  
12 non-metallic pipe because the proposed rule would  
13 regulate Type A, Area 2, Class 1 for non-metallic  
14 materials.

15 PHMSA's response is that we will add  
16 a notification process with PHMSA review and a  
17 no-objection process to allow for the use of  
18 non-approved materials such as composite pipe.

19 Slide 56. On composite pipe, some  
20 industry commenters stated that the rule should  
21 not restrict the use of composite, schooled or  
22 jointed, pipe for gathering lines. However,

1 other commenters strongly encouraged regulating  
2 composite pipe for gathering lines citing fear of  
3 unregulated use or poor workmanship of composite  
4 pipe in rural areas.

5 PHMSA's response is that we are aware  
6 that composite pipes have been used for some gas  
7 gathering pipelines. We will consider adding a  
8 notification section for composite pipe. PHMSA  
9 will consider conducting future reviews of the  
10 standards associated with manufacturing,  
11 constructing and maintaining such lines and  
12 evaluate what will be needed in the code to  
13 address gaps in Part 192 related to the use of  
14 composite pipe.

15 Fifty-seven. On Zap-loc connections,  
16 public commenters for multiple individuals in  
17 safety groups strongly encourage regulated  
18 pipelines for gathering lines using Zap-Loc  
19 connections citing fear of unregulated use and  
20 poor workmanship in rural areas.

21 PHMSA is aware that Zap-Loc connection  
22 have been used on some gas gathering lines.

1 PHMSA will consider adding a notification section  
2 for Zap-Loc connections. PHMSA will consider  
3 conducting future reviews of the standards  
4 associated with the manufacturing, construction  
5 and maintaining of such lines using Zap-Loc, and  
6 evaluate what might be needed in the code to  
7 address gaps in part 192 related to Zap-Loc  
8 connections.

9 Slide 58. I think we're going to take  
10 a break here, I turn it back over to John Gale.

11 MR. GALE: Chairman Danner.

12 MR. MCLAREN: Chairman Danner.

13 MR. DANNER: All right. And I'm going  
14 to turn it over to Alan. I think there's a few  
15 more housekeeping items before we take a break.

16 MR. MAYBERRY: And I'll turn it over  
17 to John for some --

18 MR. GALE: Sure.

19 MR. MAYBERRY: -- a couple quick  
20 housekeeping items.

21 MR. GALE: Thank you, boss. As Bobby  
22 or Taylor, could you pull up slide 21 for me I'd

1 appreciate it. Chris and Steve, thank you very  
2 much. Obviously members, we just went through a  
3 background section of the rulemaking and the  
4 history of that rule. One more, guys. So what  
5 we're going to get to next after the break is  
6 going to be the meat of the meeting.

7 You've seen -- we're basically going  
8 to -- looking at agenda item there three, four,  
9 five and six. This is how we're recommending the  
10 committee look at the rule and kind of a vote  
11 structure so to speak.

12 So we're going to -- when we get back  
13 we're going to discuss reporting. We're going to  
14 get into our reporting proposal and our  
15 recommendation which is the annual and incident  
16 requirements that we're proposing for all  
17 gathering, not just the regulated gathering,  
18 which will cover all 400,000 miles of pipe. We  
19 will have a discussion of that proposal, our  
20 recommendation, and then we're recommending the  
21 committee move forward to a vote on that if it  
22 deems it appropriate.

1                   We will then move on to definitions.  
2                   We go over our proposal. Get into a little bit  
3                   more of the comment discussion. Get into our  
4                   recommendation. And then again have public  
5                   comment and then committee discussion, and move  
6                   forward with a vote.

7                   We follow forward with that same kind  
8                   of format into the safety requirements, in other  
9                   words basically the Type B requirements that we  
10                  discussed earlier, plus the emergency response  
11                  requirements. And then the real meat to this  
12                  proposal which is the scope of the newly  
13                  regulated lines following, you know, we, again,  
14                  have a discussion of it, public comment,  
15                  committee discussion, and then move forward with  
16                  the recommended vote or multiple votes there to.

17                  So that's basically going to be the  
18                  format here on out for the meeting, and we're  
19                  hopeful to, you know, keep us moving forward.  
20                  Just also a couple other housekeeping things.  
21                  Chairman Danner, what time do you anticipate us  
22                  coming back from break?

1                   MR. DANNER: Well, according to my  
2 watch it's 12 minutes to -- I would say 12  
3 minutes.

4                   MR. GALE: Okay. Well, I was going to  
5 talk security but I guess we won't talk about  
6 that as I'm walking to get coffee. So just  
7 regarding security, if you do need to leave the  
8 area to go either to the cafeteria or go outside  
9 the building, you will need an escort. Also,  
10 just to remind folks that are online that at  
11 10:30 you're going to have to click to a new --  
12 the webcast link, the 10:30 to 12:30 segment. So  
13 make sure when we do that we'll maybe pause for a  
14 second and let folks kind of transfer to that new  
15 webcast link.

16                   And also since we have some empty  
17 seats, we have about 15 empty seats and only  
18 about 14 folks in the overflow room, we're going  
19 to invite our overflow guests over to this main  
20 room. So for those in the media center, you may  
21 want to put something on your chair to make sure  
22 they know it's occupied, otherwise you might have

1 a poacher on your hands. So with that being  
2 said, Chairman Danner, I'm done.

3 MR. DANNER: All right. We'll take a  
4 break for about 10 minutes and come back and  
5 we'll start again.

6 (Whereupon, the above-entitled matter  
7 went off the record at 9:50 a.m. and resumed at  
8 10:06 a.m.)

9 MR. DANNER: All right, we're back on  
10 the record. Before we get started on reporting  
11 requirements, I'd like to turn it back over to  
12 Alan for some clarification.

13 MR. MAYBERRY: Thanks, Chairman. You  
14 know, the format for you members that you see us  
15 following on the briefing is we're giving a --  
16 what we call a staff recommendation, but that's  
17 -- you know, really we defer to the committee, to  
18 you as members, to deliberate on our  
19 presentation, deliberate and consider the  
20 comments received, the comments we're reviewing  
21 here in these many slides that we're going  
22 through to help develop your consensus and what

1 you ultimately will vote on, and the direction  
2 you'll give us to take.

3           So, you know, we strongly value -- and  
4 I should have mentioned this earlier, I think  
5 it's pretty obvious we strongly value your  
6 opinion. So to the extent you think we need to  
7 tweak that approach that we've put in here, you  
8 know, let us know and that's what you'll be  
9 voting on. But we appreciate -- we'll appreciate  
10 the input that you provide to us. So with that,  
11 I will -- next step, we're starting with Slide 58  
12 on the comments related to the reporting  
13 requirements. So I guess I'll turn it back over  
14 to Chris.

15           MR. MCLAREN: Thank you, Alan. We'll  
16 now look at item 3 on the agenda, start looking  
17 at those comments related to the reporting  
18 requirements.

19           Slide 59. With regards to the  
20 reporting requirements in part 191, PHMSA  
21 proposed to revise 191.1 to require submission of  
22 annual and incident reports by all gas gathering

1 operators. Again, this is originally what was  
2 proposed in the 2016 NPRM. Annual reports per  
3 191.117, and associated OPIDs would be submitted.  
4 Report incidents as defined in 191.3 and in  
5 accordance with 191.5 and 191.15. And immediate  
6 notifications of incident as specified in 191.1.

7 PHMSA did not propose reporting for  
8 offshore gathering. Exemptions would remain for  
9 the offshore gathering pipelines, nor NPMS data  
10 submissions. PHMSA does not have the authority  
11 to require those submissions for gathering or  
12 distribution lines.

13 Slide 60. Industry commenters  
14 asserted that requiring annual reports would be  
15 unduly burdensome and provide no safety benefit,  
16 but that incident reports for currently  
17 unregulated pipelines could be useful. Numerous  
18 other comments were received in support of  
19 expanding reporting requirements to all gathering  
20 lines.

21 PHMSA's response is that annual and  
22 incident report data is needed to assist in

1 identifying the proper scope of future oversight  
2 and/or rulemaking. The GAO specifically  
3 recommended to Congress that PHMSA collect  
4 certain data obtained from annual and incident  
5 reports.

6           Sixty-one. Some public safety  
7 organizations suggested requiring gathering lines  
8 to participate in the National Pipeline Mapping  
9 System. PHMSA's comment is that we do not have  
10 the authority to require gas gathering lines to  
11 participate in the NPMS. Therefore, NPMS was not  
12 proposed in the notice of proposed rulemaking.

13           Sixty-two. Industry commented that  
14 there should be no requirement to report  
15 safety-related conditions including MAOP, maximal  
16 allowable operating pressure exceedances.  
17 However, others commented that the MAOP  
18 exceedances should be reported by gas gathering  
19 operators. PHMSA does not intend to require  
20 currently unregulated gas gathering lines to  
21 submit safety-related condition reports. PHMSA  
22 acknowledged this in the public webinars.

1                   Sixty-three. Industry commented that  
2 PHMSA's assessment of cost for increasing  
3 reporting requirements is inaccurate, i.e. too  
4 low. The cost burden of the full scope of  
5 reporting of a non-regulated gathering lines  
6 would be prohibitive.

7                   PHMSA response that obtaining data on  
8 all gas gathering lines including Class 1 lines  
9 through annual and incident reports will enable  
10 an evaluation of needs for future oversight. The  
11 GAO recommended to Congress that PHMSA collect  
12 such data for all gas gathering lines including  
13 lines in Class 1 locations.

14                   Sixty-four. Public comment was that  
15 the rules should include Puerto Rico and offshore  
16 pipelines in the expanded reporting requirements.  
17 PHMSA's response is that the proposed rule  
18 includes onshore pipelines in Puerto Rico, and  
19 does not change the reporting exemption for some  
20 offshore pipelines in 191.1(b).

21                   Sixty-five. Public comment that Part  
22 91.1(a) should be revised to eliminate

1 requirements for reporting other miscellaneous  
2 conditions, the phrase is too vague.

3 Alternatively amplify on what other conditions  
4 means.

5 PHMSA's response is that the only  
6 proposed change to 191.1(a) is to include  
7 currently unregulated gas gathering lines within  
8 the scope of part 191. The rulemaking did not  
9 contemplate changes to other longstanding aspects  
10 of part 191.1(a) which would apply equally to  
11 transmission and distribution pipelines as well,  
12 and is not within the scope of this rulemaking.

13 Slide 66. A comment was that PHMSA  
14 has significantly underestimated the cost to  
15 convert gathering pipeline data to a format that  
16 will support filing of annual reports. PHMSA's  
17 response is that when the final rule is  
18 promulgated, PHMSA will review the applicable  
19 regulatory analysis and revise if necessary.

20 Sixty-seven. Received a comment that  
21 annual reports for gas gathering pipelines should  
22 be customized to eliminate information that is

1 irrelevant or not readily available. PHMSA  
2 agrees that Operators of gas gathering pipelines  
3 would be required to report only data applicable  
4 to gas gathering lines. The proposed annual  
5 reporting requirements for currently unregulated  
6 gas gathering lines are intended to provide  
7 meaningful data to serve as input to evaluate the  
8 potential need for future regulation.

9 Sixty-eight. So here is some other  
10 reporting requirements. This would be the new  
11 annual reporting requirements for currently  
12 unregulated gas gathering lines. That would  
13 include the OPID or that operator general  
14 information which includes the name and as well  
15 as the OPID, the reporting requirement would be  
16 for the name, address, commodity and whether the  
17 operator is regulated by an intrastate or  
18 interstate agent.

19 Mileage by nominal pipe size and  
20 operating pressure of the pipelines. The mileage  
21 by nominal pipe size and material type installed.  
22 Mileage by material type and operating pressure.

1 Mileage of metallic pipe by cathodic protection  
2 status. Mileage of pipe using overpressure  
3 protection. What is that overpressure protection  
4 for the MAOP? Mileage by status of line marker,  
5 damage prevention program and one-call program.  
6 And leakage surveys. And the number of leaks and  
7 ruptures during the calendar year.

8 Sixty-nine. The current annual report  
9 requirements for regulated gas gathering lines,  
10 no proposed changes to the current annual report.  
11 Those requirements would continue to include the  
12 OPID; the commodity; the regulatory body, whether  
13 it's intra or interstate; the miles of pipeline  
14 by material and corrosion prevention status; the  
15 miles of pipeline by type onshore Type A, onshore  
16 type B, offshore; and nominal pipe size; the  
17 miles of pipe by type and decade installed; and  
18 the miles of pipe by type and class location.

19 Slide 70. Current annual report  
20 requirements for regulated gas gathering lines  
21 continue, those that are not proposed to be  
22 changed, and include all leaks eliminated,

1 repaired in each calendar year by cause; number  
2 of known system leaks at end of calendar year  
3 scheduled for repair; leaks on federal land or at  
4 our continental shelf repaired or scheduled for  
5 repair; miles of pipe by type, material and  
6 corrosion prevention status; and then the prepare  
7 and certifier signatures of the annual report.

8           Seventy-one. On incident reports,  
9 191.3 defines incidents for which reports are  
10 required. An incident as it applies to gas  
11 gathering line means release of a gas that  
12 results in one or more of the following  
13 consequences: A death or personal injury  
14 necessitating inpatient hospitalization;  
15 estimated property damage of \$50,000 or more  
16 including loss to the operators and others or  
17 both, but excluding the cost of lost gas; or the  
18 unintentional estimated gas loss of 3 million  
19 cubic feet or more. Also it can mean an event  
20 that is significant in the judgement of the  
21 operator even though that it did not meet any of  
22 the above criteria.

1                   Seventy-two. Current incident report  
2 requirements for regulating gas gathering lines.  
3 We are proposing no changes to the current  
4 incident reports. It would include key  
5 information as discussed previously, the OPID,  
6 name and address of the operator, the type of  
7 release, the amount released, and the casualty  
8 information, et cetera. It includes detailed  
9 location information, detailed facility  
10 information, whether it is an inter or intrastate  
11 asset, pipe diameter, wall thicknesses, material  
12 specifications, seam type, specified minimum  
13 yield strength of the material, the type of  
14 material, type of welds, whether it's a seam  
15 weld, type of seam weld. Some of the components  
16 whether it was a puncture, leak or a rupture to  
17 describe the incident.

18                   Also additional consequence  
19 information is collected on class location with  
20 the potential impact radius or circle might be,  
21 whether it was in an HCA or high-consequence  
22 area. And then again, detailed damage

1 information as well as comments.

2           Seventy-three. The incident report  
3 for regulated gas gathering lines also includes  
4 additional operating information, on operating  
5 pressure, the maximum allowable operating  
6 pressure, any pressure reductions that we're  
7 taking. It's pigability or ability to support  
8 inline inspection devices. SCADA and type of  
9 leak detection, and an incident investigation.

10           Also includes information on any post  
11 incident drug and alcohol testing. It includes  
12 apparent causes and contributory or sub-causes  
13 also, and as well as that incident narrative I  
14 mentioned previously. And includes the required  
15 preparer and authorized signatures on the  
16 incident report.

17           Seventy-four. The new incident report  
18 requirements for all currently unregulated  
19 gathering lines would include the following  
20 proposed information: That key information  
21 including OPID and name and address, the type of  
22 release, the amount of released gas, any

1 casualties in operating pressure, and other key  
2 information like that.

3 It would include limited location  
4 information. Did it occur within the operator's  
5 controlled property, what state was it in, what  
6 county? That type of information. It would  
7 include some detailed facility information on  
8 whether -- on the material of the pipeline,  
9 whether it occurred at the -- whether the  
10 failure, the incident occurred in a pipe or a  
11 joint. What was the nature of the incident? Was  
12 it a puncture, a leak or a rupture? And some  
13 additional consequence information such as class,  
14 location, property damage, cost of gas loss, and  
15 whether there was any injury or casualties.

16 Also there would be a requirement to  
17 select one apparent cause, and if appropriate,  
18 contributory or sub-causes. And there would be  
19 an incident narrative.

20 Seventy-five. So with regards to  
21 topic three, the reporting requirement, this  
22 concludes the response to the comments on gas

1 gathering reporting, and I'd like to turn it over  
2 to John. Or should I continue reading?

3 MR. GALE: Go ahead.

4 Chris: All right. So in light of the  
5 committee comments from the meeting, PHMSA  
6 recommends the committee consider adoption of the  
7 proposed new content for the gas gathering system  
8 annual report and incident reports as presented  
9 and discussed in the previous slides during this  
10 meeting. Thank you. Seventy-six.

11 MR. DANNER: Okay. So at this point  
12 we are going to take public comments. Do we need  
13 to break to get the web up? Keep going. Okay.  
14 So we're going to start with folks in the room  
15 here. Is there any public comment by anyone in  
16 the room? Mark, we're going to do council  
17 members -- just doing the public council unless  
18 you have a clarifying question?

19 MR. BROWNSTEIN: It's a clarifying  
20 question on a substantive --

21 MR. DANNER: Yes, go ahead.

22 MR. BROWNSTEIN: So I just -- if you

1 look at slide 68 if we could, it lays out the  
2 various elements that would be in these new  
3 annual reports. Slide 69 then talks about what's  
4 in the currently regulated gas gathering reports.  
5 I note there that there is a requirement to  
6 report decade installed.

7 I don't see a similar reference in  
8 slide 68, and I'm wondering if that's just a, you  
9 know, is that accidental, is that intentional, is  
10 that just a sloppy slide preparation? I don't --  
11 you know, just is the intention to get --

12 MR. GALE: Yeah, John Gale, PHMSA.  
13 Yes, Mark, we believe that was intentional. We  
14 didn't propose it. Obviously, it can be  
15 discussed, and it can be recommended by the  
16 committee to add that additional data element  
17 because it is very standard in our current annual  
18 reporting requirements.

19 MR. BROWNSTEIN: Okay. Thank you

20 MR. DANNER: Okay, again, is there --  
21 John?

22 MR. GALE: Yeah, John Gale again. And

1 so if there's any public comments we're going to  
2 have you go down to the front, we're going to  
3 actually make your public comment from the  
4 podium. If you just -- you know, follow down by  
5 Cameron and he'll get you up on the podium. Is  
6 there any public comments on incident or annual  
7 reporting right now?

8 MR. WEIMER: Good morning, Carl Weimer  
9 from the Pipeline Safety Trust. Just one quick  
10 comment on public reporting requirements. You  
11 know, everybody's been talking about the need to  
12 gather more information and better information,  
13 so I think a couple of things.

14 I'm kind of concerned that on the  
15 incident report, you're just talking about  
16 general information. I can walk out to any place  
17 and get latitude and longitude on where an  
18 incident occurred. So why you're just talking  
19 about just reporting county level versus an  
20 actual position of where the thing happened is a  
21 problem.

22 Also concerned that NPMS is off the

1 table, and I know you're statutorily precluded  
2 from adding the NPMS to it, but I think this  
3 committee could make a recommendation that the  
4 administration add to their congressional  
5 proposal this year as part of reauthorization to  
6 include NPMS for gathering lines because if you  
7 -- one of the basic pieces of information you're  
8 needing to know where the pipelines are, and you  
9 can collect annual reports till you're blue in  
10 the face, but you still won't know where the  
11 pipelines are. So you need some basic mapping  
12 information for at least some segment of the  
13 gathering line industry and we were disappointed  
14 that the administration's proposal didn't ask for  
15 that then they went to Congress this year. So  
16 thank you.

17 MR. DANNER: All right, thank you.

18 Other comments?

19 MR. HITE: Hello, my name's Matt Hite,  
20 and I'm the vice president of government affairs  
21 for GPA Midstream Association. We're a  
22 non-profit trade association representing close

1 to 80 members. Our companies are engaged in the  
2 processing and gathering of natural gas. Our  
3 members operate the gathering lines that  
4 transport raw natural gas from production  
5 facilities and processing plants that create  
6 pipeline quality gas for the nation's  
7 transmission and distribution lines.

8 We will be more directly impacted by  
9 the rulemaking proposal under consideration today  
10 than any other stakeholder group. We applaud  
11 PHMSA for withdrawing or modifying the most  
12 controversial aspects of the original rulemaking  
13 proposal, particularly the proposals to repeal  
14 API RP80, and establishing new gas gathering  
15 definitions to Class 1 gas gathering lines small  
16 as eight inches in diameter and to apply the full  
17 federal reporting requirements to all gathering  
18 lines whether regulated or not.

19 GPA Midstream members operate the  
20 lowest risk pipeline assets in the United States.  
21 While there are still parts of this proposed rule  
22 that require further discussion, PHMSA's

1 recommendations to the GPAC are a significant  
2 improvement from the original rulemaking  
3 proposal.

4 GPA Midstream strongly supports  
5 PHMSA's decision to add a potential impact  
6 radius, PIR, as we'll further discuss criteria  
7 into the proposed Class 1 gas gathering line  
8 regulations. As we explained in recent comments  
9 submitted for the record the PIR concept is  
10 well-established, and PHMSA's integrity  
11 management regulations and PHMSA uses a similar  
12 factor proximity to unusually sensitive areas in  
13 its regulations for hazardous liquid gathering  
14 lines in rural areas.

15 Adding the PIR criterion to the  
16 proposed rule focuses the current effort on  
17 pipelines that present the greatest potential  
18 risk to public safety, and creates a framework  
19 that is consistent with other PHMSA regulations.  
20 This is why GPA Midstream is urging PHMSA to  
21 apply the PIR criterion to Class 1 gas gathering  
22 lines up to 24 inches in diameter.

1           Our members are committed to safety.  
2 WE are not going to negotiate to the least common  
3 denominator. We are committed to doing the right  
4 thing and making this rulemaking a success. Our  
5 member companies share PHMSA's commitment to  
6 pipeline safety, and appreciate the important  
7 role that GPAC serves in the rulemaking process.  
8 We look forward to hearing our views on PHMSA's  
9 proposed regulations for onshore gas gathering  
10 lines. Thank you.

11           MR. DANNER: All right, thank you.

12           MR. YARBROUGH: My name is Charles  
13 Yarbrough. I'm with the Texas Pipeline  
14 Association. We have long advocated that PHMSA  
15 collect data on gathering lines. It's been in  
16 all of our comments even since you started  
17 looking at these things. So we applaud you for  
18 moving forward with that initiative.

19           On this issue of the records  
20 requirements, particularly for annual reports we  
21 would note that operating pressure is not  
22 required now for regulated gathering lines, and

1 it seems a little bit strange to go further  
2 beyond for these lines that are in a supposedly  
3 less-risky place than the currently regulated  
4 gathering lines.

5 Similarly, there is no requirement for  
6 status of line markers, damage prevention  
7 programs or over pressure regulation for existing  
8 regulated gathering lines. And we think it's a  
9 little bit again, unreasonable to go further for  
10 these lines than what you're doing with the  
11 currently regulated gathering lines that are in  
12 more populated areas.

13 But we do appreciate you beginning the  
14 effort to gather facts because all regulations  
15 should be based on data, not on supposition.

16 Thank you.

17 MR. DANNER: All right, thank you. Do  
18 we have time for one more before we --

19 MR. GALE: Now would --

20 MR. DANNER: Now is the -- all right.

21 MR. GALE: Thirty seconds.

22 MR. DANNER: Thirty seconds. Okay, go

1 ahead.

2 MS. PUGH: Good morning. Thank you  
3 for allowing me to speak before your transition.  
4 I just wanted to say I'm Theresa Pugh with  
5 Theresa Pugh Consulting, and I wanted to make one  
6 agreement with Mr. Weimer. I don't always agree  
7 with Mr. Weimer but I think he made a good point  
8 about the mapping situation. I think it would be  
9 very helpful if the PHMSA process addressed  
10 mapping.

11 I also recognize though with that  
12 there may be some type of reasonable approach  
13 that might need to be taken on independents or  
14 very small pipelines, and perhaps that's a  
15 phasing in approach. Not all small, independent  
16 operators in some of these shale and other plays  
17 know immediately whether or not those are going  
18 to be economical.

19 So maybe some sort of phasing in where  
20 not everyone kicks in at the very same time, but  
21 the information is made available through the  
22 mapping process. Would like to see that

1 included. I think that would be helpful to  
2 electric utilities and other parties that are  
3 going to be in proximity to these pipelines over  
4 the years. Thank you very much.

5 MR. DANNER: All right, thank you.

6 And now we will do the transition.

7 MR. GALE: Yes. So we'll take a five  
8 minute break. We're going to stay in the room  
9 and get started back up at 10:35. Is that  
10 correct, Cameron? Okay, so for those of you on  
11 the line, please switch over to the next webcast  
12 the second -- I guess the second webcast and  
13 we'll get started. And when we return, we're  
14 going to take public comments for those of you  
15 that are online, and after that is complete,  
16 we'll then move forward with the member  
17 discussion.

18 (Whereupon, the above-entitled matter  
19 went off the record at 10:30 a.m. and went back  
20 on the record at 10:34 a.m.)

21 MR. DANNER: All right, we're back on  
22 the record, and I'm going to turn it over to

1 Cameron. Cameron -- hello, everybody. All  
2 right. I'm going to turn it over to Cameron who  
3 will give some instructions for the folks on the  
4 line. Cameron?

5 MR. SATTERTHWAITE: All right. Thank  
6 you. This is Cameron Satterthwaite with PHMSA.  
7 For the folks that are listening to the webcast,  
8 there is like a five to ten second delay. We  
9 have posted a call-in number for those who are  
10 watching the webcast. The call in to that phone  
11 number provides your name and company to the  
12 operator, and we will try to take as many calls  
13 as we can through the allotted time that we have.  
14 I believe we have, what, like five, ten minutes,  
15 not for each person, but for this segment of  
16 time. And I would defer governance of that to  
17 the Chair. So right now, the, operator, Ryan, I  
18 assume you are there. Are you there? Can you  
19 say a quick hello?

20 OPERATOR: Yes, I am here.

21 MR. SATTERTHWAITE: All right. Thank  
22 you. That was a long alley-oop there. I was

1 waiting for the ball to land on that. Yeah, 10  
2 second delay, I like that. So basically if you  
3 can give instructions right now to the folks that  
4 are calling in as far as what they need to do  
5 when they call in, and that would be most  
6 helpful.

7 OPERATOR: Certainly. Ladies and  
8 gentlemen on the phone line, it's star one if you  
9 have a question. Star one.

10 MR. SATTERTHWAITTE: So basically for  
11 those who call into the number, once you provide  
12 your information to the operator and once you get  
13 into the system, as Ryan, our operator, has  
14 identified, just press star one to be identified  
15 and we will see you -- or we will acknowledge you  
16 so that you can make your comment.

17 We'll give it like a quick 20 seconds  
18 for that message to get out. All right. We'll  
19 give it a minute, I'm able to monitor those who  
20 are calling in. Right now I don't see any  
21 persons queuing up right now. But we'll give  
22 them a minute to let that lag set in.

1           MR. DANNER: All right. And in the  
2 meantime, did we have anybody else in the room,  
3 or did everybody who wanted to speak have a  
4 chance to do? Okay. Then I think we can move  
5 on, and that would -- let's begin the committee  
6 discussion. Let me ask if there's anybody on the  
7 committee who wishes to kick off some comments.  
8 All right. Mr. Drake.

9           MR. DRAKE: This is Andy Drake with  
10 Enbridge. And I'll just sort of throw this out  
11 there, just kind of get a little carpet bombing  
12 of some information here and trying to digest  
13 what was put up in front of us.

14           I thought that one of the commenters  
15 made a good point about phasing in, and I don't  
16 know the time frame to implement such a thing. I  
17 do think that's it's fair. One, we need to  
18 collect more information. So that's a fact. We  
19 have to do that to base, one, we have some  
20 directives from reauthorization acts, we have  
21 some direction from General Accounting Office. I  
22 mean, we also need more information on this

1 industry sector to make better choices. And I  
2 think that's fundamental. So gathering the  
3 information, I don't hear anybody arguing about  
4 gathering better facts and data.

5 I think the question then becomes how  
6 do we change a group that's never been regulated  
7 to having this kind of structure around them?  
8 There will be huge gaps in the information that  
9 they have. They just don't know. How long are  
10 we going to give them to know, and how do we  
11 handle unknowns? I think we need to be very  
12 deliberate about a category of I don't know for a  
13 while. And how long is that and what are they  
14 going to do to try to close that space because I  
15 do think that -- that is just very pragmatic.  
16 There's going to be holes in that data.

17 I think that the comment about  
18 exceeding the current requirements, I didn't, you  
19 know, catch that in the discussions earlier when  
20 we went through the slides, but I think that  
21 would be an obvious question there about sinking  
22 between things we're currently regulating and

1 things we're adding, and that just seems to make  
2 sense. But I'd like to hear where PHMSA is on  
3 that anyway.

4 MR. DANNER: When you're talking phase  
5 in, what sort of time period? Like two years, or  
6 what were -- my apologies I stepped out for a  
7 bit.

8 MR. DRAKE: There we go. I didn't  
9 have a proposal actually. I was just ask -- kind  
10 of throwing out there there's a thought we need  
11 to wrestle down in discussion here today. I  
12 didn't know PHMSA had a position on it. But I do  
13 think specifically some kind of ramp up time  
14 frame needs to be brought to the table for us to  
15 deliberate over what seems to be appreciated.  
16 Has there been any conversation in public about  
17 that? And I really do think we need to be  
18 explicit about how to deal with unknowns for some  
19 period anyway.

20 MR. DANNER: So just to clarify, Ms.  
21 Pugh talked about small and independents, are you  
22 talking about everybody?

1                   MR. DRAKE: I'm talking about  
2                   everybody. I think that -- that that -- for some  
3                   period of time you're going to have to deal with  
4                   everybody's going to be in some state of  
5                   development and clarification, and how do we deal  
6                   with unknowns in that period? We need to deal  
7                   with -- we need to be explicit about that.

8                   MR. DANNER: All right. So John?

9                   MR. GALE: Thank you, Chairman. Real  
10                  quick, regarding the additional data, right, that  
11                  we're collecting, above and beyond what you see  
12                  in some of the other annual reports. The purpose  
13                  of that data, as you see, what it is that follows  
14                  for lack of a better term, the Type B  
15                  requirements, right? In other words cathodic  
16                  protection, overpressure protection, all those  
17                  kind of -- the requirements we have in place.

18                  Collecting that information will let  
19                  us know what would be the true impact if we were  
20                  to go further with the next -- another rule. So  
21                  that would help us from a cost/benefit standpoint  
22                  to understand the true impact for the next rule

1 if we were to go forward. So that's the reason  
2 why we thought we should we collect that  
3 additional information.

4           Regarding the phase-in period, we  
5 believe, you know, a two-year phase in would be a  
6 reasonable phase in for annual reporting.  
7 Incident reporting, you know, I think you be able  
8 to have that information at hand we believe.  
9 And, you know, obviously a phase-in period of  
10 some reasonable month period would be  
11 appropriate, but not for incident reporting. But  
12 annual reporting, some reasonable time would be  
13 appropriate.

14           Obviously, it's going to be synced to  
15 the current annual reporting requirements that we  
16 have, so the timing of the rule and the in  
17 effective date of the rule will also kind of  
18 drive that date. In other words, you know,  
19 whether it's March or June, I forget which ones  
20 are the gas or liquid, you know, that'll be  
21 synced up with that submission. And so, you  
22 know, an appropriate time period of 24 months

1 within that range would be very appropriate we  
2 believe as well.

3 MR. DANNER: All right. Sara?

4 MS. GOSSMAN: Sara Gossman. A couple  
5 comments. I think the first question or I thing  
6 I want to throw out there is in the proposed rule  
7 as I understand it, the reporting requirements  
8 were the same as the ones that are for currently  
9 regulated gas gathering lines. And I think there  
10 are lots good reasons to try to stick with the  
11 standard reporting that you do across other lines  
12 as well as you're doing this currently for gas  
13 gathering.

14 So to the extend there is an argument  
15 that something's different about this particular  
16 set of lines, other gas gathering operators are  
17 in fact providing you the information that -- in  
18 the standard form. So I would want to see that  
19 information gathered by PHMSA.

20 And then I agree that in this  
21 additional information on line markers, it gets  
22 to some of the issues we're going to talk about

1 later. But to the extent you need to know what  
2 industry practices are in order to be able to do  
3 that cost/benefit analysis, I think that's  
4 helpful. But I think that should be somehow in a  
5 different or additional set of questions.

6 And I mean, I worked through some of  
7 the data that you provide online, and I think you  
8 provide a tremendous amount of data on gathering  
9 lines on all sorts of pipelines. And I think  
10 that's useful to you as an agency. It's useful  
11 to other people who are interested in these  
12 issues, and to set up a whole new reporting  
13 system just strikes me as inefficient and not in  
14 the best interest of trying to compare pipelines.

15 And I would note that the GAO, when it  
16 made its suggestion to you, actually said that  
17 you should collect comparable information. So I  
18 took that to mean comparable to what you're doing  
19 with other pipelines.

20 And then on the -- specifically on the  
21 incident side, I'm concerned about making, for  
22 example, limited location information reporting

1 on incidents versus detailed location  
2 information. It seems to me that operators  
3 should be able to tell you exactly where an  
4 incident happened. It strikes me that's  
5 important for you and your own analysis, and for  
6 the public who's interested in this type of data.

7 So that would be my suggestion is to  
8 move back to what you had in your proposed rule  
9 and what you're doing with regulated gas  
10 gathering lines.

11 And then one last point. So I noticed  
12 that signatures were not on your proposed list,  
13 and I think that was a mistake, right? I mean  
14 just as -- yeah, as a lawyer like I think who are  
15 you going to after if somebody does something  
16 wrong, right? So I was hoping that that was just  
17 a mistake. Thank you.

18 MR. DANNER: All right. John Gale.

19 MR. GALE: Thank you, Chairman. Sara,  
20 real quick. Regarding the annual reporting, you  
21 know, I think a lot of us agree, if we had been  
22 able to go back in time, we would have

1       restructured that rule a little differently.

2       Maybe even parsed it out a little bit better, and  
3       explained things a little better.

4               Actually with the annual reporting for  
5       unregulated gathering we were not -- we did not  
6       propose to adopt all the annual reporting  
7       requirements for all the -- what we call  
8       reporting regulated gathering, and it may not  
9       have been as clear as we would have liked, and we  
10      apologize for that.

11             So what you see here, what we put on  
12      these slides is somewhat -- some of that  
13      information, and also some information we believe  
14      from the comments we received, additional data  
15      components we believe we need from an  
16      infrastructure standpoint to be able to look at  
17      this industry going forward, you know, after we  
18      move forward with this rule.

19             So, you know, right now the annual  
20      report, I forget, it's 20 plus pages for  
21      regulated lines, and it requires a lot of  
22      information that's related to regulated lines and

1 how they operate regulated lines. It may not be  
2 appropriate for unregulated gathering.

3 So just to be clear, you know, it was  
4 -- we didn't propose everything related to the  
5 annual report. It was just a subset of it. What  
6 we're looking at doing in the final rule is  
7 actually having a separate report just for what  
8 we referred to as reported regulated gathering,  
9 and the data elements that are like that. But  
10 it's based in its premise on the existing annual  
11 report, and those data elements we think we need.

12 And that's why we wanted to add more  
13 elements so that we can look at this rule from an  
14 incident standpoint and from a cost benefit  
15 standpoint so that we understand the industry  
16 completely.

17 MR. DANNER: Okay. Sara, do you have  
18 a follow up on that? Okay.

19 MS. GOSSMAN: So just briefly, yeah.  
20 Thank you for the clarification on the proposed  
21 rule. I mean, I think my concern still stands  
22 which is I think that there is reason to have

1 comparable information on the same report that  
2 you've been using. And if, in fact, there's  
3 information that's just not relevant to this  
4 particular sector, I don't know how you handle  
5 that with other lines, but it seems to me that  
6 could be incorporated within the reporting  
7 structure that you currently have rather than  
8 creating an entirely new one.

9 MR. DANNER: All right. Jonathon?

10 MR. AIREY: First of all, I'd like to  
11 agree with the suggestion of having comparable  
12 information. But I want to reinforce Andy's  
13 comment that we're looking at a number of folks  
14 who have not been regulated by DOT in the past.  
15 And a phase-in timeline and a simplified annual  
16 report I think is important, including something  
17 along the unknown because some of the information  
18 is simply not going to be known by the operator,  
19 especially on the conventional low pressure  
20 gathering systems.

21 MR. DANNER: All right. Chad Zamarin.

22 MR. ZAMARIN: Yeah, thanks. This is

1 Chad Zamarin with Williams. I just want to  
2 maybe, you know, make a note that, you know,  
3 we're talking about extending regulations and  
4 requirements to pipes that have never, you know,  
5 been subject to those requirements. And so, you  
6 know, while I think it's the right thing to do  
7 and we need to collect data, I do also think it's  
8 worth maybe a brief discussion on how we deal  
9 with unknown data.

10 You know, I think we need to recognize  
11 that, you know, there are operators that have not  
12 been required to collect and report this kind of  
13 information. And so I think, you know, we should  
14 expect that we're probably going to get some  
15 unknown data, but I think even knowing what we  
16 don't know is an important exercise.

17 So, you know, I don't know that it was  
18 addressed in any of the, you know, information  
19 from PHMSA, but I'm sure that a lot of the angst  
20 that some may have with regard to new reporting  
21 requirements are that they haven't been asked to  
22 do that in the past, and therefore, may not have

1 complete information when asked to report.

2 And so, it's one reason why I think  
3 it's important to focus solely on the things that  
4 are relevant to the comments made by Sara so that  
5 we don't get people out chasing information that  
6 doesn't add value to what -- to how PHMSA or  
7 others are going to use that information.

8 But also I think we need to recognize  
9 that there is going to be gaps in information,  
10 and I just wonder if there's a way to allay the  
11 fears of some of that there -- or we're -- that's  
12 expected, but it's also something that we want to  
13 understand how much do we not know because I  
14 think knowing what we don't know is as important  
15 as finding out what we do know. Thank you.

16 MR. DANNER: All right. Thank you.  
17 Mark Brownstein.

18 MR. BROWNSTEIN: So, Mark Brownstein,  
19 in response to that last set of comments, I think  
20 we need to sort of draw a distinction between the  
21 information that we would like to have, need to  
22 have on the one hand, and the reality that in

1 certain cases operators are not going to know.

2           And so I agree that there needs to be  
3 a provision in the reporting form where an  
4 operator can say, you know, DK, right, don't  
5 know, and that then needs to be tempered, right,  
6 by a certification statement at the end that says  
7 the operator is filling out this form, you know,  
8 to the best of his or her knowledge and belief  
9 and, you know, that this is true and accurate  
10 sort of thing so that you're not getting someone  
11 who's simply, you know, lazily filling in DK  
12 everywhere and not really making best effort to  
13 collect information, right? I don't think we  
14 want that.

15           But we should not compromise on the  
16 kind of information that we're looking for just  
17 simply because we know that some operators aren't  
18 going to have it. So my earlier question with  
19 regard to, you know, year of pipeline, that would  
20 seem to me to be some fairly basic information  
21 that we would want to gather, right? What year  
22 was this pipe put into service? Okay, maybe we

1 don't know, but maybe we do. And the fact that  
2 we -- and in fact, we may discover that there's a  
3 lot of pipe out there for which we don't know how  
4 old it is. That's information in and of itself.  
5 If you don't ask the basic question, you don't  
6 get the kind of information you need.

7 MR. DANNER: All right, Alan.

8 MR. MAYBERRY: I think you're  
9 referring to how we need to structure the  
10 information collection when we ultimately go  
11 there. We do in the current collection. There  
12 are options, I'm not exactly sure which ones, but  
13 I know there are because I see them for unknown.

14 So recognizing that we're going into  
15 a space we've not been before we'd need to -- you  
16 know, right now we'd love to say we don't know  
17 what we don't know, and we need to do this so we  
18 can find out what we don't know we don't know, or  
19 we know we don't know. So I think we can account  
20 for that if there's some wording we need to say  
21 to give us some instruction to do that, we can  
22 address that.

1 MR. DANNER: All right, Andy.

2 MR. DRAKE: This is Andy Drake with  
3 Enbridge. Mark, I like that thought actually. I  
4 think that it's -- age is hard to not -- try to  
5 understand how old your pipe is, and I appreciate  
6 Carl's comment about location as well, although I  
7 do think the NPMS is a very specific standard  
8 with some very heavy rigor around it, and we'd  
9 need to vet that part of location out.

10 I do think that, you know, one of  
11 things that we've been talking about here a  
12 little bit Sara brought up is the issue about --  
13 the parity between the reports. I mean  
14 thematically, I don't know that I would disagree  
15 that they should be paired, but we're sort of  
16 swatting at it here I think. And it's hard to  
17 see what is in the transmission report that's not  
18 in the gathering report.

19 I give PHMSA some credit, they've been  
20 tailoring this and trying to figure out. I think  
21 our goal is to learn and gather data so we can  
22 make better decisions, risk-based decision of the

1 next tranche of facilities, where do we put our  
2 next energy. This isn't the end of this  
3 discussion. It's the beginning of the  
4 discussion. So we need to start fueling it with  
5 things.

6 But I think as a transmission operator  
7 primarily the annual report is something that  
8 we've been used to filling out for a long period  
9 of time. We've sort of gotten mature, gotten  
10 used to carrying the weight of this, and we've  
11 got the data systems.

12 I'm kind of back to the phase-in. I'd  
13 at least like to look at those and sort of get a  
14 sense of the things that are in the transmission  
15 report that aren't in gathering report. What's  
16 the value, and is there like a second year in  
17 this where we want this first, and then this  
18 second because to try to get an industry that's  
19 never been regulated to lift the current  
20 transmission reporting requirements in total, I  
21 think you're going to get a lot of unknowns and  
22 that maybe we want to kind of get them focus on

1 certain things that are really relevant rather  
2 than just the whole form. That's my only  
3 thought. It's not opposing it. I think it'd be  
4 more vetting it. What is that? But I have to  
5 defer to PHMSA, frankly, on that.

6 MR. DANNER: All right. Thank you.  
7 Ron.

8 MR. BRADLEY: Yeah, Ron Bradley, PECO.  
9 Just a quick comment just to support some of  
10 these statements that I heard earlier about the  
11 new incident reporting requirements for currently  
12 unregulated gathering lines. I do agree that the  
13 -- I'm a little struck that there is a -- that  
14 the wording limited location information is in  
15 there, and I figure if there is a -- and maybe  
16 I'm thinking about it just too naively, but if  
17 there's an incident and it occurs, I think we got  
18 it. I think we know where it is. And I think  
19 the information can be a lot more than limited.

20 MR. DANNER: All right, thank you. So  
21 what I have -- oh, I'm sorry, Sara, go ahead.  
22 No, I was just going to recap what I've heard.

1 So if there's more that I'll put on my list, I'll  
2 put it on my list.

3 MS. GOSSMAN: So Andy in response to  
4 your point, you know, so when I look at the  
5 distinction between the two, I'm trying to draw  
6 it between what current regulated gas gathering  
7 operators are, in fact, reporting, versus what we  
8 were are now expecting unregulated folks.

9 So I'm not comparing it to the  
10 transmission operators, although I understand  
11 that the form may be the same, right? But we're  
12 are requiring as I understand, and PHMSA can  
13 correct me, but we're requiring a set of  
14 information from gas gathering operators at the  
15 moment that are regulated. I just would like to  
16 see us do that for this group.

17 And I will say that for me it's more  
18 important the information over time and the -- I  
19 mean I think there is room from the DKs and the  
20 sort of moving in the direction of getting that  
21 information. I prefer to see the scope be  
22 consistent at the end of the day, and move more

1 slowly towards that end goal of everything being  
2 comparable than to shut it off at the beginning  
3 here through regulation.

4 MR. DANNER: All right. Thank you.  
5 Commissioner Burman.

6 MS. BURMAN: Thank you. So I am  
7 focused on, I like listening to a lot of the  
8 different folks and their thoughts. I am  
9 interested in finding out a way that we could  
10 have some commonality. I do think, you know, New  
11 York sits a little differently than others in  
12 their gathering lines, so I am looking at this  
13 more broadly nationally, and also what's this  
14 move from reporting?

15 For me it's very important that we have  
16 thoughtful reporting, consistent reporting, but  
17 not reporting that's bogs things down that says  
18 not -- is not helpful to the overall theme of  
19 improving safety and enhancing safety.

20 So my focus is on looking at making  
21 sure that we are doing things that is overall  
22 showing it is helpful to improving and enhancing

1 safety. I am also not opposed to a reasonable  
2 phase-in, so that is something that I am, you  
3 know, focused on as well. And to the extent that  
4 there may be some common ground, I look for that.  
5 Thanks.

6 MR. DANNER: All right. Thank you.  
7 Chad. Chad Zamarin?

8 MR. ZAMARIN: Thank you. This is Chad  
9 Zamarin with Williams. Just on this point of  
10 consistency, I just worry that that's kind of the  
11 wrong driver for why to collect data. I mean,  
12 we've got, you know, existing regulated gathering  
13 lines that have been regulated for some time.  
14 You know, the data collection reporting  
15 requirements, much like the code, has grown and  
16 expanded very broadly over the years. And I  
17 think there are data elements that are likely not  
18 relevant and also not adding value.

19 And so when we talk about extending  
20 this requirement to a very large set of pipelines  
21 that have never been subject to the requirements  
22 of the code before, I think we should focus on

1 what's relevant. I think we should focus on  
2 information that's useful and important, and, you  
3 know, if we get out there with information and we  
4 need to -- and we're not getting all of the  
5 answers answered that we would like, I think then  
6 we add prudently.

7 But just to go kind of blanket this  
8 set of pipelines that have never been subject to  
9 regulation before with, you know, data for  
10 consistency's sake I think is a mistake and, you  
11 know, I think -- I would leave it to PHMSA to  
12 tell us and for us to debate what's relevant I  
13 think something like, you know, date of  
14 installation and recognizing that there may be an  
15 unknown field that needs to be allowed for, I  
16 think, you know, may make sense.

17 But again, I think we should focus on  
18 what information is relevant for the questions  
19 that we're asking which I think are primarily,  
20 you know, where are the risks within this set of  
21 pipelines. So what information do we need to  
22 collect in order to understand those risks so we

1 can then act with smart regulations.

2 I mean, I'm reading the PHMSA  
3 comments. It sounded like the data collection  
4 was necessary primarily for the purpose of, you  
5 know, then passing smart regulations. So let's  
6 make sure we're only asking for, you know, the  
7 information that's relevant to those, you know,  
8 decisions. Thank you.

9 MR. DANNER: All right. Thank you.  
10 John Gale, and then Commissioner Burman.

11 MR. GALE: Thank you, Chairman. Just  
12 a real quick comment to the committee. Luckily,  
13 when we make revisions to the annual report or  
14 incident report, and I'm talking about going  
15 forward, say if we were to adopt it, is not done  
16 through our normal rulemaking process, but  
17 through our information collection process, or as  
18 we all love, Mr. Kenner's changes occasionally we  
19 get to see. So it's a lot more efficient than  
20 the rulemaking process.

21 So even if we get out there, and let's  
22 say we don't hit the mark exactly, and if we hit

1 the mark at like 90 percent, 95 percent, we have  
2 the ability to make changes or even just simply  
3 tweaks much more efficiently than we have to  
4 through our normal rulemaking which can take, you  
5 know, much more years than -- info collection  
6 process sometimes can take, you know, nine to 12  
7 months or 18 months.

8 So we have the ability and especially  
9 when we receive public comment to make  
10 improvements over time much more efficiently. So  
11 I'm not saying we're not shooting for perfect, we  
12 are shooting for perfect right out of the box.  
13 But if we don't make it, we have the ability to  
14 make those corrections a lot more efficiently.

15 MR. DANNER: Thank you. Diane?

16 MS. BURMAN: I just wanted to follow  
17 up and just respond to the consistency piece. I  
18 do think, and I just want to make sure that my  
19 words are clear. I also do agree, you know, I  
20 think it important from a consistency  
21 perspective, but to the extent that we're looking  
22 at truly what it is the information that is

1 needed to be gathered, and the why, and then how  
2 it is done. But there also needs to be some  
3 flexibility.

4 Many times we look to standardize  
5 across the board, but there may be a need for  
6 looking at why it doesn't make sense in certain  
7 situations. And to the extent that I do agree  
8 with the comments about the relevancy to the data  
9 collection, but more importantly to how is it  
10 helping to then utilize this information, and is  
11 supporting to further improve and enhance safety.

12 So it's not just about we're doing  
13 this to gather and report, but that there's  
14 actually the driver of what it is intended to do.  
15 And then if there are alternatives that can be  
16 done that are left prohibitive, that that is  
17 important. So thank you.

18 MR. DANNER: All right. Thank you.  
19 Rich Worsinger.

20 MR. WORSINGER: Rich Worsinger, Rocky  
21 Mount. John, great explanation that future bites  
22 of the apple will be a lot easier to take. But

1 since we're taking a bite today, is there  
2 anything you would like us to add or consider  
3 before we move forward since we're all chatting  
4 about this? It seems like now is a nice quick  
5 time we can add something.

6 MR. GALE: Sure, thanks Rich. I know  
7 there's still some members that wanted to make  
8 some statements. But we do have some recommended  
9 vote language based on what we've heard which we  
10 think will move this conversation forward. And I  
11 think it addresses the concerns that have been  
12 raised and gives us the direction I think that  
13 you guys would be looking for. But we'll show  
14 this when it's appropriate for you guys to look  
15 at it.

16 MR. DANNER: All right, thanks. Mark.

17 MR. BROWNSTEIN: This may be a careful  
18 what you wish for kind of question. Mark  
19 Brownstein. But do we have -- is there a side by  
20 side, right, that allows you to see, okay, so  
21 what is -- what are current regulated gather  
22 operating systems? Andy's shaking his head like,

1       yeah, that is a careful what you wish for thing.

2                       But is there a side by side which  
3 allows to, one, to see what are currently  
4 regulated gather systems required to report, and  
5 then the subset of information that would be  
6 covered by this new unregulated gathering  
7 reporting system. And that would allow I think  
8 us, the civilians in the room, to have a better  
9 sense as to, you know, what's being left off the  
10 list and whether anything needs to be included on  
11 the list, or suggested to be included on the  
12 list.

13                      MR. DANNER: John, do you want to  
14 quickly answer that?

15                      MR. GALE: I mean, well, the first  
16 comment, we don't have a side by side right now.  
17 But the current form is over 20 pages long right  
18 now, so if we were to do a side by side and look  
19 at each data element, and believe me, we would --  
20 you know, we're not disinviting that kind of  
21 comment. But I think we're going to recommend a  
22 more generic language, and maybe we could follow

1 it up with maybe comments to the docket from the  
2 members themselves on those specific elements  
3 they'd like to see.

4 But the language we're recommending  
5 would be, you know, kind of differential back to  
6 PHMSA staff to make sure we capture those data  
7 element from the current annual report form that  
8 are appropriate for these unregulated gas  
9 gathering lines. If we were to, in my opinion,  
10 and I respect to comment, but if we were to look  
11 through the current form, we probably would have  
12 to add another couple of days of this meeting.  
13 It would take a long time to go line by line  
14 through that 20 page form.

15 So if you -- Taylor, would you mind  
16 pulling up the recommended language we have? And  
17 just to follow up and maybe we could to that, you  
18 know, and to address any comments received to the  
19 docket relative to annual data submissions. So  
20 we could get -- submit that maybe provide members  
21 maybe that side by side so you could look at it  
22 within a reasonable time and get us back what you

1 would recommend and make sure that we consider  
2 that data.

3 MR. DANNER: Sara?

4 MS. GOSSMAN: I just want to ask a  
5 clarifying question, and I think this helps me a  
6 lot. So we are not actually going to put this  
7 set of -- this list in regulation. What we're  
8 doing is we're requiring reporting that you then  
9 are going to make the decision about how that  
10 form looks. Is that right? Okay. Well, that  
11 makes me feel a lot better about this. What I'm  
12 worried about is, you know, codifying some list  
13 at the front end that's limited. Okay.

14 MR. GALE: And just to be clear, we  
15 would make it look like our current forms, we  
16 would have initial blocks, we would have all the  
17 basic data elements you would have in a form. We  
18 tried to focus on those data elements that are  
19 relative to the collection.

20 MR. DANNER: Okay. Alan.

21 MR. MAYBERRY: I think it's  
22 understood, but similar to a data collection we

1 did recently on the -- or we're actually in the  
2 process of doing on the National Pipeline Mapping  
3 System, you know, we actually defined the  
4 elements through the information collection, not  
5 through the rulemaking, but specifically in the  
6 information collection. So that's when there'll  
7 be an opportunity to clarify, you know, get more  
8 specifics in the exact elements.

9 MR. DANNER: Jonathan?

10 MR. AIREY: I'm going to suggest  
11 something rash and move that we adopt the  
12 proposal.

13 MR. WORSINGER: Rich Worsinger, I  
14 second that.

15 MR. DANNER: All right. Well, I --  
16 all right, we have a motion and a second before  
17 us. I feel like it's cut off discussion. I  
18 would like to see if -- was there -- are we done  
19 with the discussion, or is this just short  
20 circuiting discussion? Let me pose that is there  
21 a discussion on the motion? Sara?

22 MS. GOSSMAN: Okay. So I'm not sure

1 if this discussion on the motion because I'm not  
2 a Robert's Rules supporter person necessarily,  
3 but I did want to raise with committee whether we  
4 could recommend to PHMSA in its reauthorization  
5 bill to have gathering lines be part of the  
6 National Pipeline Mapping system.

7 So I don't know if this right time to  
8 raise that, but it was a conversation that seemed  
9 to be linked to reporting, and is a little  
10 different than what we're doing which is looking  
11 at this rule, right? So I understand that. But  
12 it's linked to this idea of reporting. So --

13 MR. DANNER: Yeah. So actually I was  
14 hoping to be able recap all of the issues before  
15 the motion was put before us. But we have a  
16 motion before us, and so maybe we'll take that up  
17 when we're done with the motion before us.

18 The motion before us is to adopt the  
19 language that is on the slide in front of us, and  
20 there is a motion and a second. And again, I'm  
21 not a Robert's Rules voter expert either, but is  
22 there a discussion on the motion itself? All

1 right, seeing none, then let's call the question  
2 and take roll.

3 MR. GALE: Real quick, if one of the  
4 members is okay with moving forward on a motion  
5 and could read the motion that they see on the  
6 motion, if they so agree. Mr. Airey.

7 MR. AIREY: I'm at fault so I'll read  
8 it. Reporting requirement committee voting  
9 slide, the proposed rule as published in the  
10 federal register and the draft regulatory  
11 evaluation with regard to filing annual and  
12 incidents reports for gas gathering pipelines are  
13 technically feasible, reasonable, cost effective  
14 and practical, the following changes are made:  
15 Add specificity to location, e.g. coordinates and  
16 cause information to the incident report form;  
17 make sure all appropriate current annual report  
18 data elements are incorporated in the annual  
19 report form for current, unregulated gathering  
20 lines including decade of installation; address  
21 the possibility of unknown data; phase-in period  
22 of at least 24 months for annual reports;

1 consider additional comments from members on the  
2 meeting docket.

3 MR. DANNER: All right. Again, is  
4 there any -- well, we had a second of the motion  
5 from Mr. Worsinger. Okay, let's call for a vote  
6 then.

7 MR. WORSINGER: Rich Worsinger, Rocky  
8 Mount, I second that motion.

9 MR. SATTERTHWAITE: All right. You  
10 want me take role? Okay. All right, if you  
11 agree, just say yes. If not, just say no. And  
12 I'll just go through the list of names. Ron  
13 Bradley?

14 MR. BRADLEY: Yes.

15 MR. SATTERTHWAITE: Andy Drake?

16 MR. DRAKE: Yes.

17 MR. SATTERTHWAITE: Richard Worsinger?

18 MR. WORSINGER: Yes.

19 MR. SATTERTHWAITE: Chad Zamirin?

20 MR. ZAMIRIN: Yes.

21 MR. SATTERTHWAITE: Mary Palkovich?

22 MS. PALKOVICH: Yes.

1 MR. SATTERTHWAITE: John Airey?

2 MR. AIREY: Yes.

3 MR. SATTERTHWAITE: Mark Brownstein?

4 MR. BROWNSTEIN: Yes.

5 MR. SATTERTHWAITE: Sara Gossman?

6 MS. GOSSMAN: Yes.

7 MR. SATTERTHWAITE: Robert Hill.

8 MR. HILL: Yes.

9 MR. SATTERTHWAITE: David Danner?

10 MR. DANNER: Yes.

11 MR. SATTERTHWAITE: Sara Longan?

12 MS. LONGAN: Yes.

13 MR. SATTERTHWAITE: Diane Burman?

14 MS. BURMAN: Yes, but point of order,  
15 when we're voting for the webcast, could we have  
16 the slide that we're voting on up rather than the  
17 room? Thank you.

18 MR. SATTERTHWAITE: No problem. Okay.  
19 They -- flip it. Point taken. It is unanimous.

20 MR. DANNER: All right. Thank you.  
21 The motion carries. Now there was an issue  
22 raised by Sara with regard to the mapping. Do

1 you want to restate your concerns?

2 MS. GOSSMAN: Yes. So what I would  
3 like to do is pick up on the suggestion made by  
4 Carl Weimer, and I think somebody else also  
5 raised it, which is to include gas gathering  
6 pipeline in the National Pipeline Mapping System.

7 So acknowledging that PHMSA doesn't  
8 currently have the statutory authority to do  
9 this, but also acknowledging that we are starting  
10 into reauthorization within an administration  
11 bill that could include this particular provision  
12 but doesn't. So I'm wondering whether this  
13 committee could recommend to PHMSA to support  
14 inclusion of gas gathering pipelines in the  
15 National Pipeline Mapping System.

16 MR. DANNER: All right. Thank you.  
17 Jonathan?

18 MR. AIREY: I would suggest that for  
19 the unregulated gas gathering universe that  
20 that's not a practical suggestion. Many of these  
21 lines have been transferred in mergers several  
22 times, and the information is difficult and would

1 be expensive to collect and have little value on  
2 the low pressure systems.

3 If we were to consider such a  
4 proposal, I don't think it should relate to  
5 anything except going forward, new systems. And  
6 I think mapping for the sake of mapping is not  
7 going to be very efficient, and is going to be  
8 extremely costly and add almost nothing to  
9 safety.

10 MR. DANNER: All right. Mark  
11 Brownstein.

12 MR. BROWNSTEIN: So the -- Mark  
13 Brownstein, the prior comment suggests that  
14 there's -- that this really is a two partner,  
15 right? One is a recommendation, could be a  
16 recommendation to Congress to include new  
17 systems. And I'm mindful of the fact that, you  
18 know, we have reports from the industry itself  
19 that suggests that we're likely to see a huge  
20 build out of gas gathering infrastructure over  
21 the last several -- well, we've seen it over the  
22 last several years, and we'll continue to see it.

1 And there is virtually no reason in that case why  
2 you couldn't include that infrastructure in some  
3 kind of national mapping system.

4 But the second part, right, the  
5 existing systems, I'm sort of struck by kind of  
6 the circular logic here, which is to say that we  
7 constantly say to ourselves that it serves no  
8 purpose to know where these smaller lines, are  
9 that there is no risk involved with these smaller  
10 lines. And in the same breath we also then say  
11 we have no idea where they are, you know? And as  
12 we were just discussing what they're made of, how  
13 old they are, what pressure they're operating at  
14 and so on and so forth.

15 So it's hard for me to make -- be  
16 comfortable with the idea that there's no risk  
17 here or no value in knowing where these things  
18 are, because in fact none of us know. And none  
19 of us, therefore, can be certain that there is no  
20 risk.

21 I think getting the location of these  
22 lines mapped, and I'm also mindful of the fact

1 that, good God, I mean, you know, we can, you  
2 know, with technology being what it is, I mean  
3 any one of us can look up the, you know, location  
4 of our house and know what color it is. You  
5 know, with basic technology, it's kind of hard  
6 for me to imagine that we don't have the  
7 technology that would allow us to locate existing  
8 lines with a little -- just a little bit of  
9 effort.

10 So I think that there is a lot of  
11 value here for not much effort, and I would  
12 recommend that we make the recommendation to  
13 Congress that PHMSA be given the authority to get  
14 on with the business of collecting this location  
15 data.

16 MR. DANNER: And this is Dave Danner,  
17 and I just -- I want to -- I sort of want to  
18 refine what we're talking about because I think  
19 that the -- the question is if there's a  
20 statutory prohibition on inclusion, then what  
21 we're asking is for them to lift it so that PHMSA  
22 can consider to what extent it is appropriate to

1 put gathering lines into the mapping system as  
2 opposed to asking Congress to mandate that it be  
3 done because I know that there are complications,  
4 there are expenses involved. And so those kind  
5 of considerations.

6 So it seems to me that the  
7 recommendations are simply can we lift this  
8 prohibition so that PHMSA can do the right thing.  
9 All right. Yeah, and Chad was first. Chad  
10 Zamarin?

11 MR. ZAMARIN: Yeah, this is Chad  
12 Zamarin. Yep, Chad Zamarin with Williams.  
13 Thanks. You know, I know -- I would say that we  
14 need to be a bit cautious. I think this is  
15 exactly why we should be collecting the data that  
16 we just voted on. You know, to go out and just  
17 extend -- I think by un- kind of doing the  
18 legislative kind of restraints and potentially  
19 opening up the flood gates to 400,000 plus miles  
20 of previously unregulated pipelines, it is  
21 costly, it is, you know, it is easy to find our  
22 homes because they're above the ground. But

1 we're talking about 400,000 miles of pipe that  
2 are below ground.

3           And what we need to do through this  
4 data is figure out, first, what is the most  
5 important pipe to know about. And then, you  
6 know, determine what needs to be done with  
7 respect to those lines first. I would just be  
8 careful that we don't -- I'm not sure that I  
9 would advocate that as a group that we endorse  
10 the idea that, you know, it's an easy requirement  
11 to just extend NPMS requirements to, you know,  
12 400,000 miles of pipe.

13           I think it would, you know, create a  
14 lot of effort and cost, and it's kind of a broad  
15 brush approach versus we just said we're going to  
16 collect this data on all pipe, let's use that  
17 data to identify where we really should be then  
18 putting resources on efforts that are costly and  
19 challenging like mapping 400 miles of previously  
20 unregulated pipelines would be. Thank you.

21           MR. DANNER: All right, thank you.

22           Andy?

1           MR. DRAKE: This is Andy Drake with  
2 Enbridge. I think we have to be careful not to  
3 create a binary conversation going on here. You  
4 know, it's all of 400,000 some miles of gathering  
5 or it's none. I think that the conversation  
6 around risk really resonated with me a few  
7 minutes ago. Not everything's even here, a  
8 two-inch pipe's ability to create risk to public  
9 is very, very different than a 24-inch pipe you  
10 know, and it seems to me that location is  
11 relevant in the risk decision in this risk  
12 discussion. And where we're trying to take this  
13 industry from a trajectory standpoint.

14           I think that -- the NPMS to me is a  
15 separate issue. I agree with your comment, Mark,  
16 about going forward is one thing, you know, if  
17 we're talking about new pipes that we're  
18 designing and what we're talking about there,  
19 probably very easy to make the jump to NPMS  
20 standards.

21           But NPMS standards for existing pipes  
22 is a pretty significant rigor, and I would

1       qualify that going backwards and trying to get  
2       any slug of currently completely unregulated  
3       pipes to meet that standard is a pretty tall  
4       order.

5                   I would be -- I think there is a  
6       logical discussion here about prioritization and  
7       some kind of standard that we think. We want  
8       people know something, you know, some -- where  
9       they are with some accuracy on some subset of the  
10      400,000 some miles of pipe to start this  
11      discussion.

12                   I think later today we're going to --  
13      or some time here in a little bit, we're going to  
14      talk about the characteristics of what large and  
15      high-pressure means. Whatever that group is  
16      certainly would be a good candidate to know where  
17      they are, and I think that that is a logical  
18      first tranche of location.

19                   But I would caution about NPMS  
20      retroactive. That's got its own -- we may come  
21      up with some -- when we say location, don't just  
22      throw out NPMS because it's easy. That's a

1 pretty significant rigor.

2 MR. DANNER: All right. Alan, and  
3 then Mark.

4 MR. NANNEY: I know there are a number  
5 of avenues for people to make their wishes known  
6 related to our enabling statutes. But  
7 nonetheless, the committee could recommend to us  
8 -- you know, I might suggest since we're just --  
9 we're starting this discussion on this, maybe  
10 giving it some thought.

11 I mean you could even think about, you  
12 know, if you wanted to change the statute or  
13 recommend it consider it to apply to regulated  
14 gathering, I don't know. But, you know, it might  
15 be good to thinking about this. Maybe we table  
16 it for -- until at the end because I know we have  
17 a good bit to get to. I don't want to diminish  
18 -- you know, I think it's an important topic to  
19 cover, but maybe so we can get through the agenda  
20 and come back to it at the very end perhaps. I  
21 might suggest.

22 MR. DANNER: All right. So Mark, you

1 want --

2 MR. BROWNSTEIN: So good discussion,  
3 and picking up on the point the chairman just  
4 made, right, I think we're in a situation now,  
5 and I hope Andy, you'd agree with this, right,  
6 that because we have a statutory prohibition,  
7 right, we're almost -- you know, the conversation  
8 is stymied even before it begins. And so you're  
9 raising some excellent points as are others in  
10 this group.

11 I think as a threshold matter, right,  
12 it is useful to change the language so that PHMSA  
13 can bring forward the suggestion maybe based on  
14 the data that they will have been collecting over  
15 the next two or three years to say now we know  
16 enough to know that, golly, we would like to be  
17 able to do some -- or require some mapping.

18 So long as that statutory  
19 prohibition's in there, it's almost like there's  
20 a gag on being able to act on the data that we're  
21 now collecting. So I'd like to think that this  
22 committee could agree that at the very least,

1 right, the statutory language should be changed  
2 so that PHMSA has the discretion, and presumably  
3 that would have to go through a rulemaking. And  
4 that would come before this advisory committee  
5 and we could then have all the kinds of  
6 conversation that we're starting to have  
7 appropriately.

8 But we're in the best position to act  
9 on the data that we just said that we wanted to  
10 collect to improve the risk management system  
11 over time. Would you tend to agree with that?

12 MR. DRAKE: If you're asking me  
13 specifically, I think that would be hard to argue  
14 against.

15 MR. DANNER: And I would agree. Chad.

16 MR. ZAMARIN: Yeah, thanks. Chad  
17 Zamarin with Williams. I don't necessarily  
18 disagree, but, look, I'd be worried that we're  
19 taking on a topic that we're not prepared to. I  
20 don't know the history regarding, you know, the  
21 jurisdictional authority as it relates to the  
22 NPMS. I think it would be helpful for the

1 committee to get educated on how the NPMS is used  
2 by PHMSA, and whether that data would have value  
3 in the types of decision making we're talking  
4 about.

5 I mean it just -- it feels like us  
6 making a recommendation or taking any action on  
7 this may be premature. I would propose that we  
8 -- if this is a topic that kind of warrants our  
9 consideration, I would like to maybe get a  
10 presentation and have the opportunity for us to  
11 better prepare to have this kind of discussion  
12 because I just feel like I'm not -- I mean we've  
13 spent a lot of time preparing for the topics that  
14 were kind of on the agenda. This was not one of  
15 them.

16 So I do worry that we just as a  
17 practice I don't think should be making  
18 recommendations or, you know, taking action  
19 without being properly educated on the entire  
20 issue. And so I would propose that -- I'm not  
21 against it, I just don't have enough information  
22 I think to make an informed decision one way or

1 another. So I propose that we maybe table it and  
2 get a presentation at the next meeting if it's  
3 something that we want to -- or even in advance  
4 of the next meeting, we get some information  
5 pulled together if it's something we want to  
6 consider.

7 MR. DANNER: All right. Alan has  
8 proposed that we just table this till later in  
9 the day so that we can get on, and I don't think  
10 I need a motion, but I just want to get a sense  
11 of the committee. Are you okay if we set this  
12 aside for now and get to it before we leave  
13 today? All right. Then, we will do that. Let's  
14 move on to the next item then. Steve.

15 MR. NANNEY: Yeah, let me turn the mic  
16 on. Can you hear me? Starting now on slide 79,  
17 we're going into the definitions and end points  
18 of gas gathering in 192.3 and 192.8(a). And  
19 PHMSA's proposing to revise 192.8 to remove the  
20 reference to API RP80 as a means for defining the  
21 end points of gas gathering lines, and replacing  
22 with the following four standalone definitions

1 that address upstream transition from production  
2 to gathering, and downstream transition from  
3 gathering to transmission distribution:  
4 Gathering lines, including the clarification on  
5 incidental gathering lines, our gas processing  
6 plant, gas treatment facility and onshore  
7 production facility operation. And again, this  
8 was originally proposed in the notice of proposed  
9 rulemaking.

10 Going to slide 80, public comments we  
11 got on this from API and IPAA they strongly  
12 recommended that PHMSA reconsider its abandonment  
13 of API RP80 and that if PHMSA truly intends to  
14 eliminate the reference or amend the definition  
15 of gathering, additional discussions should occur  
16 with industry and that other stakeholder groups  
17 to determine the appropriate revisions.

18 Going to slide 81, additional public  
19 comments. Various other industry groups and  
20 operators take the position that API RP80 is  
21 adequate in its present state. From a pipeline  
22 safety trust and several non-industry groups and

1 private citizens, they support revising the  
2 definitions citing the current definitions as  
3 confusing as well as the need for further  
4 regulations on gathering lines that are similar  
5 in operating characteristics to transmission  
6 lines.

7 And lastly, the boundaries for  
8 gathering lines at various facilities need  
9 clarification and should be regulated to the  
10 extent that they are approximate transmission  
11 line pressures and diameters.

12 Going to Slide 82, additional public  
13 comments. The gathering line definition should  
14 be extended beyond length established end points  
15 to the nearest existing transmission line. And  
16 additionally, as the end points for gathering  
17 lines should be clarified. In other words  
18 suggests eliminating the use of end points at  
19 roadways and railroads.

20 And another comment we got was that  
21 the PHMSA associated administrator approval  
22 should not be required to change end points on

1 what is considered to be gathering lines.

2           Going to Slide 83, additional public  
3 comments. Short sections of lines downstream of  
4 processing, compression and similar equipment are  
5 incidental gathering lines in accordance with API  
6 RP80, and should continue to be treated as such  
7 for the purpose of regulation. And lastly, some  
8 public entities suggest that these lines should  
9 be treated as transmission lines for the purpose  
10 of regulation.

11           Going to Slide 84, and this is PHMSA's  
12 response, is that we acknowledge that any change  
13 to the definition of gas gathering lines is  
14 complicated and consequential change. After the  
15 notice was published, API established a working  
16 group to consider revisions to API RP80 to  
17 address the issues that led to the proposed  
18 changes published in the notice.

19           The API RP working group is making  
20 progress to address the definition issues and  
21 they've had several -- not only is it API RP80,  
22 but it's an API RP1182, and from personally

1 attending some of their meetings, not every  
2 meeting they've had this year and last year, I  
3 would agree going from what I personally saw as  
4 being folks all over the page to where everyone's  
5 on the same page. And my comment to the  
6 committee and to the public that's listening is  
7 they are making good progress. It's not done  
8 yet. But it's moving in that direction.

9           Going to -- and again, the last  
10 sub-bullet here is like I just said, PHMSA is  
11 monitoring the API group's progress in developing  
12 the API RP80 guidelines for the definition of  
13 onshore gas gathering lines. And API 1182 is  
14 risk assessment for larger diameter gas gathering  
15 lines are safety provisions for onshore gas  
16 gathering lines. That would be the new name for  
17 the two API documents.

18           Going to slide 85, PHMSA suggests the  
19 committee to consider the following: One,  
20 withdrawing the proposed changes to the  
21 definition of gas gathering from this rulemaking  
22 at this time. PHMSA will, and this is what PHMSA

1 will do going forward, we will monitor the  
2 outcome of the API working group effort and any  
3 revisions to API RP80 and the new proposed API  
4 RP1182.

5 We'll take up potential needed changed  
6 to the definition of gas gathering lines if  
7 needed in consideration of future rulemaking. In  
8 other words, when API RP80 and API RP1182 are  
9 complete, we will look to see if they should be  
10 incorporated into the code and how they should be  
11 incorporated into the code. And if based upon  
12 how they're developed, if we should add any  
13 additional changes to the code based upon that.

14 MR. DANNER: All right. Thank you.  
15 Just a clarifying question, John. Do you get a  
16 sense that API is going to incorporate the four  
17 bullet points that you had on page 79 in the -- I  
18 mean the original proposal, to include gas  
19 processing plant, treatment facility, onshore  
20 production facility, and gathering lines?

21 MR. NANNEY: They're addressing our  
22 concerns.

1                   MR. DANNER: All right. So at this  
2 point, we will take public comment on the  
3 definition and end points of gas gathering. Are  
4 there any public comments from people within the  
5 room?

6                   MR. KUHMAN: Chris Kuhman, API. Thank  
7 you, Steve for your comments and your  
8 contributions to the group. API was formed in  
9 1919 as a standard setting organization. In its  
10 first hundred years API has developed more than  
11 700 standards to enhance operational and  
12 environmental safety, efficiency and  
13 sustainability.

14                   From a gathering lines perspective,  
15 API has many stakeholders. We have a group  
16 consisting of industry experts, regulators, and  
17 the public who are currently developing the first  
18 addition of recommended practice 1182 which  
19 outlines safety provisions for large diameter,  
20 rural gas gathering lines.

21                   We also have a group revising  
22 recommended practice 80 which provides guidance

1 for the definition of onshore gas gathering  
2 lines. These groups have made significant  
3 process to ensure that these documents when  
4 implemented will address and reinforce our  
5 committee to safety.

6 MR. DANNER: All right, thank you.  
7 Are there other -- yes, go ahead, sir.

8 MR. HITE: Hi, Matt Hite again with  
9 GPA Midstream. The NPRM proposed changes that  
10 are not consistent with RP80 or the current  
11 regulations that would require operators to  
12 reclassify many facilities from production to  
13 gathering, or from gathering to transmission and  
14 distribution.

15 PHMSA did not provide adequate legal  
16 or technical support for the new definitions in  
17 the NPRM and failed to analyze the significant  
18 cost that asset reclassification would impose on  
19 producers and gathers. API along with GPA  
20 Midstream, but this API standard, API's working  
21 to develop a new addition of RP80 that GPA  
22 Midstream is supportive of the process and

1 involved in with API and our member companies  
2 that address some of the concerns identified in  
3 NPRM. We would encourage PHMSA to allow the API  
4 process to finish before considering any changes  
5 to the gas gathering definitions.

6 MR. DANNER: All right, thank you.  
7 Are there others?

8 MS. JONES: Good morning, I'm Jeanette  
9 Jones. I have -- I'm in the industry. I have  
10 about 30 years of experience in gas gathering. I  
11 currently work for Noble Midstream. We operate  
12 gathering in the DJ and Permian Basin. But I do  
13 have a vast experience in almost all of the  
14 basins in the U.S.

15 I work on the work group for RP1182  
16 and I'm the co-chair of RP80. And I just want to  
17 say we've heard the regulators' concerns about  
18 the challenges of the beginning of gathering and  
19 on incidental gathering. And as co-chair, we're  
20 working to review the document, to see how some  
21 aspects of those two components can be clarified.

22 Gathering systems are complex, design

1 and configurations vary by location, vintage and  
2 operator. But RP80 remains the best and only  
3 document we have that outlines the parameters of  
4 where gathering starts and ends. Even with the  
5 development of the Shale plays, it remains  
6 timeless and viable. Thank you.

7 MR. DANNER: All right, thank you.

8 Others in the room? Yes.

9 MS. GINSBURG: Susan Ginsburg with the  
10 Independent Petroleum Association of America. I  
11 want to echo what Jeanette said, but add that the  
12 group is focused on what we have heard from PHMSA  
13 and also from state regulators as the problems  
14 they see within enforcing RP80.

15 And I hear it from many of the people  
16 in these RP80 workgroup that no one benefits when  
17 you have a regulator come in and they view it one  
18 way, a regulator in another state may view it a  
19 different way. And so I just want to assure the  
20 members of GPAC that we are trying to provide  
21 greater clarity so that it works for the  
22 regulators at the state and federal level and

1 also works for industry.

2 MR. DANNER: All right, thank you.

3 Others? If not, is there any one on the line?

4 OPERATOR: As a reminder, if you do  
5 have a question, please press star then one.

6 MR. DANNER: All right, there's no one  
7 on the line then. All right, so I would  
8 entertain comments from committee members. Are  
9 there any committee members? All right. So my  
10 own concerns then I will share. I think that the  
11 proposal to -- the PHMSA's revised proposal makes  
12 sense to me. I think that there is -- it's  
13 important to clarify what the end points are, but  
14 I also am concerned that we're not excluding when  
15 we do clarify those, we're not excluding  
16 facilities that should be included.

17 So I would be interested to see what  
18 API comes up with, and then if PHMSA feels a need  
19 for further clarification, then this committee  
20 can deal with it in the future. Oh, Andy, I  
21 didn't see your card. I'm sorry.

22 MR. DRAKE: Andy Drake with Enbridge.

1 That's okay, I put it up just a second ago. You  
2 didn't miss it. I think it'd be fair here -- I  
3 appreciate this discussion and the consideration  
4 of this, and there's been a lot of thought going  
5 into this. There's a lot of complexity in the  
6 size and scale and other industries that are tied  
7 to this definition. And we don't need to create  
8 a bigger problem solving this problem. Being  
9 thoughtful in that makes sense.

10 The complexity of RP80 and RP1182 deal  
11 with that, are designed to deal with it, or  
12 trying to deal with it. Maybe that's -- I think  
13 the key that I would say is I think we need to --  
14 and I appreciate Jeanette getting up, that helps  
15 I think provide some insight of where the  
16 committee is.

17 I would like to see a deadline for  
18 clarifying this particular issue for us to  
19 review. And I know -- let's just acknowledge the  
20 obvious is that RP80 has been kind of in a state  
21 of evolution for a while. It needs to -- we need  
22 to get done with the stuff that's applicable to

1 this decision, period. And so I don't know if  
2 you want to throw that back to Jeanette, but, you  
3 know, I think maybe --

4 MR. DANNER: Yeah.

5 MR. DRAKE: -- something by the end of  
6 the year, something would be very timely so that  
7 we could move forward.

8 MR. DANNER: Maybe Jeanette could tell  
9 us what the current schedule is?

10 MS. JONES: So the question is when  
11 will we be finished, and I think Jim McKinney and  
12 I, the co-chairs, we're working very hard to get  
13 everyone together. As you can appreciate, a lot  
14 of people are doing this as a side job in  
15 addition to their regular responsibilities. But  
16 we have focused on trying to get meetings about  
17 every other month. And so we would anticipate  
18 that we will have something that can be balloted  
19 towards the end of the year, probably around  
20 December, January timeframe is what we're  
21 targeting of this year.

22 MR. DANNER: Are there any questions

1 for Jeanette before we let her go? Okay. All  
2 right. Alan, and then Sara, and then Jonathan.

3 MR. MAYBERRY: I was just going to  
4 offer up that we can schedule report out at one  
5 of the next meetings we have, a joint meeting, a  
6 packed meeting. I know we have one in November,  
7 but that's probably too soon. But then, you  
8 know, we'll schedule some next year and we'll  
9 just plan to have you back for that if that can  
10 work for everyone.

11 MR. DANNER: Okay. Sara?

12 MS. GOSSMAN: So I'll just express a  
13 general administrative law concern here which is,  
14 you know, one of the things the proposal did was  
15 to say we aren't going to follow API 80. We're  
16 going to create our own jurisdictional definition  
17 for gas gathering pipelines seems to me central  
18 to the agency's mission to determine which lines  
19 it's going to regulate and which lines it's not.

20 So by doing this, we're throwing it  
21 back into the API process where the agency is  
22 part of that committee discussion but is not the

1 decision maker. And I don't know that I have  
2 enough information myself to know exactly how  
3 that process is going to go, but I think maybe  
4 looking forward, right, this API 80 process of  
5 stakeholders coming to a decision about what  
6 constitutes a gathering line could then -- PHMSA  
7 could then take that definition and place it  
8 directly in its regulations rather than just  
9 adopt by reference.

10 MR. DANNER: So my understanding is  
11 that currently RP80 is referenced in 192.8, and  
12 so until that reference is changed, that's what's  
13 going to be in regulation. And so when API  
14 changes that, it will still have to be adopted by  
15 reference into the code. Is that correct?

16 MR. GALE: Just real quick, Chairman,  
17 I mean Sara's correct. I mean we would have  
18 options just like we did in the NPRM, right? We  
19 could end up even based on the RP80 proposal or  
20 the amendments to it, we could either IBR it,  
21 incorporated by reference, or we could take the  
22 guts of RP80 and propose it as an amendment to

1 the pipeline safety regs. That's our option.

2 And after we get the briefing, you  
3 know, from the RP80 group, you know, early next  
4 year, it sounds like, we can then, you know, look  
5 to the committee for a recommendation of just  
6 continue with incorporating RP80 or taking the,  
7 quote/unquote, "guts" of the revisions, and just  
8 like we did in this NPRM amend the pipeline  
9 safety regs to address those issues. We would  
10 have that flexibility. We would have that  
11 flexibility.

12 MR. DANNER: All right, Jonathan.

13 MR. AIREY: I only have a reminder to  
14 everyone. These definitions have been worked on  
15 for about 40 years. If you go back to DeWitt  
16 Burdeaux, it's complicated, and he spent a bunch  
17 of his time dealing with this. Cesar Deleon said  
18 once that in one of the hearing that he'd only  
19 spent about 25 years trying to sort this out and  
20 wasn't anyplace close. So setting a hard  
21 deadline I think is a bit of a problem in this  
22 arena. I think that progress is what we're

1 looking for, and the track you're on is really  
2 kind of the right direction to work with.

3 MR. DANNER: So what I've heard from  
4 Jeanette though is that we are going to see  
5 something relatively soon. Again, it's going to  
6 -- it's not going to be 40 years, but it should  
7 be by the end of this year, but again, it's going  
8 to take further action by PHMSA to get into the  
9 rules. Just when they changed -- by changing it,  
10 the API does not mean -- or the APR RP -- RP80,  
11 it doesn't mean that that has changed in the  
12 regs. There has to be further action to adopt it  
13 as part of this. Okay, Mark?

14 MR. BROWNSTEIN: So I'll just note for  
15 the record that the industry is actually moving  
16 slower than the regulators here. But in truth,  
17 it does beg the question for me which is, as I  
18 hear, you know, a consensus brewing that, you  
19 know, we'll get back this in January or February  
20 or whatever, it does sort of beg the question for  
21 me, like what kind of timeline are we on to like,  
22 you know, finalize these regulations?

1           And I say that understanding that, you  
2 know, as we talked about at the beginning in the  
3 preamble here, right, I mean this is -- these are  
4 seven years in the making if you think about when  
5 Congress first asked PHMSA to look at this, and  
6 we're certainly now three years into the  
7 proposal, right? I went back and reread our  
8 comments that were done in July of 2016, so  
9 almost exactly three years ago.

10           So I suppose there's no harm in  
11 waiting the next couple of months or three months  
12 for API to finalize a new definition and to have  
13 everyone take a look at it. But it does sort of  
14 make me wonder, like what kind of timeline are we  
15 on here because this stuff's way overdue?

16           MR. DANNER: Okay. So is that a  
17 rhetorical question or would you like Alan to  
18 answer it?

19           MR. BROWNSTEIN: No, I'd actually kind  
20 of like an answer to that question --

21           MR. DANNER: All right.

22           MR. BROWNSTEIN: -- actually.

1 MR. DANNER: Alan.

2 MR. MAYBERRY: Well, our plan coming  
3 out of this meeting is to move forward developing  
4 a final rule, and as you know, you know, everyone  
5 knows we have a fairly busy regulatory docket,  
6 and there are lot of things that control that.  
7 And things can get ahead of other things. But  
8 our plan is to move it forward through the  
9 process and not wait for that to that end. Yeah,  
10 go ahead.

11 MR. BROWNSTEIN: So, Mr. Chairman, if  
12 I could ask, so then would -- so again, Mark  
13 Brownstein, again. So Mr. Chairman, so does that  
14 then mean that waiting for some kind of report  
15 out from API at the, you know, at the end of the  
16 year and holding off on settling on some kind of  
17 definition of gathering systems would slow this  
18 -- slow your process down? Sounds like it.

19 MR. MAYBERRY: I think we all agree to  
20 -- you know, by the discussion, you can see that  
21 we're definitely on a journey where we're taking  
22 steps forward as we know, you know, have good

1 information to go by. We're already looking to  
2 -- if you take a step back, we're proposing  
3 numerous changes to the regulations related to  
4 gathering lines.

5 We're just saying that with this RP  
6 group, we'll give it a little bit more time and  
7 to see how we can further enhance because as you  
8 know we're already proposing to pull, you know,  
9 certain gathering lines that currently aren't  
10 regulated into the regulation. This other -- the  
11 RP just adds -- it's a reference that helps  
12 define what we're talking about. And I'm okay  
13 with waiting to get it right.

14 We do this all the time, we  
15 incorporate by reference standards, you know,  
16 from underground storage to line pipe. So you  
17 know, I'm okay. We're going to get what we can  
18 now, what we know to get, and then move forward  
19 when the standard's available. But I would hope  
20 that it's soon though, too.

21 MR. DANNER: So I think his question,  
22 though, is the rest of the rule going to slow

1 down, or are we going to continue to send that  
2 through the process, and then do an incorporation  
3 by reference at a later time?

4 MR. MAYBERRY: I see that as happening  
5 later. We do standards update rules about every  
6 other year, and this will rolled -- could be  
7 rolled into that in the next phase. But we will  
8 get done what we can get done now and then as  
9 that standard, you know, we review any standard  
10 that is revised and put before us. Sometimes we  
11 incorporate the whole thing as is, sometimes we  
12 pull in parts of it and write reg texts. But,  
13 you know, so we options for that.

14 MR. DANNER: Yeah, I mean I think the  
15 concern was that that would be holding the rest  
16 of the rule hostage, and I think that what I'm  
17 hearing from you is it will not. Okay. Let's  
18 see, Richard.

19 MR. WORSINGER: Rich Worsinger. I too  
20 had the same question Sara did, appreciate her  
21 asking it. And John, I thought you did a great  
22 job answering it. But I do have one follow up

1 there, incorporate by reference or take the  
2 language and put it into the regulation. I'm  
3 assuming if there was something left out that  
4 PHMSA thought should be part of that, you would  
5 also add that in. Great.

6 MR. DANNER: Okay. So is there any  
7 further discussion? If not is -- oh, yes, go  
8 ahead, sir.

9 MR. HILL: I'd like to go ahead and  
10 forward the motion.

11 MR. DANNER: Okay. I think we're  
12 ready for it.

13 MR. HILL: Is this the slide you want  
14 me to read?

15 MR. DANNER: Slide 85. Oh, 88, okay.

16 MR. HILL: Number four, definitions  
17 and end points of gas gathering, Section 192.3  
18 and 192.8(a) committee voting slides. The  
19 proposed rule as published in the Federal  
20 Register in a draft regulatory evaluation with  
21 regard to the definitions for gas gathering  
22 pipelines are technically feasible, reasonable,

1 cost effective and practicable if the following  
2 changes are made: Withdraw the proposed new and  
3 revised definitions related to gas gathering in  
4 proposed 192.3 and withdraw the proposed changes  
5 to 192.8(a) in the National -- or NPRM. And my  
6 name is Robert Hill.

7 MR. DANNER: Is there a second?

8 MR. WORSINGER: Rich Worsinger, I'll  
9 second.

10 MR. DANNER: All right. Thank you.

11 Any further discussion before we have a vote?

12 All right, then, can we take a roll?

13 MR. SATTERTHWAITE: All right, if you  
14 agree, just say yes. If not, no. And we'll go  
15 right through. Ron Bradley.

16 MR. BRADLEY: Yes.

17 MR. SATTERTHWAITE: Andy Drake?

18 MR. DRAKE: Yes.

19 MR. SATTERTHWAITE: Rich Worsinger?

20 MR. WORSINGER: Yes.

21 MR. SATTERTHWAITE: Chad Zamarin:

22 MR. ZAMARIN: Yes.

1 MR. SATTERTHWAITE: Mary Palkovich?

2 MS. PALKOVICH: Yes.

3 MR. SATTERTHWAITE: John Airey?

4 MR. AIREY: Yes.

5 MR. SATTERTHWAITE: Mark Brownstein?

6 MR. BROWNSTEIN: I'm abstaining on  
7 this one.

8 MR. SATTERTHWAITE: Sara Gossman?

9 MS. GOSSMAN: So I'm -- is it possible  
10 that I could ask a quick clarifying question? I  
11 realize we're in the middle of a roll call vote?  
12 If not, that's fine. I'll just abstain. I'm  
13 just confused about some language. It's okay.

14 MR. DANNER: My own view is that we're  
15 informal --

16 MS. GOSSMAN: So in just looking at  
17 this language, it says that the proposed rule is  
18 technically feasible, reasonable, cost effective  
19 and practicable if you withdraw the proposed  
20 definitions and withdraw the proposed changes.

21 So I haven't -- yeah, what does that  
22 mean? That is -- I mean in essence what you're

1 saying is you're not going forward with it, and  
2 you're going to wait and see what happens with  
3 the API AD process, right? But is that a  
4 determination about technical, feasibility,  
5 reasonableness, cost effectiveness and  
6 practicableness?

7 MR. DANNER: I think that's a very  
8 good question. Alan?

9 MR. MAYBERRY: Really, it's at this  
10 time, it's not that we won't address it and the  
11 -- it means that, you know, the current RP80 that  
12 we continue to be incorporated by reference.  
13 We're just not ready -- that block is being taken  
14 off right now to be addressed later.

15 MR. DANNER: So what I hear you saying  
16 is that when this gets communicated as our  
17 recommendation, basically what we're saying is  
18 we're punting until later as opposed to we're  
19 making findings about what's technically  
20 feasible?

21 MR. MAYBERRY: I would expect it would  
22 be a separate standards -- part of a separate

1 standards update rule that focuses specifically  
2 on the RP.

3 MR. DANNER: Okay.

4 MS. GOSSMAN: All right. With that  
5 clarification, yes.

6 MR. SATTERTHWAITE: Robert Hill?

7 MR. HILL: Yes.

8 MR. SATTERTHWAITE: David Danner?

9 MR. DANNER: Yes.

10 MR. SATTERTHWAITE: Sara Longan?

11 MS. LONGAN: Yes.

12 MR. SATTERTHWAITE: Diane Burman?

13 MS. BURMAN: I'm just confused. I  
14 don't know if it's from being on the phone, but I  
15 don't see online the proposed language. So I'm  
16 just confused on what we're voting on. With that  
17 -- it's a proposal, but I don't see a proposed  
18 language so I'm trying to figure out this  
19 specific language.

20 MR. SATTERTHWAITE: Okay, we will have  
21 the folks please -- operators of the webcast,  
22 please post the language for slide 88 that's

1 coming from the main screen please. Let us know  
2 when you see that, Diane.

3 MS. BURMAN: Right now I just see a  
4 lot of people.

5 MR. SATTERTHWAITE: Okay.

6 MS. BURMAN: Okay, now I --

7 MR. SATTERTHWAITE: It should be up on  
8 the screen.

9 MS. BURMAN: Okay, just give me a  
10 minute. It is up now. Could I say how -- what  
11 we're withdrawing? It says withdraw the proposed  
12 new and revised definitions, and withdraw the  
13 proposed changes.

14 MR. DANNER: So what are you asking?

15 MS. BURMAN: So we're withdrawing the  
16 proposed new and revised definitions in the  
17 proposed 192.3 and we're withdrawing the proposed  
18 changes?

19 MR. DANNER: That is correct. And so  
20 we're going to let API do its rule changes, and  
21 then PHMSA will consider adopting those changes  
22 by reference in a separate proceeding.

1                   MR. MAYBERRY: Hey, Diane, this is  
2 Alan. The net effect is we're -- we had reg text  
3 to replace RP80 and we're just going to let RP80  
4 remain while that committee finishes its work and  
5 then address it later. There'll be a separate  
6 rulemaking.

7                   MS. BURMAN: Okay. I know -- I guess  
8 I was just a little confused because it does seem  
9 like we're doing a proposal without the specific  
10 proposed language. But I do understand looking  
11 at it further. So I guess I'm just having a  
12 little difficulty in understanding exactly what  
13 we're doing here in this vote.

14                   MR. MAYBERRY: Yeah, this you're just  
15 voting on the concept. We're not voting on  
16 actual reg text here.

17                   MS. BURMAN: Okay. Yes.

18                   MR. DANNER: Okay, with that --

19                   MS. BURMAN: Let me ask the clarify  
20 question. Will it come back to GPAC?

21                   MR. MAYBERRY: Yes.

22                   MS. BURMAN: Okay. Yes.

1                   MR. SATTERTHWAITE: Okay, with that,  
2                   the vote is unanimous with the accepted -- with  
3                   the take in votes. Understand that there was one  
4                   abstention.

5                   MR. DANNER: All right, thank you very  
6                   much. You have an announcement.

7                   MR. MAYBERRY: Yeah, thanks, Chairman  
8                   Danner. We're going to have a special guest  
9                   today. I just want to let you know at about 4:30  
10                  the Secretary of Transportation, Elaine L. Chao  
11                  will join us for about 30 minutes, so that'll be  
12                  about 4:30 today. So we look forward to having  
13                  her. I know she does that on occasion as  
14                  meetings occur here she may drop in and she has  
15                  an interest and has heard a lot about you, so  
16                  wants to come by for visit. So --

17                  MR. DANNER: So I hope you all brought  
18                  your selfie sticks. Okay.

19                  MR. MAYBERRY: And also remember the  
20                  escort requirement, too, for coming and going all  
21                  that.

22                  MR. DANNER: Okay. So one hour for

1 lunch. It's now 12 o'clock. 1:30, all right.

2 So we will resume at 1:30. So we're in recess.

3 (Whereupon, the above-entitled matter  
4 went off the record at 11:59 a.m. and went back  
5 on the record at 1:31 p.m.)

6 MR. DANNER: All right, good  
7 afternoon, everyone. Hope you enjoyed your lunch  
8 hour. We're going to get back to it. I think  
9 we're doing real well today. So we have  
10 remaining safety requirements, and then the scope  
11 of the newly regulated gas gathering. So without  
12 further ado, I'm going to turn it over to Steve  
13 and Chris and we'll get going.

14 MR. MCLAREN: Thank you, Dan. Good  
15 afternoon. Section 5 is on newly regulated gas  
16 gathering in Sections 192.9(c) through (e) and  
17 192.619. Again, this is what was proposed in an  
18 NPRM in 2016. PHMSA proposed that newly  
19 regulated gas gathering pipelines would be  
20 subject to the following requirements similar to  
21 the requirements for Type B lines for design  
22 installation, construction, and initial

1 inspection, and testing for new and replaced  
2 lines.

3 Also corrosion control for subpart I  
4 for metallic lines and composites with metallic  
5 components. For damage prevention per 192.614  
6 and public awareness and education per 192.616.

7 Slide 90. PHMSA also proposed to  
8 establish an MAOP per 192.619, requirements for  
9 line markers per 192.707. For leakage surveys  
10 per 192.706, and repairs per 192.703(c). In  
11 addition, the proposed newly regulated gas  
12 gathering pipelines would be subject to the  
13 following requirements which would not be  
14 applicable to Type B lines: Emergency plans for  
15 192.615. From the MAOP bullet, the asterisk  
16 reads that PHMSA proposed to revise 192.619 to  
17 clarify MAOP requirements for newly regulated gas  
18 gathering lines which allows for newly regulated  
19 gas gathering lines to be grandfathered for the  
20 purposes of MAOP determination as will be  
21 discussed in more detail in the next slide.

22 Slide 91. So what PHMSA proposed was

1 that in 192.619 PHMSA proposed to allow operators  
2 of newly regulated pre-existing gas gathering  
3 lines to determine their MAOP based on the  
4 five-year high operating pressure of the line  
5 prior to the effective date of the rule. That  
6 would in effect grandfather them to that high  
7 operating pressure.

8 In 192.9(e), PHMSA proposed that newly  
9 regulated gas gathering pipelines have two years  
10 to comply with those requirements in 192.9. This  
11 new paragraph should have been designated as  
12 192.9(e)4 and will be corrected in the final  
13 rule.

14 Ninety-two. Continuing with our  
15 proposals in 192.9(f) PHMSA proposed that if a  
16 change in class location or an increase in  
17 dwelling density caused a Type A, Area 2 line to  
18 become regulated, operators would have one year  
19 to comply with 192.9. And note that it's a  
20 comparable requirement for Type A and Type B  
21 lines is already addressed in the existing  
22 192.9(e)3 , and PHMSA intended to incorporate

1 Type A, Area 2 into this existing requirement.  
2 The proposed paragraph F should have been  
3 designated as 192.9(e)3 and will be corrected in  
4 the final rule.

5 Ninety-three. With regards to the gas  
6 transmission rule impact on 192.9(c), as a  
7 reminder the 2016 NPRM is being split into three  
8 separate rulemakings, what we call RIN-1, RIN-2  
9 and 3, the gas transmission MAOP and mandates  
10 rule, RIN-1, the gas transmission repair criteria  
11 rule RIN-2, and this gas gathering rule, RIN-3.

12 The gas transmission portions of the  
13 NPRM have already been reviewed and voted on by  
14 the GPAC in previous meetings. Several new gas  
15 transmission requirements are not intended to  
16 apply to gas gathering pipelines as discussed  
17 with the GPAC. The gas transmission rules will  
18 also amend 192.9(c) to exempt gas gathering lines  
19 from the requirements not intended to apply to  
20 gas gathering.

21 Also from the gas transmission  
22 mandates rule, RIN-1 would exempt gas gathering

1 lines from several or many requirements as listed  
2 here: 192.150 for the required new piggable  
3 lines meet the NAS requirements; 192.227(c)  
4 records for qualification of welders; 192.285(e)  
5 records for qualification of plastic pipe  
6 joiners; 192.493 in-line inspection consensus  
7 standards applicability; 192.506 spike test,  
8 spike hydrotest requirements; 192.607 material  
9 documentation; 192.619(e) the MAOP confirmation;  
10 as well as the 192.624 MAOP confirmation;  
11 192.710, non HCA assessment requirements; and  
12 192.712 analysis of predicted failure pressure.

13 Slide 95. Also to continue the list  
14 of what the gas transmission repair rule would  
15 exempt gas gathering lines from: 192.13(d)  
16 management of change; 192.127 pipe design  
17 records; 192.205 records for pipeline components;  
18 192.319, requirements for coating surveys after  
19 backfill; as well as the 192.461(f) coating  
20 surveys after backfill.

21 Also, would be exempted the  
22 192.465(d)2 and (f) on external corrosion

1 remediation; 192.473(c) interference surveys;  
2 192.478 internal corrosion requirements;  
3 192.613(c) extreme weather inspections; and  
4 192.714, non HCA repair criteria.

5 slide 96. So some of the public  
6 comments to the 2016 NPRM proposed language  
7 included that new gas gathering lines that  
8 operate above 20 percent SMYS should meet the  
9 current Type A requirements. And gas gathering  
10 lines operating below 20 percent SMYS should meet  
11 the current Type B requirements as this would  
12 remove confusion associated with future class  
13 location changes.

14 Ninety-seven. PHMSA's response is  
15 that requiring all newly regulated Type A  
16 gathering lines in Class 1 locations to meet the  
17 current requirements for regulated Type A  
18 gatherings in Class 2, 3, or 4 locations would  
19 likely not be cost effective.

20 PHMSA will consider reviewing this  
21 alternative in the regulatory impact analysis for  
22 the rule. At this time PHMSA proposes no changes

1 for gathering lines operating less than 20  
2 percent of SMYS which are the Type B  
3 requirements.

4 Slide 98. Continuing, PHMSA proposes  
5 a change that would require Type A, Area 2 lines  
6 that become newly regulated due to an increase in  
7 dwelling density to have two years from the  
8 effective date of the rule to come into  
9 compliance with the requirements of 192.9 instead  
10 of one year as proposed in the NPRM, or effective  
11 date of that change, of the rule in this case.

12 This is the same as the existing  
13 requirements for the Type A lines. If a class  
14 location change occurs for Type B pipelines, the  
15 operator has one year to come into compliance  
16 with the requirements of 192.9, and this is no  
17 change to the existing requirements for Type B.

18 Ninety-nine. Another comment was that  
19 PHMSA should also require gathering line  
20 compliance with construction and operating  
21 standards. PHMSA's comment is the NPRM proposed  
22 construction and operating standards for new or

1 replaced Type A, Area 2 gathering lines.

2 One hundred. Public comments support  
3 requiring gathering line mandatory one-call call  
4 before your dig systems. The NPRM proposes to  
5 include the 192.614 damage prevention  
6 requirements for newly regulated gas gathering  
7 lines which includes participation in one-call  
8 programs as well as other damage prevention  
9 activities.

10 One hundred one. Comments regarding  
11 new or replaced plastic pipe. Public comment  
12 that we should consider regulating only steel  
13 pipe in Class 1 gathering location. And the  
14 proposed changes in 192.9(d)1 will have the  
15 effect of eliminating the use of composites and  
16 plastic pipes.

17 PHMSA's response is that the  
18 longstanding requirement for regulated gathering  
19 lines apply to both steel and plastic pipelines.  
20 Any gas gathering line that meets the criteria in  
21 192.8 would be regulated. Both steel and plastic  
22 lines would be required to meet the applicable

1 requirements of part 192.

2           And it's continued on 102. 192.91 is  
3 an existing requirement unchanged by the proposed  
4 rule that already applies to new, replaced, or  
5 relocated plastic lines which must comply with  
6 the applicable requirements for plastic  
7 transmission pipelines. Based on the long-time  
8 application of this requirement for plastic  
9 gathering pipelines, PHMSA disagrees that  
10 applying this requirement to newly regulated Type  
11 A, Area 2 segments would result in the  
12 elimination of plastics.

13           One hundred three. With regard to  
14 composite pipeline material, PHMSA recognizes  
15 that some existing lines that would become  
16 regulated might include segments constructed with  
17 composite pipe material. PHMSA does not intend  
18 to require operators to replace such pipe with  
19 newly regulated -- in a newly regulated pipeline.

20           However, existing pipeline regulations  
21 do not cover composite pipe. Therefore, PHMSA  
22 proposes to add a no-objection notification

1 process to 192.9 so that PHMSA may review the  
2 specific cases in which composite pipe material  
3 is used for existing or new Type A, Area 2  
4 gathering pipelines.

5 One hundred four. From the public  
6 comments, TPA and IPAA jointly proposed PHMSA to  
7 allow deviations from any requirement by  
8 submittal of a notification. And PHMSA's  
9 response is that it believes that notification  
10 requirement is appropriate for some aspects of  
11 the new requirements, but does not agree that  
12 operators should be allowed to deviate from any  
13 or all requirements using just a notification.  
14 Such deviations would require a special permit.

15 PHMSA suggests the committee consider  
16 the use of notifications for plastic or composite  
17 pipe since it is not PHMSA's intent to require  
18 operators of newly regulated segments to have to  
19 replace existing plastic or composite pipe.

20 One hundred five. In light of the  
21 public comments to the NPRM, PHMSA suggests the  
22 committee also consider -- PHMSA's suggests the

1 committee consider endorsing the minimum safety  
2 standards for regulated gas gathering pipelines  
3 as PHMSA proposed in the NPRM. The listing below  
4 is a summary of the requirements proposed for  
5 192.9(d) in the NPRM.

6 The first eight items are the same  
7 existing Type B requirements with a note that  
8 when things are in blue in this case it was  
9 added, in this case, because the plastic pipe  
10 rule came into effect this spring.

11 Number one is design, installation,  
12 construction and initial inspection and testing  
13 for new and replaced lines. Two is corrosion  
14 control for subpart I for metallic and composite  
15 with metal lines only. Three is the plastic pipe  
16 requirements. Four is damage prevention per  
17 192.614.

18 Continued on 106. Number five is  
19 public awareness and education per 192.616. Six  
20 is establishing an MAOP for existing lines that  
21 can be based on the five-year high operating  
22 pressure of the line which would be allowed, or

1 in other cases per the 192.619 requirements.

2 Seven are line marker requirements per  
3 192.707. Eight is leakage surveys in accordance  
4 with 192.706 and repairs in accordance with  
5 192.703(c). And then for Type A, Area 2 lines  
6 only, emergency plans per 192.615.

7 One hundred seven. PHMSA suggests the  
8 committee also consider that language such that  
9 if after the effective date of the rule, a change  
10 in class location or an increase in dwelling  
11 density causes an onshore gathering line to be  
12 regulated, the operator has two years for newly  
13 regulated gas gathering pipelines after the line  
14 becomes a regulated onshore gathering line to  
15 comply with 192.9.

16 Also if a regulated onshore gathering  
17 line existing on the effective date of the rule  
18 has not previously been subject to this part, an  
19 operator has until three years to comply with the  
20 applicable requirements of this section unless  
21 the administrator finds a later deadline is  
22 justified in particular case. Descriptions of

1 192.9(c) and (d) subsections will be updated for  
2 Type A, Area 1 or Area 2 as appropriate.

3 Slide 108. In light of the public  
4 comments to the NPRM PHMSA also suggests the  
5 committee consider allowing usage of existing  
6 composite pipelines. And this would require the  
7 operator to notify PHMSA in receipt of a PHMSA  
8 no-objection letter for the use of composite pipe  
9 in Type A, Area 2 pipelines.

10 And for the usage of composite  
11 pipelines for new pipelines, require the operator  
12 notification to PHMSA in receipt of a PHMSA  
13 no-objection letter for the use of composite pipe  
14 in a Type A, Area 2 pipeline. And note, as  
15 always, an operator would be able to apply for a  
16 special permit under 190.341.

17 One hundred nine. Also, PHMSA  
18 recommends the committee consider extending the  
19 deadline in 192.8(b) for determining  
20 applicability from six months, which was  
21 originally proposed to two years after the  
22 effective date of this rule. And extend the

1 deadline for the conforming changes in 192.9(e)3,  
2 (e)4, 192.452, and 192.13, and 192.619 to three  
3 years after the effective date of the rule.

4 One hundred ten. Thank you.

5 MR. DANNER: All right, thank you very  
6 much. I think at this point we would welcome any  
7 public comments from those in the room if folks  
8 have comments to make. Please take direction  
9 from Cameron there.

10 MR. KNAPP: Cameron?

11 MR. DANNER: Go ahead, sir.

12 MR. KNAPP: Thank you. Good  
13 afternoon. Advisory committee of PHMSA staff, I  
14 just wanted to make a few comments. This is  
15 Randy Knapp with the Plastics Pipe Institute. I  
16 wanted to highlight some areas I think the  
17 industry had some confusion around as far as the  
18 requirements in 192.9.

19 The addition of 192.9(d)3 in the  
20 plastics rule talks about plastic must comply  
21 with all applicable requirements of this part for  
22 plastic components. Other parts of this section

1 192.9(c) or (d)1 state must comply with the  
2 requirements applicable to transmission lines.  
3 And I think those two in some cases are confused  
4 about is this transmission line that we're trying  
5 to look at the requirements for, or is it all  
6 plastic requirements that are currently in the  
7 code?

8           So I think some clarification of that,  
9 making that more explicit would be worthwhile  
10 whether it's done here or if we go into the  
11 specific relevant sections of the code, and  
12 192.59 for materials, 182.63 on marking  
13 requirements, and 192.121 on design requirements  
14 because I think that would stem back to some of  
15 the questions that we had and some of the  
16 comments that were put forward by PPI.

17           I would say also that we do support  
18 the composite no-objection notification process  
19 as a step forward in recognizing composite  
20 materials, and we certainly encourage PHMSA to  
21 continue the progress being made on the IBR of  
22 some relevant product standards and PPI has

1 submitted a number of petitions around that. One  
2 for API 15S for spoolable composites, another for  
3 ASTM F2619 and API 15LE for polyethylene line  
4 pipe as standards that are typically used in the  
5 industry for gas gathering applications. So  
6 again, those are active petitions with dockets in  
7 place. So I'd encourage everyone to continue to  
8 look at that.

9 MR. COYLE: Hi, good afternoon. My  
10 name is Keith Coyle. I wanted to offer a few  
11 short comments on behalf of GPA Midstream. The  
12 first comment that we wanted to offer is we would  
13 prefer that we use Type C as the reference for  
14 these lines instead of Type A Area 2. Type A,  
15 Area 2 is very confusing because these lines are  
16 not subject to the Type A requirements. They're  
17 subject to the Type B requirements. And the Area  
18 2 reference just creates more confusion.

19 So we would prefer if we could just  
20 call them Type C, then everybody would know what  
21 we were talking about, it would be a little bit  
22 easier for compliance people in the field.

1           The second comment on the no-objection  
2 process, we would -- we support -- generally  
3 support the changes that have been made, but we'd  
4 like to have some more detail on how that process  
5 would work in practice. I think when we did the  
6 transmission line discussion last year there was  
7 a discussion about a 90 day deadline, and maybe  
8 if there was no action in 90 days it would be  
9 deemed granted.

10           On something like this, too, there  
11 might be situations where you need to do a  
12 replacement in like an emergency circumstance  
13 where you'd need a decision from the regulator  
14 faster if you had a composite replacement that  
15 you had to make. So just some more discussion on  
16 how that process would actually work, who would  
17 be making those decisions, making sure they're  
18 consistent?

19           And the last thing was the five-year  
20 high on the MAOP provision. You know, we  
21 understand that's been the traditional way that  
22 PHMSA has set grandfathered MAOPs. We do have

1 some concerns about the nature of the operating  
2 pressure data that would be a required to set a  
3 grandfathered MAOP. Some of the systems that  
4 might be brought into regulation don't have all  
5 the pressure monitoring equipment that some of  
6 the more established systems have. So what would  
7 PHMSA's expectation be in terms of documentation  
8 for the five-year high?

9 And if industry could have some  
10 additional compliance time to deal with the MAOP  
11 piece, whether that's, you know, two years to  
12 identify and then run the three years consecutive  
13 instead of concurrent just to give us some more  
14 allowance so that we could make sure that we had  
15 the necessary equipment in place to provide  
16 whatever pressure data PHMSA needs for the  
17 five-year high. So, thank you.

18 MR. DANNER: All right, thank you.

19 MR. BODELL: Hi, I'm Clayton Bodell  
20 with Williams. Mr. Coyle almost touched on  
21 something, but he didn't quite hit what I was  
22 wanting to comment on. And so what I would like

1 to do on slide 108, it refers to a process, this  
2 notification process, and it appears to require a  
3 receipt of a no-objection letter.

4 I'd urge the committee to consider,  
5 and I'm using the same language that was approved  
6 under section 192.607 in which an operator  
7 doesn't necessarily need to receive that  
8 objection letter before proceeding. And  
9 similarly, that language is red in other sections  
10 that were approved by the committee to say, you  
11 know, retain the notification procedures as  
12 published in the NPRM, use the same 90-day  
13 no-objection letter language the committee  
14 approved for 192.607 for any notification. So  
15 follow similar language as it was previously  
16 approved. Thank you.

17 MR. DANNER: All right, thank you.

18 Others?

19 MR. LOWERY: Good afternoon. My  
20 name's Josh Lowery with O'Donoghue and  
21 O'Donoghue. We represent the interest of the  
22 United Association of Plumbers and Pipefitters.

1 And the UA represents 355,000 members all within  
2 the piping industry including several thousand  
3 pipeline workers.

4 And when we look at these regulations,  
5 we look at it with two guiding principles. All  
6 pipelines must be constructed, installed and  
7 maintained by qualified personnel to ensure  
8 maximum public safety. And then once installed,  
9 operators should carefully monitor the integrity  
10 of pipelines over the course of their use to  
11 ensure that corrosion or other problems relating  
12 to the aging of these systems do not create undo  
13 public safety risks.

14 And when we look at what the scope of  
15 what these new gathering line regulations cover,  
16 there's two issues that jump out to us. First,  
17 the record keeping requirements related to welder  
18 qualifications as drafted are only applicable to  
19 transmission lines, and we believe that they  
20 should be applicable to regulated gathering lines  
21 as well.

22 And what that requirement is is that

1 the transmission line Operators are required to  
2 maintain for the life of a pipeline the records  
3 of the qualifications of the welders that are  
4 working on the pipeline. And since we're talking  
5 about regulated gathering lines, we think the  
6 same record keeping requirements should be  
7 applicable in both instances.

8 And second, with the gathering lines,  
9 they should not be excluded from the integrity  
10 management requirements. We know that this was  
11 previously addressed in the integrity management  
12 side of things, but since we are now addressing  
13 gathering lines and the regulations associated  
14 with them, our concern is that after the post  
15 construction operation of gathering lines, we're  
16 looking at the aging of the process and we think  
17 that additional measures need to be taken in  
18 terms of ensuring that there aren't any corrosive  
19 issues or other deteriorative or defective  
20 conditions left undetected for years creating  
21 serious and unacceptable public safety risks.

22 Again, we're looking at this from

1 regulated gathering lines versus regulated  
2 transmission lines and we say that transmission  
3 lines and gathering lines share many of the same  
4 characteristics so we think that they should also  
5 share many of the same standards. Thank you.

6 MR. DANNER: All right, thank you.

7 MS. FRIEND: My name is Mary Friend  
8 and I'm representing NAPSR, and I would like to  
9 say NAPSR generally agrees with these proposals.  
10 We acknowledge that these were part of a  
11 resolution we submitted to PHMSA several years  
12 ago. The only causation we would provide is the  
13 reminder to PHMSA that many of these lines are  
14 intrastate pipelines, and as such, as intrastate  
15 pipelines, they ought to be the approval, or the  
16 no-objection should be run through the state  
17 agency, and not solely through PHMSA.

18 MR. DANNER: All right, thank you. Is  
19 there anyone else in the room who wishes to  
20 comment on this part of the rules? If not, then  
21 we're going to go to the phone and see who's  
22 there.

1 OPERATOR: And as a reminder, if you  
2 do have a question, please star one.

3 MR. MAYBERRY: For those on the  
4 webcast, we understand there is an issue. We're  
5 working to resolve it right now.

6 MR. DANNER: All right, while they are  
7 working on the problem, I think what we are going  
8 to suggest is that let's start the committee  
9 discussions, and then once we get the problem  
10 fixed, then we will then add the benefit of a  
11 public comment to our conversations. So let me  
12 ask at this time if there are any committee  
13 members would like to comment on these proposals  
14 with regard to safety requirements? Okay, Chad  
15 Zamarin.

16 MR. ZAMARIN: Thanks. This is Chad  
17 Zamarin with Williams. Just a couple of maybe  
18 follow ups to recognize some of the comments that  
19 we just heard from the public. I do agree with  
20 the comment around the no-objection and the  
21 special permit kind of language. I do recall  
22 that we covered this on the gas transmission

1 rule. And, you know, not really knowing how much  
2 administrative burden this creates as we're  
3 entering some kind of uncharted waters, I do  
4 think that, you know, an Operator deserves  
5 regulatory certainty and, you know, will get an  
6 answer, or if no action is taken, we'll be able  
7 to see that as, you know, good enough for moving  
8 forward. So I would recommend that we take a  
9 look at the language that we voted on and  
10 approved in the gas transmission rule for similar  
11 situations, and we add that in this area as well.

12 And then just on the gathering and  
13 integrity management pieces, you know, that we  
14 heard discussed, and I think this is a pretty  
15 appropriate way of starting to extend meaningful  
16 requirements to pipelines that had not been  
17 previously, you know, covered under the rule, and  
18 we were talking about -- we looked at the  
19 incident types that are most prevalent on those  
20 that are tracked, and, you know, we are  
21 implementing corrosion control requirements,  
22 damage prevention requirements, design,

1 installation, construction, inspection, and  
2 testing requirements for new or replaced pipes.

3 So I do think there's quite a bit of  
4 new requirements that are being put to these  
5 pipelines. And so I support generally the way  
6 that this is proposed. Thank you.

7 MR. DANNER: All right, thank you.  
8 Jonathon.

9 MR. AIREY: Jon Airey. To avoid a  
10 potential drafting mistake I suggest on the  
11 exclusions from regulation that the newly  
12 regulated gathering lines only have to meet the  
13 expressly outlined rules. And not other  
14 requirements that are not listed in the list in  
15 case that list is incomplete.

16 MR. DANNER: All right, are there  
17 other comments? Sara?

18 MS. GOSSMAN: It's more of a question  
19 at this point, and it relates to just the  
20 compliance states. So I'm struggling a little  
21 bit with all the different compliance states.

22 We've got questions around

1 applicability. We've got ones that relate to the  
2 actual requirements. I wonder if you could just  
3 -- and I don't know whether they're running  
4 consecutively or not. Can you help me understand  
5 the timeline here in terms of when people are  
6 going to be doing these things?

7 MR. NANNEY: Bobby, go back to slide  
8 number 109. And make sure I'm understanding is  
9 if you look, extend the deadline for conforming  
10 changes at 192.9(e)3 where we've got the three  
11 years, so that's what we were looking at doing on  
12 all of those there that we've got listed. Is  
13 that what you were asking is are we looking at  
14 two years, three years or --

15 MS. GOSSMAN: Yes. So may I follow  
16 up? So you have determining applicability and  
17 then you have extending the deadline for  
18 conforming changes, and then you've got a set of  
19 issues that relate to what happens when you have  
20 an increase in dwelling density, right, that  
21 would trigger requirements for pipelines that are  
22 existing that are now going to be subject to

1 regulations. So I'm just wondering how all of  
2 those fit together.

3 MR. NANNEY: Okay. Yeah. Well, first  
4 we -- three years is total that you would have.  
5 Okay, the two years if you see a change later, it  
6 would be like a class location change in 192.611.  
7 That would give you two years. Let's say five  
8 years out, you find something, then you have two  
9 years at that point. We're giving the total of  
10 three in the beginning to give operators enough  
11 time to identify and to make it applicable. So  
12 we thought the three years gave enough time, and  
13 then after you get that done, if you find  
14 something else it would be only two years.

15 MR. DANNER: All right. So I'm going  
16 to interrupt the council conversation -- the  
17 committee conversation because it sounds like  
18 we're back online. Can we get -- so are there  
19 any public comments? Okay. So we are going to  
20 give folks a minute to call in. The call-in  
21 number's up on the slide.

22 No questions? Okay. So why don't we

1 do that and let's -- so before we do that,  
2 though, I mean there were lot of public comments  
3 that had specific suggestions, and I just -- if  
4 we put the language up, are we going to discuss  
5 those or -- okay. Then go ahead, sir. Okay,  
6 we're trying to get the slides moved to the  
7 middle.

8 MR. MCLAREN: Okay, so here are the  
9 recommended amendments for the committee to  
10 consider. Extend the time frame to two years for  
11 a Type A, Area 2 line that became regulated in  
12 the future due to new dwellings. That's where it  
13 to be applicable -- to come into compliance for  
14 it to be applicable. Add a notification process  
15 similar to the process endorsed by the committee  
16 for the proposed 192.607 in RIN-1 to address the  
17 use of composite pipe materials in existing and  
18 new Type A, Area 2 pipelines.

19 Extend the deadline in 192.8(b) for  
20 determining applicability from six months to two  
21 years after the effective date of the rule. And  
22 extend the deadline for the conforming changes at

1 192.9(e)3, (e)4, 192.452, 192.113, and 192.619 to  
2 three years after the effective date of the rule.

3 Ensure that the language for  
4 designated newly regulated gathering pipelines is  
5 as clear as possible. And for the MAOP  
6 determination based on the five-year high  
7 operating pressure or other criteria based on a  
8 combination of operating conditions and other  
9 tests in design that will be part of a  
10 notification to PHMSA which will include a  
11 no-objection.

12 And is part of Sara's comment within  
13 the bullet's three and four, it is to move the  
14 applicability deadline from six months to two  
15 years from the effective date of the rule, but  
16 you could identify it before then and then you'd  
17 get extra time on the total of the three year  
18 piece. So you could -- if you identify it early,  
19 you get more time to put it into compliance.

20 Thank you. Oh, is there another slide?

21 MR. DANNER: Okay, Sara?

22 MS. GOSSMAN: So another clarifying

1 question just because we've gone through so much  
2 in this committee for a lot of substantive  
3 issues, the notification process that we decided  
4 on as it related to 192.607 can you describe that  
5 again?

6 MR. NANNEY: Well, that would be a --  
7 it would be a notification to PHMSA, it would  
8 outline the request. and from that, PHMSA would  
9 review it and we'd have 90 days to review it  
10 unless we came back asking for more information  
11 or telling the operator that we could not  
12 complete it in 90 days, and then we would give  
13 them a timeline that we would complete it.

14 MS. GOSSMAN: Thank you.

15 MR. DANNER: Ron?

16 MR. BRADLEY: Yeah, Ron Bradley, PECO.  
17 So I'm just wanting us to talk for a minute  
18 about, I think it was Keith Coyle's  
19 recommendation, and sometimes when people say  
20 their names fast, you don't really hear them too  
21 clearly. So I think it was Keith Coyle's  
22 regarding Type A, Area 2 and renaming it Type C

1 or Type Charlie.

2 I'm not sure I've got my head around  
3 that yet. I mean it, you know, because it sounds  
4 like going from Type A, it's almost like  
5 rewording everything. But I would like to hear  
6 some thoughts on how that lands or if that should  
7 be included up here for some discussion. And  
8 acknowledging, that I haven't sorted out in my  
9 head yet, but I just didn't want to let it go.

10 MR. DANNER: All right. Then, John.

11 MR. GALE: Sure. Just to let you  
12 know, Mr. Bradley, that the language in there,  
13 the second to the last bullet that says ensure  
14 that the language and for designating newly  
15 regulated gathering lines is as clear as possible  
16 to cover that.

17 We're going to look at Class -- Type  
18 C in the verbiage that's coming from RP1182, and  
19 we understand we see the benefit of something  
20 like that. But we didn't want to get into a  
21 debate as to what exactly that language should be  
22 and just give us the discretion to make sure that

1 -- and the responsibility to make sure that it's  
2 written as clearly as possible.

3 MR. DANNER: And I had some --  
4 listening to the public comments, it just seems  
5 that, you know, I just wanted to make sure I  
6 understand where we are on some of these. There  
7 was a question about plastic pipe under 192.963.  
8 Is it just transmission or is it all? Do we have  
9 clarification on that, or do we need to have a  
10 discussion on that?

11 There was a question about the  
12 documentation of the five-year high on MAOP. Do  
13 we need to have a discussion on that? There is  
14 the question about the record keeping  
15 requirements for qualifications and should these  
16 apply to gathering lines as well as transmission.  
17 And there was an issue raised by Ms. Friend about  
18 the role of the state and a no-objection letter.  
19 So I raise those four just to see if we need to  
20 have a discussion on those.

21 MR. NANNEY: Well, I'll start with the  
22 last one first. As far as the states, in the 607

1 procedure if the state is a agent, or is involved  
2 where you need to involve them, they are involved  
3 if you go back and read them the code, it always  
4 has that the operator send that to the state. We  
5 have an internal process where we get with the  
6 states on that as needed. So I think that's the  
7 answer to that. The next item you asked was on  
8 documentation I believe.

9 MR. DANNER: Documentation of the  
10 MAOP.

11 MR. NANNEY: Okay. Document of the  
12 MAOP, that's why we added the last bullet is on  
13 MAOP determination based upon the five year  
14 grandfather, so in other words if you had the  
15 documentation, you would not have to come to  
16 PHMSA. If you did not have full documentation,  
17 then the point of putting in the other items is  
18 you could come in with some of those items and  
19 come to us to determine what that MAOP should be  
20 for a grandfather. So that's what that -- the  
21 intent, and I've forgotten the first one. That's  
22 why I started with the last one.

1           MR. DANNER: So the other two, one was  
2 the qualifications, and should they apply for to  
3 gathering lines as well as transmission?

4           MR. NANNEY: Well, as far as we  
5 understand the comment on welder qualifications  
6 on transmission. Again, as early on in this  
7 process in our original public meetings and  
8 everything, we told the public, we told everybody  
9 in this room that we would not have the same  
10 applicable documentation for the gas gathering  
11 that we did for the transmission. And the way we  
12 will write it up will be based upon what we've  
13 told in all the public meetings and what we've  
14 done from day one on this rulemaking. The  
15 committee's welcome to suggest otherwise. But  
16 that would be our intent since that's what we've  
17 said we would do.

18           MR. DANNER: I'll come back to that  
19 one. The other one was the question about  
20 whether plastic pipe, whether 192.9(b)3 was just  
21 transmission or everything.

22           MR. NANNEY: Well, the -- as far as

1 plastic pipe based upon how and 192, whether it's  
2 153, 159, 124 is they would be applicable as  
3 addressed in that portion of the code. We were  
4 not planning to restrict them.

5 MR. DANNER: Okay. So coming back to  
6 the concern about the welder qualifications  
7 though, you know, I sort of look at all of this  
8 as, whether it's a gathering line or a  
9 transmission line, if it's a pipe and it's  
10 carrying natural gas under pressure, it seems  
11 that it really doesn't matter what we're looking  
12 for, is what are the right qualifications to make  
13 sure that the pipe is safe.

14 And so I guess I would wonder why we  
15 would have a distinction about the welder  
16 qualifications we would want to have for one kind  
17 of pipe than we do with another kind of pipe that  
18 might have the same physical attributes? So I  
19 see several tense -- yeah, so -- okay. Ron?

20 MR. BRADLEY: Thank you, Chair. Ron  
21 Bradley, PECO. Just trying to -- two different  
22 slides up here which is being edited? The middle

1 one or the side ones? I didn't watch when they  
2 were being edited. I think we've got two  
3 different --

4 MR. DANNER: I think that's -- I think  
5 you're right.

6 MR. BRADLEY: Are we working off the  
7 middle one?

8 MR. DANNER: Somebody hit a key and  
9 make it edit so I can see which one moves.

10 MR. BRADLEY: One of the right.

11 MR. DANNER: Should. Well, look at  
12 the last word. PHMSA.

13 MR. BRADLEY: So they're not the same.

14 MR. DANNER: Somehow you sort of got  
15 configuration control loss. Okay. So do we have  
16 clarification of which document we're working off  
17 of? The middle one? Okay. So assuming it's the  
18 middle one, Ron, did you have another -- okay,  
19 you were just seeking clarification. Okay, Andy.

20 MR. DRAKE: This is Andy Drake with  
21 Enbridge. I just want to make sure I'm clear. I  
22 think that the comment that you make about MAOP

1 kind of helps the issue that I think was raised  
2 earlier in public comment about not everything  
3 has pressure, you know, monitoring device on it,  
4 but you can use gradients, you could use other  
5 approaches. Is that where you're going, Steve?  
6 Is that what that is intended to provide is some  
7 other way of -- okay. I think that helps address  
8 that concern.

9 MR. NANNEY: Yeah, I mean it may be  
10 that you pressure tested the pipeline. It may be  
11 that you know the material properties, in other  
12 words the wall thickness, the grade, and all of  
13 that, and you can take the combination of all of  
14 it and come up with a modified MAOP. In other  
15 words, especially where you don't have the  
16 records for the five years, you know? And it may  
17 be that you've got the pressure test and the  
18 design and you don't --

19 MR. DRAKE: Sure.

20 MR. NANNEY: -- need the five years.

21 MR. DRAKE: That would be the best.

22 I think the other -- the question that Chairman

1 Danner asked, I'm just trying to make sure I'm in  
2 sync with it, is some of the exemptions,  
3 particularly like welder qualifications, some of  
4 the things, the intent I think was, and I'm  
5 speaking for Steve, was to be consistent with  
6 current regulated gas gathering requirements and  
7 not try to jump this group of gas gathering --  
8 past currently regulated gas gathering to be  
9 transmission oriented. I see him shaking his  
10 head yes. That was the logic to why.

11 Now the question about whether, you  
12 know, I don't know that anybody's got big heart  
13 burn about new, big gas gathering pipes having  
14 qualification requirements for welders. I think  
15 the probably would be retroactive or other things  
16 like that. I've been looking kind of over there  
17 at the room, I see people generally shaking their  
18 head yes.

19 So I would just caution, you know,  
20 trying to be consistent, okay, that was the  
21 intent of this effort. But if we want to do  
22 something, I think we would want to be very

1 careful about what it is because I think we're  
2 going to create a bunch of other --

3 MR. DANNER: Yeah.

4 MR. DRAKE: -- drag that we have to  
5 deal with.

6 MR. DANNER: Thank you. And I  
7 understand that. The problem I have is that, you  
8 know, basically we know where we want to get to  
9 in time, and how do you start that discussion  
10 because eventually I think we would want to have  
11 welder qualifications for everything that has the  
12 same physical attributes in time unless for some  
13 reason it's important to have them on  
14 transmission but unimportant to have them on gas  
15 gathering lines.

16 But if you -- you know, at what point  
17 do you start that conversation, or do you  
18 acknowledge a placeholder so that we'll get to it  
19 eventually? Or do we just say it's not our issue  
20 right now?

21 MR. DRAKE: Specific to welder  
22 qualifications, I don't sense that that's a big

1 issue on new pipes going forward. So I think,  
2 you know, and I think this conversation -- I  
3 think this is important actually in that this  
4 isn't the end, this is the beginning.

5           So we're trying to get started and  
6 being on par with what's currently regulated is a  
7 good start. But if we want -- if we have a  
8 specific concern, then I think this group can vet  
9 that. I'm just speaking for me and looking over  
10 here. I don't see anybody shaking their head no  
11 about welder qualifications on new jurisdictional  
12 gathering pipes.

13           MR. DANNER: So I guess, you know, at  
14 some point, and I don't know where these would go  
15 in the rules, but maybe it's -- there needs to be  
16 some sort of memorialization of intent language  
17 that, you know, we're doing a lot of things right  
18 now that are not false steps because we're  
19 cognizant that we have to go through a transition  
20 phase that could be very lengthy.

21           But at some point we need to say we're  
22 not saying no forever and then we're going to get

1 to things eventually. But I think even if we  
2 don't have even that statement, it could be used  
3 that, well, the committee decided at one point  
4 you don't need those so in the future they're  
5 going to say, well, the committee back then  
6 already talked about it and they decided we don't  
7 need welder qualifications which is not exactly  
8 what we're doing.

9 So I just feel like we should have  
10 some memorialization of intent that, you know,  
11 eventually we're going to have consistent  
12 regulation across the board, we just can't do it  
13 now because of time, and expense, and resources,  
14 and other things. Yeah, and then Mark.

15 MR. NANNEY: All right. Just to  
16 answer is if you look at what we had planned to  
17 do was to put a Type A, Area 2 under Part D and  
18 Part D1 says this: If a line is new, replaced,  
19 relocated or otherwise changed, the design,  
20 installation, construction, initial inspection,  
21 and initial testing must be in accordance with  
22 the requirements for this part applicable to

1 transmission lines. And that's just what Andy  
2 was saying back.

3 And I guess our intent was to have  
4 that -- you got to pressure test. You go to do  
5 procedure testing for welding, and your welders  
6 would have to be tested. But not only existing  
7 lines that were grandfathered in, but on new,  
8 relocated, replaced. And that's the same way  
9 that happened on transmission lines back in 1970.

10 MR. DANNER: All right. I mean I  
11 think that with regard to welder qualifications  
12 that does it for the larger issue. I'm not - I'm  
13 still thinking there needs to be some sort of  
14 boilerplate. But let me get to Mark first.

15 MR. BROWNSTEIN: Okay, so maybe,  
16 Steve, your intervention just -- I mean it would  
17 be helpful maybe if we could make that a little  
18 clearer because it's sort of, you know, it's sort  
19 of the ether right now. I mean hearing you  
20 explain it, I feel better about that as a  
21 practical matter.

22 I'm uncomfortable with the idea of the

1 formalism of trying to keep everything in lock  
2 step, sort of overwhelming the need to advance  
3 what we know is good practice and prudent  
4 practice, and it seems to me being a lay person  
5 that having, you know, certified welders is being  
6 an important, you know, commonsense kind of  
7 thing.

8 So is there some way, A, to be more  
9 clear on what we're -- on what's being intended  
10 here. And, B, maybe we just do need to be  
11 clearer that our expectation is that we're --  
12 when and wherever PHMSA can add, you know, welder  
13 qualifications in this revision, they should.

14 MR. DANNER: So I guess where I'm  
15 coming from is, you know, let's get off welder  
16 qualifications for a moment because I think that  
17 there's a specific answer to that. But I think  
18 what I'm thinking about is some sort of preamble  
19 to these rules that basically acknowledges that  
20 these are transitional and that we are going to  
21 be making amendments in the future, and that we  
22 are on a glide path to, you know, having more

1 consistent regulation across the board. So let  
2 me get to Andy first.

3 MR. DRAKE: This is Andy Drake with  
4 Enbridge. I think that's very congruent with our  
5 position, too, and that's one of the reasons  
6 we're supporting facts and data to make a better  
7 choice in the next tranche, and that's why I  
8 think that's actually very consistent with how we  
9 approach the integrity rules 15 years ago.  
10 That's like where HCAs came from. I mean it  
11 wasn't the end. It was the beginning and the  
12 next tranche and the next tranche which we just  
13 went through as an MCA. I think that's logical.

14 I do think your point is well taken,  
15 Mark, in that we are applying. But I think part  
16 of the exemption is about going backwards on  
17 welder qualifications. That's not practical.  
18 But going forward -- so if we can clean that  
19 language up, I think that's appropriate.

20 MR. DANNER: Okay. Alan.

21 MR. MAYBERRY: That's basically going  
22 to speak -- make the point you just made related

1 to the journey, and, you know, this is just the  
2 beginning and I think we have some vote language  
3 that hopefully add the clarity that we need here.  
4 So --

5 MR. DANNER: All right, Diane.

6 MS. BURMAN: Thank you. Just as a  
7 backdrop, it is a little bit of disconnect  
8 because the webcast is on a delay. So I  
9 apologize if I sound a little confused. The  
10 voting if someone could put on the webcast, the  
11 slide that we're going to be voting on so that I  
12 could refer to it while I'm talking, that would  
13 be helpful.

14 One of the questions that I have is I  
15 am a little confused as we're breaking this out  
16 on some of the specifics on what we're voting on.  
17 The first part is from memory because I don't see  
18 it on the webcast, the first part where we're  
19 voting on the two year phase-in, I'm not opposed  
20 to and I think that's fine.

21 The others when we're talking on the  
22 composite types, also I'm not opposed to. I just

1 have a question on if there are industry  
2 standards. Again, I'm looking at the webcast,  
3 there's not -- the voting slide isn't up there so  
4 it's hard for me to refer to -- to remember all  
5 of the different details.

6 I am confused on some of the specifics  
7 on exactly what we're voting on from the  
8 different things, so I just wondered if we could  
9 take all the different specific lines and go  
10 through it and make sure that we're clear for  
11 each one, and maybe take a minute to make sure  
12 that if for each one we have questions, we take a  
13 moment to make sure that everyone has answers --  
14 has questions to that specific line that we might  
15 be called upon to address and vote on. Thank  
16 you, that's my thought. And I still don't see up  
17 the slide that we'll be voting on. Thank you.

18 CHAIR DANNER: If it's not there now,  
19 it should be coming up.

20 MEMBER GOSMAN: Diane, could you  
21 describe what you're seeing right now?

22 MEMBER BURMAN: Right now I'm seeing

1 a lot of people looking like they're waiting  
2 around.

3 (Laughter.)

4 CHAIR DANNER: Maybe refresh your  
5 screen because what we're seeing is actually what  
6 we're showing is on the webcast as the actual  
7 vote language.

8 MEMBER BURMAN: I just got out of  
9 the --

10 CHAIR DANNER: Anything different?  
11 Are you seeing anything different, Diane?

12 MEMBER BURMAN: Yeah, I'm just  
13 refreshing it. Hold on, sorry.

14 CHAIR DANNER: All right.

15 Andy, while we're waiting, you want to  
16 comment?

17 MEMBER BURMAN: It's up now so thank  
18 you.

19 MEMBER DRAKE: I appreciate what Ms.  
20 Burman -- Commissioner Burman is saying but  
21 perhaps in the meantime we could get John to read  
22 this slide and just try to articulate what we're

1 trying to address with each one of these bullets.  
2 I think that's constructive for all of us  
3 actually at this point.

4 CHAIR DANNER: Yeah, I think that's a  
5 good idea, Andy.

6 John, the proposal has been made that  
7 you -- basically we've got the seven bullets in  
8 front of us -- six bullets in front of us. If  
9 you could basically read those and then provide a  
10 short narration for each to summarize what we're  
11 trying to do.

12 I think for those of here that would  
13 be helpful, too. I understand for Commissioner  
14 Burman not having the benefit of being in the  
15 room here, I think that would be helpful for her.

16 MR. GALE: Okay, very good. What we  
17 have here, obviously we don't have the standard  
18 language from the vote. What we have is just the  
19 bullets of what the recommended amendments to the  
20 rule that the staff is recommending to the  
21 committee.

22 The first bullet states, Extend the

1 time frame to two years for Type A, Area 2 lines  
2 that become regulated in the future due to new  
3 dwellings. Not just the Type A, Area 2 lines  
4 that are existence today, but what could happen  
5 in the future.

6 If they get one dwelling within the  
7 regulated area, they become regulated. We're  
8 going to give two years for an operator to comply  
9 with the regulations. That's consistent with how  
10 we handle Type A and Type B lines today.

11 The second bullet says, Add a  
12 notification process similar to the process  
13 endorsed by the committee for the proposed  
14 192.607 in RIN-1 to address the use of composite  
15 pipe materials in existing and new Type A, Area 2  
16 lines.

17 When we were doing the first rule in  
18 RIN-1 and we adopted the provisions in 607, we  
19 adopted a no objection process that operators  
20 could vary from the regulations in 607 if they  
21 gave PHMSA notification and we had 90 days.

22 The obligation was on PHMSA to then

1 object in some way within a certain time period.  
2 It wasn't an open-ended time period, it was a  
3 90-day limit.

4 The onus was on PHMSA to then respond  
5 within a specified time period. This allows the  
6 use of composite type materials to continue in  
7 the gathering industry that is not currently  
8 allowed today in gas transmission lines.

9 Composite type materials have been  
10 used in gathering for a long period of time and  
11 we thought it was important to continue their  
12 use, especially in replacement and in new  
13 projects that were consistent with the other  
14 lines that are already in the ground.

15 We also under the third bullet propose  
16 to extend the deadline in 192.8(b) for  
17 determining the applicability from six months to  
18 two years after the effective date of the rule.  
19 This is similar to the first bullet where we give  
20 the operators up to two years to determine the  
21 applicability of the regulations to their lines.

22 We would then extend the deadline for

1 all the conforming changes from three years.  
2 Again, this is a concurrent requirement so you  
3 have three years total to comply. You don't get  
4 to go two years and then three years for a total  
5 of five. It's a total of three. If you are able  
6 to determine your applicability within six  
7 months, you have two-and-a-half years to comply  
8 with those requirements.

9           Then at the very end there we say,  
10 Ensure that the language for designated newly  
11 regulated gas gathering lines is as clear as  
12 possible. Again, that is addressing the concern  
13 raised by Mr. Coyle about possibly using the  
14 phrase Type C consistent with RP1182 instead of  
15 Type A, Area 2. We'll make sure we take a look  
16 at that very hard and make sure that the whole  
17 rule is written as clear as possible.

18           Then the very last bullet there is the  
19 MAOP determination based on a five-year operating  
20 pressure or other criteria based on a combination  
21 of operational conditions, other tests, and  
22 design with notification to PHMSA. Again, also

1 include a no objection process as we mentioned  
2 earlier similar to what we adopted under 192.607.  
3 I believe that was discussed in length between  
4 Andy and Stephen.

5           The last part where we're trying to  
6 tie in is this language on the side to make it  
7 very clear regarding the welder qualification  
8 concerns. I believe there is language even in  
9 the proposed rule that if the line is new,  
10 replaced, or relocated, or otherwise changed, the  
11 design, installation, construction, initial  
12 inspection, initial testing must be in accordance  
13 with the requirements of this part applicable to  
14 transmission lines.

15           I think it's important to note that  
16 the requirements we were talking about before  
17 about not applying to were just simply the record  
18 requirements that were adopted in the  
19 transmission rule and not the qualifications for  
20 welders themselves.

21           The welders that are installing these  
22 lines will have to be qualified in accordance

1 with these regulations. All we're talking about  
2 were the added record requirements that we  
3 proposed to adopt -- Hopefully that helps.

4 CHAIR DANNER: Thank you very much for  
5 that clarification.

6 Commissioner Burman, does that help?

7 MEMBER BURMAN: Yes. I just wanted to  
8 make sure that we kind of went through each  
9 bullet and made sure that we took a pause to get  
10 from folks if they were comfortable with each  
11 bullet or not so that we kind of were  
12 establishing everyone's comfort level.

13 Then if there was anything that needed  
14 to be changed, we weren't waiting until the end  
15 to hear about any concerns or doing it in a  
16 group. That was my focus is just making sure  
17 that we kind of worked through that. Thank you.  
18 It was hard just because I wasn't seeing it.

19 CHAIR DANNER: Yeah, I totally  
20 understand.

21 We still have some cards up so we may  
22 not be totally done with the conversation yet.

1 MEMBER BURMAN: Thank you.

2 CHAIR DANNER: Thank you.

3 Sara.

4 MEMBER GOSMAN: Thank you. That was  
5 really helpful to go through all of those. Thank  
6 you, John, and thank you, Diane for suggesting  
7 it.

8 On the question of conformance and the  
9 three years, I just want to make sure I  
10 understand. That relates to existing lines.  
11 Right? So new lines that go in would be subject  
12 to the requirements right away because that's how  
13 it reads in the original rule. Okay.

14 Then on the notification process,  
15 there would be a window there where you would be  
16 considering whether to respond. During that  
17 window they would not be allowed to put in the  
18 composite pipeline so they have to wait out that  
19 window until you either respond or you decide not  
20 to.

21 MR. GALE: Yeah, not to speak for my  
22 lawyers behind me but, I guess, they could put it

1 in but if they get the no objection letter  
2 afterwards and then we object, then they have a  
3 problem.

4 MEMBER GOSMAN: Okay, okay. So then  
5 those were my questions and then a comment. We  
6 are pulling from the regulations, the timelines  
7 for the currently regulated gathering lines to  
8 extend the deadline here. But In the rule as to  
9 this original set of requirements, actually the  
10 deadlines are shorter for some of these.

11 For example, we have carrying out  
12 damage prevention 18 months, establishing MAOP  
13 also 18 months, line markers two years, public  
14 education two years, and three years for the  
15 rest.

16 I wonder why we're pulling from the  
17 language to extend the time period here but not  
18 to be consistent on the places where we actually  
19 gave operators a shorter period of time. Then  
20 that leads me to a question. I think the  
21 assumption is more time is better. Right?

22 But part of what I'm struggling with

1 is we don't know which segment of pipelines we're  
2 ultimately going to be regulating because that's  
3 a conversation we have to have. Whether it's a  
4 very small group or whether it's a much larger  
5 group, obviously I think that would impact my  
6 opinion about the deadlines.

7 CHAIR DANNER: Does anyone want to  
8 take those on?

9 MR. GALE: We're doing some quick  
10 reading real quick.

11 CHAIR DANNER: All right. While  
12 you're doing your research, I'm going to turn to  
13 Andy.

14 MEMBER DRAKE: I would like to hear  
15 the answer to your question. I'm ready to make a  
16 proposal that I would like to hear at least some  
17 feedback on that question just to make sure that  
18 we don't get a cart and horse out of order.

19 (Pause.)

20 CHAIR DANNER: Okay. So I'm going to  
21 turn to John now.

22 MR. GALE: So just real quick and,

1 Sara, correct me if I'm wrong, what Sara was  
2 referring to in terms of the time period was the  
3 effective dates that were adopted in the gas  
4 gathering rule from 2006. We had some staggering  
5 of dates. A lot of them were 18 months that were  
6 adopted in the 2006 rule.

7 Sara is asking why in this situation  
8 we were going to two years. In this scenario  
9 given the amount of mileage that potentially  
10 impacted in the breadth and scope of this rule  
11 that the extra six months may be quite  
12 appropriate in this scenario.

13 MEMBER GOSMAN: You're going to three  
14 years, right?

15 MR. GALE: Right, sorry. We are going  
16 to a two-year period for identification and then  
17 a three-year period for actual requirements. I  
18 mean, we just think in this scenario that three  
19 years is a better time frame.

20 CHAIR DANNER: Okay, Andy is ready to  
21 make a motion. Before he does, he's going to  
22 wait for me to survey the room and see if there's

1 any more discussion on this. Anything we need  
2 clarification on?

3 Yes, Mary.

4 MEMBER PALKOVICH: On the section of  
5 language that says, or otherwise changed, it kind  
6 of leave it open for a state to kind of pile on  
7 to say, or otherwise changed. Well, you change  
8 the soil around the pipe or you put a tap on it  
9 or those things. Is it too wide open and should  
10 it be tightened up to just say new or fully  
11 replaced, something along those lines?

12 CHAIR DANNER: Which bullet are you  
13 looking at?

14 MEMBER PALKOVICH: It was there but  
15 now I don't see it on the screen, but it was on  
16 the part D1. Oh, there it is. The, Or otherwise  
17 changed, is pretty wide open and sometimes the  
18 states could add that to their own  
19 interpretation.

20 MR. GALE: Oh, I see. That's are  
21 standard language, Ms. Palkovich, that we have in  
22 the regulations. We even have it today.

1 CHAIR DANNER: But her point is well  
2 taken. You have to watch those states.  
3 Especially Washington.

4 (Laughter.)

5 All right. I'm seeing no tents up  
6 other than Andy so going once, going twice, going  
7 three times.

8 Andy, go ahead and make a motion.

9 MEMBER DRAKE: Yeah, and then D1.  
10 Okay. This is Andy Drake. I was going to make a  
11 motion but it went away.

12 Committee Voting slide on paragraphs  
13 192.9(c) through (e) and 192.619 newly regulated  
14 gas gathering. The proposed rules as published  
15 in the Federal Register and the draft regulatory  
16 evaluation with regard to the minimum safety  
17 standards in paragraphs 192(c) and (d) and (e)  
18 for regulated gas gathering pipelines are  
19 technically feasible, reasonable, cost effective,  
20 and practical if the following changes are made.

21 (1) Extend the time frame from two  
22 years for Type A, Area 2 lines that become

1 regulated in the future due to new dwellings.

2 (2) Add a notification process similar  
3 to the process endorsed by the committee for the  
4 proposed paragraph 192.607 in RIN-1 to address  
5 the use of composite pipe materials in existing  
6 and new Type A, Area 2 lines.

7 (3) Extend the deadline in paragraph  
8 192(8)(b) for determining applicability from six  
9 months to do years after the effective date of  
10 this rule.

11 (4) Extend the deadline for the  
12 conforming changes in paragraphs 192.9(e)(3),  
13 192.9(e)(4), 192.452, 192.13, and 192.619 to  
14 three years after the effective dates of the  
15 rule.

16 (5) Ensure that the language for the  
17 designated newly regulated gathering pipes is as  
18 clear as possible Type A, Area 2 versus Type C.  
19 MAOP determination based on a five-year high  
20 operating pressure or other criteria based on the  
21 combination of operating conditions. -- Other  
22 tests and design with notification by PHMSA to

1 include a no objection process consistent with  
2 192.607.

3 Now onto D1, there we go, Type B  
4 lines. The operator of a Type regulated onshore  
5 gathering line must comply with the following  
6 requirements: If a line is new, replace,  
7 relocate it, or otherwise change the design,  
8 installation, construction, initial inspection,  
9 and initial testing must be in accordance with  
10 the requirements of this applicable to the  
11 transmission lines.

12 MEMBER HILL: Robert Hill, second

13 CHAIR DANNER: Okay. It has been  
14 moved and seconded. If there is no discussion,  
15 let's go right into the roll call.

16 MR. SATTERTHWAITTE: All right. I was  
17 giving a second for the webcast to catch up so  
18 Diane could see as well. I think we should be  
19 good. We'll go right in.

20 Yes or no. Ron Bradley.

21 MEMBER BRADLEY: Yes.

22 MR. SATTERTHWAITTE: Andy Drake.

1 MEMBER DRAKE: Yes.  
2 MR. SATTERTHWAITE: Rich Worsinger.  
3 MEMBER WORSINGER: Yes.  
4 MR. SATTERTHWAITE: Chad Zamarin.  
5 MEMBER ZAMARIN: Yes.  
6 MR. SATTERTHWAITE: Mary Palkovich.  
7 MEMBER PALKOVICH: Yes.  
8 MR. SATTERTHWAITE: John Airey.  
9 MEMBER AIREY: Yes.  
10 MR. SATTERTHWAITE: Mark Brownstein.  
11 MEMBER BROWNSTEIN: Yes.  
12 MR. SATTERTHWAITE: Sara Gosman.  
13 MEMBER GOSMAN: Yes.  
14 MR. SATTERTHWAITE: Robert Hill.  
15 MEMBER HILL: Yes.  
16 MR. SATTERTHWAITE: David Danner.  
17 CHAIR DANNER: Yes.  
18 MR. SATTERTHWAITE: Sara Longan.  
19 MEMBER LOGAN: Yes.  
20 MR. SATTERTHWAITE: Diane Burman.  
21 MEMBER BURMAN: Yes.  
22 MR. SATTERTHWAITE: With that, it's

1 unanimous.

2 CHAIR DANNER: All right. And the  
3 motion passes.

4 We are going to take a short 10-minute  
5 break, and by that I mean 10 minutes. We'll be  
6 back at 3:00 to start. The secretary is going to  
7 visit us at 4:30 so we're going to see how much  
8 we can get done in the remaining hour and a half.  
9 We are in recess.

10 (Whereupon, the above-entitled matter  
11 went off the record at 2:51 p.m. and resumed at  
12 3:04 p.m.)

13 CHAIR DANNER: Okay everybody, we're  
14 back. We are back on the record.

15 First, Mr. Nanney, do you want to give  
16 us a clarification on what we just voted on?

17 MR. NANNEY: Wait until the slides get  
18 up. All right. Just one point before we go to  
19 the Section 6. The Type A, Area 2 was deleted on  
20 the last slide when the vote was taken. We've  
21 added it just to make everybody aware, Type A,  
22 Area 2 and Type B lines.

1 CHAIR DANNER: Thank you. I think  
2 that was generally understood that's what we were  
3 voting on. Unless anyone has an objection, I  
4 don't think we need to revote that item. Okay,  
5 we're good.

6 Moving on then to scope. Do you have  
7 any comments for this section or should we go  
8 right into the briefing?

9 MR. NANNEY: We'll just go right into  
10 it.

11 CHAIR DANNER: All right.

12 MR. NANNEY: Can you do me one favor?  
13 Can you remove that slide and put up slide 114  
14 instead of 115? Okay.

15 It's on my computer slide 114. It's  
16 115 up there. It's again on gas gathering for  
17 192.8(b) and (c).

18 PHMSA proposed to revise 192.8(c) to  
19 define a new category of regulated gathering  
20 lines which we had determined as being Type A,  
21 Area 2 and they would consist of pipe in a Class  
22 1 location with a diameter equal to or greater

1 than 8.625 inches, metallic with MAOP greater  
2 than or equal to 20 percent SMYS or non-metallic  
3 with MAOP greater than 125 psig. We proposed in  
4 192.8(b) to require operators to make this  
5 determination within six months of the effective  
6 date of the rule.

7           Going to the next slide. Again, some  
8 of the public comments. Various industry groups  
9 stressed that the present regulations are an  
10 adequate basis for safety of gathering lines and  
11 that increasing the scope of regulated pipelines  
12 should only be considered after appropriate study  
13 and data collection.

14           Again, PHMSA's comments to that is  
15 that recent developments in the field of gas  
16 exploration and production, such as the shale  
17 gas, indicates the existing framework for  
18 regulating gas gathering lines needs to be  
19 updated to address higher operating pressures,  
20 larger diameter pipe and being in more populated  
21 areas. these type gas gathering pipelines have  
22 similar risk as gas transmission pipelines, which

1 we have stated earlier in this meeting.

2           Going to slide 116. Some of the other  
3 public comments we got is numerous local  
4 government groups, individuals, and  
5 private-interest groups contend that increased  
6 regulation, extended to Class 1 locations, is  
7 appropriate due to similarity in operating  
8 characteristics to transmission lines, and due to  
9 increased potential for corrosion.

10           PHMSA: Recent developments in the  
11 field of gas exploration and production, such as  
12 shale gas, indicate that the existing framework  
13 for regulating gas gathering lines may need to be  
14 expanded. Higher operating pressures in larger  
15 diameter pipe represents increased risk,  
16 comparable to transmission pipelines.

17           Slide 117. Some additional public  
18 comments. One Operator is opposed to any  
19 additional regulation of Type B gathering lines  
20 and currently unregulated smaller-diameter,  
21 lower-pressure gathering lines, as these lines do  
22 not fit the profile of higher risk pipelines that

1 are targeted by PHMSA in the original rulemaking.

2 Note: Type B gathering lines with an  
3 MAOP less than 20 percent SMYS or non-metallic  
4 with MAOP less than or greater to 125 pounds per  
5 square inch gauge.

6 Slide 118. PHMSA's comment back. The  
7 Notice of Proposed Rulemaking did not propose to  
8 regulate any additional Type B lines or add  
9 regulatory requirements for Type B lines.

10 PHMSA proposed in this regulation to  
11 include large diameter, high pressure lines that  
12 are being deployed to gather and process gas in  
13 populated areas such as the new, unconventional  
14 production facilities for shale gas that results  
15 in the higher volumes and pressures in the gas  
16 gathering line segments.

17 Slide 119. Some additional public  
18 comments. API stated that gas gathering lines  
19 that are 16 inches in outside diameter and  
20 operate at a maximum pressure of 20 percent or  
21 more SMYS have the potential to pose a higher  
22 risk, and therefore with greater consequences,

1 and should be targeted for regulation as opposed  
2 to 8.625-inches and greater proposed in the  
3 Notice.

4 Slide 120. Some additional public  
5 comments. GPA also urged PHMSA to modify the  
6 criteria applicable to steel gathering pipelines  
7 in the rule to a diameter of greater than 16  
8 inches.

9 The Texas Pipeline Association  
10 recommended that expansion of regulated gathering  
11 pipelines be limited to metallic gathering lines  
12 in Class 1 locations that have a diameter of 16  
13 inches or greater, until PHMSA has an opportunity  
14 to gather additional information on Class 1  
15 gathering lines.

16 Slide 121. PHMSA comment back. PHMSA  
17 proposes in this regulation is to include those  
18 large diameter, high pressure lines that are  
19 being deployed to gather and process gas from the  
20 new, unconventional production facilities, such  
21 as shale gas production that results in the  
22 higher volumes and pressures in the gas gathering

1 line segments.

2 Based on additional information  
3 provided in response to the Notice, PHMSA  
4 believes that the purpose can be achieved by  
5 increasing the minimum size standard to greater  
6 than 12.75 inches in outside diameter.

7 Slide 122. Some additional public  
8 comments. Regulated gathering lines should be  
9 limited to those having a PIR greater than 100  
10 feet. The risk associated with lines having a  
11 lesser PIR is lower and they should not be  
12 regulated. Others noted that the GAO report  
13 concerns were focused in the area of  
14 large-diameter, high-pressure lines and some  
15 representatives felt the large-diameter limit  
16 should be 16-inch pipe or larger.

17 PHMSA's comment. As stated in  
18 previous slides, the objective of the rule is to  
19 address, again as I've stated earlier, large  
20 diameter, high pressure lines resulting from  
21 non-conventional production.

22 The use of the PIR concept is a way to

1 address the risk of these larger diameter and  
2 higher pressure gas gathering lines in Class 1  
3 locations. PHMSA agrees the PIR for such lines  
4 should be greater than 100 feet, but not limited  
5 maybe to 100 feet.

6 slide 123, some addition public  
7 comments. In December 2018 and June 2019 PHMSA  
8 received 4 supplemental comment letters from  
9 trade associations. These letters were posted on  
10 the docket.

11 GPA Midstream and API urged PHMSA to  
12 revise the proposed rule to regulate lines  
13 greater than 12 inches.

14 TPA and IPAA jointly urged a to revise  
15 the proposed rule to regulate lines greater than  
16 16 inches in a Class 1 location or where a  
17 pipeline in a Class 2 location is not covered by  
18 the parameters of Type B lines.

19 PHMSA. PHMSA suggests the committee  
20 consider newly regulated gas gathering Type A,  
21 Class 1 lines that consist of any line greater  
22 than 12.75 inches through 16-inch diameter with

1 at least one building for human occupancy or  
2 other impacted site in the PIR, and all lines  
3 greater than 16-inch be part of it.

4 Slide 124. PHMSA suggests that the  
5 committee consider newly regulated gas gathering  
6 Type A, Class 1 lines to consist of, again: Any  
7 line greater than 12.75 inches through 16-inch  
8 diameter with at least one building for human  
9 occupancy or other impacted site in the PIR, and  
10 all lines greater than 16-inches diameter.

11 Other impacted site, would be a small,  
12 well-defined outside area such as a playground,  
13 recreation area, outdoor theater, or other place  
14 of public assembly that is occupied by 20 or more  
15 persons on at least five days a week for 10 weeks  
16 in any 12-month period, the days and weeks need  
17 not be consecutive and freeways, interstates and  
18 other principal four-lanes or more arterial  
19 roadways.

20 MR. NANNEY: Slide 125. Again, some  
21 additional public comments. In a letter dated  
22 June 10, 2019, API and GPA Midstream support

1 inclusion of a PIR limit which will help to  
2 further focus the regulations on gathering lines  
3 and present a higher risk to public safety.  
4 Although API has not reached consensus support on  
5 this issue, GPA urges PHMSA to expand the PIR  
6 limitation to 24 inches diameter.

7 PHMSA. PHMSA suggests that the  
8 Committee consider newly regulated gas-gathering  
9 type A class 1 lines to consist, again as I've  
10 stated earlier, any line greater than 12.75  
11 inches through 16 inches diameter, with at least  
12 one building for human occupancy or other  
13 impacted side in PIR, and all lines greater than  
14 16 inches in diameter. Slide 126, some  
15 additional public comments that we got. GPA  
16 Midstream, as well as TPA and IPAA jointly  
17 proposed in cases where PHMSA is not known to  
18 allow operators to include all pipe with an MAOP  
19 greater than 125 psg, same as plastic pipe in  
20 lieu of established SMYS, per 49 Part 192,  
21 Appendix C. And again, based on previous  
22 comments and ongoing monitoring of API Committee

1 standard, PHMSA suggests that the Committee  
2 consider if this requirement should be included  
3 in the final rule.

4 Slide--page 127. Public comments.

5 TPA and IPAA jointly propose that PHMSA withdraw  
6 the proposed requirement for emergency plans.

7 PHMSA: We believe that emergency plans are  
8 appropriate to include for newly regulated,  
9 high-stress lines. Failure to include this would  
10 not be responsive to the explicit GAO  
11 recommendation to include this requirement.

12 Slide 128, some additional public comments. TPA  
13 and IPAA jointly urge PHMSA to clarify a proposed  
14 Part 192.9c to clarify that new requirements  
15 proposed for gas transmission pipelines would not  
16 apply to gas gathering pipelines. PHMSA:  
17 Previously identified this needed change to the  
18 proposed regulatory text. Note that these  
19 clarifications might be included in the gas  
20 transmission rule if it is promulgated first.

21 Going to Slide 129, and this is again  
22 to go over a previous slide earlier today that we

1 went over, is that the unregulated or the gas  
2 gathering total miles, the current estimate is  
3 426,109 miles. Gas gathering as far as what we  
4 estimate Type A Area 2, which would be high  
5 stress greater than an 8.625 inches, and again in  
6 the proposed rulemaking, the 2018 estimate, if  
7 the diameter was greater than equal to 8.625 and  
8 less than 12.75 inches in diameter, we estimate  
9 through 2018 to be approximately 46,000 miles. A  
10 12 inch, 12.75 inches in diameter, we estimate it  
11 to be 19,665 miles. And again, in the area that  
12 we're proposing the rule to be applicable to,  
13 which would be greater than 12.75 inches through  
14 16 inches, and also greater than 16 inches, as  
15 you can see is 12,604 miles for the 12 up through  
16 16 inches, and greater than 16 is 12,500, for a  
17 total mileage that this rule would be applicable  
18 to of 25,104 miles.

19           Going to Slide 130, again, as far as  
20 what we estimate unregulated gathering pipelines  
21 from 8 inch through greater than 24, this is what  
22 the PHMSA estimates the mileage to be of the

1 various diameters. And we had this just to give  
2 everybody in the Committee an idea as far as what  
3 the diameters were. And going up to the 426,000,  
4 of course when you add this up, it's not going to  
5 be 426,000, it's going to be less than 8 inches  
6 down through 2 inches will be the other mileage.  
7 Going to Slide 131. Another item that we wanted  
8 to just make sure that the Committee saw was what  
9 is a potential impact radius, or PIR, which we've  
10 talked about during this meeting. And again, the  
11 PIR is the radius of the circle, and the radius  
12 of the circle is defined as you can see. The R  
13 equals  $0.69$ , square root of P over D, and the  $.69$   
14 is for really transmission quality, more lean  
15 gas;  $.73$  is for rich gas, which is probably  
16 almost all of the gas gathering lines will  
17 probably carry. In Part 192.903 for integrity  
18 management, we use the  $.69$ .

19           You know, one item here that we may  
20 want to use for the gas gathering that PHMSA  
21 would recommend is that we use  $0.73$ , and we think  
22 that will be similar to what some the API RP

1 11.82 is proposing. So anyway, I'm not going  
2 through what P&D and everything is here on the  
3 side, but I think you've probably read it by now,  
4 so. Going to Slide 132, in Slide 132 this shows  
5 as far as the dwelling how the PIR is actually  
6 used; you can see the actual PIR circle, and if  
7 it touches the house, then you'd circle  
8 completely around just like these two circles  
9 show, and the entire footage there would be the  
10 regulated gas gathering mileage, which is very  
11 similar to what integrity management is for  
12 transmission lines.

13           Going to Slide 133, again, what we  
14 tried to show here is to just give everybody an  
15 idea for various sizes. As you can see, the  
16 bottom portion is 8 inch, which is the blue, and  
17 you can see there that even up to 1,400 pounds  
18 operating pressure, your PIR is going to be about  
19 200 feet, but you can also see if you had a  
20 30-inch pipeline and it was operating above 1,000  
21 pounds up to 1,400 would give you an idea there  
22 that your PIR can go from probably around 660

1 feet up to about 800 feet. And so we just wanted  
2 to give everybody a quick snapshot of how the PIR  
3 pressure versus diameter actually plays together.

4 Going to Slide 134, and this slide  
5 here is for GPAC discussion later. Here's what  
6 we wanted to do in this slide; you can see we've  
7 got--discuss the scope, a newly-regulated gas  
8 scouting pipelines in Class 1 locations. Again,  
9 what PHMSA is proposing of course is metallic  
10 with a hoop stress greater than equal to 20  
11 percent SMYS, non-metallic with an MAOP above 125  
12 pounds per square inch gage. What PHMSA is  
13 recommending in the regulated gathering is that  
14 all segments with a diameter of greater than 16  
15 inches be a part of it, and then diameters  
16 greater than 12.75 inches, up through and  
17 including 16 inches, with at least one building  
18 for human occupancy or other impacted site in the  
19 PIR would also be applicable.

20 Some other items that we wanted to put  
21 out for the Committee to consider if you want to,  
22 we're not saying you have to discuss them, but

1 one would be a diameter greater than 8.625 inches  
2 up through and including 12.75 inches,  
3 which--with at least one building for human  
4 occupancy or other impacted site in the PIR; is  
5 the Committee wanting us to instead of the 12  
6 inches to consider this option as part of the  
7 rule, and then the other is a diameter of 8  
8 inches with at least one building for human  
9 occupancy or other impacted site in the PIR.  
10 Again, this is just some alternatives that it's  
11 up to the Committee if you want to discuss them  
12 or not. Going to Slide 135, and Dave, I'll turn  
13 it back to you.

14 CHAIR DANNER: All right, thank you so  
15 much, Steve. All right, so we will now hear  
16 public comment from folks in the room; who would  
17 like to discuss the scope issue? Go ahead, sir.

18 MR. MARTINEZ: Good afternoon, my name  
19 is Aaron Martinez, and I have the pleasure of  
20 being the chair for the APIRP 1182 Effort. And I  
21 just want to generally say that, you know, for  
22 over a year and a half now, a broad group of

1 stakeholders has been working to do a lot of what  
2 you've just done here, of define what are the  
3 best practices for larger diameter pipelines, and  
4 what is a larger diameter pipeline as the GAO  
5 asked you to look at. I'll say that generally  
6 speaking, we have a consensus that the greater  
7 than 12.75 inch is an appropriate diameter to  
8 start these efforts at, and so we support that.  
9 As well, generally speaking, we support the  
10 framework that you've created there in the slides  
11 as well. I do want to say that I appreciate the  
12 encouragement from PHMSA as well as support from  
13 Mr. Nanney and input that's he's been giving to  
14 the group and just really appreciate the  
15 opportunity to try and move forward pipeline  
16 safety. Thank you.

17 CHAIR DANNER: All right, thank you.  
18 Do we have time for one more public comment? Oh,  
19 all right. Chad, do you have a clarifying  
20 question?

21 MEMBER ZAMARIN: I do, just so we make  
22 sure we're all talking about the right thing.

1 Steve, if we could look at Slide 132 real fast, I  
2 just want to be clear about the graphic that's  
3 shown. You're showing the extent of the  
4 regulated gas gathering to be the outer edges of  
5 the PIRs and not considering anything like, you  
6 know, buffer area or any additional additions. I  
7 think that the correct extent should be from the  
8 center point of each of those circles, not from  
9 the outer edges of those circles. Can we--can  
10 you just clarify that?

11 CHAIR DANNER: All right, so--

12 MEMBER DRAKE: That is consistent with  
13 what is an impact, what pipe can create an HCA in  
14 transmission which is what Chad just read, just  
15 to be sure. Center point to center point defines  
16 the pipe that can create high consequence, not  
17 the edges of the circle.

18 MEMBER ZAMARIN: Right, right. My  
19 point being that if you move that circle just  
20 one, you know, foot to the left of its center  
21 point, then that center point would not have the  
22 potential to impact that structure. It's been a

1 long time since I've done PIR kind of analysis,  
2 but I just--just looking at that, it struck me  
3 as--unless there was something I'm not recalling  
4 correctly. I just thought it'd be--and maybe  
5 that's something we need to follow up on, but I  
6 just wanted to make sure I was --- we were  
7 looking at the right thing.

8 MEMBER DANNER: All right, so this is  
9 Dave Danner, I just want to --- I looked at that  
10 and I saw because the structure is actually  
11 touching the circles, that building is arguably  
12 got at least part of it within those circles. So  
13 that's how I read that.

14 MEMBER ZAMARIN: It does; my only  
15 point is if you're worried about what point along  
16 the pipeline can impact that structure, it's from  
17 the center point of each circle to the center  
18 point of the other circle. If you looked, you  
19 know, if you moved that circle one foot to the  
20 left, in other words, you moved its center point  
21 one foot to the left, it would no longer be  
22 touching that structure, so I believe that that

1 point would not be, you know, considered  
2 included. The only potential impacts that could  
3 occur from that pipeline are from the center  
4 point of one circle to the center point of the  
5 other, not from the outer extent of one circle to  
6 the outer extent of the other.

7 CHAIR DANNER: Go ahead. Alan?

8 MR. MAYBERRY: Yes Chad, this is Alan.  
9 You know, we're not redefining PIR, so appreciate  
10 your input there and we'll make sure we're clear.

11 MEMBER ZAMARIN: Okay. Okay thank  
12 you.

13 CHAIR DANNER: All right, so we  
14 had--we need to take a break at 3:30, okay, so  
15 we're going to take a few minutes, so bear with  
16 me while we get the website taken ---

17 MR. SATTERTHWAITTE: Just to clarify,  
18 this is for our webcast, the switch over to the  
19 new link.

20 CHAIR DANNER: Okay so we have got the  
21 web up, so let's go ahead with you, sir.

22 MR. HITE: Yes, well Matt Hite again

1 from GPA Midstream, I just had a couple of quick  
2 clarifying comments, and appreciate you all going  
3 through slides and outlining our position. GPA  
4 supports increasing the minimum diameter  
5 threshold to greater than 12 inches--12.75  
6 inches, sorry--which excludes smaller diameter  
7 gas gathering lines that do not present a risk to  
8 public safety. GPA Midstream strongly supports  
9 using the MAOP limitation for non-metallic pipe  
10 if any variable necessary to determine the stress  
11 level of metallic pipe is unknown. Operators use  
12 that same MAOP threshold if the stress level of  
13 steel pipe is unknown in determining whether a  
14 rule gathering line is regulated under 49 CFR  
15 195.11.

16 We strongly support the PIR criteria;  
17 the PIR concept is well established in PHMSA's  
18 integrity management regulations and PHMSA uses a  
19 similar concept proximity to unusually sensitive  
20 areas, and the regulations for petroleum  
21 gathering lines in rural areas. Adding the PIR  
22 criteria focuses the current rulemaking effort on

1 pipelines that present the greatest potential  
2 risk to public safety and creates a framework  
3 that is consistent with other PHMSA regulations.  
4 GPA Midstream strongly supports applying the PIR  
5 criteria to Class 1 gas gathering lines up to 24  
6 inches in diameter; the PIR of 24 inches--24 inch  
7 pipeline with an MAOP of 1,440 pounds does not  
8 exceed the width of a class location unit, and  
9 gathering line operators are already obtaining  
10 information about the presence of dwellings  
11 intended for human occupancy and other impacted  
12 sites in conducting class location studies.

13 Thank you.

14 CHAIR DANNER: All right, thank you.

15 MR. YARBROUGH: Charles Yarbrough with  
16 Texas Pipeline Association. It turns out my  
17 comment may be a little repetitive; I didn't  
18 intend it that way. TPA is fully supportive of  
19 where PHMSA is on the diameter, the 12.75. We've  
20 gotten comfortable with that, not a problem, but  
21 we do believe that there should be some  
22 optionality for operators as compared to the PIR

1 system. We already have class locations for  
2 smaller operators that may operate some high--a  
3 large diameter higher pressure lines which go to  
4 conventional production; it's not--all high  
5 pressure gas lines don't come from Shale; we have  
6 high pressure conventional as well, and we think  
7 that you should allow operators the flexibility  
8 to use the class location, existing class  
9 location units as an option as opposed to having  
10 to do PIR calculations over their entire systems.  
11 With that, we urge you to include that as an  
12 optionality; it's currently something that's  
13 being discussed by API and it's in the current  
14 draft, so thank you.

15 CHAIR DANNER: All right, thank you.

16 MS. FRIEND: I'm Mary Friend  
17 representing the National Association of Pipeline  
18 Safety Representatives, and NAPSRS produced a  
19 resolution in 2010 and continues to support the  
20 idea that this should be regulated down to 8  
21 inches in size. The idea or the argument that  
22 these pose a similar risk is correct, but there's

1 also an increased risk to these smaller diameter  
2 pipes, high pressure lines that because they were  
3 built without the regulatory oversight of the  
4 regulations. There was no oversight in terms of  
5 how they were built, and NAPSRS takes the  
6 unpopular position that the 8 inches and above  
7 needs to be regulated.

8 CHAIR DANNER: Thank you.

9 MR. LOWERY: This is Josh Lowery  
10 representing the United Association. The  
11 plumbers and pipefitters also believe that we  
12 should maintain the 8 inch original proposed  
13 requirement here. When we're looking at this,  
14 we're looking at high pressure, high volume  
15 pipelines where we also need to have the proper  
16 insulation design, all these requirements that  
17 are currently being proposed for these 12 inch  
18 pipelines here. When we look at it, the numbers  
19 speak for themselves. We're looking at  
20 potentially up to 46,000 miles of pipeline that  
21 would be unanswered here, and we think that they  
22 too should be subject to the same standards in

1 terms of the insulation, the marks and to be  
2 tracked as well. Thank you.

3 CHAIR DANNER: All right, thank you.  
4 One more. Go ahead, sir.

5 MR. BODELL: Hi, my name is Clayton  
6 Bodell, and I'm representing in this case the  
7 public. I heard Mr. Mayberry's comment about  
8 we're not redefining the PIR. We --- I believe  
9 in the discussions the PIR was introduced as a  
10 way to protect that single home, and that's the  
11 way that the basis is built. I believe the  
12 Oakridge National Laboratory study and even the  
13 results of San Bruno have indicated some  
14 instances in which damage can extend outside of  
15 the PIR. So I wanted the Committee to consider  
16 the possibility of maybe using a PIR approached  
17 concept, but not being limited to the actual  
18 distance created by the PIR, maybe a different  
19 value such as Oakridge suggested of 1.5 times the  
20 PIR. Thank you.

21 CHAIR DANNER: All right, thank you.

22 MR. WEIMER: Good afternoon. Carl

1 Weimer with the Pipeline Safety Trust. We'll  
2 join with NAPSRS in the unpopular belief that 8  
3 inches is where we ought to be talking. We  
4 appreciate PHMSA's original proposal that looked  
5 at 8 inches and above. We also realize that you  
6 need to start somewhere, and so we're in this  
7 weird, uncomfortable position where we really  
8 support what's being talked about today too, the  
9 12 3/4 and above because that's certainly a good  
10 step forward. So we thank PHMSA for bringing  
11 that forward, we thank API for working on that  
12 with their RP-1182, so we support that. On the  
13 other hand, when you look at an industry and a  
14 regulator that talks about safety culture, which  
15 talks about zero incidents, which talks about the  
16 huge importance of damage prevention in a one  
17 call system, how you can leave out 400,000 miles  
18 of pipeline and not even include it in one call  
19 seems to undercut all of your safety messages.  
20 So it seems like there needs to be some lower  
21 bar, one more level perhaps that includes  
22 pipelines over 20 percent SMYS in damage

1 prevention, includes things like line markers and  
2 some kind of liaison with emergency responders so  
3 they know what's going on. So maybe this is good  
4 for high pressure and above, but I think we need  
5 another traunch, to use Andy's word, of--that  
6 includes all safety things like damage prevention  
7 that we've heard about from the industry for  
8 years, and you're leaving--you're including less  
9 than 6 percent of the unregulated gathering  
10 lines, even for damage prevention. Thank you.

11 CHAIR DANNER: All right, thank you.

12 MS. JONES: Good afternoon, Jeannette  
13 Jones again. I just wanted to kind of try to tie  
14 things together and make everybody just take a  
15 step back for a moment and remember what we  
16 talked about this morning with incident  
17 reporting. And I think incident reporting is  
18 going to help us gather that data, and the  
19 industry stands on our safety record, and we  
20 believe that that data will show that we are a  
21 safe industry, but the data will speak for itself  
22 and help us take that next step if we need to,

1 rather than being so aggressive at this point.

2 CHAIR DANNER: All right. Are there  
3 any other commenters in the room who wish to come  
4 forward? All right, is there anyone on the line?  
5 No one, okay. All right, at this point then,  
6 we'll open it up to the Committee for discussion.  
7 Anyone wish to start? Mr. Brownstein.

8 MEMBER BROWNSTEIN: So a couple --- so  
9 I confess I struggle with --- struggling with  
10 understanding some of the terminology here, which  
11 maybe leads to one of the reasons why I'm  
12 struggling to understand why 12 inches makes  
13 sense, when the original proposal was 8. I  
14 appreciate the fact that we're looking at this,  
15 at, you know, the zone of impact so to speak.  
16 But I confess I'm a little puzzled by why we're  
17 so comfortable with the idea that going from 8 to  
18 12 doesn't represent a real step back in terms of  
19 protection in terms of public safety, and I  
20 should also add environmental integrity. I'll be  
21 the one --- there's always a point at one of  
22 these meetings where I sort of remind PHMSA that

1 your statutory obligation is both for public  
2 safety and environmental integrity.

3 And I would note that line strikes,  
4 failure of proper right-of-way maintenance can  
5 have consequences for environmental integrity as  
6 well as public safety and so therefore, I would  
7 suspect, right that we're leaving a lot of public  
8 benefit on the table, and the statistics would  
9 seem to bear that out by the decision to sort of  
10 step back from the original proposal. So I'm  
11 just trying to understand a little bit what was  
12 some of the thinking behind going from 8 to 12,  
13 what benefits are we giving up, what costs are we  
14 really saving here, are we just being  
15 philosophical or what's the tangible tradeoffs  
16 that we're engaging here?

17 CHAIR DANNER: All right, well just  
18 for clarification, it's not 12, it's 12.75 so  
19 there's another 12,000 or more pipeline miles  
20 that are ---

21 MEMBER BROWNSTEIN: Okay, so fair.

22 CHAIR DANNER: All right. Andy?

1                   MEMBER DRAKE: Just technocrat coming  
2 out, 12 inch nominally is 12 3/4 inch physically,  
3 so I mean we --- they get kind of used  
4 interchangeably, so I think if you're referring  
5 to 12 inch nominal, that is the same thing. It's  
6 a great question. I think that is the crux of  
7 what we're going to talk about probably until  
8 this meeting ends, probably. I go back to what  
9 we were charged with, you know, the GAO  
10 directive. And if you remember Administrator  
11 Stacey Gerard many years ago, if it looks like a  
12 duck and it quacks like a duck, then it's  
13 probably a duck. And I think that's actually  
14 fair advice here. I go back --- if you can flip  
15 back to the PIR calculation bar chart that's very  
16 colorful. There. I think, you know, when I look  
17 at what is a transmission line, we have a lot of  
18 those. They're typically 30, 36, some 24s, but  
19 that's primarily what that animal looks like, and  
20 they're typically 1,000 pounds, 1,100, 1,200  
21 pounds, you can calculate the PIR if you just  
22 picked a --- not to seem small, but a typical 30

1     inch pipeline, 1,000 pounds, I've got a lot of  
2     those, they're exactly 660 feet, which is not  
3     coincidental; that is exactly on purpose to  
4     reflect the class location corridor. That was a  
5     long, long, long time ago decided.

6             If you run the numbers on a 12 inch  
7     pipeline, that PIR at 1,000 feet --- I mean 1,000  
8     pounds is 250 feet, okay. That's not a duck,  
9     that's not the same animal, that is a very  
10    different animal on an IMPAP. And this should be  
11    a risk-based discussion, you know. We look at  
12    miles and we look at all these other things,  
13    those are an ingredient, but the charge was look  
14    at this particular high risk fingerprint and do  
15    something about it, and I think that kind of  
16    characterizes it. If you picked a --- just for  
17    another differentiator to show the breakover--a  
18    24 inch, 1,000 pound pipe has a PIR of 525 feet.  
19    That's a little closer to the 30 inch PIR, but  
20    you start to see how different those curves are.  
21    If you even go out to a 12 inch pipe at 1,440 or  
22    1,500 pounds, it's barely 300 feet, and it kind

1 of levels off. It's not going to get up to be  
2 like a big pipe, and I think that's just the  
3 basis of how you differentiate them; it's best  
4 differentiated based on risk that doesn't look or  
5 act like the other pipe.

6 It's not zero, and I want to be very  
7 clear about it. It's not zero, and I think to  
8 Carl's point, this is a beginning. When we  
9 started HCAs on gas pipeline integrity back in  
10 2000, we defined HCAs; same discussion. Roughly  
11 the system that we incorporated under that  
12 regulatory change was 5 percent of gas  
13 transmission. That was what became modeled under  
14 the IM rules at the time. That was the start of  
15 that rulemaking, and here we are basically at 5  
16 percent, and you've cut something that sort of  
17 makes sense from a risk standpoint, and I think  
18 that you really are trying to get started with a  
19 group that's not been regulated in the past,  
20 which is even a little bit more of a challenge  
21 than where the gas transmission industry was 15  
22 or 20 years ago, because they were regulated,

1 they were used to doing those kind of things, and  
2 they had kind of a running start on it.

3           So there's a little bit difference  
4 here, and I like the idea of how do you inform  
5 the next traunch. Because that data collection  
6 that we're proposing is key to fueling that  
7 decision and that next traunch. And I do agree  
8 that there are some things that we should be  
9 talking about to get ready for that, not just  
10 collecting data. So I think that's -- I'll just  
11 throw that out there as a thought, but I think  
12 there's probably a couple of buckets we need to  
13 start thinking about. It's not a binary  
14 discussion, like we're going to fix everything  
15 right now, because we're not. We're not going to  
16 make very good choices based on the lack of data  
17 we have.

18           MEMBER BROWNSTEIN: And if I may, Mr.  
19 Chairman.

20           CHAIR DANNER: Mark, yes.

21           MEMBER BROWNSTEIN: So that's very  
22 helpful, Andy, and at the same time, right,

1       somewhere between the proposal and today, clearly  
2       there are folks in industry who felt that there  
3       is a real value to stepping up from 8 to 12,  
4       right, that this wasn't just a matter of  
5       convenience, but that there was some passion  
6       behind stepping up from 8 to 12.  And I'm--so  
7       help me understand what incremental costs are  
8       folks in industry incurring that make it such a  
9       difference such that PHMSA now is being convinced  
10      to go from 8 to 12.  What are we saving here?  
11      What consequence are we avoiding that would  
12      require them to step back from their original  
13      judgment that 8 made a good starting place?

14                    Because I agree with you, right, this  
15      is--we clearly are not solving all the world's  
16      problems even if we're 8.  I'll remind us all  
17      that it was a 2 inch pipeline in Colorado that  
18      led to fatalities, okay.  So we know that as a  
19      practical matter, any place where there is a  
20      poorly-maintained gas line of any diameter can  
21      lead to tragedy, right?  I think we all  
22      understand that.  But why the passion around

1 stepping back from 8 to 12?

2 CHAIR DANNER: Andy?

3 MEMBER DRAKE: This is Andy Drake with  
4 Enbridge. It's a great question. I have not  
5 been personally really tied up in the cost  
6 benefit discussion. We've been looking at it  
7 very much from a physical risk standpoint. Back  
8 to the GAO charge, trying to characterize what  
9 was the thing that they were asking us to look  
10 at? The highest risk, the biggest stuff, the  
11 stuff that doesn't look like traditional  
12 gathering, and that's what we drew a box around  
13 here. I think the other part, to answer your  
14 question, is really risk is based on information  
15 or a deliberate process that you go through to  
16 consider uncertainty. Right now, we are grossly  
17 uncertain about anything that doesn't look like a  
18 transmission pipe.

19 We can kind of characterize those, we  
20 know -- and we need to get serious about that,  
21 because it has huge ramifications. But the stuff  
22 smaller than that, we don't know, and we need to

1 gather information -- not forever, we can set a  
2 deadline --- and make some informed decisions on  
3 that next traunch. But I think right now, it  
4 would be almost reckless and negligent. We don't  
5 know, and so all of a sudden we start  
6 distributing our energies into pipes we don't  
7 even know what their performance problems are.  
8 And we're treating them very similarly to that,  
9 which we should be prioritizing that because of  
10 risk. And I think that's really where my mind  
11 goes on down that trail.

12 MEMBER BROWNSTEIN: This is Mark  
13 again, so maybe the question then goes to the  
14 staff at PHMSA, which is you originally reached a  
15 judgment of 8; now you're thinking 12 is the  
16 right number. What changed in your minds that  
17 caused you to sort of rethink your proposal?

18 CHAIR DANNER: Steve?

19 MR. NANNEY: Well first of all, we  
20 didn't consult with Andy, so --

21 MEMBER BROWNSTEIN: Well you didn't  
22 ask me, either.

1                   MR. NANNEY: No, we didn't, but here's  
2 what we did. When we went out with the rule in  
3 2016, we took a look at what data we had, and we  
4 didn't have much data. We --- regulatory, we  
5 reached out to the state in a manner that we  
6 could, and we asked them what do they have, and  
7 the states came back to us and we found out we  
8 had a hodgepodge of a very little bit of data.  
9 But you know, we had, you know, in any death or  
10 any fatality we hear, we regret it just as much  
11 as you all do. As we realized we knew about what  
12 Carl in Pipeline Safety Trust and the West Texas  
13 incident, we knew of a few others, but we didn't  
14 have enough incidents that we could put our arms  
15 around to go in and say we're going to spend  
16 however many millions of dollars to this or tens  
17 of millions or whatever.

18                   But that being said, it wasn't, you  
19 know, we have to do a cost benefit. But then we  
20 took a step back just like what Andy said and  
21 again, is most of these smaller diameter lines  
22 are going to be at your lower pressure because

1 they're servicing the more conventional wells  
2 that are lower pressure, lower volume, so they're  
3 going to decline greater than the shale gases  
4 that have the higher pressures and more  
5 deliverability. So we said hey, we'll look at  
6 the ones that we are seeing that have the higher  
7 diameter, the higher pressure, so we wrote the  
8 rule for that to make sure that we captured  
9 those. We also wrote the annual reporting, the  
10 incident reporting so that we got more data so  
11 that we could take that data and if we needed to  
12 do additional rulemaking in the future, we could  
13 do it.

14           So we tried to do it in a step basis  
15 to where first, so we knew what the issue was; we  
16 addressed it. And so we think what we've done  
17 here today and what we're proposing to the  
18 Committee is that we get through the annual  
19 reports and the incident reports, we get better  
20 data, but what we all know is the higher  
21 pressures, the bigger volumes, we know we need to  
22 do something now. And so we're going after that,

1 and I think we've heard today is the Committee's  
2 supports it. So we're trying to make sure we do  
3 that first, and then we're with --- Mark, with  
4 what you said is well, we'll go after the other  
5 when we have the data to be able to do the right  
6 thing. In other words, we don't know exactly  
7 what that is right now, and we did reach out  
8 trying to find that through people like Mary  
9 Friend, with West Virginia, our friends in Texas  
10 and some of the other states, but we did not feel  
11 like we had our arms around it to do anything at  
12 the moment. So we did what we needed and what we  
13 thought would get the majority of the issue now.

14 CHAIR DANNER: All right, Sara and  
15 then Andy.

16 MEMBER GOSMAN: So I think there are  
17 different ways of thinking about risk, and I was  
18 looking at a report by ICF called "North American  
19 Midstream Infrastructure Through 2035." That was  
20 actually the INGAA 2018 report, and what struck  
21 me about that, so ICF said there were 28,000  
22 miles of gas gathering pipelines that were built

1 between 2013 and 2017 alone. The average  
2 diameter was 6.4 inches. It also said that  
3 there's going to be a tremendous, and is a  
4 tremendous build up happening of 73,500 miles of  
5 new gas gathering pipelines between 2018 and  
6 2035, with a 7.9 inch average diameter. To me,  
7 what's happening on risk here is that we are  
8 increasing mileage dramatically; some of these  
9 lines, I mean the average line is below 8 inches  
10 nominal. But that doesn't mean --- I mean we're  
11 still creating risk here, and I guess I'm not  
12 convinced that those lines are low pressure  
13 necessarily.

14 And I also think there's a concern  
15 that in the future, they will not be low pressure  
16 if we create a threshold in which we are  
17 incentivizing operators to actually use smaller  
18 diameter lines, but they still have to send their  
19 gas through lines, right, which is what you do  
20 when you add a bunch of requirements on one side  
21 of a threshold, and you don't have requirements  
22 on the other. So that's a set of initial

1 thoughts, I mean I guess just to start the  
2 conversation, and I think that we could create a  
3 floor here of regulation that would apply to 8  
4 inch nominal and up that really goes to  
5 fundamentals around pipeline safety. And my list  
6 would be damage prevention, line markers, leakage  
7 survey and emergency plans. And then we move  
8 from there into some of these other requirements  
9 at larger diameters and with PIR. But I want to  
10 at least put that out there for Committee  
11 consideration.

12 CHAIR DANNER: All right, Andy?

13 MEMBER DRAKE: I like the theme of  
14 that. This is Andy Drake with Enbridge. I like  
15 the theme of that, I think it kind of works hand  
16 in hand with that iterative traunch of trying to  
17 develop. I think, Mark to your point, they  
18 obviously didn't counsel me either, because  
19 industry was at 16 inch when that conversation  
20 was going on, so we were already in a different  
21 place and so I think everybody is trying to learn  
22 and move here a little bit. I think the other

1 thing is about pace, and I think that's something  
2 that we've learned over time. If these big pipes  
3 that are high pressure have a high consequence  
4 and a high risk, to move on them quickly is  
5 appropriate, and I think if we can stack hands to  
6 do that, I think that's appropriate.

7 I think the second bucket if you will,  
8 or second traunch to try to figure out what's  
9 appropriate to get geared up to be stepping that  
10 group into space or getting ready to make good  
11 decisions is also appropriate, but I don't know  
12 how to --- I don't know that tangling them  
13 together is going to be helpful, either. They  
14 are different problems, and I think that we  
15 should think about them differently. What we can  
16 do on new construction is also different than  
17 what we can do on existing things, and the more  
18 we break those down, I think the sharper and more  
19 clearly we can move forward. When we try to lump  
20 all this together, I think we get such a  
21 convoluted mess that we can't figure out what our  
22 priorities are. So I love that breaking that

1 down mindset; I think it will help the Committee  
2 move forward more confidently than this binary  
3 conversation of everything and nothing.

4 CHAIR DANNER: All right, so this is  
5 Dave Danner. I have the same concerns that Sara  
6 does in terms of --- I mean I think of the  
7 Midland, Texas with a --- there was an 8 inch  
8 pipe that killed a three-year-old boy, and I  
9 think if we're going to exclude that pipe from  
10 the rules, what steps do we have that are  
11 providing some kind of mitigation, some kind of  
12 accountability? And I think that Sara has laid  
13 out some options that we can look at. And I also  
14 want to come back to this theme that we're  
15 talking about a second traunch, and I would like  
16 us to have in the rules or in a preamble to the  
17 rules some commitment that we are going to come  
18 back and revisit this on a regular basis so that  
19 this doesn't become some kind of the norm going  
20 forward that we're done and that we don't have to  
21 come back to this.

22 I'm real uncomfortable when you go up

1 to something as high as 12.75, you're creating a  
2 floor, you're encouraging pipes to get built  
3 under that so that they can avoid the standard,  
4 and there has to be something that says hey, wait  
5 a minute, warning warning, we might revisit this  
6 in a couple of years and bring it down, so we  
7 encourage you to build the appropriate size and  
8 not try to avoid the regulations.

9 MEMBER BROWNSTEIN: Yes, that also  
10 becomes important because again, from an  
11 environmental integrity standpoint, one of the  
12 things that we are very sensitive to is the  
13 characteristic of shale gas development where you  
14 have very high pressures very early on in the  
15 life of a well, and then it sort of peters off.  
16 And there's a temptation I think maybe to build  
17 gathering infrastructure that is undersized for  
18 some of the initial flows, and that's a problem  
19 from an environmental integrity standpoint  
20 because we suspect actually that the reason why  
21 we're seeing methane emissions in the Permian  
22 Basin, particularly in New Mexico, five times

1 higher than what's being reported is precisely  
2 because the lines are being over-pressured, and  
3 we're getting a lot of product being lost as a  
4 consequence of trying to put too much product  
5 through too little pipe. And by setting these  
6 thresholds, right, we're helping I think to  
7 incentivize that kind of behavior, and I'd be  
8 very concerned about that.

9 CHAIR DANNER: Andy?

10 MEMBER DRAKE: I don't know the extent  
11 to which that's happening. I'm not saying it  
12 can't happen; I think the incentivization thing I  
13 think is something to think through. I think  
14 another issue that we have to be very conscious  
15 of is a balancing act, and as in unintended  
16 consequences. Most of the existing gas  
17 transmission infrastructure operates on a very  
18 thin competitive margin, and I think the more  
19 that we try to encumber a huge sector of this  
20 industry with these requirements, many of their  
21 lines will be --- will just shut down. They're  
22 just not profitable anymore, which will create an

1 inverse environmental impact in that you'll  
2 probably have gas trapped at the well head, but  
3 the producer won't do that. What the producer  
4 will do is flare, because they're going to get  
5 the oil out.

6 So what's going to happen --- and I'm  
7 not trying to say it's everywhere, but it is  
8 something to think through is an unintended  
9 consequences of just throwing a bunch of pipes  
10 into the system without understanding the  
11 decisions, the ramifications, the risks we're  
12 dealing with could have other ramifications that  
13 we need to be conscious of, too, because those  
14 operators will shut those pipes down if they're  
15 not productive financially, which will just  
16 create another problem. So I just want to think  
17 through all of these things, because they're not  
18 clear.

19 MEMBER BROWNSTEIN: And Andy, and  
20 that's exactly why I was asking some of the  
21 questions I was earlier, which is I get that  
22 there's a vague sense on the part of folks in

1 industry that there's some incremental burden  
2 here from going from 16 to 12, from 12 to 8,  
3 okay. I'm still not really hearing any kind of  
4 sharp articulation of what that really is either  
5 from you or frankly from the staff at PHMSA,  
6 right, it's kind of a vague sense that, you know,  
7 we don't want to overtax the system and we know  
8 that this is going to be hard for some folks and  
9 you know, we don't--and there's kind of a know it  
10 when we feel it kind of thing, but you're making  
11 a very specific argument, which is, you know, if  
12 we set these thresholds too low, we're going to  
13 make it uneconomic to run gathering, and that in  
14 turn is going to have negative consequences for  
15 environment and energy and fair enough, but that  
16 implies that there's some real cost to the  
17 thresholds that we're setting here, and I'm just  
18 not hearing it right now.

19 MEMBER DRAKE: It's not that we're  
20 just playing volleyball here, I mean but --

21 CHAIR DANNER: Yes, but it's  
22 instructive, so go ahead.

1                   MEMBER DRAKE: I think that that those  
2                   are great questions. To me, it does go back to  
3                   primary, secondary, tertiary. The primary is the  
4                   directive from the GAO, and we can see that  
5                   model. I think to answer your questions more  
6                   sharply, we need data. We need more information  
7                   to fuel some of those things. We don't even know  
8                   what's causing some of these risks, so what would  
9                   it cost to fix them? I don't know, because I  
10                  don't know where they are or what they are or  
11                  even what part of the pipe. Is it 8 inches or 10  
12                  inch? Is it internal corrosion that's causing  
13                  the problem? We don't have that insight; that's  
14                  really all you're hearing me say. And I'm not  
15                  professing that oh if we do this, we're going to  
16                  shut down huge panels of the infrastructure.  
17                  That's --- the sky is not falling, it's just  
18                  being clear on unintended consequences so that we  
19                  make a good choice, which I think is the  
20                  challenge at the table right now.

21                  CHAIR DANNER: So I mean what I'm  
22                  hearing is there's just --- whether you draw the

1 line at 12.75 or can you look at the smaller  
2 stuff and say okay, we're not going to include  
3 you this time, but we're going to include a few  
4 other provisions that we're going to apply to  
5 those and you know, leak detection, damage  
6 prevention, the things that Sara was talking  
7 about. Is that something that industry can  
8 stomach?

9 MEMBER DRAKE: I'd love to have a  
10 breakout to talk about that with my constituents,  
11 because we haven't talked about that at all. But  
12 I think it's a fair question because we're  
13 committed to traunches and evolution, we should  
14 be getting to a place of what does that look  
15 like, which is Carl's challenge a few minutes  
16 ago. What does that next thing look like? We  
17 haven't spent a lot of time characterizing that,  
18 but I think it's a fair discussion.

19 CHAIR DANNER: We could do a break.  
20 One other thought was you could frame up what  
21 you're talking --- I think it's been laid out  
22 there what you're proposing for the smaller

1 diameter, but maybe break out the 8 to 12 inch  
2 and consider that for a vote, and then we can  
3 consider the rest of it in a separate vote, but I  
4 don't know. Defer to you guys; it's just an  
5 option.

6 MEMBER DRAKE: To be clear, I didn't  
7 propose it; I think Sara did. I just think it's  
8 a good discussion of the matter. Sara?

9 MEMBER GOSMAN: All right, as the  
10 instigator, I mean I think we should take a break  
11 if Andy would like to talk with his folks and see  
12 what we might be able to come to in terms of  
13 agreements. I mean I'm an optimist by nature,  
14 we've come to some amazing compromises in the  
15 past, I'm hopeful that perhaps we can do that on  
16 this one, too. But I think you probably need the  
17 chance to talk with your folks, and it strikes me  
18 now is the right time.

19 CHAIR DANNER: Okay, the Secretary is  
20 coming to visit us at 4:30, so --- and then my  
21 question to Alan, I assume that we can stay in  
22 this room after 5:00 if we feel that we are

1 close?

2 MR. MAYBERRY: That's correct, yes.

3 CHAIR DANNER: Okay. Well, I would  
4 just rather --- I'd rather work from 5:00 to 6:00  
5 than work from 8:00 to noon tomorrow. So--okay  
6 it's --- that's what I'm thinking. So all right,  
7 let's take a break and we will come back at 4:30.  
8 The Secretary will be here, so everyone be prompt  
9 and good luck. Thank you.

10 (Whereupon, the above-entitled matter  
11 went off the record at 4:06 p.m. and resumed at  
12 4:23 p.m.)

13 CHAIR DANNER: Okay, folks. Why don't  
14 we go back on the record? Andy has offered to  
15 give us a brief update before the secretary  
16 arrives. So Andy, tell us what you guys were  
17 talking about.

18 MEMBER DRAKE: I appreciate the  
19 discussion that we had going into that break. I  
20 think the discussion around the break -- or,  
21 while we were in breakout -- was that there's a  
22 lot of folks that aren't at the table, which you

1 can appreciate with 450,000 miles of pipe,  
2 there's not everybody here. I think that thing  
3 that is catching everybody is, this is a whole  
4 new conversation. Is that fair? We -- we are in  
5 the context of all of these requirements for the  
6 big pipes, and how they would affect medium sized  
7 pipes. And that's -- we vetted that issue. We  
8 haven't vetted the impact of something in the  
9 middle. And I think there's a sense of, there's  
10 some logic there. There's some conversation that  
11 makes sense there. I think there's a sense of  
12 wanting to reach out to try to -- to vet it out a  
13 little bit over night and come back in the  
14 morning. I know that was not the hopes of  
15 everybody here -- was to try to get done today.  
16 But I would rather measure twice and cut once and  
17 try to keep us all making progress.

18 But I do think the thought of  
19 isolating issues helped. The issue about new  
20 construction was received very differently than  
21 the retroactive issue -- just to be very  
22 transparent here. And I think that that is --

1       there was a lot more consensus around that  
2       particular issue. And so now it's just how big  
3       an elephant is -- this other stuff -- and what  
4       makes sense to set a foundation that you build  
5       off of. You know, that -- you -- if you get  
6       running on these things, they actually pay  
7       dividends to the future decisions. So that's  
8       really the issue that we've isolated that we're  
9       trying to get some input on and try to see what  
10      makes sense. And I do -- I hope everybody on the  
11      committee can appreciate, this is a whole new  
12      discussion. So it is happening kind of real  
13      time. And I just wanted to let everybody soak on  
14      that thought for a little bit and see what their  
15      constituents look like. And we can -- maybe we  
16      can get together in the morning as a little group  
17      and then come in here and provide an update of  
18      where that group is. Is that fair?

19                   CHAIR DANNER: Yes. What I anticipate  
20      is that we will convene at 8:30 in the morning.  
21      If we recess for breakouts, then we can do that  
22      tomorrow morning. I think -- what are we

1 scheduled for tomorrow? Eight thirty to noon?

2 Okay. So -- all right. We have three  
3 hours of fun tomorrow morning.

4 (Laughter.)

5 CHAIR DANNER: Do you want to do that  
6 right now?

7 MR. MAYBERRY: I was just going to  
8 suggest that the part that -- I think it's a  
9 no-brainer -- this is Alan Mayberry, by the way.  
10 The greater than 12 and three-quarters. It's --  
11 perhaps have a vote on that. And then leave --  
12 and then we'll have the discussion. You'll have  
13 overnight, and then we'll come back and address  
14 the smaller, which -- actually, we have some  
15 draft language.

16 (Laughter.)

17 CHAIR DANNER: So I understand what  
18 you want to do on that, Alan. I will just voice  
19 my own concern on that. I think that by having  
20 the vote on the 12 and three-quarters and larger  
21 you've kind of predetermined the outcome because  
22 we will break up and not feel compelled to reach

1 agreement on the other stuff. And so I would  
2 just as soon keep our feet to the fire and do  
3 this in one lump. Thank you.

4 MR. MAYBERRY: Will defer to the  
5 committee. We hadn't addressed that area, but  
6 that's fine.

7 (Pause.)

8 MEMBER LONGAN: Mr. Chair.

9 CHAIR DANNER: Yes.

10 MEMBER LONGAN: Earlier we were  
11 talking about NPMS and how to incorporate or not.

12 CHAIR DANNER: Yes, we were. That was  
13 -- thank you. As I recall, we were -- we -- we  
14 discussed possibility of the committee making a  
15 recommendation that PHMSA ask Congress to give it  
16 back the authority with regard to requiring NPMS  
17 -- or allowing the pipes be put into the mapping  
18 system. And as I recall, I think PHMSA was going  
19 to come back with some language. But we may have  
20 been -- we may have had a detour on that. Were  
21 you looking at language on MPS? Or NPMS?

22 MR. MAYBERRY: No, this isn't -- we're

1 not -- or, the committee, which would defer to,  
2 would not be voting on language for regulations.  
3 So it would really just be a recommendation that  
4 you may craft the wording to. We can gin  
5 something up that would ask us to look at it, and  
6 then you vote on that. And then we'd take it  
7 under advisement. So that's what I would  
8 suggest. Today, not tomorrow.

9 CHAIR DANNER: So I think that's  
10 consistent with where we were going. It was  
11 basically to say Congress let PHMSA consider  
12 this. And then we're not -- we're not saying, as  
13 a committee, that they should include it or not  
14 include it, we're just saying let -- let us have  
15 the freedom to have that discussion. And give  
16 the freedom to PHMSA to adopt rules, if that's  
17 where we recommend. Or, if, you know, they want  
18 to go -- they want to go through that process.

19 I think we talk until she enters the  
20 room, and then we will all stand.

21 MEMBER LONGAN: Sara Longan, State of  
22 Alaska. From the dialogue this morning, I found

1 it go be very instructive. And it demonstrated  
2 that the conversation is important for, you know,  
3 present and future. But it was another dialogue  
4 that I thought we almost needed an interim step  
5 prior to this body making a recommendation that  
6 PHMSA is allowed to consider obtaining that  
7 statutory authority. Or, for us to make any  
8 recommendation to Congress. It's another area  
9 where I feel like we have some of the  
10 information, but not all. Thereby, we won't know  
11 affirmatively the cost benefit of such a  
12 proposal. I like the ideas surrounding it. I  
13 really do. I think it's something I could  
14 support. But I feel like we need to have more  
15 information and dialogue prior to making any  
16 recommendation.

17 CHAIR DANNER: So -- thank you for  
18 that. I think that -- my thinking was, is  
19 currently we are gagged from considering it. And  
20 all I wanted to do was open up our authority so  
21 that we as a group can consider it -- or, PHMSA  
22 can consider it. We are not recommending that

1 they do, or that they require that it be included  
2 in the mapping program. Only that they have the  
3 freedom to talk about it. And -- and so if -- if  
4 you're asking for more information, the question  
5 I have is are we authorized to even gather that  
6 kind of information if we're not -- I mean, I  
7 want to make sure that we have the authority and  
8 PHMSA has the authority to even be looking at the  
9 issue. Alan? Chad?

10 MEMBER ZAMARIN: Yes, Chad Zamarin  
11 with Williams. I -- I -- Chairman, I just -- I  
12 am not sure I even understand why PHMSA doesn't  
13 currently have that authority. I would like to  
14 know more about the -- the NPMS and the  
15 legislative authority limits -- why they were  
16 established the way they were. I just feel like,  
17 I need to know more about that -- the background  
18 regarding -- there may have been a reason why  
19 that limitation was put in place. I just don't  
20 feel like I've got enough information to make a  
21 recommendation that that be removed through the  
22 reauthorization process without understanding a

1 bit more background. I -- I think -- I agree, I  
2 could support it as well, I think. But I just  
3 don't feel like I know enough about the  
4 background to -- to weigh-in in an educated way.  
5 Thank you.

6 CHAIR DANNER: All right. Any other  
7 comments on this issue?

8 (No audible response.)

9 CHAIR DANNER: Sara?

10 MEMBER GOSMAN: So when I look at the  
11 provision on National Pipeline Mapping System, in  
12 the U.S. Code, what I see is a direct provision  
13 that says operators accept distribution lines and  
14 gathering lines shall provide to the Secretary of  
15 Transportation the following information. That  
16 is, Congress is mandating this particular  
17 reporting. There might be an argument, right,  
18 that PHMSA has authority to consider this issue.  
19 It's just, Congress said, we mandate this  
20 particular reporting for this set of lines. I  
21 don't know what I think about that. I am sure  
22 lawyers for PHMSA might have other thoughts. But

1 -- but I think -- I mean, what I would like to do  
2 -- I was thinking about it because  
3 reauthorization is currently happening. People  
4 are talking about this particular issue. So I  
5 thought it would be nice for us to weigh in, if  
6 we had some consensus on it. At least to the  
7 extent of PHMSA being able to address it. I  
8 mean, another way of thinking about this is to  
9 say we recommend to PHMSA to consider the issue  
10 of gathering lines in NPMS and come back and  
11 report to us as a committee on what their  
12 recommendation would be. And then we wait on the  
13 statutory fix, if that's what we need, until  
14 another round.

15 CHAIR DANNER: Alan?

16 MR. MAYBERRY: I just don't think  
17 we're -- obviously, we're not ready to discuss,  
18 you know, all the ramifications. I mean, in the  
19 same area of our statute it also exempts  
20 distribution. So, you know, I -- I would -- you  
21 know, again, we're at the disposal of the  
22 committee, so to speak. You know, what the

1 committee decides, we'll take it under  
2 advisement, go from there.

3 MEMBER BROWNSTEIN: So Alan -- this is  
4 Mark Brownstein, Alan maybe this is a question to  
5 you. Do you -- your attorneys read that  
6 provision to be a prohibition on PHMSA being able  
7 to consider requiring reporting into -- and on  
8 what basis? Is that some kind of -- I mean,  
9 maybe that's the -- maybe that's -- maybe that's  
10 the issue.

11 CHAIR DANNER: But that was -- when it  
12 was proposed by commenters, that was the reason  
13 they -- that PHMSA gave for not pursuing it. It  
14 said it was not allowed by statutory -

15 MEMBER BROWNSTEIN: Right, so -- so  
16 maybe the thing -- first thing to do is unearth  
17 the legal interpretation from your own attorneys  
18 that -- because -

19 PARTICIPANT: Yes.

20 MEMBER BROWNSTEIN: -- as practical  
21 matters, there's nothing in there that ostensibly  
22 says that you couldn't. It's very clear where

1 Congress told you to do, but that doesn't mean  
2 that you couldn't. I guess you're -- so what are  
3 your attorneys saying?

4 CHAIR DANNER: Alan?

5 MR. MAYBERRY: Oh, that would be me.  
6 You know, reading straight from our statute,  
7 60-132, National Pipeline Mapping System, the  
8 coverage specifically exempts -- you know, it  
9 says, except for distribution lines and gathering  
10 lines. So we can still have our attorneys look  
11 at it, but that's pretty clear to me.

12 CHAIR DANNER: Jon?

13 MEMBER AIREY: I am a little concerned  
14 about the authority of this organization to make  
15 congressional legislative recommendations. I  
16 think we've got some kind of a set of bylaws or  
17 codes or that sort of thing. I am a little  
18 worried we're out over our skies doing that.

19 CHAIR DANNER: Well, so I think that  
20 basically -- there was a proposal that we put  
21 mapping in here. We were told no, statute  
22 doesn't allow us to do that. And we're saying,

1 well, the statute should be changed. And I think  
2 that we would be making a -- basically a  
3 statement as a group to PHMSA -- and then we  
4 would leave it to PHMSA to either accept or  
5 reject our recommendation. So I -- I don't know  
6 that that would be outside the purview of this  
7 group, since I think it -- it informs where we  
8 are on the rules. And it wouldn't have a force  
9 or effect of law or anything. We're just an  
10 advisory council. So that would be our advice.  
11 So I think we would be okay in that regard. All  
12 right, so Diane and then Chad.

13 MEMBER BURMAN: So I do have one  
14 question on -- or, two questions really. The  
15 first question on making a recommendation that  
16 the law has to be changed. Has an advisory  
17 committee -- and then, more specifically, has  
18 GPAC ever made a recommendation before saying we  
19 would like the law changed? Because my  
20 understanding is, we've only made recommendations  
21 to changes to the regulations. So I just want to  
22 make sure that we understand if we are doing

1 that, that it is the first time we would be doing  
2 that, or at least point to where we have  
3 historically done that before so they will look  
4 at what that history has been. So if I could  
5 have that information, that would be helpful.

6 CHAIR DANNER: Yes, thank you. We  
7 have not -- this committee has not made such a  
8 recommendation before.

9 MEMBER BURMAN: Okay.

10 CHAIR DANNER: So, Chad --

11 (Simultaneous speaking.)

12 MEMBER BURMAN: Yes, I --

13 CHAIR DANNER: Oh, go ahead.

14 MEMBER BURMAN: I would just be a  
15 little hesitant, only because -- at least from  
16 the perspective of having done that with the  
17 voluntary information sharing working group,  
18 there -- from that there was a congressional  
19 mandate asking us for -- to put forward some  
20 recommendations through the secretary, who then  
21 made decisions based on that. So there was a  
22 clear pathway. And so, from my perspective, I am

1 concerned about getting outside of our pathway  
2 and really, from my perspective, my comfort level  
3 is on recommendations in changes to the  
4 regulations that are within the context of the  
5 law that align with the law, rather than making  
6 recommendations on changes that are needed to the  
7 law which might take form of something else, but  
8 might not be the appropriate venue for the  
9 advisory committee unless it's been teed up for  
10 that conversation. So I just, you know -- that's  
11 just sort of my perspective.

12 CHAIR DANNER: All right.

13 MEMBER BURMAN: Not opposed to it, I  
14 just think it's -- requires a further  
15 conversation and maybe a little bit more  
16 transparency on what that may look like. Because  
17 in isolation, it -- it concerns me a little bit,  
18 especially if it is not something we routinely  
19 do.

20 CHAIR DANNER: All right.

21 MEMBER BURMAN: On the other issue --  
22 I am -- just want to note that I am a little

1 disappointed that we weren't able to come back  
2 from the break with a compromise. And I do hope  
3 that over the evening -- that we come back at  
4 hopefully 8:30 in the morning -- we are able to  
5 have compromise on, you know, the issues that we  
6 were hoping to resolve. I do think there is a  
7 pathway on the line. And I am hoping that -- you  
8 know, and I can be available via phone if anyone  
9 wants, but I am hoping that maybe we will be able  
10 to make some headway. Because I do think it is  
11 important and I do think Sara did offer up some  
12 suggestions that we may be able to work through  
13 and maybe break it down a little further. So I  
14 just want to encourage people to not give up  
15 because I do think that it is important that we  
16 try to find that compromise.

17 CHAIR DANNER: All right.

18 MEMBER BURMAN: And that's it. Thank  
19 you.

20 CHAIR DANNER: Thank you very much.  
21 Okay, and we will be convening again at 8:30 in  
22 the morning and we can find out the status at

1 that time and figure out where to put our efforts  
2 in the morning. Chad, are you still on the line?

3 MEMBER ZAMARIN: Yes, Chad Zamarin,  
4 Williams. I just -- I supported what Diane was  
5 saying about -- it's one of the questions, I  
6 think -- I just think we do a good job of  
7 preparing for these meetings. And, you know, we  
8 didn't have the NPMS issue raised as an issue  
9 that we needed to take issue or decide upon. I  
10 do thanks that, you know, one of the question is,  
11 is this within our purview? I think I -- I have  
12 other questions that I would like to understand  
13 more about before going on the record with any  
14 kind of recommendation. So I just -- I just want  
15 to reiterate that I agree with Diane's view. And  
16 also I just -- I think it's a little dangerous  
17 for us to break, kind of, our process. It seems  
18 like we've got a good process going where we're  
19 well prepared and informed leading up to these  
20 meetings. And it seems like we've kind of taken  
21 on an issue that wasn't on the agenda for action.  
22 So I would just be a little concerned with that.

1                   CHAIR DANNER: All right, thank you.  
2                   We're going to have to break here. I believe the  
3                   secretary is near. So we will go into recess.  
4                   Or actually, we're going to stay on the record.  
5                   Okay, we're in recess then.

6                   (Whereupon, the above-entitled matter  
7                   went off the record at 4:42 p.m. and resumed at  
8                   4:47 p.m.)

9                   CHAIR DANNER: Okay, we are back on  
10                  the record. And Sara, did you --

11                  MEMBER GOSMAN: Being a lawyer, I just  
12                  wanted to make sure that we all knew about our  
13                  statutory authority because there were questions  
14                  about the extent of that. So I am reading from  
15                  49 USC, Section 60115-D. And -- so the authority  
16                  to us is to propose safety standards for  
17                  transporting gas and for gas pipeline facilities.  
18                  I think arguably NPMS, in reporting as a safety  
19                  standard. There is also authority to make policy  
20                  development recommendations to the secretary if  
21                  requested by the secretary. So if it's a policy  
22                  development recommendation that is not a safety

1 standard, then it would have to be requested by  
2 the secretary. So those are the two statutory  
3 authorities. And I think it's within the  
4 rulemaking, because it was something that  
5 somebody had suggested. And then the agency came  
6 out and said, look, we don't have the authority  
7 to do it. So I don't think it's separate  
8 entirely from this process. I think it's -- it's  
9 part of this rulemaking process. But I agree  
10 that it's different than some of the other things  
11 we've been doing. So what I would suggest is,  
12 we'll break and maybe I can come back tomorrow  
13 with a more specific motion about how we might  
14 proceed.

15 CHAIR DANNER: All right. So does  
16 that take us to the end of today, Alan?

17 MR. MAYBERRY: It does.

18 CHAIR DANNER: All right. So I guess  
19 that means that we will adjourn for the day and  
20 -- or go into recess. And we will be back  
21 tomorrow at 8:30 a.m. in this room. So remember,  
22 we have to get through secretary, so --

1                   MR. MAYBERRY: And by the way,  
2                   tomorrow we have to be out of here no later than  
3                   11:30 so --

4                   CHAIR DANNER: All right.

5                   MR. MAYBERRY: -- we need to be  
6                   mindful of our time.

7                   CHAIR DANNER: All right. But I think  
8                   we've accomplished a lot today. So  
9                   congratulations everybody, and I will see you  
10                  tomorrow morning. Thank you.

11                  (Whereupon, the above-entitled matter  
12                  went off the record at 4:49 p.m.)

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Before: USDOT/PHMSA

Date: 06-25-19

Place: Washington, DC

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Court Reporter

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