

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION (PHMSA)

+ + + + +

TECHNICAL PIPELINE SAFETY STANDARDS  
COMMITTEE (TACS)

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MEETING OF THE SUBCOMMITTEE ON THE PIPELINE  
SAFETY REPORT TO THE NATION

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WEDNESDAY

JUNE 15, 2011

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The Subcommittee met in Salons A  
and B of the Dulles Airport Marriott, 45020

Aviation Drive, Dulles, Virginia, at 9:00  
a.m., Jeff Wiese, Associate Administrator for  
Pipeline Safety, presiding.

MEMBERS PRESENT:

COLETTE HONORABLE, Arkansas Public Utility  
Commission

SUE FLECK, National Grid

RICHARD PEVARSKI, Public

CARL WEIMER, Pipeline Safety Trust

STAFF PRESENT:

JEFF WIESE, Associate Administrator for  
Pipeline Safety, DFO

LINDA DAUGHERTY, Deputy Associate  
Administrator for Policy and Programs

JOHN GALE, Director of Standards and  
Rulemaking

CHERYL WHETSEL, Technical Advisory Committee  
Manager

CAMERON SATTERTHWAITTE, Standards and  
Rulemaking

PAMELA BALDWIN, ESQ., Office of Chief Counsel

PUBLIC COMMENT:

MARTIN MACEY, Suremark Worldwide Corporation

RYAN ENDEAN, Professional Engineers in  
California Government

TOM HOFF, President/CEO of One Call Concepts,  
Inc.

JOSEPH J.H. Humphrey, Joseph Humphrey &  
Associates

PAT SONTI, Energy maintenance Services Group  
I, LLC

SARAH SPENCE, Civil Engineer

PHIL BENNETT, ESQ., American Gas Association

PETER LIDIAK, American Petroleum Institute

TERRY D. BOSS, Interstate Natural Gas  
Association of America

DR. JEY K. JEYAPALAN, P.E., Civic Enterprises

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

(9:05 a.m.)

MODERATOR WIESE: Okay. Good morning, everyone.

ALL: Good morning.

MODERATOR WIESE: Happy to have you here. Thank you for taking time out of your days to come and join us.

I've got a couple administrative notes that Cheryl Whetsel, fortunately, put together for me. I'm going to -- with my vision, I'll have to have glasses on to read these. Hope you'll endure this.

I want to say at the very beginning -- by the way, before I get into the meeting, this is intended to be an extremely informal session. You know, please don't, you know, fret it. We're going to have time for anybody who wants to talk. I'll go over objectives of the meeting.

So if you're here and you have something to say, we are happy to hear from

1 you. We'll make the time for you.

2 I have a Lavalier mic up here. So  
3 when people are speaking, given the way we are  
4 set up -- I kind of thought we would be  
5 flipped the other way. But given the way we  
6 are set up, if you want to speak, I will  
7 probably ask you to come up front. You know,  
8 you can use this Lavalier mic, or there's a  
9 mic you can hold if you'd rather, because the  
10 point of today's session is to get input to a  
11 report that we are going to be preparing over  
12 the next -- what do we have, Linda, a couple  
13 of months left?

14 MS. WHETSEL: Not enough time.

15 MODERATOR WIESE: Yes. Yes. As  
16 if there wasn't enough on our agenda already,  
17 we have been asked to prepare a report to  
18 America on pipeline safety -- the real reasons  
19 that we're here.

20 I wanted to mention that we are  
21 here today, though, with a group of people who  
22 are trusted advisers to us. I will introduce

1 people in a second, or, actually, have them  
2 introduce themselves, we'll walk around the  
3 table.

4 The folks that were here today to  
5 help us are a subcommittee of a standing  
6 technical advisory committee -- that is, a  
7 federally chartered advisory committee to the  
8 U.S. Department of Transportation. These  
9 folks have day jobs themselves, but they come  
10 together and help us normally with rulemaking  
11 proceedings and policy direction for the  
12 agency.

13 But we thought today we would do  
14 something a little bit different. We haven't  
15 used a subcommittee of this group in a long  
16 time. We thought we would use this group to  
17 help advise us on preparing this report to  
18 America. We will get into a little bit of  
19 that again in just a second, but I wanted to  
20 let you know it's a formal meeting for us.

21 It is open, it is being  
22 transcribed, so when you speak it is really

1 important to us. If you would, for the future  
2 -- we will remember today, but maybe forget  
3 tomorrow -- if you would introduce yourself,  
4 say who you are and who you're representing,  
5 that would be helpful.

6 So my name is Jeff Wiese, by the  
7 way. My official title is Associate  
8 Administrator for Pipeline Safety at DOT. I  
9 am in the Pipeline and Hazardous Materials  
10 Safety Administration.

11 I am the presiding official for  
12 today. I think Cheryl likes to call me the  
13 designated government official.

14 (Laughter.)

15 MS. WHETSEL: Because you are.

16 MODERATOR WIESE: The DGO. Okay,  
17 very good.

18 Maybe what I will do, if you will  
19 allow me, is just talk a little bit about the  
20 purpose of the meeting again, and then we will  
21 come around and do introductions. I won't  
22 force everybody in the audience to do that,

1 but if you speak of course we will do that.

2 I will start back and ad lib for  
3 just a second, which will make Cheryl nervous.  
4 Some of you may have heard this presentation  
5 before. The condensed version of this is that  
6 the Pipeline Safety Program has been around in  
7 this country for three to four decades,  
8 depending on what sector you are talking  
9 about. Previously, it had been regulated,  
10 where regulated, largely by the states.

11 The U.S. Congress stepped in,  
12 asked the Federal Government to take on a role  
13 in there, and it has been evolving ever since.  
14 I have been here myself for a dozen years, 15  
15 years before that in the offshore oil and gas  
16 side on the shop.

17 So what I would say in my 12 years  
18 here is I've seen remarkable progress in  
19 pipeline safety. And of course I would say  
20 that, since I'm in it. But I -- really, I  
21 mean that. And having seen -- and, really, I  
22 came on -- one of the other people I met early

1 on in my career was Carl Weimer.

2 I came on six months before  
3 Bellingham, Washington. And things seemed  
4 like they were going along okay the first six  
5 months I was there, but I was just getting my  
6 feet wet. Bellingham happened, caused a  
7 really substantial reexamination, you know, of  
8 the pipeline program. What is going on that  
9 we could have failures with that kind of  
10 magnitude?

11 Of course, not long afterwards we  
12 have a major failure in Carlsbad, right?  
13 Those things really shook the foundations of  
14 the Pipeline Safety Program, led to a lot of  
15 involvement by the U.S. Congress in telling us  
16 what they thought we should do relative to  
17 pipeline safety.

18 It had several other rounds of  
19 reauthorizations following that, but suffice  
20 it to say, bringing it up to modern day, I  
21 think we had taken care of most of the things  
22 the U.S. Congress had suggested to us that

1 needed to be done to improve pipeline safety  
2 as of about a year ago, in January of 2010.

3 2010 turned out to be a very  
4 dramatic year for pipeline safety. For  
5 anybody who has been paying attention at all,  
6 I don't have to remind you of that.

7 You know, it started and things  
8 really weren't jurisdictional. In my mind, it  
9 really started with Deep Water Horizon.  
10 Despite the fact that there was no pipeline --  
11 as those of you who have heard me do this gig  
12 -- no pipelines involved, you know, people had  
13 a really -- how can that happen, you know?

14 How can things go so wrong? You  
15 know, all those people died on the platform,  
16 which got precious little exposure. You know,  
17 we had a ton of exposure about the oil spill,  
18 which was appropriate. But, again, 12 people,  
19 if I remember right, lost their lives in that.

20 It polarized both the Congress and  
21 the administration, and I think the public,  
22 you know, about safety matters. So shortly

1 thereafter we began having a series of very  
2 high visibility failures, whether it was a  
3 failure in San Bruno, California, you know, in  
4 which eight people lost their lives, and I  
5 think my count is -- 35 homes or so were  
6 destroyed, many peoples lives, you know,  
7 irrevocably changed, or Marshall, Michigan --  
8 that was, by the way, if you will allow me to  
9 say, San Bruno was a state-regulated issue.

10 We then follow up with a federally  
11 regulated issue in Marshall, Michigan, where  
12 nearly a million gallons of crude oil dumped  
13 into the Kalamazoo River. I was personally up  
14 there several times and saw that, you know,  
15 devastation in that community, bank-to-bank  
16 sheen all the way through significant towns.

17 We then have several other -- I  
18 mean, I can go on forever, whether it's  
19 Allentown, in which five people died,  
20 including a baby, you know, or whether it's  
21 excavation damage-related failures, in Texas,  
22 North Dakota, Georgia. You know, these were

1 all horrific events.

2 Suffice it to say, 2010 was a  
3 really bad year for pipeline safety. I don't  
4 know that there was a ton in common amongst  
5 these things, but it was a bad year for  
6 pipeline safety. It galvanized a lot of  
7 people. We ended up having, gosh, seven or  
8 eight congressional hearings. You lose track  
9 after a while. In fact, we have another one  
10 tomorrow.

11 The Congress took a lot of  
12 interest. A lot of people took a lot of  
13 interest. Among the people who took interest  
14 was Secretary Ray LaHood, Secretary of  
15 Transportation. Secretary asked us to pull  
16 people together. It's his penchant when there  
17 is a problem that he perceives to try to get  
18 the smartest people that he can around to talk  
19 about it, to identify what needs to be done.

20 So in April, earlier this year, as  
21 some of you know, we held a forum in the U.S.  
22 Department of Transportation, never an easy

1 place to hold a forum, trying to get people in  
2 and out through security. Quite a deal.

3 But suffice it to say, I think it  
4 was a fairly successful event, you know. It  
5 was webcast to the public. People had an  
6 opportunity to participate, if they wanted to,  
7 and to advise. Secretary then asked us to  
8 report back to the country on pipeline safety.  
9 He wants us to prepare a report to America on  
10 pipeline safety.

11 At that point, you know, we were  
12 fairly full on our agenda as it was at that  
13 point, so this has come in over the top.  
14 Being not -- you know, not totally dumb we  
15 said, "We are going to need some help on  
16 this."

17 So we went to the people who we  
18 have relied on for years, really our Advisory  
19 Committee. And rather than involve 30 people,  
20 who sit on our advisory committees, we  
21 chartered really, with executive decision-  
22 making, me going around asking them and

1 pleading with them, promising them, you know,  
2 large payoffs at the end of the day.

3 (Laughter.)

4 You know, whatever I could do to  
5 get them to participate, I cajoled these  
6 people into joining us. Now, two of them  
7 aren't here today, but they are still engaged.  
8 One will be in tomorrow. The other one is out  
9 on a medical issue. They are going to help  
10 us.

11 I'm getting to the point of today,  
12 but I wanted you to know that we have  
13 comprised this group of people to help us  
14 write a report. They all have day jobs. I'm  
15 not asking them to actually draft chapters of  
16 this.

17 So what we thought we would do, in  
18 order to be respectful to the members of the  
19 Committee, as well as the people who have an  
20 interest in the report, is to ask for ideas  
21 and evolve an outline, you know, so that at  
22 the end of the day our goal would be no

1 surprises. You know, we are not here -- this  
2 is not super secret. You know, this is not  
3 cutting new ground. It's not going to make  
4 decisions and say, "Here is the path we're  
5 taking," right?

6 I want to be clear, particularly  
7 with the audience -- I know that the  
8 Subcommittee knows this -- that what I really  
9 want to say is the purpose of today's meeting  
10 is to get input from you and have the  
11 Subcommittee and ourselves listen to that and  
12 see how that would fit into this report.

13 But let me be clear at the  
14 beginning, so you can adjust your  
15 expectations, and you can adjust your  
16 presentations if you want. We are not here to  
17 solve anyone's individual issues today. That  
18 is not -- we have plenty of forums for that.

19 Today is about this report. So we  
20 will be putting up the outline. We'll be  
21 talking about it.

22 Cheryl, I don't know if we have

1 hard copies of it? Do you know if we do?  
2 We'll be putting this up. If you haven't seen  
3 the outline, we'll walk through it, okay? So  
4 that you'll have an opportunity -- and just  
5 make notes on things that you think we should  
6 consider as part of this report.

7 One other thing -- it's always  
8 helpful to understand the target audience,  
9 right, for the report. Not you, but the  
10 report. This is a report to America, and we  
11 have grappled with this, you know? Where do  
12 you have to pitch to have America interested?  
13 What purpose would this report serve?

14 I guess my distilled version of  
15 that is I would like it to be just a  
16 reference, you know. For people who want to  
17 know, they want to come in really quick and  
18 get a quick survey of the landscape, you know,  
19 they can look at this report and read it and  
20 come up to speed pretty fast. Plus, they can  
21 figure, where else can I go to get information  
22 if I am interested in something in particular?

1                   So I would say that we -- as  
2 always in pipeline safety, we find ourselves  
3 trying to balance a lot of competing  
4 interests. It's okay. It's what we do for a  
5 living. We are happy to do that.

6                   But I would say that we have a lot  
7 of different stakeholder groups here today.  
8 I'm happy to hear from you. Linda, are you  
9 going to cover the timing of the report and  
10 some of that?

11                  MS. DAUGHERTY: Yes.

12                  MODERATOR WIESE: Okay. I will  
13 tell you that we are on a really short leash  
14 to produce this report. We have to have it --  
15 our part of it has to be done in August. The  
16 full report -- if you're interested, by the  
17 way, in what the full report is going to look  
18 like, it will be presented by this group to  
19 our full Advisory Committee, all 30 of those  
20 people, in August, early August. Does anybody  
21 remember the -- it's like the 2nd.

22                  MS. FLECK: It's the 3rd, I think.

1                   MODERATOR WIESE: 2nd and 3rd?  
2           Yes, in D.C. More information on that to  
3           follow. And our website -- it's the only one  
4           I can ever remember -- if you just go to the  
5           ops.dot.gov, it will be there. There's also  
6           the pipeline safety awareness website, which  
7           we have recently built. It will be there.  
8           Trust me, we will try to get the word out in  
9           the full Committee.

10                   So after we get your input today,  
11           this Committee will just be meeting with us in  
12           a closed session, which they are just giving  
13           us their advice on the outline. What did we  
14           hear from you? How do we need to modify the  
15           outline?

16                   We will begin drafting it. We  
17           will be sending it to these folks for their  
18           review. Some of you are natural constituents  
19           of some of the other members here, so I  
20           encourage you to work with your member here.  
21           Or, again, if you have advice later, we are  
22           happy to take it.

1                   But, really, the comment period  
2                   for this technically closes on the 13th, which  
3                   was when?

4                   MS. FLECK: Two days ago.

5                   MODERATOR WIESE: Two days ago?  
6                   Right. We're not going to be hard-nosed. If  
7                   you have something you really think needs to  
8                   come in here, and you have material, give it  
9                   to us. You know, we're not going to cut it  
10                  off.

11                  I do want to also say this is  
12                  intended to be a fairly transparent process.  
13                  We're not going to go off in a, you know, dark  
14                  room and write something. All of the inputs  
15                  that we are going to be using we are going to  
16                  be posting.

17                  If you have stuff that you think  
18                  needs to be provided as part of this exercise,  
19                  we will be posting a website. If you think we  
20                  need to see it, so does anyone else. So no  
21                  secrets. You know, we are not drawing on any  
22                  super secret stuff.

1                   So, let's see, other things that  
2 Cheryl wanted me to make sure that I said to  
3 you today. I just -- again, we are recording  
4 the meeting. We will make it available to  
5 you, if you want to refer back to it later,  
6 who said what when, you know, who was here,  
7 and all of that.

8                   There is a few administrative  
9 announcements that I would like to make, and  
10 then I will review the agenda with you, which  
11 we have up here behind us. First of all, I'm  
12 told that there -- for your comfort, there are  
13 restrooms across the hall. I haven't actually  
14 seen those myself. I'm told there's coffee in  
15 the bar area in the lobby, and fire exits from  
16 both ends. I guess out and either end you can  
17 go, depending on should that happen.

18                   I have been asked by Craig Pierson  
19 and Massoud Tahamtani, who are two of the  
20 other people, to make apologies for them not  
21 being here today. They are still very much  
22 engaged. Massoud, unfortunately, is

1 temporarily injured, and Craig couldn't make  
2 it here today, but will be here tomorrow. So,  
3 at any rate, the rest of these people are  
4 going to be participating.

5 I think that's really the bulk of  
6 what Cheryl wanted me to cover. Yes, Peter?

7 MR. LIDIAC: (Inaudible comment  
8 from an unmiked location.)

9 THE COURT REPORTER: I'm sorry.  
10 I'm not picking up what he's saying on the  
11 transcript.

12 MODERATOR WIESE: I'll repeat it.  
13 Yes, that's not -- I don't think that that was  
14 a -- does it say comment period, there, Peter?

15 MR. LIDIAC: (Inaudible comment  
16 from an unmiked location.)

17 MODERATOR WIESE: On the hidden  
18 structure, okay. So, yes, I'm sorry. Thank  
19 you for that, John.

20 There is one -- there is one piece  
21 that's out there on that pipeline safety  
22 awareness website that was a preliminary

1 report that -- sorry, Peter. Peter was asking  
2 about comments for things to come in. Peter  
3 Lidiak with API.

4 And that is -- I apologize for  
5 that little bit of confusion. There is a  
6 preliminary infrastructure report that is  
7 posted to our pipeline safety awareness  
8 website, in which your comments are invited  
9 in. And Peter is right, the comments on that  
10 are due by the 13th.

11 We had asked that everybody  
12 provide all of the inputs they could for this  
13 report by now. So thank you for that  
14 clarification.

15 Okay. So maybe before I begin and  
16 go through the agenda, why don't we just take  
17 a minute and run around and introduce the  
18 members of the Committee who will be here  
19 today, because, again, the purpose today is  
20 we're not going to be actively debating. We  
21 are here to listen to you, you know, give you  
22 a little bit of framework.

1                   And so maybe start with Carl  
2                   Weimer.

3                   MR. WEIMER:    Sure.  Do we need  
4                   these on?

5                   MODERATOR WIESE:  I think so.

6                   MR. WEIMER:  I'm Carl Weimer.  I'm  
7                   the Executive Director of the Pipeline Safety  
8                   Trust, and I'm on the Liquid Hazardous  
9                   Technical Committee.

10                  MS. FLECK:  Maybe I'll grab this  
11                  one.  It's closer.  Hi.  Good morning.  My  
12                  name is Sue Fleck, and I work for National  
13                  Grid, which is a combined gas and electric  
14                  utility that operates in the northeast in New  
15                  York, Rhode Island, New Hampshire, and  
16                  Massachusetts, and I'm on the gas part of the  
17                  Committee.

18                  MS. HONORABLE:  I'm Colette  
19                  Honorable.  I'm here on behalf of NARUC.  I'm  
20                  chair of the Arkansas Public Service  
21                  Commission, and I serve on the TPSSC.

22                  MR. PEVARSKI:  And I'm Rick

1 Pevarski, Chief Executive Officer of Virginia  
2 Utility Protection Service. We are the one-  
3 call notification service for Virginia. I'm  
4 on the Technical Pipeline Safety Standards  
5 Committee, the gas side.

6 MODERATOR WIESE: Great. Thanks.  
7 I wonder if -- we might as well go around with  
8 the other people who are going to be here,  
9 since you're sitting at the table, so everyone  
10 in the audience knows who you are.

11 MS. DAUGHERTY: I started that  
12 trend. I wanted everyone to know who was  
13 actually on the Subcommittee. My name is  
14 Linda Daugherty. I'm the Deputy Associate  
15 Administrator for Policy and Programs.  
16 Basically, I work for Jeff and do what he  
17 tells me to do sometimes.

18 MODERATOR WIESE: Does anyone out  
19 there believe that?

20 (Laughter.)

21 PARTICIPANT: It's the other way  
22 around.

1 MODERATOR WIESE: Right, yes. I

2 live in her service, so --

3 MR. GALE: Hi, I'm John Gale. I'm

4 Director of Standards and Rulemaking, and I do

5 whatever Linda tells me to do.

6 MR. SATTERTHWAITE: Cameron

7 Satterthwaite, Standards and Rulemaking.

8 MS. BALDWIN: I am Kristen

9 Baldwin, Office of Chief Counsel.

10 MODERATOR WIESE: Great. Okay,

11 thanks.

12 I won't make us go through the

13 audience and introduce each other. But if you

14 speak, I would appreciate it very much if you

15 would say your name and who you are

16 associating with.

17 A little -- few more comments

18 about -- so that takes care of introductions

19 and audience participation. We have some

20 introductory stuff we will run through real

21 quick with you, but our real purpose in being

22 here today is to hear from you and take

1       whatever inputs you have, you think need to be  
2       considered by this group in helping us shape  
3       the outline for the report that we'll be  
4       drafting soon.

5               So, again, I would just say, for  
6       those of you who -- it doesn't matter -- if  
7       you have registered, we will go to the people  
8       who have registered to speak first out of  
9       respect, but anybody else who wants to speak,  
10      you will be able to. So don't worry about it.

11             I would say that we will ask  
12      people to keep your remarks brief. I spent a  
13      fair amount of time telling you what our  
14      purpose is to help you, and really help us.  
15      It won't help us if you have a cause that you  
16      are just trying to advance. Okay? And I  
17      recognize that, because I have plenty of  
18      causes of my own. And I would like to; I'm  
19      just saying this is the wrong forum for that.

20             This forum is, do you think  
21      something needs to be included in this report  
22      in order to communicate with America or the

1 state of play with pipeline safety? So please  
2 try to keep your remarks focused to that. I  
3 mean, again, the rightness of your cause and  
4 all that, we're not here to pass judgment on  
5 that today. If you really feel that it needs  
6 to be in there, tell us why, and we will be  
7 glad to, you know, give that serious  
8 consideration.

9 I will say anybody who is speaking  
10 formally, if 15 minutes -- and people who have  
11 -- sadly for you, people who have been in  
12 meetings that I run know that I am a stern  
13 disciplinarian. I have to be in order to pull  
14 meetings off. So forgive me for that. I  
15 don't mean to be rude. When I say "five  
16 minutes," like that, it will mean you've got  
17 five minutes left. At five minutes, I will  
18 say that, and we're done.

19 If we don't do that, all of us  
20 will be here into the night. So I'd just try  
21 to ask you to keep your remarks sharp.

22 Everything -- the record here --

1 anything you said, the recordings will all be  
2 available at [www.regulations.gov](http://www.regulations.gov). I will --  
3 you can talk to us later, and we'll give it to  
4 you again, but their docket -- this is all put  
5 into what they call a docket. The docket  
6 number is PHMSA-2009-0203.

7 Okay. So a couple of last notes  
8 and we'll get to business. I would say that,  
9 as a general practice -- although, you know,  
10 I am pretty much wedded to mine -- you know,  
11 I would urge you to think about putting your  
12 cell phones in buzz mode, just out of respect  
13 for your fellow participants here.

14 For the members of the Committee,  
15 we won't be doing a lot of talking, you know,  
16 although you are certain welcome to. You know  
17 the drill by now. If you want to put your  
18 tent card on the side, clearly, it is a cue  
19 that you have something you want to add in  
20 there. We said state name.

21 Last thing I think I have, really,  
22 is a note about lunch. We are going to try to

1 break at 11:30 for lunch. I hate to tell you  
2 this -- there are not many options for lunch  
3 here. We picked this week a long time ago,  
4 and we picked it with people who are  
5 apparently not avid golfers. I get out and I  
6 try to hit that little white ball, but I'm not  
7 very good at it.

8 So we all forgot, including John,  
9 who does play a lot of golf, the U.S. Open is  
10 going on at the same time.

11 MR. GALE: And those of you who  
12 parked at Dulles Airport, you can --

13 MODERATOR WIESE: Yes.  
14 Apparently, there are no hotels around, you  
15 know, so it is ludicrous, you know, and I  
16 apologize for that. We normally wouldn't drag  
17 you out to Dulles, although if you were flying  
18 in it's actually pretty convenient, you know.

19 For the rest of the people who  
20 live in Maryland, my apologies, because they  
21 have a long hike to get out of here.

22 So I would just say the hotel

1 suggests we break promptly at 11:30, so we'll  
2 try to do that. Restaurant offers a number of  
3 fast-serve varieties, salads, sandwiches, et  
4 cetera.

5 So I think that I have -- Cheryl,  
6 have I done you justice, and I've gone through  
7 all of the remarks you --

8 MS. WHETSEL: I do have a  
9 correction on the docket.

10 MODERATOR WIESE: Okay. The  
11 docket number?

12 MS. WHETSEL: The docket number is  
13 PHMSA-2011 --

14 THE COURT REPORTER: Could you use  
15 the microphone, please?

16 MODERATOR WIESE: How about if I  
17 just go ahead and say -- I apologize. There  
18 was a correction to this on here.

19 MS. WHETSEL: That's our standard  
20 --

21 MODERATOR WIESE: Cheryl will tell  
22 you many things about me, but I think she will

1 tell you that I can read generally. So the  
2 docket number for the report is PHMSA-2011 --  
3 that is the year we're in I think -- dash  
4 0127. And I want you to know I was suspicious  
5 of the 2009, but, hey, as government, anything  
6 can happen here.

7 So the last thing you have for me  
8 to do is review the agenda?

9 MS. WHETSEL: Yes.

10 MODERATOR WIESE: Okay. And then,  
11 I will sit down and be quiet.

12 So really we -- I think you pretty  
13 much know what has happened by now. At some  
14 point soon, we will put up the outline as  
15 well. I think when we are trying to have some  
16 discussion, Linda is going to run through  
17 that. Is that correct?

18 Okay. Very good. So you will get  
19 to see that, sorry -- the mysterious outline.  
20 And I want to have it posted when we leave  
21 here to this pipeline safety awareness  
22 website, so you have it there and you can, you

1 know, contact us again if you want.

2 I think I have gone through the  
3 bulk of this. We will provide you some  
4 information there. Linda is going to run  
5 through this in details. I think we will be  
6 ahead of schedule. My goal will be to get you  
7 out of here a little bit early. I mean, we  
8 will be here as long as you want to talk, but  
9 my goal will be to get you out of here a  
10 little bit early.

11 I need to talk to the members of  
12 the Committee once we're done. But other than  
13 that, we'll do what we can to get you out of  
14 here. And I hope to get into some  
15 presentations fairly soon.

16 Now, forgive me for asking, but I  
17 don't -- Sarah is not here, right, yet, Sarah  
18 Spence? Okay. One of the people that --  
19 Sarah came from -- well, I know you came from  
20 Washington, too. You're a member of the  
21 Committee. Of course, we appreciate your  
22 service, but Sarah is a member of the public,

1 who probably came the farthest. Did anybody  
2 come farther than Washington State?

3 MR. WEIMER: I came eight miles  
4 farther than she did.

5 MODERATOR WIESE: You did? Eight  
6 miles? Yes.

7 (Laughter.)

8 But you guys came together, I  
9 hope? Okay. Well, at any rate, Sarah is also  
10 taking four buses, as I recall, in order to  
11 get here. She is staying in Middleburg. No  
12 rental cars, no place to park, she is taking  
13 four buses to get here. So she said she would  
14 get here late. Sarah does have a  
15 presentation. I look forward to that one.

16 So with no further ado, let me  
17 turn the meeting over to Linda Daugherty.  
18 Linda, do you want to speak with this  
19 Lavalier? You would rather have a handheld?  
20 You don't wear a belt.

21 MS. DAUGHERTY: Yes.

22 MODERATOR WIESE: That's why

1 Blackberries don't work for you.

2 MS. DAUGHERTY: I know. It can be  
3 quite embarrassing for me walking around with  
4 -- okay. Are we good? Good morning,  
5 everybody.

6 ALL: Good morning.

7 MS. DAUGHERTY: Now, I would have  
8 expected that anemic response from people that  
9 are still asleep because they live in the far  
10 western time zone. Okay. Let's try it again.  
11 Good morning.

12 ALL: Good morning.

13 MS. DAUGHERTY: All right. Well,  
14 we've got a lot of things to cover today. The  
15 most important part, as Jeff mentioned, is  
16 hearing from you all. That's why we're here.

17 I'm going to cover some of the  
18 things that Jeff already covered. I do want  
19 to apologize again. We had planned to provide  
20 you with printouts of our outline. I do have  
21 it in my presentation. What that means is,  
22 because you don't have it in front of you, I'm

1 going to go over this a little bit slower, and  
2 so you can take time to think about it, make  
3 notes, and provide comments back.

4 Last year was a rough year for all  
5 of us. Anyone that has public safety at  
6 heart, worried about the environment, last  
7 year wasn't very comfortable. I know that  
8 when Deep Water Horizon happened, you know,  
9 you get that sick feeling in the pit of your  
10 stomach and you start worrying about it.

11 Well, last year was that.

12 And then, when we had, as Jeff  
13 mentioned, San Bruno and Allentown, and you  
14 just -- those are things that you don't really  
15 get over, because that's where we live.  
16 That's where our families live. And so you're  
17 going to hear me talk later about everything  
18 we do is a shared responsibility.

19 Yes, there is a role for the  
20 regulators, and, yes, there is a  
21 responsibility of operators. And, yes, there  
22 is also a role and responsibility of the

1 public sector, and of all sorts of other  
2 stakeholders as well, but I'm going to get to  
3 that.

4 I'm going to cover a few things  
5 that may be a little bit repetitive to what  
6 Jeff had said, but I'm going to really focus  
7 on the outline here in a little bit.

8 Okay. So bad things happened last  
9 year. It got a lot of people's attention.  
10 And by the way, I'm walking over here because  
11 that little projector has a very bright light.  
12 And I'm not trying to do theater lighting  
13 here; it's very bright.

14 One of the key things that we want  
15 to determine is what needs to be done to make  
16 sure that the pipeline infrastructure is fit  
17 for service and can safely -- meaning public  
18 protection and environmental protection --  
19 provide energy to future generations.

20 This isn't about putting a bandaid  
21 on and walking away and say, "We're done this  
22 year," and then having to come back and look

1 at it next year. This is about looking down  
2 the road and saying, "Where do we want to be?  
3 Where are we now? And what's it going to take  
4 to get down there?"

5 This report to America, which is  
6 why we're meeting here, we are hoping -- we  
7 are diligently trying to make this an honest  
8 appraisal of what we've got now, what the  
9 issues are, and what it's going to take to get  
10 us where we need to be.

11 Now, I think we are all aware, if  
12 you've been dealing with pipeline safety  
13 issues for a while, that there are no easy  
14 answers, that the answers that we do come up  
15 with are not simple, nor are they painless,  
16 nor are they inexpensive. There's costs  
17 associated with what we have to do.

18 There is work and effort, and it  
19 has to take a lot of people getting together  
20 and coming up with the right solution. So  
21 that's part of -- that's part of the end goal.

22 This report that we are looking at

1 -- and I'm getting ahead of my slides, but the  
2 report is about educating all of us about what  
3 we have.

4 Now, let me back up and catch up  
5 here. I mentioned last year we got a lot of  
6 folks involved. Jeff has this -- he's not  
7 here, is he? Okay. Jeff has been using a  
8 phrase last year -- "elephants waded into the  
9 debate." Okay? I like to say, "No, Jeff,  
10 it's not elephants, and it's elephants and  
11 donkeys." You know?

12 This wasn't just a regulator.  
13 This was all levels of government. This  
14 caught their attention, and they said, "Wait  
15 a minute." I can tell you that Cynthia  
16 Quarterman, our boss, who works for Ray  
17 LaHood, had to go to the White House and talk  
18 about what the heck is going on that things  
19 like San Bruno could happen, that Embridge  
20 could happen. People are concerned at very  
21 high levels.

22 So what does that mean? That

1 means that we have high-level engagement from  
2 our leadership that says, "You must address  
3 this issue. You must look and find  
4 solutions."

5 Secretary LaHood and  
6 Administrative Quarterman, they met with a lot  
7 of folks that have the ability to make change  
8 occur. A lot of us can come up with good  
9 ideas; it takes some stroke, some ability, to  
10 make things actually happen.

11 The Secretary met with some of  
12 these folks to try to get things rolling. So  
13 these are important issues. We don't have  
14 solutions. By the way, I think I heard Jeff  
15 say -- and I'll say it again -- we do not have  
16 -- yet have a clean list of solutions to every  
17 challenge we have. This is part of what we  
18 have to work on. So anyway, we are trying to  
19 engage the right folks that can make things  
20 happen.

21 So here are all the executives,  
22 but you know what? We also need to hear from

1 everybody, meaning the public, meaning state  
2 and federal regulators, meaning all types of  
3 other folks that are involved in pipeline  
4 safety, including the industry, including  
5 other federal agencies that deal with pipeline  
6 safety.

7           So we had this forum. We have a  
8 website that we set up just for the forum and  
9 the proceedings. I encourage you to go there  
10 and take a look at the stuff. All the  
11 information that we get gets posted to this  
12 website. We have a library, and we post  
13 information there so everybody can share and  
14 go look and see what somebody else has to say,  
15 and maybe key off something they said for  
16 another idea.

17           So we had this forum. You know  
18 what? There was some really good stuff  
19 generated out of the forum. I can tell you,  
20 I walked away with a lot of action items. My  
21 boss said, "Well, we need to do this, this,  
22 and this, and this." And so we got this

1 laundry list of things we are going to do.

2 One of them -- and perhaps --  
3 perhaps one of the more important ones, I  
4 believe it would be, is this report to  
5 America.

6 I want to point out on this slide,  
7 we continue to want input and ideas. Jeff  
8 mentioned we clarified the response date and  
9 comment date for the outline. There are two  
10 things in play. There is this report to  
11 America, okay? We asked for comments on the  
12 outline by I think it was Wednesday, but we  
13 still need input. And I'll get to that at the  
14 very end.

15 But we always, continually and  
16 forever, will need input on ideas on pipeline  
17 safety. So I encourage people to submit  
18 information, ideas, thoughts, to this forum  
19 website, and I will provide the e-mail address  
20 at the end.

21 And by the way, thank you to Carl  
22 Weimer. We have been pushing this saying,

1 "Send us your ideas. We'll post them on the  
2 website. Go onto our website and post all  
3 your information." And Carl sent me an e-mail  
4 and said, "You didn't provide us a way to post  
5 anything. You didn't tell us where to send  
6 it." So we had good intent; we just weren't  
7 good on the followthrough, but we have now  
8 corrected that. We have a way to submit the  
9 information.

10 So I talked about shared  
11 responsibility. I talked about we've got a  
12 legacy infrastructure. I think you all know  
13 that. I talked about rate recovery cost.  
14 I've mentioned this isn't easy. I mentioned  
15 it's not cheap. But that doesn't mean it  
16 doesn't have to be done. We just have to  
17 figure out how to get there.

18 Okay. So we were given a six-  
19 month timeframe for this report to America.  
20 And from this point on in my -- in what I'm  
21 going to say here, I'm going to focus on the  
22 report to America.

1                   What is this about? This is about  
2                   educating us about the infrastructure. It is  
3                   about understanding what is in place, what  
4                   we've got, what we don't have, the challenges,  
5                   the risks, how we overcome them, honest  
6                   appraisal, and how we get to the end game.

7                   This report is not going to be  
8                   highly technical. We can't. We are going to  
9                   be writing this for whoever can use it. I  
10                  personally am hoping that when we get this  
11                  report done that people will be able to take  
12                  it to their state legislatures that may not  
13                  have an understanding of pipeline safety  
14                  issues and say, "Hey, read this as a primer,  
15                  and then let's talk about my issue or my  
16                  concern."

17                  I'm hoping that we can use it as  
18                  an educational tool for everybody. We want it  
19                  to be fact-based and neutral, as much as  
20                  possible.

21                  Okay. Jeff mentioned everybody  
22                  has an issue they are deeply concerned about,

1 and we deliberately have different sectors  
2 represented in this Subcommittee. We are not  
3 going to prepare a report that says, "This is  
4 what somebody thinks, and it's the right way  
5 to go."

6 We are going to have balance. We  
7 are going to stick to facts, not opinion.  
8 That is going to be the hard one to do, and  
9 this group here is going to help make sure  
10 that we do that, that we are fair and neutral  
11 as much as possible.

12 Now, back up here I said we are  
13 not going to get into the weeds. That does  
14 not mean that we are not going to have  
15 sidebars. We have already talked about the  
16 possibility of having in this report sidebar  
17 discussions or appendices, where there is a  
18 very critical technical issue that needs to be  
19 discussed. Maybe we covered a higher level in  
20 the report itself, that if it's important  
21 enough we are going to take the effort to  
22 provide more explanation, more detail, for

1 those that are interested.

2 Hey, Sarah. That's our person  
3 that came in through public transportation, so  
4 good for you.

5 I think I already said we don't  
6 have all the answers.

7 Okay. Let's get to the outline.

8 Okay. First of all, we asked for comments on  
9 the outline. We got a few comments. Some of  
10 these were robust. I will say that a few more  
11 comments came in early this week or very late  
12 last week, and they may not be in these  
13 totals. Do you know if they are, Paul, the  
14 ones that came in? We just got through our --  
15 two more. Okay. So we got two more that  
16 aren't reflected on this slide.

17 One thing to be aware of, only one  
18 state and Pipeline Safety Trust in the liquid  
19 industry have suggested source material. This  
20 is things to reference in the report. We  
21 encourage, if you have ideas, let us know.  
22 Okay?

1                   Hopefully, the folks here in this  
2                   room, you are here because you are interested  
3                   in the report and what we're trying to  
4                   accomplish. Hopefully, you have reviewed the  
5                   preliminary draft infrastructure report, which  
6                   is on that pipeline safety awareness forum,  
7                   and you have a general idea what it is.

8                   We are going -- we plan to lift  
9                   liberally from that report. It has some good  
10                  information in there, and we want to use it if  
11                  it's appropriate in the report. If it's not,  
12                  we won't use it, but it is -- there is some  
13                  good information in that report.

14                 Okay. So here are the proposed --  
15                 initially proposed chapter headings. Okay.  
16                 This is what we are here to discuss, folks,  
17                 this right here. Right now, there are six  
18                 chapters proposed, and I will get into each  
19                 one of these a little bit more. This is where  
20                 we really want to focus.

21                 And if there is a way we can leave  
22                 -- go back to this particular slide later on

1 and leave it up, since we don't have handouts,  
2 people can be thinking about ideas that would  
3 fit into these chapters.

4 The first thing we want to do is  
5 we want to characterize energy pipelines.  
6 Okay? So what's the point? What is the  
7 purpose of having pipeline infrastructure?  
8 Can't we just dig them all up, do away with  
9 them, and switch to a different type of fuel?  
10 Well, DOE says it's going to take a long time  
11 to shift to a new energy source, even if we  
12 were to discover it today.

13 So energy pipelines will be in  
14 place, likely, for several more decades, if  
15 not a much longer time. And we want to  
16 explain to people how -- why those pipelines  
17 are important. Why is there a pipeline in my  
18 backyard that is supplying -- going somewhere  
19 down in some other state, you know, four --  
20 four states away? Why is that important? Why  
21 does it have to go through my backyard? Why  
22 do I need a pipeline? Okay.

1 Pipelines, as you all know,  
2 touches us in many ways, whether it be, you  
3 know, the fuel for transportation, whether it  
4 be manufacturing facilities, whether it be  
5 heating our homes, et cetera. I'm not going  
6 to repeat it. You guys are all knowledgeable  
7 in this area, but we do need to explain this  
8 to our folks.

9 Real interesting discussion for me  
10 -- I had one of my nephews come up and say, "I  
11 didn't know you guys put anhydrous ammonia  
12 through pipelines. Why would you do that?  
13 Who uses anhydrous ammonia?" Well, there's a  
14 lot of parts of our country that do farming,  
15 and they need fertilizer. And there's  
16 manufacturing facilities that need it. So  
17 they need it in bulk.

18 But that's the kind of thing that  
19 -- my own nephew didn't know that, and I have  
20 trained him well -- apparently not well  
21 enough. So those are the kind of things that  
22 we need to do is we need to share information

1 about the role it plays in our lives.

2 The other part is roles and  
3 responsibility of key stakeholders. You know,  
4 it's really funny, everybody knows that on a  
5 safety issue there is going to be the  
6 industry, and there's going to be the safety  
7 regulator, right?

8 But that's not all, and I'm --  
9 we're hoping that this report will expand a  
10 little bit more on the other folks that play  
11 a role into this, whether this be the public,  
12 just the general public that have concerns,  
13 whether it be land use planners, rate-setters,  
14 whoever.

15 We want to talk about fact-based  
16 discussion on the record, not what we want the  
17 record to say, not what we think the record  
18 might say. Oh, did you just supply the --  
19 Cheryl, did you just hand out that draft?  
20 Cool. Does everybody have one now? Oh,  
21 that's wonderful. Thank you very much. This  
22 is going to help a lot. This is going to help

1 a lot. This is going to speed me up quite a  
2 bit.

3 Okay. So we want to talk about  
4 the factual issue on safety environmental  
5 record. We want to talk about challenges and  
6 issues. They may not be what we think they  
7 are. There may be a lot of challenges that we  
8 are not recognizing, and we need to identify  
9 those.

10 Continuous improvement -- you  
11 know, what are we doing to address some of  
12 these challenges and getting the  
13 infrastructure ready to go forward.

14 And then, here is a big one for me  
15 -- ideas for new initiatives. We need ideas  
16 on how we can move this forward. We know  
17 there's a lot of problems. We just need to  
18 come up with something feasible that we can do  
19 to move forward, so we are going to have a  
20 chapter on this.

21 And we are hoping that today we  
22 are going to hear some ideas and thoughts.

1 It's really easy to identify concerns. It's  
2 really easy to say, "Here is my problem with  
3 pipeline safety; fix it." What we really need  
4 to hear are ideas, feasible, realistic ideas,  
5 that we can do. That's the hard part. Didn't  
6 say this was easy. I think we gave fair  
7 warning to everybody. Jeff didn't tell the  
8 Subcommittee members, right?

9 (Laughter.)

10 This is hard. This is not an easy  
11 task.

12 Okay. I am going to -- you have  
13 this in front of you. A lot of these slides  
14 mimic what you have in your hand, so I'm going  
15 to go through pretty fast on these.

16 Key messages for Chapter 1,  
17 talking about how pipelines are fundamental to  
18 our way of life. Okay? Also, pipeline  
19 operators, they charge for transportation  
20 services via rates. I had to explain to my  
21 family, most pipelines, not all, but many  
22 pipelines are just like a truck service.

1                   They are about transporting a  
2                   product to someone who can use it. Many  
3                   pipeline companies don't own the product that  
4                   they ship. A lot of people don't realize  
5                   that, so we need to talk about that. And how  
6                   did they get -- how did they make their money?  
7                   These are businesses.

8                   Okay. So some of the sections  
9                   that we had talked about -- the value of  
10                  pipelines to the public, the types of  
11                  pipelines. There is a lot of them out there.  
12                  And you know what? Anhydrous ammonia didn't  
13                  make even this list. Hmm.

14                  Okay. Here is a big one -- age  
15                  and condition of the pipeline infrastructure.  
16                  Everybody talks about the aging  
17                  infrastructure. If it's old, does that mean  
18                  it's bad? Okay. I am old.

19                  (Laughter.)

20                  MS. WHETSEL: No, you're not.

21                  MS. DAUGHERTY: But I am not bad.

22                  Okay? I use the example -- and some of you

1 may have heard it before -- I own a '57 Chevy.  
2 Actually, I don't know, I sold it, but I owned  
3 a '57 Chevy. If I had not maintained that  
4 car, or the previous owners had not maintained  
5 that car, if they had not done a good job of  
6 keeping it in running order, it wouldn't be  
7 safe to drive. It would be a rusted piece of  
8 hulk in some junkyard somewhere.

9           If you maintain it, you can take  
10 care of it. And as it was, it was as good and  
11 as safe to drive on the road as a brand-new  
12 car. However, there is a lot of ifs and  
13 conditions on that. The maintenance, the  
14 original quality was good.

15           One of the issues that we have to  
16 deal with is making sure that there are -- the  
17 materials in the infrastructure have not  
18 degraded over time, that there are not  
19 materials that have become problematic because  
20 of environmental conditions or various things.

21           So my point is, just because it's  
22 old, it's not bad. However, it has been

1 exposed to more risks over time, more  
2 potential for dig-ins or whatever land  
3 movement, and you have to look at it. All  
4 pipelines need to be assessed.

5 Now, I'm burgeoning on the edge of  
6 swinging over to my integrity management  
7 presentation, so I'll stop there.

8 Chapter 2, big point, numerous  
9 stakeholders. It's not all about regulators  
10 and industry. It's about a lot of different  
11 folks. It's about a lot of stakeholders.

12 It is a joint responsibility of  
13 regulators to identify safety issues. And I  
14 might add in there, you know what? The public  
15 is in there as well. If they see a safety  
16 issue, they need to be raising the flag and  
17 say, "Wait a minute." Here is the thing, it  
18 costs money. Who pays for the cost?  
19 Ultimately, we all do.

20 You know, the Department of  
21 Transportation is dealing with the aging  
22 infrastructure across the board. How many of

1 you all -- Jeff is out of the room again,  
2 good. How many of you all have heard that  
3 Inspector America -- my husband harasses me.  
4 Have you guys seen it? Yep, yep, yep.

5 Okay. I haven't actually watched  
6 a show, but my husband has, and, boy, he  
7 enjoys telling me about it. He goes -- this  
8 guy goes up, and the one picture they show is  
9 they show him kicking a bridge. And this  
10 whole piece of whatever it is falls out. And  
11 the idea is that everything is getting old,  
12 it's falling apart.

13 Well, the Department of  
14 Transportation has to look at all sorts of  
15 transportation infrastructure issues, and we  
16 do know there are challenges. But guess what?  
17 There is not the money to flip a switch and  
18 replace every highway across the country, and  
19 every bridge, and every pipeline, and every  
20 airplane, and every train, and every train  
21 track. We just don't afford it.

22 So we have to figure out solutions

1 on how we can do a better job of addressing  
2 the most risky, have plans for the long-term  
3 integrity. So there are challenges, and it's  
4 expensive, and it's not easy. Like again,  
5 though, it doesn't mean we don't have to do  
6 some of this.

7 I talked about that.

8 Okay. You have in your hand the  
9 possible subsections of Chapter 2. I'm not  
10 going to run through all of these. These are  
11 different stakeholders that -- and there may  
12 be more. Maybe you need to identify to us who  
13 some other stakeholders are.

14 I did not know that there is a  
15 group -- is the education gentleman here, the  
16 guy that represents the education? There is  
17 actually a group that prepares pipeline  
18 educational material for kids in school. I  
19 had no idea they existed. They do some pretty  
20 impressive stuff, but that may be a  
21 stakeholder as well.

22 Okay. Chapter 3. We've got to

1 look at the record. Jeff said that coming  
2 into 2010 our overall performance measures  
3 looked good, the trends looked good, and then  
4 we had a horrific year. We need to step back  
5 and see what the data says, be honest about  
6 it, not slice and dice it to our advantage,  
7 but be honest and see what it says, and then  
8 address that.

9 We have environmental impacts that  
10 may be more severe, you know? We had a lot of  
11 people that were killed last year,  
12 unfortunately. That was horrible,  
13 unacceptable.

14 So it's really hard for me to  
15 stand in front of you and say, "Overall, our  
16 performance trends are great, and our  
17 performance measures are good, and fewer  
18 people are being impacted" when last year a  
19 lot of people lost their lives, and some  
20 communities were traumatized. So we are going  
21 to have to deal with that issue in this  
22 report.

1                   Possible subsections -- again,  
2                   need your input on these thoughts. The  
3                   Subcommittee may look at these and add,  
4                   delete, change, based on your input or based  
5                   on their own ideas.

6                   Four, the challenges and issues,  
7                   this is a big one for us. We have a lot of  
8                   known risks. We have a lot of unknown risks.  
9                   We have to manage what we know, but we also  
10                  have to realize there are emerging or changing  
11                  risks. We have to deal with it all. Okay?

12                  And move to the next one.

13                  Sub-chapters -- again, I am going  
14                  to move fast, because you have it in front of  
15                  you, and I want to get to the presentations.  
16                  That's the whole point of us being here today.  
17                  The Subcommittee gets to dwell on these a lot  
18                  tomorrow.

19                  More sub-chapters.

20                  This is an issue that has come up,  
21                  the adequacy of enforcement. Let's not shy  
22                  away from it. It's a challenge, it's an

1 issue.

2 Prescriptive versus performance-  
3 based regulations. The Office of Pipeline  
4 Safety Regulations, we have a baseline that  
5 are fairly prescriptive. There are some  
6 performance regulations in it, but there are  
7 a lot of prescriptive items. Then, we came  
8 out in early 2000 and had some performance-  
9 based regulations. Are they all equally  
10 effective? It's a question.

11 Okay. Chapter 5, continuous  
12 improvement. This is where we talk about what  
13 is going on -- our integrity management  
14 regulations, high-risk pipe replacement,  
15 repair programs. We know that there are some  
16 safety issues that are being addressed.

17 This is not a situation of there  
18 are all of these horrible things out there,  
19 and we are not doing anything about it.  
20 That's not the case. There are challenges.  
21 We have been addressing them for a while.  
22 There may be more we can do, and there may be

1 emerging issues that we need to address.

2 A lot of this has to do with  
3 communication. A lot of folks don't know what  
4 we have done or what we are doing, so we need  
5 to work on that. And the subsections for  
6 Chapter 5, what is being done?

7 You know, this is both, you know,  
8 the regulators, what are the regulators doing,  
9 what is the industry doing, you know? What  
10 about public awareness and involvement? What  
11 about working together on different ideas that  
12 we can leverage each other, whether that be  
13 knowledge, resources, what have you? What  
14 about R&D?

15 So there is a lot there. There is  
16 a lot of opportunity for meat in some of these  
17 areas.

18 Last chapter -- I'm almost done --  
19 key message, we've got to keep improving, and  
20 everybody has a role. Okay? You know that or  
21 you wouldn't be here.

22 Subsection -- better

1 communication. Do we have enough resources to  
2 do the job? What are folks doing overseas?  
3 You know what? I bet there are some folks  
4 overseas that have even older pipelines than  
5 we are dealing with. They have probably  
6 addressed some of these issues. We need to  
7 learn from them.

8 We actually have a workshop coming  
9 up in July where we will talk to some various  
10 folks -- the Canadians, the Mexicans -- and we  
11 are reaching out to our cousins across the sea  
12 as well.

13 Okay. And last slide -- we've got  
14 to start. This is an outline. That's what it  
15 is -- this is an outline. You start a report  
16 with an outline, with a general idea of where  
17 you want to go. We've got to start. We still  
18 need ideas and input from the Subcommittee.  
19 And if you have other ideas you present today,  
20 we will take them down. We are recording  
21 them.

22 Also, if you have a fantastic

1 solution, send it to us. I mean, I'm sure if  
2 you solve world hunger, we are not going to  
3 disregard it. But actually, we will try, as  
4 much as possible, to incorporate any ideas  
5 that are sent in.

6           You know what? Solutions -- this  
7 is the big one. We need solutions. We need  
8 ideas for solutions. We tend to always go  
9 down the same track. We have a problem. We  
10 always go down the same track to fix it.  
11 Let's see if we can give some creative thought  
12 of how we can address some of the issues.

13           Also, we would appreciate any  
14 pictures to go in this report. Think about  
15 what you would want to hand to your grandma or  
16 your sister or your brother and say, "Here,  
17 read this, and it will tell you something  
18 about pipelines or what I am concerned about."  
19 Pictures are good. If you have resource  
20 materials, send those, too.

21           Here is the e-mail address you can  
22 send this information to, and we will post it

1 -- by the way, you send us anything, we are  
2 trying our best to get it posted on that  
3 library so everybody can benefit from it.  
4 Okay?

5 And I am done, so now we get to go  
6 to the good part.

7 MODERATOR WIESE: Can I just add  
8 one thing? One of the things that several of  
9 us -- this is Jeff -- had talked about was  
10 having -- and I apologize if I missed it while  
11 I was out -- an annotated bibliography, so,  
12 you know, a source where people wanted to read  
13 about other things or more in-depth subjects.

14 We welcome your comments on other  
15 studies or other reports that should be  
16 referenced. We will put together a short  
17 annotated bibliography and throw it in the  
18 back, so don't hesitate to submit those to us.  
19 You know, we can upload them to the website as  
20 well, but, at a minimum, we will put the -- an  
21 annotated bibliography in the back.

22 Thank you.

1 I guess -- no, I don't need that.  
2 I'll speak from here. Thank you, though.

3 Okay. Thank you, Linda.

4 All right. Next, I think we are  
5 really at the portion of our agenda where we  
6 are going to be listening, fortunately, to  
7 people other than myself or Linda -- listening  
8 to people who have things they want to  
9 contribute for the Committee's consideration  
10 in the report.

11 We have about, you know, nine or  
12 10 people who have registered to speak. So  
13 out of respect to them, I would like to go to  
14 them -- probably it's in the order I think  
15 that they came in, you know, and made  
16 requests.

17 But for the rest of you in the  
18 audience, anyone else who wants to speak, can  
19 I ask you to see Cheryl and just give her your  
20 name, and then we'll just take people, you  
21 know, until we are done.

22 So, again, basic rules of the road

1 -- you know, allow me to be the tough guy and  
2 say it's 15 minutes. I'll time you, and I'll  
3 give you a five-minute signal, you know, when  
4 there's five minutes in there, so that you can  
5 wrap up gracefully. Not trying to be rude;  
6 just trying to get through all of this in one  
7 day.

8 Can you think of anything that I'm  
9 missing?

10 MS. DAUGHERTY: Yes. We have the  
11 mic. If you are presenting, don't look in the  
12 light.

13 (Laughter.)

14 If you are presenting, you will  
15 want to use this, so that we can capture your  
16 statement.

17 Also, I think we have one person  
18 that had a presentation. Is that correct? I  
19 assume you know how to use this. If you don't  
20 --

21 MODERATOR WIESE: Or we can -- we  
22 can advance them for them, so -- there's only

1 one presentation. Did anyone else in the  
2 audience -- if you brought a presentation, you  
3 do want to speak, and you didn't register, can  
4 you see Cameron with your presentation? He'll  
5 be glad to load it up for you.

6 So I guess the -- that's it?

7 MS. WHETSEL: If they have a  
8 business card, they might want to hand it to  
9 the Court Reporter.

10 MODERATOR WIESE: Great idea.  
11 Yes, Cheryl always keeping us organized. If  
12 you do have a business card, and you are  
13 speaking, it will help for making sure we get  
14 it correct if you give us your business card  
15 and we will take care of that.

16 So Martin Macey with Suremark  
17 Worldwide Corporation I think is the first  
18 speaker. Martin?

19 MR. MACEY: Thank you.

20 MODERATOR WIESE: Thank you. So  
21 those things work really well if you have a  
22 belt, you know, and you are wearing a suit.

1 If you don't happen to have a belt on, or you  
2 are not wearing a suit, we do have another mic  
3 here that we can use. So, Martin, the podium  
4 is yours.

5 MR. MACEY: Can you hear me?

6 MODERATOR WIESE: Yes.

7 MR. MACEY: Very good. A pleasant  
8 good morning to you all. Thank you very much  
9 for your kind consideration in hearing what we  
10 would like to comment on today.

11 Can I thank those who have  
12 contributed to the proceedings from the  
13 pipeline safety forum. For me personally, it  
14 was very educational and very informative. I  
15 would like to address the issues in pipeline  
16 safety, particularly related to the excavation  
17 damage side of the equation. I know there is  
18 a broad spectrum of consideration on pipeline  
19 safety.

20 The reason I would like to address  
21 the excavation damage prevention side is  
22 because for 40 years I have had the great

1 pleasure of serving as a heavy commercial  
2 industrial contractor. And I started in  
3 military construction for eight years doing  
4 Secret and Top Secret military installations,  
5 command control centers, missile bases, and  
6 flight lines for all four branches of the  
7 military.

8 I left the military and went into  
9 private enterprise, serving the utilities  
10 industry for some 10 years, and then became a  
11 professional superintendent for many of  
12 America's largest construction companies whose  
13 names you would all recognize.

14 During that tenure, I had a great  
15 deal of success in finishing incredible  
16 projects. From highway to you name it, I've  
17 done everything. But in that process of those  
18 40 years of construction, I have had the  
19 consistent and ongoing frustration for myself  
20 personally, for all of my crews, and for those  
21 I have been doing the scope of work for, to  
22 get the job done safely, efficiently, and

1 profitably.

2           And at the end of the day, I have  
3 had a certain frustration that has never gone  
4 away, and that is dealing with any underground  
5 infrastructure. Forty years ago when I  
6 started my construction experience with the  
7 military, the best technology we had to  
8 protect ourselves from interruption of  
9 commerce, injury or fatality, was "Be  
10 careful." That was it.

11           Now, 40 years later, I have  
12 admired -- and I presently have a great deal  
13 of respect for all of the programs that have  
14 come along -- the one-call notification  
15 issues, the Common Ground Alliance, and all  
16 the associations, all of the input of energy  
17 and information, including this forum right  
18 now, which, by the way, I am very excited  
19 about. I have a great deal of enthusiasm. I  
20 guess you can't tell.

21           But it's because I feel that  
22 finally something is happening to get at the

1 great mystery of the underground. The problem  
2 with the underground is there is no eyes  
3 there. So with all the surface technology and  
4 everything that we have at the surface to deal  
5 with this problem, as soon as you pierce the  
6 ground and start to go into the ground, you  
7 are in trouble.

8 And so guess what our greatest  
9 technology is today. As soon as we remove the  
10 marks, the paint on deck, the paint on dirt,  
11 the flags, and some of those other  
12 identifiers, you know what I have to tell my  
13 guys? Be careful. That's it.

14 Because the reality is -- and you  
15 mentioned facts. Here is a fact I want to  
16 bring to the Committee from a guy who is a  
17 Navy Seal in the trenches. I have the same  
18 ongoing concern once I pierce the ground. I  
19 have nothing but to be careful, cross-trench,  
20 have a spotter go down there and look for it,  
21 carefully try to negotiate through all of the  
22 diversity of materials, and all of the

1 unexplained and diverse conditions of the  
2 underground.

3           The problem never goes away for  
4 us. And so with all of the good stuff that  
5 pipeline companies -- and trust me, I have the  
6 greatest reverence for the owner/operators of  
7 the utilities, for municipality public works  
8 directors, and all of those people who try to  
9 make sense out of something, but at the end of  
10 the day they mostly don't know for sure where  
11 their own utilities reside.

12           They mostly don't know for sure  
13 how far down they are, and they can't give us  
14 the specific scope of anything outside of  
15 "Good luck on your scope of work. Here is the  
16 standards and specs of the job. And God be  
17 with you. Be careful."

18           So when we are going down there,  
19 what our concern is endlessly is, how are we  
20 going to stay off those vital services? How  
21 are we going to not puncture a gas line or  
22 anything else? And at the end of the day not

1 hurt anybody, at the end of the day make  
2 money. We are in business to make money. We  
3 are not a church and a charitable  
4 organization.

5 We want to do the scope of work  
6 for those we are doing the scope of work for,  
7 be they federal, state, municipal, or private  
8 property owner/developers. Our challenge is:  
9 how do we do that?

10 Well, after 40 years of  
11 frustration, one of the things that we want is  
12 to bring to this incredible opportunity of  
13 discovery, this forum for discovery of  
14 solutions, is to introduce a paradigm shift in  
15 thought process and application on dealing  
16 with the part of this problem that represents  
17 excavation damage, the mystery of the  
18 underground.

19 And so quite honestly, we are not  
20 going to spend a lot of time on how we are  
21 doing it in this forum, as you suggested. We  
22 are going to, with your permission, supply

1 this Committee and this forum with the  
2 opportunity of detailed standard  
3 specifications, solutions that we have  
4 conceived and tested for that mystery zone, as  
5 a possible solution for, what do we do once we  
6 pierce the ground and we're coming down on the  
7 top of vital services? How do we put the  
8 brakes on and give ourselves a new opportunity  
9 to prevent with congruency?

10           Something that is simple and easy  
11 to use by the lowest common denominator -- me,  
12 the guy in the trench, the guy on the hoe, the  
13 guy installing, maintaining, and repairing.

14           I think that I just want to draw  
15 attention quickly to this incredible report  
16 that came out of the Transportation Research  
17 Board. I love it. It was -- for reference,  
18 it's the SHRP2 report S2-R01-RW, Encouraging  
19 Innovation in Locating and Characterizing  
20 Underground Utilities.

21           This thing was brilliantly put  
22 together. I just want to draw your attention

1 to one concern I had to make my case.

2 In the conclusion section of this  
3 report, on page 80, Chapter 8, it states,  
4 "Utility-locating technologies. At present,  
5 there is no prospect that a tool will be  
6 developed in the foreseeable future that can  
7 simply and quickly locate and characterize all  
8 of the buried utilities at a site." In truth,  
9 there is little likelihood that such a tool  
10 could ever be developed.

11 My concern with that, coming off  
12 of the most brilliant minds who helped put  
13 this together, is that I have a concern about  
14 the domain of limitation and belief that we  
15 can actually get to solutions, okay, instead  
16 of talk, and programs and general guidelines,  
17 because I've got tons of those. As a  
18 contractor, I've got general guidelines. I  
19 don't want to violate anything. I don't want  
20 civil penalties. I don't want any of that.  
21 I want to do good.

22 So my point is, we need the

1 Committee -- please, if I could share anything  
2 with the leaders who establish standards and  
3 specifications for us to move forward on,  
4 let's be open-minded to specific, proprietary,  
5 creative, simple-to-apply, cost effective  
6 possibilities we can take action with, apply  
7 to systems, and prevent the interruption of  
8 commerce, the injury issues, and the fatality  
9 issues, on the excavation damage side.

10 What we would like to suggest that  
11 you do -- and we just put this up so you could  
12 get a brief -- quick snapshot of some of what  
13 I am even referring to -- we are not the only  
14 people who are interested in bringing  
15 solutions. We are just one of them, and I  
16 applaud anybody and all people who are willing  
17 to address this.

18 We are available to you for any  
19 input from a contractor, excavator, in-the-  
20 field perspective. We love what you are  
21 doing. We respect you highly. We are  
22 grateful for this opportunity. We suggest

1 that you take the time, when we submit -- and  
2 hopefully, Linda, we are not past the  
3 deadline. We had a great many things prepared  
4 to submit to you, have not had the opportunity  
5 to do so, could by the end of the week, for  
6 you to take a look at as general guidelines  
7 for perspectives on solutions, if we may.

8 Other than that, you are free to  
9 check our technology out at  
10 [suremarkworldwide.com](http://suremarkworldwide.com) and see what kind of  
11 solutions we are talking about on the  
12 excavation damage side.

13 I thank you very much. I am happy  
14 to answer any other questions throughout the  
15 balance of the day, should there be any level  
16 of interest.

17 Thank you very much, Jeff, Linda.

18 MODERATOR WIESE: Thank you,  
19 Martin. And by the way, very good on time.  
20 I didn't even have to cue him.

21 (Laughter.)

22 Very good. Okay. Thanks.

1                   You know, Linda and I were  
2                   debating this. You know, we -- and maybe for  
3                   Martin's benefit as well I'll say that we --  
4                   all of us, and some of us in the room are, you  
5                   know, pretty passionate about damage  
6                   prevention. And so we would probably like  
7                   nothing more than to be able to get into a  
8                   discussion of that. But, sadly, that is not  
9                   our purpose today.

10                   So I think what we would like to  
11                   do is let people take Martin up on his offer  
12                   and talk to him, or other speakers, you know,  
13                   on breaks or whenever, at lunch. We are  
14                   probably not going to do Q&A sessions with  
15                   each of the speakers, only because of time  
16                   limitations, but not due to a lack of  
17                   interest.

18                   So at any rate, thank you, Martin,  
19                   very much.

20                   Next speaker is Ryan Endean. Ryan  
21                   and others, please forgive me if I  
22                   mispronounce your name. No slight intended.

1 Happy to have you here. Very good.

2 Oh, you gave your card -- very  
3 good. Thank you. Appreciate your doing that.

4 While Ryan is getting set up, I  
5 will repeat for everybody's benefit to say  
6 that, you know, we won't be trying to solve a  
7 lot of problems today. What we will be -- in  
8 this report. What we will be doing is  
9 highlighting issues and all of that, so just  
10 bear with us.

11 Ryan, thank you very much.

12 MR. ENDEAN: So you can hear me  
13 okay, everybody? We're good? Okay.

14 I don't have prepared -- or a nice  
15 speech. I've got it right on the paper, so  
16 I'm going to have to read it off the paper for  
17 the most part. So forgive me for that.

18 I represent the Professional  
19 Engineers in California Government, which is  
20 the organization of 13,000 state-employed  
21 engineers and related professionals that work  
22 for the State of California. That includes

1 the engineers that work at the California  
2 Public Utilities Commission, the inspectors  
3 involved in the gas safety section.

4 Our engineers are among those who  
5 were involved in the investigation of the San  
6 Bruno blast, or are involved currently in the  
7 investigation of the San Bruno blast from last  
8 September. For them, this has been -- as Jeff  
9 and Linda both mentioned, this has been a  
10 very, very difficult thing for them to deal  
11 with. This was a tough tragedy for them and  
12 for the State of California as a whole.

13 So their focus, our entire  
14 organization's focus, with -- in regards to  
15 public pipeline safety is the public safety,  
16 and that is issue number one for us.

17 We have several things that we  
18 wanted to come here today and let you know  
19 about that we think should be involved in the  
20 report, and it kind of speaks to what Linda  
21 was talking about with the roles and  
22 responsibilities of the key stakeholders, and

1 where we see current regulatory gaps in  
2 California, and how that can be addressed  
3 nationwide.

4 Current California law allows for  
5 the pipeline -- the Public Utilities  
6 Commission to have the authority to regulate  
7 the gas pipeline safety, but there is no  
8 requirements that they have to be onsite for  
9 inspection, for construction inspection, or  
10 for spotchecks when the tests are being done,  
11 when the integrity management tests are being  
12 done.

13 So we would like to see a federal  
14 guideline of sorts that would say pipeline  
15 inspection should be conducted by the public,  
16 because the public has -- safety is issue one.

17 The PUC recently received a report  
18 by an independent review panel that found that  
19 -- in regards to the San Bruno disaster, that  
20 found that PG&E "did not have pipeline safety  
21 system as a center of focus for the  
22 management." And that is obviously a big

1 concern for us.

2           When an independent review panel  
3 comes out and says that the corporation  
4 responsible for the pipelines that are running  
5 under our cities didn't have safety as the  
6 number one priority, that's obviously a  
7 concern, and we'd like to see those issues  
8 addressed in this report, and I think the  
9 public would as well.

10           The finding also highlights that  
11 the CPUC itself is understaffed and  
12 undertrained. Their report cited that there  
13 is a low pay scale in the State of California  
14 when it comes to government employees, and  
15 they can't retain quality staff and keep them  
16 from the private sector.

17           One example we have of the  
18 opposite of that in California is the  
19 California Department of Conservation's  
20 Division of Oil, Gas, and Geothermal  
21 Resources. They tend to pay 10 to 15 percent  
22 above what the state pay range is for most

1 engineers, in an effort to keep them from  
2 jumping to the private sector, because they  
3 are constantly seeing those quality, high-  
4 caliber inspectors jumping to the private  
5 sector. And you are struggling to keep up  
6 your staffing -- your adequate staffing as  
7 well as your adequate training.

8 That report also found that,  
9 because of -- in California we have -- and I  
10 don't think it's any secret to anyone -- a  
11 really bad budget problem, persistent bad  
12 budget problem, and this independent report  
13 found that, because of those budget  
14 constraints and because of restrictions on  
15 travel, our engineers, our inspectors were not  
16 given the authority to go to training offered  
17 by PHMSA or training offered by others that  
18 would increase their ability to be on top of  
19 the latest issues when it comes to pipeline  
20 integrity management.

21 We would like to see perhaps --  
22 and Linda talked about cost, and we all

1 understand that cost is going to be an issue  
2 -- but we would like to see additional  
3 funding, where possible, from the Federal  
4 Government to provide this additional training  
5 for state inspectors at their public utility  
6 commissions.

7           One of the things that we saw --  
8 we also saw in San Bruno was a lack of  
9 recordkeeping by PG&E. That is -- it  
10 continues to come out now. We are nine months  
11 later; it continues to come out in the news.  
12 Just a couple of weeks ago -- or just last  
13 week, excuse me -- there was an article in The  
14 San Francisco Chronicle that PG&E forgot or  
15 didn't know to tell the NTSB that they had a  
16 leak on that same line in San Bruno back in I  
17 want to say 1988 or in the late '80s. They  
18 just discovered that.

19           Obviously, recordkeeping is going  
20 to be a big issue moving forward. We would  
21 like to see some kind of federal system setup  
22 where even if it's a federal mandate for a

1 system, statewide system, that the operators  
2 are required to report leaks no matter how  
3 small, so that there is a public file, a  
4 public record of incidents on these major  
5 transmission lines, that the public -- the  
6 government sector can go to, and we are not  
7 reliant on the recordkeeping of a private  
8 corporation for the public safety.

9 One of the last things I will  
10 point is we -- you talked about the -- you  
11 talked about how the lines are old, but old  
12 doesn't necessarily mean bad. We agree with  
13 that. But we have a lot of lines -- there was  
14 -- one of our engineers at the PUC told us  
15 about this concept that, well, if it survived  
16 at a certain pressure level for all these  
17 decades, the line has got to be fine.

18 And we would like to see -- they  
19 are now -- PG&E is now addressing this idea of  
20 grandfathering in the lines. They are not  
21 testing them because they have survived so  
22 long, they've got to be fine.

1                   Now PG&E is starting to test those  
2 grandfathered lines through the smart pigs and  
3 through hydro testing, and we would like to  
4 see something done with that more on the  
5 federal level. And I know that that's one of  
6 the big issues that you are going to address  
7 in the pipeline safety report.

8                   The bottom line is is that we know  
9 pipeline safety is critical. It has to be.  
10 Lives are at stake. We would like to see more  
11 of a role of the public sector in ensuring  
12 that those lines are safe. There is a great  
13 concern that the private corporations that are  
14 in charge of these lines may have their bottom  
15 line, their stakeholders, as a priority over  
16 safety, and we are concerned with that and we  
17 would like to see that addressed in this  
18 report.

19                   We need to make sure that the PUCs  
20 nationwide have the staffing levels, the  
21 tools, and the training to ensure that they  
22 have public safety as priority number one.

1                   And I thank you very much for  
2                   giving me the time to speak.

3                   MODERATOR WIESE: Great. Thank  
4                   you very much, Ryan. Appreciate it.

5                   PARTICIPANT: He was really good  
6                   on time.

7                   MODERATOR WIESE: Yes, you were  
8                   very good on time. And since he had a couple  
9                   minutes left over, and while I said we weren't  
10                  going to actively debate any of these points  
11                  -- no, no,  
12                  I won't -- I won't debate any points.

13                  (Laughter.)

14                  But I will say, Ryan, if you are  
15                  not aware, we --

16                  MR. ENDEAN: Do I need the mic  
17                  back?

18                  MODERATOR WIESE: No, no, it's  
19                  just general information. We -- and for  
20                  everyone else, we are conducting two workshops  
21                  this summer. It's July 20th and 21st, if I'm  
22                  not mistaken. The 20th will be on pipeline

1 seam defects, and then, the 21st, which will  
2 be webcast, so you don't need to travel for  
3 it. We can get you the information later.

4           You are welcome to, of course, be  
5 here in D.C. We will be on records in MAOP.  
6 I expect that will be quite interesting. And  
7 I suspect that the issues that you have seen  
8 on grandfathering, you know, it's not unique  
9 to PG&E, you know? I think that there --  
10 well, there are issues with records, for  
11 obvious reasons. I mean, most of these lines  
12 that we are talking about pre-dated the  
13 Federal Code.

14           And so -- but at any rate, it's a  
15 tough issue, and we will be working our way  
16 through that in the public workshop. So I  
17 certainly invite you to attend that.

18           MR. ENDEAN: One thing I forgot to  
19 mention. That independent review panel --

20           MODERATOR WIESE: Right.

21           THE COURT REPORTER: I'm sorry.  
22 I'm having trouble hearing him.

1 MR. ENDEAN: I'm sorry. The  
2 independent panel report on the PG&E and the  
3 PUC is on their website, cpuc.ca.gov. It's a  
4 good read. It's worth everyone in the room  
5 taking a minute. It's only about 20 pages.  
6 But it really looks at some of those  
7 regulatory gaps that Linda was talking about  
8 in the intro that need to be addressed.

9 MODERATOR WIESE: Great.

10 MR. ENDEAN: Thank you.

11 MODERATOR WIESE: All right.

12 Thanks Ryan.

13 MS. WHETSEL: And he can submit it  
14 -- his papers for --

15 MODERATOR WIESE: Okay, yes. And  
16 all of the things that people are submitting  
17 we are adding to the docket, so if anyone  
18 wants to refer to these later.

19 So next up, Tom Hoff, President  
20 and CEO of One Call Concepts, Inc., and I  
21 think one of our relatively new partners,  
22 although we have had a partnership with

1 Maryland for a long time, Tom, welcome. I  
2 think you -- one of our friends reached out to  
3 us, Matt Ruddo, and recommended that we make  
4 time on the agenda. So welcome and please  
5 give our best to Mr. Ruddo when you see him.

6 MR. HOFF: Can you all hear me?

7 MODERATOR WIESE: I think that mic  
8 on your lapel just needs to come up a little  
9 bit. Just slide it up.

10 MR. HOFF: Is that any better?

11 MODERATOR WIESE: That's good.

12 MR. HOFF: Okay, good. And I have  
13 thanked Matt profusely for doing this for me  
14 about the day before yesterday, but it's a  
15 pleasure to be here.

16 I have a couple of purposes for  
17 being here, and I can assure you it won't take  
18 15 minutes. Many of you I have known for an  
19 extended period of time.

20 The first thing we'd like to do,  
21 before I get to the real reason why I'm here,  
22 is to thank Jeff and everybody at the federal

1 level for the outreach that you have allowed  
2 us to take with you over the last three years  
3 in enhancing the law in the State of Maryland,  
4 which is really why I am here, to introduce  
5 you to the new state agency in Maryland and  
6 what we are planning on doing, and what we  
7 want to do and what we think we should do on  
8 behalf of the entire effort.

9 MODERATOR WIESE: And how  
10 ungracious of us not to have said to say hi to  
11 Jim Barron as well.

12 MR. HOFF: Well, I've got his name  
13 on here if --

14 MODERATOR WIESE: Yes, good.

15 MR. HOFF: He was part of the  
16 deal. He was a great help, too.

17 Just for some background, next  
18 year will be my 50th year in underground  
19 damage prevention construction and  
20 maintenance. I did 20 years here locally with  
21 C&P Telephone, and I founded One Call Concepts  
22 in 1982. It was a much longer story with

1 that. It has to do with the breakup of the  
2 Bell system and other things.

3 And today we are fortunate enough  
4 to provide one call center services and  
5 technology for 15 states and the District of  
6 Columbia. We provide the one-call effort from  
7 the tip of Long Island all the way out to and  
8 including all of the Hawaiian Islands, which  
9 is quite a footprint.

10 We do -- probably send out about  
11 50 million locate requests every year, so the  
12 "Call Before you Dig" effort, and how to  
13 protect pipelines, is part and parcel of  
14 everything that we do every day.

15 One of the things that I saw  
16 earlier when Linda was up there was a phrase  
17 that she used which was the "adequacy of  
18 enforcement." And that phrase, in and of  
19 itself, probably drove the last three years of  
20 effort in Maryland, culminating in the  
21 enhancement to the underground damage  
22 prevention law, which created the Maryland

1       Underground Facilities Damage Prevention  
2       Authority. I didn't name it.

3                 It's a little long, it's a little  
4       -- it's a little heavy, but we were put in  
5       place by the Governor signing into law last  
6       year -- our charter started on October 1st of  
7       2010. He collected the resumes from the  
8       people that he would appoint to this state  
9       agency, literal state agency, and its nine-  
10      member panel.

11                He signed those during the last  
12      legislative session. We held our first legal  
13      public organizational meeting on May 4th. And  
14      me having been requested to represent the call  
15      centers on this board, they also decided that  
16      I should be the incoming chairman, which I  
17      thanked them all for profusely.

18                But for the good of this order,  
19      some people there -- and it might be of  
20      interest because you want key stakeholder  
21      involvement, and I think this Authority is  
22      going to be a key stakeholder in this region

1 for the damage prevention effort -- it's  
2 myself representing the call centers, and I'm  
3 the chairman of the Authority.

4 It's Tom Baldwin from BG&E -- many  
5 of these people you all will know -- Jim  
6 Barron, who is representing the associated  
7 telecontractors of Maryland; Bernie Cochran,  
8 Maryland Municipal League; Bob Cooper from  
9 Maryland Association of Counties; Cynthia  
10 Flanders, who is our public member; Walt  
11 Gainer, who represents the other half of the  
12 contract, which are the Public Works  
13 Contractors Association; Wayne Gilmer, who  
14 represents contract locators; and Kevin  
15 Woolbright, the other underground facility  
16 owner -- owner representative.

17 We are a state agency. We have  
18 the authority to raise money, spend money. We  
19 have subpoena powers. We have all of the  
20 duties that go with being a state agency,  
21 except that they are not going to give us a  
22 single penny to help us operate. So wherever

1 we can find money, we are going to be looking  
2 for that, not necessarily through enforcement  
3 and fines per se, but raising money just to  
4 enhance our effort as we go forward.

5 We felt -- they felt that I should  
6 come over and actually sort of stretch our  
7 legs a little bit now that we are getting  
8 started, and say that when we report to the  
9 legislature on January 1st, we've got to do a  
10 little something more than just tell them  
11 that, you know, we really reached out to local  
12 and state people within Maryland, and then  
13 write the report from that perspective. We  
14 don't think that's enough.

15 As the new Authority, we think  
16 that we have to be in this sort of a venue  
17 nationally, and it's here, so that's really  
18 easy for us. But it's going to give us some  
19 structure to make it a better Authority as we  
20 go forward, because if we just tell the  
21 legislature what we found out from people that  
22 vote for them, it's not going to be quite

1       enough.

2                       So we are going to attempt to form  
3       an outreach under the Authority and come out  
4       -- maybe not myself every time, but certainly  
5       people on the Authority, to maybe attend these  
6       meetings and others like it, and also make  
7       ourselves available from people from around  
8       the country to say, "Well, how did you do this  
9       thing, where you did this Authority and you  
10      got these powers, and you don't actually have  
11      another state agency sitting on your board,"  
12      because it was very strange when the Public  
13      Service Commission, when offered, said, "Well,  
14      we don't want to be on that board." I guess  
15      they had enough to do already. I don't know.

16                      But that's all -- really the whole  
17      purpose was just to say hello, thanks for all  
18      the help everybody has given us. Look forward  
19      to being involved with you.

20                      And when you were talking about --  
21      Linda said the donkeys and the elephants in  
22      the room -- just to give you an idea about

1 maybe tying into the first presenter's efforts  
2 about really true underground damage  
3 prevention, I was sitting in my office in  
4 1982, or whatever, and my secretary said,  
5 "There's a couple gentlemen here to see you."  
6 And I went, "Okay. Well, send them in."

7           So in comes these two guys. I  
8 mean, they looked like twins, 6'2", 180  
9 pounds, dark blue suit, white shirt, red tie,  
10 and they go, "Mr. Hoff, can we speak to you?"  
11 And I went, "Well, I guess." You know, I  
12 mean, they looked like cops, what are you  
13 going to do, say no?

14           They said, "You have got an area  
15 that we can't identify that you are telling  
16 people facility service area," and of course  
17 I knew what they were talking about. And I'm  
18 going, "Yes, well, what's that?" And they go,  
19 "Well, we can't really say what it is, but we  
20 want you to not know that it's there. So if  
21 anybody ever calls about digging in the area  
22 going to there, we want you to tell them that

1 nothing is there."

2 And I'm going, "Can you say that  
3 again, because that's probably beyond my  
4 ability to understand." I said, "You want me  
5 to take a locate request for this certain area  
6 in the Catoctin Mountains, and then tell the  
7 excavator there is nothing there, so they can  
8 go out and dig and not worry about it." And  
9 they went, "Uh-huh."

10 Camp David, of course, and I went,  
11 "Okay." And they said, "Thank you very much,"  
12 left their Secret Service cards, and walked  
13 out. They wanted to not know that this was  
14 there, so anybody who was digging wouldn't  
15 know there was something there they might hit.  
16 Go figure that one out.

17 Thank you all very much. We just  
18 wanted to say hello. Appreciate your time.

19 MODERATOR WIESE: Thank you, Tom.  
20 For what it's worth, there's more of those  
21 sites around.

22 But just for -- you know, carry on

1 a little bit of humor on that one, I recall --  
2 who was it, Bob Kipp, was it you who was  
3 telling me the story of the fastest response  
4 to an excavation damage you had ever seen was  
5 in the Tysons Corner area. There are more of  
6 those places around, you know. And the people  
7 responding are all in black Suburbans, you  
8 know, so --

9 (Laughter.)

10 At any rate, Tom, thanks.

11 Appreciate it. Appreciate your coming over.

12 Okay. Just amazingly, everybody  
13 is at or underneath the 15 minutes. This is  
14 a good group.

15 Next up was Joseph Humphrey with  
16 Joseph Humphrey & Associates.

17 MR. HUMPHREY: Good morning,  
18 ladies and gentlemen. My name is Joseph  
19 Humphrey. I am appearing in front of you  
20 today in my capacity as a private citizen. My  
21 purpose in coming here is to tell you about a  
22 unique event that occurred on June 2nd, 2011

1 in the Town of Greenwich, Connecticut.

2 On that date, at the invitation of  
3 a neighborhood civic group called the  
4 Riverside Association, a first-ever meeting  
5 was convened to discuss the nature and extent  
6 of risks facing our community occasioned by  
7 the presence of an interstate gas pipeline  
8 running through our town.

9 In attendance was Karl Baker, the  
10 public utilities supervisor of technical  
11 analysis for the Connecticut DPUC; executives  
12 from the Tennessee Gas Transmission Company,  
13 the pipeline operator; directors of emergency  
14 planning agencies for several surrounding  
15 towns, local elected officials, and the  
16 general public.

17 Our forum was conducted in the  
18 manner of a classic New England town hall  
19 meeting in which presentations were made by  
20 Tennessee Gas and the DPUC followed by an  
21 extensive question and answer period.

22 Since this was not a hearing in a

1       judicial sense, there was no sworn testimony.  
2       And the discussions among the participants  
3       were marked by a great freedom and flexibility  
4       punctuated by moments of lively interchange.  
5       The entire meeting and the planning that led  
6       up to it was held in an atmosphere of complete  
7       non-partisanship.

8                       Despite the open nature of the  
9       discussions, a conference adhered to an agenda  
10      based on three areas of community concern.  
11      First, a thorough step-by-step review of the  
12      implementation of emergency response plans,  
13      both by the pipeline operator and the town  
14      involved, in the event of an actual pipeline  
15      rupture, similar to the one in San Bruno,  
16      topics included pipeline operator personnel  
17      training, the speed at which automatic valves  
18      could be shut down to isolate the break, and  
19      related communication issues.

20                      Second, a detailed discussion of  
21      current inspection procedures used to verify  
22      the integrity of that segment of the pipeline

1 running through our county, a linear distance  
2 of approximately 45 miles.

3 Karl Baker of DPUC took the lead  
4 in these discussions and spent considerable  
5 time outlining the essentials of the integrity  
6 management program and how it applies to our  
7 segment of the pipeline. Particular emphasis  
8 was placed on the use of a smart pig as a  
9 sophisticated detection device. A Tennessee  
10 Gas official gave the audience a glimpse of  
11 new crack evaluation technologies, including  
12 the e-map tool; third, a range of questions  
13 dealing with the actual construction of the  
14 pipeline itself, its exterior coating, and the  
15 welding techniques involved in joining the  
16 pieces together.

17 The general consensus of the  
18 conference audience was that, one, the  
19 information given to them by the presenters  
20 enabled them to grasp in much greater detail  
21 the complexities of operating a gas pipeline;  
22 resulting in, two, a significantly higher

1 level of assurance that adequate safety  
2 measures are in place; and, three, a growing  
3 realization that the community has the right  
4 and the responsibility to hold public  
5 officials and corporate management accountable  
6 for all aspects of risk management that affect  
7 the community.

8 More than ten years ago, the  
9 Mianus River Bridge, which carries interstate  
10 95 traffic through the Town of Greenwich,  
11 collapsed into the river below. Several  
12 deaths and injuries resulted from this event,  
13 which also caused months of enormous traffic  
14 jams in local roads and created great  
15 emotional stress in affected areas.

16 In the years that have followed,  
17 other similar accidents have occurred across  
18 the country. A call to action program by  
19 Secretary LaHood recognizes this challenge  
20 and, as I understand it, outlines a program  
21 for all stakeholders to engage in identifying  
22 pipeline risks and repairing, rehabilitating,

1 and replacing the highest risk infrastructure.

2 This plan is to be executed in a  
3 transparent manner with an opportunity for  
4 public engagement. Now, whether it's  
5 pipelines, bridges, highways, railroads, the  
6 common denominator is the same. American  
7 history going back to the 1800s is filled with  
8 examples of national commitment to building  
9 and renewing our infrastructure. This current  
10 effort will be successful if local communities  
11 are given a tangible stake in the outcome.

12 Now, the Department of  
13 Transportation has not yet made it clear  
14 precisely how it will involve the public. I  
15 suspect the reason is that it doesn't yet have  
16 any workable concepts for meshing private  
17 citizen participation into the process of  
18 forming public policy in this specific area.

19 While that might have been  
20 acceptable before the San Bruno disaster, the  
21 landscape has changed. As the citizens of  
22 Greenwich have shown by their initiative, a

1 concerned community can and will assert its  
2 right to hold policy-makers to account. It is  
3 up to the agencies, such as DOT, to figure out  
4 how to integrate the public into its  
5 decision-making process in a meaningful way.

6 As Margaret Mead once said, never  
7 doubt that a small group of thoughtful and  
8 committed citizens can change the world.  
9 Indeed, it is the only thing that ever does.

10 Thank you.

11 MODERATOR WIESE: Very good.

12 Thank you so much, Joseph. And we hope that  
13 Margaret was right. We have a small group of  
14 thoughtful people here who actually represent  
15 all sectors, including their public. And they  
16 are conduits to a broader community. So I am  
17 hopeful that with their help, we will do as  
18 good a job as we can. So thank you for your  
19 remarks.

20 MS. DAUGHERTY: I would also say  
21 thank you to the community of Greenwich for  
22 being involved in a pipeline safety. You

1 stepped up and addressed an issue. So good  
2 job.

3 MODERATOR WIESE: Next up we have  
4 Pat Sonti from Energy Maintenance Services  
5 Group. By the way, while we are getting set  
6 up, it's my intention, by the way, to run  
7 continuously. So forgive me for not just  
8 taking structured breaks. But that's my  
9 thought.

10 If we run continuously, we might  
11 be able to get through the organized  
12 presenters before lunch. So just everybody  
13 you just have to take the bio-breaks as you  
14 need them. So sorry.

15 MR. SONTI: Thank you very much.  
16 I think everybody can hear me. I have got  
17 some prepared comments already submitted to  
18 the docket system. So I will just read, just  
19 for the sake of brevity.

20 On behalf of Energy Maintenance  
21 Services, Houston, Texas, I would like to  
22 personally thank the Department of

1       Transportation, PHMSA's Office of Pipeline  
2       Safety for allowing me to make public comments  
3       at this event.

4               I will limit my comments to  
5       specific constructive areas which need to be  
6       focused as part of a go-forward plan to  
7       enhance pipeline safety while supplying  
8       critically needed hydrocarbon commodities  
9       through America's pipeline infrastructure from  
10      wellhead to burner tip.

11              At the onset, I laud PHMSA in its  
12      valiant efforts in increasing national  
13      attention and pipeline safety awareness. With  
14      the millions of miles of pipelines operating,  
15      it is crucial for all stakeholders to know the  
16      condition of both liquid hydrocarbons and  
17      natural gas pipelines infrastructure. It is  
18      vital for stakeholders to join forces by  
19      public-private partnerships to mitigate risks  
20      leading to further loss of life or injury in  
21      a pipeline incidence.

22              As PHMSA has stated on multiple

1 occasions, the leading causes of significant  
2 pipeline failures resulting in oil spills or  
3 gas explosions are damages from digging,  
4 corrosion, and failure of pipe material,  
5 wells, or equipment.

6 In addition, PHMSA has highlighted  
7 that there is a great need for pipeline  
8 operators to accelerate the repair,  
9 rehabilitation, and replacement of their  
10 anhydrous pipelines.

11 Many incidents obviously pose  
12 threats to the community. All stakeholders do  
13 understand and appreciate the need to maintain  
14 social responsibility as a core principle.  
15 Unfortunately, mishaps do occur.

16 As an industry, we must actively  
17 seek methods to mitigate the risks of pipeline  
18 failures; in particular, the methodology and  
19 approach by which all of these concerns and  
20 issues can be monitored and addressed in the  
21 development and implementation of an effective  
22 and results-oriented integrity management

1 program, IMP. But it has to be from the  
2 wellhead to the burner tip.

3 The IMP must focus on continuous  
4 improvement in the field of risk assessment to  
5 offer inspection and monitoring, selection,  
6 and appropriate application of measures to  
7 control and reduce risks. All stakeholders  
8 must strive to have policies and strategies in  
9 place that deal with safety and environmental  
10 hazards and risks as related regulatory  
11 requirements.

12 While many operating companies may  
13 not have a stated asset integrity policy, most  
14 accept the inherent concept that good asset  
15 integrity management practices are implied and  
16 should be incorporated in their planning  
17 process.

18 There must be development of  
19 practical and realistic strategies for asset  
20 integrity management, which involves many  
21 managerial and technical functions and impacts  
22 various levels within the organization.

1 Overall management of asset  
2 integrity includes the following but is not  
3 limited to, number one, integrating asset  
4 integrity management with safety and corrosion  
5 management and inspection, maintenance, and  
6 operation strategies; two, ensuring that risk  
7 assessment procedures remain live and are  
8 updated on a regular basis; three, providing  
9 an auditable trail for asset integrity, risk  
10 assessments.

11 Taking into consideration all of  
12 the above and knowing the severity of not  
13 having good programs in place, stakeholders  
14 must ensure that there is an execution team or  
15 a manpower workforce that is experienced,  
16 trustworthy, and well-versed in the  
17 development and implementation of an asset  
18 IMP. It is essential for stakeholders to  
19 implement an IMP that includes the following:  
20 one, proposed measures for risk prevention,  
21 control, and mitigation; two, hazard  
22 identification and potential consequence

1 evaluation consisting of identification and  
2 assessment of threats, ranking of a hazard and  
3 threat covering firstly occurrence. What  
4 kinds of events and/or conditions might lead  
5 to a loss of pipeline system integrity? How  
6 likely are these events and/or conditions to  
7 occur given the current level of integrity  
8 management; and, secondly, consequence? What  
9 is the nature and severity of the consequences  
10 as these events or conditions occur?

11 Item number three, risk  
12 assessment. While overall risk would result  
13 from these events and/or conditions as well as  
14 a very viable threat model, it is important to  
15 mobilize the necessary support, resources, and  
16 activities to answer all of these questions.  
17 And areas of concern in order to improve  
18 pipeline integrity for all faces of the  
19 pipeline economic life was a value change,  
20 wellhead to burner tip.

21 Along these lines, there must be a  
22 deployment of a broad range of manpower

1 expertise through a specific needs-based and  
2 customized program to ensure that each  
3 pipeline system is designed, fabricated,  
4 installed, and operated, as well as maintained  
5 in a safe, reliable, and cost-effective way.

6 Moreover, there are other key  
7 technical and financial areas which need to  
8 gain increased stakeholder attention to  
9 enhance pipeline integrity and safety, which  
10 includes: one, there has got to be  
11 pre-investment studies and analysis during the  
12 planning and budgeting process for identifying  
13 the types of annual capital expenditures and  
14 operations and maintenance expenditures needed  
15 to adequately sustain pipeline assets in a  
16 robust manner, not just a PML, margin, and all  
17 of that. It has got to be a needs-based capax  
18 and opax.

19 Two, leverage and deploy  
20 state-of-the-art solutions for GIS, records,  
21 documents, and data gathering and management,  
22 remote sensing, and control room monitoring

1 during the asset life cycle and value chain,  
2 again wellhead to the burner tip.

3 Three, incorporate and deploy  
4 pre-engineered solutions for corrosion and  
5 cathodic protection, which is gaining a lot of  
6 attention; for example, the Marcellus shale  
7 with the non-regulator gas pipelines. Major  
8 asset acquisitions have taken place where  
9 people don't know what they bought. And these  
10 are not regulated.

11 In summary, all stakeholders via  
12 private-public partnerships -- again, PPP,  
13 it's very critical -- must move forward  
14 together and jointly focus on an effective and  
15 results-oriented goal for ensuring again  
16 design, review, and implementation of an  
17 effective IMP to ensure the mitigation of  
18 potential risks to operations and to the  
19 environment but, most importantly, for the  
20 preservation and protection of human life.

21 Thank you very much.

22 MODERATOR WIESE: Okay. Thank

1       you, Pat. Appreciate it very much.

2                   MR. SONTI: Sure.

3                   MODERATOR WIESE: Thank you, Pat.

4                   Next up I had lauded her  
5       credentials earlier as the person who traveled  
6       the farthest but was quickly corrected by Carl  
7       Weimer that said, actually, he had come eight  
8       miles further than she had. But, nonetheless,  
9       I said in her defense -- I came to Sarah's  
10      defense and said, but she has to take four  
11      buses to get here from where she is staying.

12                  So next up we have Sarah Spence.  
13      She has some remarks on the role of civil  
14      engineering and pipeline safety. Sarah? And  
15      you don't have a belt either. So would you  
16      like a mike, a hand-held mike? Okay.

17                  By the way, I sometimes refer to  
18      Sarah as my conscience because Sarah writes me  
19      wherever she is and the most instructive  
20      recently was when you just got back from  
21      Thailand, right? Yes.

22                  And so I appreciate -- forgive me

1 for going marginally off script, but it was  
2 right after the NTSB hearings. And Sarah has  
3 a way with words. So I think that I will  
4 always remember her saying, "You know, Jeff,  
5 you look like you have been drug over ten  
6 miles of hard road." So yes, that was a long  
7 three days, Sarah, but welcome. Good to see  
8 you.

9 MS. SPENCE: Actually, what I said  
10 is you look like ten miles of beat-up road.

11 MODERATOR WIESE: That's even  
12 worse, Sarah.

13 MS. SPENCE: I know. Thanks.

14 My name is Sarah Spence. I am a  
15 citizen. I came from Bellingham, Washington.  
16 I don't know if it's really eight miles less  
17 than Carl came or not.

18 My background is I have been in  
19 construction virtually my whole life. I'm a  
20 third generation Northwest construction brat.  
21 I was the second senior engineer, senior  
22 construction engineer, hired by Morrison and

1 Knudson. We built the Trans-Alaska Pipeline.

2 So I am here to talk about dirt.

3 And if Carl runs screaming out of the room,

4 he's been hearing it for 12 years.

5 So what's the difference between a

6 hazardous liquid pipeline and a sewer line?

7 The answer is the sewer line has a ten-page

8 standard spec listing civil engineering

9 requirements for construction, and a hazardous

10 liquid pipeline doesn't.

11 There are plenty of reasons for

12 these regulations. And they all relate to

13 safety, although every single one of them

14 should be considered required for a hazardous

15 liquid pipeline. I know the difference

16 between trying to go for a home run and a

17 probable.

18 So I am just going to talk about

19 three: pipe bedding, backfill criteria, and

20 compaction with a warning tape.

21 First, pipe bedding. Current

22 regulations don't prohibit laying steel pipe

1 right on rock. As a matter of fact, they  
2 don't even have to -- if they encounter rock,  
3 they don't even have to achieve the 36-inch  
4 depth cover that is generally required. And  
5 because it is not specifically prohibited, I  
6 know for a fact that they do lay these pipes  
7 directly on rock.

8 Are there any civil engineers in  
9 the room?

10 (Whereupon, there was a show of  
11 hands.)

12 MS. SPENCE: For the rest of you,  
13 pipe bedding I kind of equate with like  
14 styrofoam when you are wrapping a vase to send  
15 it someplace. And in earthquake zones, a  
16 steel pipe on rock just doesn't work for me.  
17 And it's San Bruno doesn't work. So I would  
18 like to suggest that pipe bedding be  
19 considered.

20 Also I think shakers I think can  
21 compromise wells. And with pipe bedding, I  
22 think that would mitigate it a little bit

1 more.

2                   Okay. Historically hazardous  
3 liquid contractors have used a bulldozer to  
4 push the excavated spoils back in the hole.  
5 There's no criteria for backfill whatsoever.

6                   While it is probably okay in some  
7 parts of the country, in mountainous areas,  
8 that doesn't work either. A pipeline can be  
9 damaged before it's commissioned by large  
10 rocks landing on the pipe.

11                   I know this from personal  
12 experience because the first exhibit that I  
13 have is of the rock that landed on my pipe  
14 when it was installed in 1963. After the  
15 Bellingham explosion some 40 years later, they  
16 fixed my pipe. And it had a 17-inch crease in  
17 it for all those years.

18                   And I have a plastercast of that,  
19 Jeff. I'm kind of tempted to send it to you.  
20 I haven't figured out what to do with it. You  
21 know, I mean, we did it a couple of years ago.

22                   So I would like the -- I think it

1 has to be the Feds -- to develop a backfill  
2 criteria, very similar. Actually, just roll  
3 the one for sewer lines over into pipelines  
4 and restrict the organics and the boulders to  
5 say for sewer lines at six inches, let's try  
6 six for hazardous liquid pipelines just in the  
7 spirit of compromise.

8 I'm losing my place here. Okay.  
9 Compaction. Instead of just pushing in the  
10 spoils in the hole, I would like to see  
11 compaction considered in hazardous liquid  
12 pipelines because compaction not only will  
13 restore the depth of cover, but it will  
14 preserve and maintain it. Ten years ago, the  
15 Olympic pipeline was required to fix the line  
16 on my place, thanks to a judge, to my  
17 standards. And I made them compact it.

18 And the second, which is also a  
19 picture of my dog, shows the crown where the  
20 land around it has subsided and the depth of  
21 cover has gone down almost a foot except for  
22 where it was compacted.

1                   And being from the construction  
2 industry, the buzz term "third party damage"  
3 just kind of grates on me when the pipes  
4 aren't where they're supposed to be.

5                   And I really commend the 811. I  
6 think that's just about the best thing that's  
7 ever happened because I have looked before you  
8 dig, all over the United States. And it was  
9 really difficult to find.

10                  There's always going to be a  
11 scofflaw. And there is always going to be a  
12 little independent guy who doesn't have time  
13 to call and he's only gone down a foot. And  
14 he thinks the pipe is at three feet and he's  
15 going to hit it. And then my industry takes  
16 the hit again.

17                  So those are the three things that  
18 I think are no-brainers. I mean, I can't  
19 believe I had to fly all the way back here to  
20 officially get it on the record, but I did.

21                  And a friend I'm staying with, her  
22 husband was a doctor. And he used to quote

1 Jerry Garcia at times like this, "Somebody had  
2 to do something about it. And I think it's  
3 incredibly pathetic that it had to be me."

4 Thanks.

5 MODERATOR WIESE: Thank you,  
6 Sarah. I assume that your comments apply to  
7 energy pipelines in general, not just the  
8 hazardous liquids, --

9 MS. SPENCE: Right.

10 MODERATOR WIESE: -- so natural  
11 gas in general.

12 MS. SPENCE: I live with a --

13 MODERATOR WIESE: Yes. Yes.

14 MS. SPENCE: Yes.

15 MODERATOR WIESE: For the  
16 Committee's benefit, I think that they  
17 extrapolate out to natural gas as well. So  
18 thank you so much, Sarah.

19 MS. SPENCE: Well, actually, for  
20 the record, I would like to see you adopt the  
21 specifications for sewer lines developed by  
22 the American Association of Public Works.

1 Thanks.

2 MODERATOR WIESE: Okay. Great.

3 Thank you, Sarah.

4 Okay. Next up we have -- let's  
5 see -- Phil Bennett. Okay. Very good. Phil  
6 Bennett, Senior Managing Counsel, American Gas  
7 Association, whom we like to give a hard time  
8 to since we see him fairly frequently.

9 Phil, I know I don't need to  
10 remind that we only had 15 minutes.

11 (Laughter.)

12 MODERATOR WIESE: Don't worry. I  
13 have a watch, Phil.

14 MR. BENNETT: Thank you. My name  
15 is Phil Bennett. I am with the American Gas  
16 Association. And I want to thank PHMSA and  
17 the Committee for having the opportunity to  
18 give a presentation on to help to report to  
19 the nation.

20 Actually, I am glad the Advisory  
21 Committee has really been responsibility to  
22 provide the input to the Secretary's report.

1 I think it is the perfect group. It is wide  
2 representation. And the Committee has really  
3 done a lot of good work in the past.

4 The report is really needed. I  
5 mean, if you are going to get anything  
6 important done in the country, communication  
7 is critical. And writing a report like this  
8 is hard work. Trying to put it in the right  
9 context for the public is difficult.

10 And I am going to really limit my  
11 comments to the outline because I think you  
12 have a good framework. I have been reading  
13 the detailed outline that Linda passed out  
14 earlier. And it is really a good outline.  
15 And I am just going to comment on some of the  
16 hot topic areas.

17 First, in general, I would say you  
18 want to strive to have a report that has a  
19 common language. And the good example was  
20 fitness for service. We use that term, but  
21 what does it really mean? We really have to  
22 strive to get a common understanding with the

1 readers and all the stakeholders involved.

2 I know AGA has a committee. We're  
3 going to provide the TPSSC members with some  
4 of what is pipeline that is fit for service  
5 because the first thing the public says is,  
6 "What is unfit?" And you've got a problem  
7 because there are a lot of pipellines and you  
8 don't want to get into the technical minutia,  
9 but you really want to give that some common  
10 understanding for the readers.

11 MODERATOR WIESE: Hey, Phil,  
12 actually, if you'll allow me, I would say that  
13 is a very good point in general. A glossary  
14 would be an easy add to the report.

15 We do have on stakeholder  
16 communication on our website a glossary that  
17 we could use as a beginning, but there are  
18 other terms that we would welcome suggested  
19 definitions for. Fitness for service is  
20 clearly one of those.

21 I don't know if we have a  
22 consensus definition to that term. It is used

1 in other industries. You know, but that's a  
2 good point, Phil.

3 MR. BENNETT: Another general  
4 comment is the background and context of the  
5 report. Is the pipeline industry and the call  
6 for action because this is a crisis situation  
7 or do you have an infrastructure that really  
8 is working and you really need some continual  
9 improvement? I mean, we think it is the  
10 latter. We have had some traumatic events in  
11 California and other places, but you have a  
12 large infrastructure that is working. And you  
13 want to put the report in the proper context.

14 The other important thing is to  
15 understand and present the goals of the  
16 different stakeholders. We at the AGA really  
17 want to know what the public goals are for  
18 pipeline safety. And we want to know the  
19 regulators' goals. And those things should  
20 really be in the report.

21 And, finally, a general message is  
22 the report should generate confidence and lay

1 out a path forward. I mean, that really I  
2 think is what is Mr. LaHood's goal. And we  
3 have heard him talk a few times. So it really  
4 should be a confidence-building report that is  
5 factual and moves us forward.

6 Looking at the first topic, energy  
7 pipelines in the U.S., there is some good  
8 information in the Pipe of Risk report. And  
9 I think you can extract some information out  
10 of that report. And I urge the Advisory  
11 Committee to look at that.

12 In general, I think the public  
13 takes for granted the infrastructure. You  
14 don't worry about electricity until there are  
15 blackouts. And pipelines are even more --  
16 they're underground. No one even thinks about  
17 it.

18 And we are in Washington, D.C. We  
19 do need to tell the public that they are  
20 getting their gas from the Gulf of Mexico.  
21 And it's pipelines bringing it 365 days a  
22 year, 24 hours a day, 7, you know. And it

1 works. That infrastructure is working. And  
2 the report needs to tell people how extensive  
3 this infrastructure is.

4 One of the things -- and I'll  
5 leave it up to the Committee -- is that that  
6 infrastructure is rapidly changing with the  
7 shale gas. And you may want to put a section  
8 in there to talk about the different regions.  
9 You are going to have to build a new pipeline  
10 infrastructure to deal with the Shell gas that  
11 is coming from different regions. And people  
12 aren't aware about it, but it is moving very  
13 rapidly.

14 So I think that is really it for  
15 item number one. Roles and responsibilities  
16 for state, federal regulators, I am going to  
17 skip that role because Jeff doesn't want to  
18 hear what we have to say on that. They know  
19 their roles. And I'll say it's important.  
20 Oversight and enforcement are important. It  
21 really breeds confidence.

22 AGA and its member companies

1 support that. I will say an important part  
2 about roles and responsibilities is that  
3 operators operate pipelines, not regulators.  
4 And that's why they call operators operators.  
5 And operators have the responsibility and the  
6 accountability.

7 Sue Fleck is here with National  
8 Grid. She can't run and her people can't run  
9 Souris pipeline. They don't know that  
10 infrastructure. They don't know the details.  
11 And there's a misconception out there I think  
12 that the public thinks regulators need to tell  
13 operators what to do. And you really can't do  
14 that. You have the roles and the  
15 responsibilities. And the operators want that  
16 responsibility and accountability to runs  
17 safer and reliable pipelines.

18 The other thing on rules -- and  
19 there are some misconceptions about the -- you  
20 put in there the rate structure. And you  
21 should talk about the rate structure and  
22 process.

1                   At times, AGA operates --  
2 actually, represents investor-owned utilities.  
3 But the utility business, the responsibility  
4 is to do what the state commissions tell them  
5 to do. They operate under state charters.  
6 Their profits are limited. So they're really  
7 not controlled by the bottom line.

8                   The state commissions tell them to  
9 operate safe and reliable pipelines. And they  
10 limit them to whatever, ten percent profits.  
11 So there is no incentive to change things to  
12 get a greater bottom line. And the public  
13 really doesn't understand that.

14                  These operators, the utility  
15 system is just basic economics. It is a  
16 monopoly. And you run it. And safety and  
17 reliability are not just priorities. They're  
18 values. The priorities change. So safety is  
19 a value. And they should talk about that as  
20 a role and responsibility.

21                  The other thing you might add --  
22 and it's not on your outline -- is the issue

1 of jobs and the changing infrastructure.  
2 There are going to be retirements. And it is  
3 tough to get young people to get into the  
4 utility industry. So that is an option if you  
5 want to put that in there.

6 AGA and EEI, the Edison Electrical  
7 Institute, work with the CEWD Project. And we  
8 can provide you with information if you want  
9 to put a section in on those issues.

10 And, of course, contractors -- I  
11 think your outline was very good about the  
12 different people that should be talked about  
13 as stakeholders.

14 For safety and environment, I  
15 would say there is a huge disconnect,  
16 especially right now, when you start looking  
17 at safety and environmental records.

18 I mean, you had high-profile  
19 events that were very tragic. At the same  
20 time, DOT statistics show 10-20 years of  
21 continual improvement. And that is hard to  
22 explain to the public that you have big

1 accidents but at the same time you're  
2 operating safer and safer, you're having less  
3 leaks, you're having less significant  
4 incidents.

5           And one of the things that should  
6 be in the safety and environmental record is  
7 a data quality committee. And that is a whole  
8 concept we have been talking about a lot of  
9 times. But you really need the public  
10 regulators, operators analyzing the record and  
11 explaining the performance. And that is  
12 something we really do need to work on.

13           I know we have passed around some  
14 strawmen to try to go down that route. So the  
15 data quality committee is an old issue. And  
16 it is not a new idea. I think you have it  
17 under item 6, but it is an old idea. And it  
18 really does need some resolution.

19           For environmental, again, things  
20 are changing: greenhouse emissions and  
21 efficiency. You may put information on that.  
22 There is a lot of voluntary work. Actually,

1 Sue with the National Grid has one of the  
2 leading companies. And she may provide input  
3 on those issues for you.

4 Probably the biggest group in the  
5 outline that we see is the challenges and  
6 issues. I mean, that probably will be the  
7 meat of your report.

8 Aging infrastructure. We talked  
9 about that. Again, that's a misconception.  
10 You know, you have dry gas. It really has  
11 zero corrosion. I mean, it really can last  
12 forever internal.

13 External corrosion is a constant  
14 threat. And that is the kind of easy way to  
15 talk to the public about that misconception  
16 about aging. You have some old pipelines.  
17 And they look great inside. And external  
18 corrosion can be checked.

19 The other thing I would highlight  
20 with challenges -- and we're dealing down this  
21 path of I would call it data micro analysis.  
22 And we're in the internet age. And we've got

1 computers. And we think more data is better.  
2 And we're going through this, almost endless  
3 record searches; whereas, the old engineers  
4 used to go in the slide rulers. You make your  
5 calculations, your design, and then you gave  
6 a 50 percent safety factor. So why are you  
7 going through this endless record search on  
8 detail.

9           So it is something that we do need  
10 to balance. Technology is good. The pipeline  
11 industry was designed with huge safety  
12 factors. And you can default to the  
13 conservative and save a lot of time and not go  
14 through the very detailed record searches.  
15 And that will give people confidence. You are  
16 always going to have incomplete information,  
17 but you have those big safety factors.

18           The other thing we did add on  
19 challenges is the understanding of safety and  
20 reliability. The AGA suggested that you put  
21 in information about capacity and the  
22 restraints because it is not talked about.

1           But you really can't -- you have a  
2           small window to shut down pipelines. You have  
3           a limited ability to lower pressures and  
4           deliver gas to people at peak days. The  
5           public doesn't understand when it is 20  
6           degrees below in Chicago the gas utilities  
7           actually shut off industrial customers so that  
8           we can provide the public gas.

9           I mean, the infrastructure doesn't  
10          have the capacity to be shut in. And that is  
11          really not talked about that often.

12          HCAs are always a challenge. And  
13          there are issues about expanding it. And  
14          there is an old saying, if everything is  
15          important, nothing is important. So HCAs were  
16          put there to focus on specific areas. And it  
17          is a challenge just to enhance assessments on  
18          all pipelines. And I think that discussion  
19          has already been had a few times, and it  
20          should be in the report.

21          Two other things I would say are  
22          encroachment, the Piper report has a lot of

1 good ideas. And I think that is on your  
2 outline for challenges. An important one --  
3 and I'm not sure if it's in your report -- is  
4 adopting and updating technology standards.  
5 There really is a problem in the regulatory  
6 process.

7 Right now all pipelines are  
8 operating off of the ASTM D2513 1987 standard.  
9 And that is an old standard. It really does  
10 need to be updated. I wasn't even born in  
11 1987. You know, so --

12 (Laughter.)

13 MODERATOR WIESE: I don't know.  
14 Let's take a vote on that one.

15 MR. BENNETT: Yes. Okay. Well,  
16 put it this way. I had a big Afro in 1987.

17 (Laughter.)

18 MR. BENNETT: So that's a long  
19 time ago. And we really do need to work to  
20 update standards. I know PHMSA wants to be  
21 conservative. And they view their role as the  
22 gatekeeper. But we really do need to sit back

1 and say, is the implementation and new  
2 technology process being hindered? and work on  
3 that.

4 The last comment I would say, the  
5 section, ideas for new initiatives. And I  
6 would say the list of initiatives is already  
7 too long. I mean, we're doing transition  
8 integrity management. We're doing public  
9 awareness.

10 It's the old thing with the KISS  
11 principle: Keep it Simple. I was trained as  
12 an engineer a long time ago to make things  
13 idiot-proof. And maybe it was time to go back  
14 to basics and resolve some of the existing  
15 programs.

16 Public awareness. We've done  
17 these programs for a while. And we haven't  
18 gotten any feedback. So I would say for new  
19 initiatives, let's -- it's a good title, but  
20 we need to resolve some of the other projects.

21 And I appreciate the opportunity  
22 for the time to give a presentation.

1                   MODERATOR WIESE: You have to type  
2 up your comments now, you know.

3                   MR. BENNETT: I can't type.

4                   MODERATOR WIESE: Do we have voice  
5 recognition or something like that software  
6 for Phil?

7                   MR. BENNETT: We will help and --

8                   MODERATOR WIESE: Somehow or  
9 another, we knew that Phil was going to go  
10 long.

11                   (Laughter.)

12                   MODERATOR WIESE: All right.  
13 Thanks, Phil. Appreciate your time and your  
14 comments.

15                   Next up we have Peter Lidiak with  
16 the -- he's a Pipeline Director for the  
17 American Petroleum Institute. Now, we know  
18 Peter won't go long. He's not that kind of  
19 guy.

20                   MR. LIDIAC: No, I'm not. You're  
21 right.

22                   MS. WHETSEL: You're the last

1 speaker before lunch. So you'd better hurry.

2 MR. LIDIAK: Good. It looks like  
3 I've got about 45 minutes. Okay. Can  
4 everybody hear okay? Great.

5 As Jeff said, I'm the Pipeline  
6 Director for API. And I am going to run  
7 through some materials that we think should be  
8 on the record. Some of you have seen these  
9 before. So I apologize for that. But we feel  
10 they should be on the record and for  
11 inclusion, consideration in the report. And  
12 then we'll talk a little bit about the outline  
13 for the report itself.

14 So maybe you have seen this  
15 before. Our industry has been focused on  
16 reducing accidents on pipelines. Most  
17 notably, over the last 11 years, we put a more  
18 fine focus on this through an initiative that  
19 I will talk about later called our  
20 environmental and safety initiative.

21 We are focused on zero. That is  
22 really what we are focused on. Ultimately we

1 want to get there. We are not there yet. And  
2 we recognize that quite fully.

3 So most of you have seen this plot  
4 before. The chart is derived from our  
5 pipeline performance-tracking system. This is  
6 the industry's own spill reporting database.  
7 And it includes voluntary reports from  
8 operators that operate about 85 percent of the  
9 regulated pipes in the United States, and that  
10 is hazardous liquid pipes, not the gas  
11 pipelines.

12 You can see we started collecting  
13 data actually in 1999. These are three-year  
14 averages represented on this graph. And we  
15 continue through this year as well.

16 You will notice here that the  
17 number of incidents starting from those early  
18 times has come down significantly, almost 60  
19 percent. And the volumes have come down by  
20 about 40 percent.

21 PPTS is voluntary, as I mentioned,  
22 but it is, nevertheless, a very rigorous

1 system. The data goes through extensive  
2 checks each year. We make sure that every  
3 report that goes into PHMSA from the reporting  
4 remembers of PPTS is also in our PPTS  
5 database.

6 We also make sure that if it's in  
7 PPTS and it isn't in PHMSA, we go back and ask  
8 the people that are participating why that is  
9 so. And we do get reports from companies on  
10 their assets that are not regulated. So we do  
11 get reports from assets that PHMSA doesn't see  
12 because they are not PHMSA-regulated assets.  
13 That would be, for instance, like storage  
14 tanks or unregulated pipelines that are not  
15 under the PHMSA regulation.

16 Now, is this a good story? Yes,  
17 it is a good story. But when you look at a  
18 very compressed time scale, it doesn't look so  
19 great, not as good as at least the previous  
20 set of charts.

21 You will notice that from the 2002  
22 data up through 2009, the story is a little

1 different. We have still got a good reduction  
2 in the number of accidents occurring.

3 I think most people would be happy  
4 with a 33 percent reduction. That is good  
5 news. That is very good news. What's not so  
6 good is the volumes released. We are seeing  
7 what is happening here is a tailing up of  
8 volume.

9 I think this is driven. From our  
10 data, we see that there are a large number of  
11 large crude releases in the hazardous liquid  
12 space. And that is what is driving a lot of  
13 these accidents.

14 We are worried about this. This  
15 wakes us up at night, makes us wonder what the  
16 heck we're going to do next to get back on a  
17 downward slope. So we're looking at that  
18 stuff now.

19 As far as the record goes, we have  
20 a bunch of different areas. This slide shows  
21 a number of spills along the right-of-way that  
22 are attributable to various causes, all of the

1 various causes that we look at in general kind  
2 of grouped together, again, three-year  
3 averages.

4 Each of the major causes has shown  
5 significant declines. There is an overall  
6 decline, again, of about 60 percent.

7 Corrosion remains the largest cause of spills  
8 along the right-of-way. All right? That is  
9 clear from the data here: both in the past  
10 and in the most recent data.

11 It has been reduced, though, by 73  
12 percent. And the decline comes from the  
13 billions of dollars that liquid pipeline  
14 operators have spent on integrity management  
15 over the last several years.

16 These programs involve risk  
17 assessments, inspections, repairs. And,  
18 really, the programs involve both those on the  
19 regulated pipes and beyond. Yes, there has  
20 been a lot of hay made over the fact that,  
21 geez, you are only 44 percent of the pipes are  
22 required to be inspected and repaired. Well,

1 when we actually look at our industry's  
2 record, we go well beyond the assessment  
3 requirements of the regulations.

4 And in a recent survey, we  
5 actually found that almost 90 percent of our  
6 hazardous liquid pipes are actually being  
7 assessed in some way. And when operators find  
8 anomalies, they repair them. So that is the  
9 result that we are getting from our programs.

10 Now, this is on the right-of-way.  
11 We wanted to get a feeling when we went --  
12 I'll see if I can make it go to the next page.  
13 Oh, yes. That's right. All the fancy stuff  
14 there comes up. There you go. I'll go back  
15 to that for a minute. These are the numbers  
16 that show the reductions in the first  
17 three-year period versus the last three-year  
18 period for these different cause categories.

19 Now, the next graph is based on  
20 PHMSA data. We go back to 2002 and run that  
21 through 2010. We wanted to know what was  
22 happening in 2010. And you can see there is

1 a definite decline in the number of accidents  
2 over this time on hazardous liquid pipelines.  
3 This is all causes. This is all releases that  
4 are really five gallons or more.

5 When you look at the volumes,  
6 though, you see that, well, this is a trend  
7 line right here. That is not a trend line the  
8 computer just eyeballed in there. You know,  
9 I use that Excel, you know, best fit kind of  
10 thing just to see kind of where it goes  
11 because it is hard to tell.

12 When you look at 2005 and 2006,  
13 you see a large increase in volumes, mostly  
14 natural force damages from the largest  
15 hurricanes that happened in those years.

16 Then you see a fairly good decline  
17 down through 2009. Two thousand nine was a  
18 banner year from volume released. And then we  
19 get to 2010. And, unfortunately, as we all  
20 know, there were a number of notable large  
21 releases in 2010 that contribute to that big  
22 spike there. We hope that 2011 and beyond

1 will be lower. And there is a lot of focus on  
2 that, not just here, not just at PHMSA, not  
3 just in all the forums around the country but  
4 in the operating companies as well.

5 Finally, I would like to just beat  
6 the drum on excavation damage. People say  
7 they get very frustrated. I think I heard  
8 Sarah say she is very frustrated with the idea  
9 of everyone always talking about third party  
10 damage.

11 Well, excavation and other  
12 mechanical damage is an issue. Whether you  
13 like it or not, it is a major cause of injury  
14 and death from hazardous liquid pipeline  
15 accidents.

16 There are diverse third parties.  
17 It used to be the drum roll used to be, well,  
18 it's them hitting us. Well, we have realized  
19 over time that it is more than just them  
20 hitting us because sometimes the them is us.

21 It's pipelines hitting pipelines.  
22 It's other utility operators hitting

1 pipelines. And sometimes it's even the  
2 pipeline operator or his contractor hitting  
3 his own line. So we're looking at ways to  
4 reduce this.

5 We have run excavation damage  
6 workshops the last several years for practice  
7 sharing. We have participated in the 811  
8 campaigns. We have participated in the Common  
9 Ground Alliance and with other stakeholders to  
10 try to make sure we can reduce this cause  
11 category.

12 Okay. So what about aging pipes?  
13 There has been a lot of talk the last year  
14 about what is happening with older pipelines.  
15 I'll flip through my notes here to get to the  
16 right place.

17 You can see here when you look at  
18 this line here -- and I'm going to point this  
19 one out right here -- these are time-dependent  
20 causes. And those are the causes that are  
21 associated with the time in service, how long  
22 a pipe has been in service.

1           You can see -- excuse me. I have  
2           just flipped the wrong way. There we go. The  
3           number of incidents is reduced by 36 percent  
4           over this time period from 2002 to 2009.

5           At the same time, the  
6           non-time-dependent causes have come down by  
7           about the same amount. I think this  
8           demonstrates a good management result. The  
9           operators are managing their assets. They're  
10          bringing those down. We're not done until we  
11          get to zero, but it's a good trend.

12          Even more impressive, though, is  
13          that if you look at the pre-1950 pipe, we're  
14          not at about 20 percent of what the accident  
15          rate was just 8 years previous. And this is  
16          an indication to us that management strategies  
17          are working, even for older pipe on hazardous  
18          liquid steel pipes.

19          Now, the story might be different  
20          for other types of pipe, but, at least for the  
21          management of these steel pipes, that is the  
22          situation we're at.

1                   Okay. Finally, I want to go  
2 through a couple of things that we're doing in  
3 the industry. These are things that, you  
4 know, were referenced I think a little bit on  
5 the outline, but they draw out a little more  
6 detail.

7                   Pipeline performance tracking  
8 system I've already talked about. Our  
9 environmental and safety initiative is mostly  
10 stacked up by two teams: our data mining team  
11 and our performance excellence team.

12                   Our data mining team works with  
13 PPTS. It mines the data. It analyzes the  
14 data. And it produces advisories that are  
15 available to the industry and to the public on  
16 the API website. You should look at it. The  
17 advisories are informative. They include our  
18 industry data. And they give suggestions for  
19 improvement.

20                   Performance excellence team looks  
21 for forward-looking solutions. Continuous  
22 improvement is the goal here, trying to

1 improve things, whether it's a big improvement  
2 or an incremental improvement.

3 We have engaged in the last few  
4 years in PICS, a closed-door session for  
5 operators to talk about incidents and near  
6 misses so that they can share what led up to  
7 an accident, what they found in their  
8 investigation, what solutions they put in  
9 place.

10 We do it in a closed-door  
11 environment because oftentimes there are a lot  
12 of legal issues around these incidents. And  
13 if we wait until there is no more legal  
14 incidents, we might wait a decade before we  
15 learn. And so we do this in a closed-door  
16 setting to talk about these things so that  
17 maybe there is an operator out there who can  
18 learn something from someone else's mishap  
19 that will help them avoid that mishap.

20 We have been conducting leadership  
21 safety culture forums. At every meeting of  
22 our executive leadership and the hazardous

1 liquid pipeline, we have been discussing  
2 safety culture issues that would circulate  
3 throughout the companies and across the  
4 industry. And the associations have  
5 committees and teams where this discussion  
6 goes down to the operating personnel level.

7 I am going to just quickly go  
8 through these. I point out that the industry  
9 sponsors and participates in standards  
10 development organizations.

11 I will point out that there are  
12 construction standards, lots of them, out  
13 there, both in the regulations and also  
14 developed by ASME. And they are available for  
15 both gas and liquid pipelines. So, you know,  
16 this is a place where the public, where  
17 professional engineers, where the industry  
18 engineers can all participate to improve  
19 things.

20 And then down here cut off at the  
21 bottom of the page is research and  
22 development. And we think that research and

1 development is very important. We have been  
2 doing research and development over the last  
3 several years. We think we can ramp up the  
4 efforts there, especially in some very  
5 targeted areas. I think they are also  
6 addressed there.

7 I am going to go whip through the  
8 last few things. Report outline. Linda  
9 covered this very well. We actually made some  
10 comments. And I think most of these things  
11 are covered in the comments.

12 I just point out down here some of  
13 the unique aspects of the pipeline  
14 transportation. Roads and bridges are  
15 publicly owned and maintained. Pipelines are  
16 privately owned and operated. And they have  
17 to be. The funding has to come from the  
18 profits that the companies make.

19 Pipeline operators typically don't  
20 own the commodities, as we talked about  
21 before. They are paid tariffs that are  
22 subject to FERC oversight.

1                   And I want to mention the fact  
2                   that there is a recognition from both our  
3                   regulator and from our public that we need  
4                   those tariffs to address our safety issues.  
5                   And we very much appreciate the support of  
6                   both PHMSA and the Pipeline Safety Trust  
7                   during our discussions with FERC on tariffs  
8                   because it is helpful to get the right kind of  
9                   funding to keep safety going.

10                   Roles and responsibilities.

11                   Pipeline is a shared responsibility. As has  
12                   been pointed out, this has been addressed  
13                   pretty well. Pipeline operators have the  
14                   primary responsibility for operations, which  
15                   I think Phil pointed out very well.

16                   Pipeline operators have spent  
17                   billions of dollars to inspect and repair  
18                   their assets. And this vigilance will  
19                   continue. Our members are dedicated to that.

20                   And the regulators, we think that,  
21                   again, fostering the recovery of expenditures  
22                   is important for FERC and for PHMSA as well.

1           Until there are zero accidents,  
2           there is more to do. I'm not going to tell  
3           you we have done everything. Okay?

4           Pipelines are the safest mode,  
5           demonstrated that the trends are going in the  
6           right direction. They've got to go further.  
7           And we spend hundreds of millions of dollars  
8           annually on these integrity programs.

9           So challenges and issues. The  
10          regulations should maximize the safety  
11          benefits by focusing on these key risks.  
12          Operators and regulators must focus on  
13          emerging as well as known issues. And the  
14          reason for that is that if you always focus on  
15          what you know, the other things are going to  
16          come up and bite you. You need to be looking  
17          at things that you don't know about as well.

18          The known risks that we like to  
19          focus on a lot -- everybody knows that -- is  
20          this excavation damage. And I'll point out  
21          there are a broad array of factors that impact  
22          our risk reduction.

1                   Extending integrity management  
2           beyond HCAs, we believe that HCA is the  
3           appropriate way to focus our risks on what is  
4           the most risky potential consequences. That  
5           doesn't mean that you ignore what is outside  
6           of HCAs. It means that you focus on areas  
7           where consequence is great.

8                   We think that is still an  
9           appropriate tact to take. It doesn't mean you  
10          don't do nothing outside HCAs. And then  
11          enforcement adequacy has been raised. I think  
12          we would point out that there are other things  
13          you need to consider when you consider  
14          enforcement adequacy. And that is, does  
15          enforcement the way it is structured drive to  
16          the right solutions, and does it truly improve  
17          public safety the way that it is conducted  
18          now, questions that need to be addressed in  
19          the report, as the Committee continues?

20                   Existing initiatives. They're  
21          listed on here. We think most of the big  
22          issues have been addressed. Here are some of

1 the things that are going forward, haven't had  
2 a chance to really get into place yet. They  
3 will improve things, we believe. Repairs must  
4 be recognized for what they are.

5 I think some people have  
6 characterized repairing pipelines as  
7 harvesting. I don't believe that that is  
8 actually the case. I think repair is actually  
9 return lines to like new condition for what  
10 they are. They are not the same as replacing  
11 a piece of pipe.

12 A new pipe is going to be  
13 stronger. It is going to be newer materials,  
14 newer specifications. But if you repair pipe  
15 to the way that it was for its original  
16 intended purpose, it is like new.

17 And, then, finally, it was  
18 mentioned we need to improve communications  
19 about what we are actually arguing and how the  
20 public and how the industry and how the  
21 regulators can work better together.

22 I am going to throw up this as my

1 final slide, few new ideas. Some might say  
2 that not all of them are new, but we think  
3 that we should be expanding required repairs  
4 beyond the HCA boundaries. When you find you  
5 need repairs as an operator, you should repair  
6 it. That should be required.

7 Leak detection capability  
8 evaluations on regulated segments. We believe  
9 that we can do these leak detection capability  
10 evaluations. We don't necessarily think that  
11 putting CPM systems on every pipeline is the  
12 right answer, but there may be other ways to  
13 do leak detection that would be just as  
14 appropriate for particular pipes.

15 More effective repair criteria  
16 would move some of the things that are now  
17 scheduled on a slightly longer schedule. And  
18 then we would like to suggest that there has  
19 got to be a mechanism. There already is a  
20 mechanism required for operators to update  
21 their HCAs, but there are major changes in our  
22 population data and new information about

1 water sources, et cetera, that on some regular  
2 basis, we should be looking at whether we  
3 update HCAs or not, get it right, might  
4 include more areas, may include some areas  
5 falling off, but we think that when new data  
6 is available, we ought to update that stuff.

7 More R&D, especially on assessment  
8 technology on seams. I would like to say that  
9 we are very pleased that PHMSA put out its BAA  
10 on seams earlier this year, is moving forward  
11 with the workshop this year because this is an  
12 area that we focused on for the last couple of  
13 years as well. We think that needs to be  
14 addressed.

15 And then I mention at the end here  
16 that it says there, even though it's cut off,  
17 that industry is actively seeking significant  
18 actions that will improve pipeline safety  
19 performance record. We are working on this in  
20 the liquids industry. We are working it in  
21 the gas industry as well and more to come  
22 because we have a lot of ideas that we're

1 thinking about in addition to these things.

2 Thanks.

3 MODERATOR WIESE: Thank you,  
4 Peter. Okay.

5 So so far we have two trade guys  
6 going long. Where is Terry Boss? Okay.  
7 Terry I know is the kind of guy who knows how  
8 to get in right before lunch and get it done  
9 in 15 minutes or less. He's practiced at the  
10 fine art of being concise.

11 MR. BOSS: Terry Boss with ING,  
12 and I'm not going to talk too loud. I'm  
13 taking some different things. So I hope I  
14 don't say wrong words, but I have got a pretty  
15 bad back right at the moment.

16 The main thing I wanted to talk  
17 about -- and Peter talked about it, and also  
18 Phil talked about it -- all of the groups are  
19 working within their shifts, and it is a  
20 challenge because we are trying to find out  
21 what we should be doing better from what we  
22 have done.

1                   And the one thing that I saw in  
2                   the table of contents that was listed up  
3                   there, the overall table before that one --  
4                   because we're trying to find out -- people  
5                   don't necessarily know what is going on now or  
6                   what has gone on in the past. So a good  
7                   section that could fall in probably in item  
8                   number 2 and 3 is what was going on.

9                   We did this one. We got into the  
10                  integrity management program in 2002. We did  
11                  things like the Ameritas report that talked  
12                  about what standards are out there, what  
13                  specifications were out there.

14                  A good example is San Bruno.  
15                  There were probably 15 -- no; I'm exaggerating  
16                  -- probably 8 revisions of the ASME pipeline  
17                  code that were there before the regulations,  
18                  same way with the API pipe code on  
19                  manufacturing the pipe.

20                  So I think it is very important to  
21                  kind of stand back and look at all of the  
22                  layering that is going on now and what is out

1       there. And then you can go in and look and  
2       see okay. How are we going to change that  
3       layering, add to the layering, or modify  
4       things? I think it is a very important part  
5       on that.

6               As I mentioned, we do have a lot  
7       of groups working. We have got 18 subgroups  
8       working on the issues since we're close to the  
9       end of our first period of the integrity  
10      management program to see what we could do to  
11      improve. So we will be dividing our written  
12      comments on that.

13              We are held up a little bit right  
14      now. We have got a board meeting coming  
15      Tuesday. So we are going to get confirmation  
16      on that. So we should get that information  
17      into the docket on that sort of thing.

18              But pretty much everything that  
19      Phil was talking about and what Peter was  
20      talking about is going on in the gas  
21      transmission segment of the business, but I  
22      think we do need to include some things on

1 what is really going on and what has been  
2 successful so that we could find out if there  
3 are some things that we need to change.

4 That is about it. Does that help  
5 with the time?

6 (Laughter.)

7 MODERATOR WIESE: Terry showing us  
8 how it should be done.

9 (Laughter.)

10 MODERATOR WIESE: Actually, he has  
11 been smelling that food from next door for a  
12 little while.

13 Sorry to hear about your back.  
14 You and Masoud are sharing that. That is why  
15 he is not here right now.

16 At any rate, I want to do a double  
17 check because that concludes the list of  
18 anyone who had registered with us or signed up  
19 to speak. Is there anyone else who would like  
20 to provide comments?

21 Okay. You will have to go up  
22 there. Do you have your business card you

1 could report the court reporter. We can get  
2 that later. We'll get it later. Okay.

3 DR. JEYPALAN: I'm a civil  
4 engineer who has spent his life focusing on  
5 about 350 pipelines around the world with  
6 every kind of problem.

7 PHMSA does a very good job with a  
8 couple of exceptions. For example,  
9 directional billing has been widely embraced  
10 by liquid and gas pipeline transmission and  
11 distribution system operators to cut the costs  
12 and to be able to deal with obstacles on the  
13 ground; yet, practically no mention whatsoever  
14 in PHMSA managing the engineering components  
15 and safety components. So the operator is  
16 going to think because there is no mention,  
17 they have a free rein to violate everything  
18 that they could think of.

19 So while it's a good idea that you  
20 are open-minded to include new ways of solving  
21 problems, you also have to make the extra mile  
22 to regulate every aspect surrounding the new

1 solution.

2           The second thing is it is very  
3 disturbing for me to see in PowerPoint slides  
4 presented by gas and oil pipe industry  
5 leaders, technical leaders, with works such as  
6 varied corrosion-resistant cast iron pipe,  
7 what we have, is furthest from the truth.  
8 There is nothing called varied corrosion cast  
9 iron pipe.

10           America is my home, has been. And  
11 I don't want to be embarrassed when I travel  
12 the world by foreigners pointing to the  
13 language such as with the PHMSA trademark. So  
14 we know already to have true experts provide  
15 some comments possible for factual accuracy.  
16 I care about all of you and the nation as a  
17 whole. And we want to be very thorough in  
18 what we do.

19           Thank you so much.

20           MODERATOR WIESE: Thank you.

21 Thank you, Dr. J.

22           Okay. Anyone else, comments?

1 (No response.)

2 MODERATOR WIESE: Going once,  
3 going twice? Okay. Thank you. Okay. Going  
4 three times. Okay. Don't say you didn't have  
5 your opportunity.

6 With that said, actually, there  
7 are additional opportunities. So I know that  
8 some of you spoke. And I don't know if Peter  
9 -- and, Phil, I think we would have gotten  
10 yours in the record transcribing it, but you  
11 can always if you want to -- we could probably  
12 help you out with that typing, you know. And  
13 then we can type it up and put it in there if  
14 you want.

15 But, Peter, we can get yours and  
16 put it in the docket.

17 MR. LIDIAC: You have it.

18 MODERATOR WIESE: We have it?  
19 Okay. Great.

20 MR. LIDIAC: And my notes.

21 MODERATOR WIESE: Okay. Very  
22 good.

1 MR. LIDIAC: How long will it take  
2 to get the transcript?

3 MODERATOR WIESE: Peter is wanting  
4 to know how long it will take us to get the  
5 transcript back. I don't know.

6 MS. WHETSEL: One to two weeks.

7 MODERATOR WIESE: One to two  
8 weeks? Does that sounds about right? I think  
9 that's about right, Phil.

10 And then, you know, we have  
11 editorial prerogative. We can say what Phil  
12 meant to say was -- no. We just tease Phil  
13 because we have known each other for a long  
14 time.

15 So yes. At any rate, you do have  
16 opportunities. If there are things that you  
17 want to submit for the consideration of the  
18 group, please do it fairly quickly.

19 I think what I am going to do now  
20 at this point is to say that I am appreciative  
21 of everyone allowing us to run hard and not  
22 take breaks. With that, we were able to get

1 through all of the presentations and the  
2 Committee. We can adjourn, really, the  
3 meeting at lunch when we leave here at lunch.

4 We are going to ask the Committee  
5 to stick around after lunch. We will come  
6 back whatever, 45 minutes, because there is no  
7 place to go here to eat. So, I mean, you can  
8 go to the cafeteria. And we will be done in  
9 45 minutes. And then we will talk for a  
10 little bit. That's just really for the  
11 Committee members and the PHMSA people who are  
12 supporting it.

13 Just a couple of quick closing  
14 comments for you. I'm struck as I listen to  
15 people talk about this report since we have to  
16 draft it. I'm constantly toying with what I  
17 think are competing goals.

18 For example, you know, some will  
19 want this to be compressive and cover  
20 everything, but we want it to be  
21 comprehensible, you know. It's meant for the  
22 public. Let me underscore this is meant for

1 the public. And we'll debate internally what  
2 grade level we should write to.

3 And I don't mean it in a  
4 pejorative sense. I think most people  
5 understand when you write a public document,  
6 you typically write at about a tenth grade  
7 level. You know, again, that's not meant to  
8 be pejorative. It means so you can reach the  
9 whole audience.

10 So some of you will want a really  
11 technical detailed analysis. How do we do  
12 that and still make it comprehensible by the  
13 general public?

14 You know, our job is to try to  
15 communicate the scope and the landscape, what  
16 does it look like. It is not to get into  
17 detail about individual components on the  
18 landscape. It is meant to be a survey of the  
19 landscape. So I just say this not to belabor  
20 it but just so you understand what we think  
21 the target is.

22 So I would say how do we achieve

1 your objectives and ours at the same time.

2 I'll let Linda have her own comments in a  
3 minute, instead of passing me notes, but that  
4 will distract me from thinking about what I  
5 wanted to say.

6 MS. DAUGHERTY: Sorry.

7 MODERATOR WIESE: I am willing to  
8 put in the annotated bibliography. So those  
9 are other sources. I think Phil's idea and  
10 others about a glossary of terms is a good  
11 one. I invite anyone to provide materials,  
12 whether they be photographs, whether they be  
13 graphics or graphs.

14 MS. DAUGHERTY: Resource links.

15 MODERATOR WIESE: Yes, links to  
16 other sources, like, for example, we intend to  
17 try to make use of sidebars to highlight an  
18 issue. We can highlight it in a sidebar. The  
19 report goes on. People can get there.

20 But I would like to provide URLs  
21 as well since we live in an internet age  
22 apparently. Phil, you and me, we're still

1       trying to adapt. You know, people can jump  
2       out through that. This will be an online  
3       report, too. So they will be able to jump out  
4       to those URLs and get to that.

5                       So, at any rate, Linda?

6                       MS. DAUGHERTY: Did you want to  
7       talk about not dating the report?

8                       MODERATOR WIESE: Well, yes. Go  
9       ahead.

10                      MS. DAUGHERTY: some of the  
11       things -- first of all, thank you for all of  
12       the presenters. Good discussion. Good  
13       comments. I learned a few things that came  
14       out for me. And I know that we will all be  
15       discussing them.

16                      You know, it is always interesting  
17       when people give presentations how they  
18       perceive issues and how what is important to  
19       them comes out. I think that's good because  
20       sometimes as a regulator, I don't always see  
21       things the way other people do. So it's  
22       always good to get that different perspective.

1                   One of the things that we had  
2 talked about was making sure that this report  
3 is not dated. We don't want a year to go by  
4 and it to be out of date. What we want to do  
5 is if we reference major events in the  
6 pipeline history, we want to make sure that we  
7 deal with those in a measure that people don't  
8 say, "Oh. Well, this report was written  
9 because of that event." No. This is a big  
10 picture.

11                   Yes, there have been some  
12 significant events, but it's not just because  
13 of 2010 was a bad year. It's about a lot of  
14 work that we have to do. Does that make any  
15 sense? Can I get some nods here? Okay.  
16 Good.

17                   The other thing -- do you want to  
18 talk about this? We wanted to ask if any of  
19 the Subcommittee members wanted to offer any  
20 comments about what they heard or anything  
21 that resonated with them or -- I mean, you  
22 don't have to. You know, it might be you

1 might want to mull over it or think about it  
2 or if something just struck you while someone  
3 was presenting, please feel free to speak up.

4 Why don't we start? Anybody want  
5 to just open it up and --

6 MS. HONORABLE: Collette  
7 Honorable. I wanted to just offer I would  
8 like to mull over the comments. And I would  
9 like to review the transcript as well. I  
10 tried to take notes.

11 But, most of all, I am very  
12 appreciative, as I am sure the other  
13 Subcommittee members are, that everyone took  
14 the time to be here, near or far for the two  
15 of you. We truly appreciate your perspective  
16 and will take to heart all of the comments  
17 raised and try to incorporate those thoughts  
18 as we deliberate and offer our assistance to  
19 the Secretary.

20 MS. FLECK: I am with a similar  
21 opinion. I actually took eight pages of  
22 notes. So I would exceed the 15-minute time

1 frame if I went through them. So a lot of new  
2 ideas popped up in my head. And I would like  
3 a little time to think that over and discuss  
4 with the Committee.

5 And I also wanted to thank  
6 everybody for the comments. They were really  
7 good. And it was interesting getting the  
8 different perspectives. And I appreciate the  
9 time and energy you spent bringing those  
10 thoughts to us.

11 Thank you.

12 MR. WEIMER: In a similar vein, I  
13 just wanted to thank. It was nice to not be  
14 the only public in the room. So there were a  
15 couple of other public speakers. I appreciate  
16 them coming and different perspectives. you  
17 know, we hear from ourselves often.

18 Jeff's public. I forget to say  
19 that.

20 We will often hear from the same  
21 groups over and over again. So it was also  
22 good to hear from folks like the professional

1 engineers in California and get a different  
2 take on things than we normally hear.

3 I also just wanted to ask PHMSA I  
4 guess -- I think there was some confusion  
5 about when the public comment period was for  
6 this because I looked at the Federal Register  
7 notice again. And it does say July 13th. It  
8 was the only date on there. So hopefully we  
9 can continue to take stuff in and incorporate  
10 it if possible. I suspect there is not going  
11 to be a big rush of more stuff coming anyway.

12 MODERATOR WIESE: Yes. Unless I  
13 am wrong, what the Register comment says is  
14 we'll take comments on that preliminary  
15 infrastructure report, a lot of which will be  
16 fed into this report until July 13th.

17 We tried to cut off comment for  
18 everything else just this past week. And let  
19 me tell you why. We have to have a draft  
20 report together. And you, the Committee, will  
21 be presenting it to the full technical  
22 committee at the beginning of August.

1           The challenge of drafting this  
2           report, if materials are not submitted until  
3           mid July, is just -- you know, it's not  
4           workable. So I would say we'll try not to  
5           ignore anyone, but I would say the greatest  
6           chance of having consideration of the  
7           materials that you submit is if you send them  
8           in now.

9           You know, don't wait until mid  
10          July because then we've only got two weeks to  
11          incorporate anything. And I do expect a lot  
12          of the report will be drafted by that point.  
13          Otherwise -- in fact, I think we have you guys  
14          reviewing in mid July.

15          So it is a bit of a challenge. So  
16          yes, we aren't going to slam doors, but  
17          please, you know, anything you're going to  
18          submit, submit it sooner, rather than later.

19                 Any other?

20                 MR. PEVARSKI: I, too, appreciate  
21                 everybody's, the presentations and certainly  
22                 the passion that a number of you spoke with

1 and look forward to getting a little more in  
2 the weeds this afternoon.

3 MODERATOR WIESE: Okay. I think  
4 with that, Cheryl wants me to just say this in  
5 some formal way that I have lost the paper on.  
6 So can I not just say that we as a group thank  
7 the public members who have attended today.  
8 And the comments will be transcribed. I will  
9 consider this meeting closed for purposes now,  
10 and we'll adjourn it. But the transcript as  
11 soon as we get it available, we'll post it  
12 onto the docket, the number of which I gave  
13 you earlier.

14 Don't hesitate to contact us if  
15 you need additional information or have  
16 something to offer. But, anyway, thank you  
17 again very much for attending. And see you  
18 all soon.

19 (Whereupon, the foregoing matter  
20 was concluded at 11:55 a.m.)

21  
22

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This is to certify that the foregoing transcript

In the matter of: Technical Pipeline Safety  
Standards Committee Meeting

Before: US DOT

Date: 06-15-11

Place: Dulles, VA

was duly recorded and accurately transcribed under  
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