

APGA

Pipeline Safety Monthly Regulatory Update

July 2018

the voice and choice of public gas



Proposed Rule		Final Rule		Direct Final Rules	
	Estimated NPRM Publication		Estimated Final Rule Publication		Effective Date
Gas Regulatory Reform	2019	Plastic Pipe Rule	2018	Enhanced Emergency Order Procedures	October 14, 2016
Valve Installation & Rupture Detection	2018	Safety of On-Shore Hazardous Liquid Pipelines	2018		
Standards Update - 2015 and Beyond*	2018				
State Pipeline Safety Program Certification*	2018	Gas Transmission Rule (Mandates)	2019	<i>Note: Both of these rulemakings were issued as “Direct Final Rules”, meaning they are currently in effect. However, there was no Notice of Proposed Rulemaking. PHMSA will now issue Final Rules that take into consideration industry’s comments after the publication of the Direct Final Rules.</i>	
		Gas Transmission Rule (Non-Mandates)	2020		
		Gas Gathering Rule	2020		
Class Locations (ANPRM)	2018	Operator Qualification*	Delayed		

Final Rules

For these rulemakings, the Notice of Proposed Rulemaking has been published and comments have been submitted. Stakeholders are awaiting the publication of the Final Rule.



The Plastic Pipe Rule

Significant Rule

NPRM Published: May 21, 2015

Comments Submitted: July 24, 2015

Rule sent to OMB: June 20, 2018

Estimated Final Rule Publication: Late 2018

PHMSA presented its path forward to the PHMSA Gas Pipeline Advisory Committee on June 1, 2016. The PAC provided guidance and input on the contents of the final rule.

Related Links:

[PHMSA's Notice of Proposed Rulemaking](#)

[APGA Comments on Proposed Rulemaking](#)



The Plastic Pipe Rule



Tracking & Traceability

Remain consistent with ASTM F2897

- Phased Implementation

Phase 1 = 1 Year for Manufacturers to Adhere to Marking Standards

Phase 2 = 5 Years for Operators to Implement Tracking & Traceability

APGA Position:

1. Agrees with the GPAC's guidance that only markings required by ASTM F2897 should be required by federal regulation.
2. Agrees with the GPAC's guidance that ASTM F2897 markings only need to be legible until the pipe or component is installed.
3. Supports the GPAC's guidance that the implementation of the regulation should be phased in over several years to allow operators to comply.

The Plastic Pipe Rule

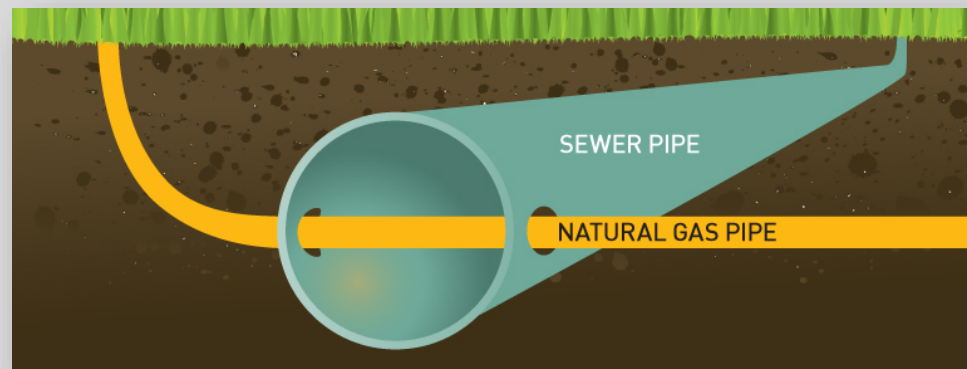
Plastic Pipe Installation

PHMSA has indicated that some of the proposed requirements will be removed or revised for clarity:

- Backfill Requirements
- Trenchless Excavations of Mains & Services
 - Socket Fusion Diameter Restrictions

APGA Position:

1. **APGA supported ensuring that backfill does not contain materials detrimental to the pipe, but the provision, as proposed, could be interpreted vaguely. Therefore, APGA does not support the proposed requirements for backfill compaction.**



The Plastic Pipe Rule

Seemingly Retroactive Regulations

PHMSA has confirmed that the seemingly retroactive requirements were only intended to be prospective, including:

- Leak clamps may not be used as a permanent repair method
 - Protection of electrically isolated metal alloy fittings

APGA Position:

1. **APGA supported cathodically protecting isolated metal fittings, such as with coatings; however, does not support the proposed monitoring requirement.**
2. **APGA supported prohibiting the use of leak clamps for new permanent repairs; however, agrees with PHMSA and the GPAC that it should not be a retroactive restriction.**

The Plastic Pipe Rule

Design Factor, Expanded Use of PA-11 & Incorporation of PA-12

Moving forward as proposed in the NPRM.

Additionally, PHMSA will consider the retroactive application of the new PE Design Factor and other pipe diameter sizes that were not included in the NPRM.

APGA Position:

- 1. APGA supported this change.**

Fusion Equipment Maintenance

PHMSA will limit the requirement to requiring operators to maintain equipment in accordance with the manufacturer's recommended practices or with written procedures that are proven to be equivalent.

APGA Position:

- 1. APGA supported PHMSA's modified proposal that operators follow equipment manufacturers recommended practices, but still maintains that operators should only have to keep calibration records for the life of the pipeline.**

Operator Qualification

Significant Rule

NPRM Published: May 21, 2015

Comments Submitted: July 24, 2015

Estimated Final Rule Publication: 2018

PHMSA presented its path forward to the PHMSA Gas Pipeline Advisory Committee on June 1, 2016. The PAC provided guidance and input on the contents of the final rule.

NOTE: PHMSA originally proposed changes to Operator Qualification in the *Operator Qualification, Cost Recovery, Accident & Incident Notification and Other Pipeline Safety Changes Proposed Rule*. The balance of that rulemaking was finalized in January 2017, but did not include Operator Qualification modifications.

Related Links:

[PHMSA's Notice of Proposed Rulemaking](#)

[APGA Comments on Proposed Rulemaking](#)

[PHMSA's Final Rule: Without Operator Qualification requirement changes](#)

Operator Qualification

Topics addressed in the proposed rulemaking:

1. Required Change Management Process for OQ
2. Introduction of Program Effectiveness for OQ
3. Record Keeping Requirements for Training
4. Addition of OQ for New Construction
5. Modification of the Definition of “Covered Task”

Language agreed upon during PHMSA GPAC Meeting:

... a covered task is an activity, identified by the operator that:

- 1. is performed on a pipeline facility;*
- 2. is an operations or maintenance task including those conducted during an emergency response, or is a construction task or an integrity management task performed on the right-of-way;*
- 3. is performed as a requirement of this part; and*
- 4. affects the operation or integrity of the pipeline*

Operator Qualification

APGA Position:

1. Definition of Covered Task & OQ for New Construction: APGA has long supported PHMSA's efforts to include construction tasks as a covered task and under OQ.
2. Management of Change: APGA supported the incorporation of a Management of Change process, but believed it should be limited to those operators that have more than 50 employees who perform covered tasks.
3. Program Effectiveness: APGA remains concerned that the requirement to perform program effectiveness will be administratively burdensome, particularly for small operators.
4. Training Records: APGA supported PHMSA's proposal to require operators to provide training to ensure that any individual performing a covered task has the knowledge, skills, and abilities to perform that task. However, APGA only supports this addition if PHMSA is not proposing to add a mandatory training requirement to the OQ evaluation and re-evaluation process. Further, APGA does not support a requirement to keep records of training not performed as a part of the OQ process. APGA also believes that any requirement for training records should be on a going forward basis and not retroactive.

Safety of Gas Transmission & Gathering Lines

Significant Rule(s)

Broken into 3 Rules:

1. Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments
Addresses Congressional Mandates
Estimated Final Rule Publication: Q1 2019
2. Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments
Not associated with Congressional Mandates
3. Safety of Gas Gathering Pipelines

Safety of Gas Transmission & Gathering Lines

Timeline & Associated Information Links:

August 25, 2011	Publication of the Advanced Notice of Proposed Rulemaking	Federal Register Notice
April 8, 2016	Publication of the Notice of Proposed Rulemaking	Federal Register Notice
July 7, 2016	NPRM Comments Due	APGA Comments
January 11-12, 2017	PHMSA Gas Pipeline Advisory Committee (GPAC) Meeting #1	Presentations & Voting Slides
June 6 – 7, 2017	GPAC Meeting #2	Presentations & Voting Slides
December 14 – 15, 2017	GPAC Meeting #3	Presentations & Voting Slides
March 2, 2018	GPAC Meeting #4	Presentations & Voting Slides & Industry Comments
March 26 – 28, 2018	GPAC Meeting #5	Presentations & Voting Slides Industry Comments Rule #1 Industry Comments Rule #2

Safety of Gas Transmission & Gathering Lines

- Industry proposed definitions for *Transmission Line & Distribution Center*:

Transmission line means a pipeline, other than a gathering line, that:

1. Transports gas from a gathering line or storage facility to a distribution center, storage facility; or large volume customer that is not down-stream from a distribution center;
2. ~~has an MAOP~~ operates at a hoop stress of ~~20~~ 30 percent or more of SMYS; or
3. transports gas within a storage field; or
4. is voluntarily determined by the operator to be a transmission pipeline.

Note: A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.

Distribution center means ~~the a location~~ initial point where gas ~~volumes are either metered or have pressure of volume~~ enters piping used primarily to deliver gas to customers who purchase it for consumption as opposed to customers who purchase it for resale, for example:

- (1) at a metering location
- (2) pressure reduction location, or
- (3) where there is a reduction ~~prior to delivery to customers through a distribution line~~ in the volume of gas, such as a lateral off a transmission line.

Safety of Gas Transmission & Gathering Lines

Quickest Path to a Final Rule – MANDATES RULEMAKING

PHMSA Reviews NPRM Comments

July – December 2016



PHMSA Presents Path Forward to GPAC (5+ Meetings)

December 2016, January 2017, December 2017, March 2018 (2)



PHMSA Makes Necessary Modifications

Spring & Summer 2018



Office of the Secretary of Transportation Reviews & Approves Final Rule

Fall 2018



Office of Management and Budget Reviews & Approves Final Rule

December 2018 – March 2019



Final Rule Publication

March 2019



Effective Date of Final Rule

*Final Rule Publication + 6 Months = **August 2019***

Safety of Gas Transmission & Gathering Lines

Topics Pertaining to Rule #1

1. Definition of Transmission Line & Distribution Center: APGA supports PHMSA's proposed definition of Distribution Line if PHMSA's intent is to exclude all pipelines operating below 20% SMYS from the definition of Transmission Line.
 - Industry is encouraging PHMSA to define *Distribution center in the first rulemaking focused on Congressional Mandates*.
2. Moderate Consequence Areas: APGA supports PHMSA's decision to not modify the current definition of HCAs and thus limit the pipelines that must be incorporated into TIMP.
 - Only pipelines operating greater than 30 % SMYS are included in the new requirement to expand integrity assessments outside of HCAs.
3. New Recordkeeping Requirements: APGA urges PHMSA to ensure that the final code language clearly states that any newly introduced recordkeeping requirements are not retroactively applied.
4. MAOP & Material Verification and Expanding Assessments Beyond HCAs: APGA urges PHMSA to limit these requirement to pipelines operating above 30% SMYS.
 - PHMSA considering limiting some of the new requirements related to MAOP and Material Verification to pipelines operating greater than 30% SMYS. That decision may come in the March or June 2018 GPAC Meetings.

Safety of Gas Transmission & Gathering Lines

Topics Pertaining to Rule #2

1. Corrosion Control Requirements: APGA asked that PHMSA limit some of the proposed corrosion control requirements to transmission pipelines greater than 20% SMYS, but at a minimum ensure that the requirements do not apply to distribution pipelines.
 - The GPAC ensure that the new requirements do not apply to distribution pipelines and made many of the requirements more reasonable for operators, but did not vote to limit any to pipelines operating greater than 20% SMYS.
2. Management of Change: APGA encourages PHMSA to restrict the requirements for MOC to operators that have control rooms and/or compressor stations.
 - The GPAC did not vote to support this position, but did limit the changes that must be incorporated into an MOC to those that could substantially impact the integrity of the pipeline.

Additional Pending Final Regulations & Agency Actions

Safety of On-Shore Hazardous Liquid Pipelines

National Pipeline Mapping System Update

Proposed Rules

These are rulemakings that PHMSA has stated are in progress. The content and details of these rulemakings remains unknown as the proposed rule has not yet been published.



Gas Regulatory Reform

Nonsignificant
“Prerule Stage”¹

Estimated NPRM publication date: 2019

From PHMSA:

“This rulemaking would amend the Pipeline Safety Regulations to adopt a number of actions that ease regulatory burdens on the construction and operation of gas transmission and gas gathering pipeline systems. These amendments include regulatory relief actions identified by internal agency review, existing petitions for rulemaking, and public comments on the Department of Transportation regulatory reform and infrastructure notices.”

¹ “On the Unified Agenda, actions in the prerule stage are those actions on which the agency is considering taking action. Actions in the prerule stage have yet to be published as a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking and reviews of existing regulations.”

Valve Installation and Minimum Rupture Detection Standards

Significant Rule

NPRM with the OST for Review

Estimated NPRM publication date: 2018

Expected to cover

- Rupture detection and response time metrics, including:
 - Integration of ASV and RCV placement
(Objective: Improve overall incident response)

Will attempt to address

Legislation

- If appropriate, require ASVs, RCVs or equivalent technology on new or fully replaced transmission lines
(where economically, technically & operationally feasible)

NTSB Recommendations

- Equip SCADA systems with tools to assist in recognizing and pinpointing leaks (distribution and transmission)

Additional Pending Regulations / Actions

Class Location Changes

ANPRM Sent to OMB: May 2, 2018

Safety of On-Shore Hazardous Liquid Pipelines

Standards Update Rule – 2015 and Beyond

State Pipeline Safety Program Certification

National Pipeline Mapping System Update

Referenced in the Gas Transmission Rule NPRM or Discussed at Workshops:

Quality Management

Public Awareness

LNG for Small Facilities

Advocacy Actions Beyond Current Rulemakings

Details are provided on APGA advocacy actions that are in progress, but are outside of specific PHMSA rulemakings.



Farm Tap Inspections

OQ, Cost Recovery, Accident & Incident Notification and Other Pipeline Safety Changes Final Rule

Effective: March 24, 2017

New Requirement:

- (a) This section applies, except as provided in paragraph (c) of this section, to any service line directly connected to a production, gathering, or transmission pipeline that is not operated as a part of a distribution system.
- (b) Each pressure regulating or limiting device, relief device, automatic shutoff device, and associated equipment must be inspected and tested at least once every 3 calendar years, not exceeding 39 months.

Related Links:

[PHMSA's Notice of Proposed Rulemaking](#)
[APGA Comments on Proposed Rulemaking](#)
[PHMSA's Final Rule](#)

[Industry Comments on Deregulatory Actions \(APGA Supported\)](#)

Farm Tap Inspections

Post Final Rule Advocacy Actions:

1. Discussions with PHMSA

On-going since the publication of the Final Rule.

2. AGA Submitted a Regulatory Impact Position Paper

Highlighted the estimated annual cost impact of the new prescriptive inspection requirements and provided a cost / farm tap comparison between DIMP and prescriptive inspection cycles.

Sent to PHMSA: September 18, 2017

3. Industry Comments to the Department of Transportation on Deregulatory Actions

A suggested deregulatory action for PHMSA.

Submitted to : November 9, 2017

4. Industry Comments to the Department of Transportation on Deregulatory Actions

At the December 13, 2017 PHMSA Gas & Liquid Pipeline Advisory Committee Meeting, PHMSA indicated that modifications to the new Farm Tap requirements was included in their priorities for regulatory reform.

5. PHMSA Discusses Farm Taps with Industry Stakeholders

On May 7, 2018, PHMSA discussed concerns with new Farm Tap requirements with industry stakeholders. PHMSA is working towards a Stay of Enforcement on the 192.740 requirements until further action can be taken through Regulatory Reform rulemakings.

Construction Inspection

Miscellaneous Changes to the Pipeline Safety Regulations Rulemaking

The Effective Date for §192.305 is “**delayed indefinitely.**”

Final Rule Language:

§192.305 Inspection: General. Each transmission line and main must be inspected to ensure that it is constructed in accordance with this subpart. An operator must not use operator personnel to perform a required inspection if the operator personnel performed the construction task requiring inspection. Nothing in this section prohibits the operator from inspecting construction tasks with operator personnel who are involved in other construction tasks.

Related Links:

[NAPSR Resolution on Construction Inspection](#)

[PHMSA's Notice of Proposed Rulemaking](#)

[APGA Comments on Proposed Rulemaking](#)

[PHMSA's Final Rule](#)

[APGA Petition for Reconsideration](#)

[PHMSA's Response to Petitions for Reconsideration](#)

Construction Inspection

Post Final Rule Advocacy Actions:

PHMSA Created the “Construction Inspection Advisory Group” in Fall 2015 . The group was tasked with addressing concerns from industry, while meeting the goals of the federal and state regulators. Members of the advisory group included:

- PHMSA
- NAPSR
- APGA
- AGA
- Distribution Contractors Association (DCA)

The group last met in October 2015. The changes to §192.305 will not move forward without the consensus of this advisory group.

APGA Petition Position:

- **APGA requested that PHMSA clarify that a 2-man utility crew may inspect each other’s work and comply with the Construction Inspection requirements.**
- **PHMSA should ensure that the Final Rule does not impact a substantial number of small businesses.**

Recently Published Rulemakings

These rules have been finalized recently.



Underground Storage

Interim Final Rule

IFR Published: December 19, 2016

Comments Submitted: February 17, 2017

Industry Petition for Reconsideration Submitted to PHMSA: January 18, 2017

Petition for Reconsideration Filed to the DC Circuit Court: March 17, 2017

Effective Date: January 18, 2017

Introduces storage facilities into Pipeline Safety Regulations:

1. Incorporation of mandatory & non-mandatory provisions of API RP 1170 & 1171

With respect to the incorporation by reference of API RP 1170 & API RP 1171 in this section, the non-mandatory provisions (i.e. provisions containing the word “should” or other non-mandatory language) are adopted as mandatory provisions under the authority of the pipeline safety law except when the operator...

2. Compliance Timeline

Notice Issued June 20, 2017:

Until PHMSA addresses the petitions from industry and for one year after the publication of a final rule, PHMSA will not issue any enforcement citations to operators for failure to meet any provisions that are non-mandatory in API RP 1170 and RP 1171.