

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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JOINT GAS PIPELINE ADVISORY COMMITTEE AND
LIQUID PIPELINE ADVISORY COMMITTEE MEETING

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WEDNESDAY, DECEMBER 13, 2017

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The Advisory Committees met in the Galleria Ballroom, Hilton Arlington, 950 North Stafford Street, Arlington, Virginia at 8:30 a.m., Massoud Tahamtani, Chair, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS PRESENT
STEPHEN E. ALLEN, Indiana Utility Regulatory
Commission

RONALD A. BRADLEY, PECO Energy

MARK BROWNSTEIN, Environmental Defense Fund

HON. DIANE BURMAN, New York State Public Service
Commission*

CHERYL F. CAMPBELL, Xcel Energy Incorporated

HON. DAVID W. DANNER, Washington Utilities and
Transportation Commission

J. ANDREW DRAKE, Enbridge Gas Transmission and
Midstream

SARA ROLLET GOSMAN, Pipeline Safety Trust;
University of Arkansas School of Law

ROBERT W. HILL, Brookings County Zoning and
Drainage, South Dakota

RICHARD F. PEVARSKI, Virginia Utility Protection
Service, Inc.

RICHARD H. WORSINGER, Public Utilities, City of
Rocky Mount, North Carolina

CHAD J. ZAMARIN, The Williams Companies, Inc.

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS

PRESENT

MASSOUD TAHAMTANI, Chair; Virginia State
Corporation Commission

TIM J. AYDT, Marathon Pipe Line LLC

GRAHAM W. BACON, Enterprise Products Partner,
L.P.

DAVID BARNETT, United Association of Plumbers
and Pipefitters

JERRY K. BARNHILL, DCP Midstream

DAVID W. BRYSON, Enbridge Liquids Pipelines

TODD C. DENTON, Phillips 66 Pipelines, LLC

RICHARD B. KUPREWICZ, Accufacts, Incorporated

CAPTAIN JEFFREY G. LANTZ, U.S. Coast Guard

CHARLES LESNIAK III, Environmental Officer, City
of Austin, Texas

HON. NORMAN J. SAARI, Michigan Public Service
Commission

CARL M. WEIMER, Pipeline Safety Trust

PHMSA STAFF PRESENT

**ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal Official**
AHUVA BATTAMS, Office of Chief Counsel
ELOISE CASTILLO, Economist
SUNNY CHUNG, Enforcement Division
BYRON COY, Senior Technical Advisor
**LINDA DAUGHERTY, Deputy Associate Administrator
for Pipeline Safety**
ROD DYCK, Pipeline Enforcement Director
HOWARD "SKIP" ELLIOTT, Administrator
BEN FRED, Office of Chief Counsel
**JOHN GALE, Director, Office of Standards and
Rulemaking**
JASON GRANT, Enforcement Division
**SAM HALL, Program Manager, Outreach and
Education Division**
SEONG HWANG, Enforcement Division
**ROBERT JAGGER, Office of Standards and
Rulemaking**
KENNETH LEE, Director, Engineering and Research
JANICE MORGAN
**CHRISTIE MURRAY, Director, Outreach and
Engagement**
GARRETT NEWMAN, Enforcement Division
**SAYLER PALABRICA, Office of Standards and
Rulemaking**
DRUE PEARCE, Deputy Administrator
**CAMERON SATTERTHWAITE, Office of Standards and
Rulemaking**
**CHERYL WHETSEL, Transportation Specialist,
Office of Standards and Rulemaking**

ALSO PRESENT

REID HESS, Dominion Energy Utah
JOHN JACOBI, G2 Integrated Solutions
BRYN KARAUS, Van Ness Feldman LLP
SHAWN LYON, Marathon Pipe Line LLC
RON McCLAIN, Kinder Morgan
CRISTIE NELLER, Dominion Energy
C.J. OSMAN, INGAA
SCOTT ROUZE, Enbridge
*** Present via teleconference**

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

2 8:36 a.m.

3 MR. MAYBERRY: Good morning. Good
4 morning everyone. I think next time we will sell
5 tickets. Popular place today. It's good to see
6 everyone. For the record, it's colder in
7 Washington, D.C. than Fairbanks, Alaska. I think
8 that's pretty remarkable. But welcome to the
9 frigid northern Virginia area.

10 Thank you for your attendance at this
11 joint meeting of the Gas and Liquid Pipeline
12 Advisory Committee. It's good to see everyone,
13 the full Committee. We've had a number of vacant
14 seats and a number of new faces that fill those
15 vacancies, so it's good to see everyone in a
16 joint meeting here today.

17 Under the Federal Advisory Committee
18 Act, I will serve as the Designated Federal
19 Official, and as such, I'm the presiding
20 official. My name is Alan Mayberry. I'm the
21 Associate Administrator for Pipeline Safety.

22 I'd also like to introduce the

1 Chairman for today, Massoud Tahamtani. He's the
2 Director of the Utility and Railroad Safety
3 Department at the Virginia State Corporation
4 Commission. So Massoud will be sharing the
5 meeting today.

6 Not yet Massoud. Give me a couple
7 minutes here. I know you're anxious to get
8 started. I'm anxious for you to get started
9 here.

10 A couple housekeeping items and safety
11 items here. Restrooms, you may know if you've
12 been here before, they're out to my left. Ladies
13 room straight across and men's room to the left,
14 but all to the left of the ladies out there.

15 Emergency exits, there is a diagram
16 that is at the front, at the table here. But
17 where you came in, there are exits out that way
18 to the mall area, and then downstairs. And then
19 also to our right, if you go through these doors
20 here and take a right, at the end of the corridor
21 there are exits there as well.

22 If you will please silence your mobile

1 devices. I know yesterday I was in a meeting and
2 it sounded like we were duck hunting when it went
3 off.

4 I know it goes without saying, but
5 Committee Members and participants are to conduct
6 themselves in a professional manner. Anyone who
7 acts unprofessionally will be asked to leave.

8 In order to complete the business of
9 the Advisory Committees, we ask that all parties
10 hold their comments until we open the floor. And
11 please, keep your remarks brief as well.

12 As a Presiding Official, I may ask you
13 to cut your remarks short or the Chair, just to
14 keep the agenda moving.

15 Written comments related to today can
16 be submitted to the Advisory Committee Docket.
17 Thanks for scrolling through that. PHMSA-2016-
18 0136.

19 Just additional guidance on just
20 decorum and code of behavior today. This is a
21 Federal Advisory Committee meeting. Committee
22 members and members of the public are asked to

1 preserve order and decorum during this meeting.

2 No one, neither by conversation nor
3 otherwise, shall delay or interrupt the
4 proceedings or the peace of the Committee, nor
5 disturb any member while speaking or refuse to
6 obey the instructions of the Chair or the
7 Designated Federal Official. And if someone
8 chooses to be disruptive, we'll ask you to leave.

9 At this point, I had a couple others.
10 I'll come back to you here in a moment, but I'd
11 like to hand off to the Chairman, Massoud
12 Tahamtani. So Massoud, thanks for being here
13 today and being willing to chair the meeting.

14 MR. TAHAMTANI: Thank you Alan, and
15 good morning. As the first official act, I need
16 to have the committee members introduce
17 themselves. Your name, your position,
18 organization and which committee you serve on,
19 and we'll start with Todd at the end.

20 MR. DENTON: Todd Denton, Phillips 66
21 Pipeline, Liquids Committee Industry.

22 MR. AYDT: Tim Aydt, Marathon Pipe

1 Line President, Industry, Liquids Committee.

2 MR. BARNETT: Dave Barnett, Director
3 of Pipeline and Gas Distribution for the United
4 Association of Plumbers and Pipefitters,
5 representing the welders and pipefitters and
6 helpers across the United States, Liquids
7 Committee.

8 MR. BARNHILL: Hi, I'm Jerry Barnhill
9 with DCP. I'm the Chief Risk Officer for the
10 company. I'm a member here of the Liquids
11 Committee.

12 MR. BACON: Graham Bacon, Enterprise
13 Products, Executive Vice President of Operations
14 and Engineering on the Liquid Committee.

15 MR. LESNIAK: Chuck Lesniak,
16 Environmental Officer for the City of Austin,
17 representing the Public Liquids Committee.

18 MR. BRYSON: David Bryson, Senior Vice
19 President of Operations at Enbridge. I'm on the
20 Liquids Committee.

21 MR. KUPREWICZ: Rick Kuprewicz,
22 President of Accufacts, Incorporated,

1 representing the public on the Liquids Committee.

2 MR. ZAMARIN: Chad Zamarin, Senior
3 Vice President with Williams Companies,
4 representing the industry on the Gas Committee.

5 MR. HILL: I'm Robert Hill, Brookings
6 County, South Dakota Development Director, and
7 I'm a public member on the Gas Pipeline
8 Committee.

9 MR. DRAKE: Andy Drake, Vice President
10 of Asset Integrity and Technical Services for
11 Enbridge Gas Transmission, representing industry
12 on the Gas Committee.

13 MR. SAARI: Norm Saari, Commissioner
14 on the Michigan Public Service Commission and the
15 Liquids Committee.

16 MS. GOSMAN: Sara Gosman. I'm a
17 professor at the University of Arkansas School of
18 Law, and I'm Vice President of the Pipeline
19 Safety Trust. I am representing the public on
20 the Gas Committee.

21 MR. DANNER: I'm Dave Danner. I am
22 the Chair of the Washington Utilities and

1 Transportation Commission, and I am on the Gas
2 Committee.

3 MR. TAHAMTANI: Massoud Tahamtani,
4 Liquid Committee.

5 MR. WEIMER: Carl Weimer, Executive
6 Director of the Pipeline Safety Trust with the
7 public on the Liquids Committee.

8 MR. PEVARSKI: Rick Pevarski, Chief
9 Executive Officer of Virginia 811, representing
10 the public on the Gas Committee.

11 MR. BRADLEY: Ron Bradley, the Vice
12 President of Gas Operations at PECO, representing
13 the Gas Industry.

14 MR. ALLEN: Steve Allen, Director of
15 Pipeline Safety and National Treasurer for NAPSR
16 with the Indiana Utility Regulatory Commission.
17 I represent Government on the Gas Committee.

18 MR. WORSINGER: Rich Worsinger,
19 Director of Energy Resources for Rocky Mount
20 Public Utilities, City of Rocky Mount, North
21 Carolina, representing industry on the Gas
22 Committee.

1 MR. BROWNSTEIN: Mark Brownstein, Vice
2 President of Climate and Energy at the
3 Environmental Defense Fund, representing the
4 public.

5 MS. CAMPBELL: Cheryl Campbell, Senior
6 Vice President, Gas, Xcel Energy, representing
7 the industry on the Gas Committee.

8 CAPT LANTZ: Good morning. I'm Jeff
9 Lantz. I'm with the U.S. Coast Guard, Director
10 of Commercial Regulations and Standards, with the
11 Government on the Liquids Committee.

12 MR. TAHAMTANI: Thank you all very
13 much. We have a quorum now. I call the Joint
14 Meeting of the Gas and Liquid Advisory Committees
15 to order. Before we start with the agenda, Alan
16 would you like to introduce the PHMSA staff that
17 have worked so hard to put this meeting together.

18 MR. MAYBERRY: Okay. Thank you Mr.
19 Chairman. I've got the technology right. Yes,
20 as he mentioned, it takes a lot to put these
21 meetings on. I'm very appreciative of the
22 efforts of the staff, so I'd like for the PHMSA

1 staff to, if you would, stand and introduce
2 yourselves.

3 MR. GALE: John Gale, Director of
4 Standards and Rulemaking, Pipeline Safety.

5 MR. SATTERTHWAITE: Cameron
6 Satterthwaite, Standards and Rulemaking.

7 MR. PALABRICA: Sayler Palabrica,
8 Standards and Rulemaking.

9 MR. JAGGER: Robert Jagger, Standards
10 and Rulemaking.

11 MR. MAYBERRY: All right, thanks. And
12 any other staff, if you'd just stand.

13 MR. DYCK: Rod Dyck, the Pipeline
14 Enforcement Director.

15 MR. LEE: I'm Ken Lee, Director of
16 Engineering and Research.

17 MS. CASTILLO: Eloise Castillo.

18 MR. HALL: Sam Hall.

19 MR. FRED: Ben Fred, Counsel's Office.

20 MS. WHETSEL: Cheryl Whetsel, manager
21 for the Committee.

22 MS. MORGAN: Janice Morgan.

1 MR. TAHAMTANI: All right. For the
2 Committee Members, please remember to put your
3 card on the side so I can see that you want to
4 make a comment or ask questions. Since I am
5 getting old and I can't see your name tag, and
6 some of you are brand new, so I may just say,
7 point to you. There's no disrespect.

8 In any case, we'll get everybody, give
9 them time to ask the questions and participate.
10 After each presentation, again the Committee
11 Members will ask questions and make comments,
12 then we'll go to the public.

13 I believe that -- do we have the
14 Commissioner online? All right. She can hear us
15 but she can't talk to us. Can she talk to us?
16 We'll ask her to introduce herself please. Can
17 you hear us Commissioner? Well, she can hear us.
18 We can't hear her. We'll move on.

19 Now I have the pleasure to introduce
20 our first speaker. The Honorable Skip Elliott
21 who's the Administrator, new Administrator for
22 PHMSA. Skip is known to a lot of us.

1 I was sharing a little story with him
2 that he was CSX for almost 40 years doing safety,
3 a number of other safety matters, environmental
4 issues. I never got to meet him, and as you all
5 know of course I do rail safety for the State of
6 Virginia. So it's a pleasure to meet you, Skip,
7 and it's all yours.

8 MR. ELLIOT: Thank you, Mr. Chairman,
9 for that wonderful introduction, and good morning
10 to all of you. It's a great pleasure to be here
11 today.

12 A couple initial observations. As
13 some of you may be aware, I spent the last 20-
14 some years down in Florida. I can't remember the
15 last time I was walking and my glasses actually
16 froze to my face.

17 And when the PHMSA staff introduced
18 themselves, apparently there's not much getting
19 done back in the office today.

20 But anyway, it's my great pleasure to
21 be here today. I'm going to tell you that I've
22 heard a lot about this group, this organization,

1 and the good work you're doing.

2 I'm going to apologize because as you
3 might imagine in a public meeting like this, I
4 have to follow a more scripted set of comments.
5 So normally I prefer to have conversation. Some
6 of you have been in some of the forums where it's
7 been more conversational, so again I wish my
8 dialogue could be more of that conversational
9 approach and you could really hear how I feel
10 about some of the same topics you're working on
11 and my true passion for safety.

12 But feel free at any time, you know,
13 to give me a shout if you want to talk about any
14 issues. My door is always open to you.

15 So it's exciting to see such a diverse
16 group of pipeline safety stakeholders coming
17 together to address important pipeline safety
18 concerns, including safety management systems,
19 excavation-related damage, underground natural
20 gas storage facilities, research and development,
21 enforcement and inspection, and other important
22 topics.

1 GPAC and LPAC have proven themselves
2 invaluable and your input is a crucial part of
3 our standards and rule-making process. I applaud
4 you for your dedication and commitment to this
5 important work, and thank you for the time that
6 you have spent advancing pipeline safety.

7 I'd also like to add my welcome to our
8 new committee members. Ron Bradley from Exelon,
9 who's now serving on the GPAC; Tim Aydt from
10 Marathon Pipeline; Graham Bacon from Enterprise
11 Products; Jerry Barnhill from DCP Midstream; and
12 David Bryson from Enbridge Liquids who are now
13 serving on the LPAC. I know that you'll be
14 valuable members and we look forward to your
15 continued participation.

16 I'd like to also thank all the
17 returning GPAC and LPAC members. As always,
18 PHMSA is incredibly grateful for your support.

19 As you know, PHMSA's goal and one we
20 are fully committed to, is to promote the safe,
21 reliable, and environmentally sound operation of
22 the nation's 2.7 million mile pipeline

1 transportation system, and the nearly one million
2 daily shipments of hazardous materials by land,
3 sea and air.

4 I'm humbled to be serving with PHMSA's
5 hardworking safety professionals in support of
6 the nation's pipeline system which boasts an
7 exemplary safety record. Despite this admirable
8 record however, we need to improve even more.

9 Additionally, while we should all be
10 proud of the amazing safety advancements we've
11 achieved over the last 20 years, we must now set
12 our sights on future safety improvements. And by
13 working together, we can reach that aspirational,
14 but I do believe achievable, goal of zero
15 incidents.

16 As most of you know, I was sworn in as
17 PHMSA Administrator just a couple of months ago
18 and I came to PHMSA from the freight rail
19 industry where I focused on public safety, the
20 environment, occupational health, hazardous
21 material transportation safety and security.

22 Earlier this year in March I retired

1 after a great 40-year career with CSX
2 Transportation in Jacksonville, Florida. I do
3 get the question why would you un-retire, why
4 would you leave sunny Florida, and why would you
5 go to work for the Government?

6 Three main reasons really. One, and
7 it might be a generational thing, but I do
8 believe that this is still a great country. And
9 if your country asks for you to come and serve in
10 a capacity, and if you're able to, you should
11 honor that commitment.

12 I also thought that having spent 40
13 years focusing on the safety of hazardous
14 materials and employee safety in a single lane,
15 that freight railroad component, there was a
16 certain excitement about bringing that experience
17 and that passion and sharing it with multiple
18 modes including the pipelines.

19 And then finally I believe that
20 reaching new levels of safety is something that
21 we can and that we must do together in a
22 collaborative fashion, and I look forward to that

1 opportunity.

2 Harnessing the collective experience
3 within this room into a laser-like focus can
4 serve as the catalyst for delivering even greater
5 improvements in the safe transportation of
6 hazardous materials and energy-related products.

7 As I was going through the PHMSA
8 selection process, I was deeply impressed with
9 Secretary Chao's commitment to safety, and I
10 still am today. I fully support her clear vision
11 for investing in infrastructure while driving
12 innovation and technology, thereby improving the
13 safety and performance of our nation's
14 transportation system.

15 Infrastructure is unquestionably the
16 backbone of our economy. It keeps our country
17 moving and raises the standard of living for all
18 Americans, including workers employed in the vast
19 pipeline safety industry.

20 At DOT we're guided by Secretary
21 Chao's four key goals which are safety, building
22 and refurbishing our nation's infrastructure,

1 encouraging innovation, technology and
2 automation, and accountability through regulatory
3 reform.

4 In my Senate confirmation hearing, I
5 said that if confirmed as the PHMSA
6 Administrator, I would push to explore how we can
7 deploy technology to enhance the safety of
8 pipelines and other forms of transportation. And
9 that I would also encourage research and
10 development efforts that will improve, create,
11 and apply cutting-edge technology to safety
12 solutions.

13 In my short time as PHMSA
14 Administrator, I'm still convinced that this is
15 an important element in our drive to improve
16 safety, and has been a major theme in my talks
17 with many industry leaders.

18 When I look at the Secretary's
19 priorities as well as what I think we can achieve
20 together, it's evident that even though we come
21 from different backgrounds we all share the same
22 forward-looking commitment to helping PHMSA

1 fulfill its safety mission.

2 Every day I get to work with the many
3 dedicated professionals at PHMSA and I know that
4 they are committed to working with you in
5 creating a safer, nationwide transportation
6 network for hazardous materials and energy-
7 related products.

8 As you know, PHMSA's primary role is
9 to establish minimum safety standards, provide
10 oversight of these standards, and foster safety
11 performance beyond mere compliance with minimum
12 standards. At PHMSA we believe that regulations
13 are an important part of our mission.

14 That being said, I also believe that
15 we can work together to meet the goals of
16 simplifying rules and investing resources where
17 they are needed most and have the greatest safety
18 benefits. PHMSA's supporting this administration
19 by carrying out an aggressive regulatory review
20 and re-evaluating both current and planned
21 regulations, working to make them less onerous
22 but without sacrificing safety.

1 We're also encouraging industry and
2 stakeholders to work toward supporting and
3 advancing pipeline safety outside the regulatory
4 arena. And I strongly encourage you to take
5 advantage of our time together to accelerate your
6 own voluntary safety efforts.

7 We've got a full agenda for today's
8 joint meeting covering topics such as the
9 Voluntary Information-Sharing Working Group,
10 Research and Development, Safety Management
11 Systems and much more. These efforts in the
12 regulatory work that you do truly demonstrates
13 that at the end of the day, we're all in this
14 together.

15 And while a great deal of work still
16 lies ahead, I look forward to your continued
17 input and many good recommendations. I'm
18 particularly interested to see, and will continue
19 to encourage, the advances that will be made in
20 research and development over the coming years.

21 I'm proud of the R&D work we've
22 accomplished so far at PHMSA funding 270

1 projects, bringing 27 new technologies to market,
2 and refining our overall systematic process and
3 sub-processes via ongoing review of program
4 effectiveness. But we must have your help to
5 make the greatest possible impacts.

6 I urge you to work just as hard to
7 support your own R&D efforts, particularly
8 regarding new technology. This is an ideal time
9 to push forward on projects and programs that
10 could increase pipeline safety.

11 Pipeline safety is a responsibility
12 that all of us, the industry, the public, our
13 State partners share, and will celebrate when all
14 things go well. But unfortunately, we have to
15 react in a different way when things go wrong.

16 Most people don't think about energy
17 and hazardous material transportation when
18 everything is running smoothly. But when there's
19 a major incident, that's when everybody hears
20 about the pipelines. And that's when we hear
21 about more regulation.

22 Let's work together to change that

1 narrative. I urge you to be on your "A" game to
2 continually improve safety and prevent incidents
3 as we collectively strive towards our goal of
4 zero incidents.

5 Our nation's pipeline system is
6 already incredibly safe. And your input as
7 members of the GPAC and the LPAC help us maintain
8 and improve this record.

9 I appreciate your willingness to
10 travel here to discuss how to best support and
11 expand United States pipeline infrastructure,
12 reduce regulatory burdens, and protect both the
13 public and the environment.

14 I thank you for your dedication and
15 implore you to work diligently with us as we
16 travel on the path forward to obtaining your
17 input on each one of the proposed rules. I
18 believe that working together we can create
19 regulations that maximize the safety of our
20 nation's pipeline system.

21 Again, thank you folks for your time
22 today, and I look forward to the opportunity to

1 talking to many more of you and getting to meet
2 you. So thank you. Mr. Chairman.

3 MR. TAHAMTANI: Thank you Mr.
4 Administrator. Your comments are very timely.
5 And as you indicated, although our daily
6 priorities may be a bit different, but our safety
7 goals are the same for the industry and for the
8 Government.

9 As we all know, this country's got
10 about 100 years' worth of natural gas and
11 hopefully as much with liquid resources. So all
12 of us have to work very hard as the Administrator
13 indicated to make sure that our infrastructure's
14 safe to carry those resources to our homes and
15 businesses.

16 With that, obviously you're welcome to
17 stay as long as you want, but I know you're busy.
18 And I'll move on to Mr. Alan Mayberry for some
19 opening remarks.

20 MR. MAYBERRY: Thank you Mr. Chairman.
21 I'd like to call your attention to the agenda.
22 It's up on the screen here and you may have a

1 copy with you. I will provide just a summary of
2 what's in store for today.

3 First off, there will not be any
4 votes. We're not voting on any policies today.
5 This is really a presentation, or day of updates
6 on what's going at PHMSA. And perhaps there's
7 not a topic on this agenda that you may have an
8 interest in at some point. You know, as we're
9 able to, you know, if you have questions on other
10 areas, you know, feel free to ask.

11 First up in the order will be John
12 Gale who's going to provide the regulatory
13 update. You know, and just a bit about reg
14 reform as Skip had mentioned in his remarks, I
15 think we have an opportunity here to really get
16 it right and to just double-down on the focus of
17 making sure resources are being put to where
18 they're most effective.

19 And I really see if we focus on that,
20 I think we're headed in the right direction. And
21 I see opportunity in reg reform and with that
22 focus in mind.

1 Next we'll have a discussion.
2 Christie Murray will be here to talk about the
3 Voluntary Information-Sharing Working Group. As
4 you may know, that was a mandate from our 2016
5 Act, and I see immense opportunity in the
6 possible product that comes out of that. Or
7 recommendation that potentially comes out of
8 that.

9 It provides another avenue to address
10 pipeline safety that deals with -- you know, one
11 of the areas that we often see in the aftermath
12 of a failure relates to information-sharing, you
13 know, both within a company, but then also
14 between, among the industry.

15 So I think you'll find the update that
16 Christie provides quite interesting and the
17 committee is hard at work. We're looking for
18 later in 2018, hopefully, that we're expecting
19 the output of that group.

20 I think that also as we talk about
21 safety management systems, that program fits
22 nicely into the safety management regime as well.

1 Then Byron Coy will have a discussion
2 on the underground storage, and in our interim
3 find a rule that we're currently working on. You
4 may recall that PHMSA previously did not regulate
5 underground storage.

6 We've had the authority to regulate it
7 since the original Gas Pipeline Safety Act of
8 1968, but only more recently have we gone to
9 rule-making. And so Byron will provide an update
10 on where, you know, there's a lot of work going
11 on related to underground storage. You know, not
12 just on the policy-making side but also on the
13 implementation side.

14 And then we had a little tweak on the
15 agenda. We first had R&D here, but we're going
16 to bring in Joe Sieve to talk about the study
17 that we commissioned with Oak Ridge National Labs
18 on -- a little nuance in the code, I shouldn't
19 say a nuance, it's one of the standards
20 referenced in the code. The ASME Boiler and
21 Pressure Vessel Code and it talks -- the report
22 speaks to the updated standard.

1 It's relevant to liquefied natural gas
2 facilities. It's also relevant to, well really
3 all the code, 192, the liquid gas code, or the
4 liquid code 195. Kind of a techy kind of area,
5 but nonetheless quite interesting, definitely for
6 the engineers in the room.

7 And then Safety Management Systems,
8 Linda will come in, and as many of you know who
9 know Linda, she is just a huge, wonderful
10 champion of Safe Management Systems as are many
11 of you. And we're pleased with the progress
12 there. But she will give you an update on some
13 of the things that we're doing related to SMS.

14 And particularly where the
15 subcommittee of the, for the advisory committees
16 that are, you know, initially looking at how we
17 measure the maturity of implementation of SMS.

18 And then we have an enforcement
19 update. I know with a few of you, I've
20 mentioned, you know, Rod Dyck will be here to
21 talk about Federal Enforcement Data. It's going
22 to be specific to some instance over the last

1 several years, and I think you'll find what Rod
2 presents quite interesting in what we're seeing,
3 you know, with our perspective of seeing
4 everything that happens out there.

5 And then Sam Hall will be here to talk
6 about the excavation damage enforcement and the
7 progress we're making on that. As you may know,
8 we've made quite a splash in assessing the
9 effectiveness of damage prevention programs
10 across the U.S., and also enforcing in the case
11 where states may not have effective programs or
12 when they've been deemed ineffective where we've
13 been or had the ability to step in and enforce.

14 Obviously that's a key area for all of
15 us, damage prevention. You know, it's a leading
16 cause of harm to people and the environment and
17 damage to property. So I think you'll find the
18 update from Sam to be quite enthralling.

19 Then lastly on the agenda, we have
20 Linda Daugherty and Bill Rush who'll be talking
21 about our federal pipeline inspection program and
22 some updates on that and some things we've been

1 doing to enhance, you know, how we go where the
2 risk is.

3 And, you know, that's an area we
4 continue to work on, especially as many of the
5 pipeline systems cross region boundaries. You
6 know, the focus there, the renewed focus has been
7 on inter-region collaboration. So Linda and Bill
8 will be giving you an update on that.

9 By the way, we are breaking for lunch.
10 Lunch will be on your own, but we will just see
11 how the agenda goes. It looks like we're a
12 little bit ahead as we stand right now. But
13 there are various facilities around here,
14 including in the hotel, or in the mall out here
15 there are lunch facilities.

16 With that, Diane were you able to join
17 us? Diane Burman, Commissioner with New York on
18 the Gas Advisory Committee? Maybe you're on
19 mute.

20 MS. BURMAN: Can you hear me?

21 MR. MAYBERRY: Yes, awesome.

22 MS. BURMAN: Thank you very much. I

1 appreciate it. It's been very informative.

2 MR. MAYBERRY: Good. So glad you
3 could join us, and I know you had business to
4 contend to up in New York, but glad you're able
5 to be here by phone.

6 MS. BURMAN: Thank you.

7 MR. MAYBERRY: You're welcome. With
8 that, I will yield back to the Chair who will
9 introduce our first staff speaker today.

10 MR. TAHAMTANI: Thank you Alan. You
11 all noticed that Alan talked about lunch but no
12 breaks. Although we're running ahead on the
13 agenda, he doesn't want you all to have any
14 breaks. I'll see what I can do with that.

15 (Laughter.)

16 So we are running ahead, but the next
17 item on the agenda is a regulatory update by Mr.
18 John Gale. Everybody knows John. He's been here
19 many times providing such updates. John?

20 MR. GALE: Thank you, Massoud, and
21 thank you, Alan. Alan, I have to point out the
22 fact that when you talked about my presentation,

1 I don't think you used the word enthralling. So
2 I just notice, you know, Sam continues to get all
3 the love in the organization, but I'm okay with
4 that.

5 MR. MAYBERRY: We do what we can,
6 John.

7 MR. GALE: I, too, would like to
8 welcome our new members to the committee. I want
9 to apologize to the liquid members, the new
10 liquid members. Some of you have been on the
11 committee for many months now and we haven't had
12 a chance to get together, so it's good to see all
13 the new faces.

14 The gas guys have definitely been
15 taking up a lot of our time lately, but I think
16 that might be changing over the coming months.
17 So as we get through this gas rule and can finish
18 that up, hopefully we can get together more
19 often.

20 I'd also like to point out some
21 improvements we're trying to make basically in
22 our office which deals with regulatory management

1 and, of course, the management of these
2 committees. The most significant change we're
3 making of late is our economic resources.

4 We continue to bolster our economic
5 bench streak so to speak. For the last couple of
6 years we've had an excellent economist is Ms.
7 Eloise Castillo who's sitting behind me right
8 now. But we're bringing additional and more
9 resources to her to improve that part of our
10 program.

11 And that's going to be important as we
12 manage the rules through the different approval
13 processes we have to go through including this
14 committee. But I think it's also important as we
15 make our managerial decisions, all these very
16 important safety topics to make sure we address
17 the appropriate market failure in each instance.

18 In terms of the management of this
19 committee, some improvements we're trying to make
20 as you all saw this time, we sent out what's
21 called the full slide deck which shows some of
22 our positions on some of these areas, and we

1 think that was a great improvement.

2 I'll be forthright and let you know
3 one of the reasons we could get it out two weeks
4 in advance was because of the cancellation back
5 in September because we were ready to go. Our
6 goal will continue to be to try to get that out.
7 I can't guarantee it will be two weeks in
8 advance, but we're going to try our best.

9 But some of the other improvements
10 we've done right is the prebriefs. The prebriefs
11 are relatively new. And we continue, I just want
12 to stress that we continue to look at ways to
13 improve the process. We're going to continue
14 ways not just in communicating with you guys, but
15 also with how we manage the rule-making through
16 the committees, and make sure it is as efficient
17 and as effective as possible.

18 A reg change process I think is
19 important to note to you guys too, is that before
20 when I've made presentations about what is called
21 significant or non-significant rule-making
22 action, what I've communicated to you was, on a

1 significant rule, a significant rule requires
2 approval by both the Office of the Secretary and
3 the Office of Management and Budget.

4 In other words, after we got the rule
5 through, or get the rule through PHMSA, we still
6 had several steps to go through. And what I also
7 stated was that for non-significant rules, when
8 the rule was done with PHMSA, we could just go to
9 the Federal Register.

10 That is now changed. All non-
11 significant rules now also have to get approved
12 by the Secretary. So that adds additional time
13 into our schedule. So I thought it was important
14 to you guys to understand that part of the
15 process.

16 What's driving our regulatory program
17 right now? Definitely what's driving our program
18 are the two acts that we have out there that have
19 remaining mandates. From the 2016 Act, we've got
20 about 16 mandates that directly affect regulatory
21 development.

22 We've received a mandate on emergency

1 orders and underground storage, which we'll talk
2 a little bit more in just a minute. We also
3 received a couple of mandates that were self-
4 executing though. One is on MSDSs for hazardous
5 liquid incidents, and the 12-month assessment for
6 certain hazardous liquid lines.

7 We also have a mandate related to LNG
8 small scale facilities and the change in
9 definition for USA for hazardous liquid lines.
10 And of course, we have a requirement now to
11 report on our unfinished mandates and where we
12 stand, and what our progress is going on in all
13 those areas.

14 We also have some unfinished mandates
15 from the 2011 Act. Basically, the main ones
16 being Sections 4 and 8, which is related to our
17 valve and rupture detection rule, Section 4(b) in
18 our valve requirement, and Section 8 being a leak
19 detection. And of course Section 23 related to
20 MAOP verification and testing of previously
21 untested lines.

22 I believe there's about four more

1 other mandates related to rule-making out there
2 that we're continuing to manage.

3 Of course, as always, we're driven by
4 recommendations from some of our oversight
5 agencies such as NTSB, GAO, and our Office of
6 Inspector General. We have about 14
7 recommendations outstanding right now, and we
8 continue to manage those.

9 And of course, as our Administrator
10 mentioned, you know regulatory reform is a very
11 important topic for us right now and it's
12 definitely a driver in our regulatory program.
13 But just to point out, this is not our first
14 rodeo when it comes to reg reform.

15 We've done this several times. I go
16 back to reg reform under the Clinton
17 administration. I was probably doing reg reform
18 under Reagan, but I don't remember it. Probably
19 didn't understand it. But so we've gone through
20 it. We know what we're doing.

21 And what's also important to know is
22 that the regs have gone through this process so

1 they're not lean and mean, but they're not fat
2 and heavy either. So we came up with a process,
3 and we think we're being very effective with it.

4 So some other recent events that are
5 obviously affecting us right now is four
6 executive actions. Back in January there was a,
7 what's called a Chief of Staff Memo, was issued
8 putting a regulatory freeze on all regulatory
9 actions.

10 How it impacted pipeline safety at
11 that time, we had the hazardous liquid rule at
12 the Federal Register. This is an action we'll
13 talk about in just a minute, but it was a rule
14 that had gone through the Advisory Committee and
15 we were ready to publish it as final. It was
16 withdrawn and we're currently working with our
17 Executive leadership to determine a path forward.

18 The OQ rule actually got published and
19 was published on January 23rd. And nothing else
20 was basically affected by that freeze at that
21 time.

22 We then had three Executive Orders on

1 Regulatory Management. 13771, which a lot of
2 people talk about as the "2 for 1" initiative and
3 zero sum cost.

4 So, and this is basically how we have
5 to manage rules, is how I like to describe it.
6 Right now we have a regulatory budget. We had a
7 regulatory budget in 2017 of zero. That was
8 basically for the whole department, and we're
9 awaiting further guidance on our fiscal 2018
10 budget. It could be zero. It could be less than
11 zero.

12 But we're managing that at a
13 Department level, not at a PHMSA level or even a
14 pipeline safety level. But even still, we think
15 we're in good shape.

16 When it comes for 2 for 1, there's a
17 lot of talk back and forth of what 2 for 1 is.
18 What's one, what's two. The way we're
19 interpreting 2 for 1 based on the guidance we
20 received from OMB and from our counsel, is that
21 the one, in other words the cost imposing is one,
22 it's a significant rule only. So we have about

1 five or six, I think it is right now, and that
2 counts as the one. It's one rule; it's one is
3 one.

4 When it comes to the two, we're
5 looking at it as one of those could be simply a
6 regulatory amendment to the pipeline safety
7 rights. It's not a rule of corresponding
8 significance. That is managed through the zero
9 sum cost part of the Executive Order.

10 So we think we're in pretty good shape
11 when it comes to that. As you'll see when we
12 talk about our reg reform initiatives, we've
13 identified quite a few areas we think are going
14 to make the regulations more effective and we're
15 going to be in full compliance with these
16 Executive Orders.

17 We also received an Executive Order
18 13777, and this is basically your reg reform.
19 This is a combination with 13783, our two
20 initiatives that are related to reg reform which
21 are dictating to us that we need to review the
22 regulations and identify those that are outdated,

1 unnecessary, ineffective, et cetera, imposed
2 costs that exceed benefits, identify them and try
3 to move rule-making forward to try to modify them
4 or remove those.

5 And the 13783 is basically the same as
6 the other initiative, but it's just specific to
7 energy products or energy infrastructure. And
8 we've identified a few projects related to that
9 and we're moving forward accordingly.

10 So what did we do in terms of
11 regulatory reform? I'll let you know right now.
12 We were very proactive in this process. We hit
13 the ground running as soon as we saw these
14 Executive Orders, and developed a process that's
15 been very, very effective.

16 When Skip first came on board, when we
17 gave him an overview of this process, he asked
18 us, you know, how were we sure that we did a
19 process there, performed a process that was
20 valid, you know, wasn't being skewed in any way,
21 shape or form.

22 And what we'd like to point out is, is

1 that through the stakeholder engagement, and the
2 issues that have been raised by stakeholder
3 engagement, we identified probably 75 -- on our
4 own -- 75 to 80 percent of the initiatives that
5 the industry itself or our stakeholders had
6 identified, we had identified ourselves. So we
7 believe our process was very, very effective.

8 And that process consisted of
9 basically getting subject matter experts
10 together, but not just in the regulations. We
11 wanted policy people. We wanted our economists.
12 We wanted our counsel's office involved to look
13 at issues from a very, very broad perspective,
14 and we think that we did that very well.

15 And we also didn't just look at the
16 regulations. We looked at our petitions. We
17 looked at accurate rule-making. We looked at
18 special permits. We looked at some of our
19 guidance documents. It was very, very broad in
20 our review.

21 These are some of the teams we
22 identified. This is when, especially in terms of

1 looking at the regulations. We looked at
2 applicability. We looked at operation and
3 maintenance. We tried to group them by topic
4 areas and relevant topic areas instead of just
5 section by section.

6 We wanted the experts in those given
7 areas to think about it broadly. We looked at
8 information collection issues. We looked at all
9 of our reporting requirements. We tried to make
10 them as effective and as efficient as possible.
11 And of course, we looked at our active rule-
12 making.

13 So where we're at in the process right
14 now? Our teams have completed the review. We're
15 in the process of finishing our review of the
16 stakeholder input. We appreciate all the
17 comments we received. It was very interesting to
18 read some of those comments.

19 And of course, then we're going to
20 compile all those lists together -- hopefully
21 after this meeting. And then start moving those
22 processes through our management review process.

1 That includes, of course, our program review and
2 our executive leadership.

3 And of course also we have to do an
4 economic analysis of it. We want to make sure
5 what we're doing is economically correct, but
6 also correct for safety as well. Because we want
7 to make the regulations efficient, we also don't
8 want to decrease safety.

9 So the agenda. So one of our rules
10 that we've had on our plate for a couple of years
11 now is our Plastic Pipe Rule. This is a rule
12 that actually got through the Gas Pipeline
13 Advisory Committee back in June of 2016.

14 For a variety of reasons, we had to
15 kind of move on with that rule or kind of put it
16 to the side as we finished up some important
17 topics at the end of last year such as
18 underground storage, and that we were working
19 very diligently on the hazardous liquid rule.

20 But we're still trying to move this
21 rule. We think it's a very important rule to
22 move. It's been identified as a regulatory

1 reform initiative. It's mainly because of the
2 issue related to the design factor, changing from
3 0.32 to 0.40, and also authorizing different new
4 plastics we think are very, very important to the
5 infrastructure of this country.

6 So we are currently, we're very active
7 on this rule, and my hope is there's a
8 possibility of this rule actually getting
9 finalized before the end of this coming winter.

10 As I mentioned before, one of our
11 biggest rules we have ongoing is our Hazardous
12 Liquid Rule. We had the rule at the Federal
13 Register. It was almost finalized, but we are
14 now re-evaluating it, making sure that it's
15 consistent with the Executive Orders that have
16 been issued.

17 This rule is kind of similar to the
18 gas rule in a way. You know, deals with
19 assessments beyond HCAs, the Leak Detection
20 Requirement, the mandate that is in the 2011 Act.
21 It deals with repair criteria in both HCAs and
22 non-HCAs.

1 And we also looked at our gathering
2 line requirements, especially in terms of
3 reporting, and then reporting of gravity lines.
4 So hopefully we'll have a direction on this rule
5 that we can communicate very shortly, and we'll
6 be active in trying to move that rule to
7 completion.

8 The rule that we're going to be
9 talking about the next two days of course is the
10 Gas Rule. One of the biggest rule-makings that
11 we've undertaken in a number of years, and again,
12 deals with many issues that are similar to the
13 Liquid Rule, from expansion of assessments beyond
14 HCAs and repair criteria, your assessment
15 methods. And of course, the requirements from
16 the 2011 Act dealing with lines that were
17 previously untested or things like the
18 grandfather clause, and of course, lines that
19 have bad records.

20 We've had several meetings on this.
21 Again, this is why the gas guys have been taking
22 up all of our time lately. And we're probably

1 going to have more meetings in March and June,
2 and we're going to be discussing ways to get this
3 to completion, at least from an Advisory
4 Committee standpoint by June or shortly
5 thereafter, with additional meetings as
6 necessary.

7 One of the rules that came from the
8 2016 Act was our Emergency Order Rule which was
9 published back in October which establishes our
10 regulations implementing the requirements from
11 the 2016 Act, and it provides us an enforcement
12 tool to address unsafe practices or conditions
13 that pose an imminent hazard that exists in a
14 subset of or across the industry.

15 And we're currently working on the
16 final rule. We've gotten some questions recently
17 because, as you'll see later, we extended the
18 comment period on the underground storage. And
19 because they were both IFRs, they were wondering
20 if we were going to extend the comment period
21 there as well.

22 Right now we do not plan to do that.

1 And we're moving on a final rule on this action
2 as well which would complete this rule-making
3 addressing the comments we received. And again,
4 we're hoping to have that done by the end of the
5 winter as well.

6 One of the rules we did get out back
7 in January was our Operator Qualification Rule
8 which we'd like to mention did not address
9 Operator Qualification. So it did deal with a
10 number of issues related that were in other
11 mandates and recommendations from NTSB on
12 incident reporting and cost recovery and the
13 like.

14 And actually there was an issue in
15 that rule that has been identified in reg reform
16 both by ourselves and in association dealing with
17 foreign taps, and we will probably be bringing
18 that issue back to the Advisory Committee at
19 sometime in the near future.

20 The issue on OQ is an issue we're
21 going to continue to look at and continue to try
22 and hopefully address in the near future. We're

1 going to be bringing it up with our leadership
2 and the leadership of the department in the
3 coming months as we get some of this other stuff
4 off of our plate. And hopefully we can get that
5 issue to resolution as well.

6 Another rule that came forward because
7 of the 2016 Act related to underground storage,
8 as Alan mentioned earlier. Byron Coy will be
9 giving us a presentation here shortly on this and
10 he's going to do a lot better job of describing
11 these requirements than I can. But as many of
12 you know, this is a requirement that came from
13 after the Aliso Canyon incident.

14 It was in the Act, and then we adopted
15 these API standards, 1171 and 1170. We also
16 adopted some requirements on annual and incident
17 reporting requirements. But the key part of the
18 provision that had obviously the most interest
19 was the requirement that we adopted, the non-
20 mandatory provisions, the RPs in manner that
21 would make them all mandatory.

22 We received petitions for

1 reconsideration. We received comments. I feel
2 people are really interested in this topic. So
3 we published a notice back in June basically
4 making a statement of enforcement for all those
5 non-mandatory provisions. And we also then
6 reopened the comment period which just closed
7 recently.

8 So we are actively working on the
9 final rule on this action, and we'll be bringing
10 recommendations to our leadership very shortly.
11 And hopefully we can bring this rule-making to an
12 end as well.

13 One of the rules that is probably one
14 of the top priorities I have in my office right
15 now is this Rupture Detection and Valve Rule.
16 This is one of the rules again, it comes from the
17 2011 Act. It comes from two sections of the Act.
18 Section 4 dealing with automatic shutoff valves
19 and remote-control valves, and Section 8 dealing
20 with leak detection.

21 One of the key changes we made in that
22 rule that we were previously trying to move

1 forward, a rule that dealt not just with new and
2 replaced lines which is stated in the Act, but we
3 were also trying at the time to deal with all
4 existing infrastructure in certain areas of high
5 consequence.

6 We have now changed our attack on this
7 rule, and we are going to look at this rule
8 simply in terms of its mandate. And we are going
9 to look at just those areas that are -- for
10 requiring ACVs and RCVs, for those areas that are
11 new or replaced.

12 So I know my new Administrator is
13 probably tired of getting questions on this
14 topic, so my goal is to get that rule and get it
15 moving as quick as we can.

16 And we wouldn't have a reg agenda
17 without a Standards Update Rule. One of the
18 problems we had to do because of our agenda at
19 the end of last year, we actually had an active
20 Standards Update Rule going last year.

21 But in order to accomplish what we
22 wanted to accomplish at the end of last year, we

1 had to put this one on the shelf as well. So at
2 the time we were looking at about 20 standards.
3 We believe that number's grown to probably over
4 40 at this point.

5 So unlike how we've handled this in
6 the past where we tried to do all in one shot, we
7 may break it up into multiple rules to address
8 it. Standards are a very important part of our
9 regulatory program. We always look toward the
10 standards as our first go to see if we can adopt
11 those standards, those consensus-built standards
12 as the basis of our regulations, and we will
13 continue to do so.

14 But because of the magnitude and the
15 number we're dealing with this time, we're
16 probably thinking it might be best to split it
17 out. As many of you have worked with in the
18 past, Mike Israni who retired recently, was one
19 of our managers of our Standards Committee
20 Process and our Standards Development. So his
21 loss was a big hit to us in a lot of areas, but
22 especially in this one.

1 But lucky for us, we've been able to
2 take one of our senior folks into this area. Mr.
3 Rod Seeley's going to be actively involved in
4 this area for us, and I'm very excited about
5 being able to take that program to a new level.

6 So one of the rules that we had
7 because of the -- again because of the 2016 Act,
8 was related to the change in definition of USA
9 that affects high consequence areas for Hazardous
10 Liquid Lines.

11 I know you know it's nice and
12 straightforward what's in the Act. You know, the
13 Act was fairly simple in that it said PHMSA
14 changed the regulations to make Great Lakes,
15 coastal beaches, and marine coastal waterways our
16 USA. We get that. The problem is we believe we
17 have to define those terms to make it an
18 effective process.

19 So we're looking at ways to try to
20 manage that. We started an ANPRM up to look at
21 how to define those terms. And also we actually
22 had a public meeting recently back on November 17

1 to try to get information as to how we could not
2 only define those terms, but as many of you are
3 aware, we actually mapped those areas as well.
4 So hopefully we will be able to begin moving on
5 that role fairly quickly.

6 And the last one I think I have on
7 here to talk about is class location. And in my
8 opinion to show you how effective we were in our
9 reg reform processes, we identified this rule
10 fairly early in the process, and not only
11 identified the rule, got approval to initiate the
12 rule, and began working on the rule.

13 And so this is a rule as you all
14 recall we had under the 2011 Act, a requirement
15 to do a report on class location. And we
16 actually hadn't noticed that we asked questions.
17 But it was very broad. This is a rule-making
18 that's going to be very specific in class
19 location and look at those situations solely
20 where if the class location has changed, and the
21 operator has to reduce pressure or in some cases
22 remove the pipe out of the ground.

1 We are going to look at is there other
2 areas or other options available such as, you
3 know, adopting some of the special permit
4 conditions into the regulations or integrity
5 management to see if we could provide other
6 options for operators other than replacing pipe
7 or reducing pressure.

8 So it's a very specific area. There's
9 a lot of concerns when we did the original
10 notice. You know, just scrap class location
11 completely. There's a lot of support for keeping
12 it in general.

13 But we think this is an area that we
14 can take a look at and see if we can make
15 improvements where we can keep safety the same,
16 but also reduce costs that are being imposed on
17 the industry.

18 So this is again an ANPRM. An ANPRM
19 is something just like the USA rule-making. It's
20 situation where we don't propose regs text. What
21 we do is we identify an issue. We ask a lot of
22 questions. And we get the input and let some of

1 that information, and of course our economic data
2 to help identify alternatives for our management
3 to consider. And then, of course, based on that
4 decision from our management, move forward with
5 that rule-making action.

6 And with that, I'll take any questions
7 you have.

8 MR. TAHAMTANI: Thank you, John. You
9 covered a lot of information pretty efficiently.
10 Any questions for John from the committee
11 members?

12 MR. DRAKE: Andy Drake with Enbridge
13 Gas. Two questions. John, what is your
14 predicted schedule for the classification
15 discussion and do you see it kind of interacting
16 with the gas integrity rule discussions? And
17 two, how much outreach have you had in to folks
18 like OMB with regard to some of the criteria that
19 you have about the 2 for 1 rules and those
20 things? Because that's really pretty broad-
21 reaching, and as we move rules, I'm just trying
22 to get a sense for are we in alignment with

1 others in that process?

2 MR. GALE: Thank you Andy. Regarding
3 the second question, OMB has given out guidance
4 with regard to those Executive Orders and some of
5 our interpretation is definitely based on that
6 guidance.

7 And we've also -- we don't directly
8 contact OMB, but we reach out to our counsel's
9 office both within PHMSA and within OSDOT, the
10 General Counsel's office, who works with OMB on a
11 regular basis.

12 And so my opinion though, you know,
13 what's going to determine, you know, the proper
14 course or the correct course is going to be when
15 rules get out and we can see how, you know, the
16 answers are. And when we see those rules get
17 out, you know, we'll change our course
18 accordingly.

19 Regarding the class location rule, my
20 hope right now is that ANPRM, is that, and I
21 believe it's a fairly good chance that that rule
22 is either going to get out late winter or early

1 spring. I'm an optimist. I've got to be in this
2 job.

3 MR. TAHAMTANI: All right. Thank you.
4 Let's go with you.

5 MR. KUPREWICZ: Rick Kuprewicz,
6 Liquid. Did I understand or did I misunderstand,
7 PHMSA's budget is frozen? Are the number of
8 people increasing or decreasing or being held
9 constant?

10 MR. GALE: Rick, are you talking about
11 our FTEs, our head count, or are you talking
12 about our regulatory budget?

13 MR. KUPREWICZ: Your regulatory
14 budget.

15 MR. GALE: Okay, when it said zero,
16 basically -- I'm sorry. So what that means is
17 it's a net cost issue. In other words, if -- by
18 saying zero, again that was department-wide,
19 okay. It's saying that if I publish a rule that
20 costs, for example, \$20 million, I have to
21 publish a corresponding rule that saves, a cost-
22 savings of \$20 million. So that's how I get to

1 zero. So it's not frozen. There has to be an
2 off-set to get me back down to a net sum zero.

3 MR. KUPREWICZ: I think I understand
4 that, but I think my question was more like is
5 PHMSA growing, holding or decreasing, and that's
6 on a budget or manpower?

7 MR. GALE: Regarding the regulatory
8 program, I, you know, I think we're definitely
9 moving this program according to these Executive
10 Orders and we're moving forward.

11 MR. KUPREWICZ: So has he told you
12 everything's held to 2017 or '16? That's all I
13 want to know.

14 MR. GALE: I'm sorry, what is that?

15 MR. KUPREWICZ: Is PHMSA growing,
16 holding or declining?

17 MR. GALE: I think right now --

18 MR. KUPREWICZ: From a research
19 perspective. Help me out.

20 MR. MAYBERRY: This is Alan. Yes,
21 we're authorized or funded for 308 and that's
22 kind of where we're at.

1 MR. KUPREWICZ: You answered my
2 question, thank you. I just wanted to know.

3 MR. MAYBERRY: As we have vacancies,
4 you know, we initially had a hiring freeze.
5 There's been since then a bit of a hiring thaw.
6 It's a more careful approach to reviewing our
7 vacancies. But so far, we've had good luck in
8 replacing vacancies that we've had.

9 MR. GALE: Rick, let me try one more
10 time on that. On this slide here where it says
11 zero sum or zero there, that's purely related to
12 our regulatory budget. That's not our PHMSA
13 budget. This is purely related to our regulatory
14 budget.

15 MR. KUPREWICZ: I'm not criticizing,
16 I'm just trying to understand.

17 MR. TAHAMTANI: All right, thank you.
18 You're next.

19 MR. LESNIAK: Chuck Lesniak, Liquids
20 Committee. John, on the 2 for 1, for rules that
21 are considered for removal, will those be coming
22 to the advisory committees prior to any action by

1 the Agency?

2 MR. GALE: I'll have to bring that up
3 to our management. I think what we'll probably
4 do is in some kind of briefing identify what we
5 have identified to some degree. It won't -- you
6 know, right now the mandate of this committee is
7 to approve -- you know, we bring it out after the
8 notice. So at a minimum it will come after the
9 notice. But will we keep you guys up to date in
10 what we've identified? Definitely.

11 MR. LESNIAK: I'd just like to say for
12 the record that I would strongly encourage the
13 Agency to ask for recommendations before they
14 take action to remove a rule. I think that's
15 consistent with the intent of these committees
16 and that that would be appropriate to do that.

17 MR. GALE: Thank you Chuck.

18 MR. TAHAMTANI: All right, thank you.
19 You're next, sir.

20 CAPT LANTZ: Thank you John for the
21 presentation. And the question I have, because I
22 work with a lot of regulations for the Coast

1 Guard, maybe I missed it, but the regulations
2 that you showed up there that are in process,
3 which of them, if any, are significant? Can you
4 identify them for us?

5 MR. GALE: I don't have a summary
6 slide, but so we have roughly eight rules I think
7 it is in progress right now, so if we will just
8 flip to them real quick.

9 Plastic pipe is significant.
10 Hazardous liquid and gas transmission is
11 definitely significant. Emergency order is
12 undetermined right now. We're still in the
13 process of determining if that is significant or
14 not. OQ was finalized. Underground storage I
15 believe was significant. We're waiting for a
16 designation at the final rule stage.

17 Ruptured section valve we're assuming
18 is going to be significant. Standards update
19 we're hoping will not be. We don't have a
20 determination on that as yet. And USA's is
21 undetermined. But class location is definitely
22 significant.

1 CAPT LANTZ: Thank you, Mr. Chairman.
2 So there have been a number of questions on the 2
3 for 1 and the zero cost. Has PHMSA been able to
4 identify the 2 for 1 and where the cost savings
5 would come in order to satisfy the EOs with
6 regard to those significant rules?

7 MR. GALE: Yes, we have. I mean, when
8 it first came out, we were looking at it from a
9 pipeline perspective. And we were very quickly
10 able to identify our 2 for 1 initiatives that we
11 needed to do. You know, because one had only
12 applied to our significant actions, so it's about
13 five. So it's not hard math, I can even do that
14 myself.

15 But when it came to our zero fiscal
16 year regulatory budget, we were able to manage
17 within that as well. Now what has changed for us
18 after we got our guidance was that it's being
19 managed at a department level.

20 So, you know, when -- if NTSA
21 publishes a rule or FAA publishes a rule, you
22 know if it's a cost impact or a cost savings,

1 it's going to be managed accordingly at a
2 department level and not just a physical level.

3 We believe we're okay, but you know,
4 we'll have to see as we move those rules through
5 the process.

6 MR. TAHAMTANI: Thank you again. A
7 reminder for the record to be clear, introduce
8 your name each time you speak. You're next, sir.

9 MR. BROWNSTEIN: Mark Brownstein,
10 Environmental Defense Fund, GPAC. So first of
11 all, I would like to second Chuck's strong
12 recommendation.

13 But as well, as part of that
14 conversation, right, I think it would be very
15 useful for the Committee to have a discussion
16 about how the Department's going about
17 administering these executive orders in the first
18 instance so that it's clear what criteria is
19 being used, how this is being thought about.

20 And then, that sets the context for
21 being able for the Committee to provide useful
22 input in terms of the judgements the Department

1 is thinking of making.

2 MR. MAYBERRY: Thank you, appreciate
3 that, Mark, and also, Chuck. I can tell you the
4 administration is very interested in transparency
5 throughout this process. And I know there's ---
6 you know, I would offer up that, you know,
7 recommend also if you could provide comments on
8 the docket related to that, that might be good as
9 well. Because, you know, we do look at them.
10 Thanks.

11 MR. TAHAMTANI: Chuck, do you have any
12 other questions or --- all right, thank you. Any
13 other questions from the Committee? Any comments
14 or questions from the public?

15 And I see no hands raised. So we're
16 moving on.

17 (Off the record comments)

18 MR. TAHAMTANI: A little change in the
19 agenda. We're going to go Byron Coy who is going
20 to update us on the Interim Final Rule,
21 Underground Natural Gas Storage.

22 MR. COY: Okay. My name is Byron Coy,

1 a senior technical advisor, PHMSA. I'm going to
2 give you an update on the development work we've
3 been undertaking for the new underground natural
4 gas storage requirements.

5 As most of you are aware, underground
6 natural gas storage is a very critical part of
7 our ability to have energy independence. It
8 provides a tremendous buffer for seasonal
9 variations in supply and demand.

10 Recent domestic shale gas development
11 has had an impact on the dynamics of underground
12 natural gas storage. And storage in general has
13 increased about 16 percent over the past ten
14 years. And I'm reminded by the operators in the
15 industry that the gas in storage, on average, is
16 over \$15 billion.

17 There are basically three types of
18 underground natural gas storage. The principle
19 of the largest component would be in the depleted
20 oil and gas reservoirs that are shown on the
21 right. There are also depleted aquifers that are
22 used for storage. And in the salt caverns, you

1 know, based on the -- salt cavern storage based
2 on the, you know, mine to soil extraction, they
3 represent about 15 percent.

4 We've engaged in this process as a
5 result of ITAAC 2016 that required us to
6 establish regulations in a special program. The
7 interim final rule was issued in December of 2016
8 which in essence incorporated API RPs as
9 recommended practices for both cavern and
10 reservoirs, aquifers. It also required us to
11 develop an inspection criteria in training for
12 federal and state inspectors.

13 And the principle effective date for
14 the final rule would have us start a regulatory
15 process in January of 2018. It currently resides
16 in the gas regulations there at 192.12. There
17 are six sections there. There is not a lot of
18 new development for salt domes or reservoirs
19 because of the arcing conditions.

20 But for any new salt domes in caverns,
21 they would principally follow all the
22 requirements in RP-1170. For salt domes that are

1 already in play, only portions of 1170 would
2 apply. And that process is repeated in C and D
3 for reservoirs/aquifers for RP-1171.

4 12(e) lays out the requirement to
5 establish procedures, and (f), provisions for
6 deviations for what the requirements would call
7 for. If nothing else changes through the later
8 work we're engaged in for final rule work, these
9 requirements would come into play on January 18th
10 of 2018.

11 Here you see displacement where the
12 storage fields reside across the country, the
13 size of the symbol is reflective of the capacity.
14 About a third or so of the assets are principally
15 more into the northeast, you know, driven by the
16 consumption of gas. This diagram here is from
17 the Energy Information Administration.

18 There are about 128 operators of these
19 storage fields. Capacity there is nearly 5,000
20 BCF. Of the little over 400 fields, it's about
21 an even split between inter and intra-state.
22 Eighty-five percent of them are

1 reservoir/aquifer, and about 50 percent salt
2 domes. Overall, there are about 17,000 wells.
3 And all this information is collected from EIA.

4 It's anticipated that the inspection
5 responsibility has an effect of about 12 percent
6 increase in our inspection burden.

7 The first annual reports that we
8 receive from our operators will come in in the
9 first quarter of 2018. It would replace our
10 reliance on the EIA data that we have currently
11 in hand here.

12 From a state perspective, there is
13 underground gas storage in 31 states. And of
14 those, there are six states that only have inter-
15 state facilities. The 125 are intra-state or a
16 combination of inter and intra.

17 Here you see the top ten states with
18 the largest number of facilities in order there,
19 and then top ten states with the largest working
20 capacity, so the order shuffles a bit.

21 We're putting together a certification
22 program for state regulators to assist us in

1 inspection responsibilities. The regulators that
2 we would be engaging with are not the agencies
3 that we have been working with for many, many
4 years for topside pipelines. So there would be a
5 lot of new players coming into the mix. They're
6 not familiar with our processes.

7 Zack Barrett in our State Programs
8 Department is arranging for this. He's putting
9 together a similar program that we have in place
10 now for topside pipelines, but it would be a lot
11 different new players. And he's requesting
12 working with states to get into the certification
13 program for the calendar year 2019 inspections.

14 Now, the underground gas storage
15 operators, you know, naturally work with a lot
16 local, state, and inter-federal agencies in the
17 nature of their business. And these new
18 regulations do not supercede permits, and
19 certificates, et cetera, that the facilities
20 might be required to have permitter fermenter
21 entities.

22 Here's a highlight of some of the

1 major activities we've been engaged in in 2017.
2 And I'll touch in more detail about a few of them
3 in later slides.

4 We issued FAQs very early on with the
5 IFR and expanded them a bit. We went out and
6 made some industry safety assessments around the
7 country to get a feel for how industry is
8 accommodating the RPs. Users fees were setup.
9 We had an additional comment period to provide
10 more opportunity and certainty for final rule
11 development. I mentioned the state certification
12 program that's being put in play.

13 We're heavily engaged in final rule
14 development work right now and developing
15 inspection criteria, enforcement guidance, in
16 preparation for a special activity happening in
17 '19. And we'll be providing goals, you know, for
18 our strategic and annual plans.

19 For FAQs, we issued seven of them
20 initially right after the IFR. We expanded those
21 to 21 in April. When the final rule is,
22 presumably, eventually issued, we will be

1 refining and expanding the FAQs in accordance
2 with that.

3 The PHMSA team, with state
4 participation and contractors, we went out and
5 visited the industry. We wanted to learn more
6 about the nature of maintenance and operations,
7 complexity of underground gas operations. We
8 wanted to talk with operators about their
9 preparation for the new regulations, understand
10 the complications of logistics of how they run
11 their business, and how the regulations impact
12 that, and to get an idea of how best to shape our
13 inspection process to work in that kind of
14 environment.

15 We did not make individual assessments
16 of the operators, you know, about their
17 compliance in the RPs. Because frankly, they
18 would not be in place just as yet. We posted a
19 summary report October 30th about those visits.
20 And all that material and a lot of other
21 information about underground gas is on PHMSA's
22 Primis website.

1 Here's a listing of the eight
2 operators we visited mostly in the second quarter
3 of this year. We made sure we saw a combination
4 of different types of reservoirs, different parts
5 of the country, so we'd have a better feel or
6 have a representative sampling of the industry.
7 We sincerely appreciated the opportunity to visit
8 with these operators and thank them for their
9 indulgence.

10 I mentioned the summary report is on
11 the Primis website. I pulled off a couple of the
12 bullet points here. You know, the RPs are a
13 combination of best practices and frankly, you
14 know, it's a representative combination of the
15 members and the RP development at API. So it's
16 not surprising that these design characteristics
17 are aligned with the RPs in general.

18 The operators were working towards
19 compliance by doing their own gap analysis to see
20 if there are differences in their practices from
21 what the RPs would call for. They were
22 prioritizing adjustments to come into compliance

1 with the mandatory provisions first and then
2 considering how to comply with the non-mandatory
3 provisions. In essence, that's the should
4 statements that are found across the RPs.

5 From our assessment, the operators
6 have a good working relationship with the state
7 agencies, you know, for their licensing and
8 permitting for the wells. We visited with
9 several states. And several states, you know,
10 participated with us in these assessments.

11 Sub-surface safety valves is
12 considered by some to be a very important
13 characteristic for safety and extra layers of
14 protection. They are not typically used very
15 frequently. There are some in isolated
16 circumstances, and they seem to be more prevalent
17 in California and Illinois.

18 The users fee was setup earlier this
19 year for \$8 million, and invoices were sent to
20 all of the operators. And as of September, we've
21 collected just about all of that \$8 million.
22 There are -- a few of the facilities are

1 disputing the fee, not necessarily the value,
2 their portion of the share, but whether or not
3 they principally should be classified as storage
4 operators as opposed to production.

5 We put out a Federal Register notice
6 in June after reviewing the comments and the life
7 --- the output of the IFR from an assortment of
8 players. And principally, there was concern
9 about the provisions in the IFR to make the non-
10 mandatory provisions, in essence the should
11 statements, a requirement.

12 So in consideration of that concern,
13 this Register notice put a stay of enforcement on
14 non-mandatory provisions until one year after the
15 final rule was to be issued.

16 So that's a reflection of our
17 understanding of the concern for the
18 applicability of the non-mandatory provisions.
19 And that aspect of where this federation is is a
20 very important part of the final rule development
21 work that we're engaged in now.

22 In 2018, we'll be doing -- test

1 running our special materials. In fact, the team
2 is in Buffalo, New York, this week. And they're
3 not real happy about that.

4 (Laughter)

5 MR. COY: I told them I would be able
6 to join them in the visit that we have set up for
7 January that's in Mississippi. And they're very
8 suspicious about that.

9 We're hopeful of being able to issue a
10 final rule sometime in '18 and see how that plays
11 out in the timing. How John makes that
12 preparation for that.

13 We have -- Inspector training will be
14 important for this as well. We're fully engaged
15 with our T&Q staff to do that. We want to have a
16 public workshop and perhaps initiate an annual
17 technical forum on the topic.

18 But we don't want to attempt to
19 schedule a workshop now. We want to wait to see
20 how the final rule work goes so that a workshop
21 and forum will be more meaningful after the
22 issuance of a final rule where discussions can be

1 more definitive.

2 We're also working to sort through the
3 over 400 facilities around the country to create
4 a prioritization program similar to the RIM
5 process we used for topside pipeline inspection
6 prioritization.

7 And presumably, we would be commencing
8 into inspection work in 2018, initially on the
9 IFR and perhaps, you know, conform to a final
10 rule whenever and if that comes out.

11 We would be using our T&Q Center in
12 Oklahoma for training for state and federal
13 inspectors. It's a combination --- there's a
14 precursor of web work that the inspectors have to
15 perform, and then they come to a week-long
16 classroom session.

17 Right now, there's three sessions
18 anticipated for '18. We already have a fairly
19 strong interest from state participants. We will
20 be actually installing a wellhead in our field
21 equipment area behind our T&Q facility, although
22 it's only going to extend into the ground past

1 the frost line, not several thousand feet.

2 We'll also have a reduced skill
3 version, a cutaway that we'll be able to use in
4 the classroom.

5 Zack Barrett with the state
6 certification program, he recognizes that we will
7 pace our training work through the year. And
8 he's making provisions for states to be able to
9 perform inspections prior to completing the
10 training. We'd like to figure out the logistics
11 to how to make that appropriate.

12 So here again is a write-out of the
13 facilities around the country. And that's the
14 end of the material I had to present. So I'm
15 available for questions.

16 MR. TAHAMTANI: Thank you, Byron. Any
17 questions for Byron from the Committee members?

18 MR. DENTON: Todd Denton with this
19 committee. I'm assuming but would just like to
20 clarify that the applicability here is natural
21 gas only. It would not apply to NGLs, LPGs, or
22 even ethane caverns, for example.

1 MR. COY: Yes, this particular IFR is
2 for natural gas storage only.

3 MR. TAHAMTANI: Mr. Allen?

4 MR. ALLEN: Steve Allen, Indiana
5 Utility Regulatory Commission. Thank you for
6 that update, Byron. A couple of questions.
7 Being a state regulator, my ears perked up when
8 you had the slide that suggested you had a ---
9 this was going to result in a 12 percent increase
10 in PHMSA's inspection burden.

11 Is that with 100 percent participation
12 by the 25 intra-states that have underground
13 facilities? I mean, what sort of percentage of
14 participation do you think you're going to have
15 from the states in assuming jurisdiction?

16 And then, you know, this has a ripple
17 effect, I think. If Zack Barrett's group is
18 going to be taking this on, you know, he's got
19 limited resources that NAPSR taps into. And if
20 he doesn't provide --- if they don't have
21 additional resources to address the state
22 programs for underground storage, then that could

1 very well draw on the available resources for the
2 states on gas.

3 So there's a ripple effect. And I'm
4 just a little concerned as to how this all works
5 out and how much participation with the states
6 you're expecting.

7 MR. COY: Yes. The 12 percent number
8 I showed in the slide there is on the basis that
9 the states with intra-state assets would
10 principally be joining our efforts and taking on
11 the responsibility for the intra-states.

12 We know that there are a handful of
13 states that only have, you know, one, or two, or
14 three facilities. Now, it may or may not be
15 practical for a state to engage, you know, with
16 an administrative effort for only one or two
17 facilities. But that would be their prerogative.
18 So if some states choose not to sign up, as it
19 were, with us, then our burden would increase
20 accordingly.

21 MR. TAHAMTANI: Thank you. Mark?

22 MR. BROWNSTEIN: Mark Brownstein,

1 Environmental Defense Fund on the GPAC. So first
2 of all, let me just state for the record, this
3 rule and this topic is long-overdue for PHMSA's
4 attention. And so we very much appreciate the
5 time and attention that PHMSA is bringing to it.
6 And we look forward to improvements in the
7 process through the final rule. I won't go
8 through the many comments we filed on the record
9 on this already.

10 So I have two questions with regard to
11 where we are. One is resource, one is process.
12 As a matter of process, when does the GPAC become
13 engaged in this process? Is it once the final
14 rule is out? Or, I mean, I'm sort of trying to
15 understand where this institution intersects.
16 That's the first question.

17 The second question has to do with the
18 resources, since this is largely a new area for
19 PHMSA. What, you know, can you speak a little
20 bit about the resources that are going into
21 building and training a workforce that's capable
22 of doing oversight and inspection properly?

1 And when will we have an opportunity
2 to talk about, you know, the sort of --- the
3 human resource aspect of this which is going to
4 be very important to making it effective?

5 MR. TAHAMTANI: Mr. Mayberry?

6 MR. MAYBERRY: Thank you, Mark. This
7 is Alan Mayberry. On the first point, related to
8 the Committee, I mean, this was issued as a
9 interim final rule. You know, so we would bring
10 proposed rules to the Committee. I anticipate
11 that will happen as we go to Phase 2.

12 The first phase is to let's adopt a
13 standard, which we've done, and we're finalizing
14 that. But then the next phase, as we approach,
15 you know, beyond the standard, I anticipate we'll
16 be engaging the Committee on possible paths
17 forward related to that. And it's also subject
18 to inclusion in our regulatory agenda as well. I
19 hope that helps on that.

20 Related to staffing, we were plussed
21 up by six, at least on the federal side, six
22 positions, and funded for six additional to help

1 absorb the burden of underground storage. So
2 that helps. Over the last year, Byron's been
3 heavily engaged. We have a team dedicated to
4 implementing this program. The safety
5 assessments were a key part of helping us develop
6 our inspection protocols.

7 Along with that, we had what we call a
8 critical task selection board. It's a method we
9 use to design our curriculum at our training
10 facility in Oklahoma City. That group is also
11 involved in developing that curriculum.

12 And then, of course, we engage the
13 states along the way through that as well. So
14 through that, we're trying to address the
15 resource issue as well that we anticipated. But
16 fortunately, we did get funded for six additional
17 positions for that.

18 MR. TAHAMTANI: Thank you. Carl,
19 you're next.

20 MR. WEIMER: Just a question, Carl
21 Weimer from the Pipeline Safety Trust. I noticed
22 in one of your slides you said that there was a

1 process to move forward with allowing the states
2 to do inspections before they've been trained to
3 do inspections. And I wondered if you could
4 explain that a little more.

5 MR. COY: The states with intra-state
6 facilities, you know, for the most part, have
7 been engaged with their operators for a number of
8 years. And the process to have those state
9 inspectors come through our training program
10 would be enhancing their current abilities.

11 Many of the states are very
12 technically capable of reviewing the facilities.
13 Because, you know, they've, in fact, been doing
14 it for years.

15 MR. WEIMER: So it's like a check mark
16 on that they've taken the class.

17 MR. COY: Part of the certification
18 process that Zack will be putting together for
19 their funding reimbursement would be
20 consideration that they've completed the training
21 that we provided.

22 MR. TAHAMTANI: You know, working for

1 the state, I can guarantee that Zack Barrett
2 guarantees state inspectors are qualified to do
3 the work. They audit us every year. With me,
4 it's about three-weeks-worth of audits. And
5 that's when I feel the operators --- how they
6 feel about us showing up at their door auditing
7 them for months. But with that, Andy Drake?

8 MR. DRAKE: Thanks. First, I just
9 want to recognize this as a really good, solid
10 step. I think this actually moves the ball as
11 far as anything that's happened in storage in a
12 very long time, which is good clarity for all
13 stakeholders.

14 I think the adoption of the standards
15 really helps get some clarity about what
16 practices look like. And we fully support moving
17 forward with this rule. It is a good thing for
18 everybody.

19 I do think, a couple of points, one,
20 as we look at creating a home for this, I would
21 encourage that you look at creating it as a home
22 away from 192. It is not a gas pipeline. It is

1 a unique facility, sort of like LNG.

2 I think that if you put it embedded in
3 192 you're going to get a lot of confusion about
4 what other sub-parts of 192 apply to this or what
5 parts of this apply to other things that aren't
6 caverns. And I think it just warrants its own
7 section or its own part. I do think that those
8 are just significantly different kind of
9 facilities. And we just need to recognize that.
10 I think it'll help everybody going down the road.

11 The other thing, it's intrinsic as you
12 convert a standard to a regulation. The standard
13 was not written as a regulation. And there's
14 just the natural gymnastics of converting shoulds
15 to shalls, and musts to have tos, and all of
16 that. And for the most part, I think that works
17 very well.

18 But there are a couple of those that I
19 think we want to watch out for. We've provided
20 specific comments on those. There aren't an
21 ocean of them. I think there's three or four
22 that we really want to be careful of that, as you

1 convert them to shalls, they actually can't be
2 done everywhere.

3 So we'll need to look at other
4 caveats. I mean, you can put a shall in there,
5 but then you're going to have to have a caveat to
6 get, for those couple of exemptions, out of that
7 or you'll create an impractical standard which is
8 not helpful to either party.

9 So I just want to flare that. Those
10 are comments that we've submitted. I don't want
11 to get into that unless someone really feels the
12 urge to do that in public and jump up and do the
13 specifics. But I think that's really what I
14 wanted to flare.

15 MR. TAHAMTANI: Thank you, Andy.
16 Rick?

17 MR. KUPREWICZ: Yes, I have a question
18 and a couple of comments to support. Do we have
19 an official general release number for the Aliso
20 Canyon? The last one I saw on the Internet said
21 something like over 100,000 metric tons were
22 released. Do you guys have anything better than

1 that in studies or investigations?

2 MR. COY: Well, you know, we've
3 naturally been very close to the incident and
4 monitoring the development work and the state of
5 activities that are going on. But we're not in a
6 position to have any additional information than
7 what the California Commission has released.

8 MR. KUPREWICZ: So it's a big number.

9 MR. COY: I guess my point is, you
10 know, basically what you have here, from my
11 perspective, looking at this from a public and a
12 safety review, is you have apparently one level
13 of safety protection to an infinite release
14 source, okay. That protection failed. And then
15 you had an infinite release source releasing for
16 a long time.

17 And so the commodity play here would
18 pay for any differential. If you're looking at
19 cost benefit, you know, it doesn't take a rare
20 incident like this to occur to pay for an
21 additional level of safety. So I support the
22 effort that you guys are doing in that area.

1 On the comment from the perspective of
2 an LPAC person, I would encourage the liquid guys
3 to look at their caverns and their storage
4 facilities and ask yourself if you only have one
5 level of safety, and are exposed to a possible
6 infinite release of your commodity, you're going
7 to get a lot of public attention if you have a
8 release. And so just think about that. I'm not
9 telling you where to go. But that's what I'm
10 going to look at from a safety perspective.

11 And thirdly, I support Andy's comments
12 here about the regulatory effort. I think it's
13 great what you guys are doing. There may be some
14 potential to cross reference this. And so I'm
15 looking for effective and efficient regulation.
16 And if there's ways where you can get the same
17 concept that makes it clearer, I would support
18 that effort.

19 And I'm looking for appropriate
20 protection that is defensible in a regulation.
21 And so I think you can get there without having
22 these extremely high profile events that just get

1 everybody coming at everybody. Thanks, that's it
2 for me.

3 MR. TAHAMTANI: Thank you, Graham?

4 MR. BACON: Graham Bacon, Liquids.
5 Somewhat playing off of what Andy had mentioned
6 in terms of this being a 192 regulation, as you
7 work with the states, do you see many of them
8 have a different patchwork of how they regulate
9 underground storage in different departments from
10 pipeline safety?

11 Do you foresee the states
12 transitioning the agencies that would regulate
13 underground storage? Or is this going to be left
14 up to a pipeline safety organization, or will
15 this be left up to the states to determine how
16 they manage that, particularly in light of your
17 certifications of the agencies?

18 MR. COY: The individual states are
19 invited to participate with us. They bring
20 whatever agency they wish to push forward to be
21 the agency of record to work with us. Sometimes
22 it's the PZs of the world, and other times it's

1 the DEPs and the like. We don't tell the states
2 which agency we think would best serve the need.
3 That's their decision.

4 I mentioned there'll be a lot of new
5 players not familiar with our processes, but the
6 states that are making the decision appear based
7 on the interests of the state, not because they
8 have or don't have familiarity with our
9 certification program.

10 MR. BACON: Thank you.

11 MR. MAYBERRY: Yes, this is Alan.
12 Just to comment on that, Graham, you know, if you
13 looked at the birth of our Agency it's really a
14 parallel kind of issue. Because before we were
15 created, there was a patchwork of oversight by
16 state. And so we came into play to develop a
17 uniform national standard.

18 So similar here today, you know,
19 related to underground storage, we're doing that.
20 Because, you know, there was variation among the
21 states, so the goal here is to develop a uniform
22 standard. A state may always adopt more

1 stringent standards, but at least now we have the
2 national uniform standard for that.

3 Ideally, we would have the same state
4 partners we deal with. But we found the reality
5 of it is in the, you know, just how it is done at
6 the state level. In most cases, it will be a
7 different agency. So I think in California we'll
8 probably have, you know, we have three state
9 partners there as opposed to two.

10 MR. TAHAMTANI: And just to echo that,
11 in my own state, Virginia, when Zack reached out
12 to me to see if I was interested, we reached out
13 to our Department of Mines and Minerals which
14 deals with these, a couple of storage facilities
15 we have already. And they are interested. So at
16 least in Virginia we want the right agency to be
17 -- but we'll make sure that that agency gets to
18 know Zack very well. Mr. Allen?

19 MR. ALLEN: Steve Allen, IURC. A
20 nuance, interesting nuance to this is that, in
21 some cases, the states are going to have to amend
22 some statutes or create some enabling statutes

1 providing the authority for a given agency or
2 given department to go ahead and enter into a
3 certification agreement with PHMSA.

4 In Indiana, we have the Department of
5 Natural Resources' Oil and Gas Division who ---
6 they are going to pursue a certification
7 agreement. I'm not sure if it's entirely certain
8 yet as to whether or not they have the authority
9 to do so. And you know how that works. It takes
10 at least a couple of legislative sessions to get
11 to that point.

12 So back to my original comment, as far
13 as a ripple effect and the 12 percent increase in
14 inspection burden, it's something I think you
15 ought to pay attention to and perhaps see what
16 information Zack's getting back on that, so just
17 as a point.

18 MR. TAHAMTANI: Thank you, Steve.

19 Mark?

20 MR. BROWNSTEIN: Just picking up on
21 something that Alan said that I think bears
22 underscoring, I mean, in our experience what we

1 see is is that there's a very uneven treatment of
2 this topic among the states.

3 There are some states that are, you
4 know, exemplary in their efforts. There are some
5 states that have had their own sets of
6 experiences over the years, and therefore have
7 state programs that are very robust and very
8 detailed, and other states, California being one,
9 that is obviously, you know, behind the curve.

10 I think one of the things that,
11 picking up on one of Alan's comments, I think one
12 of the things that's going to be most important
13 about this rulemaking is, particularly in the
14 case of inter-state facilities, all right, that
15 it be very clear that states have the ability to
16 go beyond what federal minimum standards look
17 like.

18 There have been some court cases which
19 suggest that there's a certain level of
20 preemption that exists here and that federal
21 standards occupy the field. And we certainly
22 don't want to be in a position where, in the

1 process of setting minimum federal standards, we
2 wind up cutting off the ability of individual
3 states that have standards that are more
4 detailed, more protective, to continue to enforce
5 those standards with regard to inter-state
6 facilities.

7 This is something that we've talked
8 about in our comments. But since the
9 conversation has sort of revolved around what the
10 role of the states are here, I just wanted to
11 emphasize that point. Because I do think it's a
12 critical one.

13 MR. TAHAMTANI: Thank you. Jerry?

14 MR. BARNHILL: Jerry Barnhill with
15 DCP. Just a quick question. Do we have a view
16 on when this will be published as a final rule?

17 MR. GALE: Right now, in the regular
18 agenda, we've been saying for several months that
19 it's going to be January of 2018. It's obviously
20 because of the effective date.

21 Right now, due to the extension of the
22 comment period, that's not possible. Right now,

1 we're still reviewing those comments. And we
2 think we'll have a better date to put out for the
3 public to see probably in the next 30 or 45 days.
4 But it's not going to be January. If anything,
5 it's probably going to be closer to, you know, if
6 it's deemed significant, that alone adds about
7 five months to the process. And that rule is
8 still within PHMSA. So I think we're at least
9 June if not later.

10 MR. BARNHILL: Thank you.

11 MR. TAHAMTANI: Let's see if there are
12 any comments or questions from the public? And
13 again, let the record show there is no one who
14 raised their hands.

15 (Off the record comments)

16 MR. TAHAMTANI: There is? Sorry about
17 that.

18 MS. NELLER: Oh, no problem, no
19 problem. Well, good morning. My name is
20 Christine Neller. I am the executive, excuse me,
21 the vice president of Eastern Pipeline
22 Engineering and Construction with Dominion

1 Energy. We operate 24 natural gas underground
2 fields in five states with a total operating
3 capacity in excess of 1 Tcf.

4 First, I'd like to commend PHMSA on
5 developing regulations regarding the safety
6 requirements applicable to the underground
7 natural gas storage facilities. We were part of
8 the cross-functional team multi-year effort,
9 which included regulators, public stakeholders,
10 and industry, to develop those API-recommended
11 practices in the current IFR that's being
12 adopted.

13 I also wish to express our support to
14 PHMSA as they continue to improve and refine the
15 safety requirements by incorporating these API-
16 recommended practices, 1170 and 1171, into the
17 IFR --- into the CFR, excuse me.

18 As an operator of several integral
19 natural gas storage fields, I'd like to go on
20 record with three requests. First, PHMSA should
21 incorporate by reference the API recommended
22 practices 1170 and 71 without modification of

1 non-mandatory provisions.

2 By mandating that all should and may
3 references become mandatory shall statements,
4 it's impractical and changes --- impracticable
5 and changes the intent of the API's recommended
6 practices which, as we said, were developed by
7 industry experts working with PHMSA, other
8 regulators, and a diverse group of stakeholders.

9 We also ask, second, you provide for
10 reasonable implementation periods as it will be
11 extremely challenging if not impossible to
12 completely adopt the extensive recommended
13 practices required within one year.

14 We appreciate PHMSA's acknowledgment
15 of this in the April FAQ timelines. And we ask
16 this FAQ be incorporated into its final rule to
17 codify acceptable implementation timelines.

18 And third, incorporate underground
19 natural gas facilities into a new part, separate
20 from Part 192. This would eliminate confusion
21 between safety requirements for cross country
22 natural gas transmission pipelines and those that

1 pertain to downhole storage facilities which have
2 different operating characteristics.

3 Again, we applaud and support PHMSA's
4 efforts to develop prudent regulatory
5 requirements regarding safety of underground
6 natural gas storage facilities. Thank you.

7 MR. TAHAMTANI: Thank you. Anyone
8 else from the public?

9 MR. ROUZE: Thank you, Mr. Chairman.
10 I'm Scott Rouze, the director of U.S. Gas Storage
11 for Enbridge. Enbridge owns and operates 40 gas
12 storage facilities across North America with a
13 working capacity of around 400 Tcf.

14 Enbridge supports the incorporation of
15 the recently written gas storage recommended
16 practices as written. We believe that the
17 adoption of the recommended practices at all gas
18 storage facilities will result in the most
19 comprehensive safety enhancement to underground
20 storage facilities in the US in decades.

21 And as the chairman of the 1170 salt
22 cavern recommended practice, I can tell you that

1 the team -- and I believe the reservoir practice
2 did the same thing -- looked across the country
3 and brought together the state regulations, and
4 queried, and canvassed the state regulations.

5 And we can honestly say there's not
6 one state that has the diversity of facilities
7 and underground storage facilities in it that we
8 could use and say this is our starting point.

9 Certainly, every state has a very good
10 set of comprehensive regulations for their
11 facilities, but as a national standard and as a
12 national recommended practice, we believe the RPs
13 are far and above for the diversity of assets
14 covered.

15 As mentioned previously, we ask that
16 PHMSA consider three things. The significant
17 differences in construction, and design, and
18 integrity management of underground storage from
19 pipeline facilities, we believe, requires a
20 separate part in the code.

21 We believe that PHMSA should adopt the
22 timelines that were laid out in the April 2017

1 FAQs, the final rule.

2 And thirdly, Enbridge believes, for
3 effective implementation for all of our
4 stakeholders, the final rule must revise their
5 modifications of the RPs which made all non-
6 mandatory statements mandatory.

7 We think there are a number of good
8 almost grammatical and logical errors that are
9 produced. And for the effective implementation
10 for all of our benefits and all of our
11 stakeholders, we believe that those should be
12 reversed. Thank you.

13 MR. TAHAMTANI: Thank you. Anyone
14 else? Now, let the record show that there is no
15 one else from the public. And I'll turn it over
16 to Alan to recognize a few people.

17 MR. COY: I just wanted to comment
18 about possibly having the new regulations be
19 conflicted or undermined. Some of the provisions
20 are already in the states. Each of the
21 individual states issues their permits or
22 authorizations for the wells to exist.

1 The parameters that they put into
2 those licenses are not enacted by the
3 regulations. So the particular provisions that
4 they put in place for the license holders, you
5 know, would not be affected by the regulations.

6 MR. MAYBERRY: Thanks. Before I turn
7 it over to Massoud to vote on a break, I think
8 we're going to do --

9 (Laughter)

10 MR. MAYBERRY: -- I wanted to
11 recognize a couple of people that I missed
12 earlier. In fact, I didn't recognize anyone.
13 But I think we have Drue Pearce, our Deputy
14 Administrator. Drue, if you could stand. Thank
15 you.

16 And then I'd also like to recognize,
17 as you know, as I mentioned earlier, we had
18 filled the number of vacancies on the Committee.
19 But I'd also like to recognize one of the persons
20 that we replaced, because he is retiring, is Ron
21 McClain from Kinder Morgan. But Ron was on our
22 Liquid Advisory Committee, and I'd just like to

1 thank you, Ron, for your service. And if you
2 could stand as well. He said I'm out of here.

3 (Laughter)

4 MR. MAYBERRY: And then also I would
5 be remiss if I didn't mention -- because if I
6 make a mistake you can blame this guy. But my
7 predecessor, Jeff Wiese, former associate
8 administrator, is somewhere out there.

9 (Off the record comments)

10 MR. MAYBERRY: Okay. He's also ---
11 must be a client relationship there with Ron.
12 Okay. And that's it. Thank you, Mr. Chairman.

13 MR. TAHAMTANI: All right, we'll let
14 Ron and Jeff know that you said good things about
15 them. I have been negotiating a break for you
16 guys. And I think I've been able to get about 15
17 minutes from right about now. So please be back
18 right exactly at the 15-minute mark, or we'll
19 start without you.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:25 a.m. and resumed at
22 10:41 a.m.)

1 MR. TAHAMTANI: All right. We're
2 going to start back up. And I need to ask all
3 the Committee members to have your seats. I
4 don't want to break the glass, as PHMSA could pay
5 for it. This was a negotiated break. And if you
6 don't follow the rules, this could be the last
7 break you're having today.

8 All right, thank you all very much.
9 If I can ask everyone to be quiet, the meeting is
10 back in order. And our next presenter is
11 Christie Murray. And she will share with us
12 information about Volunteer Information-Sharing
13 Working Group work. I believe you had a meeting
14 the last month or so. So with that, you're on.

15 DR. MURRAY: Good morning, everyone.
16 Again, my name is Christie Murray. And I will be
17 giving you a brief update on our Voluntary
18 Information-Sharing System Working Group
19 initiative.

20 First, I'll start out by saying that
21 about a year and a half ago at our Pipelines and
22 Enhancing Safety Re-authorization Act of 2016,

1 PHMSA was given a mandate or requirement to look
2 at information-sharing, to convene a working
3 group, which is an advisory committee, and to
4 consider the development of a Voluntary
5 Information-Sharing System with the sole purpose
6 of encouraging collaboration across the industry
7 to improve inspection information and ultimately
8 pipeline safety information-sharing.

9 The main outcome or output of this
10 advisory committee is to provide independent
11 advice and recommendations to the Secretary of
12 Transportation.

13 So since about last December, around
14 this time last year, PHMSA convened a diverse
15 member working group made up of the different
16 types of representatives that you see listed
17 here.

18 There are federal regulators involved,
19 PHMSA's on the actual advisory committee. There
20 are a number of different types of industry
21 stakeholders, pipeline operators, pipeline
22 inspection organizations, inspection technology

1 vendors, safety advocates, research institutions,
2 state public utility commissions, state pipeline
3 safety inspectors, regulators, labor
4 representatives, and other entities. For
5 example, we have an environmental organization
6 that's represented as well.

7 Currently, there are about 25 members
8 on the working group. I serve as the designated
9 federal officer. Commissioner Diane Burman
10 serves as the Chair of this working group.

11 I have listed here the names of the
12 individuals, what group they represent, and their
13 title and organizations. It's probably difficult
14 to read, but I just wanted to provide this as a
15 reference for you to be able to refer back to in
16 the future.

17 But as you can see, it's definitely a
18 diverse group with some great variety of thoughts
19 and experiences that really feed into the work
20 that this Committee is doing.

21 Since last December, our Committee has
22 met three times. We met in December of 2016,

1 June 2017, and most recently November 29th and
2 30th here in Arlington.

3 At the last meeting -- so as this new
4 Committee has started to formulate, we've been
5 ramping up slowly, making sure that there's good
6 synergy with the group. We're getting organized,
7 understanding what the ultimate deliverables are
8 in the work ahead.

9 And one of the important aspects of
10 what we're doing, that the group thought was
11 important, was to develop a strategic mission
12 statement. So back at our November meeting,
13 there was a lot of discussion, homework, research
14 done. But ultimately, the working group came up
15 with this strategic mission statement that was
16 voted and agreed upon at that meeting. But I did
17 want to draw your attention to a few key things
18 about this mission statement that may be
19 noteworthy to everyone here.

20 I already mentioned that the working
21 group is to provide recommendations back to the
22 Secretary of Transportation. And as a part of

1 that, this group is considering the development
2 of a secure system that encourages collaboration,
3 collection, and analysis of integrity, risk
4 management, data, and more, other appropriate
5 data, with a goal of improving pipeline safety.

6 Now, what's underlying towards the
7 middle are the type of facilities and
8 commodities, gas transmission, gas distribution,
9 and hazardous liquid pipelines, and in a
10 measurable way.

11 So a lot of the earlier discussions
12 with the working group centered around how can we
13 make sure that we take some of the key concerns
14 from the mandate into consideration but also look
15 at other industries, which we did.

16 At the last meeting, we had case
17 studies from the aviation industry, the rail
18 industry, and how they stood up similar but
19 different information-sharing initiatives
20 relevant to their industries. And the measurable
21 aspect, and the action-oriented aspect of their
22 information systems really resonated with the

1 Information-Sharing Committee, our Information-
2 Sharing Committee.

3 The overall intent of the system, and
4 we stress plural, because we're not being
5 presumptuous at this point to specify if the
6 recommendations will include one system or maybe
7 there may be a variety of systems that may be
8 proposed moving forward, so we wanted to make
9 sure we created flexibility in the mission
10 statement, is to create that collaborative
11 environment to make sure that it was proactive in
12 nature, it created an opportunity to facilitate
13 technological advancements and lead industry
14 towards actionable outcomes.

15 So it's certainly a mouthful. But
16 these are all very key aspects of what the
17 Voluntary Information-Sharing Working Group
18 wanted to make sure was a part of the
19 foundational scope and mission of the work that
20 lies ahead.

21 And during the three meetings that
22 we've had, there's been a lot of discussions of,

1 okay, so how do we get this started. What type
2 of information and data should we, as a pipeline
3 industry, consider as a part of this effort?

4 And so there are a number of things
5 that really emerged from some of the discussions
6 that have been had previously and will continue
7 to be areas of focus for the Committee to
8 deliberate on and to ultimately provide
9 recommendations to support.

10 The types of data and information to
11 share, there's a lot of conversation around the
12 process. What does that process look like for
13 collecting and analyzing the data and
14 information? Who will have access? What will
15 the permission levels be to obtain certain types
16 of information? How will risk assessment
17 technologies and processes be introduced into the
18 conversation?

19 Some of the earlier conversations
20 looking at the mandate, the mandate really
21 focuses on gas transmission and hazardous liquid
22 pipelines. But there was a natural gap for

1 distribution, gas distribution systems, that the
2 Committee felt strongly should be included and
3 embraced as a part of the work of this
4 information-sharing group.

5 So in terms of risk assessment, not
6 necessarily just looking at in-line inspection
7 technologies but other assessment types that may
8 be more appropriate to distribution based on
9 different system variables.

10 The group also believes that looking
11 at lessons learned -- ultimately, I think, one of
12 the key drivers from the case studies that we saw
13 a couple of weeks ago from FAA and FRA really
14 focused on how do we learn as an industry.

15 How do we share information that
16 traditionally we've had at an operator level,
17 maybe a federal level? Maybe there was some
18 information that inspection providers brought to
19 the table, but how do we look at some of the
20 agreed upon information and data more
21 holistically to learn as an industry? And how do
22 we take those lessons learned, identify what the

1 best practices are moving forward so that we can
2 improve safety?

3 The group also has awareness and
4 recognized that the data, the architecture, the
5 analysis aspects, the system design components,
6 or at least the high level system requirements at
7 least need to be discussed and some initial
8 thoughts, assumptions, limitations, constraints,
9 those kind of things, are put in place as we talk
10 about the data and the infrastructure itself.

11 Training and qualification certainly
12 plays a key part, whether it's employee training
13 and qualifications as this new system comes
14 onboard, and also looking at the inspection, and
15 risk assessment technologies, and work beyond how
16 all of those areas impact training and
17 qualification holistically.

18 There's been a lot of discussion,
19 particularly on the next few items, the safety of
20 the information data, how do we factor in data
21 protections, how do we keep the data that's being
22 shared in the right hands, with the right

1 individuals, at the right levels of sharing.

2 How do you account for non-punitive
3 reporting, particularly with operators who
4 certainly want to be a part of the initiative
5 voluntarily but want to make sure that there are
6 protections against enforcement and other
7 punitive-related aspects regarding what they may
8 be sharing?

9 And even internally within their
10 organizations, how do they make sure -- how do
11 they incentivize employees and others to bring
12 forward some of the information that may be
13 needed to really learn as an industry without
14 penalizing employees?

15 At the same time, there was a lot of
16 conversation around regulatory, what regulatory
17 needs that may need to be recommended, what the
18 funding structure looks like, how will this
19 system get designed, where will it be housed, how
20 will it be paid for, what are the short and long
21 term budgetary implications to standing up this
22 sort of an initiative, and other legal concerns.

1 From the case studies we've seen and
2 the conversations we've held so far, there's been
3 a lot of talk about governance structure. FAA,
4 for example, presented on their information-
5 sharing initiative, ASIAs. And they talked about
6 and they depicted a governance structure where
7 they had executive leadership in place, a board
8 in place that really helped to define the
9 controls, the process, procedures, the level of
10 what information would be shared, who it would be
11 shared with, how to introduce new information as
12 it becomes available.

13 And that executive board also approved
14 whether or not the analysis that was derived as a
15 result of the information-sharing would be an
16 appropriate manner to share externally and to
17 move forward with that information to take more
18 actions in moving forward.

19 So the governance structure is a key
20 component of what our information-sharing group
21 will also take a look at and how that might look
22 in terms of the pipeline industry.

1 And lastly, there's been kind of a
2 foundational conversation related to safety
3 management systems and ensuring that the work
4 that we're doing, we really believe, as a
5 Committee, that the SMS landscape really is
6 complementary as a key component to the whole
7 voluntary information-sharing initiative.

8 So many of the areas that we're
9 focused on, we're looking for those natural
10 connections back to SMS as we're moving forward
11 with the recommendations that may come in the
12 future.

13 So speaking of moving forward, as we
14 really get organized, so now that we have a
15 strategic mission statement, our group is still
16 organizing and forming a lot of good work. A lot
17 of hard work is going to take place in 2018.

18 I think 2018, we have a pretty
19 aggressive schedule. Our ultimate goal is to
20 have the recommendation report developed by
21 December of 2018 which means we have to back all
22 of our other efforts up between now and next

1 December to make sure that we're keeping pace
2 with our goals.

3 We are actually in the process of
4 developing an outline of some of the key areas
5 that should be included in the recommendation
6 report at a minimum. Many of these key focus
7 areas you see listed here make up components of
8 what will likely be depicted in that report in
9 some form or fashion.

10 We're also in the process of forming
11 subcommittees here in the next few months. And
12 there'll be opportunities for parent committee
13 members to serve on each of the seven
14 subcommittees you see listed here but also
15 opportunities for others, who are not currently
16 on the parent committee, to participate as
17 external SMEs on those subcommittees.

18 The only thing I'll note here is that
19 subcommittees report directly to the parent
20 committee, so they are not able to provide
21 recommendations directly back to PHMSA or to the
22 Secretary of Transportation.

1 So all the work products that are
2 developed by the subcommittee are really
3 proposals for the parent committee to deliberate
4 on, and to vote on, and decide how they want to
5 use that information moving forward.

6 So the seven committees are listed
7 here, The Mission and Objectives Committee, this
8 committee is the committee that will really help
9 to create the framework. We've already
10 preliminarily started to work with the strategic
11 mission statement.

12 But also, what other aspects in terms
13 of objectives and goals need to be fleshed out so
14 that each of the other subcommittees can
15 understand the scope and the boundaries in which
16 the information-sharing discussion should be
17 held?

18 Then there'll be a Process Sharing
19 Subcommittee. This subcommittee is actually a
20 pretty important one. Because here, this is
21 where a lot of work regarding the process for
22 collecting and analyzing data, the types of data

1 and information that would be shared, a lot of
2 the high level pieces of what may feed into the
3 ultimate recommendations and how the information-
4 sharing system may look will be developed out as
5 a part of that process sharing component.

6 Then there'll be a Best Practices
7 Committee to maybe look across each of the other
8 committees to identify are there areas where more
9 research needs to be conducted, are there other
10 best practices in other industries or in our
11 current industry that we need to go out, and take
12 a look at, and bring those inputs back into the
13 process for this effort.

14 So I suspect that several of these
15 committees will complement each other, work
16 integrated in some ways over the course of the
17 next year.

18 There'll also be a Reporting
19 Subcommittee. This committee is more of a
20 pulling everything together committee. So you're
21 taking the work of the other subcommittees,
22 organizing it, pulling it together in the actual

1 recommendation report, looking for alignment
2 across the different subcommittees, ensuring that
3 key definitions and terms are accounted for. So
4 this is the committee that's really going to pull
5 the report together for comment, review, and
6 ultimately committee approval.

7 Then there's, of course, the
8 Technology and R&D Committee which is somewhat
9 self-explanatory. But this will be the committee
10 that takes a look at various different types of
11 technological advancements, looking at in-line
12 inspection technologies, gaps, other assessment
13 technologies, and other relevant needs for
14 research and development moving forward.

15 And then there'll be a subcommittee
16 for training and qualifications, looking across
17 some of the other subcommittees' work to identify
18 what training, qualification needs there are and
19 considerations that need to be made as a part of
20 this effort.

21 And finally, there will be a
22 subcommittee that looks at the regulatory funding

1 and legal aspects of all these efforts to make
2 sure that our recommendations give consideration
3 to regulatory implications.

4 If there are things that need to be
5 recommended in terms of protections and non-
6 punitive reporting, other protections for those
7 entities who may be sharing information, this
8 will be the subcommittee that would help to put
9 some recommendations and to help shape what those
10 recommendations are.

11 If there are funding implications, or
12 gaps, or implications that need to be highlighted
13 as a part of this work, they'll also be discussed
14 as a part of that subcommittee.

15 The Committee, at our last meeting,
16 also decided that meeting once a quarter may not
17 be sufficient to meet our timeline by the end of
18 December to have that report drafted. Therefore,
19 the Committee will actually be ramping up its
20 meetings. And we're planning to meet every other
21 month over the next year. So we're really going
22 to work aggressively to really meet the intent of

1 this mandate.

2 In some cases, there will be
3 subcommittee meetings that will take place in
4 conjunction with the parent meeting. So for
5 example, we're currently looking to schedule a
6 meeting in February for the full parent
7 committee.

8 There may be a day prior to that, the
9 start of the parent committee meeting, where we
10 may ask subcommittees to come together, to get
11 organized initially, have their kickoff, and then
12 we can spill over into that second day into the
13 full parent committee meeting.

14 And I see that sort of a framework
15 working for each subsequent meeting, allowing
16 time for the subcommittees to meet prior to the
17 parent committee. It's not to say that
18 subcommittees can't meet virtually, but this will
19 give them face to face time as well.

20 So that is my update on the Voluntary
21 Information-Sharing Initiative. I will say that
22 it's been a real pleasure working with the

1 Committee so far. There's been a lot of good
2 discussion, recognizing that these are complex
3 issues that are being talked about and put on the
4 table.

5 No easy solutions, but I think
6 there're workable solutions, and I think we will
7 ultimately come to a report that reflects the
8 industry as a whole and key recommendations that
9 everyone feels good about bringing forward.

10 Thank you very much.

11 MR. TAHAMTANI: Thank you, Christie.

12 Alan?

13 MR. MAYBERRY: First off, Christie,
14 thank you. And, you know, thank you also for
15 your leadership on the Committee. I know I look
16 forward to the product. I just must say, as the
17 PHMSA member of the Committee, I'm really
18 excited. While we don't have the final report,
19 nor recommendation created, I really see immense
20 opportunity here.

21 You know, we as the federal regulatory
22 authority, I mean, we were always focused, you

1 know, on carrying out that authority, obviously.
2 It's like motherhood and apple pie as far as
3 evolving or improving our inspection and policies
4 that we developed, inspections that we perform
5 and our policies that we develop.

6 But, you know, here I see potential
7 for a creative solution to really drive towards
8 zero which we all agree is the desired goal.
9 It's another creative way to get there.

10 I think the beauty of this is we have
11 the case history that we saw at the last meeting.
12 And we've been talking with these groups from FRA
13 and FAA, and there are others who already have
14 the experience of working with this.

15 And it does complement, as Christie
16 mentioned, it does complement SMS quite well.
17 Because here, you know, we're talking about
18 communicating across an organization or between
19 organizations.

20 And as we've seen, you know, from our
21 perspective, and what's happening out there in
22 the incidents, you know, there's an element of

1 that. There's, you know, the organizational
2 issue or failures that do really end up being the
3 root cause of many failures. So we see this as
4 an opportunity to really chip away at that and be
5 supportive and complementary to the safety
6 management systems. But anyway, thank you.

7 MR. TAHAMTANI: Thank you, Alan.

8 Before I go to the other committee members for
9 comments or questions, Commissioner Burman, are
10 you still with us?

11 MS. BURMAN: Yes, I just wanted to
12 also echo my thanks to Christie for reporting and
13 also for her leadership on this. It really has
14 been a pleasure being a part of this and chairing
15 the working group. I do think that the last
16 meeting was really very helpful. And I look
17 forward to our continued work.

18 I think we're all focused on improving
19 and enhancing pipeline safety, and the
20 development of a voluntary information-sharing
21 system. And our collaborative efforts in putting
22 forth the report will be helpful with that.

1 I think the case studies with the FAA
2 and the FRA were very helpful, very instrumental
3 in giving us some context in what we may look at.
4 And I look forward to us rolling up our sleeves,
5 and working through it, and providing our
6 recommendations to the Secretary of
7 Transportation in a timely way but also in a very
8 substantive way. So thank you.

9 MR. TAHAMTANI: Thank you,
10 Commissioner. Now the Committee, Mr. Pevarski?

11 MR. PEVARSKI: Rick Pevarski, GPAC,
12 just one comment and one question. On the
13 process sharing, one recommendation I would have
14 is that you look at some type of standardized
15 reporting so you can look at trending analysis,
16 you know, whether you relate it back to a section
17 of the code.

18 The question I have then is will any
19 of the trending analytics be open to the general
20 public, recognizing you'd have to redact names
21 and geographic locations?

22 DR. MURRAY: Thank you for the

1 question. This is Christie Murray. The working
2 group will have to consider various ways to share
3 information. There may be a password protected -
4 - certain stakeholders who have access to certain
5 information. And then there maybe more of an
6 aggregate public view of certain information.

7 And what will be depicted under each
8 of those scenarios will have to still be
9 determined by the governance body and/or the
10 recommendations that are put forward.

11 But so far, I can say there has been
12 conversation about what would be shared publicly,
13 how would that look, and what information would
14 be password protected and have certain privileges
15 assigned to them. It's certainly a part of it.

16 MR. TAHAMTANI: Thank you. Mr.
17 Worsinger?

18 MR. WORSINGER: Rich Worsinger,
19 representing APGA. APGA applauds the efforts
20 that the working group, the voluntary information
21 -sharing working group is undertaking. And with
22 the addition of distribution lines, APGA is most

1 interested in participating. And, Alan, I think
2 either John or Erin will be following up with you
3 later to see how we can do that.

4 But to build on Rick's comments there,
5 I'm concerned, and I think the concern would be
6 with some of the participants with having public
7 gas systems participate.

8 Any information, depending on the
9 state and what that particular state's Sunshine
10 or public information laws are, any information
11 that's shared could become a public record, as
12 simple as an email. So we're going to have to
13 take a deep dive on that to make sure any
14 information shared with our members is redacted
15 to provide that confidentiality. But we're most
16 interested in participating.

17 MR. TAHAMTANI: Thank you. Mr. Allen?

18 MR. ALLEN: Steve Allen, Indiana
19 Utility Regulatory Commission. To Richard's
20 point, as far as perhaps some trending
21 information that might be available going
22 forward, it came to mind the CGA DIRT report.

1 You're smiling, so I assume you guys have already
2 considered that. So that was my only point. I
3 just wanted to suggest that might be a model.

4 MR. TAHAMTANI: Thank you. Any other
5 comments or questions from the Committee members?
6 Go ahead, sir.

7 MR. BRADLEY: Ron Bradley from Peco.
8 Christie, I applaud you for this work. I think
9 it's really important.

10 There was a question that I have, and
11 that is, when you talked about the Reporting
12 Subcommittee, that they would pull things
13 together for the actual recommendation, would
14 they also send interim information out as well
15 throughout the year?

16 DR. MURRAY: Interim information out?

17 MR. BRADLEY: Yes.

18 DR. MURRAY: Now, the subcommittees
19 report up through the parent committee. So the
20 work of the subcommittees are not generally made
21 public until they are presented to the parent
22 committee for their consideration. So as a part

1 of the parent committee report outs and
2 communications that are brought forward from the
3 subcommittees, that information would be made
4 public and available.

5 And I suspect moving forward, without
6 really having ironed out the details, there will
7 be key times throughout the year where the
8 subcommittees will be reporting out to the parent
9 committee and sharing progress and updates.

10 I'll also add, while I have the floor,
11 in terms of the training and the type of data,
12 such as the CGA DIRT report, one of the things
13 that the Committee, and even beyond, will have to
14 consider is what information and what sources of
15 information are to be shared as a part of this
16 effort.

17 One of the things that I took away
18 from FRA and FAA was that they didn't necessarily
19 develop all the information from scratch. They
20 pulled from various sources of existing data and
21 maybe created a new data set where it was
22 appropriate.

1 But it was more of a repository of
2 data and information from various sources that
3 they brought into the system to have a more
4 holistic approach and dynamic approach to what
5 they're seeing in terms of potential risk.

6 Weather conditions, there were things that, for
7 FAA, for example, that they brought in from other
8 entities, NTSB information.

9 So if you consider there is a lot of
10 information being shared today, then the question
11 remains what is appropriate for this effort and
12 how might that look fitting into whatever
13 information-sharing model is produced? But
14 that's a good example.

15 MR. TAHAMTANI: Thank you. Any other
16 questions from the Committee members?

17 MR. KUPREWICZ: Just an observation on
18 the Sunshine laws, right to know laws, and
19 whatever. I've operated in Washington State for
20 over 20 years. It has a very aggressive public
21 right to know law backed up by the state supreme
22 court on several occasions.

1 There are ways for ultra-sensitive
2 information to be protected and not be openly
3 disclosed. And adults in a room ought to be able
4 to figure out that way.

5 And there are many of you operating
6 companies that have good stories to tell. And so
7 you don't want to create a system that blankets
8 the good things you're doing under things of
9 possibly becoming public. So there is a middle
10 ground here. It can be worked. There are
11 details on investigations that are never going to
12 be disclosed. And they're appropriate in many
13 investigations. So there's ways to reach a
14 middle ground there.

15 I caution to be very careful that, in
16 trying to protect certain infrastructure
17 information, that you don't pierce the importance
18 of transparency. There is a way to reach that.
19 And I think, you know, you guys can work out the
20 details.

21 But it sounds like the people on this
22 Committee or that Committee should be able to

1 reach that there. So just be careful and be
2 cautious about these. And I've seen other states
3 besides Washington that have just as aggressive
4 right to know laws. But there are ways to have
5 discussions where people can make informed
6 decisions without exposing everything. Thank
7 you.

8 MR. TAHAMTANI: Thank you. Christie,
9 did you have any ---

10 (No audible response)

11 MR. TAHAMTANI: All right. Let's see
12 if we've got any comments from the public? Let
13 the record show there were none. And with that,
14 we move on again around the agenda, but we'll
15 move on to this afternoon. And we'll have Sam
16 Hall give us an update on excavation damage
17 enforcement.

18 MR. HALL: Good morning. My name's
19 Sam Hall. I'm a program manager in our Outreach
20 and Education Division. I work for Dr. Murray
21 who just spoke. And today, I'm going to talk
22 with you about the status of our implementation

1 of the one-call enforcement rule.

2 I know that some of you around the
3 table are relatively new to the Committee, so I'd
4 like to give you a little bit of background on
5 the rule before I get started in telling you
6 exactly what our status is.

7 The rule came out of the PIPES Act of
8 2006 which gave PHMSA a new regulatory authority
9 that we had not had before then. It said that we
10 had authority over excavators. We could fine
11 excavators for unlawfully damaging pipelines.

12 But it limited our authority, and it
13 said that we could only use that enforcement
14 authority in states that do not adequately
15 enforce their own one-call laws.

16 Now, what that meant for us was that
17 we had to develop a regulation that defined how
18 we were going to determine the adequacy of state
19 enforcement of our own one-call laws and then
20 what exactly the limits of our enforcement
21 authority would be in those states that don't
22 adequately enforce their one-call laws.

1 We went through that process beginning
2 2009, I think, is when we actually really started
3 the push. We started slow, we started with an
4 advance notice of proposed rule making, asked
5 lots and lots of questions in that ANPRM, trying
6 to get the lay of the land and understand the
7 various interests of stakeholders around the
8 country.

9 We then went forward with a notice of
10 proposed rule making and got very substantive
11 comments there and finally issued our final rule
12 in 2015.

13 The final rule went into effect
14 January 1st of 2016, so just two years ago now,
15 just almost two years ago now. And we really did
16 a major push in 2016 to begin implementation of
17 the regulation.

18 Now, sometimes these meetings can be
19 death by PowerPoint. So I apologize for not
20 having lots of PowerPoint slides up on the
21 screen. Some of you may appreciate that, some of
22 you may not. But I'm just going to be speaking

1 from some notes. And I'll reference the map
2 that's on the screen shortly.

3 The purpose of the rule ultimately is
4 to ensure that states are adequately enforcing
5 their one-call laws. PHMSA strongly believes
6 that enforcement of one-call regulations and
7 requirements is a state responsibility and not a
8 federal responsibility.

9 The PIPES Act said that we have
10 backstop federal authority in those states that
11 do not adequately enforce their laws. I want to
12 emphasize the word backstop. We are not in the
13 business of taking over state enforcement
14 programs. We are not in the business of
15 nullifying state one-call laws at all.

16 Our determinations of adequacy or
17 inadequacy simply give us the authority to act as
18 a backstop federal enforcement agency in a case
19 of pipeline damage in that state. It has nothing
20 to do with whether the state can enforce its own
21 law if it chooses to do so.

22 Again, we're not nullifying state

1 laws. States can continue to enforce their laws
2 or begin to enforce their laws even if they are
3 deemed inadequate and the laws still stay in. So
4 excavators, pipeline operators, the one-call
5 other stakeholders are still required to abide by
6 state law. We're not nullifying state law by
7 simply deeming a state inadequate.

8 Again, a determination of inadequacy
9 simply clears the path for federal backstop
10 enforcement authority in the case of an excavator
11 damaging a regulated pipeline.

12 We are evaluating the adequacy of
13 state one-call enforcement programs on an annual
14 basis. We started in 2016. We did all 52 states
15 and territories to include Puerto Rico and DC.
16 DC is obviously not a territory, but Puerto Rico
17 certainly is. And DC is not a state, so 52 total
18 entities that we evaluated in 2016.

19 And we conducted every single one of
20 those evaluations in person, with the exception
21 of Puerto Rico where we decided that the risk of
22 Zika infection may preclude, you know, a safe

1 trip. So we decided not to go there in person
2 last year. But other than that, in the other 51
3 states, including DC, we visited in person.

4 I can't stress enough how valuable
5 that in-person engagement was with each of the
6 state enforcement organizations. Getting to know
7 the programs, getting to know the players in each
8 of the states, and understanding their
9 perspectives, and how they are implementing their
10 own one-call laws, was extremely valuable.

11 You can see the results of our
12 evaluations on the map here. The green states --
13 --now again, this is from --- these are 2016
14 results. And, of course, the title of the map
15 says that this is as of December 9th of 2017.
16 But these are 2016 evaluation results.

17 And we found 24 states to be
18 adequately enforcing their one-call laws and 27
19 states to be inadequately enforcing their one-
20 call laws. And right now, North Carolina is ---
21 we're still working through a protest from North
22 Carolina. They protested our original finding,

1 as is their right to do under the regulation.
2 And we've been working closely with North
3 Carolina to review their protest and adjust our
4 evaluation appropriately.

5 It may come as a surprise to you that
6 we found 27 states to be inadequately enforcing
7 their laws. But it really --- that really is the
8 case, ultimately. And that, again, is from our
9 2016 evaluations.

10 We have a checklist that we use to
11 evaluate the states. And the checklist expands
12 upon seven criteria that we really focus on when
13 we evaluate the states. Those criteria are
14 fairly simplistic. They simply say --- we simply
15 ask generally does the state have enforcement
16 authority to enforce its one-call law.

17 In other words, does the law have
18 teeth? Can it be enforced? Has an enforcement
19 agency been identified, an enforcement
20 organization, and is that enforcement
21 organization using its authority?

22 The last four criteria address whether

1 the state has a reliable system to learn about
2 excavation damages and violations of the one-call
3 law, how the state actually investigates one-call
4 incidents, damages, and so forth.

5 We ensure that the state laws are
6 reflecting federal requirements with regard to
7 safe digging. And then lastly, we address
8 exemptions in the state law to ensure that
9 exemptions are well understood in each of the
10 states.

11 It's important to note that, in these
12 evaluations, we are not always evaluating our
13 pipeline safety state partners. In many states,
14 the authority to enforce the one-call law is
15 within an agency other than the Public Safety
16 Commission or the Public Utilities Commission.
17 Often, the enforcement authority is with the
18 attorney general in the state. In about 22
19 states, I believe, the enforcement authority
20 resides in the attorney general's office.

21 So this has been an experience for us,
22 certainly, working not only with our state

1 partners, who of course we have very good
2 relationships with, but also reaching out to
3 agencies that we have not necessarily done
4 business with in the past and evaluating their
5 enforcement of a state law.

6 It's a nuance that may not be terribly
7 important, but I think it's something that is
8 important to at least understand that, as we go
9 through this the, you know, one-call enforcement
10 is not always with the Pipeline Safety Office in
11 every state.

12 It's also important to note that no
13 two states have the same one-call law. And no
14 two states implement their law the exact same
15 way, okay. There is lots of variability across
16 the country in terms of what the one-call laws
17 say and how the states are actually enforcing and
18 implementing those one-call laws.

19 So of course, one of our challenges
20 has been to create an evaluation process that can
21 accommodate the variability across 52 states and
22 territories but also is fair, and repeatable, and

1 standard, so that we are consistent in our
2 evaluations of state programs.

3 I did mention that PHMSA's authority,
4 once a state has been deemed inadequate, our
5 authority is strictly a backstop authority.
6 We're not taking over those state programs.
7 State laws remain in effect. And I did mention
8 that no two states are alike. I think those are
9 all very important points.

10 Now, in the states where we have
11 enforcement authority, again, this federal
12 backstop enforcement authority, that's the red
13 states on the map, our regulations require that
14 excavators have to do some very simple, basic
15 things to protect public safety.

16 First, an excavator has to call before
17 they dig. Second, they have to wait an
18 appropriate amount of time to allow operators to
19 come out and mark and locate those lines. Third,
20 the excavators have to dig with care. So that's
21 usually defined by how excavation should occur
22 within a tolerant zone, as defined by the one-

1 call law, whether hand tools should be used, so
2 on and so forth.

3 We require that if there's an
4 additional call to the 811 system that is
5 necessary, due to maybe the excavator excavating
6 outside of the original boundaries of the ticket,
7 or if marks have been obliterated on the ground,
8 that excavators call 811 again as necessary to
9 ensure that pipelines and other underground
10 utilities are located and marked properly.

11 And then lastly, if an excavator hits
12 a pipeline, they need to tell the operator
13 immediately. And if pipeline damage results in a
14 release of a product, a regulated product, then
15 that excavator needs to call 911 immediately.

16 Again, those are the requirements of
17 our regulation, Part 196, which is a wholly
18 separate and new part of our regulations. Part
19 196 addresses only enforcement over excavators.
20 And our requirements are fairly simplistic.
21 They're the ones I just went through.

22 Now, those requirements bring into

1 question a few things, you know. When we say
2 call before you dig and then wait until the
3 operator comes to locate and mark, well, how long
4 is the excavator required to wait, for example?
5 Or how do we define digging with care? Those
6 kinds of questions come up.

7 And of course, while we have no
8 authority to enforce state one-call laws, because
9 federal government cannot enforce state law, we
10 do have the authority to take into consideration
11 what a state one-call law actually says with
12 regard to waiting periods, with regard to how
13 excavation is carried out safely.

14 So when we decide to go forth with an
15 enforcement case, we will be cognizant of what
16 state laws say so that we're not putting
17 excavators in a "gotcha" situation where they
18 have both federal and state requirements that
19 differ.

20 The states that you see in red on the
21 map need help. They need help with, essentially,
22 fixing either a procedural problem that is

1 prohibiting them from adequately enforcing their
2 one-call law, or they need to address their
3 problems legislatively.

4 And PHMSA has been working with the
5 states extensively to support efforts to improve
6 one-call laws and one-call program enforcement.
7 We've made some pretty tremendous success in
8 partnership with the states. In fact, the credit
9 should go and does go all to the states for their
10 tremendous efforts to improve their one-call
11 enforcement programs just in the past two years.

12 Those states would include, just for
13 example, Texas has passed a new law, Montana,
14 Louisiana, Mississippi, Idaho, South Carolina,
15 North Carolina, Arkansas, California, and several
16 others.

17 It is, I think, a good success story
18 here that we are, in fact, driving significant
19 change. Our goal is, again, to get states to
20 enforce their own one-call laws. It is nothing
21 more than that. We do not intend to set up a
22 large enforcement regime at the federal level.

1 We don't intend to take over state one-call
2 programs.

3 Success for us will be turning all of
4 the states on that map green and keeping them
5 green over time. And of course, that is the
6 responsibility of the states, and it'll be our
7 responsibility to monitor their progress and to
8 report out annually how states are doing.

9 When I say that we've been helping the
10 states with improving their laws or their
11 processes, what I mean specifically is that we've
12 written letters of support to states. We have
13 participated in stakeholder meetings all over the
14 country. We have reviewed draft legislation that
15 has been produced in committee at the state level
16 to ensure that it will meet our fairly minimal
17 requirements. We support the states as best we
18 can. And we encourage states to reach out to us
19 to do that.

20 While we are in the business of
21 determining whether a state is adequate or
22 inadequate, we also believe strongly that it is

1 our role and responsibility to support the states
2 in making the improvements that they need to
3 make.

4 In these states that are red on the
5 map, we continue to monitor excavation damages
6 that are occurring through a variety of means,
7 through the NRC reports that we receive, through
8 media coverage, and through a variety of other
9 inputs. And we're screening all of those
10 incidents to determine whether our backstop
11 federal authority could or should be used in a
12 particular instance.

13 Now, our philosophy on using our
14 backstop enforcement authority is fairly simple.
15 And that is that it will be limited, and it will
16 be strategic. The point of enforcement activity
17 will be to encourage states to change their
18 behavior.

19 Now of course, when a state is
20 enforcing its one-call law, the focus of the
21 state is to encourage excavators and operators to
22 change their behavior. That's the point of a

1 one-call law.

2 Our role, we believe, is to enforce in
3 those atypical, egregious cases so that we can
4 drive state stakeholders to determine their own
5 path forward for enforcement.

6 So you can imagine if we're in a
7 state, for example, on the map here, Wyoming, and
8 we encounter a terrible pipeline incident,
9 something that we believe rises to the level of
10 federal enforcement, our goal in that instance
11 will be to raise awareness, to encourage the
12 state to enforce its own law. And that's really
13 our focus.

14 It's somewhat different from how a
15 state views enforcement of its own one-call law.
16 Obviously, when a state's enforcing its law, it's
17 all about making sure that operators and
18 excavators are doing their jobs. We are trying
19 to make sure the states are doing their jobs. I
20 think that's an important nuance.

21 If you would like to get some more
22 information, please visit our website. We have

1 lots of information there. If you go to our
2 website, our main website, at phmsa.dot.gov, and
3 in the search bar there you type in excavation
4 enforcement, you will come right to the page.
5 It's quite a long url, so I don't want to give it
6 to you here. But go to the search bar and search
7 for excavation enforcement. And it will bring
8 you to what we believe is a fairly good summary
9 of the regulation.

10 You can read the text of the
11 regulation there. You can read FAQs, you can see
12 this map, the letters that we have sent to every
13 state with our formal determination, so you can
14 see generally where states that are inadequate
15 are lacking and why.

16 And we've also posted some data and
17 statistics on that website based on annual
18 reports from our pipeline operators that
19 highlight excavation damage trends in each state.
20 You can look at those trends nationally, and you
21 can look at those trends by state. And we
22 believe that data is very helpful for a lot of

1 purposes.

2 That concludes my comments. And I'm
3 happy to take questions.

4 MS. GOSMAN: Thanks. This is Sarah
5 Gosman. I'm just curious whether you've used
6 your federal enforcement backstop authority in
7 any of the states that you have deemed
8 inadequate.

9 MR. HALL: We have not used our
10 authority yet. What we have done is investigated
11 one incident that occurred in Alaska and issued
12 an exit letter, essentially. We conducted an
13 investigation, we determined that we did not want
14 to use our enforcement authority, but we were
15 able to issue an exit letter, that simply
16 notified the excavator that they were in
17 violation of the One-Call law and that they could
18 be subject to federal enforcement.

19 Part of our challenge in issuing
20 enforcement actions is that, you know, if our
21 goal is to try drive at the state level, again,
22 not to change behavior among excavators and

1 operators, but to really get the states to focus
2 on changing the behavior of excavators and
3 operators, we need to be careful and cautious
4 about how we use our enforcement authority.

5 You know, it's really somewhat of a
6 political statement if we were to use that
7 enforcement authority. It's a backstop, very
8 heavy-handed approach, right? You've got the
9 Federal Government reaching down into a state and
10 using its very significant civil penalty
11 authority to go after an excavator for violation
12 of a One-Call Law.

13 So we're looking at enforcement in
14 very egregious cases of violations, enforcement
15 against excavators or operators who are repeat
16 offenders, for example, or have a history of
17 regularly violating the law and endangering
18 public safety, and the environment, and so forth.

19 MR. TAHAMTANI: Thank you. Mr.
20 Pevarski.

21 MR. PEVARSKI: Rick Pevarski, GPAC.
22 Sam, the Common Ground Alliance has a stakeholder

1 advocacy committee and it's comprised of a lot of
2 members of the states that are considered
3 adequate and they've, you know, seen the
4 successes of enforcement.

5 Is PHMSA utilizing that at all as a
6 tool? Because the committee's goal isn't to go
7 into states, it's to be used as a tool of when a
8 state is interested in enforcement.

9 MR. HALL: Yes, you know, we began
10 implementing this rule in July -- January, excuse
11 me, of 2016, and we've been learning quite a lot
12 as we've implemented the rule. And one of the
13 things that we've identified as something that
14 would be helpful is to create, sort of, a network
15 of states that can help, states that are
16 performing quite well, and enforcing their laws
17 quite well, and seeing good results, can act as
18 resources to states that may need more help or
19 may be further behind in their curve.

20 So have not worked directly with the
21 CGA education committee to push that agenda, but
22 it's a good suggestion, and it's something that

1 we've recognized as necessary to encourage states
2 to improve their laws.

3 MR. TAHAMTANI: Chuck.

4 MR. LESNIAK: Chuck Lesniak, LPAC. So
5 the letters, I assume, include, kind of, a
6 description of key deficiencies that are
7 identified in each state?

8 MR. HALL: Correct.

9 MR. LESNIAK: Is there any kind of
10 summary report that was developed as part of your
11 review? I mean, it's a really comprehensive
12 review across the states. It seems like a
13 summary of both the -- with a little more detail
14 about the problems in each state and then, kind
15 of, a summary of what's going on across the
16 country; common problems, common strengths, those
17 kind of things.

18 Seems like there'd be a lot of value
19 in terms of Common Ground Alliance and -- that
20 could be shared with the public, with the states
21 that are doing well, the states that are doing
22 poorly. Seems like there's a lot of value in

1 that.

2 Was anything like that developed?

3 MR. HALL: That's a good question,
4 Chuck, and a good suggestion, honestly. We've
5 considered developing a report like that. The
6 challenge becomes that, you know, when you talk
7 about commonalities, how do you define those
8 commonalities? Every state has a different law.

9 And every state implements their law
10 differently. And to try to generalize really
11 waters down why a state is not adequately
12 enforcing its law. To try to trend it or to say,
13 well, as compared to Oklahoma, Texas is doing the
14 following. Well, who's really the baseline?
15 What's the standard?

16 There are lots of ways to become
17 adequate, frankly. For example, a state that has
18 mandatory reporting of all excavation damages can
19 be adequate, and a state that has only a
20 complaint-based system can be adequate, but there
21 are lots of nuances to complaint-based systems
22 versus mandatory reporting systems. Lots of

1 nuances there.

2 Our decision was to, at this point,
3 use the map as the summary of our findings, use
4 the letters that we've written to detail our
5 findings for each state individually, and we have
6 not, to date, produced a report of our findings
7 for each of the states.

8 We do, on our Web site, host an
9 interactive map and spreadsheet that summarizes
10 all of the state One-Call laws so that if you're
11 interested in exploring some of the nuances and
12 differences between states, or what one state law
13 says and what another state law says, you can do
14 that relatively easily.

15 But to answer your question, no, we
16 have not done a summary report of our findings.

17 MR. LESNIAK: And one other question
18 and a comment, is, what is the -- is there a plan
19 to re-review the states at some point in the
20 future? Do you have a schedule for doing this on
21 a regular basis?

22 MR. HALL: Absolutely. We will

1 evaluate the states on an annual basis, whether
2 the states are adequate or inadequate. No matter
3 what, every state will be evaluated on an annual
4 basis.

5 In 2017, you will see this map change,
6 you'll see a lot of these red states go green, I
7 anticipate, and with any luck, if we are
8 successful and we continue to see the success
9 we've had, many more states will be turning green
10 over the next five years.

11 MR. LESNIAK: And then my comment is,
12 and this is for the industry, is, I would hope
13 that the industry would take this information and
14 reach out to the state agencies that are
15 enforcing One-Call laws and state legislatures,
16 because I think it's in the best interests of the
17 industry, as well as the public and the
18 communities that these pipelines are to get
19 everybody up to speed on One-Call.

20 MR. TAHAMTANI: Thank you.

21 Commissioner Saari.

22 MR. SAARI: Norm Saari, Michigan

1 Commission. Could you put a little bit more
2 comment on PHMSA's relationship with the green
3 states? I know it's not a backup enforcement.
4 Also, could you comment on PHMSA funding of state
5 programs?

6 MR. HALL: Certainly. The states that
7 are green here on the map, the states that are
8 adequately enforcing their programs, we have no
9 authority to pursue excavators in those states.
10 Once we have deemed a state to have an adequate
11 enforcement program over their One-Call law, our
12 authority ends.

13 We only have backstop authority in
14 those states that are not adequately enforcing
15 their laws. I hope that answers that question.

16 The second question was, if you --
17 funding. We have a variety of programs.
18 Certainly, two discretionary programs; our One-
19 Call grants and our state damage prevention
20 grants. One-Call grants are \$45,000, maximum
21 \$45,000, to a state, with, I think, a total
22 amount of \$1-1/2 million, or \$1 million, \$1-1/2

1 million.

2 State damage prevention grants are
3 grants that are designed to also support One-Call
4 and damage prevention efforts, and that's a cap
5 of \$1.5 million with \$100,000 to a state.

6 Of course, our base grants to the
7 states that are managed by Zach Barrett, also
8 support a component of One-Call enforcement, but
9 only specific to pipelines that we regulate.

10 MR. TAHAMTANI: Carl.

11 MR. WEIMER: Carl Weimer, GPAC. I
12 just wanted to do a shout out, you know, what Sam
13 was talking about was on the Web site. There
14 actually is a summary of damage prevention with a
15 national map and you can click through 25 or 50
16 different components of each state and the map
17 changes.

18 So even states that are in green now
19 can find out how they can improve their system
20 better and states in red can certainly see where
21 they need to step up. And it's very transparent
22 and interactive, and it's something that we all

1 should kind of put out there because I think
2 it'll help drive all the states to improve.

3 MR. TAHAMTANI: Thank you. Rick.

4 MR. KUPREWICZ: Yes, I just want to
5 commend PHMSA. Obviously, you guys don't want to
6 be in the state enforcement business. That's
7 very clear. You spent a lot of work on this
8 stuff, and it shows. You ought to be commended
9 for this effort.

10 A lot of it's driven, probably,
11 somewhat by the DIMP regulation, not only the
12 DIMP, but also there's gas involved in liquid
13 transmission systems, but the DIMP regulations
14 provided a tool, and many in this room have
15 worked over the years in the DIMP regulatory
16 involvement across all sides of the fence, and
17 DIMP's working, okay?

18 I've watched the last couple of years,
19 in many states, the PSEs and the PUCs have been
20 asked to come up and spend money to modernize
21 their systems, or improve their systems. This is
22 an area, they excavate, you can drop \$1 billion

1 in your state, charge your clients for it, or
2 your customers, in the rate base, and the
3 excavation damage is going to negate all that
4 investment, all right?

5 So this is a good example of
6 government effectively applying regulation to
7 work what might be the real problem, and it's
8 going to vary by state, so just keep up the good
9 work here.

10 And I hope, in all this effort to
11 shift 2:1, get rid of regulation, somebody isn't
12 really thinking seriously about getting rid of
13 DIMP. That's it.

14 MR. TAHAMTANI: I don't think
15 anybody's thinking about that. Commissioner
16 Danner.

17 MR. DANNER: I too, I just want to
18 say, as one of the green states up there, I'm --
19 actually, I was wishing there was another for,
20 not just adequate, but actually, pretty good.
21 But what I did want to say is, I want to do a
22 shout out to PHMSA as well, because, you know,

1 every state's got its particular weirdness.

2 We have, you know, half of our
3 utilities are public, they don't come under the
4 jurisdiction of our agency, and we had to do some
5 workarounds. And I just want to say that PHMSA
6 was very accommodating, they were very flexible,
7 and they worked with us well.

8 And I'm just very pleased with the
9 program and I think that it's surprising to me
10 that there are so many red states and I know that
11 you don't want to generalize about them, but I'm
12 curious about whether you're actually just -- is
13 it ambivalence, or resistance, or is it just that
14 they're works in progress?

15 So that's my question to you, Sam.

16 MR. HALL: It is certainly that the
17 states are works in progress. We have found very
18 little ambivalence as we've worked with the state
19 program officials. In every case, there is
20 someone who believes strongly that improvements
21 can be made, should be made. In fact, many
22 states have already attempted to make

1 improvements legislatively or procedurally.

2 We have found that the states are very
3 accommodating to us. I appreciate your comments
4 about us being accommodating to you. We have
5 found that the states are very accommodating to
6 us. They see this regulation as an opportunity
7 to make improvements to a system that is, in many
8 states, broken, or not functioning well.

9 They see this regulation as leverage
10 for making those improvements and the states
11 generally support our approach to implementation
12 of the rule. That's been our experience.

13 MR. TAHAMTANI: Mr. Allen.

14 MR. ALLEN: Steve Allen, Indiana. As
15 a green state up there myself, I would like to
16 mention something that you had asked, Chuck,
17 about the annual evaluation, or going forward
18 evaluations, yes, they are on an annual basis, as
19 Sam had mentioned, and they are very robust.

20 I mean, this is a very thick document
21 with a lot of good, detailed questions and
22 there's a scoring mechanism, I think, is the way

1 that works, where once you drop below a certain
2 score, you're deemed to be inadequate, okay?

3 So this is all about trying to keep
4 product in the pipe, all right? And the One-Call
5 laws that are in existence, that have some
6 enforcement mechanisms, tend to be very
7 effective. Virginia, very effective. I think
8 Indiana is very effective.

9 But I would like to just let everyone
10 know that PHMSA has also been trying to address
11 keeping the pipe in the ground relative to
12 excavation damage. They've been trying to work
13 with the state programs, and NAPSRS, to make sure
14 that we do recognize that there is alternative
15 enforcement available to us when we find the
16 operator was at fault, perhaps because of failure
17 to follow the One-Call laws, failure to locate,
18 perhaps, inaccurate maps and records.

19 We've been told, or it was suggested,
20 that whenever we have a situation like that,
21 chances are, we have a probable violation of
22 minimum pipeline safety standards and we need to

1 hold our operators accountable for that.

2 And we are doing that in Indiana with,
3 I think, a great deal of success. So I just
4 bring that to everyone's attention.

5 MR. TAHAMTANI: Thank you, Steve.

6 Alan.

7 MR. MAYBERRY: I'd just first like to
8 thank the -- you know, Sam and the rest of the
9 PHMSA team, Annmarie Robertson, Steve Fischer, of
10 course all in Cristie's group, who've really put
11 together a very thorough program here.

12 I did want to offer up that if there's
13 an opportunity, certainly, the challenge is there
14 for operators to work with their legislatures to
15 improve damage prevention laws, but I'd like to
16 offer up, if there's an opportunity that we have
17 to leverage, you know, PHMSA to come out, and
18 visit, and help, you know, with putting some
19 pressure to really improve these laws, you know,
20 let us know. We'd definitely be willing to do
21 that.

22 I know we're already, certainly,

1 Annmarie and Steve have -- and everyone's -- and
2 myself included. I've talked to a number of
3 legislatures out there, Senator, State Senators,
4 and the like, but, you know, if there's any way
5 we can help as you visit your legislators, let us
6 know. Thanks.

7 MR. TAHAMTANI: So since Steve Allen
8 and Commissioner Danner pointed to them being
9 green, I can't help but to say that, Virginia has
10 been green for 22 years. Long before PHMSA even
11 tried to determine adequacies, so for the record.

12 MR. HALL: You get a gold star up
13 there.

14 MR. TAHAMTANI: Actually, yes, we need
15 a gold star right in the middle of the state.

16 MR. SAARI: Not to be outdone, but
17 Michigan was the first One-Call state.

18 MR. TAHAMTANI: All right.

19 MS. PEARCE: Thank you. I just want
20 to add, thanks to everyone for pushing this
21 program forward, but I do have a concern that I'd
22 like to just note today, put my marker on the

1 table, I'm concerned about the exemptions. I
2 know that, often, the legislatures have allowed
3 exemptions in these laws for various entities.

4 In Virginia, the entire state DOT is
5 exempt. There are other exemptions for farmers,
6 and for municipalities, and for others. And if
7 you overlay a map of the states that have
8 exemptions with a map of the states that have had
9 events where there has not been a call made when
10 it should have been, you will find that those
11 states with exemptions have higher rates of,
12 relatively dramatically higher rates in some
13 cases, events.

14 So my quest is going to be to go out
15 and talk to the legislators and try to ensure
16 that we minimize the number of exemptions that
17 are out there on this program, because I think
18 the program is great, but we have to make sure
19 that it affects as many, if not all, entities as
20 possible.

21 MR. TAHAMTANI: Thank you. For the
22 record, I have to correct the Deputy

1 Administrator that we do have some exemptions.
2 Our DOT is exempt, very narrowly, and we track
3 the data, and we've always said that if any of
4 this data indicates that those exemptions are
5 causing issues, we would go back to General
6 Assembly and change the law, and they have not.

7 So that's for the record. All right.
8 Moving on. If no other comments from the
9 committee, let's see if we got anything from the
10 public. I'm sorry. Go ahead.

11 CAPT LANTZ: Thank you, Mr. Chairman.
12 Jeff Lantz with the Coast Guard and I appreciate
13 the program and I think it's quite innovative. I
14 like the way that PHMSA only steps in when the
15 state has inadequate laws.

16 The question I have, probably because
17 I'm a regulator, is, how subject is the criteria
18 and the evaluation to regulatory process,
19 oversight, challenges on a legal basis, because
20 it seems that that is the cornerstone here,
21 that's what you use to evaluate, and any weakness
22 in that could have a -- could degrade the

1 program.

2 So I was just wondering, mainly, just
3 mainly, for my own information, but what is --
4 how sound is that and how can it stand up to
5 those kinds of challenges?

6 MR. HALL: The criteria are spelled
7 out in the regulation itself; the seven criteria.
8 So they are regulatory requirements for our
9 evaluation. They're criteria that we use,
10 certainly.

11 The checklist that we created is
12 derived from those seven criteria, so they expand
13 upon the seven basic criteria that are spelled
14 out in the regulation. Of course, anything can
15 be challenge, certainly, and we believe that the
16 seven criteria that we establish through
17 regulation are sound.

18 The comments to the regulation also
19 ported, essentially, those criteria, and the
20 feedback that we've gotten from the states has
21 largely been that our checklist is both thorough
22 and fair.

1 Some states, I can't say that that's
2 100 percent true across the board, it can be
3 difficult for some people to hear that their
4 programs are inadequate, and there can be
5 frustration, but, you know, anything can be
6 challenged. At this point, they haven't been.

7 MR. TAHAMTANI: All right. Any other
8 questions from the committee? Public.

9 MS. KARAUS: Hello. My name Bryn
10 Karaus. I'm with Van Ness Feldman. Just a
11 comment. I was recently reviewing the letters
12 that have been posted to the PHMSA Web site to
13 each state, and there was one state, I think it
14 was Oklahoma, which posted the most recent
15 letter, but it was clear that there had been some
16 correspondence.

17 So the original letter from PHMSA to
18 the state was not available on the Web site. I
19 just wanted to comment that it would be helpful
20 to be able to see the progression, particularly
21 in states that are making improvements, to be
22 able to track that and I suspect the same would

1 be true for North Carolina as well. Thank you.

2 MR. HESS: Reid Hess, Dominion Energy
3 Utah. I, too, would like to compliment PHMSA for
4 what they've done here. This is an important
5 topic that needs to be taken care of. The one
6 thing I would like to see as well is, some type
7 of progression. The map is, really, I see a lot
8 of red states up there. Some are, I guess,
9 different shades of red.

10 We operate in three different states.
11 One has a very good law, but they lack the
12 ability to enforce it. They use the operator to
13 help deliver the fines. In another state, the
14 law is just -- it's terrible. It's almost non-
15 existent, so I would like to see a map that
16 indicates level of compliance or near compliance.

17 And I understand it's very easy to see
18 who's adequate and who is inadequate, but the
19 levels of each state are so much different, it's
20 hard to see where they are in their progress as
21 well, so thank you.

22 MR. TAHAMTANI: Thank you. Anyone

1 else? You want to respond to that? Go ahead.

2 MR. HALL: May I? The regulation
3 says, very plainly and specifically, that we will
4 deem a state to either be adequately enforcing
5 its law or inadequately enforcing its law. The
6 regulation doesn't allow a lot of latitude there.
7 We have said that, you know, saying that a state
8 is somewhat adequate or very, very adequate, we
9 walked away from that plan, really, from the
10 beginning.

11 I think that that's a good suggestion.
12 It's something that we talk about quite a lot,
13 but the variability across the states, as you've
14 mentioned in your comments, are -- it makes that
15 kind of comparison very challenging.

16 And so the letters we've leaned on as,
17 really, the way to look at what's actually
18 happening in each state, but that's a very good
19 comment and one that we've considered quite a
20 lot.

21 MR. MAYBERRY: Yes, this is Alan.
22 Just to echo that, in my discussions with the

1 states who, and perhaps it's obvious, most of the
2 calls to me were with states that were red, you
3 know, did desire some sort of recognition for
4 what programs they do have. You know, and there
5 are numerous examples in those red states of good
6 things that they're doing, but as Sam mentioned,
7 our statutes defines, you know, exactly how we
8 determine adequacy, and we're really bound by
9 that law.

10 So that really drives the outcome,
11 regardless of whether or not, you know, they may
12 have a strong One-Call center, but if they have
13 other attributes that just aren't, you know,
14 passing muster, it really pushes them over in the
15 fail line.

16 And I think if we had, you know, a
17 graded system under the -- at least under the
18 current statute, it might get us in trouble,
19 Jeff, with what you were talking about as far as
20 liability, so it's more of a -- it needs to be
21 more of a pass/fail. Thank you.

22 MR. TAHAMTANI: Thank you, Alan. Any

1 other comments from the public? All right. I
2 believe -- thank you, Sam, for your presentation.
3 I believe this is the end of the morning session.
4 We're about 12 o'clock. You get an hour and a
5 half for lunch, so be back here at 1:30. We'll
6 start the meeting promptly.

7 (Whereupon, the foregoing matter went
8 off the record at 11:56 a.m. and went back on the
9 record at 1:28 p.m.)

10 MR. TAHAMTANI: That's not exactly
11 that train arriving. That is your signal to have
12 a seat. You know, last time I gave you all a
13 break, it took you about three minutes to sit
14 down and get ready for the meeting. It looks
15 like we're going to do a better job this time and
16 exactly be ready by 1:30. The doors are closed.

17 All right. Back on the agenda. We're
18 going to receive a briefing on research. Mr. Lee
19 is going to start us off. Go ahead, sir.

20 MR. LEE: Okay. Good afternoon. My
21 name is Kenneth Lee. I'm Director of Engineering
22 and Research. I was originally on the agenda,

1 but I wanted to make room for our important ASME
2 Study, which is going to be right after my short
3 update.

4 So we're excited that are our
5 administrator, Skip Elliot, he has strong support
6 for our research program to improve pipeline
7 safety. And for the new members here, I want to
8 say that, you know, our modern research program
9 was mandated by the 2002 Pipeline Safety
10 Improvement Act.

11 And it has three main goals to develop
12 new technologies; to give industry more tools to
13 improve safety, to strengthen consensus
14 standards, and to promote knowledge.

15 For our program, we were -- we have
16 about \$12 million this fiscal year, and last, for
17 FY19, that's still up in the air, what our
18 research budget is going to be.

19 And in brief, we have two types of
20 projects, those that are cost-share with industry
21 and those that are strictly governmental, to
22 address any potential conflict of interest

1 issues.

2 And we have three programs, we have
3 our core program, we have a CAAP university
4 program, and we have our small business SBIR
5 program.

6 And about every two years we have a
7 public meeting to obtain input on what the top
8 needs are for pipeline safety research. And our
9 last meeting was November 2017 in Cleveland. We
10 have over 300 people attend and we added two new
11 topics. We added underground storage, and also,
12 liquefied natural gas.

13 So we had the two separate working
14 groups to identify the top research needs in
15 those two new areas. And from that, we had a top
16 list of recommendations where we proposed to our
17 leadership and we made a request for proposals in
18 July of this year.

19 We've received white papers, and we
20 have a merit review panel that reviews those, and
21 then we asked for full proposals, which we just
22 got back two days ago, and we're having our panel

1 review those and make recommendations for awards.

2 So I expect we'll be making awards
3 soon for our core program, I would hope, in the
4 next few months, and then for our CAAP university
5 program, we hope to make an announcement soon for
6 proposals for research.

7 And for that, Congress has given us \$2
8 million a year for university pipeline research.
9 So that's a very brief update. Next, I want to
10 devote most of this time to the ASME Pressure
11 Vessel Code Study detailing some of the changes
12 that were made in the code and how it relates to
13 the incorporated by reference by the federal
14 code.

15 So next we have Jo Sieve from PHMSA.

16 MR. SIEVE: Thank you, Ken. The Oak
17 Ride National Laboratory final report of the ASME
18 Boiler and Pressure Vessel Code Evaluation and
19 Equivalency Study for Liquefied Natural Gas
20 Facilities, was submitted to the Department of
21 Transportation on March 28, 2017.

22 The purpose of this briefing before

1 the Liquid and Gas Pipeline Advisory Committee is
2 to share the results of the Oak Ridge study, and
3 I thank the committees for the opportunity to
4 present today.

5 The ASME Boiler Pressure Vessel Code
6 provides rules for the construction of boilers
7 and pressure vessels, and includes requirements
8 for the materials, design, fabrication,
9 examination, inspection, and stamping.

10 The purpose of the study is to
11 determine if rules specified in the 2015 edition
12 of the boiler code provide an equivalent level of
13 safety to corresponding rules specified in the
14 1992 edition of the ASME Boiler Pressure Vessel
15 Code.

16 So the evaluation and equivalency
17 study performed by Oak Ridge compares the 1992
18 edition of the ASME Boiler Code against the 2015
19 edition of the boiler code. The results of the
20 study will be used by PHMSA to evaluate the 1992
21 versus 2015 editions for equivalent level of
22 safety under an equivalency provision, provided

1 at Paragraph 1.2 of the NFPA 59A 2001.

2 Also, PHMSA intends to use the report
3 in rulemaking evaluations. The safety baseline
4 for comparing the 1992 edition of the ASME boiler
5 code -- or excuse me, the safety baseline for
6 comparison is the 1992 edition of the ASME Boiler
7 Pressure Vessel Code.

8 The assumptions made by Oak Ridge are
9 that boilers and pressure vessels that are
10 designed and fabricated in accordance with the
11 rule specified in the 1992 edition of the boiler
12 code exhibit a minimum level of safety and that
13 all other boilers and pressure vessels that would
14 be produced or built by another edition must
15 equal or exceed this minimum level of safety.

16 The study covered rules for
17 construction of power boilers and pressure
18 vessels, and three other reference standards
19 where PHMSA had concerns about equivalency.

20 The boiler pressure vessel code
21 consists of 12 sections, containing rules for
22 construction and other sections containing

1 standards that are referenced by the rules for
2 construction. The reference standards for
3 materials, welding, brazing, and fusing, and non-
4 destructive examination are referenced by the
5 rules for the construction of boilers and
6 pressure vessels.

7 Section 1 of the ASME Boiler Pressure
8 Vessel Code provides the rules for construction
9 of power boilers. Power boilers could be found
10 at LNG plants, propane air plants, storage
11 facilities, and gas treatment, and gas processing
12 plants.

13 Section 8, Division 1 and Division 2,
14 of the ASME Boiler Code provides the rules for
15 construction of pressure vessels. The picture
16 shows several pressure vessels which would
17 typically be designed and fabricated under
18 Section 8, Division 1 or Division 2.

19 Pressure vessels can be found in LNG
20 plants, compressive stations, custody transfer
21 stations, storage facilities, well heads,
22 offshore platforms, odorization facilities, and

1 on and on.

2 Some differences between Section 8,
3 Division 2 versus Section 8, Division 1, would be
4 that Section 8, Division 2, the materials are
5 limited. The section that -- or excuse me,
6 Division 2 would impose additional fracture
7 toughness rules. Division 2 would have design
8 rules for fatigue service, would require stress
9 analysis for most loading conditions, be more
10 extensive NDE required, and requires formal
11 design specifications and certified design
12 reports.

13 So Division 2 is a much tighter rule.
14 You would find the design margins are less as
15 opposed to Division 1 vessels, and they would
16 operate at pressures with high -- or excuse me,
17 less wall thickness.

18 And in general, the design pressure of
19 pressure vessels will be less than or equal to 15
20 psig.

21 The report's primary focus in this
22 study were these items here listed. There's no

1 issues reported for all the checkmarked items
2 here. The ORNL report contains a significant
3 amount of information and is available through
4 our Web site.

5 To reasonably cover today, all the
6 items listed in details is not possible. The
7 remainder of my presentation will touch on
8 pressure testing, over-pressure protection, the
9 study conclusions, and the observations made by
10 Oak Ridge, but before going there, I'd like to
11 point -- or maybe touch on these topics here.

12 Under the Division 1 rules, a change
13 in design factor is applied to tensile strength
14 from a 1 over 4 to a 1 over 3.5. And in Division
15 2, a change in design factor is applied to
16 tensile strength from 1 over 3 to 1 over 2.4,
17 while the maximum allowable stress remains
18 unchanged and limited to 2/3 the yield strength.

19 As reported, significant changes in
20 material toughness requirements based on fracture
21 mechanics occurred prior to 1992, improving
22 Section 8, Div. 1 and Div. 2.

1 The report covered several changes
2 occurring since 1992 in material toughness rules
3 for carbon and low-alloy steels, high-alloy
4 steels, non-ferrous alloys, quenched and tempered
5 steels, and bolting materials for Section 8,
6 Div.1 and Div. 2.

7 Specifications are added using
8 improved materials and specs of little use by
9 industry are removed from the boiler code. Specs
10 for carbon steels now include limits on residual
11 elements, improving weldability, fracture
12 toughness, and strength.

13 One of the specs removed had to do
14 with electrodes for welding copper pipe. New
15 strength theory added to Section 8, Div. 2 under
16 the design by analysis rules is based on the
17 distortion energy theory for the potential
18 failure modes, are included in design.

19 Unchanged are forming and tolerance
20 rules and flaw acceptance criteria. The 2015
21 edition permits cold stretching, diffusion
22 welding, and friction stir welding. Ultrasonic

1 examination and digital radiography are now
2 permitted.

3 Additional NDE personnel
4 qualifications are required for computer
5 radiography, digital radiography, phased array,
6 ultrasonic technology, and ultrasonic time of
7 flight diffraction.

8 The 2015 edition of Section 8, Div. 1
9 provides rules for overpressure protection by
10 system design. This slide provides a summary of
11 the minimum hydrostatic pressure test limits for
12 Section 1 and Section 8, Div. 1 and Div. 2, in
13 both the '92 and 2015 editions of the Boiler
14 Pressure Vessel Code.

15 As shown, for pressure vessels built
16 to Section 8, Div. 1 rules, the minimum
17 hydrostatic test pressure of 1.5 times MAWP in
18 1992 edition is reduced to 1.3 times MAWP in the
19 2015 edition of the Boiler Pressure Vessel Code.

20 I might point out that when we talk
21 about MAWP, maximum allowable working pressure, I
22 relate this similar to MAOP, as found in the --

1 or in 192, and MOAP that's found in 195. ASME
2 uses the term, at least the Boiler Pressure
3 Vessel Code uses the term, maximum allowable
4 working pressure.

5 In the Div. 1 rules, there are no
6 upper limits on the maximum general membrane
7 stress, however, if the pressure vessel's
8 subjected to visible permanent distortion, the
9 inspector can reject the vessel.

10 For pressure vessels built to Section
11 8, Div. 2 rules, the hydrostatic test pressure of
12 1.25 times MAWP in '92 is changed, requiring test
13 pressures to be greater of the 1.43 times MAWP,
14 or 1.25 times MAWP, times the factor, temperature
15 factor, and the maximum general membrane stress
16 limit is increased to 0.95.

17 And the 0.95, if we imagine 0.95 of
18 SMYS, or specified minimum yield strength, the
19 Division 2 such limits on that upper test
20 pressure, whereas, in Division 1, they do not,
21 also, in Section 1, they also set limits on what
22 that upper test pressure can be.

1 This slide provides a comparison of
2 the maximum allowable design pressure and the
3 hydrostatic pressure testing limits to plastic
4 collapse stress limit specified in the '92 and
5 2015 editions of Section 8, Div. 1 of the ASME
6 code.

7 If, again, we think of a specified
8 minimum yield strength of 1, on the lower scale,
9 we go from 0 to 1, 1 being 100 percent of
10 specified minimum yield, in 1992, when the test
11 factor was 1.5, you could have situations where
12 if you're designing using the maximum design
13 factor, you could push that pressure vessel all
14 the way to yield.

15 And it's been reported that they
16 actually had many failures of test -- of pressure
17 vessels during the hydrostatic tests.

18 This slide provides a summary of the
19 minimum pneumatic pressure test limits. Might
20 note that in Section 1 of the Boiler Pressure
21 Vessel Code, this is covering the boilers,
22 there's no allowance or it's not permitted that

1 the boilers be pneumatically tested.

2 In Section 8, Div. 1, the factor is
3 lowered from 1.25 to 1.1, and in Div. 2, the
4 changes are negligible. Again, a figure here to
5 show where we're at with the pneumatic pressure
6 test.

7 This slide's the comparison of the
8 maximum allowable design stress and pneumatic
9 pressure testing limits to plastic collapse,
10 specified in the two editions of the -- of Div.
11 1.

12 Pressure test limits are established
13 to maintain primary membrane and bending stresses
14 within the elastic range so the pressure vessel
15 does not permanently deform.

16 Pressure tests are not intended to
17 verify the pressure resisting capacity of a
18 pressure vessel. As reported, many members of
19 the ASME code committee believe that the primary
20 purpose for pressure testing is to establish that
21 the boiler or pressure vessel has been properly
22 constructed and that it has a significant design

1 margin above and beyond its normal MAWP.

2 In this sense, the pressure test does
3 seem to demonstrate the validity of the design as
4 a pressure container.

5 Under Section 8, Div. 1 and Div. 2, of
6 the 1992 and 2015 editions, the overpressure
7 requirement for thermal relief remains at 1.21 of
8 the maximum allowable working pressure.

9 This slide is a comparison of the
10 maximum allowable design stress and pneumatic
11 pressure testing limits to plastic collapse
12 specified in the two editions of the Div. 1 code.
13 The vertical red line represents the overpressure
14 protection rule of 1.21 times MAWP when a
15 pressure vessel can be exposed to a fire or
16 unexpected sources of external heat.

17 A minimum pneumatic test pressure
18 equal to 1.1 times MAWP, shown by the blue line,
19 does not ensure that the pressure vessel will
20 never experience a maximum overpressure while in
21 service that is greater than the pneumatic test
22 pressure, whereas, in 1992, when the 1.25

1 requirement existed, this situation did not exist
2 and it did ensure that the pressure vessel will
3 never experience a maximum overpressure while in
4 service that is greater than the pneumatic test
5 pressure.

6 The conclusions by ORNL, this report
7 concludes that the 2015 edition is equivalent in
8 safety to the '92 edition with respect to the
9 sections studied. The report points out that an
10 equivalency review will need to be prepared for
11 future editions of the ASME code to comply with
12 the equivalency provisions in the 2001 edition of
13 NFPA 59A.

14 Use of this 2017 by the industry
15 becomes mandatory on July -- excuse me, January
16 1, 2018. And some of the observations by ORNL,
17 an additional regulatory requirement to subject
18 pressure vessels that are pneumatically tested to
19 a pressure equal to or greater than the
20 overpressure protection limit of 1.21 would
21 provide a means for ensuring that the pressure
22 vessel will never experience a maximum

1 overpressure while in service that is greater
2 than the pneumatic test pressure.

3 Also, the incorporation by reference
4 of API 579, the National Board Inspection Code,
5 and API 510, would provide a means for ensuring
6 an acceptable level of safety in evaluating the
7 structural integrity of vessels while in service.
8 Both these would increase the level of safety
9 using the ASME Boiler Pressure Vessel Code.

10 I'd like to thank you and open it up
11 to questions.

12 MR. TAHAMTANI: Thank you very much.

13 Alan.

14 MR. MAYBERRY: To give everyone a
15 little background here. Why are we bringing this
16 subject up to you today? We found that -- we
17 found a discrepancy, first, with our 193
18 regulation, or incorporation by reference of the
19 standard for LNG facilities, the 59A standard.

20 We had a discrepancy on the version of
21 this standard that we -- that was referenced, and
22 in that discrepancy of referencing, you know, the

1 different standards that show reviewed here, we
2 needed to make a determination, okay, you know,
3 the newer standard has a lower test factor, and
4 other changes that Joe identified here.

5 How do we know if -- you know, is it
6 reasonable that the test factor is lower for the
7 later version? You know, what changed? How do
8 we have a confidence that lower is better?
9 Lower, typically, intuitively, means less safe,
10 but we went through this study to, you know,
11 exercise due diligence; to do a comparison.

12 Reason this study, though, will help
13 guide us in how we change, you know, and adapt
14 193 to accommodate that. It also impacts 192 as
15 well because, as you know, you know, well, 195,
16 for that matter, but there are a number of
17 pressure vessels out there that use the ASME
18 standard, you know, it's incorporated by
19 reference, so this will also help us as we look
20 to address a similar, what was thought to be a,
21 discrepancy, but I think, you know, it had to do
22 with how operators test fabricated assemblies.

1 And we had to do a clarification of
2 what we mean by that in the section or our code
3 related to that, but nonetheless, we need to --
4 this study will inform how we cleanup 192 and
5 193, for that matter, in particular, where the
6 immediate issues were -- where we had the
7 immediate issues.

8 So, you know, stay tuned. We'll
9 probably be coming back to you as we develop a
10 policy approach for that, you know, as we add it
11 to our agenda, you know, regulatory agenda. So
12 it's really for awareness and, you know, it's
13 basically what it's all about.

14 I know it can be a bit of a dry topic,
15 but, you know, it does -- I think it's a good
16 example, the due diligence we did go through
17 behind the scenes to, you know, really take a
18 hard look at the standards we incorporate by
19 reference. Thanks.

20 MR. TAHAMTANI: Thank you, Alan. Any
21 questions from the committee members for Mr.
22 Sieve? No questions. There is. Go ahead.

1 Sorry.

2 MR. ZAMARIN: Thanks. Chad Zamarin
3 with Williams. Maybe a couple comments to the
4 question. One, I think it's good to do due
5 diligence, but I do have, maybe, a couple of
6 questions. One, you know, I understand the
7 language around equivalent safety, but I guess I
8 would just encourage us to think about the
9 appropriate level of safety.

10 I don't think we should assume that,
11 you know, our standards from, you know, the day
12 they were drafted, had necessarily captured the
13 appropriate level of safety, especially
14 considering how much we learn, and continue to
15 learn and advance, and so, you know, I think --
16 you know, I don't know that you can't remove
17 unnecessary regulations or non-added-value
18 regulations without -- you know, it may not be
19 the equivalent level of safety, but without
20 compromising an appropriate level of safety.

21 So I think it's just something we
22 should be thinking about, you know, as we think

1 about where we're really getting value for the
2 regulations that we have.

3 The other question that I would just
4 have is that, the only thing -- you know, I was
5 very close to this issue in my company, and I do
6 wonder why, at times, we would think that PHMSA
7 or Oak Ridge would be the right venue for trying
8 to establish, you know, the right technical
9 criteria for the boiler and pressure vessel code.

10 I mean, the ASME standard and body is,
11 I think, the internationally recognized forum for
12 determining the appropriate level of design and
13 safety for pressure vessels, and so I think it's
14 good to do due diligence, and to make sure that
15 we're adopting those standards appropriately, but
16 it sure seems like we could be much more
17 efficient at getting through the adoption of
18 certain standards.

19 So maybe my question is, you know, how
20 do we recognize the role that PHMSA plays in
21 adopting changes to standards and ensuring that
22 we're not, you know, slow to adopt changes, and

1 we're not trying to, you know, assume that the
2 agency -- or the organization that's really been
3 tasked with that ownership isn't doing the right
4 thing.

5 And then the only last thing that I
6 would ask about is, if you go back one slide, I
7 don't know if this is foreshadowing some
8 additional requirement that would be placed on
9 top of the ASME standard on the establishment of,
10 I guess it was, overpressure levels being
11 different than the pneumatic test pressure
12 levels.

13 Again, I would just ask, are we sure
14 that this is the right forum that -- and maybe
15 there's a lot more detail behind this, but it
16 doesn't seem like there's a conclusion that
17 that's introduced any unacceptable, you know,
18 level of safety.

19 So are we just taking a standard that
20 was developed by the organization that we rely
21 upon to develop boiler and pressure vessel codes
22 and standards, and just putting belts and

1 suspenders around it for no, maybe, definitive
2 safety benefit?

3 So I just wonder if we shouldn't be
4 evaluating whether ASME did their job right
5 instead of trying to do it for them, which I
6 don't really think is a smart way to work.

7 So I don't know if that was a question
8 or not, but my question is this, do we really
9 think we're going to put additional requirements
10 on top of what ASME is doing? Is that the right
11 thing to do or should we not be looking to ASME
12 as the authority for what is the right thing for
13 the design and safety of boiler and pressure
14 vessels? Thank you.

15 MR. MAYBERRY: Thanks for that
16 question. If I might add, well, first off,
17 related to, you know, our adoption of standards,
18 you know, there's an act called the National
19 Technology Transfer Act, which really calls for
20 federal agencies to incorporate by reference,
21 sort of, your Plan A of regulatory development is
22 to incorporate by reference, standards that are

1 out there.

2 And it's an efficiency thing to -- you
3 know, so that the government's not duplicating
4 what's the good work that's already been done, so
5 that's why we do this.

6 We do -- I mean, just because it says
7 ASME on it doesn't, although it's a credible
8 organization, we still -- you know, we don't just
9 carte blanche, just because it says ASME, adopt
10 it, and that's the role here of -- you know, that
11 we play to do that.

12 And honestly, and going through this
13 process, you know, there were some difficult
14 questions. It wasn't necessarily a slam dunk,
15 but, you know, is, we tried to understand how
16 this evolved, because as you know, in development
17 of standards, there's not always a good record of
18 documentation like there is, say, in rulemaking,
19 where you have, you know, the full track record
20 of preamble and rules.

21 There's not that record, that
22 decision, available, necessarily, for standards

1 that -- and it's just part of the process of, as
2 we bring the code up, you know, to the later --
3 the latest standard, we do -- it's incumbent upon
4 us to exercise due diligence.

5 And we've actually been criticized,
6 there's been some criticism over the years, of
7 adoption of standards. So I think just to allay
8 concerns, you know, that's kind of why we go
9 through this. Thanks.

10 MR. TAHAMTANI: Mr. Sieve, did you
11 have any other comments?

12 MR. SIEVE: Yes, I was just wanting to
13 add that I recognize that the ASME committee,
14 before they pass the, I think it was in the 1999
15 addendum to the 1998 Boiler Pressure Vessel Code,
16 which changed the design factors and test
17 pressure factors, they did a study themselves,
18 through the Boiler and Pressure Vessel Research
19 Committee, which covered a lot of the changes
20 that were -- that they wanted to check before
21 they passed it through a later edition of the
22 code.

1 In the, as Alan was mentioning, use of
2 the boiler code, we're caught between a hard and
3 a rock -- or, you know, a hard spot there, with
4 our regulations and we do see that there's a need
5 for change.

6 I don't necessarily think that we need
7 to change our regulations. Maybe we do work
8 through the ASME committee. Assign somebody at
9 PHMSA to sit on the ASME Boiler Pressure Vessel
10 Committee, someone from our office of safety, and
11 work to get changes that we see might improve the
12 code.

13 But as far as regulation goes, we're
14 far from regulation. I think everyone knows that
15 we have a process and that any changes that we
16 propose will be well vetted through the Federal
17 Register.

18 MR. TAHAMTANI: Thank you. Graham.

19 MR. BACON: This is Graham Bacon on
20 the Liquid Committee. Just a couple of
21 questions. Has this Oak Ridge study been
22 reviewed or presented to ASME for any type of

1 comment? I know that they do have a process by
2 which questions in regard to the regulation can
3 be -- or in regard to their standard, can be
4 addressed.

5 And I applaud PHMSA for their work in
6 doing so. We do so in our own industry when we
7 see inconsistencies with ASME or have questions
8 on it. Has PHMSA taken that approach yet?

9 MR. SIEVE: We have not released the
10 study to ASME, but I can assure you that members
11 of ASME have looked at it. Today, with the
12 posting to the Web site for this meeting, would
13 be the first time that this study is publicly
14 available, so I expect that the ASME will soon
15 have a copy of that.

16 MR. BACON: And if I could just have
17 one more follow-up, my understanding from the
18 observations and conclusions is that the main
19 concern was in regard to pneumatic testing. Is
20 that PHMSA's conclusion as well or is this just -
21 -

22 MR. SIEVE: No, sir. We're just

1 reporting on the findings from Oak Ridge.

2 MR. BACON: Okay. Thank you.

3 MR. DRAKE: This is Andy Drake with
4 Enbridge. First of all, I have to second Chad's
5 comment. I think one thing that you -- I
6 appreciate what you're doing, we don't want to
7 accept these at face value. We have to make sure
8 they fit and that the changes that are happening
9 in other standards are appropriate in our world,
10 and I think we need to recognize and to be a
11 little pragmatic about the reality of that.

12 ASME pressure vessels are used in a
13 whole host of applications. You pointed that
14 out. And that cottage industry that
15 manufacturers those, manufactures them for all of
16 those different services, refining, power
17 generation, chemical processing, military, they
18 are a stamped vessel, and it is not a pipe.

19 And I think we have to respect the
20 complexity and I think each of us around the
21 table just got a little bit of a brush of how
22 complex that might actually be.

1 We could -- if ASME would have
2 deliberated over this for years, literally, and
3 I'm sure you've accounted for that. I mean, this
4 change happened in 1999 and I think that as we
5 look at this, I appreciate the fact that we're
6 doing due diligence on this, we have to be
7 mindful of the pragmatic side of this, that if we
8 don't use those, if we're concerned with not
9 being able to use them, we must be timely in our
10 assessment of those changes.

11 And very, very out loud about that,
12 because you're talking about changing trajectory
13 of an entire industry beyond this industry, a
14 whole other industry, that's making pressure
15 vessels for a whole host of applications, which
16 will change that entire process.

17 So if we're going to do that, we got
18 to be looking way out, and I appreciate what
19 you're saying, being involved in ASME, they're a
20 national consensus standards organization, they
21 would welcome these kind of reports, they would
22 welcome those kind of questions, earlier than 17

1 years in arrears.

2 And I think that, you know, the fact
3 that it is fundamentally different is important
4 for us to understand. There is a fundamental
5 difference in the design, the services, the
6 threats, how they use an integrated design basis
7 to look at that application is fundamentally
8 different than what we do in gas pipelines.

9 And I think that helps us understand
10 why a test basis would be different between what
11 is being done in a code vessel and a pipeline.
12 And I think that as we weigh-in to that, again, I
13 agree with Chad, is, we weigh-in to that, we have
14 to appreciate that they are the experts in that
15 niche, and we bring our world into that niche, we
16 have to come in there fully conscious that we
17 come in through our lens, which is a totally
18 different lens, trying to project it into that
19 world.

20 And I would just offer us to be very
21 cautious about changes that we make in this area.
22 And certainly, trying to make them retroactive is

1 actually just impractical. We bought these
2 vessels relying on the experts in the world and
3 put them into service. Fully transparent to the
4 world we did that.

5 Now, if we want to second guess that
6 criteria, we can do that proactively, and we're
7 probably going to need some time, because you're
8 going to change a whole other industry sector to
9 make that happen, but going backwards is not even
10 realistic.

11 And I'm hoping that I'm hearing that
12 the change -- the need for those changes is
13 minimal because we're starting to see some
14 alignment here. Is that, sort of, the sense of
15 the conclusion that we're hearing?

16 MR. SIEVE: We've seen LNG facilities,
17 for example, that are building vessels to the
18 2010, 2013, and 2015 edition of the codes. And
19 the numbers of vessels at these facilities are in
20 the, can be in the thousands. And I don't think
21 we're looking to go back and have changes made to
22 those vessels.

1 But I think that's, you know, a
2 discussion that, I appreciate this discussion
3 today on it. So I've been wrestling with some
4 thoughts myself on it. But I don't know. Did I
5 get to your question or do you --

6 MS. BATTAMS: Thank you.

7 MR. TAHAMTANI: Well, that's --

8 MS. BATTAMS: Hi, this is Ahuva
9 Battams. I'm a pipeline attorney in the Office
10 of Chief Counsel with PHMSA.

11 I just want to make sure that we're
12 clear. No determination has been made on whether
13 any changes will be made, and if so, whether or
14 not they would be retroactively applied or not.
15 That's a little further down the road than the
16 agency is at at the moment.

17 And again, like Alan said, this will
18 definitely be something that we'll be seeking
19 public input on before making any regulatory
20 changes. Thanks.

21 MR. DRAKE: Well, if that's the case,
22 then I want to reiterate my point. I don't

1 think, one, it's necessary. Two, I don't think
2 it's appropriate. And three, it's a totally
3 different design basis and sector to deal with.
4 And I think we need to clear about that. So the
5 fact that our test criteria doesn't align with
6 theirs is interesting but not relevant.

7 MR. TAHAMTANI: Okay. Is that the
8 last word on that for today at least? Alan --

9 MR. MAYBERRY: Yes, we've got --

10 MR. TAHAMTANI: Chad, I'm going to go
11 to Sara first. I mean, last word between Andy
12 and PHMSA, not the last, last word. Go ahead.

13 MS. GOSMAN: This is Sara Gosman on
14 GPAC. I just feel like I need to make the point
15 here, as an administrative law person, that PHMSA
16 is the agency charged with issuing safety
17 regulations.

18 And I think this kind of study -- you
19 know, I'm not an engineer, so I can't comment on
20 the particulars of the study. But PHMSA using
21 this device to learn more about a particular
22 issue to decide whether a particular standard is

1 appropriate for regulation is exactly what I
2 think PHMSA should be doing. So I'm really
3 pleased to see this.

4 And, you know, the more that we defer
5 to standard-setting organizations without a
6 separate analysis of whether that meets our
7 safety goals I think the more that we lose that
8 decision-making authority that's really within
9 PHMSA. So that's my perspective.

10 MR. TAHAMTANI: Thank you. Chad.

11 MR. ZAMARIN: Yes, thanks. Chad
12 Zamarin with Williams. Just one, wanted to
13 follow up on, Joe, I like your suggestion that
14 PHMSA be more involved on the front end.

15 And I understand Sara's point. But
16 the fact that we're talking about a standard
17 change that occurred 18 years ago is a problem.

18 And I think we need to be -- you know,
19 standards are typically being changed because
20 there are improvements in technology,
21 improvements in design, improvements in the way
22 we build things to make them safer. So, if we

1 have processes in place that take, you know,
2 years or decades to get standards adopted in the
3 regulations, then we've really got to rethink the
4 way that we work.

5 We, as an industry, rely on -- I mean,
6 and this is probably one we're very passionate
7 about, because the ASME Boiler and Pressure
8 Vessel Code -- you think this book, you know, the
9 regulation book is thick. I think when I was
10 hired out of college Andy made me read the Boiler
11 and Pressure Vessel Code. And it took me several
12 months. And it is an incredibly complex design
13 standard. And we would -- I don't think anyone
14 would claim that PHMSA is the expert in boiler
15 and pressure vessel design.

16 I think they have to be the expert in
17 how we efficiently adopt good standards to ensure
18 safety. And that's what I'm trying to get at is
19 what's the process to efficiently adopt good
20 standards, not assess every technical aspect of
21 the standard. I think that's impossible for
22 PHMSA to do with its resources.

1 But how do we effectively,
2 efficiently, you know, evaluate and adopt good
3 evolution of standards, because that's something
4 that's happening every day. Those standards
5 organizations are working on the next evolution
6 of the standard. And we need to be efficient at,
7 I think, figuring out, you know, what can be
8 adopted when. Thank you.

9 MR. SIEVE: That's 13,000 pages in
10 that code.

11 MR. TAHAMTANI: So it sounds like you
12 read it, too.

13 MR. SIEVE: No, no.

14 MR. TAHAMTANI: Go ahead, Rick.

15 MR. KUPREWICZ: Rick Kuprewicz with
16 LPAC. Just an observation, there's a great deal
17 of attack on our institutions lately. And the
18 history of the United States is our institutions
19 have evolved in such that they gain not only
20 national credibility but international
21 credibility.

22 And I don't want to do anything to

1 take away from that, because there's enough
2 people being crazy about that. It's important to
3 maintain those important institutions.

4 One thing I've heard here is, as a
5 representative of the public, I want to be darn
6 sure if anybody makes changes incorporating
7 industry standards by reference that there's a
8 proper vetting process. And what I hear in the
9 PHMSA process is they're required by law to
10 follow a certain timely regulatory effort.

11 So one thing I don't want to see is
12 all of a sudden we're going to change
13 incorporated by reference in a whole group of
14 these, okay, because as an engineer I'm going to
15 read these things and try to understand them.

16 So I think there's a check in the
17 PHMSA process. If they were to run amok and get
18 away from you guys, the industry hasn't tended to
19 be shy in commenting on when PHMSA has run amok.

20 If anything, what happens is the
21 public probably is not represented adequately in
22 the technical development nor should they

1 necessarily have to be. So the public's check on
2 this is the PHMSA regulatory process to move
3 forward in incorporating by reference.

4 And so my advice would be, if you're
5 going to make a change that's a quantum leap in
6 an incorporated by reference technical standard,
7 that you're sure that there's a proper vetting
8 and the public has adequate time and resources to
9 ensure that every, that they're confident that
10 the institutions are credible. All right.
11 That's all.

12 MR. MAYBERRY: You know, there are
13 really two reasons why this, why we're talking
14 about this today. One, and I mentioned this. It
15 relates to 193. And oddly enough, you know,
16 really what brought this up initially there was
17 we incorporate by reference an older standard.
18 We had not adopted the latest 59-A standard. The
19 standard we do adopt does reference the older
20 version, which had the other factor.

21 So that's one issue we're trying to
22 work through, especially here lately as we look

1 forward to adopting a later standard. We just
2 need to make sure we've checked it out to do it
3 adequately.

4 Okay. So that's related to 193. It
5 came up more recently related to 193. We really
6 just through a, we kind of, I guess we all
7 stumbled on it because of the provision for
8 testing fabricated assembly, that 1.5 times the
9 MAOP. Whereas, probably before, people were
10 buying pressure vessels, filter separators, and
11 the like. They were already tested under the
12 standard at the factory. So why do you need to
13 retest it?

14 And we had a little, well, whoops,
15 those were tested at 1.3. The code says 1.5. So
16 we're working through that issue right there.
17 And that's -- you know, really to do the homework
18 to say, okay, we're good to go forward, we wanted
19 to do this just because, you know, it is a very
20 sensitive topic.

21 Whenever you talk about changing the
22 factor of safety lower and, you know, to the

1 point of adequate level of safety, I think that's
2 what we're dealing with. But there's always a
3 concern. And you need to be, you know, a bit
4 careful when you do that.

5 So that's really what we're after here
6 is exercising that caution as we look to, hope to
7 adopt a new standard that some might feel is less
8 than the old version of it. So, but I can
9 appreciate it.

10 You know, when I first looked at it, I
11 thought, gosh, you know, such a small difference.
12 Does it really matter? And that's why we
13 thought, well, let's do the study and, you know,
14 that way we can really, you know, point to a
15 credible review.

16 We do reviews all the time, but it's
17 staff level. We don't always go to the extent
18 of, you know, contracting for a study. So I
19 think that helps us have the documentation to go
20 forward. So, anyway, thanks.

21 MR. TAHAMTANI: All right. Any other
22 comments from the committee members on this? Any

1 comments from the public?

2 MR. OSMAN: C.J. Osman from INGAA. I
3 just want to put a fine point on one thing that
4 Alan just said, definitely appreciate seeing the
5 presentations on the Oak Ridge study today. It's
6 very interesting. Certainly it's important for
7 PHMSA to review the changes in these standards
8 that are incorporated by reference.

9 But just want to make it clear that
10 when we're talking about the 192 section, the
11 change has already been made. So some of the,
12 most of the discussion today was around proactive
13 regulations, maybe things in the future. But in
14 2015 a change was made to the 192 section that
15 addresses this.

16 And even though this, you know, more
17 recent versions of the standard have been adopted
18 that use the 1.3 times MAWP requirement, there's
19 about 10 or 11 years of vessels in there between
20 2004 when PHMSA adopted the newest version of the
21 standard and 2015 when the regulations have
22 changed. And that issue needs to be addressed.

1 So it's important to think both
2 proactively about future changes that may be made
3 in different sections of the code, but also to
4 acknowledge that a change has already been made
5 and that still needs to be addressed. So thank
6 you.

7 MR. TAHAMTANI: Thank you. Any other
8 comments? I have a feeling that there will be
9 more conversations about this one in the future.

10 Now, we move on to a very exciting
11 subject, safety management system within
12 pipelines. And we have Linda introduce the
13 session. And there are a couple of us that will
14 chime in with the presentations.

15 MS. DAUGHERTY: Am I on now? Cool.
16 It's great to see all of you here, many faces
17 that I haven't seen in a while, some new faces,
18 people I've not met, many people in the audience.
19 It's good to see everybody here.

20 So we are transitioning at this point
21 from a very technical, intense discussion that we
22 just came out of to an exciting, dynamic

1 opportunity to improve safety.

2 You know, it's all about safety here,
3 right? So whether we are focusing on a grueling
4 discussion on technical issues or new
5 opportunities of ways we can achieve safety,
6 where we think we can achieve safety, ways we
7 want to achieve safety, that's where we're moving
8 to right now.

9 So my role here is to introduce the
10 people that are going to actually talk to you.
11 So Massoud is going to lead us off with a brief
12 introduction. And then we will transition to
13 Shawn Lyon here representing the group on the
14 more detailed matter. So, Massoud, take it away.

15 MR. TAHAMTANI: Thank you, Linda. As
16 you can see, in May of 2016 the former
17 administrator directed PHMSA to create a working
18 group, what's called SMS working group.

19 And the objective was to identify a
20 key set of performance matrices or metrics, if
21 you will, to measure progress of industry
22 implementation of SMS.

1 Someone needs to advance the slide for
2 me. Back up one. There you go.

3 As you can see, again, the primary
4 members are made up of members of both committees
5 here. And we have gas transmission, gas
6 distribution, liquid, public, and government
7 represented. I was asked to chair this working
8 group. We also have a number of very able SMEs.
9 And, of course, Linda and Bill have been
10 supporting this effort on behalf of PHMSA.

11 I want to give Linda a lot of credit
12 right here. She's done a lot of heavy lifting on
13 this. Although I chair, she does all the
14 agendas, prepare all the minutes, and bring us
15 together. Thank you, Linda. Next slide, please.

16 We've come together a number of times
17 by conference calls and at least one face-to-face
18 meeting and designed a simple eight-question
19 survey. The trade associations were kind enough
20 to actually conduct this survey for the group.

21 And at this point, I'll turn it over
22 to Shawn to share with us what the industry is.

1 Shawn.

2 MR. LYON: Thanks, Massoud. Good
3 afternoon, everyone. As Massoud and Linda said,
4 I'm Shawn Lyon. And my nighttime job is to chair
5 this group. And I've been doing it for two-plus
6 years. And it's been a real privilege. And I'll
7 get to share with you some of the things, some of
8 the exciting things that the industry
9 implementation team has been coming up.

10 Normally, you don't pause on an
11 opening slide here, but I would just want to call
12 your attention to one thing. And I'll touch on
13 it in the presentation, that the logos at the
14 bottom of the screen there really represent all
15 the segments for the pipeline industry. And that
16 has happened recently. But I think it's an
17 important part for the committees to understand
18 that it's one industry, one team working on SMS.

19 And I think the development team
20 worked really hard to put together a great RP.
21 And I think that would have been their vision or
22 excitement. And I know some of those folks that

1 are on that development team who are around this
2 table or out in the audience are probably smiling
3 now, and they should be, because all those
4 different segments are at the bottom there.

5 So I'm going to give you a little bit
6 of background about the implementation team. I'm
7 going to share with you some of our progress.
8 And then I'm going to talk a little bit about the
9 path forward. So, in about 55 slides, I'll be
10 done.

11 (Laughter.)

12 MR. LYON: So, yes. So you'll see
13 that the subtitle there, one industry, one team.
14 We started back in May of 2015, shortly before
15 the RP was adopted as an RP in July of 2015. We
16 have 24 members, operators, and associations.
17 And you'll see them listed there.

18 And we actively meet several times per
19 year, usually at least four times face-to-face,
20 several monthly meetings. In fact, we just met
21 last month in Houston and had a really good
22 meeting.

1 You would think after two years
2 excitement would wane, and it's not happening.
3 In fact, I would say our last meeting was one of
4 our best ones because of the amount of engagement
5 we had from all segments of the industry.

6 You can see the focus there, just at a
7 very high level what we're trying to do. But
8 that third bullet point is really important, is
9 we're trying to help the industry with the how.
10 I think everyone gets SMS and understands the
11 why. But the how is, it's easier said than done
12 there.

13 So what's kind of guided us here so
14 far as an implementation team? We have some
15 guiding principles we've put together. And I'll
16 just put them in. Some of this comes out of the
17 RP.

18 I know Ron McClain's out in the
19 audience. He said a lot of this stuff over the
20 years. If I had a dollar for every time he told
21 me to go read the RP, I wouldn't be here today.

22 But one of the things I think has

1 really driven us is that this is a journey and
2 not a destination. This is not get to the finish
3 line as quick as you can, because there is no
4 finish line. And I think that's important for us
5 as an entire industry and really everyone around
6 this table to understand that.

7 Two, it's flexible, scalable. We
8 have, you know, very large companies. We have
9 very small companies. We have gas. We have
10 liquids. We have people who have safety
11 management systems. We have people who don't.

12 And that's really guided us, that
13 there's not a one size fits all. And we've tried
14 to mold all of our tools and workshops around
15 that.

16 We also wanted to stay true to the RP,
17 especially in the terminology. The development
18 team did a great job of having a succinct 40-page
19 document. And I know they labored over words
20 intensely.

21 And one thing as an implementation
22 team is we didn't want to undo what they did.

1 And so we've really tried to stay true to the RP.
2 We have people who were on the development team
3 on our team to help hold us accountable on that.

4 The next one there is design for the
5 pipeline industry. The reason that's important
6 is there's a lot of safety management systems out
7 there, and they're good. But this was designed
8 for our industry.

9 And as we talk to operators, we want
10 them to understand that this isn't, you know, for
11 nuclear, chemical, FAA. This is for the pipeline
12 industry. And it's exactly what the NTSB wanted
13 it to be designed as.

14 Next one there, improving overall
15 performance and not just safety. You know, one
16 of the things we quickly had to get over as we
17 talked with people about adopting or committing
18 to safety management systems is they hear the
19 word safety. And they sit there and they think,
20 well, I've got occupational safety whipped, or
21 I'm doing pretty good at it.

22 This is much bigger than that. It's

1 performance management system. Unfortunately,
2 that acronym doesn't work very well. So we're
3 going to keep it as safety management systems.
4 But it's important that it's more than just
5 safety. It's overall.

6 And our goal is for an effective
7 safety management system. It's really how you do
8 business. It's not a side program. And that's
9 what we're driving towards.

10 So we've divided our efforts into two
11 segments. One is conformance, conformance to the
12 RP, 1173, making sure there was a lot of great
13 work put into it. It's a great document.

14 And then, ultimately, the end game is
15 we want it to be effective. It does none of us
16 any good just to say, oh yes, we've adopted it,
17 conformed to it. But is it effective? That's
18 the ultimate question.

19 And then down there at number 7,
20 voluntary versus regulatory. You know, one of
21 the things that we get asked a lot and PHMSA's,
22 we've been sharing a lot with them is do you

1 regulate, or some people say I wish it was just a
2 rule.

3 And one of the things we talk about,
4 and I think it's really important, is that
5 voluntary actually has more potential than
6 regulatory. And the FAA has seen this. The NTSB
7 has seen this. And actually PHMSA has told us
8 this very often.

9 And not just because I'm sitting next
10 to him, but Carl had a speaker at his annual
11 conference down in November. And I was, I
12 attended and had a chance to, we had a great
13 discussion about SMS with the entire conference.
14 But he had a speaker named Dr. Brenda Kenny. And
15 she had some really good insights. And I thought
16 it was just, I would just share a little bit.

17 She said rules solve yesterday's
18 problems, but it's hard to set aspirations and
19 move towards continuous improvements with rules.
20 And I think that's very telling of what SMS has
21 designed and why voluntary is so important and
22 why as an industry we're taking this very

1 seriously. Much more than just what is the
2 floor, what is the ceiling, it was what's, the
3 sky is the limit.

4 And then the last one there is
5 proactive and look for weak signals. Look for
6 the things that you can eventually get to where
7 you can prevent before it becomes a public issue,
8 a PHMSA issue. And we want to stay ahead of that
9 and make sure we identify those things.

10 So here's our progress. Here's a
11 quick timeline. You can tell 2015 we were really
12 focused on commitment. And the commitment is
13 really a progress. You'll see the dark blue in
14 2015, but the light blue continues for phase 2
15 and 3.

16 We are still working on commitment
17 across all segments. And it's really gone well.
18 But I just wanted to leave the point that that's
19 an ongoing task and objective that we're trying
20 to achieve.

21 Then in 2016, we focus on tools and
22 workshops. People quickly got to how do you do

1 this. And I'll share a little bit about that.

2 And then here in phase 3 is 2017 and
3 beyond is really demonstrating progress. And one
4 of our goals is start to aggregate all the
5 industry progress. First, focus on the
6 conformance, then effectiveness.

7 And one of the exciting things I'll
8 share later, and you actually have it at your
9 tables there, is the industry maturity model.

10 So industry helping industry. I
11 mentioned on the commitment in each association
12 or each segment of the pipeline industry has a
13 strategy that matches their association or their
14 segment. And they've all been effective. And I
15 applaud all of them. And again, I know all of
16 them are working hard at that.

17 We developed some booklets. And you
18 see them up there. They're available on the
19 website, pipelinesms.org. It's really the -- you
20 know, the first one is the why of pipeline safety
21 management system. The second one is the what.
22 And the last one is how.

1 And the third one is really valuable
2 for operators to pull up and really see how do I
3 do this. It sounds great. But how do I do it?

4 So that's available for anyone to pull
5 up as a PDF. And we actually have printed copies
6 and hand those out to operators as they request
7 them.

8 Next bullet there is on tools. We're
9 working on some tools and have been. And these
10 tools, there's four of them listed there. They
11 all work together. And they are all working
12 tools.

13 So they're not just a picture, and you
14 got to follow the picture. It is literally an
15 Excel spreadsheet that will help you assess, tell
16 you where you're at on the maturity model. And
17 as you can see, three of them are about to be
18 released here in the first quarter of 2018.

19 And again, they're for all. It's
20 flexible and scalable. So it's for all segments
21 of the pipeline industry. And we're excited to
22 get those tools out, because that's what people

1 are looking for.

2 The other thing I'll just mention with
3 the tools, we're really trying to help make sure
4 there's one set of tools instead of a bunch of
5 different variances. And in talking with PHMSA
6 and other consultants and NTSB, we just really
7 felt it's important as we do this voluntary
8 implementation we don't have a bunch of different
9 roads that lead us astray from what the intent of
10 the RP is.

11 Next one is the workshops. We have
12 been holding workshops since 2016. All the
13 different segments have had workshops. All of
14 them have sold out. We get a lot of great
15 attendance.

16 And probably the best thing out of the
17 workshops, not only is there education going on,
18 but there is also a sharing on past the
19 workshops. So you develop relationships to pick
20 up the phone and say, hey, how are you doing your
21 learning or your management commitment in your
22 company just by a phone call.

1 One that I'm excited about and
2 actually our operators have asked for this is
3 some mentoring strategies. So we're actually
4 pairing up small operators with small operators,
5 large operators with large operators to, they can
6 pick up the phone and kind of help each other as
7 they go through this.

8 I don't think there's any one expert
9 out there for SMS. We all need that help. And
10 the mentoring is very strategic to that.

11 I mentioned the website. The webinars
12 just recently started this year. It's kind of a
13 light version of workshops where people can call
14 online. They can see slides up there. And more
15 importantly, we can have some great Q&A.

16 And the last point that takes me to my
17 next slide is the maturity model. Before I go to
18 that, I just want to mention this tools is really
19 something we're excited about.

20 There's one maturity model for our
21 entire industry. PHMSA has bought off on it
22 through the LPAC committee that Massoud chairs.

1 And it's really neat how that's come together,
2 because I think it's so important that we're all
3 on that same maturity model versus three or four
4 different ones.

5 So this is literally hot off the press
6 within the past quarter. You have the card in
7 front of you. And I'm just going to give you a
8 brief overlay. The card is for yourself to take.

9 But we had an effectiveness sub-team
10 that spent a lot of time researching and trying
11 to figure out how do we have a maturity model for
12 our own SMS, for pipelines. There's lots of
13 maturity models out there. You can Google them,
14 and you get thousands.

15 And we really worked towards trying to
16 keep it simple, flexible, scalable, but
17 meaningful to help drive companies to become more
18 and more mature and ultimately improve in their
19 performance.

20 So to frame up the slide there is you
21 have three levels. The first three levels are
22 around conformance to the RP. And you'll see

1 conforming to the RP is not an easy thing to do.
2 It takes a lot. There 234 shalls in there. And
3 how do you do all that across your entire
4 company?

5 And then the last two levels there are
6 around effectiveness. And again, that's the
7 ultimate goal.

8 And you'll notice the plan-do-check-
9 act cycle is over those two levels, because
10 ultimately that's what you want to continually
11 improve. You always want to be striving. And
12 that circle never ends.

13 One of the things I like best about
14 this model is that it's not get to level 5 and
15 you're done, check. It is you actually might get
16 to level 5 one year and the next year you might
17 find you're at level 4 or even level 3 because
18 you missed a process that you should be
19 documenting.

20 So, again, it's meant not to be get to
21 level 5 and you're done. And again, it's
22 something that I think is really important in

1 this model.

2 So, on the back side of that card I
3 have you there, this is, the number one question
4 I get as I speak to different audiences and
5 different groups is where do I start. It's
6 overwhelming.

7 So we put this tool together to help
8 people get a start. And it really integrates the
9 tools that we're about to release and the
10 maturity model all together, and they tie
11 together. And it's meant to be a little bit of a
12 roadmap to help people get off the ground,
13 because again, I can understand. It's hard to do
14 it, especially for all different types of
15 companies, whether you're experienced or not.
16 And I'll talk about some of those tools in a
17 little bit here.

18 One of the things I will highlight for
19 you is on the second row there, the voluntary API
20 third-party audit program. That's in development
21 as we speak. And it's something, and again it's
22 in the RP, is that a third party, you can

1 voluntarily have a third party be part of your
2 assessment.

3 And we felt it's important to develop
4 a formal program where people have that option to
5 reach out and say, hey, I'd like to have a third
6 party look at my safety management system.

7 And then we can develop a database
8 that would show, hey, where am I at in aggregate
9 compared to other companies. And that's what
10 that will do. And we're going to be working on
11 that hopefully piloting this year.

12 So Massoud mentioned benchmarking and
13 some survey questions. This is 2016 data. 2017
14 data is actually in progress as we speak. I'm
15 just giving you a sampling of three questions
16 where we had -- and I think it's a good, I guess,
17 status of where we're at.

18 You'll notice the top one is has your
19 company committed to the RP or to the safety
20 management system. Across gas and liquids we're
21 at 91 percent yes.

22 Has your company completed a gap

1 analysis? And again, that's that, what we call
2 the planning tool now of basically to identify
3 gaps where you need to help start to focus and
4 develop action plans, and again, almost as
5 similar to the commitment right at the top.

6 And then you say, then the last
7 question is there. How does your company
8 prioritize your gaps, and has it begun a plan to
9 close them? And so we're only about 50 percent
10 there, 47 percent.

11 But again, as you look at maturity,
12 and it takes years to get there, I think we're
13 right on task to start to develop those
14 prioritized gaps and those action plans. And the
15 maturity model and the tools will help advance
16 that.

17 So final slide here, and then we'll
18 get to some Q&A, is really our next steps. You
19 know, you'll notice the first bullet point is one
20 industry, one team. I think it's so important we
21 continue down that path.

22 There's actually a lot of excitement

1 and momentum. And I'm not just saying that
2 because I'm before this group. At the last
3 meeting in Houston, it was clearly evident people
4 are wanting to work together all for the right
5 reasons to make sure this is a successful
6 implementation.

7 In 2018 we're going to have a couple
8 webinar series that will help roll out, further
9 roll out the maturity model and then talk about
10 the tools. And that will all be online. So it's
11 easy for the companies and operators from all
12 segments get on and learn about it.

13 And then we'll have one workshop. And
14 it will be kind of a breakdown of the tools, the
15 how-to, excuse me, of these tools. And hopefully
16 it will prompt some good discussion and help
17 people apply it so it's fit for purpose for their
18 company.

19 And then I mentioned the voluntary
20 third-party audit program we hope to pilot this
21 year. And then you'll see developing metrics,
22 first on the conformance for implementation and

1 then next effectiveness through meaningful
2 metrics.

3 Just to highlight a little bit on
4 that, I think it's important each association or
5 each segment figure out what is their effective
6 metrics that can tie to SMS. And we've talked a
7 lot in our team is that it's not the many metrics
8 it's the few. It's the meaningful ones that we
9 need to focus on. You can measure a lot of
10 stuff, and they'll take you astray.

11 So, after that, Massoud, I'll be glad
12 to answer any questions or discussion items.

13 MR. TAHAMTANI: Thank you, Shawn.
14 Thank you for your good work here. Questions
15 from the committee about this and this progress
16 so far.

17 MR. WEIMER: I can't miss the chance
18 to grill Shawn a little bit. I was just
19 wondering. You had a slide up there about the
20 benchmarking. And it looked like really high
21 percentages of people moving forward. I was
22 wondering if you can just tell us who was

1 included in the benchmarking. Was it all the
2 sectors you showed on your first slide, APGA,
3 AGA, everybody, because there's hundreds and
4 hundreds of companies?

5 MR. LYON: Right. So they, primarily
6 in 2016, it would have been the liquids, INGAA,
7 and AGA. So APGA has just kind of, they came to
8 our meeting and have really just kind of started
9 to come over. So that's probably, that number is
10 not reflective of them.

11 MR. TAHAMTANI: Any other questions
12 from the committee? Mark.

13 MR. BROWNSTEIN: So maybe just, so
14 first of all, I think this is great stuff. So,
15 but to better understand it, I guess, two
16 questions.

17 So, first of all, to follow up on
18 Carl's, I get the fact that those are the trade
19 associations that are involved. What I guess
20 maybe, what I thought Carl was asking was is so
21 of the member companies in those trade
22 associations like who's at the table. Is it all

1 of the IPAA companies? Is it two of them? You
2 know, is it, you know, 80 percent of total
3 production represented by IPAA? You know, in
4 other words, what's the --

5 MR. LYON: Sure.

6 MR. BROWNSTEIN: What's the universe?

7 MR. LYON: Yes.

8 MR. BROWNSTEIN: That's the first.

9 And the second is what's the, in putting this
10 together, what is the game plan for being able to
11 demonstrate to the public the efficacy of this
12 kind of approach? What's the reporting, the
13 transparency, right?

14 Ultimately, right, you would like this
15 program to be able to be of some assurance to the
16 public that the industries involved are, you
17 know, not only serious about doing this, but they
18 see measurable improvement over time and that
19 there's some way to publicly and independently
20 understand that and verify that. That's only
21 going to increase the public's confidence that
22 the industry is really on, you know, on their A

1 game.

2 MR. LYON: Sure.

3 MR. BROWNSTEIN: Right? And so I'm
4 just curious. I didn't see anything in there.
5 So I'm just curious about that.

6 MR. LYON: So let me answer the last
7 question first here. As far as the public, we
8 have been purposeful to open all of our documents
9 to the public to see. We actually published an
10 annual report, and it's on the website. Now, the
11 annual report was more liquids focused. But
12 we're planning to have an annual report every
13 year which will include all the industries that
14 will be available for the public to see.

15 So what progress have we made? You
16 know, the first year, you know, it's a very short
17 report. It's more qualitative than quantitative.
18 But each year we hope to show more and more
19 measures to meet that.

20 The other thing I would say in regards
21 to transparency and discussion with the public is
22 Carl has had SMS at your conference for three

1 years, four years?

2 MR. WEIMER: Too many years.

3 MR. LYON: Too many years he said.

4 (Laughter.)

5 MR. LYON: I'll go sit back in the
6 audience now. So, and we've had some great
7 discussions. And in fact, the best discussion we
8 had was actually just this past November. And
9 several of you were there where we actually, we
10 were the last session on the last day on a Friday
11 in New Orleans. And they actually had to cut off
12 the Q&A. And it was a collaborative discussion
13 and meaningful.

14 So I think it's constantly having it
15 out there, talking about it, not being afraid to
16 talk about it, and not being afraid to, hey,
17 here's what I found. And maybe what I found
18 wasn't a good thing. But it prevented a really
19 bad thing.

20 So, and then going back to your first
21 question, and then Linda I know wants to say
22 something, was, the question was what's the

1 universe.

2 So I'll speak more for the liquids,
3 because the commitment is operator by operator.
4 We have approximately 98 percent of the pipeline
5 barrel miles committed on the liquids side.

6 On the INGAA and the AGA side, theirs
7 is more global commitment and through their
8 membership. So we don't have it that granular,
9 that detail for that. So hopefully that answers
10 the question. Thanks.

11 MS. DAUGHERTY: I would like to add to
12 that. I think you raise a very important
13 question or an issue that we need to address.

14 So the working group is designed to
15 look at performance indicators that would
16 indicate that industry is adopting SMS. It's a
17 voluntary standard. We know that SMS has
18 improved various aspects of safety in airline
19 industry and the medical industry and the nuclear
20 industry. I mean, they have proven results. The
21 concept is good.

22 The question that it comes down to,

1 which Chuck brought out at the Pipeline Safety
2 Trust, again a shout out to Chuck and to Carl for
3 having the discussion there, was, okay, you've
4 got a lot of people that are adopting this. It
5 looks really good. What about the companies that
6 don't adopt it? It's not a regulation. How do
7 you get to that?

8 And I honestly don't think we have a
9 perfect answer. Chuck had said, well, maybe you
10 need to regulate it. And I heard what you said.
11 I believe voluntary implementation will reap far
12 greater rewards. It's a different journey. It's
13 a different path.

14 But all the industries that have gone
15 down that road say that is the way to go.

16 Otherwise, if it's a regulation, it becomes a
17 manual that goes on a shelf that people say, yes,
18 we comply. But it sets the cap.

19 And so we want to see if we can, if
20 the voluntary adoption will reap the requisite
21 rewards and if at some point peer pressure or
22 other pressures will drive all of the industry in

1 that direction, because we believe in it.

2 So it's one of those things. If we
3 were to issue a regulation, it would put a cap.
4 And everybody would say, okay, that's the bar I
5 have to shoot for. And that's it. That's all
6 I'm going to do. Whereas now, there's no cap.
7 You know, it is a continuing journey.

8 So it is a challenge, but it is a
9 great opportunity. And now, especially, we want
10 to take the opportunity to look at innovative
11 ways to move forward on safety. And I think this
12 will be a good bet.

13 MR. TAHAMTANI: Chad.

14 MR. ZAMARIN: Thank you. Chad Zamarin
15 with Williams. Just following up on what Linda
16 said, I strongly agree this is a cultural
17 revolution that we're trying to drive, so very
18 hard to regulate.

19 But maybe getting back to what Mark
20 said, INGAA for example, all member companies
21 made a commitment to implement SMS. I'm not
22 clear that there is an independent -- and maybe

1 where Mark was going, you know, we can publish
2 reports on how we're doing as an industry on SMS
3 adoption. And I don't think that's what you're
4 getting at.

5 Does PHMSA have a role, or is there a
6 venue that can look at the various industries?
7 You know, I'm not familiar with pipelinesms.org,
8 and I'm not saying that's not the appropriate
9 place. But is there an independent function that
10 PHMSA plays or supports that can look at the
11 levels of adoption, you know, the progress we
12 think we should be making?

13 I think it makes a ton of sense not to
14 regulate it. In fact, I don't think you really
15 can. But to shine a spotlight on how we're
16 performing as an industry I think is a role that
17 PHMSA could play either as an agency or with some
18 other independent organization.

19 But, I mean, my sense is the liquids
20 group might be more closely related to this
21 organization. The INGAA Foundation and INGAA
22 have produced reports, you know, updating

1 participation and progress on the interstate gas
2 side of things.

3 So my question has more to do with, is
4 a follow up to Mark's. Is there a place that we
5 view as an independent gauge or assessment of how
6 we're doing in this area?

7 MS. DAUGHERTY: Another fair question,
8 Chad. And I think that when we set up this
9 working group, we had diverse representatives to
10 figure that out. How do we evaluate that
11 industry is actually saying or actually doing
12 what they're saying they're doing?

13 And so, as a group, there was a set of
14 questions that were developed. It was the first
15 set of survey questions that would go out to all
16 the industry that would basically ask questions.

17 Shawn pointed to a couple that, you
18 know, three or four. But there were actually I
19 believe 12. Rick, was there 12?

20 MR. ZAMARIN: There was --

21 MS. DAUGHERTY: 12?

22 MR. ZAMARIN: There was 12.

1 MS. DAUGHERTY: 12 questions with the
2 idea. And those surveys have gone out and the
3 response have come back in. The next step is to
4 monitor that, to develop the next step that may
5 dive a little deeper and try to figure out is it
6 in effect making a difference.

7 You know, when you look at performance
8 results, I think that we have to be very clear
9 that we set expectations that, you know, okay,
10 everyone agreed to implement SMS in 2015. So by
11 2017 we should have a perfect record. That's not
12 going to happen.

13 The expectation is this is a
14 performance improvement, organizational
15 performance improvement over time. And if it is
16 fully implemented, we will see a performance
17 result.

18 So we will be watching implementation
19 through the survey. And we'll be watching
20 performance as well, you know. The road -- my
21 personal belief that going through this voluntary
22 route is a harder way to go but hopefully more

1 effective.

2 I don't know if I answered your
3 question very well. But I think it's continuing
4 to evolve.

5 MR. LYON: Yes, let me just add on
6 there, so PHMSA has been very involved with the
7 team and the industry on this. Alan and Linda
8 have been really good people to, you know,
9 encourage us, say you need to get there, ask
10 tough questions. We have lots of discussions how
11 they can help. And I know their goal is to help.

12 The thing we have to manage carefully
13 is, if they do their own thing and industry does
14 their own thing, we can actually have created a
15 compliance mindset and the people will play to
16 the test. And the beauty of SMS, it's
17 aspirational. You're always striving. It's a
18 journey, not a destination. And we got to be
19 really careful of that.

20 And Alan and Linda I think have done a
21 nice job trying to balance that with still their
22 accountability to make sure, you know, they are

1 the regulator for the pipeline industry and how
2 can we work together versus against each other in
3 that, because otherwise they don't have a look
4 and feel of a rule.

5 And so, for instance, you know, you
6 can't have, PHMSA has a checklist. We have a
7 checklist. And there's kind of dueling
8 checklists. They got to be complementary that
9 tie back to the RP.

10 And so we've had a lot of discussions.
11 And that's evolving as we speak. So hopefully,
12 that, I think that's what you were driving
13 towards, what's that role for PHMSA.

14 But I can tell you from day one
15 they've been very, very engaged. And we've gone
16 through updates a lot.

17 MR. TAHAMTANI: Mr. Bradley.

18 MR. BRADLEY: Thank you, Mr. Chairman.

19 I would say just briefly I believe in the
20 pipeline safety management system. And I would
21 just make this statement for the record, that I
22 think it has its roots in people's caring

1 specifically about personal safety. It starts
2 there.

3 But when I think of the pipeline
4 safety management system, I actually think
5 pipeline safety culture system. And I think of a
6 total system. And it takes time. And I think
7 you can't regulate that.

8 But I will tell you that the
9 companies, the member companies that I know are
10 very committed to this and understand that it's a
11 journey and it's one that will definitely show
12 some benefits.

13 I've seen lots of improvements that
14 are like small baby steps that when peers or
15 coworkers or other people in the industry,
16 whether it's contractors doing work, see what's
17 going on and understand that you mean that you're
18 looking for improved performance not that you're
19 looking to administer a pain, that you're really
20 trying to move the organization forward and move
21 the business forward, that it does have its
22 positive impacts to risk reduction and overall

1 safety and operating a pretty tight system.

2 So I think it's got benefits. And it
3 will work out. Thank you.

4 MR. TAHAMTANI: Thank you, Mr.
5 Bradley. Mr. Allen.

6 MR. ALLEN: Steve Allen, IURC. To
7 kind of add to what Ron was saying there and to
8 answer a question that was brought up earlier
9 about, you know, how do you get everyone else on
10 board with this if you don't regulate it, it's my
11 sincere opinion that in due time those who have
12 not adopted will say, gosh, I really need to get
13 on board with this because look at all the good
14 things that are going to happen. You know, I'm
15 going to benefit from it.

16 So I think that's part of the
17 challenge is to not just, you know, put up
18 metrics and, I mean, there's more to it than
19 that.

20 You know, even, you know, if we're
21 talking about safety culture, you know, the job
22 satisfaction for a guy, you know, in the ditch

1 that knows that if he sees something he can say
2 something without fear of retribution. That's
3 huge. I mean, that's absolutely huge.

4 Are you going to see that on a trend?
5 Probably not, not unless you're, you know,
6 engaging employee satisfaction. Okay. But
7 that's just one thing. Okay.

8 The other side, being a state
9 regulator, I have upwards of 90 operators that we
10 have jurisdiction over in Indiana. Three of them
11 are what I consider large, and what I consider
12 large is mid-size for most of the rest of you
13 guys here. And one of those three is really kind
14 of small. The rest of them are, you know, well
15 under 30,000 customers so, and a number of
16 municipals with APGA.

17 I think when we start looking at, you
18 know, all of the elements in I don't know how
19 many shall statements there are out there, you
20 know, I don't know that that's practical to think
21 that a small organization is going to be able to
22 address all those shalls. And I think everyone,

1 at least the smaller organizations I've talked
2 with are afraid of that. It scares them to
3 death. Look at all these things they're going to
4 make us do. Gosh, we don't have the resources to
5 do that.

6 So, you know, the other folks -- and
7 most of you here that know me know that, you
8 know, approach me for conversation of anything
9 chances are it's going to steer it towards SMS.
10 Okay.

11 But the operators that need the help I
12 think can get it through a, dare I say, shrimp-
13 like approach. Okay. But the other
14 organizations, the large organizations out there,
15 I think that you all are up for the task. And I
16 think you clearly have seen the potential for
17 benefits. And that's why, what did you say,
18 INGAA is 100 percent bought into the process?

19 So, anyway, I think in the future
20 you're going to have more people come on board
21 with this because they recognize the benefits
22 from doing so. And it clearly would not need to

1 be regulated.

2 MR. TAHAMTANI: Cheryl.

3 MS. CAMPBELL: Thank you, Mr.

4 Chairman. As -- I'm sorry, Cheryl Campbell, Xcel
5 Energy. As one of the people that's on the
6 working group, you know, I think it is all about
7 culture. I mean, that is the bottom line. This
8 is all about culture.

9 Even in the short period of time in my
10 company that we've been working on this, we've
11 learned a lot and we've changed our culture a
12 lot. We have a long way to go. But it's made
13 some dramatic differences.

14 And everything you've heard here is
15 right. It does improve your day-to-day
16 operations. And that right there will attract
17 more people, right, to the program.

18 I think that there's a growing body of
19 support and help for companies out there, a lot
20 of it through the trade organizations, the number
21 of workshops by all the trade organizations. I
22 know that AGA ran a pilot. They will release

1 some information, the results of that pilot and
2 the experiences that companies had.

3 You do start kind of like the blind
4 man trying to check out the elephant, right, when
5 you do this. I can't think of a better way to
6 describe it. But, you know, it's just like how
7 do you build a pipeline. You weld one stick to
8 the last stick, and the next thing you know you
9 have a pipeline. And if you get distracted,
10 right, then somewhere along the line you miss
11 that.

12 So I think this will grow over time as
13 companies see those benefits. And I would, and
14 frankly I want to say thank you to PHMSA for not
15 making it a regulation. I think that you would
16 see more of a check-a-box approach as opposed to
17 letting companies explore some of these concepts
18 and understand where they might have some
19 cultural pitfalls that they need to deal with
20 internally before they can move on to the next
21 step.

22 When I look at how we handle things

1 that are sort of those hardwired code,
2 prescriptive things and the way we're handling
3 this, they're very, very different.

4 MR. TAHAMTANI: Thank you, Cheryl.
5 Chuck.

6 MR. LESNIAK: Thank you. Chuck
7 Lesniak, LPAC. You know, I'm not necessarily
8 certain that a regulatory approach is the right
9 way. My concern is the bad actors out there that
10 are going to do this and they're going to adopt
11 it last.

12 And so what I would suggest maybe as
13 an alternative at least in the near term, and I
14 think even that's a little far out because it's
15 just now being adopted, is I would encourage
16 PHMSA to take this into account during, you know,
17 post-incident.

18 If a company has adopted SMS, that
19 could be a mitigation in, you know, post-incident
20 enforcement. And, or did you just -- you say you
21 adopted SMS, but it was just lip service.

22 And so I would encourage that. And

1 maybe that will get even more people down the
2 road adopting it in sort of a more voluntary
3 manner, because I do think most of the companies
4 will see the benefit of it.

5 There are some companies I'm sure that
6 are out there that don't look past tomorrow. And
7 those are the companies that they won't ever do
8 this. And if they kill somebody or they pollute
9 an aquifer or they contaminate a lake, that's not
10 acceptable. And so we regulate for the lowest
11 common denominator. We don't regulate for the
12 good actors.

13 MS. DAUGHERTY: Chuck, I completely
14 agree with you. I think that you're dead on
15 point. There will be companies that are going to
16 resist and struggle. You've got your early
17 adapters. And then you have your resisters. And
18 the ones that we're most concerned about are the
19 resisters, the ones that say we don't need to do
20 this or we've already done it.

21 Your point about considering SMS post-
22 accident, it's on the radar. It's something, we

1 have actually issued some corrective action
2 orders pushing companies towards that and saying
3 you -- you know, there are some companies out
4 there that are challenged. And we talk to them
5 and say, look, you need to look at an SMS. It
6 will help you. And it will prevent these kind of
7 bad things from happening again.

8 The other thing I would mention is
9 that -- and I'm doing a little foreshadowing.
10 But we're also looking at it as part of
11 inspections. You know, what should we do to
12 incentivize as well as -- you know, there's the
13 carrot and stick. The stick is post-accident.
14 The carrot is maybe how does it relate to our
15 inspection practices and scheduling.

16 You know, does a company that has
17 fully embraced SMS and has really shown that they
18 are really getting it, they've got that safety
19 culture change, should that impact our
20 inspections and how we conduct our inspections?
21 It's something we're thinking about. And we'll
22 talk about it more later.

1 MR. LESNIAK: And one quick follow up
2 is from an operator's standpoint, if the
3 companies that adopt this and do it well, they
4 should also be able to go to PHMSA post-incident
5 because this is, it's not going to eliminate,
6 it's not going to get us to zero. The operator
7 could still have an incident.

8 They should be able to go to PHMSA and
9 say, look, we adopted this. We've done it well.
10 We can demonstrate that we did it well. And so,
11 you know, lighten your hammer a little bit
12 because we're doing this right. Something
13 unforeseen happened, and we can demonstrate that
14 we did everything possible to prevent it. And so
15 I think it cuts both ways.

16 MS. DAUGHERTY: I agree. And I would
17 tell you that there, I have seen examples where a
18 company has had a failure. And they have gone
19 out, not only said we have learned and here's the
20 changes we've made because of this, we've reached
21 out to other aspects of the industry. And we're
22 letting people know what happened to us so it

1 doesn't get repeated on their facilities. To me,
2 that is a huge win.

3 And I will say somebody asked me at
4 the Pipeline Safety Trust are we seeing any
5 benefits of SMS now. I said, well, you know,
6 that's kind of hard to measure.

7 But what I have observed is that I'm
8 seeing liquid and gas companies exchanging
9 information about near miss and accidents that
10 they probably wouldn't have done three or four or
11 five years ago, that that information sharing,
12 learn from my experience is occurring more and
13 more in a more formalized process. And I think
14 that's really good. I think it goes right to
15 your point.

16 MR. LYON: There's other governing
17 bodies that have adopted an incentive program to
18 exactly what she said, Chuck, whether it's OSHA
19 and others to try to encourage people to improve
20 their culture, their safety culture.

21 And that's what we're trying to strive
22 for. And we've been having discussions how do we

1 do that and make sure we're all working together
2 and don't drive a compliance mindset, because
3 there's always something to learn. There's
4 always something --

5 MR. TAHAMTANI: So, if you have your
6 cards up, don't get discouraged. We'll get to
7 you as soon as the conversation stops. Recognize
8 me, please, before you speak. Alan, your card
9 has been up for a while.

10 MR. MAYBERRY: It got dusty -- no, I'm
11 just kidding.

12 Well, first off, Shawn, kudos to you.
13 I find you to be an amazing ambassador to SMS and
14 appreciate your leadership. You're also fun to
15 work with. I've truly enjoyed the times that
16 we've been on panels together promoting this.

17 You know, we've learned a lot as we've
18 done our pilot audits. And I hesitate to call it
19 an audit, but where we're learning and the
20 operator is learning.

21 You know, SMS is designed to find bad
22 things. And it's, again, we need to stress it's

1 not a destination. It's not a, you know, it's
2 not, okay, we adopt -- and I have to think about
3 this. Yes, you're adopting it, but it's really
4 not a thing. It's really a behavior.

5 And to that end, we felt, and we did a
6 lot of soul searching on this. It's really
7 better to, you know, use the carrot rather than
8 the stick, because you are trying to change a
9 behavior. And if you look at the accidents that
10 have happened out there, they're, you know,
11 behavior/organizational issues we're trying to
12 drive at.

13 We can regulate till the cows come
14 home. And we will regulate. And we will chase
15 yesterday's accident. We do that well.
16 Although, the process, as you know, can be quite
17 cumbersome.

18 But really SMS is about chasing
19 tomorrow's accident. It's hard for me to bring a
20 rule through the system that looks at tomorrow's
21 accident because, yes, we're always looking back.
22 And that's easy. We have data on looking back.

1 But it's hard to say, okay, I'm avoiding the next
2 accident because, you know, you really don't know
3 where that may be.

4 SMS really is designed to deal with
5 that and to address that and to prevent the next
6 accident. So, anyway --

7 MR. TAHAMTANI: Thank you, Alan.
8 Andy.

9 MR. DRAKE: This is Andy Drake with
10 Enbridge. I might sound like Linda. I think you
11 kind of stole my thought for a second. But I
12 just wanted to reinforce it.

13 I think we wrestled with the thought
14 of regulation deliberately even back in 1173's
15 generation. And I think, you know, just to maybe
16 try to put some context around that discussion
17 that evolved over years, I see it as very
18 complementary to the prescriptive regulatory base
19 that we currently have.

20 You talked about rules. Someone said
21 earlier it's a reaction to things that have
22 happened, regulations are. And this is trying to

1 drive forward. And I think that's very
2 complementary in base.

3 We don't actually advocate getting rid
4 of the regulations to do this. So we work with
5 that. And that actually serves a whole host of
6 the constituents very well. Small operators
7 benefit from that clarity.

8 But I do think, as we look at that
9 complementary nature, why would people be getting
10 into this. Why would they be doing that is a
11 great question to ask. And how do you motivate
12 people to get into it?

13 I mean, when we look at it, it just
14 helps us provide a deliberate structure to the
15 issues around managing assets. It helps us be
16 intentional about the salient issues and forces
17 us to be continuously evaluating those pertinent
18 issues and driving them to get better.

19 And I think that actually works very
20 well to create transparency that fosters the
21 conversation between operators and other
22 stakeholders including the regulators, which is

1 really the point of audits.

2 So, if we can engage better in those
3 audits, in those discussions, there's increased
4 structure, increased transparency, you know, a
5 lot more continuity about how that conversation
6 goes.

7 Then I think to your point, people get
8 a sense of do you have a handle on this, you
9 know, better than just a checklist of activities
10 that you did reactively.

11 And I think that progressive thought
12 may help eventually foster a different audit,
13 which I think is actually constructive to all
14 stakeholders. I think that's what -- but that's
15 -- and I think this is really an important
16 directional or strategic conversation.

17 We're not going to harvest the fruit
18 from this seed we just planted. It's growing.
19 It's working right now. I think it's going to
20 take a little bit of time to evolve that.

21 But I do think keeping in mind where
22 the fruit might come out, what we're trying to

1 accomplish, is that forward-looking structure,
2 discipline, intentionality, transparency. I
3 think that those are good things that help
4 everybody around this table and the folks along
5 the pipelines, help us create that line of sight
6 and consistency into the business to build
7 confidence.

8 But I really think this will evolve
9 over the next couple years. I don't mean to
10 hedge on what you're talking about, Linda. But
11 we have talked enough over the last couple years.
12 I get where you're going.

13 But I do think it's, these
14 progressional steps that Shawn laid out I think
15 are really good for us for the next couple years.
16 But it's something to keep pushing and growing.
17 It could kind of unwind if we don't keep that
18 focus on it.

19 MR. TAHAMTANI: Thank you, Andy.
20 Commissioner Saari, you had your card up, but you
21 got discouraged -- all right. We'll go to Sara.

22 (Laughter.)

1 MS. GOSMAN: That's great. So I like
2 this system very much. You know, I'm not sure
3 that it's something that I think should be in
4 regulation in the sense that integrity management
5 is. And I think that's partly because in terms
6 of management-based regulation we worry about
7 things like resources, expertise within the
8 agency for enforcement.

9 And I think that's, all of the same
10 issues around how do you enforce basically a
11 process-based type regulatory structure are going
12 to be the issue here as well.

13 And so to me what it is is like a
14 private, what a law professor I suppose might
15 call private governments, right, basically a
16 private system of regulation that's internal to
17 the industry. And I think that has some real
18 benefits.

19 I agree that transparency is really
20 important in that particular way of handling it
21 and also audits that can publicly sort of assure
22 or will assure the public, right, that something

1 is happening here.

2 And on that point, you know, I think
3 one thing you might think about is actually
4 making the API-recommended practice available on
5 the website, because it's not right now. And so,
6 if any member of the public want to listen to a
7 presentation and says, wow, I'm really excited
8 about this program, they have to pay \$85 to see
9 what the actual specifics of the program are.

10 So, in terms of, you know, sort of
11 interaction with the public, as well as this
12 broader question of having a social license and
13 operating within the public, I think that would
14 be really helpful.

15 MR. TAHAMTANI: Thank you. Chad.

16 MR. ZAMARIN: Thanks, Chad Zamarin,
17 Williams. I just, a couple comments. Maybe it's
18 obvious, but I think one of the reasons why this
19 is very hard to audit, it's hard to manage
20 prescriptively, and I do even worry a little bit
21 about carrot and stick because when I think about
22 my experience in the pipeline industry, I've seen

1 a lot of companies, and I've worked on a lot of
2 these types of programs.

3 There's kind of a spectrum of culture.
4 And I would say there are very few outliers who
5 are kind of what you might consider to be bad
6 actors.

7 There are also a few who are very
8 progressive, who kind of get it, who drive and
9 lead. And then, there's a group in the middle
10 that I think wants to do the right thing, but
11 this is not our traditional focus area.

12 In fact, our traditional focus area is
13 a highly regulated technical industry. And so,
14 you know, we've focused on people that can follow
15 rules, people that can understand procedures,
16 people that can read a formula and it makes
17 perfect sense.

18 And if you look at the NTSB reports
19 that have been issued over the past several
20 years, if you look at the major incidents that
21 our industry has faced, it hasn't been that we
22 didn't follow the right formula.

1 It wasn't that we didn't have the, a
2 person that was smart enough. It didn't, it
3 wasn't that we didn't have the right technology,
4 necessarily, that somebody else had.

5 It was typically because the cultural
6 fabric of the company wasn't where it needed to
7 be to drive the right behaviors, outside of what
8 you can put in a procedure or into a code.

9 And so, you know, that's the real
10 interesting aspect of safety management systems.
11 We're really trying to get to the things that you
12 can't put down on paper, you can't put in a
13 checklist, you can't put in a formula. You're
14 trying to change that the way that an
15 organization behaves.

16 Leadership is a key component.
17 Culture is a key component. And so, you know, I
18 think we have this desire to want to make it
19 prescriptive or to want to make it auditable.

20 And the reality is the thing that
21 we're trying to get to is the one thing that's
22 not, you know, prescriptive. It's not auditable.

1 We're trying to get to the cultural
2 fabric of a company. And what I think the most
3 important thing we do is we drive collaboration,
4 because I can tell you, I've walked into
5 companies that said, we already do this.

6 You know, it's usually the technical
7 people. And this is a large number of companies.
8 And honestly, they believe it and they think
9 they're doing the right thing because they've
10 read the document.

11 They go through a checklist, and they
12 say, I do that. You know, I get it. But they're
13 missing the actual point of what we're trying to
14 accomplish.

15 So, we have to be very careful not to
16 turn it into, you know, a prescriptive checklist
17 because that's easy. You know, that's easy for
18 us to do.

19 But we've got to help those companies
20 that have the want but maybe don't recognize the
21 way to tap into the cultural piece of our
22 business.

1 And I think that's the best, that's
2 what, that's what's great about the workshops.
3 It's what's great about the API, INGAA, AOPL,
4 these different organizations working with PHMSA.

5 This really is something that I think
6 we need to continue to shine a light on the
7 softer side of our businesses, and frankly, the
8 place where we're not as necessarily well-trained
9 because we're a technical-regulated industry that
10 has a historical culture of read the rule, follow
11 the rule. And so, I would just offer that.

12 I know there's always a lot of desire
13 to want to turn these things into as, because
14 we're a regulated, prescriptive, generally,
15 industry, as prescriptive and auditable as
16 possible, but we don't want to lose sight of the
17 fact that carrot sticks, audits, all those things
18 are fine.

19 We've got to continue to drive the
20 ability to identify cultural good, bad, and
21 continue to improve, you know, as an industry.
22 Thank you.

1 MR. TAHAMTANI: Thank you, Chad.
2 Richard.

3 MR. WORSINGER: Rich Worsinger, Rocky
4 Mount Public Utilities and APGA. My neighbor
5 here, Commissioner Allen, certainly identify what
6 his --

7 MR. ALLEN: Commissioner? I got a, I
8 got a promotion?

9 MR. WORSINGER: Sure. No increase in
10 salary though. Has certainly identified the
11 challenge for small operators in municipal
12 systems.

13 And just, when you look at the name,
14 Pipeline Safety Management Systems, that scares a
15 small operator. And then, the shall statements,
16 the processes.

17 So, what we're doing, and APGA is
18 doing, we're working to identify those 10
19 concepts that are the core of Pipeline Safety
20 Management Systems, and how can we extract them
21 and put them in meaningful documents that are
22 applicable to that small operator? And that's

1 what it is.

2 It's taking those concepts, stripping
3 away those processes, those shall statements,
4 those burdensome, expensive, you've got to hire a
5 consulting firm to come in and do this, and let's
6 boil it down to what are the necessary qualities,
7 and how can we share that with our members?

8 And we're excited to be working as
9 part of the team, and looking forward to see how
10 we can work with you to help glean that from you
11 to get what it, what it should be. Thank you.

12 MR. LYON: Mr. Chair, could I make one
13 comment on that real quick?

14 MR. TAHAMTANI: Go ahead.

15 MR. LYON: Okay. I appreciate,
16 because you guys did a great job this past
17 meeting injecting in and helping us.

18 I really believe, if you follow the
19 spirit of the RP 1173, it may be easier for
20 smaller companies to implement than larger,
21 because smaller companies have fewer silos to
22 work through than larger.

1 So, it's not about the complexity of
2 the checklist or anything. It's about the spirit
3 or the basics of the 1173, and silos work against
4 that.

5 MR. WORSINGER: And it certainly is
6 much more difficult when you are a company with
7 thousands of employees in multiple locations
8 across many, many different states.

9 It's much easier for a small system
10 where we've got a handful of employees that
11 typically sit around the picnic table and can
12 discuss the new regulations or the new whatever.

13 MR. LYON: That's right.

14 MR. TAHAMTANI: The picnic table, you
15 couldn't, you couldn't help it. You had to bring
16 that back up.

17 (Laughter.)

18 MR. WORSINGER: My apologies. I'm
19 going to send you a picture of that picnic table.

20 (Laughter.)

21 MR. TAHAMTANI: I think you should. I
22 think you should. All right. The recently

1 promoted, appointed Commissioner Allen.

2 (Laughter.)

3 MR. ALLEN: Thanks. Steve Allen,
4 Indiana Utility Regulatory Commission. So much
5 to say, so little time to say it, so I'll try to
6 keep it as brief as possible, but --

7 MR. TAHAMTANI: Can I just say that
8 between when we finished questioning about the
9 subject and 3:30 is how much time you get for a
10 break.

11 (Laughter.)

12 MR. ALLEN: And what time is it?

13 (Laughter.)

14 MR. ALLEN: Hold on, just a second.

15 MR. TAHAMTANI: And we have about --

16 MR. ALLEN: The pressure's on. Oh,
17 yes, I can do it. Okay. So, Linda had made a
18 comment earlier about, so what are the benefits?
19 Somebody asked her what the benefits are.

20 And I can tell you from my perspective
21 and my experience, we're already seeing benefits
22 out of the couple of operators that have

1 embraced, I think was the word you were looking
2 for earlier, Alan, not, you know, implement, but
3 embrace, embrace the concepts.

4 And those benefits come from the
5 standpoint or the recognition that, as a state
6 regulator, I'm a stakeholder as well.

7 And you know, communications with your
8 stakeholder group is pretty important. So, pre-
9 embracing SMS, I would have operators that,
10 frankly, it's kind of like, well, you're going to
11 have to catch me. I'm not, I'm not going to
12 volunteer any information. You're just going to
13 have to catch me.

14 Today, those same organizations are
15 picking up the phone whenever they have what they
16 believe is a significant situation, a potential
17 violation.

18 They're picking up the phone and
19 they're engaging us in conversation just so that
20 we know, and jointly, collaboratively, we might
21 be able to come up with a solution.

22 And we're doing this without, you

1 know, really being punitive or anything. Now, if
2 there is a violation that's extraordinarily
3 egregious, you know, perhaps there would be some
4 enforcement action.

5 But I've talked with Zach Barrett,
6 State Programs, about this at length, and the
7 NAPSR community, we're all over the board on how
8 we enforce in our individual states.

9 I think there are more and more and
10 more of us beginning to appreciate the benefits
11 that, as a state regulator, we can get out of
12 Pipeline Safety Management Systems, and the
13 relationships that we have with the operators
14 that we regulate, and knowing that those
15 operators are now really, really interested in
16 continuous improvement, and they're trying to put
17 their best foot forward, and I'll be damned if
18 we're going to go ahead and take a stick to that.

19 You know, this is really, really good
20 stuff, and I frankly think that, some years out,
21 we're going to see a pretty big transformation in
22 the way this industry, I don't want to say is

1 regulated, but the interaction between the
2 auditors, not inspectors, the auditors, and the
3 operators.

4 I mean, this is going to be more of a
5 collaborative effort. This is all about
6 management systems.

7 And the more complicated your
8 organization is, the more you need the shalls and
9 so on and so forth.

10 The less complicated your organization
11 is, the less you need those shalls, and really
12 it's more about collaborative effort to try to
13 get to a point where there is continuous
14 improvement. So, with that, Massoud, thank you
15 very much.

16 MR. TAHAMTANI: Thank you.

17 MR. ALLEN: Or Mr. Chair.

18 MR. TAHAMTANI: Thank you, Mr. Allen.
19 Rick.

20 MR. KUPREWICZ: Rick Kuprewicz, LPAC,
21 part of the SMS Committee. Been doing, we didn't
22 call it SMS, but been doing this approach for

1 over 40 years.

2 I can't tell you the initial incident
3 that generated that, but I'd have to kill you if
4 I did. But it really shook up the company where
5 they really looked their hand over.

6 And you think you've got crazy times
7 now, remember when crude went from 250 to over
8 1850 overnight? That really drove the energy
9 industry nuts, couldn't put the money away.

10 So, the concept is, I firmly believe
11 that you can't put this in regulation. So, I
12 support that effort.

13 The hard part, from where I'm kind of
14 observing, and there's a lot of positives going
15 on here, that's an excellent sign.

16 The next step is the hard part, and
17 that is the key performance indicators. There
18 shouldn't be many. They should be fairly well-
19 discussed.

20 A roomful of intelligent people with
21 the experience that's in this room should be able
22 to reach some consensus of what those should be.

1 There will be a lot of discussion
2 about it, like in the DIMP regulation. Size of
3 the companies and all that, going back and forth.

4 Valid comments on all sides, but
5 eventually we settled on certain performance
6 indicators that work.

7 I would suggest, based on my
8 experience, as you talk about key performance
9 indicators amongst yourselves and all that, is
10 you might want to look at leading indicators, not
11 lagging indicators.

12 Because when we come in and look at
13 companies before events, it's fairly easy to see
14 which cultures are in trouble, and heading for
15 trouble.

16 That might be one recommendation to
17 get to a very small number of leading indicators.
18 And again, I don't have all the answers.

19 I'm looking for a cooperative,
20 collaborative effort here, but I firmly believe
21 in this approach, and I support the industry's
22 efforts as well.

1 And I sure don't see this going into a
2 regulation for many years, if even that. The
3 comments here are all well-taken.

4 So, just keep up the effort, have your
5 patience, but understand, the really hard work
6 now is getting to the level that, you're at that
7 point now where you need that detail.

8 And that's going to involve a lot of
9 discussion before you say, well, we're going to
10 try this, and we're going to do this. Just have
11 patience with it. Thank you.

12 MR. TAHAMTANI: Thank you. I'm a
13 little puzzled because no one has said that this
14 is going to be regulation. From the very
15 beginning, I was part of the team, the API team.

16 I remember a question being asked of
17 Jeff Wiese or Linda, will this be regulations,
18 and they said no.

19 We understand where it came from, but
20 I've gone on record to say that a major accident,
21 another major accident, I hope we don't have it,
22 will get the public to look at PHMSA and say,

1 what about making this a set of rules?

2 Because all those other good things
3 we've talked about hasn't worked. With that
4 said, we are now sitting about six minutes from
5 3:30. Any comments or questions from the
6 audience? Don? I mean, Ron, I'm sorry.

7 MR. McCLAIN: Hello, I'm Ron McClain,
8 Kinder Morgan, and I chaired the committee that
9 wrote this.

10 And a great discussion, I heard one
11 person say, you know, there's a fear of trying to
12 implement it.

13 And I would say, you know, there
14 should be a fear of ignoring it because there's
15 great benefits to be found in it.

16 So, you know, when I hear about all
17 the shalls, that shouldn't scare people if you're
18 careful to read the introduction.

19 You know, the introduction is as long
20 as the description of the 10 elements that
21 contain all the shalls.

22 And it tells you how to approach it,

1 that it's not, I mean, we put the sentence up on
2 the screen all the time about it being a journey,
3 and you don't want to miss the journey.

4 If you just get to the destination,
5 you really haven't grown your company. But you
6 know, my recommendation, and I'll certainly, we
7 spent three years developing the introduction,
8 it's intended to be a starting point.

9 And if people would think about what
10 benefits are out there for them, and begin to
11 implement, and we clearly say in the
12 introduction, it could take years to achieve
13 significant compliance or conformity or maturity.
14 That's the word that's used. It could take
15 years.

16 Well, that ought to be a starting
17 expectation. But if people will begin the
18 journey, and maybe pick one element.

19 You don't have to tackle 10 elements
20 at once to make progress. Pick one that you
21 think would benefit your organization the best
22 and make some progress.

1 And you know, I heard one of the
2 members say, you know, they're already seeing
3 benefits.

4 And I think companies will experience
5 benefits very quickly if they just pick one
6 element that they think has the lowest hanging
7 fruit to them, and get started, and then tackle
8 the next one.

9 And that's what continuous
10 improvement's really about, which is at the core.
11 So, just a thought, spend at least as much time
12 reading the introduction as you do reading the
13 shalls --

14 (Laughter.)

15 MR. McCLAIN: -- because it's really
16 important. And then, Section 15, which is the
17 end, ties each element to safety culture, and
18 that's worth reading too.

19 You know, I think as engineers and
20 people who have been in an industry that's been
21 highly regulated, you immediately want to go to
22 what I have to do.

1 The introduction and Section 15 is
2 really how you think about it. And so, I hear a
3 lot of people say, I'm afraid of this RP, but I
4 promise, a lot of them have not actually read it.

5 And so, my recommendation is read it,
6 read the introduction again, and spend time
7 understanding that before you get to the shalls.
8 So, thank you.

9 MR. MAYBERRY: Ron, thank you for your
10 leadership. I know, I think definitely the
11 members that the Committee recognized that you
12 did lead that.

13 Not only did the NTSB close the
14 recommendation related to SMS, but they closed it
15 where the Committee exceeded the expectations,
16 which is a rarity. I've not seen that in my
17 career. But anyway, thanks, Ron, for your
18 leadership and your word smithing.

19 MR. TAHAMTANI: Any other comments
20 from the public? I echo what Ron said. Read the
21 entire thing, because we spent a lot of time
22 working on that, word smithing every word to make

1 sure that it did fit the bill.

2 Now, 3:28. I'm going to give you 15
3 minutes, 15 minutes. Come back quarter to 4:00.
4 Carl, you're out of order, my friend.

5 MR. WEIMER: I'm out of order? Okay.
6 Thank you. I just wanted to say, you know, I
7 was, and I kind of came across cynically when he
8 asked how many times have you been at our
9 conference, and I said too many. That's not
10 really the truth.

11 When it first started, Shawn's ex-boss
12 came and wanted to talk about SMS, and he
13 explained what it was to me, and I said, well,
14 that sounds like watching paint dry, and how do
15 you make it more exciting than that? And they
16 worked hard at it.

17 My true kind of measure of this is,
18 when PHMSA was forming this Committee to look at
19 implementation and looking for subject matter
20 experts, one of our board members volunteered to
21 do that.

22 And I asked him why he wanted to do

1 that, and he's kind of convinced me, because his,
2 what I asked him is, how are you a subject matter
3 expert on this at all?

4 And he said, well, I'm a father who
5 lost a son because of a company that did not have
6 a safety culture, and I have a very big interest
7 in whether there's a way to raise Safety
8 Management Systems so that doesn't happen to
9 another father.

10 And he's taken a real interest on
11 this, and he's become a real true believer in
12 SMS.

13 And you know, him saying that is a,
14 vouches for my belief in it, although his ongoing
15 concern is, how do we allow the public to get a
16 peek under the tent to know that people are
17 really doing what they say they're doing. So, I
18 just wanted to make that clear.

19 MR. TAHAMTANI: Thank you, Carl. Any
20 other comments before we break? All right.
21 Let's take a break for 15 minutes.

22 (Whereupon, the above-entitled matter

1 went off the record at 3:29 p.m. and resumed at
2 3:45 p.m.)

3 MR. TAHAMTANI: All right. If you can
4 have your seat, please. All right. I need the
5 Committee members to have their seats, please.
6 As you sit down, take a look at the screens.

7 Every APGA member has one of these in
8 their garage or workshop. This is where they
9 have their Pipeline Safety meetings, actually.

10 Rich, now that we have seen the
11 picture of this picnic table, do we need to talk
12 about it again?

13 MR. WORSINGER: We'll be happy to make
14 them available to your systems in Virginia at a
15 reasonable price.

16 (Laughter.)

17 MR. TAHAMTANI: We don't buy our wood
18 from North Carolina.

19 (Laughter.)

20 MR. TAHAMTANI: All right. Thank you
21 all for being back. I am trying really hard to
22 get you all out of here by 7:00 tonight.

1 (Laughter.)

2 MR. TAHAMTANI: The next item on the
3 agenda is enforcement update by Mr. Rod Dyck.
4 Rod?

5 MR. DYCK: All right. This
6 enforcement update is going to be our analysis,
7 an analysis of enforcement data.

8 So, where does the enforcement data
9 come from? It comes from evidence of probable
10 violations are documented in our violation
11 reports.

12 This data is validated through a due
13 process regimen where it can be challenged by
14 operators.

15 So, for a few years, the violation
16 reports have documented violations that were
17 causal factors to incidents, and violations that
18 increased the severity of incidents.

19 This data is captured in our
20 enforcement database, and we've got about seven
21 years of data now.

22 And so, we think we have sufficient

1 data of these violations that were determined to
2 be causal to incidents, and those that increase
3 the severity of incidents, and started trying to
4 understand it better.

5 And so, I'd like to introduce Jason
6 Grant, who's the project manager on this. Raise
7 your hand and show them who you are.

8 And then, Seong Hwang is our data
9 wizard. This wouldn't be possible without either
10 of these gentlemen. Okay.

11 This clicker doesn't work. Oh. Did
12 you do that or did I do that? I'll find out.
13 Okay.

14 So, this is going to be called rules
15 to remember. So, we're identifying, essentially,
16 the riskiest violations.

17 We also have a very strong
18 benchmarking program where we go to the different
19 public enforcement program agencies to compare
20 best practices.

21 And we've got Sunny Chung and Garrett
22 Newman. Stand up very briefly, just so you know

1 who they are.

2 And we, it turns out, we are, we are
3 the first agency within DOT to analyze data for
4 what, for what enforcement violations are tied
5 into incidents. Let's see if we can, okay.

6 The data is still under development.
7 It says preliminary there. It's not final yet,
8 but I, it's ready enough to show to this group
9 here.

10 So, you know, we have accurate and
11 very, and complete enforcement records. We've
12 got stringent data entry procedures, quality
13 control.

14 And what that facilitates, rigorous
15 case management. So, we track every enforcement
16 case every step of the way. And then, it also
17 allows data-driven analysis, as we're going to go
18 over today.

19 So, what we did is we looked at these
20 violations from 2010, 2016, and there were, there
21 were 79 violation items that were identified as
22 either causal factors, or those that increased

1 the severity.

2 And those were from 40 gas
3 transmission hazardous liquid incidents. So, our
4 penalty structure is principally risk-based.

5 So, the seriousness of violations can
6 be roughly quantified on a relative basis by
7 their penalty levels.

8 So, we also used, one of our measures
9 are the penalty levels to look at the seriousness
10 of the violations.

11 This analysis is only, covers the
12 federal enforcement cases, which is essentially
13 hazardous liquid and gas transmission.

14 Very little of gas transmission, and
15 does not include the state enforcement actions,
16 which is primarily gas distribution.

17 It's heavily weighted towards
18 hazardous liquid incidents. There are more of
19 them, and there's more direct environmental
20 damage.

21 So, the overwhelming majority of these
22 incidents with this, with this enforcement action

1 are weighted towards hazardous liquid.

2 So, we want to, we're trying to better
3 understand the riskiest violations, and once we
4 understand a little bit better about them, extra
5 attention may be given to the activities and
6 regulations associations with these riskiest
7 violations.

8 I want to acknowledge, it's a very
9 limited data set. Got 79 violation items, and
10 it's difficult to draw definitive conclusions.
11 Is that focused all right, or is it just too
12 small?

13 So, on the left here, we've got a
14 donut chart that shows the frequency, and we try
15 to, you know, as I said, we have a mixture of
16 data that's recorded in our system, and we have,
17 we read through, our staff read through all 79 of
18 these items to try to understand them and put
19 them in categories.

20 So, this is the, by frequency, and the
21 biggest overall broad category was maintenance
22 and repair.

1 And then, the second category, second
2 biggest category by frequency was control room.
3 So, if we move to the right now, our other
4 measure is by penalty amounts.

5 And again, maintenance and repair is
6 the highest. Control room is about second, and
7 then integrity management has a lot of penalties
8 associated with it.

9 In the previous chart, there were
10 just, there were just three violations that were
11 integrity management, but they, each of those had
12 a high penalty associated with it.

13 So, we also looked at the, were the,
14 in these categories, were they, were they
15 identified as causal factors, which is the blue,
16 or were they, did they increase the severity,
17 which is the orange?

18 So, we've got, and then again, the
19 left is the, is the frequency, and the right are
20 the, is the penalty measure.

21 So, again, we've got two measures
22 here. So, the maintenance and repair was first,

1 and a lot of blue in here, and that's causal.
2 The control room, a lot of orange in here, which
3 is, increased the severity.

4 So, this is something everybody
5 already knows, that control room issues are
6 generally linked to, you know, a greater volume
7 of spill, which is going to increase the
8 severity.

9 But this is data that actually is
10 consistent with that, with that belief. We want
11 to be data-driven here, and that's what it shows.

12 So, we wanted to drill down in this,
13 in this, in these higher categories, just to try
14 to understand that better.

15 So, the first category, again, is
16 maintenance and repair. So, we want to drill
17 down and see what's going on with those.

18 So, under this category here, it
19 turned out that by both measures, hot work
20 activities, violations associated with hot work
21 activities were strongly linked.

22 And then, also, second is valve

1 maintenance and repair. And these are all
2 heavily weighted towards causal.

3 So, let's look at hot work. We
4 drilled down into hot work to try to understand
5 that.

6 So, we have five of these were failed
7 to monitor combustibles. 13 out of 14 of these
8 related violations, hot work violations, involved
9 not following written procedures, which is
10 interesting.

11 Not following procedures, 13 out of
12 14. Okay. So, let's drill down into valve
13 maintenance and repair now. That was the second
14 category we had up there.

15 So, we've got, we've got lock out/tag
16 out-related violations here. They were the, they
17 were the most. Five of those five were not
18 following procedures on those.

19 So, we also took a look at the
20 integrity management violations. There were just
21 three, but each of those had a large civil
22 penalty.

1 So, we really couldn't find a whole
2 lot of commonality between these, and there were
3 just three. So, let's go to the control room
4 violations.

5 Let's, we tried to drill down and see
6 what's going on with those. So, they seem to be,
7 a huge component of that were, by both measures,
8 had to do with alarm management.

9 And drilling down into the, in the
10 alarm management, this is what we found. And 11
11 out of 17 were related to not following the
12 written procedures.

13 So, this was a surprise to us that
14 there are so many of these violations that were
15 linked to not following the written procedure.
16 We didn't, we didn't know that.

17 Now, also the alarm management, where
18 there are a number of these that were, resulted
19 from one incident.

20 So, we also wanted to take a look at
21 the total universe of the violations. There's
22 two code sections here, 192.631, 195.446, and you

1 can go through the, through the A, B, and C, and
2 so on.

3 Alarm management had the greatest
4 number of total violations, and these are, these
5 are not just the causal and increased the
6 severity. These are, these are all the
7 violations.

8 And we also wanted to mention that,
9 you know, there are, there are recent new
10 regulations regarding training for control room
11 personnel. Okay.

12 Damage prevention violations. Took a
13 look at that. Tried to understand that. We had
14 eight of those. Seven were related to not
15 following procedures, and six of those eight were
16 related to temporary line marking activities.

17 So, we've got the, our analyze
18 enforcement data suggests the following maybe
19 high risk activities.

20 Hot work, valve lock out/tag out,
21 alarm management, and temporary line marking.
22 So, since there were so many procedural issues

1 with these violations, we tried to understand
2 better what was going on with the procedural
3 violations.

4 So, out of the 79 enforcement items
5 reviewed, 63 involved these procedural
6 violations.

7 84 percent were failure to follow
8 procedure, and 16 percent is when you had an
9 insufficient procedure, was identified.

10 So, we looked whether there was a
11 difference between employees and contractors.
12 There were both in our analysis.

13 When we read through these violations,
14 there were, they're more direct employees. But
15 still, there was a significant component of each.

16 And we also noted, we looked at the
17 APIs pipeline performance tracking system. They
18 had an operator error data advisory reported that
19 incidents are just as likely to involve
20 contractors as direct employees.

21 I understand they track that in their
22 tracking system. So, we looked at that. And we

1 also noted that in the, we looked at the incident
2 reports to see if, to see if we're consistent or
3 inconsistent with what we could find in our
4 incident reports.

5 And the operators reported that there
6 were 425 caused by incorrect operation. And of
7 that, it's 323 involved procedures.

8 And of that, 168 is failure to follow,
9 86 insufficient procedure. We also took a look
10 at covered task.

11 The operators reported, this is not a
12 required field for the operators, but we had 180
13 of these incidents they said were covered tasks,
14 140 were not a covered task.

15 And then, of the 180 covered tasks,
16 operators reported 170 individuals qualified or
17 directed by qualified, and 10 said the individual
18 was not qualified. The last presentation was,
19 I'm sorry. I'm ahead of myself.

20 So, this, again, is from the, that
21 advisory bulletin I mentioned earlier. The
22 advisory bulletin said that the focus should

1 remain on reviewing and updating procedures to
2 ensure they are accurate and relevant.

3 They said 62 percent of the API's
4 voluntary system of incidents occurred during
5 normal operations and maintenance activities.
6 So, that's a lot like our top category that we
7 had.

8 Then they said that 79 of the
9 incidents identified, failure to follow
10 procedures, the quads. And they recommended that
11 planned deviations should follow a process to
12 allow for review and approval.

13 So, we just had a presentation on the
14 safety management systems. So, there's, under
15 8.1.1 under general, it says, pipeline operating
16 personnel shall follow written procedures, and
17 deviations should be documented for further
18 analysis.

19 So, here are some rules. We call,
20 we're calling this rules to remember. So, the
21 data suggests, and you know, this is not final
22 yet.

1 This is just a preliminary work in
2 progress, that the regulatory community should
3 pay extra attention to the following citations in
4 regards to hot work, alarm management, valve lock
5 out/tag out, and temporary line marking
6 activities.

7 So, we've got these code sections
8 here. You can take a look at that. That's in
9 the, in the PowerPoint.

10 And in addition to that, complying
11 with the minimum federal pipeline safety
12 standards, in the case of conducting hot work,
13 valve lock out/tag out, alarm management, and
14 temporary line marking, operators should maintain
15 clear, easily understandable updated and accurate
16 procedures, ensure that procedures are
17 consistently followed by operator personnel and
18 contractors, and document and review deviations
19 from procedures. So, that's where we're at in
20 this analysis today.

21 MR. TAHAMTANI: Thank you, Rod. Any
22 questions for Rod? Mr. Pevarski.

1 MR. PEVARSKI: I would just like to
2 make a comment. Excellent report, and I think
3 this can be used as a template for the voluntary
4 information sharing working group, the same type
5 of information and the way you're reporting this
6 would be a good way for that group also.

7 MR. TAHAMTANI: Thank you. Other
8 comments or questions?

9 MS. GOSMAN: Sara Gosman from GPAC.
10 I'm just curious whether you think that some of
11 this data comes from what types of violations
12 are, in terms of enforcement, right, are easier
13 to find?

14 So, I'm thinking particularly of
15 procedures, whether the reason that you're seeing
16 a lot of procedural violations is because, in
17 terms of compliance and enforcement by the
18 agency, that would be a place where you could
19 easily look for a violation?

20 MR. DYCK: Well, that's true for any
21 of these. Yes, they were tied in with, strongly
22 tied in with procedures, and you know, we're, we

1 want to be data-driven, but we also want to
2 recognize, you know, how is the data generated?
3 So, we have to be thinking about that possibility
4 too.

5 And I have heard that before, and you
6 know, if there's, if there's a violation out
7 there, oftentimes it's both procedure and the
8 substantive violation itself, and which one is
9 chosen? Good comment.

10 MR. TAHAMTANI: Any other questions?
11 Any comments or questions from the public? Rod,
12 I guess your ultimate goal is to put this list of
13 violations out to the operators and, as they say,
14 pay attention to these things, or pay more
15 attention to these things.

16 MR. DYCK: Well, yes. When we, when
17 we finish it and get it validated, we have to
18 find a mechanism to alert the regulated community
19 of this.

20 And then, we can also look at,
21 there's, you know, if we should incorporate some
22 of this into our inspections.

1 We can look at incorporating that into
2 our penalty structure. Maybe, you know, if these
3 type of violations maybe, you know, might warrant
4 a higher penalty. You know, that's, these are
5 future decisions.

6 MR. TAHAMTANI: All right. If no
7 other questions or comments, we'll move on right
8 to the last item on the agenda. It's you.
9 Ready?

10 MS. DAUGHERTY: Yes.

11 MR. TAHAMTANI: The last item on the
12 agenda, pipeline inspection program by Linda and
13 Bill Rush.

14 MS. DAUGHERTY: So, thank you,
15 Massoud. Thank you, everybody. This one is not
16 probably going to be as exciting as previous
17 discussions on SMS. So, sorry to disappoint.
18 Notice I'm trying to set expectations here,
19 right?

20 So, what we're going to talk about
21 today relates to a question that we commonly get,
22 which is, why do you inspect us so often? We get

1 that, a lot of questions.

2 So, we're going to do a quick run
3 through. Do you have, oh, this is my clicker.
4 Thank you.

5 So, we're going to do a quick run
6 through, and I'm going to talk to you about who
7 is inspected, who PHMSA inspects, how we
8 determine who gets inspected, and then, what we
9 review.

10 And I'm going to keep it as high level
11 as I can. I'm going to move quickly so we don't
12 run late, and yet we'll have time to talk.

13 The most important part, to me, of
14 this entire discussion is that last bullet, how
15 we are working to be more efficient and effective
16 in our responsibilities.

17 So, who gets inspected? So, that
18 right there is a map of the PHMSA regulated
19 pipelines. That's interstate liquid, interstate
20 gas.

21 There are some other facilities that
22 don't show up on this map. Matter of fact, if we

1 put all of our facilities up there, it would be a
2 pretty dark map.

3 So, none of the state regulated
4 facilities are shown, or you would just see a
5 mass of solid color somewhere. So, those are
6 just the federally regulated lines.

7 I'll draw your attention to the fact
8 that, you know, see some definite areas where
9 there's a whole lot of pipelines.

10 So, if you were in charge of figuring
11 out who to inspect of those lines, what would you
12 do? How would you figure it out? Well, here's
13 what I'm going to tell you what we've done.

14 First, we identify, you know, who the
15 operators are that we regulate. Now, this is a
16 combined data set for both federal and state
17 regulated entities.

18 But I wanted to put it up here to give
19 you a flavor for the mileage and the total
20 numbers.

21 In red, we regulate most of the
22 hazardous liquid mileage, and quite a bit of the

1 gas transmission.

2 Now, the states regulate some of the
3 gas transmission. They regulate almost all of
4 the distribution, and feds, and I believe some
5 states regulate bits and pieces of gas gathering,
6 regulated gas gathering. As far as LNG
7 facilities, we both regulate in that area as
8 well.

9 So, who gets inspected? So, there are
10 1,667 pipeline units. I happen to know that
11 because we have our data team meeting right here
12 in DC this week, and I went in and I asked them.
13 I said, how many units are there?

14 And so, a pipeline unit, as PHMSA
15 describes it, is basically a bite-sized piece of
16 pipeline. What can we inspect, what is a Point A
17 to Point B, couple of pump stations. It's just a
18 segment of pipeline.

19 So, those pipeline units are connected
20 together in what we call systems. So, there are
21 744 systems that we risk rank for inspection
22 planning.

1 So, each system is composed of units.
2 So, you've got one system, bite-sized pieces of
3 units. Some systems are one unit only.

4 Good Lord. We have some systems where
5 we have unique operators that has 5 miles of
6 pipe, 10 miles of pipe. We also have pipeline
7 systems that have 20 units. You may have 1,400
8 miles, 1,600 miles of pipeline, and those are all
9 systems.

10 So, different sizes of systems,
11 different types of inspection teams. So, just
12 looking around the room, got a general idea of
13 what I'm talking about units and systems?

14 Okay. Makes sense. Okay. Got some
15 nods here. Carl nodded, so that's good. I'm
16 going to use him as my touchstone here. So, he
17 can also kick me if I'm going too long. Okay.

18 So, how are inspections scheduled?
19 So, we use a data-informed risk-driven approach
20 to determine which systems should be inspected,
21 and how often they should be inspected.

22 So, I'm going to emphasize a term

1 here, a lot of times you hear data-driven. I use
2 the term data-informed, because if we were to be
3 data-driven, it would take out the aspect of
4 local knowledge and analyzing what does this data
5 really mean.

6 So, we are data-informed. We use data
7 to help us evaluate risks, but risk is what
8 drives our approach. So, we use an algorithm
9 that looks at all the known risk factors for each
10 unit and each system.

11 Now, we have, over the years, we've
12 used at various types of systems, for as long as
13 I have been around in the regulatory scene.

14 So, for about 26, 27 years, we have
15 had one form or another of this. And over the
16 year, we've fine-tuned.

17 We know that risk factors like, if you
18 have a pipeline system and you have a lot of pre-
19 70 ERW pipe, we're going to come visit you a lot.
20 Okay?

21 If you have a lot of accidents, we're
22 going to come see you more often than a company

1 that does not have a lot of accidents.

2 If you are running through the middle
3 of the city, through Chicago, or if you're going
4 through a high consequence area, an unusually
5 environmentally sensitive area, you're likely
6 going to see a lot more federal inspectors.

7 So, those of you with really big
8 pipeline systems, with a proximity to people, an
9 unusually environmentally sensitive areas, we're
10 going to be knocking on your door. That makes
11 sense.

12 Also, if you have an enforcement
13 history, you are not compliant. We found a lot
14 of violations that may have led to incidents, or
15 just a lot of noncompliance, we, that goes into
16 the algorithm.

17 This is just a, there's many more
18 factors than this, but I'm just trying to give
19 you an idea.

20 It looks at both probability.
21 Probability would be things like material defects
22 or material susceptibility, like bare pipe or

1 pre-70 ERW pipe.

2 It looks at consequence, like
3 proximity to people or unusually sensitive areas.
4 So, we take all the information related to this
5 about every pipeline unit, chunk it into an
6 algorithm, it's all weighted. Over time, it
7 chunks out a risk ranking for each unit.

8 The unit, let's say you have a
9 pipeline system that has six units in it,
10 composed of six units, from, say, let's say
11 Chicago to Oklahoma City.

12 Those units each have a risk score.
13 They're averaged together for a system risk
14 score.

15 We keep note, even though we use
16 averages, when we do our final planning, we keep
17 note of any individual unit scores that are high.

18 So, if, maybe you have, you know, four
19 of five units are really low risk, but one is
20 really high, we don't lose track of the need to
21 pay attention to that high risk score.

22 We then look at additional company

1 level measures, like time since the last
2 inspection.

3 When was the last time we went out and
4 saw this company? You know, and other things
5 that are at a company level or a system level.

6 Again, we chunk all the numbers, we
7 put them into risk tiers. Each risk tier, there
8 are three risk tiers we use.

9 So, if you are in the high risk tier,
10 you will be inspected once every three years. If
11 you're in the medium risk tier, our target is
12 five years.

13 And if you're in the low tier, we're
14 going to see you every seven years. That's our
15 current tiers. We are looking at adjusting those
16 based on resources and relative risks.

17 Also, you may have, if you have a
18 pipeline system that ends up in one risk tier, it
19 could change from year to year just based on the
20 relative risk and developments and the
21 information we have about it.

22 MR. ZAMARIN: Linda?

1 MS. DAUGHERTY: Yes.

2 MR. ZAMARIN: This is Chad over here.

3 MS. DAUGHERTY: Chad?

4 MR. ZAMARIN: Can I just ask a quick
5 question? Chad Zamarin with Williams. Is this
6 system, unit, or company that --

7 MS. DAUGHERTY: Yes.

8 MR. ZAMARIN: -- you're talking about
9 when you say, so, if it --

10 MS. DAUGHERTY: It's system.

11 MR. ZAMARIN: So, an operator could
12 see you more than every three years, but on an
13 individual system, you would expect every three
14 years?

15 MS. DAUGHERTY: Correct.

16 MR. ZAMARIN: Okay. Thank you.

17 MS. DAUGHERTY: Now, and I'm going to
18 talk about some things we're doing to try to
19 address some redundancies. So, yes.

20 And by the way, I don't know how it
21 was when you were speaking, your voice was coming
22 from my left. So --

1 (Laughter.)

2 MS. DAUGHERTY: Yes. That was kind of
3 wild. Okay. So, that is our current, where we
4 are currently right now. We're looking at
5 adjusting those numbers.

6 The other thing I wanted to make sure
7 I said is, if you had a system that maybe had a
8 really high risk score, in five years, you may be
9 in another risk tier.

10 There, you can move among those tiers
11 based on relative risks. Okay. So, I want to
12 jump over to, can you switch, actually, can I
13 come over and see the Excel spreadsheet?

14 I want to show you what one of these
15 looks like, and so, give me just a second as I
16 transition.

17 (Laughter.)

18 (Off microphone comments.)

19 MS. DAUGHERTY: Oh, okay. So, let me
20 tell you, oh, beautiful. Thank you. So, here's
21 what I want to show you. The first thing I'm
22 going to do is I'm going to show you what it

1 looks like.

2 Every year, we have a meeting of all
3 of our directors and operation supervisors to
4 look at what the annual inspection schedule will
5 be for the upcoming year.

6 Now, what is missing from this table
7 are company names. I, this is actually a two
8 year old rim run, what we call a rim run.

9 I removed the company names because I
10 figured I might get in trouble if I showed high
11 risk companies with names, and I didn't want to
12 do that.

13 So, the first two columns that you
14 would normally see here would be a company name.
15 So, there are two documents here.

16 So, one you're going to see is you see
17 that we have sorted by the red on the top, this
18 is eastern region. You'd see the company name,
19 and you'd see all these different risk factors.
20 These are sorted by region.

21 And so, we would see a list of
22 systems, by region, sorted into red, which would

1 be high risk, yellow, which would be medium risk,
2 and green, which would be low risk companies,
3 based on the factors.

4 Now, eastern region has a whole lot of
5 low risk. So does southern. I should also
6 mention, a big impacting factor on what tier you
7 go into is how long it's been since you were last
8 inspected. So, you get a lot of credit if you
9 just got inspected. Okay.

10 And I'm just going to scroll through
11 this, and then I'm going to jump over to another
12 Excel spreadsheet to show you some things.

13 So, this right here, and there is no
14 way you can see this, is there? Yes. I need, I
15 need technical help.

16 What I wanted to do here, and I'm
17 going to ask Sayler to do that, is I want you to
18 slowly scroll across the top so people can see
19 the different factors that are considered when we
20 do our risk ranking.

21 This is, this has been adjusted over
22 the years, but this will give you an idea of some

1 of the things we look at.

2 So, can you just scroll across the top
3 in large font? A little bit bigger? I just want
4 them to see these headings so they can see the
5 different things.

6 So, IS is inspection system. You see
7 where the regions, which regions they are.
8 You'll see how many regions that are involved.

9 So, if you look in the column H, which
10 is, it'll show multiple regions will be
11 identified that may have a system. Keep
12 scrolling on over.

13 You'll see different scores, risk
14 scores. So, time since last inspection in column
15 M will give you an idea what that risk ranking
16 is.

17 And as it goes over, and just keep
18 scrolling, you'll see mileage, you'll see pre-70
19 ERW pipe, you'll see enforcement record weight.

20 You'll see a commodity threat, if
21 you'll pause there for a moment. Different
22 commodities have different risk rankings

1 associated with them.

2 And HVL pipeline has a different
3 relative risk ranking than, say, a natural gas
4 line or a crude oil line. They all have a
5 slightly different weight.

6 If you have an effective coating on
7 your pipeline, you're going to get a different
8 weighting. So, that just gives you a flavor.

9 There's more to it. We won't scroll
10 through all of these. But the idea is that, and
11 if you want to switch back to the PowerPoint, is
12 that we use data to determine who should be
13 inspected.

14 If you have accidents, we're going to
15 see you more frequently. And I lost my glasses,
16 so I can't even see the PowerPoint myself without
17 glasses on. Okay. Okay. Thank you very much,
18 Sayler, I appreciate that. Okay.

19 So, we talked about, you know, who
20 gets inspected. It's, first of all, our first
21 priority is all the reds get inspected first, the
22 highest risks across the country.

1 If western region has all of the
2 highest risks and southern region has very few
3 high risks, we shift resources, so we make sure
4 we cover the highest risk.

5 Right now, we are currently able to
6 inspect all of our high risk, most of our medium
7 risk, and in some regions, we're getting into our
8 low risk companies.

9 Regions may, with justification, bump
10 lower risk systems for an inspection. I'll give
11 you an example.

12 A company that comes to us and says,
13 you know what? We just found out that we have an
14 integrity issue. We just found out about it.
15 You know, we're working on it.

16 We may say, you know what? They're
17 not scheduled for five years, but we're really
18 concerned about that integrity issue. Maybe
19 they're doing a good job dealing with it, but we
20 may bump them up in the schedule.

21 On the other hand, we may have a
22 system that shows up in the red, a company comes

1 to us and says, you know what? We had a problem
2 with corrosion and I want to you know we have
3 turned a new leaf. Here's all the actions we've
4 done.

5 We have taken all these proactive
6 things to get a handle on our corrosion program,
7 and we may, with justification, say, we're going
8 to give them another year to make sure they've
9 got everything in order.

10 We may delay that inspection. So, you
11 have to have a justification of why you're
12 bumping up and down from what the data tells you,
13 but we will bump up and bump down as needed.

14 We also look at national emphasis
15 areas and identify local or regional concerns.
16 National emphasis areas.

17 I'll give you an example of that. A
18 few years ago, we had several failures related to
19 river crossings, scouring.

20 So, many of you may have all of the
21 sudden seeing us pop up on your schedule if we
22 want to come talk to you about river crossings.

1 That's a national emphasis area.

2 Every year, I set aside a certain
3 percentage of our resources to focus on
4 construction. Okay?

5 Because easily, we could consume all
6 of our resources doing standard inspections or
7 regular inspections, and have nothing left for
8 construction.

9 So, we have to make a decision on how
10 much resources we apply, and those numbers shift
11 on a yearly basis.

12 We also may have local or regional
13 issues that need to be considered, so that's one
14 reason why we have a meeting that we pull all of
15 the knowledgeable people together and sit down
16 and figure out who we're going to inspect and
17 why.

18 A region may say, you know what? We
19 don't have a company on this list, but we're
20 really worried about them because of some, maybe
21 they just sold, maybe they bought a huge new
22 system that we knew has problems.

1 Or maybe, on the other hand, they were
2 high on the list and they just sold problematical
3 pipe to someone else and we say, you know, we
4 don't need to inspect them anymore, but boy, we
5 want to come over and see, talk to you. So, we
6 will adjust based on our local knowledge.

7 So, what do we review? So, PHMSA
8 creates a unique inspection profile for every
9 system that's inspected. Again, data-informed,
10 risk-driven.

11 So, what we do is we look at all the
12 information we have on a particular system. Does
13 this system experience corrosion leaks? Does
14 this system have over pressure control? Does it
15 have integrity management program challenges?
16 What are the things that are risky for this
17 particular system?

18 And I'll, and I'll give you an
19 example. Let's, and I just used this with the
20 GAO because the GAO is very interested in how we
21 do our inspection scheduling.

22 So, the example I used, let's say you

1 have a pipeline that runs through the middle of
2 Chicago, and it runs, maybe even crosses into the
3 Great Lakes, and it has huge corrosion problems.

4 Maybe they have disbonded coating,
5 they have challenges. Maybe they have cracking
6 on their pipes, so they have integrity
7 challenges. They have proximity to people, and
8 the Great Lakes, you got water issues.

9 Then, you have a pipeline out in the
10 middle of Kansas that was installed maybe last
11 year. New pipe, good coating, doesn't really
12 have any operational issues.

13 Never had a release on it, never had a
14 problem. The company has a good operating
15 record. No major compliance issues.

16 Which company should we inspect more
17 frequently? Probably the one with the high
18 consequences and the high probability.

19 Also, when we look at which issues do
20 we need to cover, if I have a brand new pipe in
21 Kansas, I'm probably not going to need to delve
22 as deep into corrosion issues, because they've

1 probably got a pretty good coating, whereas the
2 one in Chicago with disbonded coating, I may have
3 to really dig deep in that area, and make sure
4 they've got a good handle.

5 So, when we're setting up our
6 inspection profile for those two different
7 companies, it would be completely different.

8 We would focus on different areas
9 based on the risks that we had identified.

10 Another thing, we have what we call scoping
11 discussions in advance of our fuller inspection,
12 and those will help us determine if there are
13 areas we don't even need to touch on at all.

14 If you have a company that sold all
15 your tanks, you don't have any tanks in your
16 system, we probably don't need to spend 10 pages
17 covering tank issues.

18 I mean, we just eliminate it right up
19 front. If there are risk areas, that's where
20 we're going to focus.

21 We also will, during our inspections,
22 there are things that we will apply to all

1 companies.

2 If we issued an advisory bulletin and
3 it applies to your system, we're going to talk to
4 you about it.

5 If we've identified an emerging safety
6 issue, like river crossing issues, or maybe we
7 learned that a particular repair process has,
8 we've found that it doesn't work so well, we're
9 going to try to share that information.

10 So, each inspection is uniquely
11 developed for that system. Okay? And this is my
12 last slide, and then, if you have any questions,
13 we can go there.

14 So, over the years, we hear things
15 like, you keep asking us the same questions over
16 and over and over again.

17 For a large company that, maybe you
18 have, I'm just thinking of one company that came
19 up. I'm going to use them as an example without
20 identifying the company.

21 They came up with 18 systems up for
22 inspection this year. Eighteen. That's a lot of

1 inspections.

2 Keep in mind that our standard
3 inspection might be anywhere from three to five
4 people and may last six to eight months. Yes.
5 They last, they may not be there every day with
6 them, but they'll cover that time frame.

7 It is very typical to spend many weeks
8 with a company. So, imagine doing that 18 times
9 over. Makes zero sense.

10 There's also a counterproductive
11 impact if you over inspect. Okay? That sounds
12 counterintuitive.

13 But if I'm going out and inspecting a
14 company over and over and over and over, and I
15 never give them an opportunity to correct, their
16 focus will be on hand-delivering what I want and
17 making me go away instead of fixing any problems
18 they have. Right?

19 So, there is a balance that we have to
20 consider. So, in the particular case of the
21 company that came up with 18 inspections just by
22 data, that was the data pull, the data dump, and

1 it was just the sequence of when things came up
2 for inspection, I was very proud of some of our
3 team members.

4 They called me up and they said, hey,
5 you know what? This is crazy. All 18 were
6 spread across our five regions, so there, they
7 would've had inspections all over the country
8 going on at the same time.

9 So, what they said is, look, we're
10 going to do a couple different things. One,
11 we're going to coordinate amongst our regions and
12 say, who all needs to do an inspection, and let's
13 get together and do the programmatic review one
14 time.

15 That means the procedural review. You
16 only need to review, let's say, let's say the
17 operator qualification program review, the
18 procedure piece.

19 Do you need to review it 18 times?
20 Does that make sense? No. We said no, we're
21 going to coordinate. We'll do it once. One
22 time. We'll group all of those programmatic type

1 of inspections.

2 And then, we went back and we said,
3 you know what? It also does not make any sense
4 to go out and inspect a company 18 times. We'll
5 reduce the number.

6 We're bumping off some of those
7 inspections this year. Of course, that means
8 other companies are going to get a knock on the
9 door from us because now we've freed up those
10 resources.

11 But it didn't make sense to, if it had
12 been, and I would also say, if it had been a true
13 safety risk where we said we're inspecting them
14 because there's safety issues here we need to
15 address, that would've been a different story.

16 In this case, it was just timing. The
17 other thing I would want to let you know is we
18 have heard loud and clear, at multiple times, you
19 know, different regions inspect differently.
20 They look for different things.

21 Well, part of that does have to do
22 with the unique inspection profiles that we

1 create, but some of it has to do with different
2 expertise among inspectors.

3 And so, we created a division to
4 standardize, to promote more standardization
5 amongst our regions.

6 We have a group that's set up that
7 creates standard policies and protocols. So,
8 when an eastern region inspection team comes out,
9 they're going to do something very, very similar,
10 the same way they've conducted inspections, same
11 determinations, as someone from say, our
12 southwest region.

13 We're not there yet. We're not
14 perfect. You're going to have to give us
15 feedback, you know, when we mess up. But we are
16 working in that direction.

17 And the last bullet that I would say
18 here is, there needs to be a realization that
19 some companies are extremely large, and they're
20 going to be inspected more frequently.

21 So, if a large company has three, you
22 know, inspection compliance people, and a company

1 with, you know, a very small company has one, the
2 ratios don't work out.

3 So, I mean, you've just got to think
4 it through. If you're a huge company, you're
5 going to get inspected more, so we'll just have
6 to work through those things.

7 We want to, we have a job to do. We
8 don't want to be burdensome. We don't want to
9 waste everybody's time, but our job is to go out
10 there and look for safety issues and compliance
11 issues. We want to improve safety overall.

12 So, with that, I think that's the last
13 question. Oh, this is the most important slide.

14 (Laughter.)

15 MS. DAUGHERTY: So, SMS, we talked
16 about it earlier. How, and we, these are things
17 that we're thinking about. There's no decision
18 here.

19 But these are some questions that
20 we're playing with. How can PHMSA help
21 incentivize SMS implementation?

22 This is the carrot that I was talking

1 about. Maybe, and this is something that Chuck
2 had mentioned.

3 How, what if a company shows true
4 commitment to SMS, you know, they are really
5 working down that road? Should we adjust our
6 inspection planning? Should we say, you know
7 what?

8 Instead of seeing you every, you know,
9 every other year, we're going to come out and see
10 you every fourth year. Do you get a credit for
11 that?

12 The other issue that we've got to
13 struggle with is how would PHMSA differentiate
14 between a company that is really engaged in the
15 safety culture, they're really committed, and it
16 shows, versus a company that is putting smoke up
17 and saying, yes, we do it, but they don't really
18 do anything?

19 And then the, another question is what
20 level of SMS maturity could be expected to
21 produce safety benefits? At what level should
22 they start getting credit?

1 Should they get it when they just say,
2 I'm committed to implementing SMS, or does it
3 wait until the maturity's a little bit farther
4 down the road?

5 So, those are questions we're thinking
6 about. And with that, that was my last slide.
7 So, any questions?

8 MR. TAHAMTANI: Thank you, Linda. Any
9 questions for Linda? Chad.

10 MR. ZAMARIN: First, that was a really
11 good presentation. I think you guys have done a
12 great job of planning resources and I don't think
13 it gets enough credit.

14 I think there's, over the years, there
15 have been probably an unfair at times perception
16 of how PHMSA does its work, but my experience has
17 been there's a lot of really, really good
18 inspectors that do really good work.

19 And I've seen the risk-based approach
20 at planning inspections be effective in companies
21 that I've worked for where we needed to shine a
22 light on areas that needed attention, and I think

1 PHMSA helps do that and helps motive operators to
2 do better.

3 One question I have, it's not exactly
4 related to the slides, but I just have a
5 question, maybe you could talk to the region
6 directors and the rotating kind of process that's
7 been in place.

8 And I haven't been following it
9 incredibly closely, but we had a long period of
10 very stable region director leadership, and on
11 the one hand, that's good.

12 You know, I think, you know, a lot of
13 what we do doesn't kind of transact over a single
14 year.

15 We work on issues that take a lot of
16 time, and you mentioned the length of just an
17 inspection can take a very long time.

18 So, just, can you give us an update on
19 how the region directors are rotating and what
20 that process looks like going forward? Thank
21 you.

22 MS. DAUGHERTY: Thank you, Chad. And

1 first, I would say thank you for your comments
2 about the hard work of our folks, and I'll carry
3 that back to them because they do work hard to do
4 the right thing.

5 I mean, we're not always perfect, but
6 we really try. As far as the region directors,
7 we have gone for too long without stable RDs.

8 So, we made some organizational
9 changes at the request of the previously sitting
10 RDs.

11 I don't want anybody to think it was
12 anything different. They wanted to try on some
13 different duties, and that left three vacant
14 seats.

15 Our eastern region, our southwest
16 region, and our western region. So, I'm happy to
17 say we've made selections in two of the regions.

18 One announce, I haven't officially
19 announced to our organization, so I can't give
20 you the names here. But our eastern region has
21 been selected.

22 Our southwest region director has been

1 selected. We're still finalizing a few things.
2 Our western region director, we went through the
3 process and we had great candidates, and we got
4 tripped up by a technical error in the
5 advertisement.

6 So, we will have to re-advertise for
7 that particular region, but it's going to be a
8 really short turnaround.

9 Just in fairness to the applicants, we
10 had, we have to re-advertise. There will
11 probably be a 5 day, 10 day re-advertisement.
12 But, so we are, we are there.

13 MR. ZAMARIN: Thank you.

14 MR. TAHAMTANI: Carl.

15 MR. WEIMER: Really interesting
16 presentation. Thank you for that. Some of my
17 questions were, I know you have a number of state
18 agents that actually do the inspections on the
19 same federally regulated pipelines.

20 Do they use the same risk matrix to
21 determine how often, and do they do it at the
22 same level, and have you ever tried to compare

1 performance on how the states are doing
2 inspections on those versus how PHMSA does it?

3 MS. DAUGHERTY: That's an intriguing
4 question. So, we, the way it works on the
5 federal regulated line and for our interstate
6 agents, we chunk out the systems that we believe
7 should be inspected.

8 We go to our interstate agents and
9 say, this is the list that is planned for this
10 year. Do you see anything that we should adjust?

11 In other words, do you know something
12 that might cause an operator to come up or a
13 system to come up or one to go down? And they
14 will have a chance to weigh in.

15 Once that list is finalized and
16 everybody is in agreement, then we send the list
17 out to our interstate agents and say, this is the
18 list of systems to inspect, and then we do
19 coordination with them as far as, if it's a team,
20 where maybe you have a system that runs through
21 multiple states and you have one or two
22 interstate agents, you might just include the

1 interstate agent on the inspection team.

2 Or if the system is contained entirely
3 within a state, they may do it on their own. All
4 of their inspection results come back to PHMSA
5 for evaluation and enforcement.

6 So, it's coordinated. It is not, the
7 interstate agents do not come up with their own
8 prioritization. So, it's part of the national
9 program to provide for consistency.

10 Now, the intrastate operators are
11 regulated by the states, and they have their own
12 prioritization, their own approach, which I'm not
13 familiar with.

14 MR. WEIMER: Never tried to do a
15 comparison?

16 MS. DAUGHERTY: Well, no.

17 MR. TAHAMTANI: I --

18 MS. DAUGHERTY: I'll be honest. I'll
19 say it that way.

20 MR. TAHAMTANI: I could comment on
21 that for the next couple hours, but I'll just
22 move on.

1 (Laughter.)

2 MR. TAHAMTANI: Mark?

3 MR. BROWNSTEIN: So, first of all,
4 thanks for the comprehensive presentation. I
5 would note that, you know, front page in the New
6 York Times on Monday is an article on changing
7 enforcement policy and emphasis at the
8 Environmental Protection Agency, and I would
9 submit to you that the front page of the New York
10 Times is not where you want to find your
11 inspection program.

12 And it sounds, from the work that
13 you're doing here, that I wouldn't expect that
14 you would.

15 But it does underscore the importance
16 of inspections and enforcement as an essential
17 tool for assuring the public that rules on the
18 books are being fairly and effectively enforced,
19 and that, therefore, the public can have
20 confidence that infrastructure is being well-
21 maintained and well-operated.

22 So, I applaud you for your efforts. I

1 guess, to your question about SMS and where it
2 sort of fits in this, I guess, for me, it goes
3 back to some of the things that we were talking
4 about before, and some of the questions that I
5 was asking with regard to, you know, how do we
6 assess the effectiveness of SMS over time?

7 Well, first of all, how do we, how do
8 we understand the percentage of the industry and
9 the percentage of the, of the infrastructure that
10 is under an SMS approach, number one?

11 And number two, how do we assess the
12 effectiveness of SMS over time? I have some
13 familiarity with, you know, how an SMS approach
14 works in the nuclear industry, and of course,
15 INPO gives scores that, you know, that companies
16 can choose to disclose if they want, and many of
17 them do. Certainly the ones that get good INPO
18 scores tend to market them.

19 And it seems to me that if you get to
20 the point where the audit function of SMS, where
21 participation is high, where participation is
22 robust, and where the audit function is real, you

1 can then begin to think about how it plays into
2 your enforcement approach.

3 And when I say that the audit function
4 is real, right, there's some tangible objective
5 criteria that people can see and understand,
6 whether it's a score, whether it's a, or whether
7 it's a balance score card, or something, that
8 that then becomes the jumping off point for
9 thinking about how to do enforcement.

10 But I think at this point, what I've
11 heard about SMS is it's heading in a very
12 promising direction, but it's too early to think
13 about how, not too early to think about how it
14 could be used, but it's too early to start acting
15 on it for the purpose of, you know, changing the
16 work that you do.

17 MS. DAUGHERTY: Very much appreciate
18 those comments. I, yes, thank you.

19 MR. TAHAMTANI: Thank you, Mark.
20 Commissioner Saari?

21 MR. SAARI: I wonder if you could kind
22 of, I understand, this is a great presentation,

1 and it's very formulaic and very logical how the
2 inspection process is laid out.

3 Then how do you factor in public
4 interest groups and local issues, and the hue and
5 cry of organizations that say, we would like to
6 see a more intensive program in certain areas?

7 MS. DAUGHERTY: So, very valid
8 question, and we've actually seen that in
9 different areas where, you know, heightened
10 public concern, it needs to be considered in both
11 our inspection approach, how we, how we conduct
12 our inspections, how we schedule them. It needs
13 to be considered and played into it.

14 However, we have to be careful that we
15 don't drive our inspections based only on public
16 concern.

17 You know, if something gets hot, and
18 it does, over time, something will get real hot,
19 and it will get a lot of focus, and we shift our
20 resources to that area, we may actually be
21 leaving another integrity risk that hasn't been
22 inspected. So, we, there's a balance there.

1 It's a very good point, and when we
2 have our annual planning meeting, those are the
3 issues we discuss because sometimes we may say,
4 this pipeline is under such scrutiny, that we
5 need to assure ourselves, if we're going to
6 assure the public that, you know, we are on the
7 job and we are looking for safety risks, and
8 there has been an expressed concern about a
9 particular system, we may indeed go out and say,
10 hey, we need to bump this one up and we need to
11 have a discussion.

12 That has happened in the past, and it
13 will likely, but we do try to keep balance so we
14 aren't just chasing, you know, what appears in
15 the, in the paper. Yes.

16 MR. TAHAMTANI: Sara, do you want to
17 go next?

18 MS. GOSMAN: Sara Gosman. I just want
19 to follow up on Mark's great point. I mean, I
20 think, when I think about SMS as a carrot for
21 fewer inspections, one of the things I worry
22 about is the resource question for PHMSA, that

1 is, whether the evaluation process as to whether
2 there is an adequate SMS program for purposes of
3 inspections, would ultimately be the kind of
4 evaluation process you would use, and
5 documentation you would need if you were actually
6 requiring it.

7 And for me, that seems like an issue,
8 back to this question of management-based
9 regulation and what the resources are necessary
10 to do that. So, that would be one question I
11 would have.

12 And then, the other question I would
13 have is, yes, whose burden is it to show that
14 there is an effective SMS program, and what would
15 be the performance improvements that would be
16 needed to show that it's actually working
17 effectively?

18 MS. DAUGHERTY: I, those, again, are
19 excellent questions, and I wish I had the answer
20 for them. These are things that we're trying to
21 figure out.

22 I think INPO, as you mentioned, has

1 shown us a lot of good experience. They have
2 gone down a path and they've shown what works and
3 what doesn't work, and we've had conversations in
4 the past with representatives from the Nuclear
5 Regulatory Commission saying, don't do this.
6 Whatever you do, don't do this.

7 You know, if this works, don't do
8 that. You know, so we've had those
9 conversations. We would want to re-engage with
10 successful organizations.

11 FAA has done some similar things.
12 INPO, and to answer Sara's question, or not
13 answer it, but at least respond to it, INPO
14 provides for companies identifying, going out and
15 inspecting, not inspecting, but auditing,
16 reviewing other companies against a certain list
17 criteria, and then providing a score back
18 voluntarily. And it's pretty intensive. There
19 are some resources that come into play.

20 I have heard the beginning discussions
21 of that in our industry, but I'm staying away
22 from that because that needs to grow within the

1 industry. I don't know what form it'll take.

2 I don't know that PHMSA will ever say,
3 yes, industry can inspect itself and we'll just
4 accept whatever you tell us. That, I don't
5 think, is viable.

6 But there may be a format in which we
7 can make a similar type of approach work where we
8 could still have an independent credible
9 verification of an effective system, effective
10 program that's in place, and be able to walk away
11 saying, yes, I'm confident that they're in a good
12 place.

13 But how that will develop, we are just
14 at the, we're fledgling programs. And I will
15 tell you, we have, in this room, you have
16 companies representatives that are pretty far
17 down on that maturity curve, and you have some
18 that haven't even begun the journey.

19 And so, figuring out how we go through
20 that, and I'll tell you, PHMSA is also just at
21 the starting steps.

22 We are beginning our journey down this

1 road, and so we have a lot to learn and figure
2 out what the way to go is.

3 We want to learn based on other
4 success stories, and we do not want to repeat
5 their mistakes. We have to learn from them.
6 Does that help, Sara?

7 MS. GOSMAN: Yes. Thank you very
8 much.

9 MR. TAHAMTANI: Commissioner Danner.

10 MR. DANNER: I'm sorry about that.
11 Sorry. Thank you, Linda. It was a terrific
12 presentation.

13 I was, it was interesting to hear
14 Commissioner Saari's question about public
15 interest groups and their effects, because we
16 haven't actually seen that kind of interest by
17 public interest groups.

18 What we have seen, that we have had
19 some accidents that we've, that have led to
20 investigations, and we have issued penalties
21 against them.

22 And as part of that, we have said,

1 okay, we're going to step out of our usual
2 schedule, and we're going to demand certain
3 remedial actions right then and there, and I
4 think that that would be the only thing that we'd
5 have equivalent to pressure from interest groups.

6 It's really just, it's more attention
7 from policy makers or elected officials, and we
8 want to be responsive to that.

9 The question I had though is, it seems
10 that when you're doing a risk assessment, you
11 really need some history.

12 And so, I was thinking about the
13 presentation we had on underground storage.
14 This, you know, a new program.

15 How long does it take to gather enough
16 history to implement that for underground
17 storage?

18 MS. DAUGHERTY: I don't know. You
19 know, I think that's a, that's a valid question.
20 And I should've mentioned, we have a few programs
21 that are not included in that system for that
22 very reason.

1 Underground natural gas storage is not
2 included in that risk prioritization schedule.
3 It may eventually, once we feel like we have
4 enough knowledge to know what the critical
5 factors are. But right now, it, we're using,
6 we're using a different system to try to make
7 sense.

8 How many years is enough? I don't
9 know. I wish I did. But I think it's something
10 we'll be learning.

11 MR. TAHAMTANI: Thank you. Alan,
12 you've been very patient.

13 MR. MAYBERRY: Yes, actually just on
14 that last point, or the algorithm we're currently
15 using, we kind of re-invigorated that or
16 refigured it about five years ago.

17 So, we're actually, that one even,
18 we're still filling data in. You know, and a lot
19 of opportunity there.

20 Related to underground storage, you
21 know, you have to store it somewhere. We know
22 that there's 17,000 out there, but as we get

1 reports, that'll help, you know, fill in a
2 similar type risk model.

3 You know, obviously Linda and I talk
4 quite a bit about this, and you know, it's really
5 a journey much like SMS.

6 We're really, really looking to evolve
7 the inspection process to be relevant and to keep
8 up with what's going on out there.

9 And you know, much like you at your
10 respective companies may deal with consistency,
11 you know, that really is an interest of ours that
12 we're driving and we're pushing.

13 You know, just philosophically, you
14 know, obviously we carry our regulatory hat, you
15 know, and we look for issues that are out there,
16 and we take action.

17 But I'll tell you, our will in, our
18 goal in life, even though it's one of our tools,
19 it's not necessarily to find, even though that's
20 a common yardstick of our effectiveness.

21 But really we strive to use a balanced
22 approach, which includes the use of civil

1 penalties.

2 But I would tell you that, you know,
3 there are other tools that we have there that
4 provide much more value and are much more
5 effective than just the use of civil penalties.

6 And you know, to me, the best
7 compliment I can get, or we can get, as the
8 regulator, is that, you know, after we were out
9 there, that the operator learned something.

10 That, you know, we were helpful in
11 shedding light on an issue and preventing an, you
12 know, another set of eyes, if you will.

13 Just, and then lastly, I just wanted
14 to call your attention to another study we're
15 working on that actually came out of the 2016
16 PIPES Act called the Nationwide Integrated
17 Pipeline Safety Database.

18 The intent of that, and the report
19 we'll look at, the data we collect on, not just
20 federal, which has been the focus of this
21 presentation, and then the last one that Rod
22 gave.

1 But to look at all the data that's out
2 there related to oversight of interstate that we
3 oversee, and intrastate that the states oversee.
4 And they give you one picture.

5 It really allows us, as a regulator,
6 and the public, to have a picture of everything,
7 and not just the 500,000 miles, you know, that we
8 regulate. So, we look forward to that.

9 And I know that we have a report
10 that's currently being vetted that hopefully will
11 be issued sometime in 2018. Thanks.

12 MR. TAHAMTANI: Steve.

13 MR. ALLEN: Steve Allen, Indiana
14 Utility Regulatory Commission. I felt it was
15 relevant and germane to perhaps give the group
16 here a sense for the inspection scheduling
17 process of the states.

18 I understand we have 52 of those
19 individual programs, and they don't all look
20 alike.

21 There are some programs that have one
22 inspector. That's it. That's the entire

1 program.

2 There are others like Texas who has,
3 who knows how many they have? I mean, a lot. In
4 Indiana, there's 13 of us.

5 I will tell you that, with, under the
6 certification agreements that we have with PHMSA,
7 there are certain requirements to go along with
8 that.

9 One being minimum inspection day
10 requirements per inspector. Another one would
11 be, you know, required inspection days for the
12 entire program for a given year.

13 Another requirement is that we do use
14 a data-informed, rather than data-driven, risk
15 model or approach to scheduling our inspections.

16 Now, our inspection universe relates
17 to every operator, and every inspection unit for
18 an operator.

19 An inspection unit, say, for example,
20 I have ABC company who has offices, discreet
21 offices in different towns that are managed by,
22 you know, local management. Those are inspection

1 units.

2 We have, I'd have to think about this
3 for a second, but probably a dozen or so
4 different types of inspections that we're to
5 complete.

6 You know, operator qualification
7 records, drug and alcohol. There's a whole bunch
8 of different inspections that we are supposed to
9 complete.

10 We are required, under our
11 certification, to complete a full set of
12 inspections on each and every inspection unit of
13 each and every inspection operator at least once
14 every five years.

15 There's a whole host of inspection
16 questions and inspection protocols that go along
17 with that, we must have addressed each and every
18 one of those questions for each and every one of
19 those inspections at least once every five years.
20 So, I just thought it was relevant.

21 There are many in the audience in here
22 that don't see your people, Linda. All they see

1 are, you know, my cohorts. So, I thought it was
2 relevant to say so.

3 MR. TAHAMTANI: Thank you, Stephen.
4 Any other comments from the Committee members? I
5 don't see none. Any comments from the public?

6 MR. JACOBI: My name is John Jacobi.
7 I am with, currently with G2 Integrated
8 Solutions, at least for the next two weeks. I
9 plan to retire.

10 (Laughter.)

11 MR. JACOBI: I retired from PHMSA
12 after a 10-year career in the southwest region
13 about five years ago.

14 I'd like to remind everybody that all
15 of these inspections have to be based on the
16 regulations.

17 Frequently asked questions are not
18 enforceable. Advisory bulletins are not
19 enforceable unless it relates back to the
20 regulations.

21 There, I'm not familiar with the
22 procedure for getting protocols revised, but

1 there are some protocols that are available on
2 the internet, and PHMSA's to be committed for
3 providing the majority of the routine inspection
4 protocols on the internet.

5 But there are a number of those that
6 contain questions that ask for information that
7 is not in the regulations.

8 Not to say it shouldn't be, but you
9 know, should an operator be tasked with providing
10 information that's not necessarily required?

11 And if we can find a process for
12 bringing that to PHMSA's attention, allowing them
13 to make the appropriate adjustments, I would
14 recommend that.

15 There was a provision in the recent
16 re-authorization that requires feedback to
17 operators promptly upon the completion of an
18 inspection, and then written feedback subsequent
19 to that.

20 And I haven't seen any of that or
21 heard any of that, but I would, at some point,
22 appreciate some sort of an indication of when

1 that might occur, and how it might occur.

2 And then, finally, last but not least,
3 there's a, with respect to public awareness, the
4 1162 is incorporated by reference, and
5 specifically in the regulations, it says, thou
6 shall follow the general guidance of 1162, and
7 there's been a fair amount of enforcement related
8 to highly specific and highly esoteric provisions
9 of 1162, and I would suggest that for 1173, if
10 and when it ever becomes incorporated by
11 reference, that we be very specific about how you
12 want to incorporate it by reference. And thank
13 you very much.

14 MR. TAHAMTANI: Thank you for your
15 comments. Linda, would you like to respond to --

16 MS. DAUGHERTY: Sure. So, I heard, I
17 heard the comment on the protocols having
18 inspector guidance that goes beyond the
19 regulations, and we use that as a tool to look at
20 intent. It is not enforceable. We don't enforce
21 that.

22 The second question had to do with

1 compliance with the congressional mandate for the
2 30 and 90 day response to operators. We just
3 sent a report to Congress indicating --

4 OPERATOR: We're sorry. You're
5 conference is ending now. Please --

6 (Laughter.)

7 MS. DAUGHERTY: I guess that was me.

8 MALE: Does that overrule the
9 Chairman?

10 (Laughter.)

11 MS. DAUGHERTY: Shall I continue,
12 Chair?

13 MR. TAHAMTANI: You know, I was trying
14 to get you all out of here before that message
15 from --

16 MALE: God.

17 (Laughter.)

18 MR. TAHAMTANI: I think we're okay. I
19 think we're okay. Go ahead.

20 MS. DAUGHERTY: So, we just sent a
21 report to Congress indicating that for all
22 inspections, with the exception of one, we

1 complete, we complied with the mandate, the 30
2 and 90 notification where we have done verbal
3 notifications of any findings, and we followed up
4 with written findings. So, we did do that.

5 Our states also are covered by that
6 requirement, and they have also complied and done
7 that as well.

8 And I think that, I think that the
9 states had a little bit more challenges just
10 simply because of communication issues, but I
11 think we're all online now. We have some good
12 policies in place to make sure that happens.

13 And as far as the 1162, I can't
14 remember the, I don't think there was a specific
15 question, but an awareness that should 1173
16 become a requirement, which I'm hoping it will
17 not, that we need to be careful how we word
18 requirements. So, I think we're good there.

19 MR. TAHAMTANI: Thank you, Linda.
20 Other comments from the public? All right. Let
21 me take a couple seconds and thank the members of
22 the Committee for their participation.

1 (Off microphone comments.)

2 MR. TAHAMTANI: I was thanking you.

3 (Laughter.)

4 (Off microphone comments.)

5 MR. DYCK: Could I just add one more
6 thing?

7 MR. TAHAMTANI: Sure. I have to
8 repeat the thank you again, so go ahead.

9 (Laughter.)

10 MR. DYCK: Okay. That's okay. But I
11 just wanted to add to the, to the question about
12 the procedures, whether, you know, our analysis
13 maybe weighted because it might be easier to cite
14 procedural violations.

15 We did check on that to see if we were
16 consistent with the other data. And one of the
17 slides there between 2010, 2016, operators
18 reported that of the 425 incidents, 321 involve
19 procedures. So, we did want to check that again.

20 Now, we go to the next slide, we also
21 checked that with the API's work, and that second
22 bullet on their voluntary report, and they said

1 79 percent of the incidents involved failure to
2 follow procedure.

3 So, I just wanted to make sure that
4 was registered in there too. Thank you for
5 indulging me, Massoud. I'm sorry to --

6 MR. TAHAMTANI: No problem. Thank
7 you, Rod.

8 MR. DYCK: -- interrupt that, but
9 thank you.

10 MR. TAHAMTANI: You know, before I get
11 into my thank you message here, anybody else who
12 wants to say anything?

13 (Laughter.)

14 MR. TAHAMTANI: Nothing? Are you all
15 sure? All right. Again, seriously, I thank all
16 of the members for their participation.

17 Thank for PHMSA staff for a great
18 agenda, great presentations. And of course,
19 thank the public for being here past 5:00. So,
20 with that, I'll turn it over to Alan.

21 MR. MAYBERRY: Thank you, Massoud.
22 What an outstanding job sharing today.

1 Appreciate it.

2 You said 7:00, so we only have a
3 couple more hours, so now, just very briefly, I
4 acknowledged, you know, Ron was departing from
5 the Liquid Committee, or had departed.

6 I wanted to let you know that on the
7 Gas Committee, related to the Gas Committee, we
8 have three openings that we're working to fill.

9 One is a public member, and then there
10 are two government members. And then, on the
11 liquid side, we have one, where did my other
12 note, my cheat sheet go on this? Oh, I'm sorry.
13 I had the wrong guide here.

14 On the Gas Committee, there's one
15 government and one public member opening. And
16 then, on the Liquid Committee, there's one
17 government opening that we're working to fill.

18 So, stay tuned on that. We're close
19 to being full. Look forward to completing that
20 out.

21 Again, thanks for, to the PHMSA staff.
22 As you can see, we have a very diverse array of

1 things that we're working on, and we tried to
2 develop an agenda that would be informative and
3 give you a good idea of the, of just everything,
4 a lot of what's going on. Definitely not
5 everything, but a lot of what's going on at
6 PHMSA.

7 And if you have any suggestions for
8 future policy discussions or briefings, you know,
9 let me know. I already know there's one that I
10 wish I had put on the agenda today was related to
11 the National Academy study on performance-based
12 regulations.

13 I expect to weave that into your next
14 meeting, as we can. Unfortunately, tomorrow,
15 we'll, you know, we can, the business order of
16 the day tomorrow and the next day is the gas rule
17 of the Gas Committee, and we just can't fit
18 anything else in.

19 But I hope to weave at least that one
20 in in the coming year. With that, I think we
21 will call it a day. Cheryl, do you have --

22 MS. WHETSEL: Just a reminder, please

1 leave your tent cards and name tags at the table.
2 And as Alan said, we do have a gas meeting
3 tomorrow.

4 Of course you liquid members are
5 welcome to stay. If you do stay, you'll need to
6 sit in public space just so we, so it's easier
7 for the Chair to recognize people.

8 And thank you so much for coming.
9 It's good to meet all of you new people. So,
10 have a good evening.

11 MR. MAYBERRY: Thanks. Safe travels.

12 (Whereupon, the above-entitled matter
13 went off the record at 5:05 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Meeting of the Gas Pipeline
Advisory Committee

Before: Pipeline and Hazardous Materials Safety Admin.

Date: 12-13-17

Place: Arlington, VA

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